



New South Wales

# Road Transport Legislation Miscellaneous Amendments Bill 2018

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are:

- (a) to amend the *Road Transport Act 2013* and the *Road Transport (Vehicle Registration) Regulation 2017* to recognise national number plates for heavy vehicles, and
- (b) to increase the maximum penalties for certain parking offences under the *Local Government Act 1993*, and
- (c) to increase the maximum penalties for certain offences relating to the use of motor vehicles that are unregistered or on which tax has not been paid under the *Motor Vehicles Taxation Act 1988*, and
- (d) to make minor amendments to the *Heavy Vehicle (Adoption of National Law) Act 2013* in anticipation of proposed amendments to the Heavy Vehicle National Law set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland in relation to the national scheme for the registration of heavy vehicles.

## Outline of provisions

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on 1 July 2018 except for Schedule 1.1, which is to commence on a day or days to be appointed by proclamation.

## **Schedule 1      Amendment of legislation**

**Schedule 1.1** makes minor amendments to the *Heavy Vehicle (Adoption of National Law) Act 2013* in anticipation of proposed amendments to the Heavy Vehicle National Law set out in the Schedule to the *Heavy Vehicle National Law Act 2012* of Queensland in relation to the national scheme for the registration of heavy vehicles.

**Schedule 1.2** increases the maximum penalties for certain parking offences under the *Local Government Act 1993*.

**Schedule 1.3** increases the maximum penalty for offences relating to the use of motor vehicles that are unregistered or on which tax has not been paid under the *Motor Vehicles Taxation Act 1988*.

**Schedule 1.4 and 1.5** amend the *Road Transport Act 2013* and the *Road Transport (Vehicle Registration) Regulation 2017* to make provision with respect to a new national number plate for heavy vehicles that has been agreed to be introduced by the Transport and Infrastructure Council.



New South Wales

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New South Wales

# Road Transport Legislation Miscellaneous Amendments Bill 2018

No. , 2018

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## **A Bill for**

An Act to amend the *Heavy Vehicle (Adoption of National Law) Act 2013*, the *Road Transport Act 2013* and the *Road Transport (Vehicle Registration) Regulation 2017* in connection with heavy vehicles; to amend the *Local Government Act 1993* and the *Motor Vehicles Taxation Act 1988* to increase certain penalties; and for other purposes.

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**The Legislature of New South Wales enacts:**

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**1 Name of Act**

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This Act is the *Road Transport Legislation Miscellaneous Amendments Act 2018*.

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**2 Commencement**

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(1) This Act commences on 1 July 2018, except as provided by subsection (2).

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(2) Schedule 1.1 commences on a day or days to be appointed by proclamation.

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<b>Schedule 1</b>	<b>Amendment of legislation</b>	1
<b>1.1</b>	<b>Heavy Vehicle (Adoption of National Law) Act 2013 No 42</b>	2
<b>[1]</b>	<b>Section 25A Authorisation for section 688 of Heavy Vehicle National Law (NSW) (Payments into Fund)</b>	3 4
	Omit “any regulatory component that may be prescribed by the national regulations for the purposes of the definition of <i>road use component</i> in section 688 (3) of that Law”.	5 6
	Insert instead “the regulatory component of the charges payable for the registration of a heavy vehicle as prescribed by the national regulations”.	7 8
<b>[2]</b>	<b>Section 26 Requirement for driver of heavy motor vehicle to produce Australian driver licence</b>	9 10
	Omit the section.	11
<b>[3]</b>	<b>Section 27D Offences for which mistake of fact defence unavailable</b>	12
	Omit the section.	13
<b>[4]</b>	<b>Section 27F Section 10 of Crimes (Sentencing Procedure) Act 1999 not applicable in certain circumstances</b>	14 15
	Omit section 27F (2) (b).	16
<b>[5]</b>	<b>Schedule 1 Modification of Heavy Vehicle National Law as applying in New South Wales</b>	17 18
	Omit Schedule 1.2 [20].	19
<b>1.2</b>	<b>Local Government Act 1993 No 30</b>	20
<b>[1]</b>	<b>Section 650 Free parking areas</b>	21
	Omit “5 penalty units” from section 650 (1). Insert instead “10 penalty units”.	22
<b>[2]</b>	<b>Section 650A Strata parking areas and community scheme parking areas</b>	23
	Omit “5 penalty units” from section 650A (1). Insert instead “10 penalty units”.	24
<b>1.3</b>	<b>Motor Vehicles Taxation Act 1988 No 111</b>	25
	<b>Section 9 Unregistered vehicles and vehicles upon which tax has not been paid</b>	26
	Omit “6 penalty units” from section 9 (1). Insert instead “10 penalty units”.	27
<b>1.4</b>	<b>Road Transport Act 2013 No 18</b>	28
<b>[1]</b>	<b>Section 4 Definitions</b>	29
	Insert in alphabetical order in section 4 (1):	30
	<i>heavy vehicle number-plate</i> means a number-plate issued by the Authority in connection with the registration of a heavy vehicle, but does not include a special number-plate or a number-plate, or class of number-plates, as may be determined by the Authority.	31 32 33 34

<b>[2] Section 67A</b>	1
Insert after section 67:	2
<b>67A Transfer of ownership of heavy vehicle number-plates to road authority of participating jurisdiction</b>	3
(1) Despite section 67, a heavy vehicle number-plate issued by the Authority in connection with the registration of a heavy vehicle becomes, on the subsequent registration of that heavy vehicle by the road authority of a participating jurisdiction, the property of that road authority.	4 5 6 7 8
(2) In this section, <i>participating jurisdiction</i> and <i>road authority</i> have the same meanings as in the <i>Heavy Vehicle National Law (NSW)</i> .	9 10
<b>1.5 Road Transport (Vehicle Registration) Regulation 2017</b>	11
<b>[1] Clause 18 Definitions</b>	12
Insert in alphabetical order:	13
<i>participating jurisdiction</i> and <i>road authority</i> have the same meanings as in the <i>Heavy Vehicle National Law (NSW)</i> .	14 15
<b>[2] Clause 20 Number-plates generally</b>	16
Insert after clause 20 (3):	17
[3](4) Despite subclauses (1) and (2), if the Authority registers a heavy vehicle that, immediately before that registration, was registered in a participating jurisdiction, the Authority may:	18 19 20
[4](a) use the existing registration number of that vehicle, and	21
[5](b) authorise the use of any number-plates already issued in respect of the heavy vehicle by the road authority of the participating jurisdiction.	22 23
[6](5) If the Authority authorises the use of number-plates under subclause (4) (b), the number-plates are taken to have been issued under this Regulation.	24 25
[7](6) Subclause (3) does not apply in respect of a heavy vehicle number-plate. However, a heavy vehicle number-plate must conform to any specifications that the Authority determines.	26 27 28
<b>[8] Clause 22 Auxiliary number-plates</b>	29
Insert after clause 22 (3):	30
[9](3A) Subclause (3) does not apply in respect of an auxiliary number-plate that is issued in addition to a heavy vehicle number-plate. However, an auxiliary number-plate that is issued in addition to a heavy vehicle number-plate must conform to any specifications that the Authority determines.	31 32 33 34
<b>[10] Clause 23 Authority may alter distinguishing number of registration</b>	35
Insert after clause 23 (5):	36
[11](6) This clause extends to a number-plate issued by a road authority of a participating jurisdiction in connection with the registration of a heavy vehicle if, at the time of the notice, the heavy vehicle is registered in this State.	37 38 39

**[12] Schedule 3 Fees**

Omit Part 3. Insert instead:

**Part 3 Issue of 1 or 2 standard number-plates with same number**

- (a) Initial or replacement issue of heavy vehicle number-plates 25
- (b) Initial or replacement issue of number-plates other than heavy vehicle number-plates 45

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