



New South Wales

# Road Transport (Vehicle Registration) Amendment (Special Number-Plates) Bill 2009

## Explanatory note

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

## Overview of Bill

The object of this Bill is to amend the *Road Transport (Vehicle Registration) Act 1997* to provide for the Roads and Traffic Authority (**RTA**) to enter into commercial arrangements to create a concession for the marketing of special number-plates issued by the Authority. The Bill provides for the RTA to determine the design, format or content that is to constitute a special number-plate.

The Bill also makes various minor amendments to the Act to clarify the powers of the RTA, and the power to make regulations under the Act, in connection with special number-plates.

## 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 the date of assent to the proposed Act.

## **Schedule 1      Amendment of Road Transport (Vehicle Registration) Act 1997 No 119**

**Schedule 1 [3]** inserts proposed section 8A which authorises the RTA to enter into commercial arrangements for the provision of marketing and other services to the RTA in connection with special number-plates. The section requires the commercial arrangements to include provisions to ensure that a party to the arrangements is subject to the same restrictions as apply to the RTA under the *Privacy and Personal Information Protection Act 1998*.

The section also establishes a broad regulation-making power for regulations to make provision for or with respect to the issue of special number-plates by the RTA, including provision for the issue of special number-plates independently of vehicle registration (as a commercial operation of the RTA) and the fixing and determination of fees and charges in connection with the issue of special number-plates.

**Schedule 1 [1] and [2]** make consequential changes to provisions for the fixing of fees by the RTA, to facilitate the fixing of charges in connection with the issue of special number-plates.

**Schedule 1 [4]** makes a consequential change to a provision dealing with the ownership of number-plates issued in connection with vehicle registration so that the provision extends to special number-plates that are not issued in connection with vehicle registration.

**Schedule 1 [5]** omits a provision that will be covered by proposed section 8A.

First print



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New South Wales

# Road Transport (Vehicle Registration) Amendment (Special Number-Plates) Bill 2009

No. , 2009

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## A Bill for

An Act to amend the *Road Transport (Vehicle Registration) Act 1997* to make further provision in respect of special number-plates.

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|   |        |
|---|--------|
| <b>The Legislature of New South Wales enacts:</b>   | 1      |
| <b>1 Name of Act</b>  | 2      |
| This Act is the <i>Road Transport (Vehicle Registration) Amendment<br/>    (Special Number-Plates) Act 2009</i> . | 3<br>4 |
| <b>2 Commencement</b>   | 5      |
| This Act commences on the date of assent to this Act.   | 6      |

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|  |   |                                  |
|--|---|----------------------------------|
| <b>Schedule 1</b>                        | <b>Amendment of Road Transport (Vehicle Registration) Act 1997 No 119</b>   | 1                                |
|  |   | 2                                |
| <b>[1] Section 8 Powers of Authority</b> |   | 3                                |
|  | Omit section 8 (1) (k). Insert instead:   | 4                                |
|  | (k) fix the fees and charges to be payable for or in connection with any service provided under this Act or the regulations, and  | 5<br>6<br>7                      |
| <b>[2] Section 8 (2)</b>                 |   | 8                                |
|  | Omit the subsection. Insert instead:  | 9                                |
|  | (2) The Authority must cause fees and charges fixed under subsection (1) to be published in the Gazette.  | 10<br>11                         |
| <b>[3] Section 8A</b>                    |   | 12                               |
|  | Insert after section 8:   | 13                               |
| <b>8A Special number-plates</b>          |   | 14                               |
|  | (1) The regulations may make provision for or with respect to the issue by the Authority of number-plates ( <i>special number-plates</i> ) that have a special design, format or content approved by the Authority, and for or with respect to the use, transfer, replacement and surrender of special number-plates.   | 15<br>16<br>17<br>18<br>19       |
|  | (2) The Authority is authorised to enter into contractual and other commercial arrangements ( <i>special number-plate arrangements</i> ) for the provision of marketing and other services to the Authority in connection with the issue of special number-plates.  | 20<br>21<br>22<br>23             |
|  | (3) Special number-plate arrangements under this section must include provision to ensure that a party to the arrangements will be subject to the same restrictions on the collection, use or disclosure of information obtained in the course of the operation of the arrangements as apply to the Authority under the <i>Privacy and Personal Information Protection Act 1998</i> . | 24<br>25<br>26<br>27<br>28<br>29 |
|  | (4) Regulations under this section can include provision for or with respect to the following:  | 30<br>31                         |
|  | (a) the issue of special number-plates independently of vehicle registration, as a commercial undertaking conducted by the Authority,   | 32<br>33<br>34                   |
|  | (b) providing for the Authority to enter into agreements with persons to whom special number-plates are or are to be  | 35<br>36                         |

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Number-Plates) Bill 2009

Schedule 1      Amendment of Road Transport (Vehicle Registration) Act 1997 No 119

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|            | issued, to provide for their rights and obligations in connection with the special number-plates issued to them,  | 1  |
|            |   | 2  |
|            | (c) requiring the payment of fees, charges and consideration for or in connection with the issue, use, transfer, replacement and surrender of special number-plates,  | 3  |
|            |   | 4  |
|            |   | 5  |
|            | (d) providing for the setting of those fees, charges and consideration by the regulations, the Authority or a party to special number-plate arrangements or by or under any process provided for by the regulations or special number-plate arrangements.   | 6  |
|            |   | 7  |
|            |   | 8  |
|            |   | 9  |
|            |   | 10 |
|            | (5) The <i>issue</i> of a number-plate extends to arrangements for allocating, setting aside or reserving a number-plate (whether or not involving the delivery of possession of the number-plate and including arrangements under which the Authority retains possession of a number-plate after its issue). | 11 |
|            |   | 12 |
|            |   | 13 |
|            |   | 14 |
|            |   | 15 |
| <b>[4]</b> | <b>Section 13 Ownership of devices, plates or documents</b>   | 16 |
|            | Insert at the end of the section:   | 17 |
|            | (2) Any special number-plate issued by the Authority (whether or not for the purpose of authorising the use of a registrable vehicle) remains the property of the Authority.  | 18 |
|            |   | 19 |
|            |   | 20 |
| <b>[5]</b> | <b>Section 15 Regulations to establish registration system</b>  | 21 |
|            | Omit section 15 (2) (d).  | 22 |