

Road Transport (Vehicle Registration)

Amendment Bill 2002

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are as follows:

- (a) to make it an offence for a licensed motor dealer to cause, permit or allow an interstate number-plate to be affixed to a motor vehicle in New South Wales without the approval of the Roads and Traffic Authority (the *RTA*),
- (b) to require records to be made and kept in relation to the affixing of interstate number-plates on motor vehicles,
- (c) to make it an offence for a corporation to cause, permit or allow an interstate registered vehicle owned by the corporation to be used in New South Wales and to provide certain defences in relation to the offence,
- (d) to enable the RTA or a police officer to require documents to be provided in relation to the use of interstate registered vehicles that are being used for business or commercial purposes in New South Wales,
- (e) to enable the Director-General of the Department of Fair Trading to take disciplinary action under the *Motor Dealers Act 1974* against a licensed motor dealer who is convicted of an offence with respect to the affixing of an interstate number-plate to a motor vehicle in New South Wales,
- (f) to make other miscellaneous or consequential amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Road Transport (Vehicle Registration) Act 1997* set out in Schedule 1.

Clause 4 is a formal provision giving effect to the amendment to the *Motor Dealers Act 1974* set out in Schedule 2.

Clause 5 is a formal provision giving effect to the amendments to the Regulations set out in Schedule 3.

Schedule 1 Amendment of Road Transport (Vehicle Registration) Act 1997

Schedule 1 [2] inserts proposed sections 22–22B.

Proposed section 22 makes it an offence for a licensed motor dealer to cause, permit or allow an interstate number-plate to be affixed to a registrable vehicle (eg a motor vehicle or trailer) in New South Wales except with the approval of the RTA. The proposed section also requires a licensed motor dealer to make and keep records in relation to the affixing of interstate number-plates to registrable vehicles and to produce those records to the RTA or a police officer if requested to do so.

Proposed section 22A makes it an offence for a corporation to cause, permit or allow an interstate registered vehicle owned by the corporation to be used on a road or road related area in New South Wales. A corporation is not guilty of such an offence if the corporation satisfies the court that the vehicle has been owned by the corporation for less than 90 days, or that the vehicle has been (during the 90-day period before the offence) outside New South Wales for at least 48 hours, or that the vehicle has been leased by or hired out to the same person for the entire 90-day period before the offence.

Proposed section 22B enables the RTA or a police officer, for the purposes of ascertaining whether proposed section 22A (2) has or is being contravened, to direct a person to provide documents in relation to the use of an interstate registered vehicle that is being used for business or commercial purposes in New South Wales. It will be an offence to fail to comply with any such direction.

Schedule 1 [1] amends the heading to Part 3 of the Act to reflect the fact that the Part contains offence provisions only.

Schedule 2 Amendment of Motor Dealers Act 1974

The amendment to section 20D of the *Motor Dealers Act 1974* will enable the Director-General of the Department of Fair Trading to take disciplinary action under that Act against a licensed motor dealer who has been convicted of an offence under proposed section 22 of the *Road Transport (Vehicle Registration) Act 1997* as inserted by Schedule 1 [2].

Schedule 3 Amendment of Regulations

Schedule 3.1 amends the *Road Transport (General) (Penalty Notice Offences) Regulation 2002* to provide that certain offences created by the proposed Act may be dealt with by way of penalty notice.

Schedule 3.2 amends clause 84 of the *Road Transport (Vehicle Registration) Regulation 1998* to provide that the existing offence under clause 84 (3) of causing or permitting a person to use an unregistered registrable vehicle does not apply in relation to the use of such a vehicle if the person causing or permitting the use of the vehicle does so in contravention of proposed section 22A (2) of the *Road Transport (Vehicle Registration) Act 1997* as inserted by Schedule 1 [2].