



New South Wales

# 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].



New South Wales

# Road Transport (Vehicle Registration) Amendment Bill 2002

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New South Wales

# Road Transport (Vehicle Registration) Amendment Bill 2002

No. , 2002

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## A Bill for

An Act to amend the *Road Transport (Vehicle Registration) Act 1997* to create certain offences in relation to the affixing of interstate number-plates and the use of interstate registered vehicles in New South Wales; to amend the *Motor Dealers Act 1974*; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Road Transport (Vehicle Registration) Amendment Act 2002</i> .	3 4
<b>2 Commencement</b>	5
This Act commences on a day or days to be appointed by proclamation.	6 7
<b>3 Amendment of Road Transport (Vehicle Registration) Act 1997 No 119</b>	8
The <i>Road Transport (Vehicle Registration) Act 1997</i> is amended as set out in Schedule 1.	9 10
<b>4 Amendment of Motor Dealers Act 1974 No 52</b>	11
The <i>Motor Dealers Act 1974</i> is amended as set out in Schedule 2.	12
<b>5 Amendment of Regulations</b>	13
Each Regulation specified in Schedule 3 is amended as set out in that Schedule.	14 15

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<b>Schedule 1</b>	<b>Amendment of Road Transport (Vehicle Registration) Act 1997</b>	1
		2
	(Section 3)	3
<b>[1]</b>	<b>Part 3, heading</b>	4
	Omit “and evidence”.	5
<b>[2]</b>	<b>Sections 22–22B</b>	6
	Insert after section 21A:	7
<b>22</b>	<b>Affixing of interstate number-plates on registrable vehicles in New South Wales</b>	8
		9
	(1) In this section:	10
	<i>interstate number-plate</i> means a number-plate issued under any law in force in a State or Territory other than New South Wales.	11
		12
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	<i>licensed motor dealer</i> means the holder of a dealer’s licence within the meaning of the <i>Motor Dealers Act 1974</i> .	14
		15
	(2) A licensed motor dealer must not, without the approval of the Authority, cause, permit or allow an interstate number-plate to be affixed to a registrable vehicle in New South Wales.	16
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	Maximum penalty: 100 penalty units.	19
	(3) A licensed motor dealer is not guilty of an offence under subsection (2) if the dealer satisfies the court that:	20
		21
	(a) the dealer had a reasonable excuse for contravening that subsection, and	22
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	(b) the contravention was not intended to avoid the requirements relating to the registration of registrable vehicles under this Act.	24
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	(4) If a licensed motor dealer causes, permits or allows an interstate number-plate to be affixed to a registrable vehicle in New South Wales, the dealer must:	27
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		29

(a)	cause a record to be made in accordance with subsection (5), and	1 2
(b)	keep the record for a period of at least 5 years, and	3
(c)	produce the record to the Authority or a police officer if requested to do so.	4 5
	Maximum penalty: 100 penalty units.	6
(5)	A record under subsection (4) must:	7
(a)	identify the interstate number-plate and the registrable vehicle to which it was affixed, and	8 9
(b)	identify the date on which, and the place where, the interstate number-plate was affixed, and	10 11
(c)	be in the form approved by the Authority.	12
<b>22A</b>	<b>Operating interstate registered vehicles in New South Wales</b>	13
(1)	In this section and in section 22B:	14
	<i>interstate registered vehicle</i> means a registrable vehicle that is not registered under this Act but is registered under any law in force in a State or Territory other than New South Wales.	15 16 17
(2)	A corporation must not 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.	18 19 20
	Maximum penalty: 100 penalty units.	21
(3)	A corporation is not guilty of an offence under subsection (2) if the corporation satisfies the court:	22 23
(a)	that the interstate registered vehicle had, at the date of the offence, been owned by the corporation for less than 90 days, or	24 25 26
(b)	that, during the period of 90 days immediately before the date of the offence, the interstate registered vehicle was outside New South Wales for a continuous period of at least 48 hours, or	27 28 29 30
(c)	if the corporation:	31
(i)	conducts a business that includes the leasing or hiring out of registrable vehicles, and	32 33



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(ii)	is unable to satisfy the court that paragraph (b) applies in relation to the interstate registered vehicle,	1 2 3
	that the vehicle was leased or hired out to the same person for the whole of the period of 90 days immediately before the date of the offence.	4 5 6
(4)	A reference in this section to an interstate registered vehicle owned by a corporation includes a reference to an interstate registered vehicle that is under the control or management of the corporation.	7 8 9 10
<b>22B</b>	<b>Direction to provide documents relating to use of interstate registered vehicles</b>	11 12
(1)	If the Authority or a police officer is of the opinion that an interstate registered vehicle is being used for any business or commercial purposes in New South Wales, the Authority or officer may, for the purposes of ascertaining whether section 22A (2) has or is being contravened, direct a person to provide the Authority or officer with such documents relating to the use of the vehicle as are in the control or possession of the person.	13 14 15 16 17 18 19 20
(2)	A person must not fail to comply with a direction under subsection (1).	21 22
	Maximum penalty: 100 penalty units in the case of a corporation or 20 penalty units in any other case.	23 24
(3)	A direction under subsection (1):	25
(a)	must be in writing, and	26
(b)	must specify the time and manner for complying with the direction, and	27 28
(c)	may relate to a particular class of documents that are in the control or possession of the person to whom the direction is given.	29 30 31

<b>Schedule 2    Amendment of Motor Dealers Act 1974</b>	1
<b>(Section 4)</b>	2
<b>Section 20D Notices to show cause</b>	3
Insert after section 20D (1) (b):	4
(b1)    the holder of a licence has been convicted of an offence	5
under section 22 (2) or (4) of the <i>Road Transport</i>	6
( <i>Vehicle Registration</i> ) <i>Act 1997</i> (Affixing of interstate	7
number-plates on registrable vehicles in New South	8
Wales),	9

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<b>Schedule 3</b>	<b>Amendment of Regulations</b>	1
	(Section 5)	2
<b>3.1</b>	<b>Road Transport (General) (Penalty Notice Offences) Regulation 2002</b>	3 4
	<b>Schedule 2 Penalty notice offences</b>	5
	Insert at the end of the matter relating to the <i>Road Transport (Vehicle Registration) Act 1997</i> :	6 7
	Section 22 (4)	1, 2      1,000      8
	Section 22B (2)	1, 2      1,000      9
<b>3.2</b>	<b>Road Transport (Vehicle Registration) Regulation 1998</b>	10
	<b>Clause 84 Use of vehicle offences</b>	11
	Insert after clause 84 (3):	12
	(3AA) Subclause (3) does not apply in relation to the use of an unregistered registrable vehicle if the person causing or permitting the use of the vehicle does so in contravention of section 22A (2) of the Act.	13 14 15 16