



New South Wales

Road Transport (Vehicle Registration) Amendment (Fees) 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

Minister for Roads

Explanatory note

Under the *Road Transport (Vehicle Registration) Regulation 1998* applicable gazetted fees are payable for a service provided by the Roads and Traffic Authority for or in connection with a number-plate (or class of service or number-plate).

The objects of this Regulation are to enable the Authority:

- (a) to exempt an applicant for registration of a registrable vehicle from the requirement to pay an applicable gazetted fee if, in its opinion, the vehicle is a replacement for a vehicle destroyed or rendered beyond repair because of damage caused by an occurrence giving rise to an emergency and it considers the circumstances make it inappropriate to require such payment, and
- (b) to refund the whole or part of a fee paid in those circumstances if the Authority considers it appropriate to do so.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including section 14 (the general regulation-making power), in particular section 14 (3) and section 3 (1) of the *Traffic Act 1909* (as in force immediately before its amendment by that Act).

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Clause 1 Road Transport (Vehicle Registration) Amendment (Fees) Regulation 1999

Road Transport (Vehicle Registration) Amendment (Fees) Regulation 1999

1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Fees) 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 11 Lodgment of application, supporting evidence and payment

Insert after clause 11 (3):

- (4) An applicant is not required to pay any applicable gazetted fee if the Authority is of the opinion that:
 - (a) the applicant was the registered operator of a registrable vehicle that was destroyed or rendered beyond repair as a consequence of damage caused to the vehicle by an occurrence that gave rise to an emergency, and
 - (b) the vehicle to which the application relates is a replacement for the damaged vehicle, and
 - (c) in the circumstances of the case it would be inappropriate to require payment of the fee.

- (5) In this clause:

emergency has the same meaning as it has in the *State Emergency and Rescue Management Act 1989*.

Note. “emergency” is defined in the *State Emergency and Rescue Management Act 1989* to mean an emergency due to an actual or imminent occurrence (such as fire, flood, storm, earthquake, explosion, accident, epidemic or warlike action) which:

- (a) endangers, or threatens to endanger, the safety or health of persons in the State, or
- (b) destroys or damages, or threatens to destroy or damage, property in the State,

being an emergency which requires a significant and co-ordinated response.

[2] Clause 80 Refunds of fees

Insert after clause 80 (2):

- (2A) The Authority may refund (in whole or in part) any applicable gazetted fee paid (whether before or after the commencement of this subclause) by an applicant under clause 11 if the Authority is of the opinion that:

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Schedule 1 Amendments

- (a) the applicant was the registered operator of a registrable vehicle that was destroyed or rendered beyond repair as a consequence of damage caused to the vehicle by an occurrence that gave rise to an emergency, and
- (b) the vehicle to which the application related was a replacement for the damaged vehicle, and
- (c) in the circumstances of the case it would be appropriate to refund the fee.

[3] Clause 80 (5)

Insert after clause 80 (4):

- (5) In this clause:

emergency has the same meaning as it has in clause 11.