

# CONCURRENCE COPY

## RECREATION VEHICLES BILL, 1983

---

### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The following Bills are cognate with this Bill:—

- Transport (Recreation Vehicles) Amendment Bill, 1983;
- Motor Vehicles (Third Party Insurance) (Recreation Vehicles) Amendment Bill, 1983;
- Motor Traffic (Recreation Vehicles) Amendment Bill, 1983.

The objects of this Bill are—

- (a) to enable land to be designated for off-road use by motor vehicles;
- (b) to provide for the registration of motor vehicles for off-road use; and
- (c) to regulate the off-road use of motor vehicles.

The Bill contains the following provisions:—

#### PART I.—PRELIMINARY.

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Arrangement.

Clause 4. Interpretation.

Clause 5 contains provisions relating to the application of the Motor Traffic Act, 1909, to the driving of motor vehicles in recreation vehicle areas designated under the proposed Act.

#### PART II.—AUTHORISED OFFICERS.

Clause 6 provides for the appointment of authorised officers for the purposes of the proposed Act.

Clause 7 provides for the issue and surrender of identification certificates for authorised officers.

Clause 8 provides that a member of the police force is ex officio an authorised officer.

Clause 9 contains provisions relating to the functions of authorised officers.

PART III.—RECREATION VEHICLE AREAS.

Clauses 10 and 11 provide for the designation of recreation vehicle areas. Land may not be designated as a recreation vehicle area where its use for the purposes of a recreation vehicle area would contravene the provisions of the Environmental Planning and Assessment Act, 1979, or of any environmental planning instrument in force under that Act.

Clauses 12–14 provide for the rescission and variation of the orders whereby recreation vehicle areas are designated.

PART IV.—REGISTRATION OF MOTOR VEHICLES FOR USE IN RECREATION VEHICLE AREAS.

Clause 15. Interpretation.

Clause 16 provides for the keeping of a register of motor vehicles registered under the proposed Act.

Clauses 17 and 18 provide for the registration of motor vehicles under the proposed Act.

Clause 19 provides for the issue of registration certificates and registration plates.

Clause 20 specifies the period for which the registration of a motor vehicle under the proposed Act remains in force.

Clause 21 specifies the grounds upon which the registration of a motor vehicle under the proposed Act may be cancelled.

Clause 22 provides for the surrender of registration plates.

PART V.—REGULATION OF OFF-ROAD USE OF MOTOR VEHICLES.

DIVISION 1.—*Recreation vehicle areas.*

Clause 23 applies certain provisions of the Motor Traffic Act, 1909, to the driving of motor vehicles in recreation vehicle areas. Those provisions prohibit the negligent, furious or reckless driving of motor vehicles and the driving of motor vehicles by persons who are under the influence of alcohol or drugs.

Clause 24 prohibits the driving of a motor vehicle in a recreation vehicle area unless the motor vehicle is registered under the proposed Act or the Motor Traffic Act, 1909.

Clause 25 prohibits the driving of a motor vehicle in a recreation vehicle area by a child who has not attained the age of 8 years.

Clause 26 prohibits the driving of a motor vehicle in a recreation vehicle area unless the appropriate registration plates or number-plates are properly attached to the motor vehicle.

Clause 27 prohibits the driving of a motor vehicle in a recreation vehicle area unless the motor vehicle is in registrable condition (that is, the motor vehicle complies with such design, construction, equipment and performance standards as are prescribed by the regulations under the proposed Act in relation to that class of motor vehicle).

Clauses 28–30 contain provisions relating to the removal of registration plates from a motor vehicle registered under the proposed Act in circumstances where it appears that the motor vehicle is not in registrable condition, and to the procedure for the return of those plates.

DIVISION 2.—*Restricted land.*

Clause 31 prohibits the driving of a motor vehicle upon restricted land (that is, land other than a public road or a recreation vehicle area) in wilful contravention of a direction given by the occupier of that land.

PART VI.—APPEALS.

Clause 32 contains provisions relating to the making of appeals to a court of petty sessions in relation to—

- (a) the refusal of the Commissioner for Motor Transport to register a motor vehicle under the proposed Act; or
- (b) the cancellation by the Commissioner for Motor Transport of the registration under the proposed Act of a motor vehicle.

PART VII.—SUPPLEMENTARY.

Clause 33 confers certain powers on authorised officers, including—

- (a) the power to inspect and test a motor vehicle which is in a recreation vehicle area;
- (b) the power to direct the driver of a motor vehicle which is in a recreation vehicle area or upon restricted land—
  - (i) to remove the vehicle from that area or land;
  - (ii) to furnish the officer with the driver's name and address; or
  - (iii) to furnish the officer with the name and address of the owner of the motor vehicle;
- (c) the power to direct a person not to drive a motor vehicle, or cause or permit a motor vehicle to be driven, in a recreation vehicle area or upon restricted land; and
- (d) the power to remove a motor vehicle from a recreation vehicle area or from restricted land.

Clause 34 requires an authorised officer to produce for inspection, upon reasonable demand, the officer's identification certificate.

Clause 35 enables a member of the police force to require the owner of a motor vehicle to furnish the name and address of the driver of the motor vehicle in circumstances where it appears that an offence has been committed in relation to the motor vehicle.

Clause 36 prohibits the obstruction of authorised officers.

Clause 37 prohibits, in or in relation to any application under the proposed Act or in purported compliance with any direction under the proposed Act, the making of any statement or the furnishing of any information which is false or misleading in a material particular.

Clause 38 exempts authorised officers from personal liability for acts or omissions done or omitted to be done in the bona fide execution of their functions under the proposed Act.

Clause 39 exempts public authorities from certain liabilities that might otherwise arise in relation to the driving of motor vehicles in recreation vehicle areas that are occupied by, or are under the care, control and management of, those authorities.

Clause 40 provides that certain fees be paid into the Road Transport and Traffic Fund kept under the Transport Act, 1930.

Clause 41 provides for the service of notices.

Clause 42 enables proceedings for offences to be taken before a court of petty sessions constituted by a stipendiary magistrate.

Clause 43 contains provisions relating to the effect of certain evidentiary certificates.

Clause 44 contains provisions relating to the making of regulations.

---

## RECREATION VEHICLES BILL, 1983

No. , 1983.

---

---

### A BILL FOR

An Act to regulate the off-road use of motor vehicles.

[MR BEDFORD—12 *October*, 1983.]

---

---

---

See also Transport (Recreation Vehicles) Amendment Bill, 1983; Motor Vehicles (Third Party Insurance) (Recreation Vehicles) Amendment Bill, 1983; Motor Traffic (Recreation Vehicles) Amendment Bill, 1983.

---

*Recreation Vehicles.*

---

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5

**PART I.****PRELIMINARY.****Short title.**

1. This Act may be cited as the "Recreation Vehicles Act, 1983".

**Commencement.**

- 10 2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Arrangement.**

- 15 3. This Act is divided as follows:—

PART I.—PRELIMINARY—*ss.* 1–5.

PART II.—AUTHORISED OFFICERS—*ss.* 6–9.

PART III.—RECREATION VEHICLE AREAS—*ss.* 10–14.

20 PART IV.—REGISTRATION OF MOTOR VEHICLES FOR USE IN  
RECREATION VEHICLE AREAS—*ss.* 15–22.

PART V.—REGULATION OF OFF-ROAD USE OF MOTOR VEHICLES—  
*ss.* 23–31.

DIVISION 1.—*Recreation vehicle areas*—*ss.* 23–30.

DIVISION 2.—*Restricted land*—*s.* 31.

25 PART VI.—APPEALS—*s.* 32.

PART VII.—SUPPLEMENTARY—*ss.* 33–44.

---

*Recreation Vehicles.*

---

**Interpretation.**

**4. (1)** In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

5 “area” has the meaning ascribed to that expression in section 4 of the Local Government Act, 1919;

“authorised officer” means—

(a) a person who is for the time being appointed as an authorised officer under section 6 (1); or

(b) a member of the police force;

10 “certificate of registration” means a certificate of registration issued under section 19 (1);

“child” means a person who has not attained the age of 16 years and 9 months;

“Commissioner” means the Commissioner for Motor Transport;

15 “control” includes license and prohibit;

“council” has the meaning ascribed to that expression in section 4 of the Local Government Act, 1919;

“Director” means the Director of the State Pollution Control Commission;

20 “district registry” means a district registry appointed under the Motor Traffic Act, 1909;

“drive”, in relation to a motor vehicle, includes—

(a) ride the motor vehicle (otherwise than as a passenger);  
and

25 (b) cause the motor vehicle to stand;

---

*Recreation Vehicles.*

---

“identification certificate” means—

(a) in relation to a person who is for the time being appointed as an authorised officer under section 6 (1)—a certificate issued to the person pursuant to section 7 (1); or

5 (b) in relation to a member of the police force—a certificate issued to the member of the police force pursuant to the Police Regulation Act, 1899;

“motor vehicle” means any motor car, motor carriage, motor cycle or other vehicle propelled wholly or partly by any volatile spirit, steam, gas, oil or electricity, or by any means other than human or animal power, and includes a trailer, but does not include any vehicle used on a railway or tramway;

10 “number-plate”, in relation to a motor vehicle which is registered under the Motor Traffic Act, 1909, means a number-plate within the meaning of that Act;

“occupier”, in relation to land, means any person who is in actual occupation of the land or, where no person is in actual occupation of the land, any person who has the right of immediate occupation of the land or who has the care, control and management of the land;

20 “officer” includes employee and servant;

“parent”, in relation to a child, includes a guardian of the child and any other person who stands in loco parentis to the child;

25 “public authority” means a public or local authority constituted by or under any Act, a government Department or a statutory body representing the Crown, and includes a person exercising functions on behalf of that authority, Department or body;

“public road” has the meaning ascribed to that expression in section 4 of the Local Government Act, 1919;

30 “recreation vehicle area” means land which is designated as a recreation vehicle area pursuant to an order in force under section 11 (1);



---

*Recreation Vehicles.*

---

“register” means the register kept pursuant to section 16 (1);

“registered motor vehicle” means a motor vehicle which is registered under this Act;

“registered owner” means—

- 5           (a) in relation to a motor vehicle which is registered under this Act—the person whose name is entered in the register, pursuant to section 16 (2), in relation to the motor vehicle; or
- 10           (b) in relation to a motor vehicle which is registered under the Motor Traffic Act, 1909—the person registered, pursuant to that Act, as the owner of the motor vehicle;

“registration” means registration under section 18 (1), and includes renewal of registration;

15           “registration plate” means a registration plate issued under section 19 (1);

“regulation” means a regulation made under this Act;

“restricted land” means land which is neither—

- (a) a public road; nor
- (b) a recreation vehicle area.
- 20           **(2)** In this Act, a reference to—
- (a) a function includes a reference to a power, authority and duty;
- (b) the exercise of a function includes, where that function is a duty, a reference to the performance of that duty; and
- 25           (c) the occupier of land includes, where there are 2 or more occupiers of that land, a reference to any one of those occupiers.

**(3)** For the purposes of this Act, a motor vehicle is in registrable condition if, and only if, it complies with such design, construction, equipment and performance standards as are prescribed in relation to motor vehicles of the class to which the motor vehicle belongs.

---

*Recreation Vehicles.*

---

**Application of Motor Traffic Act, 1909.**

5. (1) Except as provided by or under this Act, the Motor Traffic Act, 1909, does not apply to or in respect of a motor vehicle, or the driving of a motor vehicle, in a recreation vehicle area.

5 (2) Subsection (1) does not limit the operation of section 18B of the Motor Traffic Act, 1909, in respect of offences committed under this Act or the regulations.

---

PART II.

AUTHORISED OFFICERS.

**10 Appointment of authorised officers.**

6. (1) The Director may, by instrument in writing, appoint such persons as the Director considers necessary as authorised officers for the purposes of this Act.

(2) The Director shall not appoint a person as an authorised officer  
15 unless the person is an officer of—

- (a) the State Pollution Control Commission; or
- (b) another public authority.

(3) A person appointed under subsection (1) ceases to be an authorised officer upon ceasing to be an officer of the State Pollution Control  
20 Commission or other public authority, as the case may be.

(4) Subsection (3) does not limit the operation of section 30 of the Interpretation Act, 1897.

---

*Recreation Vehicles.*

---

**Identification certificates.**

7. (1) Upon appointing a person as an authorised officer, the Director shall issue to the person an identification certificate.

5 (2) A person appointed as an authorised officer under section 6 (1) shall, upon ceasing to be an authorised officer, surrender the person's identification certificate to the Director.

Penalty: \$100.

(3) An identification certificate referred to in subsection (1) shall be in or to the effect of the prescribed form.

10 **Members of police force ex officio authorised officers.**

8. A member of the police force is ex officio an authorised officer.

**Functions of authorised officers.**

9. (1) An authorised officer shall have, and may exercise, such functions as are conferred or imposed on an authorised officer by or under  
15 this Act.

(2) An authorised officer who is a servant of a council does not have, and may not exercise, any functions conferred or imposed on an authorised officer by or under this Act otherwise than within the council's area.

20 (3) An authorised officer who is an officer of a public authority (other than the State Pollution Control Commission or a council) does not have, and may not exercise, any functions conferred or imposed on an authorised officer by or under this Act otherwise than within land occupied by, or under the care, control and management of, the public authority.

---

---

*Recreation Vehicles.*

---

PART III.

RECREATION VEHICLE AREAS.

**Applications for designation of land as a recreation vehicle area.**

5     **10. (1)** An occupier of land may apply to the Director for the designation of the land as a recreation vehicle area.

**(2)** An application under subsection (1) shall—

          (a) be in or to the effect of the prescribed form;

          (b) be accompanied by—

              (i) the prescribed particulars in relation to the land;

10           (ii) evidence that any necessary development consent under the Environmental Planning and Assessment Act, 1979, has been obtained in relation to the use of that land for the purposes of a recreation vehicle area; and

              (iii) the prescribed fee; and

15           (c) be lodged at an office of the State Pollution Control Commission.

**Designation of land as a recreation vehicle area.**

**11. (1)** Except as provided by subsection (2), the Director shall, as soon as practicable after receiving an application made in accordance with section 10, by order published in the Gazette, designate the land the subject  
20 of the application as a recreation vehicle area.

**(2)** The Director shall not designate land as a recreation vehicle area where it appears to the Director that the use of the land for the purposes of a recreation vehicle area contravenes or will contravene the provisions of the Environmental Planning and Assessment Act, 1979, or of any environ-  
25 mental planning instrument in force under that Act.

---

*Recreation Vehicles.*

---

**Applications for rescission or variation of designation.**

5 **12. (1)** An occupier of land which comprises or partly comprises a recreation vehicle area may apply to the Director for the whole of the land, or such part of the land as is described in the application, to cease to be designated as a recreation vehicle area.

**(2)** An application under subsection (1) shall—

(a) be in or to the effect of the prescribed form;

(b) be accompanied by—

10 (i) the prescribed particulars in relation to the land; and

(ii) the prescribed fee; and

(c) be lodged at an office of the State Pollution Control Commission.

**Rescission or variation of designation on application of occupier.**

15 **13.** The Director shall, as soon as practicable after receiving an application made in accordance with section 12, by order published in the Gazette—

(a) where the land described in the application comprises the whole of a recreation vehicle area—rescind the order under section 11 (1) relating to that land; or

20 (b) where the land described in the application comprises part of a recreation vehicle area—vary the order under section 11 (1) relating to that land by excluding from the operation of that order the land so described.

**Rescission or variation of designation by Director.**

**14. (1)** The Director shall, by order published in the Gazette—

25 (a) where it appears to the Director that the use of the whole of the land comprising a recreation vehicle area for the purposes of a recreation vehicle area contravenes or will contravene the provisions of the Environmental Planning and Assessment Act, 1979,

---

*Recreation Vehicles.*

---

or of any environmental planning instrument in force under that Act—rescind the order under section 11 (1) relating to that land; or

5 (b) where it appears to the Director that the use of part of the land comprising a recreation vehicle area for the purposes of a recreation vehicle area contravenes or will contravene the provisions of that Act or any such instrument—vary the order under section 11 (1) relating to that land by excluding from the operation of that order that part of the land.

10 (2) The Director shall, as soon as practicable after making an order under subsection (1), cause notice of the making of the order to be served on the occupier of the land to which the order relates.

---

PART IV.

15 REGISTRATION OF MOTOR VEHICLES FOR USE IN RECREATION VEHICLE AREAS.

**Interpretation.**

15. In this Part—

“application”, in relation to a motor vehicle, means an application under section 17 (1);

20 “approved” means approved for the time being by the Commissioner.

**Register.**

16. (1) The Commissioner shall cause a register to be kept for the purposes of this Act.

(2) The Commissioner registers a motor vehicle under this Act by 25 causing to be entered in the register—

- (a) the prescribed particulars in relation to the motor vehicle; and
- (b) the name of, and the prescribed particulars in relation to, the applicant for registration of the motor vehicle.

---

*Recreation Vehicles.*

---

**Applications.**

17. (1) A person (other than a child) may apply to the Commissioner for the registration of a motor vehicle under this Act.

(2) An application shall—

- 5 (a) be in or to the effect of the prescribed form;
- (b) be accompanied by—
- 10 (i) the prescribed information in relation to the motor vehicle and the applicant;
- (ii) a statement, in or to the effect of the prescribed form, by the applicant to the effect that the motor vehicle is in registrable condition;
- 15 (iii) in relation to an application made on or after the day appointed and notified under section 2 (3) of the Motor Vehicles (Third Party Insurance) (Recreation Vehicles) Amendment Act, 1983—evidence that the motor vehicle is, or is about to become, an insured motor vehicle within the meaning of the Motor Vehicles (Third Party Insurance) Act, 1942; and
- 20 (iv) the prescribed fee; and
- (c) be lodged at a district registry.

(3) An application for renewal of registration may be made only on or before September 30th of the year during which the renewal of registration is intended to take effect.

**Registration.**

25 18. (1) Except as provided by subsection (2), the Commissioner shall register a motor vehicle the subject of an application made in accordance with section 17.

(2) The Commissioner shall not register a motor vehicle unless the Commissioner is satisfied that—

- 30 (a) the applicant for registration of the motor vehicle is not a child;

---

*Recreation Vehicles.*

---

5 (b) in relation to an application made on or after the day appointed and notified under section 2 (3) of the Motor Vehicles (Third Party Insurance) (Recreation Vehicles) Amendment Act, 1983—the motor vehicle is, or is about to become, an insured motor vehicle within the meaning of the Motor Vehicles (Third Party Insurance) Act, 1942; and

(c) the motor vehicle is in registrable condition.

(3) For the purpose of enabling the Commissioner to ascertain whether or not a motor vehicle is in registrable condition, the applicant for 10 registration of the motor vehicle shall—

15 (a) furnish to the Commissioner such information (in addition to such information as is required by section 17 (2) to accompany the application for registration of the motor vehicle) as the Commissioner may reasonably require in relation to the condition of the motor vehicle; and

(b) permit the motor vehicle to be inspected and tested by such person or persons as the Commissioner may determine.

20 (4) Where the Commissioner refuses to register a motor vehicle, the Commissioner shall, as soon as practicable after so refusing, cause notice of the refusal, and of the grounds therefor, to be served on the applicant for registration of the motor vehicle.

**Registration certificates and registration plates.**

19. (1) Upon registering a motor vehicle, the Commissioner shall issue to the registered owner of the motor vehicle—

25 (a) a certificate of registration for the motor vehicle; and

(b) the prescribed number of registration plates for the motor vehicle.

(2) A certificate of registration shall be in or to the effect of the approved form.

(3) A registration plate shall—

30 (a) be in or to the effect of the approved form; and

(b) remain the property of the Commissioner.



---

*Recreation Vehicles.*

---

**Term of registration.****20.** The registration of a motor vehicle—

## (a) takes effect—

- (i) on the date on which the motor vehicle is registered; or
- 5 (ii) in the case of a renewal of registration—on 1st October following the date on which the application for renewal of registration was made; and

## (b) ceases to have effect—

- 10 (i) subject to any renewal of the registration, on 30th September following the date on which the registration took effect; or
- (ii) upon cancellation of the registration, whichever first occurs.

**Cancellation of registration.**15 **21.** The Commissioner may cancel the registration of a motor vehicle—

- (a) where the registered owner of the motor vehicle so requests;
- (b) where any fee payable under section 17 (2) (b) (iv) in relation to the registration of the motor vehicle is not paid;
- 20 (c) where any information furnished to the Commissioner pursuant to section 17 (2) (b) or 18 (3) (a) in relation to the registration of the motor vehicle is false or misleading in a material particular;
- (d) where a registration plate for the motor vehicle has been forwarded to the Commissioner pursuant to section 30 (2);
- 25 (e) where the Commissioner has registered the motor vehicle in error; or
- (f) where, at any time on or after the day appointed and notified under section 2 (3) of the Motor Vehicles (Third Party Insurance) (Recreation Vehicles) Amendment Act, 1983, the motor vehicle is an uninsured motor vehicle within the meaning of the Motor Vehicles (Third Party Insurance) Act, 1942.
- 30

---

*Recreation Vehicles.*

---

**Surrender of registration plates.**

22. (1) Within 3 days after the registration of a motor vehicle ceases to have effect, the person who was the registered owner of the motor vehicle immediately before the registration ceased to have effect shall surrender the  
5 registration plate or registration plates for the motor vehicle to the Commissioner.

Penalty: \$500.

(2) Where the registration of a motor vehicle has ceased to have effect, an authorised officer or any person authorised by the Commissioner  
10 in that behalf may seize any registration plate relating to the motor vehicle.

---

**PART V.**

**REGULATION OF OFF-ROAD USE OF MOTOR VEHICLES.**

**DIVISION 1.—*Recreation vehicle areas.***

**Application of certain offences under the Motor Traffic Act, 1909.**

15 23. (1) Sections 4, 4E and 5 (2) of the Motor Traffic Act, 1909, apply to and in respect of the driving of a motor vehicle in a recreation vehicle area in the same manner as those sections apply to and in respect of the driving of a motor vehicle upon a public street within the meaning of that Act.

20 (2) In the application of sections 4, 4E and 5 (2) of the Motor Traffic Act, 1909, to or in respect of the driving of a motor vehicle in a recreation vehicle area, a reference in those sections to a public street shall be read and construed as a reference to a recreation vehicle area.

---

*Recreation Vehicles.*

---

**Prohibition of unregistered motor vehicles in recreation vehicle areas.**

24. (1) A person shall not drive a motor vehicle in a recreation vehicle area, or cause or permit a motor vehicle to be driven in a recreation vehicle area, unless the motor vehicle is registered under this Act or the Motor  
5 Traffic Act, 1909.

Penalty: \$500.

(2) A parent of a child shall not cause or permit the child to drive a motor vehicle in a recreation vehicle area unless the motor vehicle is registered under this Act or the Motor Traffic Act, 1909.

10 Penalty: \$500.

(3) In any proceedings for an offence against subsection (1) or (2) in relation to a motor vehicle, evidence that no registration plate or number-plate was attached to the motor vehicle at the time the offence is alleged to have been committed is prima facie evidence that the motor vehicle was not  
15 registered under this Act or the Motor Traffic Act, 1909, at that time.

(4) For the purposes of subsections (1) and (2), a registered motor vehicle shall be deemed not to be registered under this Act where any registration plate for the motor vehicle—

(a) has been removed from the motor vehicle pursuant to section 28  
20 (1); and

(b) has not been returned to the registered owner of the motor vehicle pursuant to section 30 (1).

**Children under 8 years not to drive motor vehicles.**

25. A person shall not cause or permit any child to drive a motor vehicle  
25 in a recreation vehicle area unless the child has attained the age of 8 years.

Penalty: \$500.

---

*Recreation Vehicles.*

---

**Registration plates, etc., to be attached to motor vehicles.**

26. A person shall not drive a motor vehicle in a recreation vehicle area, or cause or permit a motor vehicle to be driven in a recreation vehicle area, unless—

- 5 (a) in the case of a motor vehicle registered under this Act—the motor vehicle's registration plate or registration plates is or are attached to the motor vehicle in the prescribed manner; or
- (b) in the case of a motor vehicle registered under the Motor Traffic Act, 1909—the motor vehicle's number-plate or number-plates is  
10 or are attached to the motor vehicle in the manner prescribed under that Act.

Penalty: \$500.

**Motor vehicles not in registrable condition.**

27. A person shall not drive a motor vehicle in a recreation vehicle  
15 area, or cause or permit a motor vehicle to be driven in a recreation vehicle area, unless the motor vehicle is in registrable condition.

Penalty: \$500.

**Removal of registration plates from motor vehicles not in registrable condition.**

20 28. (1) Where an authorised officer is of the opinion that a registered motor vehicle which is in a recreation vehicle area is not in registrable condition, the officer may remove from the motor vehicle any registration plate attached thereto.

(2) Upon removing a registration plate from a registered motor  
25 vehicle, an authorised officer—

(a) shall—

- (i) issue to the driver of the motor vehicle; or
- (ii) where no person appears to the officer to be the driver of  
30 the motor vehicle—attach to, or leave upon, the motor vehicle,

a notice to the effect that the motor vehicle is not in registrable condition; and

---

*Recreation Vehicles.*

---

- (b) except as provided by section 30 (2)—retain possession of the registration plate.
- (3) A notice referred to in subsection (2) (a) shall—
- (a) be in or to the effect of the prescribed form;
- 5 (b) specify the defect in respect of which the authorised officer is of the opinion that the motor vehicle concerned is not in registrable condition;
- (c) specify the address at which the registration plate concerned is being retained; and
- 10 (d) be signed by the authorised officer.

**Applications for return of registration plates.**

29. (1) A person may apply to an authorised officer for the return of a registration plate removed from a registered motor vehicle by the officer pursuant to section 28 (1).
- 15 (2) An application under subsection (1) shall—
- (a) be in or to the effect of the prescribed form;
- (b) be accompanied by—
- (i) the prescribed information in relation to the motor vehicle;
- 20 (ii) a statement by the registered owner of the motor vehicle concerned to the effect that the defect specified pursuant to section 28 (3) (b) in the relevant notice has been remedied by means of such measures as are described in the application; and
- 25 (iii) a statement, in or to the effect of the prescribed form, by the registered owner of the motor vehicle concerned to the effect that the motor vehicle is in registrable condition; and

---

*Recreation Vehicles.*

---

- (c) be lodged at the address specified pursuant to section 28 (3) (c) in the relevant notice.

**Return of registration plates.**

5 **30. (1)** An authorised officer shall return a registration plate the subject of an application made to the officer in accordance with section 29 to the registered owner of the motor vehicle from which the registration plate was removed pursuant to section 28 (1).

(2) Where an application for the return of a registration plate has not been made in accordance with section 29—

10 (a) within 21 days after an authorised officer has removed the registration plate from a motor vehicle pursuant to section 28 (1);  
or

15 (b) within such longer period as the authorised officer may, upon application made by the registered owner of the motor vehicle concerned, allow,

the authorised officer shall forward the registration plate to the Commissioner.

**DIVISION 2.—Restricted land.****Use of motor vehicles on restricted land.**

20 **31.** A person shall not drive a motor vehicle upon restricted land, or cause or permit a motor vehicle to be driven upon restricted land, in wilful contravention of a direction given (in whatever manner) by the occupier of that land.

Penalty: \$500.

---

---

*Recreation Vehicles.*

---

PART VI.

APPEALS.

**Appeals.**

5 **32. (1)** A person may, in accordance with the regulations, appeal to a court of petty sessions against—

- (a) the refusal by the Commissioner to register a motor vehicle the subject of an application under section 17 (1) by that person; or
- 10 (b) the cancellation by the Commissioner of the registration of a motor vehicle of which that person was the registered owner immediately before that registration was cancelled.

**(2)** An appeal under subsection (1) shall be in the nature of a rehearing.

**(3)** An appeal under subsection (1) shall be heard and determined 15 by a court of petty sessions constituted by a stipendiary magistrate.

**(4)** A determination under subsection (3) is final and binds the appellant and the Commissioner.

---

PART VII.

SUPPLEMENTARY.

20 **Powers of authorised officers: generally.**

**33. (1)** For the purposes of this Act and the regulations, an authorised officer may do any one or more of the following things:—

- (a) the officer may inspect and test a motor vehicle which is in a recreation vehicle area;

---

*Recreation Vehicles.*

---

- (b) the officer may direct the driver of a motor vehicle which is being driven in a recreation vehicle area or upon restricted land—
- (i) to remove the motor vehicle from that area or land;
  - (ii) to furnish the officer with the name and address of the driver; or
  - (iii) to furnish the officer with the name and address of the owner of the motor vehicle;
- (c) the officer may direct a person not to drive a motor vehicle, or cause or permit a motor vehicle to be driven, in a recreation vehicle area or upon restricted land;
- (d) the officer may remove a motor vehicle from a recreation vehicle area or from restricted land.

(2) A person shall not, without reasonable excuse, fail to comply with a direction given to the person pursuant to subsection (1) (b) or (c).

15 Penalty: \$500.

(3) For the purpose of enabling an authorised officer to exercise the powers conferred on the officer by subsection (1), the officer may do any one or more of the following things:—

- (a) the officer may enter any recreation vehicle area or restricted land (other than a dwelling);
- (b) the officer may stop and detain any motor vehicle which is in a recreation vehicle area or upon restricted land;
- (c) the officer may seize, enter and drive any motor vehicle which is in a recreation vehicle area or upon restricted land.

(4) For the purposes of subsection (1) (b) (iii), a reference to the owner of a motor vehicle includes, where the motor vehicle is registered under this Act or the Motor Traffic Act, 1909, a reference to the registered owner of the motor vehicle.

**Identification certificates to be produced for inspection.**

30 **34.** An authorised officer shall, upon reasonable request by a person, produce for inspection by the person the officer's identification certificate.

Penalty: \$100.



---

*Recreation Vehicles.*

---

**Registered owners to identify drivers of registered motor vehicles.**

5     **35. (1)** Where a member of the police force suspects or believes that an offence against this Act or the regulations has been committed at any time in relation to a motor vehicle, the member may direct the owner of the motor vehicle to furnish the member with the name and address of the person who was the driver of the motor vehicle at that time.

**(2)** The owner of a motor vehicle shall not, without reasonable excuse, fail to comply with a direction given to the owner pursuant to subsection (1).

10    Penalty: \$500.

**(3)** For the purposes of subsections (1) and (2), a reference to the owner of a motor vehicle includes, where the motor vehicle is registered under this Act or the Motor Traffic Act, 1909, a reference to the registered owner of the motor vehicle.

**15 Obstruction of authorised officers.**

**36.** A person shall not hinder or obstruct an authorised officer in the exercise of the functions conferred or imposed on the officer by or under this Act.

      Penalty: \$500.

**20 False or misleading information.**

**37.** A person shall not, in or in relation to any application under this Act or in purported compliance with any direction under this Act, make any statement or furnish any information which is false or misleading in a material particular.

25    Penalty: \$500.

**Liability of authorised officers.**

**38.** An authorised officer is not personally liable for any act or omission done or omitted to be done by the officer in the bona fide exercise of the functions conferred or imposed on the officer by or under this Act.

---

*Recreation Vehicles.*

---

**Liability of public authorities.**

39. (1) A public authority is not liable to any person in respect of loss or damage of any kind suffered by that or any other person as a consequence of an accident involving a motor vehicle being driven (otherwise than by an officer of the public authority in the performance of that officer's duties) upon land—

(a) that is occupied by, or is otherwise under the care, control and management of, the public authority; and

(b) that is a recreation vehicle area,

10 whether or not the accident occurs as a consequence of any act or omission done or omitted to be done by the public authority in relation to the land, or any building, structure or work situated on the land, and no proceedings shall lie against the public authority in respect of any such loss or damage.

(2) Subsection (1) does not operate so as to affect the liability of a public authority to any person in respect of loss or damage suffered by an authorised officer in the bona fide exercise of the functions conferred or imposed on the officer by or under this Act.

**Fees.**

40. All fees paid to the Commissioner under this Act shall be paid into the Road Transport and Traffic Fund kept under the Transport Act, 1930.

**Service of notices.**

41. A notice that the Director or the Commissioner is required, by or under this Act, to cause to be served on a person may be effected personally or by means of a letter addressed to the person at the person's address last known to the Director or the Commissioner, as the case may be.

**Proceedings.**

42. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate.

---

*Recreation Vehicles.*

---

**Evidence.**

43. In any proceedings for an offence against this Act or the regulations—

- 5 (a) a certificate which purports to have been signed by a prescribed officer of the Department of Motor Transport and which states that on a date specified in the certificate—
- (i) a motor vehicle so specified was or was not a registered motor vehicle; or
- 10 (ii) a person so specified was or was not the registered owner of a motor vehicle so specified;
- (b) a certificate which purports to have been signed by a prescribed officer of the State Pollution Control Commission and which states that on a date specified in the certificate—
- 15 (i) land so specified was or was not a recreation vehicle area; or
- (ii) a person so specified was or was not an officer of the State Pollution Control Commission; or
- 20 (c) a certificate which purports to have been signed by a prescribed officer of a public authority and which states that on a date specified in the certificate a person so specified was or was not an officer of the public authority,

is, without proof of the signature of the person by whom the certificate purports to have been signed, prima facie evidence of the fact or facts so stated.

**25 Regulations.**

44. (1) The Governor may make regulations not inconsistent with this Act for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with  
30 respect to—

- (a) the functions of authorised officers;
- (b) the keeping of the register;

---

*Recreation Vehicles.*

---

- 5 (c) design, construction, equipment and performance standards for motor vehicles;
- (d) the transfer of registration;
- (e) the issue of replacement identification certificates, certificates of registration and registration plates;
- (f) the control of motor vehicles, and of the driving of motor vehicles, in recreation vehicle areas;
- 10 (g) safety measures to be observed by the drivers and passengers of motor vehicles, and by other persons who are in, on or about motor vehicles, in recreation vehicle areas;
- (h) the procedures to be followed by the driver of a motor vehicle in the event of an accident involving the motor vehicle occurring in a recreation vehicle area;
- 15 (i) the design, construction and exhibition of traffic control signs for use in recreation vehicle areas;
- (j) the protection of the environment from the effects of the driving of motor vehicles in recreation vehicle areas; and
- (k) the imposition of fees.

20 (2) A regulation may impose a penalty not exceeding \$500 for any breach thereof.

(3) A provision of a regulation may —

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind;
- 25 (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body;
- (d) exempt from the operation of any specified provision of this Act—
- (i) any specified person or specified class of persons; or
- (ii) any specified motor vehicle or specified class of motor vehicles,
- 30 either absolutely or subject to conditions;

---

*Recreation Vehicles.*

---

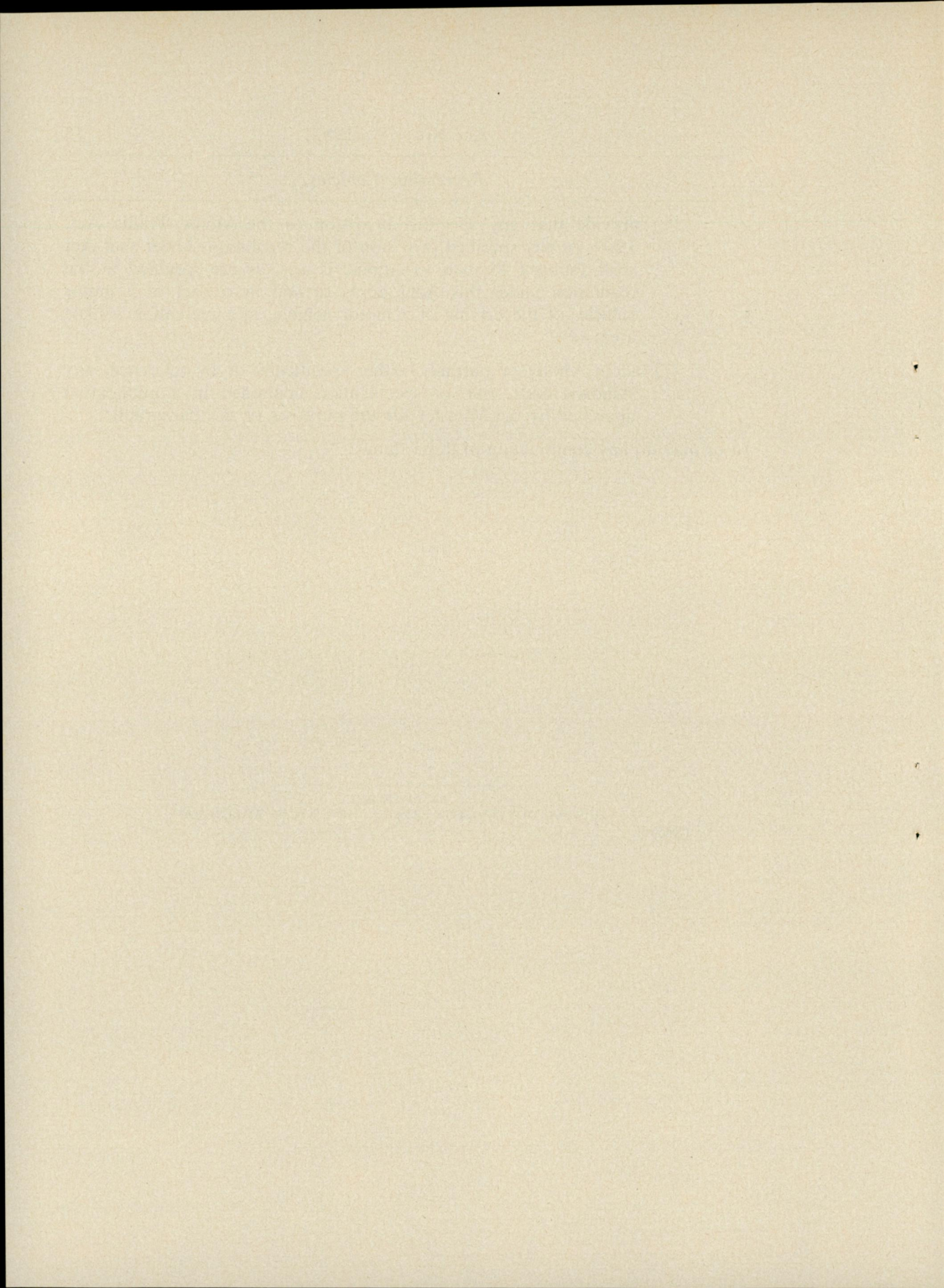
- 5 (e) provide that any specified provision of the Motor Traffic Act, 1909, or any specified provision of the regulations under that Act shall (subject to such variations, if any, as are specified in the regulation under this Act) apply to and in respect of a motor vehicle, or the driving of a motor vehicle, in a recreation vehicle area; or
- (f) adopt wholly or partially, either specifically or by reference, any standard code, rule or specification contained in a publication approved by the Minister for the purposes of this paragraph,
- 10 or may do any combination of those things.

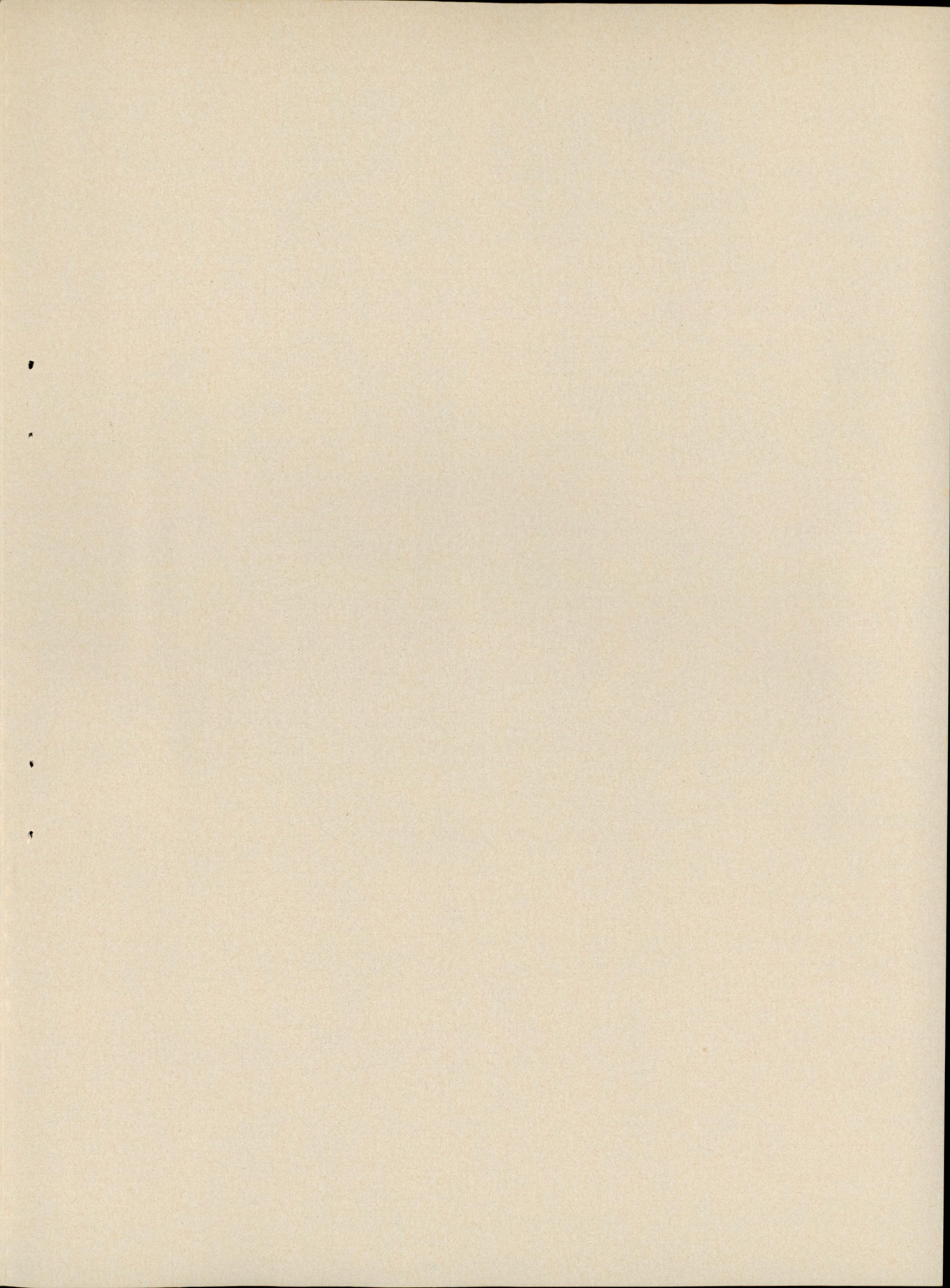
---

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

(80c)









RECREATION VEHICLES ACT, 1983, No. 136

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. 136, 1983.

An Act to regulate the off-road use of motor vehicles. [Assented to, 21st  
December, 1983.]

---

See also Transport (Recreation Vehicles) Amendment Act, 1983; Motor Vehicles (Third Party Insurance)  
(Recreation Vehicles) Amendment Act, 1983; Motor Traffic (Recreation Vehicles) Amendment Act,  
1983.

---

*Recreation Vehicles.*

---

**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**PART I.****PRELIMINARY.****Short title.**

1. This Act may be cited as the "Recreation Vehicles Act, 1983".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.  
(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Arrangement.**

3. This Act is divided as follows:—

PART I.—PRELIMINARY—*ss.* 1–5.

PART II.—AUTHORISED OFFICERS—*ss.* 6–9.

PART III.—RECREATION VEHICLE AREAS—*ss.* 10–14.

PART IV.—REGISTRATION OF MOTOR VEHICLES FOR USE IN RECREATION VEHICLE AREAS—*ss.* 15–22.

PART V.—REGULATION OF OFF-ROAD USE OF MOTOR VEHICLES—*ss.* 23–31.

DIVISION 1.—*Recreation vehicle areas*—*ss.* 23–30.

DIVISION 2.—*Restricted land*—*s.* 31.

PART VI.—APPEALS—*s.* 32.

PART VII.—SUPPLEMENTARY—*ss.* 33–44.

---

*Recreation Vehicles.*

---

**Interpretation.**

4. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“area” has the meaning ascribed to that expression in section 4 of the Local Government Act, 1919;

“authorised officer” means—

- (a) a person who is for the time being appointed as an authorised officer under section 6 (1); or
- (b) a member of the police force;

“certificate of registration” means a certificate of registration issued under section 19 (1);

“child” means a person who has not attained the age of 16 years and 9 months;

“Commissioner” means the Commissioner for Motor Transport;

“control” includes license and prohibit;

“council” has the meaning ascribed to that expression in section 4 of the Local Government Act, 1919;

“Director” means the Director of the State Pollution Control Commission;

“district registry” means a district registry appointed under the Motor Traffic Act, 1909;

“drive”, in relation to a motor vehicle, includes—

- (a) ride the motor vehicle (otherwise than as a passenger);  
and
- (b) cause the motor vehicle to stand;

---

*Recreation Vehicles.*

---

“identification certificate” means—

- (a) in relation to a person who is for the time being appointed as an authorised officer under section 6 (1)—a certificate issued to the person pursuant to section 7 (1); or
- (b) in relation to a member of the police force—a certificate issued to the member of the police force pursuant to the Police Regulation Act, 1899;

“motor vehicle” means any motor car, motor carriage, motor cycle or other vehicle propelled wholly or partly by any volatile spirit, steam, gas, oil or electricity, or by any means other than human or animal power, and includes a trailer, but does not include any vehicle used on a railway or tramway;

“number-plate”, in relation to a motor vehicle which is registered under the Motor Traffic Act, 1909, means a number-plate within the meaning of that Act;

“occupier”, in relation to land, means any person who is in actual occupation of the land or, where no person is in actual occupation of the land, any person who has the right of immediate occupation of the land or who has the care, control and management of the land;

“officer” includes employee and servant;

“parent”, in relation to a child, includes a guardian of the child and any other person who stands in loco parentis to the child;

“public authority” means a public or local authority constituted by or under any Act, a government Department or a statutory body representing the Crown, and includes a person exercising functions on behalf of that authority, Department or body;

“public road” has the meaning ascribed to that expression in section 4 of the Local Government Act, 1919;

“recreation vehicle area” means land which is designated as a recreation vehicle area pursuant to an order in force under section 11 (1);

---

*Recreation Vehicles.*

---

“register” means the register kept pursuant to section 16 (1);

“registered motor vehicle” means a motor vehicle which is registered under this Act;

“registered owner” means—

- (a) in relation to a motor vehicle which is registered under this Act—the person whose name is entered in the register, pursuant to section 16 (2), in relation to the motor vehicle; or
- (b) in relation to a motor vehicle which is registered under the Motor Traffic Act, 1909—the person registered, pursuant to that Act, as the owner of the motor vehicle;

“registration” means registration under section 18 (1), and includes renewal of registration;

“registration plate” means a registration plate issued under section 19 (1);

“regulation” means a regulation made under this Act;

“restricted land” means land which is neither—

- (a) a public road; nor
- (b) a recreation vehicle area.

(2) In this Act, a reference to—

- (a) a function includes a reference to a power, authority and duty;
- (b) the exercise of a function includes, where that function is a duty, a reference to the performance of that duty; and
- (c) the occupier of land includes, where there are 2 or more occupiers of that land, a reference to any one of those occupiers.

(3) For the purposes of this Act, a motor vehicle is in registrable condition if, and only if, it complies with such design, construction, equipment and performance standards as are prescribed in relation to motor vehicles of the class to which the motor vehicle belongs.

---

*Recreation Vehicles.*

---

**Application of Motor Traffic Act, 1909.**

5. (1) Except as provided by or under this Act, the Motor Traffic Act, 1909, does not apply to or in respect of a motor vehicle, or the driving of a motor vehicle, in a recreation vehicle area.

(2) Subsection (1) does not limit the operation of section 18B of the Motor Traffic Act, 1909, in respect of offences committed under this Act or the regulations.

---

**PART II.****AUTHORISED OFFICERS.****Appointment of authorised officers.**

6. (1) The Director may, by instrument in writing, appoint such persons as the Director considers necessary as authorised officers for the purposes of this Act.

(2) The Director shall not appoint a person as an authorised officer unless the person is an officer of—

- (a) the State Pollution Control Commission; or
- (b) another public authority.

(3) A person appointed under subsection (1) ceases to be an authorised officer upon ceasing to be an officer of the State Pollution Control Commission or other public authority, as the case may be.

(4) Subsection (3) does not limit the operation of section 30 of the Interpretation Act, 1897.

---

*Recreation Vehicles.*

---

**Identification certificates.**

7. (1) Upon appointing a person as an authorised officer, the Director shall issue to the person an identification certificate.

(2) A person appointed as an authorised officer under section 6 (1) shall, upon ceasing to be an authorised officer, surrender the person's identification certificate to the Director.

Penalty: \$100.

(3) An identification certificate referred to in subsection (1) shall be in or to the effect of the prescribed form.

**Members of police force ex officio authorised officers.**

8. A member of the police force is ex officio an authorised officer.

**Functions of authorised officers.**

9. (1) An authorised officer shall have, and may exercise, such functions as are conferred or imposed on an authorised officer by or under this Act.

(2) An authorised officer who is a servant of a council does not have, and may not exercise, any functions conferred or imposed on an authorised officer by or under this Act otherwise than within the council's area.

(3) An authorised officer who is an officer of a public authority (other than the State Pollution Control Commission or a council) does not have, and may not exercise, any functions conferred or imposed on an authorised officer by or under this Act otherwise than within land occupied by, or under the care, control and management of, the public authority.

---

---

*Recreation Vehicles.*

---

## PART III.

## RECREATION VEHICLE AREAS.

**Applications for designation of land as a recreation vehicle area.**

**10. (1)** An occupier of land may apply to the Director for the designation of the land as a recreation vehicle area.

**(2)** An application under subsection (1) shall—

(a) be in or to the effect of the prescribed form;

(b) be accompanied by—

(i) the prescribed particulars in relation to the land;

(ii) evidence that any necessary development consent under the Environmental Planning and Assessment Act, 1979, has been obtained in relation to the use of that land for the purposes of a recreation vehicle area; and

(iii) the prescribed fee; and

(c) be lodged at an office of the State Pollution Control Commission.

**Designation of land as a recreation vehicle area.**

**11. (1)** Except as provided by subsection (2), the Director shall, as soon as practicable after receiving an application made in accordance with section 10, by order published in the Gazette, designate the land the subject of the application as a recreation vehicle area.

**(2)** The Director shall not designate land as a recreation vehicle area where it appears to the Director that the use of the land for the purposes of a recreation vehicle area contravenes or will contravene the provisions of the Environmental Planning and Assessment Act, 1979, or of any environmental planning instrument in force under that Act.



---

*Recreation Vehicles.*

---

**Applications for rescission or variation of designation.**

**12. (1)** An occupier of land which comprises or partly comprises a recreation vehicle area may apply to the Director for the whole of the land, or such part of the land as is described in the application, to cease to be designated as a recreation vehicle area.

- (2) An application under subsection (1) shall—
- (a) be in or to the effect of the prescribed form;
  - (b) be accompanied by—
    - (i) the prescribed particulars in relation to the land; and
    - (ii) the prescribed fee; and
  - (c) be lodged at an office of the State Pollution Control Commission.

**Rescission or variation of designation on application of occupier.**

**13.** The Director shall, as soon as practicable after receiving an application made in accordance with section 12, by order published in the Gazette—

- (a) where the land described in the application comprises the whole of a recreation vehicle area—rescind the order under section 11 (1) relating to that land; or
- (b) where the land described in the application comprises part of a recreation vehicle area—vary the order under section 11 (1) relating to that land by excluding from the operation of that order the land so described.

**Rescission or variation of designation by Director.**

**14. (1)** The Director shall, by order published in the Gazette—

- (a) where it appears to the Director that the use of the whole of the land comprising a recreation vehicle area for the purposes of a recreation vehicle area contravenes or will contravene the provisions of the Environmental Planning and Assessment Act, 1979,

---

*Recreation Vehicles.*

---

or of any environmental planning instrument in force under that Act—rescind the order under section 11 (1) relating to that land;  
or

- (b) where it appears to the Director that the use of part of the land comprising a recreation vehicle area for the purposes of a recreation vehicle area contravenes or will contravene the provisions of that Act or any such instrument—vary the order under section 11 (1) relating to that land by excluding from the operation of that order that part of the land.

(2) The Director shall, as soon as practicable after making an order under subsection (1), cause notice of the making of the order to be served on the occupier of the land to which the order relates.

---

PART IV.

REGISTRATION OF MOTOR VEHICLES FOR USE IN RECREATION VEHICLE  
AREAS.

**Interpretation.**

15. In this Part—

“application”, in relation to a motor vehicle, means an application under section 17 (1);

“approved” means approved for the time being by the Commissioner.

**Register.**

16. (1) The Commissioner shall cause a register to be kept for the purposes of this Act.

(2) The Commissioner registers a motor vehicle under this Act by causing to be entered in the register—

- (a) the prescribed particulars in relation to the motor vehicle; and  
(b) the name of, and the prescribed particulars in relation to, the applicant for registration of the motor vehicle.

---

*Recreation Vehicles.*

---

**Applications.**

**17. (1)** A person (other than a child) may apply to the Commissioner for the registration of a motor vehicle under this Act.

**(2)** An application shall—

(a) be in or to the effect of the prescribed form;

(b) be accompanied by—

(i) the prescribed information in relation to the motor vehicle and the applicant;

(ii) a statement, in or to the effect of the prescribed form, by the applicant to the effect that the motor vehicle is in registrable condition;

(iii) in relation to an application made on or after the day appointed and notified under section 2 (3) of the Motor Vehicles (Third Party Insurance) (Recreation Vehicles) Amendment Act, 1983—evidence that the motor vehicle is, or is about to become, an insured motor vehicle within the meaning of the Motor Vehicles (Third Party Insurance) Act, 1942; and

(iv) the prescribed fee; and

(c) be lodged at a district registry.

**(3)** An application for renewal of registration may be made only on or before September 30th of the year during which the renewal of registration is intended to take effect.

**Registration.**

**18. (1)** Except as provided by subsection (2), the Commissioner shall register a motor vehicle the subject of an application made in accordance with section 17.

**(2)** The Commissioner shall not register a motor vehicle unless the Commissioner is satisfied that—

(a) the applicant for registration of the motor vehicle is not a child;

---

*Recreation Vehicles.*

---

- (b) in relation to an application made on or after the day appointed and notified under section 2 (3) of the Motor Vehicles (Third Party Insurance) (Recreation Vehicles) Amendment Act, 1983—the motor vehicle is, or is about to become, an insured motor vehicle within the meaning of the Motor Vehicles (Third Party Insurance) Act, 1942; and
- (c) the motor vehicle is in registrable condition.

(3) For the purpose of enabling the Commissioner to ascertain whether or not a motor vehicle is in registrable condition, the applicant for registration of the motor vehicle shall—

- (a) furnish to the Commissioner such information (in addition to such information as is required by section 17 (2) to accompany the application for registration of the motor vehicle) as the Commissioner may reasonably require in relation to the condition of the motor vehicle; and
- (b) permit the motor vehicle to be inspected and tested by such person or persons as the Commissioner may determine.

(4) Where the Commissioner refuses to register a motor vehicle, the Commissioner shall, as soon as practicable after so refusing, cause notice of the refusal, and of the grounds therefor, to be served on the applicant for registration of the motor vehicle.

**Registration certificates and registration plates.**

19. (1) Upon registering a motor vehicle, the Commissioner shall issue to the registered owner of the motor vehicle—

- (a) a certificate of registration for the motor vehicle; and
- (b) the prescribed number of registration plates for the motor vehicle.

(2) A certificate of registration shall be in or to the effect of the approved form.

(3) A registration plate shall—

- (a) be in or to the effect of the approved form; and
- (b) remain the property of the Commissioner.

---

*Recreation Vehicles.*

---

**Term of registration.**

20. The registration of a motor vehicle—
- (a) takes effect—
    - (i) on the date on which the motor vehicle is registered; or
    - (ii) in the case of a renewal of registration—on 1st October following the date on which the application for renewal of registration was made; and
  - (b) ceases to have effect—
    - (i) subject to any renewal of the registration, on 30th September following the date on which the registration took effect; or
    - (ii) upon cancellation of the registration,whichever first occurs.

**Cancellation of registration.**

21. The Commissioner may cancel the registration of a motor vehicle—
- (a) where the registered owner of the motor vehicle so requests;
  - (b) where any fee payable under section 17 (2) (b) (iv) in relation to the registration of the motor vehicle is not paid;
  - (c) where any information furnished to the Commissioner pursuant to section 17 (2) (b) or 18 (3) (a) in relation to the registration of the motor vehicle is false or misleading in a material particular;
  - (d) where a registration plate for the motor vehicle has been forwarded to the Commissioner pursuant to section 30 (2);
  - (e) where the Commissioner has registered the motor vehicle in error; or
  - (f) where, at any time on or after the day appointed and notified under section 2 (3) of the Motor Vehicles (Third Party Insurance) (Recreation Vehicles) Amendment Act, 1983, the motor vehicle is an uninsured motor vehicle within the meaning of the Motor Vehicles (Third Party Insurance) Act, 1942.

---

*Recreation Vehicles.*

---

**Surrender of registration plates.**

**22. (1)** Within 3 days after the registration of a motor vehicle ceases to have effect, the person who was the registered owner of the motor vehicle immediately before the registration ceased to have effect shall surrender the registration plate or registration plates for the motor vehicle to the Commissioner.

Penalty: \$500.

**(2)** Where the registration of a motor vehicle has ceased to have effect, an authorised officer or any person authorised by the Commissioner in that behalf may seize any registration plate relating to the motor vehicle.

---

**PART V.****REGULATION OF OFF-ROAD USE OF MOTOR VEHICLES.****DIVISION 1.—*Recreation vehicle areas.*****Application of certain offences under the Motor Traffic Act, 1909.**

**23. (1)** Sections 4, 4E and 5 (2) of the Motor Traffic Act, 1909, apply to and in respect of the driving of a motor vehicle in a recreation vehicle area in the same manner as those sections apply to and in respect of the driving of a motor vehicle upon a public street within the meaning of that Act.

**(2)** In the application of sections 4, 4E and 5 (2) of the Motor Traffic Act, 1909, to or in respect of the driving of a motor vehicle in a recreation vehicle area, a reference in those sections to a public street shall be read and construed as a reference to a recreation vehicle area.

---

*Recreation Vehicles.*

---

**Prohibition of unregistered motor vehicles in recreation vehicle areas.**

**24. (1)** A person shall not drive a motor vehicle in a recreation vehicle area, or cause or permit a motor vehicle to be driven in a recreation vehicle area, unless the motor vehicle is registered under this Act or the Motor Traffic Act, 1909.

Penalty: \$500.

**(2)** A parent of a child shall not cause or permit the child to drive a motor vehicle in a recreation vehicle area unless the motor vehicle is registered under this Act or the Motor Traffic Act, 1909.

Penalty: \$500.

**(3)** In any proceedings for an offence against subsection (1) or (2) in relation to a motor vehicle, evidence that no registration plate or number-plate was attached to the motor vehicle at the time the offence is alleged to have been committed is prima facie evidence that the motor vehicle was not registered under this Act or the Motor Traffic Act, 1909, at that time.

**(4)** For the purposes of subsections (1) and (2), a registered motor vehicle shall be deemed not to be registered under this Act where any registration plate for the motor vehicle—

- (a) has been removed from the motor vehicle pursuant to section 28 (1); and
- (b) has not been returned to the registered owner of the motor vehicle pursuant to section 30 (1).

**Children under 8 years not to drive motor vehicles.**

**25.** A person shall not cause or permit any child to drive a motor vehicle in a recreation vehicle area unless the child has attained the age of 8 years.

Penalty: \$500.

---

*Recreation Vehicles.*

---

**Registration plates, etc., to be attached to motor vehicles.**

**26.** A person shall not drive a motor vehicle in a recreation vehicle area, or cause or permit a motor vehicle to be driven in a recreation vehicle area, unless—

- (a) in the case of a motor vehicle registered under this Act—the motor vehicle's registration plate or registration plates is or are attached to the motor vehicle in the prescribed manner; or
- (b) in the case of a motor vehicle registered under the Motor Traffic Act, 1909—the motor vehicle's number-plate or number-plates is or are attached to the motor vehicle in the manner prescribed under that Act.

Penalty: \$500.

**Motor vehicles not in registrable condition.**

**27.** A person shall not drive a motor vehicle in a recreation vehicle area, or cause or permit a motor vehicle to be driven in a recreation vehicle area, unless the motor vehicle is in registrable condition.

Penalty: \$500.

**Removal of registration plates from motor vehicles not in registrable condition.**

**28. (1)** Where an authorised officer is of the opinion that a registered motor vehicle which is in a recreation vehicle area is not in registrable condition, the officer may remove from the motor vehicle any registration plate attached thereto.

**(2)** Upon removing a registration plate from a registered motor vehicle, an authorised officer—

(a) shall—

- (i) issue to the driver of the motor vehicle; or
- (ii) where no person appears to the officer to be the driver of the motor vehicle—attach to, or leave upon, the motor vehicle,

a notice to the effect that the motor vehicle is not in registrable condition; and



---

*Recreation Vehicles.*

---

(b) except as provided by section 30 (2)—retain possession of the registration plate.

(3) A notice referred to in subsection (2) (a) shall—

- (a) be in or to the effect of the prescribed form;
- (b) specify the defect in respect of which the authorised officer is of the opinion that the motor vehicle concerned is not in registrable condition;
- (c) specify the address at which the registration plate concerned is being retained; and
- (d) be signed by the authorised officer.

**Applications for return of registration plates.**

29. (1) A person may apply to an authorised officer for the return of a registration plate removed from a registered motor vehicle by the officer pursuant to section 28 (1).

(2) An application under subsection (1) shall—

- (a) be in or to the effect of the prescribed form;
- (b) be accompanied by—
  - (i) the prescribed information in relation to the motor vehicle;
  - (ii) a statement by the registered owner of the motor vehicle concerned to the effect that the defect specified pursuant to section 28 (3) (b) in the relevant notice has been remedied by means of such measures as are described in the application; and
  - (iii) a statement, in or to the effect of the prescribed form, by the registered owner of the motor vehicle concerned to the effect that the motor vehicle is in registrable condition; and

---

*Recreation Vehicles.*

---

- (c) be lodged at the address specified pursuant to section 28 (3) (c) in the relevant notice.

**Return of registration plates.**

**30. (1)** An authorised officer shall return a registration plate the subject of an application made to the officer in accordance with section 29 to the registered owner of the motor vehicle from which the registration plate was removed pursuant to section 28 (1).

**(2)** Where an application for the return of a registration plate has not been made in accordance with section 29—

- (a) within 21 days after an authorised officer has removed the registration plate from a motor vehicle pursuant to section 28 (1);  
or  
(b) within such longer period as the authorised officer may, upon application made by the registered owner of the motor vehicle concerned, allow,

the authorised officer shall forward the registration plate to the Commissioner.

**DIVISION 2.—*Restricted land.*****Use of motor vehicles on restricted land.**

**31.** A person shall not drive a motor vehicle upon restricted land, or cause or permit a motor vehicle to be driven upon restricted land, in wilful contravention of a direction given (in whatever manner) by the occupier of that land.

Penalty: \$500.

---

---

*Recreation Vehicles.*

---

PART VI.

APPEALS.

**Appeals.**

**32. (1)** A person may, in accordance with the regulations, appeal to a court of petty sessions against—

- (a) the refusal by the Commissioner to register a motor vehicle the subject of an application under section 17 (1) by that person; or
- (b) the cancellation by the Commissioner of the registration of a motor vehicle of which that person was the registered owner immediately before that registration was cancelled.

**(2)** An appeal under subsection (1) shall be in the nature of a rehearing.

**(3)** An appeal under subsection (1) shall be heard and determined by a court of petty sessions constituted by a stipendiary magistrate.

**(4)** A determination under subsection (3) is final and binds the appellant and the Commissioner.

---

PART VII.

SUPPLEMENTARY.

**Powers of authorised officers: generally.**

**33. (1)** For the purposes of this Act and the regulations, an authorised officer may do any one or more of the following things:—

- (a) the officer may inspect and test a motor vehicle which is in a recreation vehicle area;

---

*Recreation Vehicles.*

---

- (b) the officer may direct the driver of a motor vehicle which is being driven in a recreation vehicle area or upon restricted land—
  - (i) to remove the motor vehicle from that area or land;
  - (ii) to furnish the officer with the name and address of the driver; or
  - (iii) to furnish the officer with the name and address of the owner of the motor vehicle;
- (c) the officer may direct a person not to drive a motor vehicle, or cause or permit a motor vehicle to be driven, in a recreation vehicle area or upon restricted land;
- (d) the officer may remove a motor vehicle from a recreation vehicle area or from restricted land.

(2) A person shall not, without reasonable excuse, fail to comply with a direction given to the person pursuant to subsection (1) (b) or (c).

Penalty: \$500.

(3) For the purpose of enabling an authorised officer to exercise the powers conferred on the officer by subsection (1), the officer may do any one or more of the following things:—

- (a) the officer may enter any recreation vehicle area or restricted land (other than a dwelling);
- (b) the officer may stop and detain any motor vehicle which is in a recreation vehicle area or upon restricted land;
- (c) the officer may seize, enter and drive any motor vehicle which is in a recreation vehicle area or upon restricted land.

(4) For the purposes of subsection (1) (b) (iii), a reference to the owner of a motor vehicle includes, where the motor vehicle is registered under this Act or the Motor Traffic Act, 1909, a reference to the registered owner of the motor vehicle.

**Identification certificates to be produced for inspection.**

34. An authorised officer shall, upon reasonable request by a person, produce for inspection by the person the officer's identification certificate.

Penalty: \$100.

---

*Recreation Vehicles.*

---

**Registered owners to identify drivers of registered motor vehicles.**

35. (1) Where a member of the police force suspects or believes that an offence against this Act or the regulations has been committed at any time in relation to a motor vehicle, the member may direct the owner of the motor vehicle to furnish the member with the name and address of the person who was the driver of the motor vehicle at that time.

(2) The owner of a motor vehicle shall not, without reasonable excuse, fail to comply with a direction given to the owner pursuant to subsection (1).

Penalty: \$500.

(3) For the purposes of subsections (1) and (2), a reference to the owner of a motor vehicle includes, where the motor vehicle is registered under this Act or the Motor Traffic Act, 1909, a reference to the registered owner of the motor vehicle.

**Obstruction of authorised officers.**

36. A person shall not hinder or obstruct an authorised officer in the exercise of the functions conferred or imposed on the officer by or under this Act.

Penalty: \$500.

**False or misleading information.**

37. A person shall not, in or in relation to any application under this Act or in purported compliance with any direction under this Act, make any statement or furnish any information which is false or misleading in a material particular.

Penalty: \$500.

**Liability of authorised officers.**

38. An authorised officer is not personally liable for any act or omission done or omitted to be done by the officer in the bona fide exercise of the functions conferred or imposed on the officer by or under this Act.

---

*Recreation Vehicles.*

---

**Liability of public authorities.**

39. (1) A public authority is not liable to any person in respect of loss or damage of any kind suffered by that or any other person as a consequence of an accident involving a motor vehicle being driven (otherwise than by an officer of the public authority in the performance of that officer's duties) upon land—

- (a) that is occupied by, or is otherwise under the care, control and management of, the public authority; and
- (b) that is a recreation vehicle area,

whether or not the accident occurs as a consequence of any act or omission done or omitted to be done by the public authority in relation to the land, or any building, structure or work situated on the land, and no proceedings shall lie against the public authority in respect of any such loss or damage.

(2) Subsection (1) does not operate so as to affect the liability of a public authority to any person in respect of loss or damage suffered by an authorised officer in the bona fide exercise of the functions conferred or imposed on the officer by or under this Act.

**Fees.**

40. All fees paid to the Commissioner under this Act shall be paid into the Road Transport and Traffic Fund kept under the Transport Act, 1930.

**Service of notices.**

41. A notice that the Director or the Commissioner is required, by or under this Act, to cause to be served on a person may be effected personally or by means of a letter addressed to the person at the person's address last known to the Director or the Commissioner, as the case may be.

**Proceedings.**

42. Proceedings for an offence against this Act or the regulations may be taken before a court of petty sessions constituted by a stipendiary magistrate.

---

*Recreation Vehicles.*

---

**Evidence.**

**43.** In any proceedings for an offence against this Act or the regulations—

- (a) a certificate which purports to have been signed by a prescribed officer of the Department of Motor Transport and which states that on a date specified in the certificate—
  - (i) a motor vehicle so specified was or was not a registered motor vehicle; or
  - (ii) a person so specified was or was not the registered owner of a motor vehicle so specified;
- (b) a certificate which purports to have been signed by a prescribed officer of the State Pollution Control Commission and which states that on a date specified in the certificate—
  - (i) land so specified was or was not a recreation vehicle area; or
  - (ii) a person so specified was or was not an officer of the State Pollution Control Commission; or
- (c) a certificate which purports to have been signed by a prescribed officer of a public authority and which states that on a date specified in the certificate a person so specified was or was not an officer of the public authority,

is, without proof of the signature of the person by whom the certificate purports to have been signed, prima facie evidence of the fact or facts so stated.

**Regulations.**

**44. (1)** The Governor may make regulations not inconsistent with this Act for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act and, in particular, for or with respect to—

- (a) the functions of authorised officers;
- (b) the keeping of the register;

---

*Recreation Vehicles.*

---

- (c) design, construction, equipment and performance standards for motor vehicles;
- (d) the transfer of registration;
- (e) the issue of replacement identification certificates, certificates of registration and registration plates;
- (f) the control of motor vehicles, and of the driving of motor vehicles, in recreation vehicle areas;
- (g) safety measures to be observed by the drivers and passengers of motor vehicles, and by other persons who are in, on or about motor vehicles, in recreation vehicle areas;
- (h) the procedures to be followed by the driver of a motor vehicle in the event of an accident involving the motor vehicle occurring in a recreation vehicle area;
- (i) the design, construction and exhibition of traffic control signs for use in recreation vehicle areas;
- (j) the protection of the environment from the effects of the driving of motor vehicles in recreation vehicle areas; and
- (k) the imposition of fees.

(2) A regulation may impose a penalty not exceeding \$500 for any breach thereof.

(3) A provision of a regulation may —

- (a) apply generally or be limited in its application by reference to specified exceptions or factors;
- (b) apply differently according to different factors of a specified kind;
- (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body;
- (d) exempt from the operation of any specified provision of this Act—
  - (i) any specified person or specified class of persons; or
  - (ii) any specified motor vehicle or specified class of motor vehicles,either absolutely or subject to conditions;



---

*Recreation Vehicles.*

---

- (e) provide that any specified provision of the Motor Traffic Act, 1909, or any specified provision of the regulations under that Act shall (subject to such variations, if any, as are specified in the regulation under this Act) apply to and in respect of a motor vehicle, or the driving of a motor vehicle, in a recreation vehicle area; or
  - (f) adopt wholly or partially, either specifically or by reference, any standard code, rule or specification contained in a publication approved by the Minister for the purposes of this paragraph,
- or may do any combination of those things.

*In the name and on behalf of Her Majesty I assent to this Act.*

J. A. ROWLAND,  
*Governor.*

*Government House,  
Sydney, 21st December, 1983.*





