

New South Wales

Road Transport Legislation Miscellaneous Amendments Bill 2018

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 Act 2013* and the *Road Transport (Vehicle Registration) Regulation 2017* to recognise national number plates for heavy vehicles, and
- (b) to increase the maximum penalties for certain parking offences under the *Local Government Act 1993*, and
- (c) to increase the maximum penalties for certain offences relating to the use of motor vehicles that are unregistered or on which tax has not been paid under the *Motor Vehicles Taxation Act 1988*, and
- (d) to make minor amendments to the *Heavy Vehicle (Adoption of National Law) Act 2013* in anticipation of proposed amendments to the Heavy Vehicle National Law set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland in relation to the national scheme for the registration of heavy vehicles.

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 1 July 2018 except for Schedule 1.1, which is to commence on a day or days to be appointed by proclamation.

Schedule 1 Amendment of legislation

Schedule 1.1 makes minor amendments to the *Heavy Vehicle (Adoption of National Law) Act 2013* in anticipation of proposed amendments to the Heavy Vehicle National Law set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland in relation to the national scheme for the registration of heavy vehicles.

Schedule 1.2 increases the maximum penalties for certain parking offences under the *Local Government Act 1993*.

Schedule 1.3 increases the maximum penalty for offences relating to the use of motor vehicles that are unregistered or on which tax has not been paid under the *Motor Vehicles Taxation Act 1988*.

Schedule 1.4 and 1.5 amend the *Road Transport Act 2013* and the *Road Transport (Vehicle Registration) Regulation 2017* to make provision with respect to a new national number plate for heavy vehicles that has been agreed to be introduced by the Transport and Infrastructure Council.

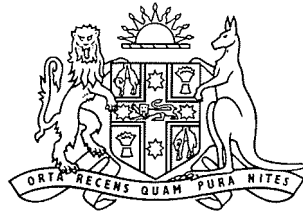


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New South Wales

Road Transport Legislation Miscellaneous Amendments Bill 2018

No. , 2018

A Bill for

An Act to amend the *Heavy Vehicle (Adoption of National Law) Act 2013*, the *Road Transport Act 2013* and the *Road Transport (Vehicle Registration) Regulation 2017* in connection with heavy vehicles; to amend the *Local Government Act 1993* and the *Motor Vehicles Taxation Act 1988* to increase certain penalties; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Road Transport Legislation Miscellaneous Amendments Act 2018</i> .	3
2 Commencement	4
(1) This Act commences on 1 July 2018, except as provided by subsection (2).	5
(2) Schedule 1.1 commences on a day or days to be appointed by proclamation.	6

Schedule 1	Amendment of legislation	1
1.1	Heavy Vehicle (Adoption of National Law) Act 2013 No 42	2
[1]	Section 25A Authorisation for section 688 of Heavy Vehicle National Law (NSW) (Payments into Fund)	3
	Omit “any regulatory component that may be prescribed by the national regulations for the purposes of the definition of <i>road use component</i> in section 688 (3) of that Law”.	4
	Insert instead “the regulatory component of the charges payable for the registration of a heavy vehicle as prescribed by the national regulations”.	5
[2]	Section 26 Requirement for driver of heavy motor vehicle to produce Australian driver licence	6
	Omit the section.	7
[3]	Section 27D Offences for which mistake of fact defence unavailable	8
	Omit the section.	9
[4]	Section 27F Section 10 of Crimes (Sentencing Procedure) Act 1999 not applicable in certain circumstances	10
	Omit section 27F (2) (b).	11
[5]	Schedule 1 Modification of Heavy Vehicle National Law as applying in New South Wales	12
	Omit Schedule 1.2 [20].	13
1.2	Local Government Act 1993 No 30	14
[1]	Section 650 Free parking areas	15
	Omit “5 penalty units” from section 650 (1). Insert instead “10 penalty units”.	16
[2]	Section 650A Strata parking areas and community scheme parking areas	17
	Omit “5 penalty units” from section 650A (1). Insert instead “10 penalty units”.	18
1.3	Motor Vehicles Taxation Act 1988 No 111	19
	Section 9 Unregistered vehicles and vehicles upon which tax has not been paid	20
	Omit “6 penalty units” from section 9 (1). Insert instead “10 penalty units”.	21
1.4	Road Transport Act 2013 No 18	22
[1]	Section 4 Definitions	23
	Insert in alphabetical order in section 4 (1):	24
	<i>heavy vehicle number-plate</i> means a number-plate issued by the Authority in connection with the registration of a heavy vehicle, but does not include a special number-plate or a number-plate, or class of number-plates, as may be determined by the Authority.	25
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[2] Section 67A	1
Insert after section 67:	2
67A Transfer of ownership of heavy vehicle number-plates to road authority of participating jurisdiction	3
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(1) Despite section 67, a heavy vehicle number-plate issued by the Authority in connection with the registration of a heavy vehicle becomes, on the subsequent registration of that heavy vehicle by the road authority of a participating jurisdiction, the property of that road authority.	5
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(2) In this section, <i>participating jurisdiction</i> and <i>road authority</i> have the same meanings as in the <i>Heavy Vehicle National Law (NSW)</i> .	9
	10
1.5 Road Transport (Vehicle Registration) Regulation 2017	11
[1] Clause 18 Definitions	12
Insert in alphabetical order:	13
<i>participating jurisdiction</i> and <i>road authority</i> have the same meanings as in the <i>Heavy Vehicle National Law (NSW)</i> .	14
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[2] Clause 20 Number-plates generally	16
Insert after clause 20 (3):	17
[3](4) Despite subclauses (1) and (2), if the Authority registers a heavy vehicle that, immediately before that registration, was registered in a participating jurisdiction, the Authority may:	18
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[4](a) use the existing registration number of that vehicle, and	21
[5](b) authorise the use of any number-plates already issued in respect of the heavy vehicle by the road authority of the participating jurisdiction.	22
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[6](5) If the Authority authorises the use of number-plates under subclause (4) (b), the number-plates are taken to have been issued under this Regulation.	24
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[7](6) Subclause (3) does not apply in respect of a heavy vehicle number-plate. However, a heavy vehicle number-plate must conform to any specifications that the Authority determines.	26
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[8] Clause 22 Auxiliary number-plates	29
Insert after clause 22 (3):	30
[9](3A) Subclause (3) does not apply in respect of an auxiliary number-plate that is issued in addition to a heavy vehicle number-plate. However, an auxiliary number-plate that is issued in addition to a heavy vehicle number-plate must conform to any specifications that the Authority determines.	31
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[10] Clause 23 Authority may alter distinguishing number of registration	35
Insert after clause 23 (5):	36
[11](6) This clause extends to a number-plate issued by a road authority of a participating jurisdiction in connection with the registration of a heavy vehicle if, at the time of the notice, the heavy vehicle is registered in this State.	37
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[12] Schedule 3 Fees	1
Omit Part 3. Insert instead:	2
	3
Part 3 Issue of 1 or 2 standard number-plates with same number	
(a) Initial or replacement issue of heavy vehicle number-plates	25
(b) Initial or replacement issue of number-plates other than heavy vehicle number-plates	45