



New South Wales

Road Transport (General) Amendment (Registration Appeals) Regulation 2000

under the

Road Transport (General) Act 1999

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,

Minister for Roads

Explanatory note

The object of this Regulation is to enable appeals to be made to a Local Court against a decision of the Authority to refuse to grant or renew, or to vary the conditions of, suspend or cancel, the registration of a vehicle.

This Regulation is made under the *Road Transport (General) Act 1999*, including section 71 (the general regulation-making power) and clauses 1 and 24 of Schedule 2 to that Act.

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Clause 1 Road Transport (General) Amendment (Registration Appeals)
 Regulation 2000

Road Transport (General) Amendment (Registration Appeals) Regulation 2000

1 Name of Regulation

This Regulation is the *Road Transport (General) Amendment (Registration Appeals) Regulation 2000*.

2 Amendment of Road Transport (General) Regulation 1999

The *Road Transport (General) Regulation 1999* is amended as set out in Schedule 1.

3 Notes

The explanatory note does not form part of this Regulation.

Schedule 1 Amendment

(Clause 2)

Schedule 2 Savings and transitional provisions

Insert after clause 4:

4A Appeals against certain registration decisions

- (1) Any person aggrieved by any of the following decisions of the Authority made on or after the commencement of this clause may appeal against the decision to a Local Court constituted by a Magistrate:
 - (a) a decision of the Authority to refuse to grant or renew the registration of a registrable vehicle under the vehicle registration law,
 - (b) a decision of the Authority to vary the conditions of the registration of a registrable vehicle under the vehicle registration law,
 - (c) a decision of the Authority to suspend the registration of a registrable vehicle under the vehicle registration law,
 - (d) a decision of the Authority to cancel the registration of a registrable vehicle under the vehicle registration law,
 - (e) a decision of the Authority to suspend the operation of clause 9 or 11 of Schedule 1 to the *Road Transport (Vehicle Registration) Regulation 1998* in relation to a registrable vehicle.
- (2) Notice of any such appeal specifying the grounds of the appeal must be lodged with the clerk of the Local Court to which the appeal is being made not later than 21 days after the date on which the appellant was notified of the decision appealed against by the Authority.
- (3) The clerk of the Local Court must give notice of the time and place of the hearing of any such appeal to the Authority and

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Schedule 1 Amendment

to the appellant, and in the notice to the Authority must notify the Authority as to the grounds of the appeal.

- (4) The hearing of an appeal may proceed despite any omission or error in a notice under subclause (3) or the failure to give any such notice if the Local Court is satisfied that the appellant and the Authority had knowledge of the time and place of the hearing and were not prejudiced by any such omission or error or by the failure to give any such notice.
- (5) A Local Court must hear and determine an appeal made to it under this clause and may confirm (with or without variation) or disallow the decision appealed against, or make such other order in the circumstances as to the Court seems just.
- (6) For the purposes of varying under subclause (5) a decision of the Authority the Court may exercise only such powers as the Authority could have exercised under the vehicle registration law when making that decision.
- (7) The decision of a Local Court in respect of an appeal made under this clause is final and binding on the appellant and on the Authority.
- (8) This clause does not apply to the suspension or cancellation of the registration of a vehicle, or the refusal to exercise a function, under Part 4 of the *Fines Act 1996*.
- (9) In this clause, **vehicle registration law** means:
 - (a) the *Road Transport (Vehicle Registration) Act 1997*,
and
 - (b) the *Road Transport (Vehicle Registration) Regulation 1998*.

BY AUTHORITY
