

Road Transport (Vehicle Registration) Act 1997 No 119

[1997-119]



New South Wales

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill \(No 2\) 2003](#)

Authorisation

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New South Wales

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Road Transport (Vehicle Registration) Act 1997 No 119



New South Wales

An Act to provide for the registration of vehicles and for related matters as part of the system for nationally consistent road transport laws; to make consequential amendments to the [Traffic Act 1909](#) and other Acts; and for other purposes.

Part 1 Preliminary

Note—

This Act and the regulations made under it form part of the **road transport legislation** identified by section 5 of the [Road Transport \(General\) Act 1999](#). Other road transport legislation includes the [Road Transport \(General\) Act 1999](#), the [Road Transport \(Driver Licensing\) Act 1998](#), the [Road Transport \(Heavy Vehicles Registration Charges\) Act 1995](#) and the regulations made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the [Road Transport \(General\) Act 1999](#) concerning the administration and enforcement of the road transport legislation generally.

1 Name of Act

This Act is the [Road Transport \(Vehicle Registration\) Act 1997](#).

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Objects of Act (cf Cth Act s 3)

The objects of this Act are:

- (a) to make provision for the registration of registrable vehicles in accordance with the agreements scheduled to the [National Road Transport Commission Act 1991](#) of the Commonwealth as part of the uniform national road transport legislation envisaged by that Act, and
- (b) to improve road safety and transport efficiency and reduce the costs of administering road transport.

4 Definitions (cf Cth Act s 2)

In this Act:

Authority means the Roads and Traffic Authority.

defective registrable vehicle means a registrable vehicle that does not comply with a vehicle standard that is prescribed by the regulations.

garage address of a vehicle means:

- (a) if the vehicle is normally kept at a depot or base of operations when not in use—the principal depot or base of operations of the vehicle, or
- (b) if the vehicle is normally kept on a road or road related area when not in use:
 - (i) where the vehicle has one registered operator—the residential address of the registered operator, or
 - (ii) where the vehicle has more than one registered operator and one or more of the operators reside in New South Wales—the residential address of the registered operator residing in New South Wales whose address is nearest the road or road related area, or
 - (iii) where the vehicle has more than one registered operator and none of the registered operators reside in New South Wales—the suburb and road or road related area in New South Wales where the vehicle is normally kept, or
- (c) if the vehicle is normally kept at a place (other than a depot, base of operations or road or road related area) when not in use—the place where the vehicle is normally kept.

GCM (gross combination mass) of a motor vehicle means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at one time:

- (a) as specified by the motor vehicle's manufacturer, or
- (b) as specified by the Authority if:
 - (i) the manufacturer has not specified the sum of the maximum loaded mass, or
 - (ii) the manufacturer cannot be identified, or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate.

GVM (gross vehicle mass) of a vehicle means the maximum loaded mass of the vehicle:

- (a) as specified by the vehicle's manufacturer, or
- (b) as specified by the Authority if:

- (i) the manufacturer has not specified a maximum loaded mass, or
- (ii) the manufacturer cannot be identified, or
- (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate.

heavy vehicle means a motor vehicle or trailer that has a GVM greater than 4.5 tonnes.

jurisdiction means a State, the Commonwealth or a Territory.

light rail vehicle means:

- (a) a vehicle used on a light rail system within the meaning of the [Transport Administration Act 1988](#), or
- (b) any other light rail system prescribed for the purposes of this definition by the regulations.

motor vehicle means a vehicle that is built to be propelled by a motor that forms part of the vehicle.

premises means any place.

Register means the Register of Registrable Vehicles maintained in accordance with the regulations.

registered, in relation to a registrable vehicle, means registered under this Act.

registered operator of a registrable vehicle means a person recorded in the Register as a person responsible for the vehicle.

registrable vehicle means:

- (a) any heavy vehicle or other motor vehicle, or
- (b) any trailer, or
- (c) any other vehicle prescribed by the regulations for the purposes of this definition.

residential address, in relation to a company or other body corporate, means its registered office or any place recorded in the Register as its residential address or business address.

road means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

road related area means:

- (a) an area that divides a road, or

- (b) a footpath or nature strip adjacent to a road, or
- (c) an area that is open to the public and is designated for use by cyclists or animals, or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles, or
- (e) a shoulder of a road, or
- (f) any other area that is open to or used by the public and that has been declared under section 9 of the *Road Transport (General) Act 1999* to be an area to which specified provisions of this Act or the regulations apply.

trader's plate means a number-plate issued by the Authority to a person engaged in a relevant trade to move unregistered registrable vehicles for short-term purposes.

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed.

unregistered vehicle permit means a permit referred to in section 8 (1) (d).

use of a vehicle includes standing the vehicle on a road or road related area.

vehicle means:

- (a) any description of vehicle on wheels (including a light rail vehicle) but not including any other vehicle used on a railway or tramway, or
- (b) any other vehicle prescribed by the regulations.

vehicle standard includes a standard or other requirement relating to the construction, design or equipment of a registrable vehicle.

5 Application of Commonwealth *Acts Interpretation Act 1901* (cf Cth Act s 5)

- (1) The provisions of the *Acts Interpretation Act 1901* of the Commonwealth apply to the interpretation of this Act and the regulations, except that, in relation to New South Wales:
 - (a) "Gazette" is to refer to the New South Wales Government Gazette, and
 - (b) "Minister" is to refer to the responsible Minister of New South Wales.
- (2) This section does not prevent the *Interpretation Act 1987* from applying to this Act and the regulations to the extent that it can do so consistently with the application of the *Acts Interpretation Act 1901* of the Commonwealth.

6 Notes

Notes included in this Act are explanatory notes and do not form part of this Act.

Note—

For the purposes of comparison, a number of provisions of this Act contain bracketed notes in headings drawing attention (“cf”) to equivalent or comparable (though not necessarily identical) provisions of other Acts. Abbreviations in the notes include:

- Cth Act: *Road Transport Reform (Heavy Vehicles Registration) Act 1997* of the Commonwealth
- Traffic Act: *Traffic Act 1909* (as in force immediately before the enactment of this Act).

Part 2 Registration system

Division 1 Powers and functions of the Authority

7 Functions of Authority (cf Cth Act s 9)

- (1) The functions of the Authority under this Act are:
 - (a) to administer the registration system established by the regulations, and
 - (b) to maintain a Register of Registrable Vehicles in accordance with the regulations, and
 - (c) to collect registration and permit charges determined under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or this Act and taxes determined under the *Motor Vehicles Taxation Act 1988*, and
 - (d) to provide information about registrable vehicles and registered operators in accordance with the regulations, and
 - (e) to administer the system for regulating vehicle standards and inspections established by the regulations.
- (2) The Register may include information notified to the Authority under this Act and such other information as the Authority considers appropriate.
- (3) The Register may be kept in the form of, or as part of, a computer database or in such other form as the Authority considers appropriate.
- (4) Without limiting subsections (1)–(3), the Authority may correct any mistake, error or omission in the Register subject to any requirements of the regulations (if any).

8 Powers of Authority (cf Cth Act s 10)

- (1) For the purpose of carrying out its functions under this Act, the Authority may, in accordance with the regulations:
 - (a) register or refuse to register a registrable vehicle, and
 - (b) renew or refuse to renew the registration of a registrable vehicle, and

- (c) transfer or refuse to transfer the registration of a registrable vehicle from one person to another, and
- (d) issue a permit or refuse to issue a permit for the use of an unregistered registrable vehicle, and
- (e) impose conditions on the registration of a registrable vehicle or on a permission to use an unregistered registrable vehicle, and
- (f) cancel or suspend the registration of a registrable vehicle, and
- (g) collect registration and permit charges determined under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or this Act and taxes imposed by the *Motor Vehicles Taxation Act 1988*, and
- (h) specify a GCM for a motor vehicle in the circumstances envisaged in paragraph (b) of the definition of **GCM** in section 4, and
- (i) specify a GVM for a motor vehicle or trailer in the circumstances envisaged in paragraph (b) of the definition of **GVM** in section 4, and
- (j) require proof of compliance with any applicable provisions of the *Motor Accidents Act 1988*, the *Stamp Duties Act 1920* and the *Duties Act 1997*, and
- (k) fix fees for:
 - (i) services provided by the Authority in connection with the registration, or the late renewal of registration, of registrable vehicles or the issue of an unregistered vehicle permit, and
 - (ii) the issue and use of special and other number-plates and for damaged, lost, stolen or destroyed number-plates, and
- (l) exercise other powers conferred by the regulations.

(2) The Authority must cause details of fees fixed under subsection (1) to be published in the Gazette.

9 Authority not to register registrable vehicles based outside the State (cf Cth Act s 11)

The Authority must not register a registrable vehicle unless it is satisfied that the vehicle's garage address is in the State.

10 Register does not provide evidence of title (cf Cth Act s 12)

The Register does not provide evidence of title to any registrable vehicle.

11 Security of information in Register (cf Cth Act s 13)

The Authority must ensure that the information in the Register that is of a personal nature

or that has commercial sensitivity for the person about whom it is kept is not released except as provided by the regulations or under another law.

12 Delegation by Authority (cf Cth Act s 14)

- (1) The Authority may, by signed instrument, delegate to a person prescribed by the regulations all or any of its powers under this Act or the regulations.
- (2) Nothing in this section affects any other power of delegation that the Authority has under any other Act.

13 Ownership of devices, plates or documents (cf Cth Act s 15)

Any devices, plates or documents issued by the Authority for the purpose of authorising the use of a registrable vehicle remain the property of the Authority.

Division 2 Regulations

14 Regulations (cf Cth Act ss 16 and 24 (2) and (3))

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may apply, adopt or incorporate, whether wholly or in part or with or without modifications, any publication (including any Act or regulation of the Commonwealth) as in force from time to time.

Note—

Section 42 (1) of the [Interpretation Act 1987](#) provides that if an Act authorises or requires provision to be made for or with respect to any matter by a statutory rule, such a rule may make provision for or with respect to that matter by applying, adopting or incorporating, with or without modification, the provisions of any Act or statutory rule or of any other publication, whether of the same or of a different kind.

However, section 69 of that Act ensures that a reference to any such publication is to be read as a reference to the publication as in force on the day the Act or instrument takes effect unless the Act or instrument provides for the application, adoption or incorporation of the publication as in force from time to time.

- (3) Without limiting the scope of this section, section 15 or section 15A, the regulations may make provision for or with respect to the same kinds of matters concerning registration, the use of registered and unregistered vehicles, number-plates, vehicle standards and inspections in respect of which regulations could have been made under section 3 (1) of the [Traffic Act 1909](#), as in force immediately before its amendment by this Act.
- (4) The regulations may create offences punishable by a penalty not exceeding 20 penalty units.
- (5) The regulations may provide for the day on which the service of any notice or other document under this Act or the regulations is to be taken to have been effected.

- (6) The regulations may provide for the inclusion of an additional fee in respect of the lodging of any late application in respect of the renewal or transfer of registration and for when the Authority may waive that fee.
- (7) A regulation may impose a fee in respect of the registration or inspection of a registrable vehicle despite the fact that the fee may also comprise a tax.

15 Regulations to establish registration system (cf Cth Act s 17)

- (1) Without limiting section 14, the regulations are to provide a system of registration of registrable vehicles that are used on roads or road related areas that:
 - (a) provides a means of authorising the use of registrable vehicles on roads or road related areas, and
 - (b) enables the identification of each registrable vehicle that is used on a road or a road related area, and of the person responsible for it.
- (2) Without limiting the scope of regulations under subsection (1), the regulations may:
 - (a) fix the periods for which the registration of registrable vehicles may be effected or renewed, and
 - (b) provide for the calculation of taxes, charges and fees for the registration of registrable vehicles for such periods as may be prescribed by the regulations, and
 - (c) provide for the recognition by the Authority of things done under a law of another State or Territory that corresponds to this Act, and
 - (d) allow the Authority to enter into agreements with registered operators about rights to use special number-plates, and
 - (e) provide for a refund (or partial refund), in accordance with the regulations, of the registration fees for a registrable vehicle under this Act or for fees for an unregistered vehicle permit, and
 - (e1) provide for the waiver or postponement (or partial waiver or postponement), in accordance with the regulations, of the registration fees for a registrable vehicle under this Act or for fees for an unregistered vehicle permit, and
 - (f) fix fees for services provided by the Authority in connection with the registration, or the late renewal of registration, of registrable vehicles or the issue of an unregistered vehicle permit, and
 - (g) provide for the approval by the Authority of the form in which applications are to be made to the Authority, and the form in which documents are to be issued by the Authority, for the purposes of the regulations, and
 - (h) make provision for or with respect to the form, issue, use, surrender and transfer

of plates (including trader's plates) and registration labels, registration certificates and other registration documents, and

- (h1) require the keeping of records with respect to the driving of registrable vehicles to which trader's plates are attached, and
- (h2) enable police officers to require any driver or person in charge of a registrable vehicle to which a trader's plate is attached to answer questions put to the person concerning the use of the plate, and
- (i) provide for offences in relation to the forgery or alteration of plates and of registration labels, registration certificates and other registration documents and in relation to the use of any such forged or altered plate, label, certificate or document, and
- (j) (Repealed)

15A Regulations to establish system for vehicle standards and inspections

- (1) **General power** Without limiting section 14, the regulations may make provision for or with respect to vehicle standards, inspection or testing of registrable vehicles and the production of registrable vehicles for inspection and testing.
- (2) **Regulations concerning vehicle standards** Without limiting the scope of regulations under subsection (1), the regulations may:
 - (a) impose requirements with respect to the supply of information or documents to purchasers and prospective purchasers of registrable vehicles relating to their compliance with vehicle standards, and
 - (b) provide for the identification of any part (including an engine or engine block) of a registrable vehicle and the use of any such identification, and
 - (c) authorise the Authority to exempt any particular vehicle or class of vehicles from a vehicle standard prescribed by the regulations.
- (3) **Regulations concerning inspections** Without limiting the scope of regulations under subsection (1), the regulations may, for the purposes of the inspection of any registrable vehicle, also:
 - (a) authorise the entry in or on any registrable vehicle (whether or not on a road or road related area), and
 - (b) authorise entry into or on any premises ordinarily used for the sale of any registrable vehicle or where a registrable vehicle may be held in possession for sale, and
 - (c) provide for the requirements to be observed with respect to the use and

disposition of registrable vehicles that do not comply with the vehicle standards prescribed by the regulations or that are subject to inspections, and

- (d) require lodgment, and provide for the forfeiture of, security for the performance of obligations specified by or under this Act on persons involved in the conduct of inspections, and
- (e) make provision with respect to charges relating to inspections carried out by the Authority or by persons authorised by the Authority to carry out inspections.

16 Regulations may exclude registrable vehicles from this Act (cf Cth Act s 18)

- (1) The regulations may provide that this Act does not apply to a registrable vehicle, or registrable vehicles of a kind, identified in the regulations.
- (2) The regulations may allow the Authority to exempt a registrable vehicle from the requirement to be registered subject to compliance with conditions specified in the regulations.
- (3) (Repealed)
- (4) The regulations may provide for the Authority:
 - (a) to suspend the operation of any regulation referred to in subsection (1) in such manner and in such circumstances as may be specified by the regulations, or
 - (b) to suspend the operation of an exemption given by it to any registrable vehicle in such manner and in such circumstances as may be specified by the regulations, or both.

17 (Repealed)

Part 3 Offences

18 Prohibition on using unregistered registrable vehicles (cf Cth Act s 20, Traffic Act s 6A)

- (1) A person must not use an unregistered registrable vehicle on a road or on a road related area.
Maximum penalty: 20 penalty units.
- (2) Subsection (1) does not apply to the use of a registrable vehicle on a road or road related area if:
 - (a) the vehicle belongs to a class of vehicle prescribed by a regulation referred to in section 16 as a vehicle to which this Act does not apply, or
 - (b) the use is otherwise permitted by this Act or under the regulations.

- (3) Subsection (1) does not apply to a registrable vehicle that was left standing on a road or road related area:
- (a) within the period of 15 days after the date on which that vehicle ceased to be registered or to be exempted from being registered, or
 - (b) with the consent of the responsible person for the road or area.

- (4) In this section:

registrable vehicle includes:

- (a) an incomplete or partially constructed vehicle, and
- (b) the remains of a vehicle.

responsible person, in relation to a road or road related area on which a vehicle was left standing, means:

- (a) if the care, control and management of the road or area was then vested in a person other than the owner of the road or area—the person in whom the care, control and management of the road or area was vested, or
- (b) in any other case—the owner of the road or area.

19 Obtaining registration or unregistered vehicle permits by false statements (cf Cth Act s 21)

- (1) A person must not:

- (a) by a false statement or any misrepresentation or other dishonest means, attempt to register a registrable vehicle, or renew the registration of a registrable vehicle, under this Act, or
- (b) without lawful authority or excuse possess a device, plate or document obtained using those means.

Maximum penalty: 20 penalty units.

- (2) A person must not:

- (a) by a false statement or any misrepresentation or other dishonest means, attempt to obtain an unregistered vehicle permit for a registrable vehicle, or renew the permit, under this Act, or
- (b) without lawful authority or excuse possess a device, plate or document obtained using those means.

Maximum penalty: 20 penalty units.

- (3) A device, plate or document so obtained is void, and the Authority may alter the

Register accordingly.

20 Using registrable vehicles contrary to conditions or prohibitions (cf Cth Act s 22)

A person must not use a registrable vehicle contrary to conditions or a prohibition imposed under section 26.

Maximum penalty: 20 penalty units.

21 Obligations of registered operators (cf Cth Act s 23)

- (1) This Act and the regulations do not affect the obligations of a registered operator of a registrable vehicle to comply with any applicable provisions of the *Motor Accidents Act 1988*, the *Stamp Duties Act 1920* and the *Duties Act 1997*.
- (2) A registered operator of a registrable vehicle must, in accordance with the regulations:
 - (a) ensure that any devices, plates and documents issued by the Authority are installed or displayed on the vehicle, and
 - (b) while operating the vehicle, carry or cause the driver to carry, documents prescribed by the regulations, and
 - (c) when required to do so by the Authority, produce documents prescribed by the regulations, and
 - (d) comply with any directions given by, and conditions imposed by, the Authority about the registration of the vehicle, and
 - (e) keep records required to be kept by the regulations about the registration of the vehicle.

21A Offences relating to identification numbers of engines and other parts of motor vehicles or trailers

A person must not:

- (a) if the person is not the manufacturer—stamp or affix or cause or permit any person to stamp or affix any identification number on or to the engine, engine block or any other part prescribed by the regulations of a motor vehicle or trailer without the written authority of the Authority and except as prescribed by the regulations, or
- (b) except as required or permitted by or under this Act—alter, deface, remove or obliterate any identification number stamped on or otherwise affixed to the engine, engine block or any other part prescribed by the regulations of a motor vehicle or trailer, or
- (c) without lawful authority or excuse, have in the person's possession any engine,

engine block or other prescribed part of a motor vehicle or trailer knowing that the identification number stamped on or otherwise affixed to it has been altered, defaced, removed or obliterated otherwise than as required or permitted by or under this Act.

Maximum penalty: 20 penalty units or imprisonment for 6 months, or both.

22 Affixing of interstate number-plates on registrable vehicles in New South Wales

(1) In this section:

interstate number-plate means a number-plate issued under any law in force in a State or Territory other than New South Wales.

licensed motor dealer means the holder of a dealer's licence within the meaning of the [Motor Dealers Act 1974](#).

(2) A licensed motor dealer must not, without the approval of the Authority, cause, permit or allow an interstate number-plate to be affixed to a registrable vehicle in New South Wales.

Maximum penalty: 100 penalty units.

(3) A licensed motor dealer is not guilty of an offence under subsection (2) if the dealer satisfies the court that:

- (a) the dealer had a reasonable excuse for contravening that subsection, and
- (b) the contravention was not intended to avoid the requirements relating to the registration of registrable vehicles under this Act.

(4) If a licensed motor dealer causes, permits or allows an interstate number-plate to be affixed to a registrable vehicle in New South Wales, the dealer must:

- (a) cause a record to be made in accordance with subsection (5), and
- (b) keep the record for a period of at least 5 years, and
- (c) produce the record to the Authority or a police officer if requested to do so.

Maximum penalty: 100 penalty units.

(5) A record under subsection (4) must:

- (a) identify the interstate number-plate and the registrable vehicle to which it was affixed, and
- (b) identify the date on which, and the place where, the interstate number-plate was affixed, and
- (c) be in the form approved by the Authority.

22A Operating interstate registered vehicles in New South Wales

(1) In this section and in section 22B:

interstate registered vehicle means a registrable vehicle that is not registered under this Act but is registered under any law in force in a State or Territory other than New South Wales.

(2) A corporation must not cause, permit or allow an interstate registered vehicle owned by the corporation to be used on a road or road related area in New South Wales.

Maximum penalty: 100 penalty units.

(3) A corporation is not guilty of an offence under subsection (2) if the corporation satisfies the court:

(a) that the interstate registered vehicle had, at the date of the offence, been owned by the corporation for less than 90 days, or

(b) that, during the period of 90 days immediately before the date of the offence, the interstate registered vehicle was outside New South Wales for a continuous period of at least 48 hours, or

(c) if the corporation:

(i) conducts a business that includes the leasing or hiring out of registrable vehicles, and

(ii) is unable to satisfy the court that paragraph (b) applies in relation to the interstate registered vehicle,

that the vehicle was leased or hired out to the same person for the whole of the period of 90 days immediately before the date of the offence.

(4) A reference in this section to an interstate registered vehicle owned by a corporation includes a reference to an interstate registered vehicle that is under the control or management of the corporation.

22B Direction to provide documents relating to use of interstate registered vehicles

(1) If the Authority or a police officer is of the opinion that an interstate registered vehicle is being used for any business or commercial purposes in New South Wales, the Authority or officer may, for the purposes of ascertaining whether section 22A (2) has or is being contravened, direct a person to provide the Authority or officer with such documents relating to the use of the vehicle as are in the control or possession of the person.

(2) A person must not fail to comply with a direction under subsection (1).

Maximum penalty: 100 penalty units in the case of a corporation or 20 penalty units in any other case.

(3) A direction under subsection (1):

- (a) must be in writing, and
- (b) must specify the time and manner for complying with the direction, and
- (c) may relate to a particular class of documents that are in the control or possession of the person to whom the direction is given.

Part 4 Miscellaneous

23 Act to bind Crown (cf Cth Act s 4, Traffic Act s 16)

This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.

23A Registered operators

- (1) The Authority may record one or more persons as registered operators of a registrable vehicle in accordance with the regulations.
- (2) Subject to any regulations made under subsection (3), if there is more than one person recorded as a registered operator of a registrable vehicle a reference in any relevant legislation to the registered operator of a registrable vehicle within the meaning of this Act is taken to include a reference to each registered operator of such a vehicle.
- (3) The regulations may provide for the determination of the respective rights, liabilities and obligations of each registered operator of a registrable vehicle under any relevant legislation.
- (4) In this section:

relevant legislation means:

- (a) a provision of this Act (or a provision of a regulation made under this Act), or
- (b) a provision of any other Act (or a provision of a regulation made under any other Act) concerned with the registered operator of a registrable vehicle within the meaning of this Act.

24-25A (Repealed)

26 Defective registrable vehicles (cf Cth Act s 28)

- (1) A police officer, or the Authority, may inspect a registrable vehicle (whether or not on a road or road related area) for the purpose of deciding its identity, condition or the

status of any registration or permit relating to the vehicle.

- (1A) A registered operator or owner of, or any person in charge of or having the custody of or selling or having in possession for sale or otherwise of the registrable vehicle must afford the police officer or the Authority all reasonable facilities for making such an inspection.

Maximum penalty: 20 penalty units.

- (1B) Without limiting subsection (1), for the purposes mentioned in that subsection and in connection with any inspection, a police officer or the Authority may:

- (a) enter in or on the vehicle on a road or road related area, or
- (b) enter in or on any premises ordinarily used for the sale of registrable vehicles and in or on such a vehicle on those premises, or
- (c) enter in or on any other premises if the officer or the Authority has reasonable cause to believe a registrable vehicle is for sale, held in possession for sale or in a damaged condition as a result of an accident, and may enter in or on any such vehicle on those premises.

- (2) A police officer, or the Authority, may, in accordance with the regulations, on discovering a defective registrable vehicle:

- (a) issue a warning or a defect notice, or
- (b) impose conditions on the use of the vehicle, or
- (c) prohibit the use of the vehicle.

- (3) A defect notice may be withdrawn or cleared in accordance with the regulations.

- (4) After inspecting a registrable vehicle, a police officer, or the Authority, may seize any device, plate or document in or on the vehicle if it is suspected on reasonable grounds that the device, plate or document is being used in committing an offence against this Act or the regulations.

- (5) In this section, **inspect** in relation to a registrable vehicle includes observe the vehicle's performance, with or without the use of instrumentation.

27 Power to seize unregistered vehicles (cf Traffic Act s 24)

- (1) A police officer may seize any unregistered registrable vehicle (other than a registrable vehicle exempted from registration under this Act) that is being used on a road or road related area.
- (2) If any such registrable vehicle has been seized, a Local Court may, on the application of a police officer, make an order declaring the vehicle to be forfeited to the Crown.

- (3) If such an application is made, the following provisions have effect:
- (a) notice of the application is to be given to the person who had the custody of the vehicle at the time of the seizure if the person can be found and to such other persons (if any) as the Local Court concerned may direct,
 - (b) no order of forfeiture may be made if the owner of the vehicle satisfies the Local Court concerned that there has been no intent to evade registration of the vehicle.
- (4) A person aggrieved by an order of a Local Court made under this section may appeal against the order in the manner provided by the *Justices Act 1902*.
- (5) The Authority may waive the forfeiture of a vehicle on payment within such period as the Authority may allow of a fine equivalent to the sum obtained by adding together:
- (a) the fee for the registration or renewal of the registration of the vehicle for each applicable registration period in any part of which the vehicle was used while unregistered, and
 - (b) the motor vehicle tax imposed under the *Motor Vehicles Taxation Act 1988* or the charges or administration fees imposed under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* which would be due on the application for that registration or renewal,
- together with a further fine of 20 per cent of that sum.
- (6) If any such fine is not paid within the period so allowed, the Authority may dispose of the vehicle in the manner prescribed by the regulations.
- (7) If a vehicle is sold under subsection (6), the Authority is to apply the proceeds of the sale as prescribed by the regulations.

27A Power of entry to inspect damaged vehicles

- (1) The Authority may, at any time:
- (a) enter any premises on which the business of carrying out repairs to registrable vehicles damaged as a result of accidents is ordinarily carried on, and
 - (b) inspect any registrable vehicle or part of a registrable vehicle that is found by the Authority in or on those premises for the purpose of ascertaining whether or not the vehicle complies with the vehicle standards that apply to it.
- (2) A person must not wilfully delay or obstruct the Authority in the exercise of the Authority's powers under this section.

Maximum penalty: 20 penalty units.

27B Use of dangerously defective motor vehicles

(1) A person must not:

- (a) use a heavy motor vehicle that is dangerously defective on a road or road related area, or
- (b) cause or permit a heavy motor vehicle that is dangerously defective to be used on a road or road related area.

Maximum penalty: 20 penalty units.

(2) Subsection (1) does not apply to or in respect of:

- (a) the use of a dangerously defective heavy motor vehicle if the motor vehicle is at, or in the vicinity of, the scene of an accident and its condition is the result of damage caused by the accident, or
- (b) the use by a person of a dangerously defective heavy motor vehicle if the person is aware of the condition of the motor vehicle and has taken, or is taking, all such action as is reasonable in the circumstances to have the motor vehicle repaired or removed from a road or road related area, or
- (c) the use by a person of a dangerously defective heavy motor vehicle that is being inspected or tested under subsection (3), or
- (d) the use of a dangerously defective heavy motor vehicle in any other circumstances prescribed by the regulations.

(3) For the purpose of ascertaining whether a heavy motor vehicle that is being used on a road or road related area is dangerously defective, any police officer or the Authority may cause the motor vehicle to be inspected and tested.

(4) Without limiting any other function, any police officer or the Authority may, for the purposes of this section, do any one or more of the following:

- (a) request or signal the driver of a heavy motor vehicle to stop the motor vehicle,
- (b) request the driver of a heavy motor vehicle:
 - (i) to produce for inspection the driver licence to drive the motor vehicle, and
 - (ii) to state the driver's name and address,
- (c) request the driver of a heavy motor vehicle to furnish the officer or the Authority with such information as the officer or the Authority may reasonably require,
- (d) request the driver of a heavy motor vehicle to do such other things as the officer or the Authority may reasonably require for the purpose of facilitating the

inspection and testing of the motor vehicle.

- (5) If a heavy motor vehicle has been stopped in compliance with a request or signal made or given under subsection (4) (a), any inspection or testing of the motor vehicle under subsection (3) is to be carried out:
- (a) at, or as near as practicable to, the place where the request or signal was so made or given, and
 - (b) as soon as practicable, and in any case within one hour, after the motor vehicle was so stopped.
- (6) A person must not:
- (a) hinder or obstruct a police officer or the Authority in the exercise of the officer's or Authority's functions under this section, or
 - (b) fail to comply with any request or signal made or given by a police officer or the Authority under this section.

Maximum penalty: 20 penalty units.

- (7) For the purposes of this section, a heavy motor vehicle is **dangerously defective** if it is in such a condition that if a person drives or attempts to drive the motor vehicle it is likely that the person will lose control of the motor vehicle.
- (8) In this section, **heavy motor vehicle** means a motor vehicle that has a GVM of more than 12 tonnes.

27C Seizure of number-plate

A police officer or person authorised by the Authority may seize any number-plate:

- (a) that is attached to:
 - (i) a registrable vehicle the registration of which has expired not less than 15 days before the date on which the number-plate is seized, or
 - (ii) a registrable vehicle the registration of which has been cancelled, or
- (b) that has been used in contravention of a provision of the regulations that is prescribed by the regulations.

28 (Repealed)

29 Status of unregistered vehicles having permits (cf Traffic Act s 3 (1A))

An unregistered registrable vehicle in respect of which an unregistered vehicle permit is in force is taken for the purposes of this Act or any other Act relating to the registration or licensing of vehicles to be a registered vehicle.

30 Unpaid charges and fees (cf Cth Act s 30)

An amount of any unpaid charges or fees in respect of a registrable vehicle under this Act is a debt due to the Authority and may be recovered in a court of competent jurisdiction.

31 Fees in relation to registration of vehicles of Crown and statutory bodies (cf Traffic Act s 11D)

Any fees relating to the registration of a registrable vehicle payable under this Act:

- (a) if the vehicle is owned by the Crown—are payable by the Crown, or
- (b) if the vehicle is owned by a statutory body representing the Crown—are payable by the statutory body.

32 Amendment of [Traffic Act 1909 No 5](#)

The [Traffic Act 1909](#) is amended as set out in Schedule 1.

33 (Repealed)

34 Savings and transitional provisions

Schedule 3 has effect.

35 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

Schedules 1, 2 (Repealed)

Schedule 3 Savings and transitional provisions

(Section 34)

Part 1 General

1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

 this Act

Road Transport (Vehicle Registration) Amendment Act 1998

- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
 - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

Part 2 Provisions consequent on enactment of this Act

2 Definitions

In this Part:

existing label means a registration label (or renewal of a registration label) issued under the *Motor Traffic Regulations 1935* that was in force immediately before the commencement of Schedule 1 [1] to this Act.

existing plate means a number-plate issued under the *Motor Traffic Regulations 1935* that was in force immediately before the commencement of Schedule 1 [1] to this Act.

existing registered vehicle means an existing registrable vehicle that was registered under the *Traffic Act 1909* immediately before the commencement of Schedule 1 [1] to this Act.

existing registrable vehicle means a vehicle within the meaning of the *Traffic Act 1909*, as in force immediately before the commencement of Schedule 1 [1] to this Act, that belongs to a class of vehicles that could have been registered under that Act as in force at that time.

existing registration means the registration of an existing registrable vehicle under the *Traffic Act 1909* that was still in force immediately before the commencement of Schedule 1 [1] to this Act.

existing unregistered vehicle permit means a permit issued by the Authority under Regulation 53A of the *Motor Traffic Regulations 1935* that was in force immediately before the commencement of Schedule 1 [1] to this Act.

unexpired registration period of an existing registered vehicle means the portion of the period for which the vehicle was registered under the *Traffic Act 1909* that had not

expired immediately before the commencement of Schedule 1 [1] to this Act.

3 Existing registration

- (1) An existing registered vehicle is taken to be registered under this Act.
- (2) The period of registration for any such vehicle is taken to be the unexpired registration period of the vehicle.
- (3) Accordingly:
 - (a) any existing labels or existing plates of the vehicle are taken to be labels and plates issued by the Authority under this Act, and
 - (b) any fees or charges owing to the Authority under the *Traffic Act 1909* in respect of an existing registration immediately before the commencement of Schedule 1 [1] to this Act are taken to be owing to the Authority under this Act, and
 - (c) any fees or charges paid under the *Traffic Act 1909* in relation to an existing registered vehicle before the commencement of Schedule 1 [1] to this Act may be refunded under this Act in accordance with the regulations referred to in section 15 (2) (e).
- (4) Despite subclause (3), the regulations may make provision for or with respect to the continuation under this Act of existing plates issued under Regulation 5B of the *Motor Traffic Regulations 1935*.

4 Existing unregistered vehicle permits

- (1) An existing unregistered vehicle permit is taken:
 - (a) to be an unregistered vehicle permit that has been issued by the Authority under this Act for the period of the existing unregistered vehicle permit that remains unexpired immediately before the commencement of Schedule 1 [1] to this Act, and
 - (b) to be subject to same conditions to which it was subject immediately before that commencement.
- (2) Any fees or charges owing to the Authority under the *Traffic Act 1909* in respect of an existing unregistered vehicle permit immediately before the commencement of Schedule 1 [1] to this Act are taken to be owing to the Authority under this Act.
- (3) Any fee or charge paid under the *Traffic Act 1909* in respect of an existing unregistered vehicle permit before the commencement of Schedule 1 [1] to this Act may be refunded under this Act in accordance with the regulations referred to in section 15 (2) (e).

5 Reference to trader's plates

Any reference (however expressed) in any other Act or instrument made under any Act or any other instrument of any kind to a trader's plate issued under the [Traffic Act 1909](#) (or the regulations made under that Act) is taken to be a reference to a trader's plate within the meaning of this Act.

6 References to registration under [Traffic Act 1909](#)

- (1) Any reference (however expressed) in any other Act or instrument made under any Act or any other instrument of any kind to the registration of a vehicle under the [Traffic Act 1909](#) (or the regulations made under that Act) is taken to be a reference to the registration of a vehicle under this Act.
- (2) This clause does not apply to the [Motor Vehicles \(Third Party Insurance\) Act 1942](#) or other prescribed provisions.

7 Seizures under section 24 of [Traffic Act 1909](#)

Section 24 of the [Traffic Act 1909](#), as in force immediately before its repeal by this Act, continues to apply to any existing registrable vehicle seized under that section before that repeal as if this Act had not been enacted.

8 Offences under [Traffic Act 1909](#)

- (1) The [Traffic Act 1909](#) as in force immediately before the commencement of a relevant item applies to a relevant offence committed, or alleged to have been committed, before the commencement of that item.
- (2) In this clause:

relevant item means an item of Schedule 1 to this Act that amends a provision of the [Traffic Act 1909](#) that contains an offence.

relevant offence means an offence under the [Traffic Act 1909](#) that is amended by a relevant item.

Note—

Section 30 of the [Interpretation Act 1987](#) is a general provision preserving rights accruing and liabilities incurred before an amendment or repeal of a provision of an Act or statutory rule.

9 (Repealed)

10 Certain existing authorities and delegations deemed to be delegations under Act

Any person who, immediately before the commencement of Part 2 of this Act, was:

- (a) authorised by or under the [Traffic Act 1909](#) (as in force immediately before that commencement) to carry out any function of the Authority in relation to the

registration of vehicles, or

(b) a delegate of the Authority in respect of the exercise of any such function,

is taken to be a delegate of the Authority under section 12 of this Act in respect of any corresponding function of the Authority under this Act or the regulations.