



New South Wales

Road Transport Amendment (Non-registrable Motor Vehicles) Bill 2026

Explanatory note

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

Overview of Bill

The object of this Bill is to amend the *Road Transport Act 2013 (the Act)* to—

- (a) provide for the seizure, inspection, surrender and disposal of non-registrable motor vehicles, and
- (b) protect the Crown and certain persons from liability for adverse acts caused by, or arising from, the seizure, impounding, surrender and inspection of a suspected non-registrable motor vehicle,
- (c) make it clear that the existing power to seize unregistered registrable motor vehicles does not extend to non-registrable motor vehicles.

This Bill also—

- (a) makes consequential amendments to the *Road Transport (General) Regulation 2021* and the *Road Transport (Vehicle Registration) Regulation 2017*, and
- (b) makes miscellaneous amendments to the *Tweed River Entrance Sand Bypassing Act 1995*.

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.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1[1] inserts a definition of *non-registrable motor vehicle*.

Schedule 1[3] and [4] amend the Act, section 79 to—

- (a) make it clear that the power to seize an unregistered registrable vehicle under that section is a general power that does not extend to non-registrable motor vehicles, and
- (b) insert an additional ground on which Transport for NSW may dispose of a seized unregistered registrable vehicle.

Schedule 1[2] makes a consequential amendment.

Schedule 1[5] inserts proposed sections 79A and 79B.

Proposed section 79A authorises a police officer or another authorised officer to seize and impound a motor vehicle if the officer has a reasonable suspicion that—

- (a) the motor vehicle is a non-registrable motor vehicle, and
- (b) a person used the motor vehicle on a road, road related area or public place within the last 28 days.

The proposed section requires an officer to give notice to certain persons after a non-registrable motor vehicle is impounded and sets out the particulars of the notice.

Proposed section 79B allows a person to apply for the return of a motor vehicle within 14 days of the motor vehicle being seized under proposed section 79A or surrendered under proposed section 255A, but only if certain conditions are met. The proposed section also provides for the circumstances in which a motor vehicle is forfeited to the Crown and sets out how a forfeited motor vehicle may be disposed of.

Schedule 1[6] inserts proposed Division 3 into the Act, Part 7.6. The proposed division contains provisions relating to sanctions concerning non-registrable motor vehicles.

Proposed section 255A authorises an officer to direct a person, by written notice (a *surrender notice*), to surrender a motor vehicle if the officer has a reasonable suspicion that—

- (a) the motor vehicle is a non-registrable motor vehicle, and
- (b) a person used the motor vehicle on a road, road related area or public place within the last 28 days.

The proposed section provides that an officer must give a surrender notice to certain persons and sets out the particulars of the notice. The proposed section makes it unlawful for a person identified in a surrender notice to refuse to comply with the notice.

Proposed section 255B provides that an officer who reasonably suspects that a motor vehicle is a non-registrable motor vehicle has the power to—

- (a) direct the driver of the vehicle to stop, and
- (b) inspect the vehicle.

The proposed section makes it unlawful for a person to refuse to comply with the officer's direction or to obstruct or hinder an officer in the exercise of this power.

Proposed section 255C excludes the Crown and certain persons from liability for adverse acts caused by, or arising from, the seizure, impounding, surrender and inspection of a motor vehicle under specified provisions of the Act.

Proposed section 255D allows the statutory rules to prescribe the fees payable for the movement, towage, storage and disposal of a motor vehicle under certain provisions of the Act and the persons responsible for the payment of the fees.

Schedule 1[7] inserts proposed section 279C into the Act to provide for a review of the amendments made by the proposed Act.

Schedule 2 Amendment of Road Transport (General) Regulation 2021

Schedule 2 prescribes certain proposed provisions inserted by Schedule 1[6] as penalty notice offences.

Schedule 3 Amendment of Road Transport (Vehicle Registration) Regulation 2017

Schedule 3[1] amends the methods that may be used to dispose of a motor vehicle forfeited under the Act, proposed section 79(6). **Schedule 3[2]** makes a law revision amendment.

Schedule 3[3] amends the definition of *net proceeds of sale* to exclude expenses, fees and charges payable for a motor vehicle that is seized, impounded and disposed of under the Act, section 79.

Schedule 4 Amendment of Tweed River Entrance Sand Bypassing Act 1995 No 55

Schedule 4[1] allows further agreements relating to the Tweed River Entrance between a Queensland Minister and a New South Wales Minister acting on behalf of their respective States to be ratified and approved under the *Tweed River Entrance Sand Bypassing Act 1995* by a ministerial order published on the NSW legislation website after being laid before each House of Parliament. **Schedule 4[2]** makes a consequential amendment.



New South Wales

Road Transport Amendment (Non-registrable Motor Vehicles) Bill 2026

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Road Transport Act 2013 No 18	3
Schedule 2	Amendment of Road Transport (General) Regulation 2021	9
Schedule 3	Amendment of Road Transport (Vehicle Registration) Regulation 2017	10
Schedule 4	Amendment of Tweed River Entrance Sand Bypassing Act 1995 No 55	11

This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Road Transport Amendment (Non-registrable Motor Vehicles) Bill 2026

No. , 2026

A Bill for

An Act to amend the *Road Transport Act 2013* in relation to certain motor vehicles that are incapable of being registered; to make a law revision amendment to the *Tweed River Entrance Sand Bypassing Act 1995*; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—

1

1 Name of Act

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This Act is the *Road Transport Amendment (Non-registrable Motor Vehicles) Act 2026*.

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2 Commencement

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

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Schedule 1	Amendment of Road Transport Act 2013 No 18	1
[1] Section 4 Definitions		2
Insert in alphabetical order in section 4(1)—		3
<i>non-registrable motor vehicle</i> means a motor vehicle, other than a vehicle exempted from registration under this Act, that—		4
(a) does not have a vehicle identification number clearly stamped, embossed or otherwise permanently marked on a substantial part of its frame or chassis, being the number allocated to the vehicle under an Australian Design Rule adopted by the statutory rules, and		6
(b) because of the vehicle’s design or construction—		10
(i) does not comply with the vehicle standards prescribed by the statutory rules for any motor vehicle, and		11
(ii) is, consequently, incapable of being registered.		13
[2] Section 79, heading		14
Omit the heading.		15
Insert instead—		16
79 Power to seize unregistered vehicles—general		17
[3] Section 79(1)		18
Omit the subsection.		19
Insert instead—		20
(1) A police officer may seize an unregistered registrable vehicle that is being used on a road or public place, other than—		21
(a) a non-registrable motor vehicle, or		23
(b) a registrable vehicle exempted from registration under this Act.		24
[4] Section 79(6)		25
Omit the subsection.		26
Insert instead—		27
(6) Transport for NSW may dispose of the vehicle in the way prescribed by the statutory rules if—		28
(a) the fine is not paid within the period allowed, or		30
(b) Transport for NSW does not waive the forfeiture under subsection (5).		31
[5] Sections 79A and 79B		32
Insert after section 79—		33
79A Power to seize non-registrable motor vehicles		34
(1) A police officer or another authorised officer may seize a motor vehicle if the officer has a reasonable suspicion that—		35
(a) the motor vehicle is a non-registrable motor vehicle, and		37
(b) a person used the motor vehicle on a road or public place within the last 28 days.		38
		39

- (2) When a motor vehicle is seized under subsection (1), a person may request that the police officer or other authorised officer return to the person items in or on the vehicle that are not part of the vehicle's design or construction. 1
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Examples— panniers and baskets on powered bicycles and GPS devices that are easily detachable from motor vehicles 4
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- (3) The police officer or other authorised officer must use the officer's best endeavours to return the items to the items' owner. 6
7
- (4) A motor vehicle seized under subsection (1) may, subject to the statutory rules, be impounded and moved to a place determined by the Commissioner of Police or Transport for NSW. 8
9
10
- (5) The police officer or other authorised officer must ensure that, as soon as practicable after a motor vehicle is impounded under subsection (4), notice of the impounding is given to— 11
12
13
- (a) the person whose suspected use of the motor vehicle led to the vehicle's seizure, and 14
15
- (b) if the person is less than 16 years of age and a parent or guardian of the person can reasonably be located—a parent or guardian of the person. 16
17
- (6) To avoid doubt, a motor vehicle may be impounded under subsection (4) even if a parent or guardian of a person who is less than 16 years of age cannot reasonably be located. 18
19
20
- (7) The notice must be in an approved form and specify the following— 21
- (a) that, because of the suspected use of the non-registrable motor vehicle, the motor vehicle is impounded, 22
23
- (b) the time when the motor vehicle was impounded, 24
- (c) the address of the place where the motor vehicle is stored, 25
- (d) details about the motor vehicle to enable the vehicle to be identified, 26
- (e) the time and place of the suspected use of the motor vehicle, 27
- (f) other details about the suspected use to identify the grounds for the vehicle's seizure, 28
29
- (g) if known to the police officer or other authorised officer—the name of the person whose suspected use of the motor vehicle led to the vehicle's seizure, 30
31
32
- (h) information about how a person may apply for the return of a seized motor vehicle, and the forfeiture and disposal of motor vehicles, under section 79B. 33
34
35
- 79B Application for return of certain seized or surrendered motor vehicles** 36
- (1) A person (the *applicant*) may, within 14 days after a motor vehicle is seized under section 79A or surrendered under section 255A, apply to the impounding authority for the return of the motor vehicle. 37
38
39
- (2) The application must be made in a form approved by the Commissioner of Police and include— 40
41
- (a) evidence that the applicant is the owner of the motor vehicle, and 42
- (b) a declaration by the applicant that— 43
- (i) the applicant is not the person, or a member of the immediate family of the person, whose suspected use of the motor vehicle led to the seizure or surrender, and 44
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- (ii) the suspected unlawful use of the motor vehicle occurred without the knowledge and consent of the applicant. 1
2
- (3) The impounding authority may grant the application if satisfied of the matters set out in the application. 3
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- (4) The impounding authority— 5
- (a) may request that the applicant give further information to support the application, and 6
7
- (b) is not required to determine the application until the further information is given. 8
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- (5) If the impounding authority grants the application, the impounding authority must, as soon as practicable after the payment of any fees payable under section 255D, ensure the motor vehicle is returned to the applicant. 10
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- (6) If the impounding authority rejects the application, the impounding authority must, as soon as practicable, give the applicant written notice of the rejection. 13
14
- (7) The motor vehicle is forfeited to the Crown— 15
- (a) if an application is made under this section—on the later of the following— 16
17
- (i) the day on which the application is rejected, 18
- (ii) if the impounding authority has requested that the applicant give further information under subsection (4)—14 days after the request, or 19
20
21
- (b) if an application is not made under this section—15 days after the motor vehicle is seized under section 79A or surrendered under section 255A. 22
23
- (8) The impounding authority may arrange for a forfeited motor vehicle to be disposed of in a way the impounding authority considers appropriate, including the following— 24
25
26
- (a) by sale, whether through a public auction, public tender or otherwise, 27
- (b) by destroying the vehicle. 28
- (9) The regulations may deal with the internal review of a decision to reject an application under this section. 29
30
- (10) An internal review under subsection (9) must be dealt with by an individual— 31
- (a) who was not substantially involved in the process of making the decision under review, and 32
33
- (b) who is a member of staff of the impounding authority that made the decision under review. 34
35
- (11) In this section— 36
- immediate family***, of a person, means the following— 37
- (a) the person’s spouse or de facto partner, 38
- (b) the person’s parent, step-parent or guardian, 39
- (c) the person’s grandparent or step-grandparent, 40
- (d) the person’s child or step-child or another child for whom the person is the guardian, 41
42
- (e) the person’s grandchild or step-grandchild, 43
- (f) the person’s sibling, half-sibling or step-sibling. 44
- impounding authority*** means the following— 45

(a)	for a motor vehicle seized by or surrendered to a police officer—the Commissioner of Police,	1 2
(b)	for a motor vehicle seized by or surrendered to another authorised officer—Transport for NSW.	3 4
[6]	Part 7.6, Division 3	5
	Insert after Division 2—	6
	Division 3 Sanctions concerning non-registrable motor vehicles	7
255A	Surrender notices	8
(1)	A police officer or another authorised officer may, by written notice (a <i>surrender notice</i>), direct a person to surrender a motor vehicle if the officer has a reasonable suspicion that—	9 10 11
(a)	the motor vehicle is a non-registrable motor vehicle, and	12
(b)	a person used the motor vehicle on a road or public place within the last 28 days.	13 14
(2)	A surrender notice must be given to—	15
(a)	the person who used the motor vehicle, and	16
(b)	if the person who used the motor vehicle is less than 16 years of age and a parent or guardian of the person can reasonably be located—a parent or guardian of the person.	17 18 19
(3)	To avoid doubt, a surrender notice may be given under this section even if a parent or guardian of a person who is less than 16 years of age cannot reasonably be located.	20 21 22
(4)	The surrender notice must include the following information—	23
(a)	the date and place at which the motor vehicle must be surrendered, being a date not less than 48 hours after the notice is given to the person,	24 25
(b)	the date and place of the suspected use of the motor vehicle,	26
(c)	if known to the police officer or other authorised officer—the name and address of the person suspected of having used the motor vehicle,	27 28
(d)	information about how a person may apply for the return of a surrendered motor vehicle, and the forfeiture and disposal of motor vehicles, under section 79B,	29 30 31
(e)	other information required by the statutory rules.	32
(5)	A person must comply with a surrender notice. Maximum penalty—30 penalty units.	33 34
(6)	A motor vehicle surrendered under this section at a place may, subject to the statutory rules, be impounded and moved to a place determined by the Commissioner of Police or Transport for NSW.	35 36 37
255B	Directions about inspections to determine whether motor vehicles incapable of being registered	38 39
(1)	A police officer or another authorised officer may do one or both of the following—	40 41
(a)	direct a driver of a vehicle on a road or public place that the officer reasonably suspects is a non-registrable motor vehicle to stop,	42 43

(b)	inspect the vehicle to determine whether the vehicle is a non-registrable motor vehicle.	1 2
(2)	A driver of a vehicle—	3
(a)	must comply with a direction under subsection (1)(a), and	4
(b)	must not obstruct or hinder a police officer or other authorised officer in the exercise of the officer’s functions under this section.	5 6
	Maximum penalty—20 penalty units.	7
(3)	Without limiting subsection (1), for the purpose referred to in that subsection and in connection with the inspection, a police officer or other authorised officer may enter, and remain in or on, the vehicle.	8 9 10
(4)	To avoid doubt, the police officer or other authorised officer may inspect the motor vehicle with the assistance of a member of staff of Transport for NSW.	11 12
(5)	In this section— <i>inspect</i> , in relation to a motor vehicle, includes observe the vehicle’s performance, with or without the use of instrumentation.	13 14 15
255C	Protection from liability in relation to impounded vehicles	16
	No action lies against the Crown, the Minister, the Commissioner of Police, Transport for NSW, a police officer or other authorised officer for damage to, or the theft of, a motor vehicle caused by, or arising from, the seizure or impounding under section 79 or 79A, surrender under section 255A or inspection under this division of a motor vehicle.	17 18 19 20 21
255D	Fees	22
(1)	The statutory rules may prescribe the fees, if any, payable in relation to the movement, towage, storage and disposal of vehicles seized, impounded or surrendered under section 79, 79A or 255A and the persons responsible for the payment of the fees.	23 24 25 26
(2)	A certificate given by a police officer or another authorised officer about the fact and cost of a movement, towage, storage or disposal is evidence of the matters in the certificate.	27 28 29
[7]	Section 279C	30
	Insert after section 279B—	31
279C	Review of amendments made by Road Transport Amendment (Non-registrable Motor Vehicles) Act 2026	32 33
(1)	The Minister must review this Act to determine whether—	34
(a)	the policy objectives of the amendments made by the amendment Act remain valid, and	35 36
(b)	the terms of the amendments remain appropriate for securing the objectives.	37 38
(2)	The review must be undertaken as soon as possible after the period of 3 years from the commencement of the amendment Act.	39 40
(3)	A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the end of the period of 3 years.	41 42
(4)	In this section—	43

amendment Act means the *Road Transport Amendment (Non-registrable Motor Vehicles) Act 2026*.

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**Schedule 2 Amendment of Road Transport (General)
 Regulation 2021**

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Schedule 5 Penalty notice offences

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Insert in appropriate order in the matter relating to the *Road Transport Act 2013*—

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Section 255A(5)

Class 1

Level 11

Section 255B(2)(a)

Class 1

Level 8

Schedule 3	Amendment of Road Transport (Vehicle Registration) Regulation 2017	1
		2
[1] Clause 131 How forfeited vehicles may be disposed of under section 79 of the Act		3
Omit clause 131(1) and (2).		4
Insert instead—		5
(1) For the Act, section 79(6), a forfeited vehicle may be disposed of in the following ways—		6
(a) by public auction or public tender,		7
(b) by disposing of the vehicle to a person, after payment of the costs incurred by Transport for NSW, if Transport for NSW is satisfied on reasonable grounds that—		8
(i) the person is not the person who was last recorded in an Australian registrable vehicles register as being responsible for the vehicle, and		9
(ii) the person has a legal right to possession of the vehicle, including a statutory right to seize the vehicle under the <i>Personal Property Securities Act 2009</i> of the Commonwealth, section 123(1), and		10
(iii) the person did not use, or cause, permit or allow the use of, the vehicle that led to the vehicle’s forfeiture under the Act, section 79, and		11
(iv) if the person has a right to seize the vehicle under the <i>Personal Property Securities Act 2009</i> of the Commonwealth, section 123(1)—the proceeds of sale would be unlikely to be more than the amount required to clear an encumbrance on the title to the vehicle,		12
(c) if Transport for NSW is satisfied on reasonable grounds that the vehicle has no monetary value or that the proceeds of sale would be unlikely to be more than the costs of sale—in another way determined by Transport for NSW, including by destroying the vehicle.		13
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[2] Clause 132 Proceeds of sales of vehicles seized under section 79 of the Act		30
Omit “its sale” from clause 132(1).		31
Insert instead “the vehicle’s forfeiture”.		32
[3] Clause 132(5), definition of “net proceeds of sale”, paragraph (a)		33
Omit the paragraph.		34
Insert instead—		35
(a) the expenses of sale and the fees and charges payable for a vehicle that has been seized, impounded and disposed of under the Act, section 79, and		36
		37
		38

Schedule 4	Amendment of Tweed River Entrance Sand Bypassing Act 1995 No 55	1
		2
[1] Section 6 Further agreements		3
Omit section 6(4).		4
Insert instead—		5
(4) The Minister may, by order published on the NSW legislation website, amend Schedule 3 to insert the name and date of each further agreement approved by the operation of this section.		6
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		8
[2] Schedule 3		9
Omit the schedule.		10
Insert instead—		11
Schedule 3	Further agreements	12
	section 6(4)	13
<i>Deed of Further Agreement Number 1</i> between the State of New South Wales and the State of Queensland dated 16 September 1997		14
		15
<i>Intergovernmental Agreement – Management, Operation, Maintenance and Repair of the Tweed Sand Bypassing System</i> between the State of Queensland and the State of New South Wales executed by the parties in August and September 2024		16
		17
		18