



New South Wales

Road Transport (Vehicle Registration) Amendment (Authorised Examiners and Inspection Stations) Regulation 1999

under the

Road Transport (Vehicle Registration) Act 1997

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Vehicle Registration) Act 1997*.

CARL SCULLY M.P.

Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Vehicle Registration) Regulation 1998* so as:

- (a) to enable the Roads and Traffic Authority (the *RTA*) to impose conditions on an examiner's authority or proprietor's authority granted under that Regulation, and
- (b) to require the RTA to be satisfied as to the suitability of the character of an applicant for such an authority before it grants the authority, and
- (c) to empower the RTA to make rules requiring the holder of such an authority to furnish information to the RTA, so enabling the RTA to ensure that persons involved in the operation of authorised inspection stations and the conduct of vehicle inspections at those stations are of suitable character, and
- (d) to enable such an authority to be suspended or cancelled for any breach of the conditions of the authority, and

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- (e) to create offences with respect to the issuing of false or misleading vehicle inspection reports.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including section 14 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Authorised Examiners and Inspection Stations) Regulation 1999*.

2 Amendment of Road Transport (Vehicle Registration) Regulation 1998

The *Road Transport (Vehicle Registration) Regulation 1998* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendments

(Clause 2)

[1] Clause 63 Examiner's authorities

Insert "and of suitable character" after "suitably qualified" in clause 63 (1).

[2] Clause 63 (1A) and (1B)

Insert after clause 63 (1):

- (1A) An examiner's authority may be issued unconditionally or subject to such conditions as the Authority may consider appropriate in relation to the person or class of persons concerned.
- (1B) A condition of the kind referred to in subclause (1A) may be imposed when an examiner's authority is issued, or at any time after it is issued, and may from time to time be amended or revoked.

[3] Clause 63 (2) (d)

Insert at the end of clause 63 (2) (c):

, and

- (d) is subject to any condition imposed by or under this clause or clause 65.

[4] Clause 63 (6)

Insert after clause 63 (5):

- (6) A person must not issue an inspection report if the person knows, or ought reasonably to suspect, that the report is false or misleading in a material particular.

Maximum penalty (subclause (6)): 20 penalty units.

[5] Clause 64 Proprietor's authorities

Insert at the end of clause 64 (1) (b):

, and

(c) the person, and each person specified in the application for the proprietor's authority as being a person who will be involved in the use of the premises for that purpose, are of suitable character.

[6] Clause 64 (1A) and (1B)

Insert after clause 64 (1):

(1A) A proprietor's authority may be issued unconditionally or subject to such conditions as the Authority may consider appropriate in relation to the person or class of persons concerned.

(1B) A condition of the kind referred to in subclause (1A) may be imposed when a proprietor's authority is issued, or at any time after it is issued, and may from time to time be amended or revoked.

[7] Clause 64 (2A)

Insert after clause 64 (2):

(2A) A person who uses premises for the purposes of conducting an inspection or test referred to in subclause (1) must not permit an inspection report to be issued from those premises in relation to any such inspection or test if the person knows, or ought reasonably to suspect, that the report is false or misleading in a material particular.

Maximum penalty (subclause (2A)): 20 penalty units.

[8] Clause 64 (4) (d)

Omit "by this Regulation".

Insert instead "by or under this clause or clause 65".

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Schedule 1 **Amendments**

[9] Clause 65 Authority may issue rules for the purposes of this Division

Insert at the end of clause 65 (1) (c):

- (d) the furnishing of information as to persons involved in:
 - (i) the conduct of inspections and tests of registrable vehicles at authorised inspection stations, or
 - (ii) the use of authorised inspection stations for the purposes of conducting such inspections and tests.

[10] Clause 65 (3)

Insert “or proprietor’s authority” after “examiner’s authority”.

[11] Clause 67 Suspension or cancellation of examiner’s authorities and proprietor’s authorities

Omit clause 67 (1) (a). Insert instead:

- (a) the holder has failed to comply with a condition to which the authority is subject, or

[12] Clause 67 (1A)

Insert after clause 67 (1):

(1A) Without limiting subclause (1) (b):

- (a) the Authority may form the opinion that the holder of an examiner’s authority is not a fit and proper person to continue to hold the authority if it is satisfied that any person involved in the conduct of inspections and tests of registrable vehicles pursuant to the authority is not of suitable character. and

(b) the Authority may form the opinion that the holder of a proprietor's authority is not a fit and proper person to continue to hold the authority if it is satisfied that any person involved in the use of an authorised inspection station pursuant to the authority is not of suitable character.

[13] Schedule 5 Short descriptions of offences

Insert in Schedule 5, in appropriate order:

Clause 63 (6)	issue false/misleading inspection report
Clause 64 (2A)	permit issue of false/misleading inspection report