



New South Wales

Road Transport Legislation Amendment Regulation (No 2) 2022

under the

Road Transport Act 2013

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

NATALIE WARD, MLC
Minister for Metropolitan Roads

Explanatory note

The objects of this Regulation are—

- (a) to amend the *Road Transport (Vehicle Registration) Regulation 2017* as follows—
 - (i) ensure Transport for NSW (*TfNSW*) has the power to effectively address improper behaviour by authorised inspection station proprietors (*AIS proprietors*) who are licensed under the *Motor Dealers and Repairers Act 2013* in the same way as for other AIS proprietors,
 - (ii) allow police officers to undertake the functions of an authorised officer without requiring a separate authorisation from TfNSW,
 - (iii) allow authorised vehicle examiners to clear vehicle defect notices,
 - (iv) allow TfNSW to cancel the registration of a conditionally registered vehicle that is used contrary to the conditions of registration,
 - (v) allow TfNSW to release a vehicle's registration number details to a toll operator or a toll service provider if the vehicle's number plate is transferred to another vehicle or otherwise changed,
 - (vi) update references to a repealed Act,
 - (vii) correct an error in clause 108, and
- (b) to amend the *Road Transport (Driver Licensing) Regulation 2017* to update a reference to a repealed Act.

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1 Name of Regulation

This Regulation is the *Road Transport Legislation Amendment Regulation (No 2) 2022*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Road Transport (Vehicle Registration) Regulation 2017

- [1] **Clause 45 Suspension or cancellation of registration by TfNSW**
Omit “*Motor Accidents Compensation Act 1999*” from clause 45(1)(d).
Insert instead “*Motor Accident Injuries Act 2017*”.
- [2] **Clause 45(1)(d), note**
Omit “Section 14 of the *Motor Accidents Compensation Act 1999*”.
Insert instead “The *Motor Accident Injuries Act 2017*, section 2.8.”.
- [3] **Clause 45(1)(m1)**
Insert after clause 45(1)(m)—
(m1) Transport for NSW is satisfied the vehicle has been used contrary to a condition of the vehicle’s registration imposed under clause 13, or
- [4] **Clause 69 Proprietor’s authorities**
Omit clause 69(7).
- [5] **Clause 69(8)(b)**
Omit the paragraph. Insert instead—
(b) remains in force until it is surrendered, suspended or cancelled by Transport for NSW, and
(b1) is to be issued in the way and in the form approved by Transport for NSW, and
- [6] **Clauses 69(9) and 72(1)**
Omit “(other than a proprietor’s authority that is a licence under the *Motor Dealers and Repairers Act 2013*)” wherever occurring.
- [7] **Clause 81 Recording, clearance and withdrawal of vehicle defect notices**
Insert “, an authorised examiner” after “Transport for NSW” in clause 81(4).
- [8] **Clause 108 Notification of information about light vehicles assessed as a total loss**
Omit “insurer” wherever occurring in clause 108(d). Insert instead “assessor”.
- [9] **Clause 133A**
Insert after clause 133—
- 133A Release of vehicle registration numbers to toll operators and toll service providers—the Act, ss 62(d) and 64(3)**
(1) Transport for NSW is authorised to release the following to a toll operator or toll service provider if a registrable vehicle’s number-plate is transferred to another vehicle under clause 27 or otherwise changed—
(a) the registrable vehicle’s registration number immediately before the transfer or change,
(b) the registrable vehicle’s registration number immediately after the transfer or change.

- (2) Transport for NSW is authorised to release a registrable vehicle’s registration number to a toll operator or toll service provider if the vehicle’s registration is transferred from one person to another under Part 3, Division 2.
- (3) In this clause—
toll operator has the same meaning as in the *Roads Act 1993*.
toll service provider has the same meaning as in the *Roads Regulation 2018*, clause 78.

[10] Clause 136 Release of information in Register to CTP insurers

Omit the note to clause 136(1). Insert instead—

Note— See the *Motor Accident Injuries Act 2017*, section 2.7.

[11] Clause 136(4)

Omit “*Motor Accidents Compensation Act 1999*” wherever occurring.

Insert instead “*Motor Accident Injuries Act 2017*”.

[12] Clause 137 Release of information for searches

Omit “*Motor Accidents Compensation Act 1999*” wherever occurring in clause 137(2).

Insert instead “*Motor Accident Injuries Act 2017*”.

[13] Schedule 1 Application of Chapter 4 of Act and Regulation

Omit “*Motor Accidents Compensation Act 1999*” from Schedule 1, clause 17(1)(f).

Insert instead “*Motor Accident Injuries Act 2017*”.

[14] Dictionary

Omit the definition of *authorised person*. Insert instead—

authorised person means the following—

- (a) a person authorised by Transport for NSW to be an authorised person for the purposes of this Regulation,
- (b) a police officer.

[15] Dictionary, definition of “third party insurance legislation”

Omit “*Motor Accidents Compensation Act 1999*”.

Insert instead “*Motor Accident Injuries Act 2017*”.

Schedule 2 Amendment of Road Transport (Driver Licensing) Regulation 2017

Clause 113 Disclosure of demerit points information to CTP insurers

Omit “*Motor Accidents Compensation Act 1999*” from the definition of *CTP insurer* in clause 113(5).

Insert instead “*Motor Accident Injuries Act 2017*”.