

Passed by both Houses



New South Wales

# Road Transport Legislation Miscellaneous Amendments Bill 2018

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Council*  
2018

*Clerk of the Parliaments*



New South Wales

## **Road Transport Legislation Miscellaneous Amendments Bill 2018**

Act No , 2018

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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:**

**1 Name of Act**

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

**2 Commencement**

- (1) This Act commences on 1 July 2018, except as provided by subsection (2).
- (2) Schedule 1.1 commences on a day or days to be appointed by proclamation.

## **Schedule 1 Amendment of legislation**

### **1.1 Heavy Vehicle (Adoption of National Law) Act 2013 No 42**

**[1] Section 25A Authorisation for section 688 of Heavy Vehicle National Law (NSW) (Payments into Fund)**

Omit “any regulatory component that may be prescribed by the national regulations for the purposes of the definition of *road use component* in section 688 (3) of that Law”.

Insert instead “the regulatory component of the charges payable for the registration of a heavy vehicle as prescribed by the national regulations”.

**[2] Section 26 Requirement for driver of heavy motor vehicle to produce Australian driver licence**

Omit the section.

**[3] Section 27D Offences for which mistake of fact defence unavailable**

Omit the section.

**[4] Section 27F Section 10 of Crimes (Sentencing Procedure) Act 1999 not applicable in certain circumstances**

Omit section 27F (2) (b).

**[5] Schedule 1 Modification of Heavy Vehicle National Law as applying in New South Wales**

Omit Schedule 1.2 [20].

### **1.2 Local Government Act 1993 No 30**

**[1] Section 650 Free parking areas**

Omit “5 penalty units” from section 650 (1). Insert instead “10 penalty units”.

**[2] Section 650A Strata parking areas and community scheme parking areas**

Omit “5 penalty units” from section 650A (1). Insert instead “10 penalty units”.

### **1.3 Motor Vehicles Taxation Act 1988 No 111**

**Section 9 Unregistered vehicles and vehicles upon which tax has not been paid**

Omit “6 penalty units” from section 9 (1). Insert instead “10 penalty units”.

### **1.4 Road Transport Act 2013 No 18**

**[1] Section 4 Definitions**

Insert in alphabetical order in section 4 (1):

*heavy vehicle number-plate* 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.

**[2] Section 67A**

Insert after section 67:

**67A Transfer of ownership of heavy vehicle number-plates to road authority of participating jurisdiction**

- (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.
- (2) In this section, *participating jurisdiction* and *road authority* have the same meanings as in the *Heavy Vehicle National Law (NSW)*.

## **1.5 Road Transport (Vehicle Registration) Regulation 2017**

**[1] Clause 18 Definitions**

Insert in alphabetical order:

*participating jurisdiction* and *road authority* have the same meanings as in the *Heavy Vehicle National Law (NSW)*.

**[2] Clause 20 Number-plates generally**

Insert after clause 20 (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:
  - (a) use the existing registration number of that vehicle, and
  - (b) authorise the use of any number-plates already issued in respect of the heavy vehicle by the road authority of the participating jurisdiction.
- (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.
- (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.

**[3] Clause 22 Auxiliary number-plates**

Insert after clause 22 (3):

- (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.

**[4] Clause 23 Authority may alter distinguishing number of registration**

Insert after clause 23 (5):

- (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.

**[5] 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