



New South Wales

# Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003

under the

Motor Accidents Compensation Act 1999

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Motor Accidents Compensation Act 1999*.

JOHN DELLA BOSCA, M.L.C.,  
Special Minister of State

## Explanatory note

The object of this Regulation is to prescribe certain vehicles for the purposes of section 10A of the *Motor Accidents Compensation Act 1999* (*the Act*) and to provide for the transitional arrangements contemplated by section 10A (3).

Section 10A was inserted in the Act by the *Statute Law (Miscellaneous Provisions) Act 2002* to enable the same level of third-party insurance cover that applies to vehicles subject to unregistered vehicle permits (*UVPs*) under the *Road Transport (Vehicle Registration) Act 1997* to continue to apply to certain vehicles that were previously subject to UVPs but are now subject to a conditional registration under the latter Act.

The terms of the third-party policy of insurance under the Act provide cover for the owners and drivers of motor vehicles that are subject to UVPs only while the vehicles are used or operated on a *road* (as defined in the Act). Owners and drivers of other motor vehicles are covered for the use and operation of the vehicles whether or not on a road. UVPs are commonly issued in respect of motor vehicles (such as tractors and forklifts and the like) that are designed principally for use otherwise than on a road.

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Explanatory note

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UVPs used to be issued for up to 12 months. Since 20 May 2002, they have been issued for up to 28 days only. Vehicles that would normally be subject to UVPs but are required for longer-term road use than 28 days are now subject to a conditional registration.

Section 10A of the Act is as follows:

### **10A Treatment of certain vehicles for purposes of third-party policy**

- (1) A motor vehicle that is:
  - (a) subject to a conditional registration under the *Road Transport (Vehicle Registration) Act 1997*, and
  - (b) designed principally for use otherwise than on a road, and
  - (c) a motor vehicle, or a motor vehicle of a class, prescribed by the regulations for the purposes of this section,is taken, for the purposes of a third-party policy under this Act, to be subject to an unregistered vehicle permit and not to a conditional registration.
- (2) However, a regulation made for the purposes of this section does not affect a third-party policy of insurance under this Act that is in force in respect of any particular vehicle at the time that the regulation is made. This subsection is subject to subsection (3).
- (3) The first regulation made for the purposes of this section may provide that subsection (1) applies, from the commencement of the regulation, to a vehicle referred to in subsection (1) (a)–(c) that became subject to a conditional registration on or after 20 May 2002 and before the commencement of the regulation.

This Regulation is made under the *Motor Accidents Compensation Act 1999* and, in particular, under sections 10A and 228 (the general regulation-making power).

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## **Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003**

### **1 Name of Regulation**

This Regulation is the *Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003*.

### **2 Amendment of Motor Accidents Compensation Regulation (No 2) 1999**

The *Motor Accidents Compensation Regulation (No 2) 1999* is amended as set out in Schedule 1.

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Schedule 1      Amendment

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### Schedule 1    Amendment

(Clause 2)

#### Clause 16C

Insert after clause 16B:

#### **16C    Motor vehicles taken to be subject to unregistered vehicle permits**

(1) For the purposes of section 10A of the Act, the following classes of motor vehicles are prescribed:

- (a) motor vehicles:
  - (i) that are used to perform agricultural tasks (for example, tractors and harvesters), and
  - (ii) in respect of which approval for the placement of identification plates has not been given under section 10A of the *Motor Vehicle Standards Act 1989* of the Commonwealth,
- (b) motor vehicles:
  - (i) that are designed for use solely over snow, and
  - (ii) in respect of which approval for the placement of identification plates has not been given under section 10A of the *Motor Vehicle Standards Act 1989* of the Commonwealth,

but only during such time as the motor vehicles are within the boundaries of Kosciuszko National Park,

- (c) motor vehicles that:
  - (i) were manufactured 30 or more years ago, and
  - (ii) are used on a road solely in the course of, or as an incident to, an activity of an organisation that is identified in the records of the RTA as an historic vehicle club,
- (d) motor vehicles that:
  - (i) weigh more than 250 kg when unladen, and
  - (ii) are designed or used solely for cutting grass or for purposes incidental to cutting grass,

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- (e) motor vehicles that:
    - (i) are used solely for the purposes of road construction, maintenance or repair, and
    - (ii) are not used on a road otherwise than while at, or proceeding to or returning from, the place where the road construction, maintenance or repair is carried out,
  - (f) motor vehicles that:
    - (i) are classified by the RTA as earthwork plant or industrial plant, and
    - (ii) are subject to a conditional registration in consequence of that classification,
  - (g) motor vehicles that are subject to a conditional registration on the basis that they are to be used solely on Stockton Beach for recreation purposes,
  - (h) motor vehicles that are motorised buggies or carts and are designed and used for the purpose of:
    - (i) carrying golfers, spectators or golfing equipment on a golf course, or
    - (ii) carrying persons in a holiday resort or retirement village or the like,
  - (i) motor vehicles that:
    - (i) are designed or used solely for the conveyance of a person with a disability that substantially impairs the person's mobility, and
    - (ii) weigh more than 110 kg when unladen, and
    - (iii) are capable of travelling at more than 10 kilometres an hour,
  - (j) motor vehicles that are trackless trains,
  - (k) any other motor vehicles that have been granted full exemption from:
    - (i) motor vehicle tax within the meaning of the *Motor Vehicles Taxation Act 1988* (under section 17 (1) (p) of that Act), or
    - (ii) charges within the meaning of the *Road Transport (Heavy Vehicle Registration Charges) Act 1995* (under section 30 (2) of that Act).

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Schedule 1      Amendment

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- (2) Section 10A (1) of the Act applies, from the commencement of the *Motor Accidents Compensation Amendment (Unregistered Vehicle Permits) Regulation 2003*, to a vehicle referred to in section 10A (1) (a)–(c) that became subject to a conditional registration on or after 20 May 2002 and before the commencement of that Regulation.
- (3) In this clause, ***conditional registration*** means a conditional registration under the *Road Transport (Vehicle Registration) Act 1997*.

BY AUTHORITY