

## Explanatory note

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

### Overview of Bill

The objects of this Bill are:

(a) to amend the Road Transport (Vehicle Registration) Act 1997:

(i) to enable photographs taken by certain approved camera devices to be tendered and used in evidence for certain offences involving unauthorised vehicle use (such as the use of an unregistered or uninsured vehicle), and

(ii) to confirm that generally only one person may be recorded as the registered operator of a registrable vehicle in the Register of Registrable Vehicles maintained under that Act (the Register), and

(iii) to consolidate in one section all of the provisions currently in that Act relating to maintenance of the Register, and

(b) to make consequential amendments to the Road Transport (General) Act 2005 and the Road Transport (Vehicle Registration) Regulation 2007.

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#### 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.

#### Schedule 1 Amendment of Road Transport (Vehicle Registration) Act 1997 No 119

Use of photographic evidence from approved camera devices for unauthorised vehicle use offences

Schedule 1 [6] inserts proposed section 22C in the Road Transport (Vehicle Registration) Act 1997 to enable evidence of a photograph taken by an approved camera device that is evidence of an offence for which the device is ordinarily approved for use to also be used in proceedings for an unauthorised vehicle use offence.

An unauthorised vehicle use offence is defined to mean any of the following:

(a) an offence against section 18 (Prohibition on using unregistered registrable vehicles),

(b) an offence against section 8 (Offence of using uninsured motor vehicle on road) of the Motor Accidents Compensation Act 1999,

(c) an offence against the regulations involving a prohibited use of a registrable vehicle that is prescribed by the regulations for the purposes of the proposed section.

Schedule 2.2 [4] amends the Road Transport (Vehicle Registration) Regulation 2007 to prescribe offences against clauses 50 (3) and 84 (3) and (5) of the Regulation for the purposes of proposed section 22C.

An approved camera device for the purposes of the proposed section is:

(a) each of the following devices within the meaning of the Road Transport (Safety and Traffic Management) Act 1999:

(i) an approved average speed detection device,

(ii) an approved camera detection device,

(iii) an approved camera recording device,

(iv) an approved traffic lane camera device, and

(b) an approved toll camera within the meaning of section 250A of the Roads Act 1993.

Currently, photographs taken by these approved camera devices may only be used in proceedings for specified kinds of offences for which the devices are approved for

use. For instance, photographs taken by an approved camera detection device may be used in evidence in proceedings for traffic light offences subject to certain evidential safeguards such as the tendering of certificate evidence concerning the reliability of  
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the device. The proposed section will operate to apply the same evidential safeguards to a photograph used in evidence in proceedings for an unauthorised vehicle use offence as would apply in proceedings for offences for which the approved camera device concerned is ordinarily approved for use.

Maintenance of Register (including recording of registered operators)

Schedule 1 [5] re-enacts section 10 of the Act to consolidate in one section provisions concerning the maintenance of the Register that are currently found in sections 7 (2)–(4), 10, 11 and 23A of the Act.

Section 4 of the Act defines a registered operator of a registrable vehicle to mean a person recorded in the Register as a person responsible for the vehicle. The proposed section will also provide that only one person may be recorded in the Register as being responsible for a registrable vehicle unless the vehicle is a transitional registrable vehicle. A transitional registrable vehicle is defined to mean a registrable vehicle for which 2 persons were recorded in the Register as being responsible for the vehicle immediately before the commencement of the proposed section. The Roads and Traffic Authority may continue to record 2 registered operators in the Register for a transitional registrable vehicle until it ceases to be such a vehicle. A vehicle ceases to be a transitional registrable vehicle if the registration of the vehicle is transferred, cancelled, surrendered or expires without being renewed at any time after the commencement of the section.

The provisions concerning the recording of registered operators have been relocated to the Act from their current location in clause 7 of the Road Transport (Vehicle Registration) Regulation 2007.

Schedule 1 [1]–[4] and [7] make consequential amendments to the Act.

Savings and transitional provisions

Schedule 1 [8] amends clause 1 of Schedule 3 to the Act to enable the Governor to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [9] inserts a new Part in Schedule 3 to the Act containing provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 2 Consequential amendment of other  
legislation

Schedule 2.1 makes amendments to the Road Transport (General) Act 2005 that are consequential on the amendment made to the Road Transport (Vehicle Registration) Act 1997 by Schedule 1 [6].

Schedule 2.2 [1]–[3] make amendments to the Road Transport (Vehicle Registration) Regulation 2007 that are consequential on the amendments made to the Road Transport (Vehicle Registration) Act 1997 with respect to the recording of registered operators in the Register.