

Road Transport (Vehicle Registration) Act 1997 No 119

[1997-119]



New South Wales

Status Information

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Provisions in force

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

Notes—

- **Does not include amendments by**
[Transport Legislation Amendment Act 2011 No 41](#) (not commenced)
- **See also**
[Statute Law \(Miscellaneous Provisions\) Bill \(No 2\) 2011](#)

Authorisation

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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 2005](#). Other road transport legislation includes the [Motor Vehicles Taxation Act 1988](#), the [Road Transport \(Driver Licensing\) Act 1998](#), the [Road Transport \(General\) Act 2005](#), the [Road Transport \(Safety and Traffic Management\) Act 1999](#) and the statutory rules made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the [Road Transport \(General\) Act 2005](#) 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

Note—

The Agreements concerned were the *Heavy Vehicle Agreement* and the *Light Vehicle Agreement*. The Commonwealth Act referred to has been repealed and replaced by the [National Transport Commission Act 2003](#) of the Commonwealth. That Act does not have any Agreements scheduled to it but does make provision for an Agreement “entered into in relation to [that] Act”. That Agreement is the *Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport*.

- (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.

chargeable heavy vehicle—see section 17 (1).

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.

Note—

See section 10 concerning the number of registered operators for a registrable vehicle that may be recorded in the Register.

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 this Act.

registered, in relation to a registrable vehicle, means registered on the Register of Registrable Vehicles 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.

registration charge—see section 17 (1).

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 15 of the *Road Transport (General) Act 2005* 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 this Act, and
 - (c) to collect registration and permit charges determined under 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)–(4) (Repealed)

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 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 the fees and charges to be payable for or in connection with any service provided under this Act or the regulations, and
 - (l) exercise other powers conferred by the regulations.
- (2) The Authority must cause fees and charges fixed under subsection (1) to be published in the Gazette.

8A Special number-plates

- (1) The regulations may make provision for or with respect to the issue by the Authority of number-plates (**special number-plates**) 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.
- (2) The Authority is authorised to enter into contractual and other commercial arrangements (**special number-plate arrangements**) for the provision of marketing

and other services to the Authority in connection with the issue of special number-plates.

- (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 *Privacy and Personal Information Protection Act 1998*.
- (4) Regulations under this section can include provision for or with respect to the following:
 - (a) the issue of special number-plates independently of vehicle registration, as a commercial undertaking conducted by the Authority,
 - (b) providing for the Authority to enter into agreements with persons to whom special number-plates are or are to be issued, to provide for their rights and obligations in connection with the special number-plates issued to them,
 - (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,
 - (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.
- (5) The **issue** 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).

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 Maintenance of the Register

- (1) **Register to be maintained in accordance with regulations** Subject to this section, the Register is to be maintained in accordance with the regulations.
- (2) **Register does not provide evidence of title** The Register does not provide evidence of title to any registrable vehicle.
- (3) **Security of information in Register** 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.

- (4) **Recording of names of registered operators** The Authority may:
- (a) in the case of a transitional registrable vehicle—continue to record in the Register the names of not more than 2 persons as being responsible for the vehicle, or
 - (b) in the case of any other registrable vehicle—record in the Register the name of only one person as being responsible for the vehicle.

Note—

Section 4 defines a **registered operator** of a registrable vehicle to mean a person recorded in the Register as a person responsible for the vehicle.

- (5) A registrable vehicle is a **transitional registrable vehicle** if:
- (a) 2 persons were recorded in the Register as being responsible for the vehicle immediately before the commencement of this section, and
 - (b) the vehicle has not ceased to be a transitional registrable vehicle since that time.
- (6) A registrable vehicle **ceases to be a transitional registrable vehicle** on the occurrence of any of the following:
- (a) the transfer of the registration of the vehicle,
 - (b) the cancellation or surrender of the registration of the vehicle,
 - (c) if the registration of the vehicle has expired and the period within which the registration may be renewed has also expired.
- (7) If more than one person is recorded as a registered operator of a transitional registrable vehicle, a reference in any relevant legislation to the registered operator of a registrable vehicle within the meaning of this Act is taken (subject to any regulations made for the purposes of subsection (3)) to include a reference to each registered operator of the transitional registrable vehicle.
- (8) The regulations may provide for the determination of the respective rights, liabilities and obligations of each registered operator of a transitional registrable vehicle under any relevant legislation.
- (9) **Other information that may be included in Register** The Register may include information notified to the Authority under this Act and such other information as the Authority considers appropriate.
- (10) **Register may be kept as computer database or other form** 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.

(11) **Correction of Register** Without limiting section 7 or any other provision of this section, the Authority may correct any mistake, error or omission in the Register subject to the requirements (if any) of the regulations.

(12) **Definition** 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 statutory rule made under any other Act) concerned with the registered operator of a registrable vehicle within the meaning of this Act.

11 (Repealed)

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)

- (1) 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.
- (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.

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) (Repealed)
 - (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.

Part 2AA Written-off vehicles

Division 1 Preliminary

16A Definitions

In this Part:

authorisation to repair means an authorisation to repair a written-off vehicle issued by the Authority under this Part.

authorised officer has the same meaning as it has in the [Road Transport \(General\) Act 2005](#).

auto-dismantler has the same meaning as it has in the [Motor Dealers Act 1974](#) and includes any other person declared to be an auto-dismantler by the regulations under this Act.

certificate of compliance means a certificate of compliance issued by a licensed repairer under this Part.

commencement day means the day on which this Part commences.

dealer has the same meaning as it has in the [Motor Dealers Act 1974](#) and includes any other person declared to be a dealer by the regulations under this Act.

former written-off vehicle has the meaning given by section 16B (1).

insurer means a person who carries on the business of insuring vehicles and includes any other person declared to be an insurer by the regulations.

licensed repairer means a person who holds a licence under the [Motor Vehicle Repairs Act 1980](#).

non-repairable damage means damage of a class, or damage caused in circumstances, prescribed by the regulations.

notifiable vehicle—see section 16G.

register of written-off vehicles means the register of written-off vehicles kept by the Authority under this Part.

self-insurer means any person who, in the course of a business, is the registered operator for 5 or more notifiable vehicles (or any other number of notifiable vehicles that may be prescribed by the regulations) in respect of each of which there is no insurance policy with an insurer covering loss or damage.

statutory written-off vehicle has the meaning given by section 16B (1).

total loss—see section 16H.

vehicle identifier, in relation to a vehicle, means:

(a) in the case of a vehicle manufactured before 1 January 1989—the number quoted on

the compliance plate that uniquely identifies the vehicle and sets it apart from similar vehicles and that corresponds to the identification number of the vehicle that is permanently recorded elsewhere on the vehicle, or

- (b) in any other case—the unique vehicle identification number (or “VIN”) allocated to the vehicle in accordance with the International Standards Organisation’s vehicle identification system required under an Australian Design Rule adopted by the regulations.

Division 2 Restrictions on registration of certain written-off vehicles

16B Register of written-off vehicles

- (1) The Authority is to keep a register of written-off vehicles that records information about vehicles that the Authority has reason to believe:
 - (a) are written-off vehicles (***statutory written-off vehicles***), or
 - (b) were previously written-off vehicles but which have since been repaired and then registered (***former written-off vehicles***).
- (2) The register is to contain such information and be in such form as the Authority thinks appropriate.
- (3) In this section ***written-off vehicle*** includes any vehicle:
 - (a) that has been assessed to be a total loss by a person in accordance with Division 3, or
 - (b) that has been disposed of to an auto-dismantler by a self-insurer, or
 - (c) that has been demolished or dismantled by an auto-dismantler, or
 - (d) that is in the control of an auto-dismantler and is intended to be demolished or dismantled, or
 - (e) that was recorded on the register of written-off vehicles on the commencement day, or
 - (f) that is prescribed by the regulations.

16C Registration of written-off vehicles

- (1) The Authority must not register, renew or transfer the registration of any vehicle (or if the vehicle is registered, the Authority must cancel the registration of the vehicle) if its vehicle identifier is the same as the vehicle identifier of a statutory written-off vehicle or an interstate written-off vehicle.
- (2) However, subsection (1) does not apply if the vehicle is the subject of an authorisation

to repair and:

- (a) the application for registration is accompanied by a certificate of compliance in relation to the vehicle, or
 - (b) the Authority is satisfied that the vehicle is of a class exempt by the regulations from the obligation to be the subject of a certificate of compliance.
- (3) The Authority must not cancel the registration of a vehicle unless it has first given the registered operator of the vehicle at least 14 days' notice of the proposed cancellation.
- (4) The Authority must not register, renew or transfer the registration of a vehicle if to do so would breach a condition imposed by the Authority on an authorisation to repair.
- (5) In this section:

interstate written-off vehicle means a vehicle recorded on a register of written-off vehicles (however described) of another Australian jurisdiction as:

- (a) a statutory written-off vehicle or similar (being a vehicle that is not permitted to be registered in that jurisdiction by the vehicle registration authority of that jurisdiction), or
- (b) a repairable written-off vehicle or similar (being a vehicle that may in certain circumstances be registered in that jurisdiction), but only if that vehicle has not been registered in this or another jurisdiction since being so recorded.

16D Authority must refuse certain applications for authorisations

- (1) The Authority must refuse an application for the issue of an authorisation to repair a written-off vehicle if the Authority reasonably believes any one or more of the following:
- (a) that the vehicle has suffered non-repairable damage,
 - (b) that the vehicle is prescribed by the regulations as a non-eligible vehicle,
 - (c) that the applicant is prescribed by the regulations as a non-eligible person.
- (2) This section does not limit the circumstances in which the Authority may refuse the issue of an authorisation to repair.

16E Applications for authorisations

- (1) An eligible person may apply to the Authority for the issue of an authorisation to repair a vehicle.
- (2) An application for the issue of an authorisation:

- (a) must be in a form approved by the Authority, and
 - (b) must be accompanied by a record of an assessment made in accordance with Division 3 that the vehicle has not suffered non-repairable damage, and
 - (c) must be accompanied by any fee fixed for that purpose by the Authority under section 8.
- (3) The Authority may require an applicant to submit such other information as the Authority thinks fit.
- (4) In determining an application, the Authority must take into consideration any factors prescribed by the regulations.
- (5) The Authority may refuse the application or may issue an authorisation to repair the vehicle unconditionally or subject to any of the following conditions:
- (a) a condition that the vehicle cannot be registered in the name of a person other than the applicant for a specified period or for an indefinite period,
 - (b) any condition of a class prescribed by the regulations.
- (6) If the vehicle is of a class of vehicles exempt by the regulations from the obligation to be the subject of a certificate of compliance, the authorisation to repair must state that fact.

Division 3 Assessment of damaged vehicles

16F Definitions

In this Division:

assessor means an insurer, self-insurer, auto-dismantler, dealer or other person prescribed by the regulations.

vehicle damage assessment means an assessment made by or on behalf of, and in the course of business of, an assessor as to whether or not a notifiable vehicle (anywhere in Australia) is a total loss.

16G Notifiable vehicles

- (1) For the purposes of this Part, a vehicle is a **notifiable vehicle** if the vehicle:
- (a) complies (or complied at the time of manufacture) with the requirements of all Australian Design Rules adopted by the regulations applying to it, and
 - (b) is not more than 15 years old (age being determined from the date of manufacture) or, if the regulations prescribe a different age, not more than the age so prescribed, and

- (c) is located anywhere in Australia but is linked to the State because:
 - (i) it is registered in the State, or
 - (ii) it was last registered in the State, or
 - (iii) it has never been registered in Australia, but one or more of the incidents that caused the vehicle to be assessed as a total loss occurred in the State, and
 - (d) is not:
 - (i) a motor vehicle that has a GVM greater than 4.5 tonnes, or
 - (ii) a trailer that has a GVM greater than 4.5 tonnes.
- (2) For the purposes of this Part, a vehicle is also a **notifiable vehicle** if it is a vehicle prescribed by the regulations.

16H Vehicles that are a total loss

- (1) For the purposes of this Part, a vehicle is a **total loss** if it has been damaged, dismantled or demolished to the extent that its salvage value as a written off vehicle plus the cost of repairing the vehicle for use on a road would be more than:
- (a) the market value of the vehicle immediately before the damage, dismantling or demolition, or
 - (b) if the vehicle is insured for a specified amount (known as the sum insured), that specified amount.
- (2) The regulations may:
- (a) prescribe other cases as cases in which a vehicle is a total loss for the purposes of this Part, and
 - (b) prescribe exceptions to this section.
- (3) In this section:

market value of a vehicle means the price that the vehicle would bring at open market, as determined (having regard to local market prices and the age and condition of the vehicle) by the person who assesses whether or not the vehicle is a total loss.

salvage value of a vehicle means the value of the vehicle if sold for scrap or parts, or in a damaged state, as determined by the person who assesses whether or not the vehicle is a total loss.

16I Assessments as to whether a vehicle is a total loss

- (1) An assessor must ensure that any vehicle damage assessment made by or on behalf of the assessor is made by a person who:
 - (a) has the training, qualification or experience prescribed by the regulations for the purposes of this section, or
 - (b) acts on the advice of a person who has such training, qualifications or experience.

Maximum penalty: 20 penalty units.

- (2) The Authority may, by notice in writing, exempt a person from subsection (1), before the relevant assessment is carried out. Such an exemption has effect only for the time specified in the exemption and if any conditions to which it is subject are complied with.
- (3) This section does not have effect until 6 months after the commencement day.

16J Factors relevant to assessments

An assessor must ensure that any vehicle damage assessment made by or on behalf of the assessor:

- (a) includes an assessment of whether the vehicle has suffered non-repairable damage, and
- (b) bases any calculation of the cost of repair of the vehicle (for the purposes of assessing whether the vehicle is a total loss) on the standard of repairs, and the repair methods, prescribed by the regulations in relation to vehicles of that type.

Maximum penalty:

- (a) in the case of a corporation, 250 penalty units for a first offence or 500 penalty units for a second or subsequent offence, or
- (b) in any other case, 50 penalty units for a first offence or 100 penalty units for a second or subsequent offence.

16K Provision of results of assessments

- (1) An assessor must, if requested to do so by the registered operator or owner of a notifiable vehicle or a person authorised by the Authority, provide the operator, owner or person with a written record of any vehicle damage assessment made by or on behalf of the assessor of that vehicle setting out:
 - (a) a statement as to whether or not the vehicle has suffered non-repairable damage, and
 - (b) any other information prescribed by the regulations.

Maximum penalty: 20 penalty units.

- (2) An assessor must, if directed in writing to do so by an authorised officer, provide the Authority with a written record of any vehicle damage assessment made by or on behalf of the assessor setting out:
 - (a) a statement as to whether or not the vehicle has suffered non-repairable damage, and
 - (b) any other information specified in the direction.

Maximum penalty: 20 penalty units.

- (3) More than one direction may be issued under subsection (2).

Note—

Section 307C of the *Crimes Act 1900* makes it an offence for a person to produce a record under this section if the person does so knowing that the record is false or misleading.

16L Information about written-off and demolished vehicles

- (1) An assessor must ensure that the Authority is provided with the information required by the regulations concerning each notifiable vehicle that is assessed as being a total loss in the course of a vehicle damage assessment conducted by or on behalf of the assessor:
 - (a) within 7 days after the assessment and before the vehicle is sold or otherwise disposed of, or
 - (b) within any other time prescribed by the regulations.
- (2) A self-insurer must ensure that the Authority is provided with the information required by the regulations concerning each notifiable vehicle that is taken to be a total loss by virtue of being disposed of by the self-insurer (anywhere in Australia) to an auto-dismantler:
 - (a) within 7 days after the vehicle is disposed of, or
 - (b) within any other time prescribed by the regulations.
- (3) An auto-dismantler must ensure that the Authority is provided with the information required by the regulations concerning each notifiable vehicle that the auto-dismantler intends to demolish or dismantle (anywhere in Australia) in the course of the business carried on by the auto-dismantler:
 - (a) within 7 days after the auto-dismantler forms the intention to demolish or dismantle the vehicle, or
 - (b) within any other time prescribed by the regulations.

- (4) Despite subsection (3), the information must be provided before the part of the vehicle to which the vehicle identifier is attached is sold or otherwise disposed of.
- (5) A person (other than an insurer) is not guilty of an offence against this section in respect of a failure to provide information concerning a notifiable vehicle if the person satisfies the court that the person believed, on reasonable grounds, that the required information concerning the vehicle had already been provided to the Authority by another person under this section.

Maximum penalty: 20 penalty units.

16M Maintenance of records

- (1) An assessor must maintain, and keep for at least 7 years, the following records in relation to each vehicle damage assessment made by or on behalf of the assessor:
 - (a) the records required by the regulations,
 - (b) any other records that the Authority, by notice in writing, requires the assessor to maintain.
- (2) An authorised officer may, for the purposes of determining whether this Part has been complied with, direct in writing any person to produce any records required to be maintained under this Division.
- (3) A person must comply with such a direction within the time specified in the direction.

Maximum penalty: 20 penalty units.

16N False assessments

A person must not induce, attempt to influence, or coerce the making of a false vehicle damage assessment or a vehicle damage assessment that does not comply with this Part.

Maximum penalty:

- (a) in the case of a corporation, 250 penalty units for a first offence or 500 penalty units for a second or subsequent offence, or
- (b) in any other case, 50 penalty units for a first offence or 100 penalty units for a second or subsequent offence.

16O Removal of vehicle identifiers

An assessor must ensure that reasonable steps are taken to remove, deface, obliterate or destroy the vehicle identifier on any part of a vehicle that has been assessed as being a total loss by or on behalf of the assessor, if required to do so:

- (a) by the regulations, or

(b) by notice in writing served on the assessor by the Authority.

Maximum penalty: 20 penalty units.

16P Duty to attach written-off warning label to written-off vehicles

(1) An assessor must ensure that a written-off warning label is attached, in accordance with the regulations, at all times to any vehicle in the person's possession or control that has been assessed as being a total loss:

- (a) to the part of the vehicle to which the vehicle identifier is attached (in the case of a dismantled vehicle), or
- (b) to the vehicle (in any other case).

(2) The label must be attached within the period in which the information must be provided to the Authority about the vehicle under section 16L.

Maximum penalty: 20 penalty units.

Division 4 General

16Q Certificates of compliance

(1) A licensed repairer may issue, in a form approved by the Authority, a certificate of compliance in relation to a vehicle if:

- (a) the repairer's licence is of a class that authorises the repairer to repair the type of vehicle, and the type of vehicle damage, the subject of certification, and
- (b) the licensed repairer is satisfied that the standard of repairs, and the repair methods used, are in accordance with the requirements adopted by or set out in the regulations.

(2) A licensed repairer must not issue a certificate of compliance that he or she knows, or ought reasonably to know, is false or misleading in a material particular.

Maximum penalty: 20 penalty units.

(3) A person must not attempt to obtain a certificate of compliance by a false or misleading statement or any misrepresentation or other dishonest means.

Maximum penalty: 20 penalty units.

(4) The Authority may do any of the following in respect of a vehicle that is the subject of a certificate of compliance referred to in subsection (2) or (3):

- (a) amend the register of written-off vehicles accordingly,
- (b) suspend the registration of the vehicle,

- (c) refuse to transfer the registration of the vehicle,
 - (d) cancel the registration of the vehicle.
- (5) The Authority must not cancel the registration of a vehicle unless it has first given the registered operator of the vehicle at least 14 days' notice of the proposed cancellation.
- (6) A person who is not a licensed repairer must not purport to issue a certificate of compliance or advertise that the person is willing to issue a certificate of compliance.

Maximum penalty: 1,000 penalty units.

16R Access to register of written-off vehicles

- (1) The Authority is not to provide access to the register of written-off vehicles except as provided by this section.
- (2) The Authority may allow the following to have access to the register:
- (a) a government department, a public authority, a local authority or the NSW Police Force,
 - (b) a government department, a public authority, a local authority or the police force of another State, a Territory or the Commonwealth,
 - (c) Austroads, but only for the purpose of its national database of written-off vehicles and information about them,
 - (d) an insurer, self-insurer, auto-dismantler or dealer,
 - (e) any other person or body, or class of persons or bodies, prescribed by the regulations.
- (3) The Authority may provide a person or body with information contained in the register.
- (4) The Authority may:
- (a) impose any conditions that the Authority considers appropriate on the provision of access, or the provision of information, under this section, or
 - (b) limit the level of detail to which access is provided under this section as the Authority considers appropriate.

16S Interference with register of written-off vehicles

A person must not, except as authorised by the Authority:

- (a) obtain access to the register of written-off vehicles or information contained in the

register, or

- (b) make, alter or delete an entry in the register, or
- (c) interfere with the register in any other way.

Maximum penalty: 250 penalty units.

16T Unauthorised disclosure of information

A person must not disclose any information obtained in connection with the administration or execution of this Part, except:

- (a) in connection with the administration or execution of this Act or the regulations, or
- (b) for the purposes of Austroads administering a national database of written-off vehicles and information about them and allowing driver licensing and vehicle registration authorities in the other States and Territories to have access to the information in the national database, or
- (c) for the purposes of any legal proceedings arising out of this Act or the regulations or of any report of such proceedings, or
- (d) to the Motor Vehicle Repair Industry Authority constituted under the [Motor Vehicle Repairs Act 1980](#) for the purposes of any disciplinary or legal proceedings arising out of that Act or the regulations under that Act, or
- (e) in the circumstances prescribed by the regulations.

Maximum penalty: 20 penalty units.

16U Certificate evidence

- (1) A statement in a certificate purporting to have been issued by an Australian Authority or Australian authorised officer that, at a specified time or during a specified period, a specified vehicle was or was not on the register of written-off vehicles or a register of written-off vehicles (however described) kept under a law of another Australian jurisdiction is admissible as evidence in any legal proceedings and is, until admissible evidence is given to the contrary, evidence of the matter certified.
- (2) In this section, **Australian Authority** and **Australian authorised officer** have the same meaning as in the [Road Transport \(General\) Act 2005](#).

16V Regulations

- (1) Without limiting section 14, the regulations may make provision for or with respect to the following matters:
 - (a) any matter relating to the registration of written-off vehicles,

- (b) any matter relating to the issue of authorisations to repair,
 - (c) any matter relating to the making of vehicle damage assessments under this Part, including the conduct or duties of persons making those assessments,
 - (d) any matter relating to the making and keeping of records under this Part and the furnishing of information and records,
 - (e) any matter relating to the issue of certificates of compliance, including the conduct or duties of persons issuing certificates of compliance,
 - (f) any matter relating to written-off warning labels,
 - (g) the disclosure of information obtained in connection with the administration or execution of this Part.
- (2) The regulations may require any person to provide the Authority with the information prescribed by the regulations concerning any notifiable vehicle that is assessed as being a total loss while in the care, custody or control of the person (anywhere in Australia).
- (3) The regulations may exempt, with or without conditions, any vehicle, any class of vehicles or any class of persons from the operation of all or any of the provisions of this Part.
- (4) The regulations may adopt a provision set out in any specified publication.

Part 2A Registration charges for heavy vehicles

Division 1 Preliminary

17 Definitions

- (1) In this Part:

administration fee means a fee payable under section 17C (2).

appropriate officer means any person authorised by the Authority for the purposes of this Part either generally or in any particular case.

chargeable heavy vehicle means a vehicle that has a MRC (Mass Rating for Charging) of more than 4.5 tonnes.

compliance plate means a plate authorised to be placed on a vehicle, or taken to have been placed on a vehicle, under the [Motor Vehicle Standards Act 1989](#) of the Commonwealth.

configuration of a vehicle means a description of a vehicle in the regulations for which separate provision is made in the regulations for the amount of the registration

charge.

financial year means a year commencing on 1 July.

MRC (Mass Rating for Charging), in relation to a vehicle, means:

- (a) the maximum mass of the vehicle (including any load, recorded on the compliance plate as the GVM, GTMR or ATM of the vehicle), or
- (b) in relation to a vehicle for which there is no compliance plate—its operating mass.

Note—

GVM means Gross Vehicle Mass, **GTMR** means Gross Trailer Mass Rating and **ATM** means Aggregate Trailer Mass.

operating mass, in relation to a vehicle, means the maximum mass of the vehicle, including any load, as determined by the Authority having regard to the design and construction of the vehicle or of any of its components.

owner, in relation to a vehicle, includes:

- (a) every person who is the owner, joint owner or part owner of the vehicle, and
- (b) any person who has the use of the vehicle under a hire-purchase or hiring agreement,

but does not include the lessor of a vehicle under a hire-purchase agreement.

registration charge means a charge imposed under this Part for the registration or renewal of registration of a chargeable heavy vehicle.

road transport legislation has the same meaning as in the [Road Transport \(General\) Act 2005](#).

vehicle means a motor vehicle or trailer within the meaning of the [Road Transport \(General\) Act 2005](#).

- (2) Any reference in this Part to regulations made for the purposes of this Part is a reference to regulations made under this Act for or with respect to a matter that is required or permitted to be prescribed by a provision of this Part.

Division 2 Amount of registration charges for chargeable heavy vehicles

17A Amount of annual registration charge for chargeable heavy vehicles

- (1) The annual registration charge for a chargeable heavy vehicle that is registered, or the registration of which is renewed, during a particular financial year is the amount for the type or kind of vehicle specified by, or calculated in accordance with, the

regulations.

Note—

See section 17C for the calculation of registration charges for chargeable heavy vehicles registered for less than one year. Also, annual registration charges are not payable to the extent to which an exemption or partial exemption is granted by or under regulations made for the purposes of subsection (2) (c).

- (2) Without limiting subsection (1), the regulations may make provision for or with respect to the following:
- (a) the specification or calculation of registration charges by reference to types or kinds of chargeable heavy vehicles,
 - (b) the indexation of the amount payable for registration charges over a number of financial years,
 - (c) exemptions or partial exemptions (or the granting of exemptions or partial exemptions) from, or reductions in, registration charges,
 - (d) the refunding of registration charges paid for the registration of a chargeable heavy vehicle if, during the currency of the registration, a change is made in the construction, equipment, configuration, use or ownership of the vehicle of such a nature that no charges or a reduced amount of charges would be payable in respect of the vehicle on the renewal of its registration,
 - (e) the amount of any such refund to be calculated in accordance with a formula to be prescribed by the regulations,
 - (f) the production, at the time of application for registration or renewal of registration of a chargeable heavy vehicle or at any time during the currency of the registration, of weighbridge tickets showing the weight of the vehicle,
 - (g) fees of an administrative nature for changes in registration charges and registration arising out of a change in the construction, equipment, configuration, use or ownership of a chargeable heavy vehicle.
- (3) The Minister is not to recommend the making of a regulation that prescribes any amounts as annual registration charges, or the manner in which annual registration charges are to be calculated, for chargeable heavy vehicles unless the Minister is satisfied that the provisions of the regulation are consistent with:
- (a) model legislation within the meaning of the *National Transport Commission Act 2003* of the Commonwealth, or
 - (b) provisions for road transport laws that are recommended or approved by the Australian Transport Council or the National Transport Commission under the Agreement referred to in section 4 of the *National Transport Commission Act 2003* of the Commonwealth for implementation or adoption by the parties to that

Agreement.

- (4) For the avoidance of doubt, subsection (3) does not limit the ability of the Minister to recommend the making of a regulation that makes provision for or with respect to exemptions or partial exemptions from, or refunds of, registration charges.

17B Registration charge for primary producer's vehicle

- (1) If the registration charge for a primary producer's vehicle that, but for this section, would be payable under this Part (the **charge under this Part**) is more than the motor vehicle tax that, but for section 3B of the *Motor Vehicles Taxation Act 1988*, would be payable under that Act (the **tax under the 1988 Act**), the registration charge for the vehicle is not the charge under this Part but the tax under the 1988 Act.
- (2) The effect of the following may be ignored for the purpose of calculating the motor vehicle tax referred to in subsection (1):
 - (a) any exemption granted under section 17 of the *Motor Vehicles Taxation Act 1988*,
 - (b) clause 3 (c) of Schedule 1 to that Act (to the extent to which it excludes motor lorries from the operation of that clause),
 - (c) clause 9 of Schedule 1 to that Act.

- (3) In this section:

primary producer's vehicle has the same meaning as in the *Motor Vehicles Taxation Act 1988*.

Division 3 Registration charges for registration periods of less than one year

17C Amount of registration charge for chargeable heavy vehicle registered for less than one year

- (1) The amount of the registration charge for a chargeable heavy vehicle to be registered for a period of less than one year is the amount calculated by multiplying the relevant annual registration charge for the vehicle by the number of days for which registration or renewal of registration is to have effect and dividing the result by 365.
- (2) If registration or renewal of registration of a chargeable heavy vehicle is to have effect for a period of less than one year, the Authority may impose an additional administration fee of not more than 10 percent of the relevant registration charge for that period.
- (3) The amount of a registration charge or administration fee referred to in this section is to be rounded up or down to the nearest whole dollar amount (rounding an amount of 50 cents upwards).

Division 4 When registration charges payable

17D Definition

In this Division:

registration charges includes administration fees.

17E Payment of registration charges

- (1) The registration charges for a chargeable heavy vehicle must be paid:
 - (a) at the time of application for registration of the vehicle, and
 - (b) at the time of application for each renewal of registration of the vehicle.
- (2) A person in whose name an application for registration or renewal of registration is made must not fail to pay the full amount of registration charges required by subsection (1).

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (3) Registration charges are payable in respect of a registration or renewal of registration that occurs after the commencement of this section.
- (4) Despite the conviction of a person for an offence under this section, the person remains liable to pay the unpaid amount of the registration charges.

17F Use of unregistered vehicles and vehicles for which charges unpaid

- (1) This section applies to the following kinds of chargeable heavy vehicle (other than a vehicle exempted from registration):
 - (a) a vehicle that is not registered,
 - (b) a registered vehicle that is liable to registration charges (including any charges or additional charges payable under section 17J) but for which such charges, though due and payable, have not been paid.
- (2) The owner of a vehicle to which this section applies must not:
 - (a) use or drive the vehicle on a road or road related area, or
 - (b) cause or permit it to be driven on a road or road related area.

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (3) In addition to imposing a penalty for an offence under this section, the court concerned may order the owner to pay to the Authority within a time specified by the

order:

- (a) if the vehicle is not registered—the registration charges that would be due on the application for the registration or renewal of registration of the vehicle for a period of 1 year or for such greater or lesser period as the court in all the circumstances thinks just, or
- (b) if the vehicle is registered—the registration charges so due and payable.

Division 5 Assessment and collection of charges and fees

17G Authority to determine charges and fees

The Authority must determine, in accordance with this Part and the regulations, whether any registration charges or administration fees are payable under this Part in respect of a vehicle and, if there are, the amount of the charges or fees.

17H Provision of information to determine charges

- (1) For the purpose of determining whether any registration charges under this Part are payable in respect of a vehicle and, if so, the amount of the charges, the Authority or an appropriate officer may:
 - (a) require the owner or person in charge of the vehicle to produce the vehicle within a specified period and at a specified place and provide all reasonable facilities to enable an appropriate officer to examine it, or
 - (b) require the owner or person in charge of the vehicle or person liable to pay registration charges to provide such information in writing by statutory declaration or otherwise as the Authority or the appropriate officer considers appropriate.
- (2) An owner or other person must not fail to comply with a requirement under subsection (1).

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (3) An owner or other person must not provide information knowing it to be false or misleading in respect of any matter necessary or convenient to enable the appropriate registration charges under this Part to be determined.

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (4) An owner or other person must comply with a requirement under subsection (1) at the owner's or other person's own cost if required to do so by the Authority.

17I Adjustment of charges by Authority

- (1) The Authority may, at any time, alter, vary or rescind any determination as to registration charges or administration fees, or may refund the whole or any portion of any charges or fees paid, for the purpose of ensuring that this Part is complied with.
- (2) The Authority may require a person in whose name a chargeable heavy vehicle is registered to pay registration charges or administration fees or additional charges or fees, within a specified time, if the charges or fees are payable as a result of action taken under subsection (1).
- (3) A person must not fail to comply with a requirement under subsection (2).
Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).
- (4) In addition to imposing a penalty for any such offence, the court concerned may order the person to pay to the Authority within a specified period the amount of the registration charges or administration fees or additional charges or fees.
- (5) A person is not liable to pay registration charges or administration fees or additional charges or fees as a result of action taken under subsection (1) if the Authority's determination was made more than 3 years before the date of the action and the person satisfies the Authority that there was no intention to avoid paying charges or fees.

17J Changes in owners or to vehicles must be notified to Authority

- (1) A person in whose name a chargeable heavy vehicle is registered must notify the Authority of any change during the currency of the registration in the construction, equipment, configuration, use or ownership of the vehicle of such a nature that registration charges or additional registration charges would be payable if the registration was renewed when the change occurred.
Maximum penalty: 100 penalty units.
- (2) The person or, if the change is in ownership, the new owner must pay to the Authority the appropriate amount of registration charges or additional registration charges forthwith or within the period specified by the Authority.
Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).
- (3) A person who is required by subsection (1) to notify the Authority of any change in the construction, equipment, configuration, use or ownership of a vehicle must not authorise or permit the use of the vehicle on a road or road related area until the Authority has been so notified.

Maximum penalty: 100 penalty units.

- (4) In addition to imposing a penalty for an offence under this section, the court concerned may order the offender to pay to the Authority within a specified period any amount that, from the evidence given during the proceedings, the court is satisfied the offender should have paid to the Authority as registration charges or administration fees or additional charges or fees.

17K Calculation of charges arising from changes

- (1) The registration charges or additional registration charges payable under section 17J are for the unexpired period of the registration or for such shorter period as the Authority, having regard to the temporary nature of any change, determines should apply.
- (2) The charges are to be calculated at the rate of:
- (a) in the case of the registration of a chargeable heavy vehicle for a period of more than 3 months—one-twelfth of the charge applicable after the change in respect of a yearly registration if the vehicle was exempt from or not liable to registration charges before the change or, as the case may be, one-twelfth of the difference between the charge applicable before the change and the charge applicable after the change in respect of a yearly registration, or
 - (b) in the case of the registration of a chargeable heavy vehicle for a period of 3 months or less—one-third of the charge applicable after the change in respect of a quarterly registration if the vehicle was exempt from or not liable to registration charges before the change or, as the case may be, one-third of the difference between the charge applicable before the change and the charge applicable after the change in respect of a quarterly registration,

for each month or part of a month in the unexpired period or the shorter period, as the case may be.

17L Refund of charges on cancellation of registration

- (1) If the Authority cancels the registration of a chargeable heavy vehicle on the application of the person in whose name the vehicle is registered before the registration expires, the Authority may, in its discretion, grant to the person a refund of the registration charges imposed in respect of the vehicle.
- (2) The refund is to be calculated:
- (a) at the rate of one-twelfth of the charge applicable in respect of a yearly registration for each complete month in the portion of the unexpired period of the registration at the date of the cancellation, less any cancellation fee determined by the Authority, or

(b) in such manner as may be prescribed by the regulations.

17M Time limit for refunds

A person is not entitled to a refund of registration charges if the application for the refund is made more than 3 years from the date of payment of the charges.

Division 6 Other provisions dealing with registration charges

17N Vehicles registered in another jurisdiction

(1) The owner of a chargeable heavy vehicle registered in another jurisdiction, or which is exempted from registration in another jurisdiction (other than because the vehicle is registered elsewhere), must not:

- (a) use or drive the vehicle on a road or road related area other than in the configuration for which it is registered or in which it is so exempt, or
- (b) cause or permit it to be so driven on a road or road related area.

Maximum penalty: 100 penalty units.

(2) This section does not apply if the vehicle, in its changed configuration, would be liable to the same or less registration charges in the jurisdiction in which it is registered than those paid for the configuration for which it is registered or in which it is so exempt.

(3) In this section:

another jurisdiction means a jurisdiction other than New South Wales.

17O Powers to do certain things not affected

Nothing in this Part affects any power under the road transport legislation (other than this Part) or any other Act:

- (a) to charge fees in respect of the inspection of vehicles for the purpose of registration, or
- (b) to make rebates of registration charges for particular classes of vehicles or road users, or
- (c) to charge pro rata amounts for registrations that are for less than a whole year, or
- (d) to make refunds in respect of the surrender of the registration of a vehicle, or
- (e) to charge other administrative fees or other charges in respect of matters relating to vehicles (including registration of vehicles).

17P Particulars of orders to be sent to Authority

- (1) The relevant registrar of the Local Court is to forward to the Authority particulars of any conviction or order made under this Part or regulations made for the purposes of this Part.
- (2) Whenever a person is by an order made by a court under this Part adjudged to pay registration charges or administration fees or additional charges or fees, the provisions of any other Act do not apply to or in respect of the order, but instead the order:
 - (a) operates as an order for the payment of money under the *Civil Procedure Act 2005*, and
 - (b) is enforceable as such an order under the provisions of that Act.
- (3) For the purposes of subsection (2), an order referred to in that subsection may be entered in the records of the Local Court if the order was made in the manner prescribed by rules made under the *Civil Procedure Act 2005*.
- (4) A registrar of the Local Court must pay to the Authority any amount paid to the registrar under an order referred to in subsection (2).

17Q Evidence of charges and fees

In any proceedings under this Part, the production by the Authority or on its behalf of a certificate purporting to be signed by an appropriate officer certifying the following is admissible in those proceedings and is evidence of the particulars contained in the certificate:

- (a) that the amount specified in the certificate as being the amount of registration charges or administration fees payable in respect of a vehicle is due and unpaid, or was due or paid on a specified date, or was not paid before a specified date,
- (b) that an adjustment of charges or a requirement to pay registration charges or additional registration charges in respect of a vehicle was made in accordance with this Part.

17R Variation and revocation of exemptions and other actions

- (1) The Minister (in the case of an exemption or partial exemption from registration charges under regulations made for the purposes of this Part) or the Authority (in the case of a reduction of registration charges, a refund of registration charges or an approval under this Part or regulations made for the purposes of this Part) may:
 - (a) impose such conditions as the Minister or Authority thinks fit, and
 - (b) revoke or vary any such condition or add any condition at any time during the period in respect of which the exemption, partial exemption, reduction, refund or

approval operates.

- (2) A person must not fail to comply with a condition in force under this section.

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (3) When this Part or regulations made for the purposes of this Part confer power on the Minister, the Authority or an appropriate officer:

- (a) to grant an exemption or partial exemption from, or reduction of, charges, or
- (b) to grant an approval, or
- (c) to give a direction, or
- (d) to make a request, or
- (e) to do any other act, matter or thing,

the Minister, Authority or officer is also empowered to revoke or vary the exemption, partial exemption, approval, direction, request, act, matter or thing.

17S Charges and fees to be paid into Roads and Traffic Authority Fund

- (1) There is appropriated by this section for payment out of the Consolidated Fund into the Roads and Traffic Authority Fund all amounts received on or after the commencement of this section in payment of registration charges and administration fees under this Part.
- (2) There is payable out of the Roads and Traffic Authority Fund such amounts as may become payable under this Part by way of refunds of registration charges or administration fees.
- (3) In this section:

Roads and Traffic Authority Fund means the Roads and Traffic Authority Fund established under the [Transport Administration Act 1988](#).

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.

22C Photographic evidence of unauthorised vehicle use

- (1) This section applies to proceedings for any of the following offences (an **unauthorised vehicle use offence**):

- (a) an offence against section 18 (Prohibition on using unregistered registrable vehicles),
- (b) an offence against section 8 (Offence of using uninsured motor vehicle on road) of the [Motor Accidents Compensation Act 1999](#),
- (c) an offence against the regulations involving a prohibited use of a registrable vehicle that is prescribed by the regulations for the purposes of this section.

- (2) A photograph of a vehicle taken by an approved camera device that is evidence under the evidence use provisions for the device of an offence to which those provisions ordinarily apply may also be tendered in evidence under this section in proceedings for an unauthorised vehicle use offence involving the vehicle.

Note—

For example, a photograph taken by an approved camera detection device that is evidence of a traffic light offence under section 57 of the [Road Transport \(Safety and Traffic Management\) Act 1999](#) may also be tendered in evidence in proceedings for an unauthorised vehicle use offence involving the same vehicle.

- (3) For this purpose, the evidence use provisions for the approved camera device are taken to apply in relation to the tendering, admission and use in evidence of such a photograph as if the provisions extended to proceedings for an unauthorised vehicle use offence as well as to proceedings for an offence to which the provisions ordinarily apply.

Note—

Evidence use provisions for approved camera devices usually make provision for the admission of photographs taken by such devices in specified kinds of proceedings and for the use of evidence derived

from such photographs. These provisions also usually require the provision of certificate evidence concerning the inspection or testing of the devices.

- (4) Nothing in this section prevents a photograph taken by an approved camera device being tendered and used in evidence both in proceedings for an unauthorised vehicle use offence and proceedings for an offence to which the evidence use provisions for the device ordinarily apply.
- (5) In this section:

approved average speed detection device, approved camera detection device, approved camera recording device and **approved traffic lane camera device** have the same meanings as in the [Road Transport \(Safety and Traffic Management\) Act 1999](#).

approved camera device means any of the following:

- (a) an approved average speed detection device,
- (b) an approved camera detection device,
- (c) an approved camera recording device,
- (d) an approved traffic lane camera device,
- (e) an approved toll camera.

approved toll camera has the same meaning as in section 250A of the [Roads Act 1993](#).

evidence use provisions for an approved camera device means:

- (a) if the device is an approved average speed detection device—the provisions of section 47B of the [Road Transport \(Safety and Traffic Management\) Act 1999](#) (and section 73A of that Act in its application to evidence or presumptions under those provisions), or
- (b) if the device is an approved camera detection device—the provisions of section 57 of the [Road Transport \(Safety and Traffic Management\) Act 1999](#) (and section 73A of that Act in its application to evidence or presumptions under those provisions), or
- (c) if the device is an approved camera recording device—the provisions of section 47 of the [Road Transport \(Safety and Traffic Management\) Act 1999](#) (and section 73A of that Act in its application to evidence or presumptions under those provisions), or
- (d) if the device is an approved traffic lane camera device—the provisions of section 57B of the [Road Transport \(Safety and Traffic Management\) Act 1999](#) (and section

73A of that Act in its application to evidence or presumptions under those provisions), or

- (e) if the device is an approved toll camera—the provisions of section 250A of the [Roads Act 1993](#).

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-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, the 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 may direct,
 - (b) no order of forfeiture may be made if the owner of the vehicle satisfies the Local Court that there has been no intent to evade registration of the vehicle.
- (4) A person aggrieved by an order of the 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 registration charges or administration fees imposed under Part 2A 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, except as provided by section 17P (2), 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, 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

Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Act 2009

Road Transport Legislation Amendment (Unauthorised Vehicle Use) Act 2010

Road Transport (Vehicle Registration) Amendment (Written-off Vehicles) Act 2010

- (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.

Part 3 Provisions consequent on enactment of Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Act 2009

11 Definitions

In this Part:

amending Act means the *Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Act 2009*.

corresponding provision of this Act or the regulations, in relation to any provision of the repealed charges legislation, means any provision of this Act or the regulations that corresponds (or substantially corresponds) to the provision of the repealed charges legislation.

repeal day means the day on which the repealed charges legislation is repealed by the amending Act.

repealed Act means the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

repealed charges legislation means:

- (a) the repealed Act, and
- (b) the *Road Transport (Heavy Vehicles Registration Charges) Regulation 2006*.

12 Charges and administration fees paid or payable under repealed charges legislation

- (1) Any applicable registration charges or administration fees under the repealed charges legislation that were paid in respect of a registration or renewal of registration of a chargeable heavy vehicle before the repeal day for a registration period ending after that day are taken on and from the repeal day to be registration charges or administrative fees paid under Part 2A of this Act for the vehicle for the unexpired balance of the registration period.
- (2) Any registration charges or administrative fees payable under the repealed charges legislation immediately before the repeal day in respect of the registration or renewal of registration of a chargeable heavy vehicle continue to be payable on and from the repeal day in accordance with that legislation despite the repeal of that legislation.
- (3) Any registration charges or administrative fees referred to in subclause (2) that are paid on or after the repeal day for a registration period ending after that day are taken to be registration charges or administrative fees paid under Part 2A of this Act for the vehicle for the unexpired balance of the registration period.

13 Payment of charges and fees collected under repealed charges legislation into Consolidated Fund

- (1) Any registration charges or administrative fees payable under the repealed charges legislation that are paid on or after the repeal day are to be paid into the Consolidated Fund. However, section 175 of this Act extends to any such charges or fees as if they were charges or fees paid under Part 2A of this Act.
- (2) Section 37 of the repealed Act, as in force immediately before the repeal day, continues to apply on and from the repeal day in respect of charges or fees paid under that Act before the repeal day.

14 Existing refund rights not affected

Nothing in this Part affects any right to a refund arising under the repealed charges legislation (whether before or after the repeal day).

15 Orders to pay additional penalty in relation to certain offences under repealed Act

Sections 13 (2), 19 (2) and 20 (3) of the repealed Act continue to apply on and from the repeal day in relation to offences committed before the repeal day.

16 Existing authorised officers

Any person who was an authorised officer for the purposes of the repealed Act immediately before the repeal day is taken on and from that day to be authorised to be an appropriate officer for the purposes of Part 2A of this Act until such time as the person ceases to be so authorised under Part 2A of this Act.

17 References to repealed Act and this Act

- (1) In any other Act or in any instrument made under another Act (and except as provided by subclauses (2) and (3)):
 - (a) subject to paragraph (b), a reference to the repealed Act is to be read on and from the repeal day as a reference to Part 2A of this Act, and
 - (b) a reference to a provision of the repealed Act is to be read on and from the repeal day as a reference to the corresponding provision (if any) of this Act or the regulations.
- (2) Subclause (1) does not apply to the following:
 - (a) references to the repealed Act in the *Motor Vehicles Taxation Act 1988*,
 - (b) such other references to the repealed Act in an Act, or an instrument made under an Act, as may be prescribed by the regulations.
- (3) A reference to this Act (or to Part 2A of this Act) in any of the following provisions is to be read on and from the repeal day as including a reference to the repealed Act:
 - (a) section 5 (1) (e), and the definition of **road transport legislation** in section 187 (7), of the *Road Transport (General) Act 2005*,
 - (b) sections 78 (1) (b) (i) and 106 (2) of the *Transport Administration Act 1988*,
 - (c) sections 7 (1) (c), 8 (1) (g) and 27 (5) (b) of this Act,
 - (d) clauses 14 (3) and 41 (1) (c) of the *Road Transport (Vehicle Registration) Regulation 2007*,
 - (e) such other provisions of Acts, or instruments made under Acts, as may be prescribed by the regulations.

18 General savings provision

- (1) Subject to this Part and the regulations, anything done under or for the purposes of a provision of the repealed charges legislation is, to the extent that the thing is in force or has effect immediately before the repeal day, taken on and from the repeal day to have been done under or for the purposes of the corresponding provision (if any) of this Act or the regulations.

- (2) Without limiting subclause (1), any exemption, approval, direction, request or certificate given or made under the repealed charges legislation that is continued in force or effect by subclause (1) may be repealed, revoked or replaced in accordance with this Act and the regulations.

Part 4 Provisions consequent on enactment of Road Transport Legislation Amendment (Unauthorised Vehicle Use) Act 2010

19 Definition

In this Part:

amending Act means the *Road Transport Legislation Amendment (Unauthorised Vehicle Use) Act 2010*.

20 Application of section 22C

Section 22C, as inserted by the amending Act, applies in relation to unauthorised vehicle use offences (within the meaning of that section) committed, or alleged to have been committed, after the commencement of that section.

21 Existing Register continues to have effect

The Register of Registrable Vehicles maintained by the Authority under this Act immediately before the commencement of Schedule 1 [5] to the amending Act continues to be the Register of Registrable Vehicles for the purposes of this Act (as amended by the amending Act).

Part 5 Provisions consequent on enactment of Road Transport (Vehicle Registration) Amendment (Written-off Vehicles) Act 2010

22 Definition

In this Part:

commencement day means the day on which Part 2AA of this Act commences.

23 Keeping of register of written-off vehicles

- (1) The register kept under section 255 of the *Road Transport (General) Act 2005* immediately before the commencement day is taken to be the register required to be kept under section 16B of this Act.
- (2) As soon as practicable after the commencement day, the Authority must record on the register as statutory written-off vehicles all vehicles that, immediately before that time, were recorded as having the status of being wrecked.
- (3) A vehicle that, immediately before the commencement day, is registered and is recorded on the register of written-off vehicles as a repairable written-off vehicle is, for

the purposes of Part 2AA of this Act, taken to be a former written-off vehicle.

24 Existing repairable written-off vehicles may be registered without authorisation to repair or certificate of compliance

- (1) A vehicle is not required to be the subject of an authorisation to repair under section 16C (2) if the vehicle was recorded on the register of written-off vehicles as a repairable written-off vehicle on the commencement day and the vehicle is registered within 2 years after that day. Any such vehicle may, during that 2-year period, be recorded on the register of written-off vehicles as a repairable written-off vehicle.
- (2) An application to register a vehicle that was recorded on the register of written-off vehicles as a repairable written-off vehicle on the commencement day is not required to be accompanied by a certificate of compliance under section 16C (2) in relation to the vehicle if the application is lodged with the Authority within 6 months after the commencement day.

25 Former written-off vehicles may be referred to as repairable written-off vehicles

A vehicle that is recorded on the register of written-off vehicles under Part 2AA of this Act as a former written-off vehicle may also be referred to as a repairable written-off vehicle.