

# Road Transport Legislation Miscellaneous Amendments Act 2018 No 23

[2018-23]



New South Wales

## Status Information

### Currency of version

Historical version for 30 May 2018 to 1 July 2018 (accessed 11 July 2024 at 20:26)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

Some, but not all, of the provisions displayed in this version of the legislation have commenced.

### Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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# Road Transport Legislation Miscellaneous Amendments Act 2018 No 23



New South Wales

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

## 1 Name of Act

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

## 2 Commencement

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

## Schedule 1 Amendment of legislation

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

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

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

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

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

Omit the section.

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

Omit the section.

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

Omit section 27F (2) (b).

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

Omit Schedule 1.2 [20].

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

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

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

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

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

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

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

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

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

**[1] Section 4 Definitions**

Insert in alphabetical order in section 4 (1):

***heavy vehicle number-plate*** means a number-plate issued by the Authority in connection with the registration of a heavy vehicle, but does not include a special number-plate or a number-plate, or class of number-plates, as may be determined by the Authority.

**[2] Section 67A**

Insert after section 67:

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

- (1) Despite section 67, a heavy vehicle number-plate issued by the Authority in connection with the registration of a heavy vehicle becomes, on the subsequent registration of that heavy vehicle by the road authority of a participating jurisdiction, the property of that road authority.

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

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

### **[1] Clause 18 Definitions**

Insert in alphabetical order:

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

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

Insert after clause 20 (3):

- (4) Despite subclauses (1) and (2), if the Authority registers a heavy vehicle that, immediately before that registration, was registered in a participating jurisdiction, the Authority may:
- (a) use the existing registration number of that vehicle, and
  - (b) authorise the use of any number-plates already issued in respect of the heavy vehicle by the road authority of the participating jurisdiction.
- (5) If the Authority authorises the use of number-plates under subclause (4) (b), the number-plates are taken to have been issued under this Regulation.
- (6) Subclause (3) does not apply in respect of a heavy vehicle number-plate. However, a heavy vehicle number-plate must conform to any specifications that the Authority determines.

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

Insert after clause 22 (3):

- (3A) Subclause (3) does not apply in respect of an auxiliary number-plate that is issued in addition to a heavy vehicle number-plate. However, an auxiliary number-plate that is issued in addition to a heavy vehicle number-plate must conform to any specifications that the Authority determines.

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

Insert after clause 23 (5):

- (6) This clause extends to a number-plate issued by a road authority of a participating

jurisdiction in connection with the registration of a heavy vehicle if, at the time of the notice, the heavy vehicle is registered in this State.

**[5] Schedule 3 Fees**

Omit Part 3. Insert instead:

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

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