

Passed by both Houses



New South Wales

Road Transport (Vehicle Registration) Amendment Bill 2002

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2002*



New South Wales

Road Transport (Vehicle Registration) Amendment Bill 2002

Act No , 2002

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.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Road Transport (Vehicle Registration) Amendment Act 2002*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Road Transport (Vehicle Registration) Act 1997 No 119

The *Road Transport (Vehicle Registration) Act 1997* is amended as set out in Schedule 1.

4 Amendment of Motor Dealers Act 1974 No 52

The *Motor Dealers Act 1974* is amended as set out in Schedule 2.

5 Amendment of Regulations

Each Regulation specified in Schedule 3 is amended as set out in that Schedule.

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

(Section 3)

[1] Part 3, heading

Omit “and evidence”.

[2] Sections 22–22B

Insert after section 21A:

22 Affixing of interstate number-plates on registrable vehicles in New South Wales

(1) In this section:

interstate number-plate means a number-plate issued under any law in force in a State or Territory other than New South Wales.

licensed motor dealer means the holder of a dealer’s licence within the meaning of the *Motor Dealers Act 1974*.

(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.

Maximum penalty: 100 penalty units.

(3) A licensed motor dealer is not guilty of an offence under subsection (2) if the dealer satisfies the court that:

(a) the dealer had a reasonable excuse for contravening that subsection, and

(b) the contravention was not intended to avoid the requirements relating to the registration of registrable vehicles under this Act.

(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:

- (a) cause a record to be made in accordance with subsection (5), and
- (b) keep the record for a period of at least 5 years, and
- (c) produce the record to the Authority or a police officer if requested to do so.

Maximum penalty: 100 penalty units.

- (5) A record under subsection (4) must:
 - (a) identify the interstate number-plate and the registrable vehicle to which it was affixed, and
 - (b) identify the date on which, and the place where, the interstate number-plate was affixed, and
 - (c) be in the form approved by the Authority.

22A Operating interstate registered vehicles in New South Wales

- (1) In this section and in section 22B:

interstate registered vehicle 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.

- (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.

Maximum penalty: 100 penalty units.

- (3) A corporation is not guilty of an offence under subsection (2) if the corporation satisfies the court:
 - (a) that the interstate registered vehicle had, at the date of the offence, been owned by the corporation for less than 90 days, or
 - (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
 - (c) if the corporation:
 - (i) conducts a business that includes the leasing or hiring out of registrable vehicles, and

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- (ii) is unable to satisfy the court that paragraph (b) applies in relation to the interstate registered vehicle,

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) 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.

22B Direction to provide documents relating to use of interstate registered vehicles

- (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.
- (2) A person must not fail to comply with a direction under subsection (1).
- Maximum penalty: 100 penalty units in the case of a corporation or 20 penalty units in any other case.
- (3) A direction under subsection (1):
- (a) must be in writing, and
 - (b) must specify the time and manner for complying with the direction, and
 - (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.

Schedule 2 Amendment of Motor Dealers Act 1974

(Section 4)

Section 20D Notices to show cause

Insert after section 20D (1) (b):

- (b1) the holder of a licence has been convicted of an offence under section 22 (2) or (4) of the *Road Transport (Vehicle Registration) Act 1997* (Affixing of interstate number-plates on registrable vehicles in New South Wales),

Schedule 3 Amendment of Regulations

(Section 5)

3.1 Road Transport (General) (Penalty Notice Offences) Regulation 2002

Schedule 2 Penalty notice offences

Insert at the end of the matter relating to the *Road Transport (Vehicle Registration) Act 1997*:

Section 22 (4)	1, 2	1,000
Section 22B (2)	1, 2	1,000

3.2 Road Transport (Vehicle Registration) Regulation 1998

Clause 84 Use of vehicle offences

Insert after clause 84 (3):

- (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.