



New South Wales

# Road Transport (Vehicle Registration) Amendment Bill 1998

## 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 amend the *Road Transport (Vehicle Registration) Act 1997*:
    - (i) to confer regulation-making powers in respect of vehicle standards and inspections, and
    - (ii) to expand the existing regulation-making powers in respect of the registration of vehicles, and
    - (iii) to require the Minister to consult with the Minister administering the *Motor Accidents Act 1988* before making a declaration under section 25 of the Act, and
    - (iv) to enable the Minister to make declarations exempting registrable vehicles in particular locations and circumstances from the operation of the Act or regulations made under it, and
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- (v) to enable the regulations to authorise the suspension of exemptions given by the regulations, and
  - (vi) to enable more than one person to be recorded as a registered operator of a registrable vehicle in accordance with the regulations, and
  - (vii) to transfer into the Act (with necessary modifications) provisions presently contained in section 5C (Driving etc of dangerously defective motor vehicles) of the *Traffic Act 1909*, and
  - (viii) to enable the Authority to correct erroneous entries in the Register of Registrable Vehicles established under the Act, and
  - (ix) to extend the power of inspection of defective vehicles conferred by section 26 of the Act so that it mirrors inspection powers presently contained in Regulation 93 (Official inspection of vehicles) of the *Motor Traffic Regulations 1935*, and
  - (x) to make other consequential amendments and amendments by way of statute law revision,
- (b) to amend the *Traffic Amendment (Vehicle Identification) Act 1996* to clarify the meaning of the definition of **vehicle identifier** in provisions concerning written off and wrecked motor vehicles to be inserted in the *Traffic Act 1909* on the commencement of the 1996 Act,
- (c) to amend the *Transport Administration Act 1988* to ensure that only prescribed fees and charges paid under the *Road Transport (Vehicle Registration) Act 1997* and various other Acts and regulations are exempted from the requirement under that Act that moneys received by or on account of the Authority be paid into the Roads and Traffic Authority Fund established in the Special Deposits Account in the Treasury,
- (d) to make other consequential amendments and amendments by way of statute law revision to the *Traffic Act 1909* and various other Acts.

## 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.

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**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 amendments to the *Traffic Act 1909* and other Acts set out in Schedule 2.

**Clause 5** provides that matter appearing under the heading of "Explanatory note" in any of the Schedules to the proposed Act does not form part of the proposed Act.

A detailed explanation of each of the amendments is set out in the Bill after the amendment concerned.





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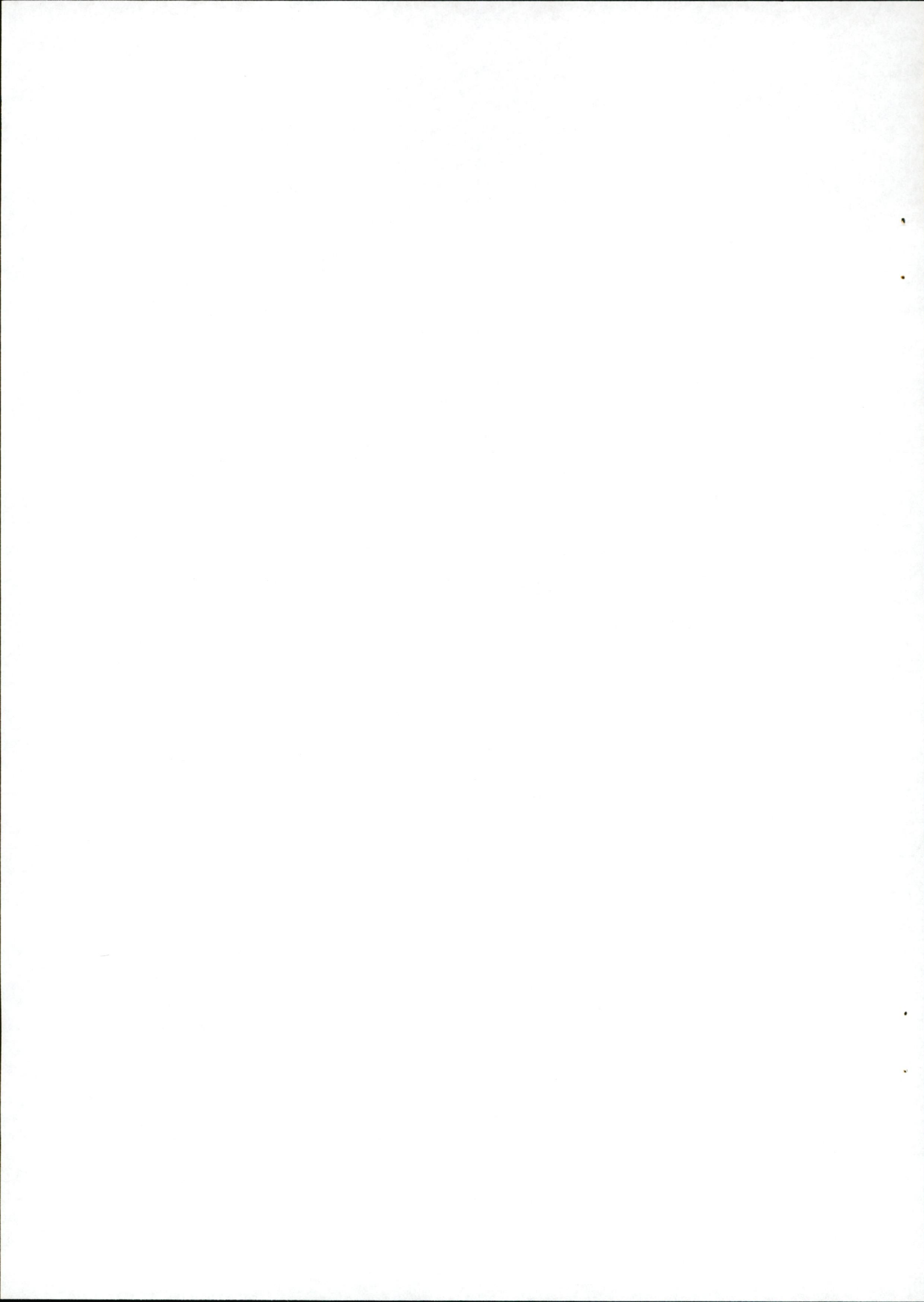
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New South Wales

## Road Transport (Vehicle Registration) Amendment Bill 1998

No. , 1998

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### **A Bill for**

An Act to amend the *Road Transport (Vehicle Registration) Act 1997* to make further provision with respect to the registration of vehicles and to provide for the regulation of vehicle standards and for the testing and inspection of registrable vehicles; to amend the *Traffic Act 1909* and various other Acts consequentially; to amend the *Traffic Amendment (Vehicle Identification) Act 1996* to clarify the meaning of certain provisions in that Act; and for other purposes.

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**The Legislature of New South Wales enacts:**

**1 Name of Act**

This Act is the *Road Transport (Vehicle Registration) Amendment Act 1998*.

**2 Commencement**

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

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

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

**4 Amendment of other Acts**

The Acts specified in Schedule 2 are amended as set out in that Schedule.

**5 Explanatory notes**

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The matter appearing under the heading "Explanatory note" in any of the Schedules does not form part of this Act.



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

(Section 3)

### [1] Section 4 Definitions

Omit the definitions of *defective registrable vehicle*, *garage address*, *registered operator* and *vehicle*. 5

Insert in alphabetical order:

*defective registrable vehicle* means a registrable vehicle that does not comply with a vehicle standard that is prescribed by the regulations. 10

*garage address* of a vehicle means:

- (a) if the vehicle is normally kept at a depot or base of operations when not in use—the principal depot or base of operations of the vehicle, or
- (b) if the vehicle is normally kept on a road or road related area when not in use: 15
  - (i) where the vehicle has one registered operator—the residential address of the registered operator, or
  - (ii) where the vehicle has more than one registered operator and one or more of the operators reside in New South Wales—the residential address of the registered operator residing in New South Wales whose address is nearest the road or road related area, or 20 25
  - (iii) where the vehicle has more than one registered operator and none of the registered operators reside in New South Wales—the suburb and road or road related area in New South Wales where the vehicle is normally kept, or 30
- (c) if the vehicle is normally kept at a place (other than a depot, base of operations or road or road related area) when not in use—the place where the vehicle is normally kept. 35

*premises* means any place.

*registered operator* of a registrable vehicle means a person recorded in the Register as a person responsible for the vehicle.

*vehicle* means: 5

- (a) any description of vehicle on wheels (including a light rail vehicle) but not including any other vehicle used on a railway or tramway, or
- (b) any other vehicle prescribed by the regulations.

*vehicle standard* includes a standard or other requirement relating to the construction, design or equipment of a registrable vehicle. 10

**Explanatory note**

Item [1] replaces the definition of *defective registrable vehicle* in section 4 of the Act with a definition that makes it clear that a vehicle is a defective registrable vehicle for the purposes of the Act if it fails to comply with a vehicle standard prescribed by the regulations made under new regulation-making powers proposed to be inserted by Schedule 1 [11]. At present, the term is defined by reference to a failure to comply with a provision of Schedule F to the *Motor Traffic Regulations 1935* or any other prescribed provision of those Regulations. 15 20

The definitions of *garage address* and *registered operator* are replaced with definitions that contemplate the possibility of there being more than one registered operator of a registrable vehicle.

Item [1] also inserts a definition of *vehicle standard* and replaces the definition of *vehicle* with a definition that includes light rail vehicles. 25

**[2] Section 5 Application of Commonwealth Acts Interpretation Act 1901**

Insert "and the regulations" after "this Act" wherever occurring.

**Explanatory note**

Item [2] amends section 5 of the Act to make it clear that the provisions of the *Acts Interpretation Act 1901* of the Commonwealth extend not only to the provisions of the Act, but also to provisions of the regulations made under the Act. 30

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**[3] Section 7 Functions of Authority**

Insert at the end of section 7 (1) (d):

, and

- (e) to administer the system for regulating vehicle standards and inspections established by the regulations. 5

**Explanatory note**

Item [3] amends section 7 (1) of the Act to provide that one of the functions of the Authority under the Act is to administer the system for vehicle standards and inspections established by the regulations. 10

**[4] Section 7 (4)**

Insert after section 7 (3):

- (4) Without limiting subsections (1)–(3), the Authority may correct any mistake, error or omission in the Register subject to any requirements of the regulations (if any). 15

**Explanatory note**

Item [4] amends section 7 of the Act to make it clear that the Authority may correct the Register in relation to a particular registrable vehicle.

**[5] Section 8 Powers of Authority**

Omit “and the *Stamp Duties Act 1920*” from section 8 (1) (j). 20  
Insert instead “, the *Stamp Duties Act 1920* and the *Duties Act 1997*”.

**[6] Section 8 (1) (k)**

Omit the paragraph. Insert instead:

- (k) fix fees for: 25

- (i) services provided by the Authority in connection with the registration, or the late renewal of registration, of registrable vehicles or the issue of an unregistered vehicle permit, and 30

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

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- (ii) the issue and use of special and other number-plates and for damaged, lost, stolen or destroyed number-plates, and

**Explanatory note**

Item [5] amends section 8 (1) (j) by way of statute law revision to take into account the enactment of the *Duties Act 1997*. 5

Item [6] replaces section 8 (1) (k) with a new provision to make it clear that the Authority may fix fees in respect of the issue and use of number-plates or for damaged, lost, stolen or destroyed number-plates.

**[7] Section 14 Regulations** 10

Omit "or section 15" from section 14 (3).  
Insert instead ", section 15 or section 15A".

**[8] Section 14 (3)** 15

Omit "and number-plates".  
Insert instead ", number-plates, vehicle standards and inspections".

**[9] Section 14 (5)–(7)** 20

Insert after section 14 (4):

(5) The regulations may provide for the day on which the service of any notice or other document under this Act or the regulations is to be taken to have been effected. 20

(6) The regulations may provide for the inclusion of an additional fee in respect of the lodging of any late application in respect of the renewal or transfer of registration and for when the Authority may waive that fee. 25

(7) A regulation may impose a fee in respect of the registration or inspection of a registrable vehicle despite the fact that the fee may also comprise a tax.

**Explanatory note**

Items [7] and [8] amend section 14 (3) of the Act to ensure that the extent of the regulation-making power conferred by the Act concerning vehicle standards and inspections is at least as extensive as that contained in section 3 of the *Traffic Act 1909* (as in force immediately before its amendment by the Act). 30

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Item [9] amends the general regulation-making powers conferred by section 14 of the Act to enable late fees to be prescribed by the regulations and for the day on which notices and other documents are taken to have been served to also be prescribed. It also amends section 14 to make it clear that the regulations may impose a fee for the registration or inspection of registrable vehicles despite the fact that it may also comprise a tax. 5

**[10] Section 15 Regulations to establish registration system**

Insert after section 15 (2) (h):

- (h1) require the keeping of records with respect to the driving of registrable vehicles to which trader's plates are attached, and 10
- (h2) enable police officers to require any driver or person in charge of a registrable vehicle to which a trader's plate is attached to answer questions put to the person concerning the use of the plate, and 15

**Explanatory note**

Item [10] inserts two additional regulation-making powers in section 15 (2) of the Act concerning the keeping of trader's plates and police investigation of their use.

**[11] Section 15A**

Insert after section 15: 20

**15A Regulations to establish system for vehicle standards and inspections**

- (1) **General power**  
Without limiting section 14, the regulations may make provision for or with respect to vehicle standards, inspection or testing of registrable vehicles and the production of registrable vehicles for inspection and testing. 25
- (2) **Regulations concerning vehicle standards**  
Without limiting the scope of regulations under subsection (1), the regulations may: 30
  - (a) impose requirements with respect to the supply of information or documents to purchasers and prospective purchasers of registrable vehicles relating to their compliance with vehicle standards, and 35

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- (b) provide for the identification of any part (including an engine or engine block) of a registrable vehicle and the use of any such identification, and
  - (c) authorise the Authority to exempt any particular vehicle or class of vehicles from a vehicle standard prescribed by the regulations. 5
- (3) **Regulations concerning inspections**  
Without limiting the scope of regulations under subsection (1), the regulations may, for the purposes of the inspection of any registrable vehicle, also: 10
- (a) authorise the entry in or on any registrable vehicle (whether or not on a road or road related area), and
  - (b) authorise entry into or on any premises ordinarily used for the sale of any registrable vehicle or where a registrable vehicle may be held in possession for sale, and 15
  - (c) provide for the requirements to be observed with respect to the use and disposition of registrable vehicles that do not comply with the vehicle standards prescribed by the regulations or that are subject to inspections, and 20
  - (d) require lodgment, and provide for the forfeiture of security for the performance of obligations specified by or under this Act on persons involved in the conduct of inspections, and 25
  - (e) make provision with respect to charges relating to inspections carried out by the Authority or by persons authorised by the Authority to carry out inspections. 30

**Explanatory note**

Item [11] inserts a new section 15A in the Act to confer various regulation-making powers concerning vehicle standards and inspections.

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**[12] Section 16 Regulations may exclude registrable vehicles from this Act or certain other Acts and regulations**

Insert after section 16 (3):

- (4) The regulations may provide for the Authority:
- (a) to suspend the operation of any regulation referred to in subsection (1) in such manner and in such circumstances as may be specified by the regulations, or 5
  - (b) to suspend the operation of an exemption given by it to any registrable vehicle in such manner and in such circumstances as may be specified by the regulations, 10

or both.

**Explanatory note**

Item [12] amends section 16 of the Act to insert a new provision enabling the Authority: 15

- (a) to suspend the operation of a regulation providing that the Act does not apply to a registrable vehicle, or
- (b) to suspend the operation of an exemption given by it to a registrable vehicle. 20

**[13] Sections 21 (1) and 22 (3) (b) and Schedule 1 [13] and Schedule 2**

Omit "the registered operator" wherever occurring.  
Insert instead "a registered operator".

**[14] Section 21 Obligations of registered operators 25**

Omit "and the *Stamp Duties Act 1920*" from section 21 (1).  
Insert instead "the *Stamp Duties Act 1920* and the *Duties Act 1997*".

- [15] Section 21 (2)**
- Omit "The registered operator".  
Insert instead "A registered operator".
- Explanatory note**
- Item [14] amends section 21 (1) by way of statute law revision to take into account the enactment of the *Duties Act 1997*. 5  
Items [13] and [15] make amendments that are consequential on the amendment made by item [18].
- [16] Section 22 Evidentiary provisions**
- Omit "the person" from section 22 (3) (b). 10  
Insert instead "a person".
- Explanatory note**
- Item [16] makes an amendment that is consequential on the amendment made by item [18].
- [17] Section 22A** 15
- Insert after section 22:
- 22A Proceedings for offences**
- Proceedings for an offence against this Act or the regulations are to be dealt with by a Local Court constituted by a Magistrate sitting alone. 20
- Explanatory note**
- Item [17] inserts a new section 22A in the Act to enable proceedings for offences under the Act or the regulations to be dealt with summarily by a Local Court constituted by a Magistrate sitting alone.
- [18] Section 23A** 25
- Insert after section 23:
- 23A Registered operators**
- (1) The Authority may record one or more persons as registered operators of a registrable vehicle in accordance with the regulations. 30



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- (2) Subject to any regulations made under subsection (3), if there is more than one person recorded as a registered operator of a registrable vehicle a reference in any relevant legislation to the registered operator of a registrable vehicle within the meaning of this Act is taken to include a reference to each registered operator of such a vehicle. 5
- (3) The regulations may provide for the determination of the respective rights, liabilities and obligations of each registered operator of a registrable vehicle under any relevant legislation. 10
- (4) In this section:
- relevant legislation* means:
- (a) a provision of this Act (or a provision of a regulation made under this Act), or 15
- (b) a provision of any other Act (or a provision of a regulation made under any other Act) concerned with the registered operator of a registrable vehicle within the meaning of this Act. 20

**Explanatory note** 20

Item [18] inserts a new section 23A in the Act to make it clear that the Authority may, in accordance with the regulations, record more than one person in the Register as a registered operator of a registrable vehicle. The new section also confers regulation-making powers to provide for the determination of the respective rights, liabilities and obligations of multiple registered operators both under the Act and under other legislation that refers to registered operators under the Act. 25

**[19] Section 25 Power to include or exclude areas**

Insert after section 25 (1):

- (1A) Before making a declaration under subsection (1), the Minister is to consult with the Minister administering the *Motor Accidents Act 1988*. 30

**Explanatory note**

Item [19] amends section 25 of the Act to require the Minister to consult with the Minister administering the *Motor Accidents Act 1988* before making a declaration under that section to include specified areas or exclude specified areas from the operation of the Act or the regulations. 35

**[20] Section 25A**

Insert after section 25:

**25A Power to exclude registrable vehicles**

- (1) The Minister may declare, by notice published in the Gazette, that this Act or the regulations (or a specified provision of this Act or the regulations) do not apply to a registrable vehicle in any location or circumstance specified in the notice. 5
- (2) Before making a declaration under subsection (1), the Minister is to consult with the Minister administering the *Motor Accidents Act 1988*. 10
- (3) The declaration has effect until it is revoked, or for the period specified in the declaration.

**Explanatory note**

Item [20] inserts a new section 25A in the Act to enable the Minister to make declarations excluding registrable vehicles in specified locations and circumstances from the operation of the Act or the regulations. However, before making any such declaration, the Minister is required to consult with the Minister administering the *Motor Accidents Act 1988*. 15

**[21] Section 26 Defective registrable vehicles**

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Insert “(whether or not on a road or road related area)” after “registrable vehicle” in section 26 (1).

**[22] Section 26 (1A) and (1B)**

Insert after section 26 (1):

- (1A) A registered operator or owner of, or any person in charge of or having the custody of or selling or having in possession for sale or otherwise of the registrable vehicle must afford the police officer or the Authority all reasonable facilities for making such an inspection. 25

Maximum penalty: 20 penalty units. 30

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- (1B) Without limiting subsection (1), for the purposes mentioned in that subsection and in connection with any inspection, a police officer or the Authority may:
- (a) enter in or on the vehicle on a road or road related area, or 5
  - (b) enter in or on any premises ordinarily used for the sale of registrable vehicles and in or on such a vehicle on those premises, or
  - (c) enter in or on any other premises if the officer or the Authority has reasonable cause to believe a registrable vehicle is for sale, held in possession for sale or in a damaged condition as a result of an accident, and may enter in or on any such vehicle on those premises. 10

**[23] Section 26 (3)** 15

Insert "or cleared" after "withdrawn".

**[24] Section 26 (5)**

Insert after section 26 (4):

- (5) In this section, *inspect* in relation to a registrable vehicle includes observe the vehicle's performance, with or without the use of instrumentation. 20

**Explanatory note**

Items [21], [22] and [24] amend section 26 of the Act to ensure that the powers of inspection that it confers are as extensive as those presently conferred by Regulation 93 (Official inspection of vehicles) of the *Motor Traffic Regulations 1935*. 25

Item [23] amends section 26 (3) to enable defect notices issued under that section to be cleared as well as withdrawn.

**[25] Sections 27A and 27B**

Insert after section 27:

**27A Power of entry to inspect damaged vehicles**

- (1) The Authority may, at any time:
- (a) enter any premises on which the business of carrying out repairs to registrable vehicles damaged as a result of accidents is ordinarily carried on, and 5
  - (b) inspect any registrable vehicle or part of a registrable vehicle that is found by the Authority in or on those premises for the purpose of ascertaining whether or not the vehicle complies with the vehicle standards that apply to it. 10
- (2) A person must not wilfully delay or obstruct the Authority in the exercise of the Authority's powers under this section. 15

Maximum penalty: 20 penalty units.

**27B Use of dangerously defective heavy motor vehicles**

- (1) A person must not:
- (a) use a heavy motor vehicle that is dangerously defective on a road or road related area, or 20
  - (b) cause or permit a heavy motor vehicle that is dangerously defective to be used on a road or road related area.
- Maximum penalty: 20 penalty units. 25
- (2) Subsection (1) does not apply to or in respect of:
- (a) the use of a dangerously defective heavy motor vehicle if the motor vehicle is at, or in the vicinity of, the scene of an accident and its condition is the result of damage caused by the accident, or 30

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- (b) the use by a person of a dangerously defective heavy motor vehicle if the person is aware of the condition of the motor vehicle and has taken, or is taking, all such action as is reasonable in the circumstances to have the motor vehicle repaired or removed from a road or road related area, or 5
- (c) the use by a person of a dangerously defective heavy motor vehicle that is being inspected or tested under subsection (3), or
- (d) the use of a dangerously defective heavy motor vehicle in any other circumstances prescribed by the regulations. 10
- (3) For the purpose of ascertaining whether a heavy motor vehicle that is being used on a road or road related area is dangerously defective, any police officer or the Authority may cause the motor vehicle to be inspected and tested. 15
- (4) Without limiting any other function, any police officer or the Authority may, for the purposes of this section, do any one or more of the following: 20
- (a) request or signal the driver of a heavy motor vehicle to stop the motor vehicle,
- (b) request the driver of a heavy motor vehicle:
- (i) to produce for inspection the driver's licence to drive the motor vehicle, and 25
- (ii) to state the driver's name and address,
- (c) request the driver of a heavy motor vehicle to furnish the officer or the Authority with such information as the officer or the Authority may reasonably require, 30
- (d) request the driver of a heavy motor vehicle to do such other things as the officer or the Authority may reasonably require for the purpose of facilitating the inspection and testing of the motor vehicle. 35

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- (5) If a heavy motor vehicle has been stopped in compliance with a request or signal made or given under subsection (4) (a), any inspection or testing of the motor vehicle under subsection (3) is to be carried out:
- (a) at, or as near as practicable to, the place where the request or signal was so made or given, and 5
  - (b) as soon as practicable, and in any case within one hour, after the motor vehicle was so stopped.
- (6) A person must not:
- (a) hinder or obstruct a police officer or the Authority in the exercise of the officer's or Authority's functions under this section, or 10
  - (b) fail to comply with any request or signal made or given by a police officer or the Authority under this section. 15
- Maximum penalty: 20 penalty units.
- (7) For the purposes of this section, a heavy motor vehicle is ***dangerously defective*** if it is in such a condition that if a person drives or attempts to drive the motor vehicle it is likely that the person will lose control of the motor vehicle. 20
- (8) In this section, ***heavy motor vehicle*** means a motor vehicle that has a GVM of more than 12 tonnes.

**Explanatory note**

Item [25] inserts section 27A in the Act to enable police officers and the Authority to enter premises in which repairs are effected to inspect vehicles damaged in accidents. 25

It also inserts section 27B, which is based on section 5C (Driving etc of dangerously defective motor vehicles) of the *Traffic Act 1909*, together with the exemptions from that section prescribed by Regulation 92F of the *Motor Traffic Regulations 1935*. Section 5C is to be repealed by Schedule 2.6 [11]. 30

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**[26] Schedule 1 Amendments to Traffic Act 1909**

Omit Schedule 1 [2]. Insert instead:

**[2] Section 2 (1), definition of "Vehicle"**

Omit the definition of *Vehicle*. Insert instead:

*Vehicle* means:

- (a) any description of vehicle on wheels (including a light rail vehicle) but not including any other vehicle used on a railway or tramway, or 5
- (b) any other vehicle prescribed by the regulations. 10

**Explanatory note**

Item [26] replaces a provision of the Act amending the definition of *Vehicle* in section 2 (1) of the *Traffic Act 1909*. The amending provision will ensure that the definition continues to include light rail vehicles as is presently the case. 15

**[27] Schedule 3 Savings and transitional provisions**

Insert at the end of clause 1 (1):

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**[28] Schedule 3, clause 3 (3) (a) 20**

Omit "existing registration labels".  
Insert instead "existing labels".

**[29] Schedule 3, clauses 9 and 10**

Insert after clause 8:

**9 Appeals to the Local Court pending the prescription of decisions reviewable by the Administrative Decisions Tribunal 25**

- (1) Regulations may be made for or with respect to appeals to a Local Court against any decision (or class of decisions) of the Authority under this Act, if section 17 has not commenced, or if the decision (or class of decisions) has not been prescribed by the regulations for the purposes of that section. 30

- (2) In particular, and without limiting subclause (1), a regulation may:
- (a) provide for the manner of notification of specified decisions by the Authority to persons affected by the decisions, and 5
  - (b) confer jurisdiction on a Magistrate to hear and determine appeals against specified decisions, or classes of decisions, of the Authority under this Act, and
  - (c) set out the actions that may be taken by a Magistrate or must be taken by the Authority after the determination of an appeal. 10
- (3) A regulation referred to in subclause (1) may exclude, apply or modify the operation of section 21 of the *Traffic Act 1909* in relation to any such decision. 15
- (4) A regulation referred to in subclause (1) may provide that a decision of a Local Court is final and not subject to any appeal or review by another court or body.
- (5) Nothing in subclause (1) prevents the hearing or determination of an appeal to a Local Court in respect of a decision of the Authority that is made reviewable by the Administrative Decisions Tribunal under section 17 after the lodgment of any such appeal. 20
- (6) Nothing in this clause limits clause 1.
- 10 Certain existing authorities and delegations deemed to be delegations under Act** 25
- Any person who, immediately before the commencement of Part 2 of this Act, was:
- (a) authorised by or under the *Traffic Act 1909* (as in force immediately before that commencement) to carry out any function of the Authority in relation to the registration of vehicles, or 30



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(b) a delegate of the Authority in respect of the exercise of any such function,

is taken to be a delegate of the Authority under section 12 of this Act in respect of any corresponding function of the Authority under this Act or the regulations.

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**Explanatory note**

Items [27] and [29] insert further provisions of a savings and transitional nature in the Act.

Item [28] makes an amendment by way of statute law revision.

## Schedule 2 Amendment of other Acts

(Section 4)

### 2.1 Business Licences Act 1990 No 72

#### Schedule 1 Business licences to which Act applies

Omit "*Traffic Act 1909*" from item 2 of Part 1. 5  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".

#### Explanatory note

Schedule 2.1 makes an amendment to the *Business Licences Act 1990* that is consequential on the transfer of provisions concerning vehicle inspectors from the *Traffic Act 1909* to the *Road Transport (Vehicle Registration) Act 1997*. 10

### 2.2 Duties Act 1997 No 123

#### [1] Section 224 Farm machinery and commercial vehicles

Omit "*Traffic Act 1909*" from paragraph (a) of the definition of *commercial vehicle* in section 224 (2).  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*". 15

#### [2] Section 261 Imposition of duty

Omit "*Traffic Act 1909*".  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".

#### [3] Section 262 Lodgment of statement of dutiable value

Omit "*Traffic Act 1909*". 20  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*".

#### [4] Section 268 Avoidance of double duty—duty paid in a corresponding Australian jurisdiction

Omit "*Traffic Act 1909*" from section 268 (a).  
Insert instead "*Road Transport (Vehicle Registration) Act 1997*". 25

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**[5] Dictionary**

Omit "*Traffic Act 1909*" wherever occurring from the definition of *application to register a motor vehicle*.

Insert instead "*Road Transport (Vehicle Registration) Act 1997*".

**[6] Dictionary, definition of "motor vehicle"**

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Omit "*Traffic Act 1909*" from paragraph (a).

Insert instead "*Road Transport (Vehicle Registration) Act 1997*".

**[7] Dictionary, definition of "new motor vehicle"**

Omit "*Traffic Act 1909*".

Insert instead "*Road Transport (Vehicle Registration) Act 1997*".

10

**[8] Dictionary, definition of "road"**

Omit the definition. Insert instead:

*road* means a road or road related area within the meaning of the *Road Transport (Vehicle Registration) Act 1997* (other than a road or road related area that is the subject of a declaration made under section 25 (1) (b) of that Act).

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**Explanatory note**

Schedule 2.2 makes amendments to the *Duties Act 1997* that are consequential on the enactment of the *Road Transport (Vehicle Registration) Act 1997*.

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**2.3 Fines Act 1996 No 99**

**Section 69 Interim restoration or reinstatement of licence or registration pending appeal etc**

Insert ", the *Road Transport (Vehicle Registration) Act 1997*" after "this Act" in section 69 (3).

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**Explanatory note**

Schedule 2.3 makes an amendment to the *Fines Act 1996* that is consequential on the enactment of the *Road Transport (Vehicle Registration) Act 1997*.

## 2.4 Motor Accidents Act 1988 No 102

### [1] Section 3 Definitions

Omit the definitions of *road* and *road related area* from section 3 (1) (as amended by the *Traffic Legislation Amendment Act 1997*).

Insert in alphabetical order:

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*road* means a road within the meaning of the *Road Transport (Vehicle Registration) Act 1997* (other than an excluded area).

*road related area* means an area (other than an excluded area):

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(a) referred to in paragraph (a), (b), (c) or (d) of the definition of *road related area* in section 4 of the *Road Transport (Vehicle Registration) Act 1997*, or

(b) referred to in paragraph (e) of that definition that has been declared under section 25 (1) (a) of that Act to be an area to which specified provisions of that Act or the regulations made under that Act apply.

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### [2] Section 3 (3) (a)

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Omit the paragraph. Insert instead:

(a) in the case of a motor vehicle that is registered, the owner is:

(i) each registered operator of the vehicle within the meaning of the *Road Transport (Vehicle Registration) Act 1997*, unless the operator has sold or ceased to have possession of the vehicle, and

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(ii) each person who, although not a registered operator of the vehicle, is a sole or joint owner of the vehicle, unless that person has sold or ceased to have possession of the vehicle, and

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- (iii) if any such registered operator or owner has sold or ceased to have possession of the vehicle—any person who solely or jointly or in common with any other person is entitled to the immediate possession of the vehicle, or 5

**[3] Section 9 Third-party policies**

Omit section 9 (a) (ii). Insert instead:

- (ii) if the motor vehicle is subject to an unregistered vehicle permit under the *Road Transport (Vehicle Registration) Act 1997*—in the use or operation of the vehicle on any road or road related area in any part of the Commonwealth, and 10

**[4] Section 13 Cancellation of third-party policies 15**

Omit section 13 (4)–(6). Insert instead:

- (4) If the whole or any part of the premium payable in respect of a third-party policy is paid by cheque and the cheque is not met on due presentation, the licensed insurer may request the Roads and Traffic Authority to suspend the registration of the motor vehicle to which the policy relates in such manner and for such period (the *suspension period*) as may be provided by or under the *Road Transport (Vehicle Registration) Act 1997*. 20
- (5) Before requesting the Roads and Traffic Authority to suspend the registration of a motor vehicle, the licensed insurer must notify the owner of the motor vehicle that the insurer intends to request the Authority to suspend the registration and that the registration and third-party insurance policy will be cancelled at the expiration of the suspension period if the amount outstanding has not been paid before the expiration of the period. 25 30

- (6) Unless the licensed insurer notifies the Roads and Traffic Authority that the relevant premium has been paid before the expiration of the suspension period, the Roads and Traffic Authority must cancel the registration of the motor vehicle at the expiration of the suspension period, and on such cancellation the third-party policy taken to have been issued for the motor vehicle is also cancelled. 5

**[5] Schedule 1 Third-party policy**

Omit item 1 (b). Insert instead:

- (b) if the motor vehicle is subject to an unregistered vehicle permit under the *Road Transport (Vehicle Registration) Act 1997*—in the use or operation of the vehicle on any road or road related area in any part of the Commonwealth. 10

**[6] Schedule 4 Savings, transitional and other provisions 15**

Insert at the end of clause (1):

the *Road Transport (Vehicle Registration) Act 1997*, but only in relation to the amendments made to this Act

the *Road Transport (Vehicle Registration) Amendment Act 1998*, but only in relation to the amendments made to this Act 20

**Explanatory note**

Items [1], [3], [5] and [6] of Schedule 2.4 make amendments to the *Motor Accidents Act 1988* that are consequential on the enactment of the *Road Transport (Vehicle Registration) Act 1997*. 25

Item [2] of the amendments ensures that references to the owners of a vehicle in the Act include its registered operators and any owner who is not a registered operator. The amendment is necessary to provide third-party insurance coverage to owners of vehicles in cases where they may not be a registered operator of the vehicle. 30

Item [4] amends section 13 of the Act to enable a licensed insurer to request the Roads and Traffic Authority to suspend the registration of a vehicle for an unpaid insurance premium. If the premium is not paid within the suspension period, the Authority will cancel the registration of the vehicle.

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**2.5 Roads Act 1993 No 33**

**Section 264A National road transport regulations**

Insert "or the *Road Transport (Vehicle Registration) Act 1997*" after "*Traffic Act 1909*" in section 264A (8).

**Explanatory note**

Schedule 2.5 makes an amendment to the *Roads Act 1993* that is consequential on the enactment of the *Road Transport (Vehicle Registration) Act 1997*.

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**2.6 Traffic Act 1909 No 5**

**[1] Section 2 Definitions**

Insert "and, in the case of a trailer, draw the trailer" after "ride" in the definition of *Driver* in section 2 (1). 10

**[2] Section 3 Regulations**

Omit section 3 (1) (c).

**[3] Section 3 (1) (d)**

Omit the paragraph. 15

**[4] Section 3 (1) (e)**

Omit the paragraph.

**[5] Section 3 (1) (f)**

Omit the paragraph.

**[6] Section 3 (1) (g)**

Omit the paragraph. 20

**[7] Section 3 (1) (g1)**

Omit the paragraph.

**[8] Section 3 (1) (g2)**

Omit the paragraph. 25

Road Transport (Vehicle Registration) Amendment Bill 1998

Schedule 2 Amendment of other Acts

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- [9] **Section 3 (1) (g3)**  
Omit the paragraph.
- [10] **Section 4A Speed limits**  
Insert after the definition of *ambulance vehicle* in section 4A (9):  
*motor vehicle* includes a trailer. 5
- [11] **Section 5C Driving etc of dangerously defective motor vehicles**  
Omit the section.  
**Explanatory note**  
Items [2]–[9] and [11] of Schedule 2.6 make amendments to the *Traffic Act 1909* that are consequential on the enactment of the *Road Transport (Vehicle Registration) Act 1997* and the proposed Act. 10  
Item [10] makes an amendment by way of statute law revision to section 4A (Speed limits) of the *Traffic Act 1909* to ensure that trailers will continue to be included in that section even after the commencement of the *Traffic Legislation Amendment Act 1997*. 15  
Item [1] makes an amendment to section 2 of the *Traffic Act 1909* by way of statute law revision to ensure that references to the driving of a trailer are read as references to the drawing of a trailer.
- 2.7 Traffic Amendment (Vehicle Identification) Act 1996**  
**No 146** 20
- [1] **Schedule 1 Amendments**  
Omit paragraph (a) of the definition of *vehicle identifier* in proposed section 10ZD (1) of Schedule 1 [3].  
Insert instead:  
(a) in the case of a motor vehicle manufactured before 25  
1 January 1989, the number quoted on the  
compliance plate that uniquely identifies the  
vehicle and sets it apart from similar vehicles and  
that corresponds to the identification number of  
the vehicle that is permanently recorded elsewhere 30  
on the vehicle, or



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**[2] Schedule 1 [3]**

Insert “deface,” after “remove,” in proposed section 10ZO (1).

**Explanatory note**

Schedule 2.7 amends uncommenced provisions of the *Traffic Amendment (Vehicle Identification) Act 1996*. 5

Item [1] of the amendments replaces paragraph (a) of the definition of **vehicle identifier** in proposed section 10ZD (1) of the *Traffic Act 1909* so the identification number of a vehicle manufactured before 1 January 1989 is that quoted on its compliance plate.

Item [2] amends proposed section 10ZO (1) of the *Traffic Act 1909* to enable the Authority to require vehicle identifiers on written off and wrecked vehicles to be defaced. 10

**2.8 Transport Administration Act 1988 No 109**

**Section 78 Payments into Roads and Traffic Authority Fund**

Omit “any fees or charges paid under the *Traffic Act 1909*,” in section 78 (1) (b) (ii). 15

Insert instead “any fees or charges prescribed under the *Traffic Act 1909*, the *Road Transport (Vehicle Registration) Act 1997*,”.

**Explanatory note**

Schedule 2.8 makes an amendment to the *Transport Administration Act 1988* to add a reference to the *Road Transport (Vehicle Registration) Act 1997* and to ensure that only fees and charges prescribed under it and various other Acts and regulations are exempted from the requirement that money received by or on account of the Authority be paid into the Roads and Traffic Authority Fund 20

established in the Special Deposits Account in the Treasury. 25