

# Recreation Vehicles Act 1983 No 136

[1983-136]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

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

### Responsible Minister

- Minister for Transport
- Minister for Roads
- Minister for the Environment
- Minister for Regional Transport and Roads
- Minister for Climate Change

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

### Authorisation

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File last modified 28 June 2021

# Recreation Vehicles Act 1983 No 136



New South Wales

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# Recreation Vehicles Act 1983 No 136



New South Wales

An Act to regulate the off-road use of motor vehicles.

## Part 1 Preliminary

### 1 Name of Act

This Act may be cited as the [Recreation Vehicles Act 1983](#).

### 2 Commencement

- (1) Sections 1 and 2 shall commence on the date of assent to this Act.
- (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

### 3 (Repealed)

### 4 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

**area** has the meaning ascribed to that expression in the [Local Government Act 1993](#).

**authorised officer** means—

- (a) a person who is for the time being appointed as an authorised officer under section 6 (1), or
- (b) a member of the police force.

**certificate of registration** means a certificate of registration issued under section 19 (1).

**child** means a person who has not attained the age of 16 years and 9 months.

**control** includes license and prohibit.

**council** has the meaning ascribed to that expression in the [Local Government Act 1993](#).

**district registry** means a motor registry within the meaning of section 176 of the [Road Transport Act 2013](#).

**drive**, in relation to a motor vehicle, includes—

- (a) ride the motor vehicle (otherwise than as a passenger), and
- (b) cause the motor vehicle to stand.

**identification certificate** means—

- (a) in relation to a person who is for the time being appointed as an authorised officer under section 6 (1)—a certificate issued to the person pursuant to section 7 (1), or
- (b) in relation to a member of the police force—a certificate issued to the member of the police force pursuant to the [Police Regulation Act 1899](#).

**motor vehicle** means a motor vehicle (other than a light rail vehicle) or trailer within the meaning of the [Road Transport Act 2013](#).

**number-plate**, in relation to a motor vehicle registered within the meaning of the [Road Transport Act 2013](#), means a number-plate issued under that Act.

**occupier**, in relation to land, means any person who is in actual occupation of the land or, where no person is in actual occupation of the land, any person who has the right of immediate occupation of the land or who has the care, control and management of the land.

**officer** includes employee and servant.

**parent**, in relation to a child, includes a guardian of the child and any other person who stands in loco parentis to the child.

**public authority** means a public or local authority constituted by or under any Act, a government Department or a statutory body representing the Crown, and includes a person exercising functions on behalf of that authority, Department or body.

**public road** has the meaning ascribed to that expression in the [Roads Act 1993](#).

**recreation vehicle area** means land which is designated as a recreation vehicle area pursuant to an order in force under section 11 (1).

**register** means the register kept pursuant to section 16 (1).

**registered motor vehicle** means a motor vehicle which is registered under this Act.

**registered owner** means—

- (a) in relation to a motor vehicle which is registered under this Act—the person whose name is entered in the register, pursuant to section 16 (2), in relation to the motor vehicle, or
- (b) in relation to a motor vehicle that is registered within the meaning of the [Road Transport Act 2013](#)—a registered operator of the vehicle within the meaning of that Act.

**registration** means registration under section 18 (1), and includes renewal of registration.

**registration plate** means a registration plate issued under section 19 (1).

**regulation** means a regulation made under this Act.

**restricted land** means land which is neither—

- (a) a public road, nor
- (b) a recreation vehicle area.

(2) In this Act, a reference to—

- (a) a function includes a reference to a power, authority and duty,
- (b) the exercise of a function includes, where that function is a duty, a reference to the performance of that duty, and
- (c) the occupier of land includes, where there are 2 or more occupiers of that land, a reference to any one of those occupiers.

(3) For the purposes of this Act, a motor vehicle is in registrable condition if, and only if, it complies with such design, construction, equipment and performance standards as are prescribed in relation to motor vehicles of the class to which the motor vehicle belongs.

(4) (Repealed)

## **5 Application of road transport legislation**

- (1) Except as provided by or under this Act, the road transport legislation does not apply to or in respect of a motor vehicle, or the driving of a motor vehicle, in a recreation vehicle area.
- (2) Subsection (1) does not limit the operation of section 195 of the [Road Transport Act 2013](#) in respect of offences committed under this Act or the regulations.
- (3) In this Act, **road transport legislation** has the same meaning as it has in the [Road](#)

*Transport Act 2013.*

## **Part 2 Authorised officers**

### **6 Appointment of authorised officers**

- (1) The Environment Protection Authority may by instrument in writing appoint, as an authorised officer for the purposes of this Act, any person the Environment Protection Authority considers suitably qualified to be so appointed.
- (2) As many persons as the Environment Protection Authority considers necessary may be appointed under this section.

### **7 Identification certificates**

- (1) Upon appointing a person as an authorised officer, the Environment Protection Authority shall issue to the person an identification certificate.
- (2) A person appointed as an authorised officer under section 6 (1) shall, upon ceasing to be an authorised officer, surrender the person's identification certificate to the Environment Protection Authority.

Maximum penalty—1 penalty unit.

- (3) An identification certificate referred to in subsection (1) shall be in or to the effect of the prescribed form.
- (4) Such a certificate may, at the time it is issued and from time to time thereafter, be endorsed with provisions enlarging the area within which, but for those provisions, the authority of its holder would be confined by section 9.

### **8 Members of police force ex officio authorised officers**

A member of the police force is ex officio an authorised officer.

### **9 Functions of authorised officers**

- (1) An authorised officer shall have, and may exercise, such functions as are conferred or imposed on an authorised officer by or under this Act.
- (2) Except as otherwise provided by the identification certificate of the officer, an authorised officer who is an employee of a council does not have, and may not exercise, any functions conferred or imposed on an authorised officer by or under this Act otherwise than within the council's area.
- (3) Except as otherwise provided by the identification certificate of the officer, an authorised officer who is an officer of a public authority (other than the Environment Protection Authority or a council) does not have, and may not exercise, any functions conferred or imposed on an authorised officer by or under this Act otherwise than



within land occupied by, or under the care, control and management of, the public authority.

## **Part 3 Recreation vehicle areas**

### **10 Applications for designation of land as a recreation vehicle area**

- (1) An occupier of land may apply to the Environment Protection Authority for the designation of the land as a recreation vehicle area.
- (2) An application under subsection (1) shall—
  - (a) be in or to the effect of the prescribed form,
  - (b) be accompanied by—
    - (i) the prescribed particulars in relation to the land,
    - (ii) evidence that any necessary development consent under the [Environmental Planning and Assessment Act 1979](#) has been obtained in relation to the use of that land for the purposes of a recreation vehicle area, and
    - (iii) the prescribed fee, and
  - (c) be lodged at an office of the Environment Protection Authority.

### **11 Designation of land as a recreation vehicle area**

- (1) Except as provided by subsection (2), the Environment Protection Authority shall, as soon as practicable after receiving an application made in accordance with section 10, by order published in the Gazette, designate the land the subject of the application as a recreation vehicle area.
- (2) The Environment Protection Authority shall not designate land as a recreation vehicle area where it appears to the Environment Protection Authority that the use of the land for the purposes of a recreation vehicle area contravenes or will contravene the provisions of the [Environmental Planning and Assessment Act 1979](#) or of any environmental planning instrument in force under that Act.

### **12 Applications for rescission or variation of designation**

- (1) An occupier of land which comprises or partly comprises a recreation vehicle area may apply to the Environment Protection Authority for the whole of the land, or such part of the land as is described in the application, to cease to be designated as a recreation vehicle area.
- (2) An application under subsection (1) shall—
  - (a) be in or to the effect of the prescribed form,

- (b) be accompanied by—
  - (i) the prescribed particulars in relation to the land, and
  - (ii) the prescribed fee, and
- (c) be lodged at an office of the Environment Protection Authority.

### **13 Rescission or variation of designation on application of occupier**

The Environment Protection Authority shall, as soon as practicable after receiving an application made in accordance with section 12, by order published in the Gazette—

- (a) where the land described in the application comprises the whole of a recreation vehicle area—rescind the order under section 11 (1) relating to that land, or
- (b) where the land described in the application comprises part of a recreation vehicle area—vary the order under section 11 (1) relating to that land by excluding from the operation of that order the land so described.

### **14 Rescission or variation of designation by Environment Protection Authority**

(1) The Environment Protection Authority shall, by order published in the Gazette—

- (a) where it appears to the Environment Protection Authority that the use of the whole of the land comprising a recreation vehicle area for the purposes of a recreation vehicle area contravenes or will contravene the provisions of the [Environmental Planning and Assessment Act 1979](#) or of any environmental planning instrument in force under that Act—rescind the order under section 11 (1) relating to that land, or
- (b) where it appears to the Environment Protection Authority that the use of part of the land comprising a recreation vehicle area for the purposes of a recreation vehicle area contravenes or will contravene the provisions of that Act or any such instrument—vary the order under section 11 (1) relating to that land by excluding from the operation of that order that part of the land.

(2) If the Environment Protection Authority is satisfied that—

- (a) any provision of this Act or the regulations, or any direction given under section 32A, has not been or is not being complied with by the occupier of land comprising a recreation vehicle area, and
- (b) as a result of that non-compliance, the safety of persons resorting to or using the area, or of the public, is endangered,

the Environment Protection Authority may, by order published in the Gazette, rescind the order under section 11 (1) relating to that land.

- (3) The Environment Protection Authority shall, as soon as practicable after making an order under this section, cause notice of the making of the order to be served on the occupier of the land to which the order relates.

## **Part 4 Registration of motor vehicles for use in recreation vehicle areas**

### **15 Definitions**

In this Part—

**application**, in relation to a motor vehicle, means an application under section 17 (1).

**approved** means approved for the time being by Transport for NSW.

### **16 Register**

- (1) Transport for NSW shall cause a register to be kept for the purposes of this Act.
- (2) Transport for NSW registers a motor vehicle under this Act by causing to be entered in the register—
  - (a) the prescribed particulars in relation to the motor vehicle, and
  - (b) the name of, and the prescribed particulars in relation to, the applicant for registration of the motor vehicle.

### **17 Applications**

- (1) A person (other than a child) may apply to Transport for NSW for the registration of a motor vehicle under this Act.
- (2) An application shall—
  - (a) be in or to the effect of the prescribed form,
  - (b) be accompanied by—
    - (i) the prescribed information in relation to the motor vehicle and the applicant,
    - (ii) a statement, in or to the effect of the prescribed form, by the applicant to the effect that the motor vehicle is in registrable condition,
    - (iii) evidence that the motor vehicle is an insured motor vehicle within the meaning of the [Motor Accidents Compensation Act 1999](#), and
    - (iv) the prescribed fee, and
  - (c) be lodged at a district registry.
- (3) An application for renewal of registration may be made only on or before September

30th of the year during which the renewal of registration is intended to take effect.

## **18 Registration**

- (1) Except as provided by subsection (2), Transport for NSW shall register a motor vehicle the subject of an application made in accordance with section 17.
- (2) Transport for NSW shall not register a motor vehicle unless Transport for NSW is satisfied that—
  - (a) the applicant for registration of the motor vehicle is not a child,
  - (b) the motor vehicle is an insured motor vehicle within the meaning of the [Motor Accidents Compensation Act 1999](#), and
  - (c) the motor vehicle is in registrable condition.
- (3) For the purpose of enabling Transport for NSW to ascertain whether or not a motor vehicle is in registrable condition, the applicant for registration of the motor vehicle shall—
  - (a) furnish to Transport for NSW such information (in addition to such information as is required by section 17 (2) to accompany the application for registration of the motor vehicle) as Transport for NSW may reasonably require in relation to the condition of the motor vehicle, and
  - (b) permit the motor vehicle to be inspected and tested by such person or persons as Transport for NSW may determine.
- (4) Where Transport for NSW refuses to register a motor vehicle, Transport for NSW shall, as soon as practicable after so refusing, cause notice of the refusal, and of the grounds therefor, to be served on the applicant for registration of the motor vehicle.

## **19 Registration certificates and registration plates**

- (1) Upon registering a motor vehicle, Transport for NSW shall issue to the registered owner of the motor vehicle—
  - (a) a certificate of registration for the motor vehicle, and
  - (b) the prescribed number of registration plates for the motor vehicle.
- (2) A certificate of registration shall be in or to the effect of the approved form.
- (3) A registration plate shall—
  - (a) be in or to the effect of the approved form, and
  - (b) remain the property of Transport for NSW.

## **20 Term of registration**

The registration of a motor vehicle—

(a) takes effect—

- (i) on the date on which the motor vehicle is registered, or
- (ii) in the case of a renewal of registration—on 1 October following the date on which the application for renewal of registration was made, and

(b) ceases to have effect—

- (i) subject to any renewal of the registration, on 30 September following the date on which the registration took effect, or
  - (ii) upon cancellation of the registration,
- whichever first occurs.

## **21 Cancellation of registration**

Transport for NSW may cancel the registration of a motor vehicle—

- (a) where the registered owner of the motor vehicle so requests,
- (b) where any fee payable under section 17 (2) (b) (iv) in relation to the registration of the motor vehicle is not paid,
- (c) where any information furnished to Transport for NSW pursuant to section 17 (2) (b) or 18 (3) (a) in relation to the registration of the motor vehicle is false or misleading in a material particular,
- (d) where a registration plate for the motor vehicle has been forwarded to Transport for NSW pursuant to section 30 (2),
- (e) where Transport for NSW has registered the motor vehicle in error, or
- (f) where the motor vehicle is an uninsured motor vehicle within the meaning of the [Motor Accidents Compensation Act 1999](#).

## **22 Surrender of registration plates**

- (1) Within 3 days after the registration of a motor vehicle ceases to have effect, the person who was the registered owner of the motor vehicle immediately before the registration ceased to have effect shall surrender the registration plate or registration plates for the motor vehicle to Transport for NSW.

Maximum penalty—5 penalty units.

- (2) Where the registration of a motor vehicle has ceased to have effect, an authorised

officer or any person authorised by Transport for NSW in that behalf may seize any registration plate relating to the motor vehicle.

## **Part 5 Regulation of off-road use of motor vehicles**

### **Division 1 Recreation vehicle areas**

#### **23 Application of certain offences under [Road Transport Act 2013](#)**

- (1) Sections 110, 111A, 112 and 117 of the [Road Transport Act 2013](#) apply to and in respect of the driving of a motor vehicle in a recreation vehicle area in the same manner as those sections apply to and in respect of the driving of a motor vehicle upon a road or road related area within the meaning of that Act.
- (2) In the application of sections 110, 111A, 112 and 117 of the [Road Transport Act 2013](#) to or in respect of the driving of a motor vehicle in a recreation vehicle area, a reference in those sections to a road or road related area shall be read and construed as a reference to a recreation vehicle area.

#### **24 Prohibition of unregistered vehicles in recreation vehicle areas**

- (1) A person shall not drive a motor vehicle in a recreation vehicle area, or cause or permit a motor vehicle to be driven in a recreation vehicle area, unless the motor vehicle is registered under this Act or within the meaning of the [Road Transport Act 2013](#).

Maximum penalty—5 penalty units.

- (2) A parent of a child shall not cause or permit the child to drive a motor vehicle in a recreation vehicle area unless the motor vehicle is registered under this Act or within the meaning of the [Road Transport Act 2013](#).

Maximum penalty—5 penalty units.

- (3) In any proceedings for an offence against subsection (1) or (2) in relation to a motor vehicle, evidence that no registration plate or number-plate was attached to the motor vehicle at the time the offence is alleged to have been committed is prima facie evidence that the motor vehicle was not registered under this Act or within the meaning of the [Road Transport Act 2013](#) at that time.
- (4) For the purposes of subsections (1) and (2), a registered motor vehicle shall be deemed not to be registered under this Act where any registration plate for the motor vehicle—
  - (a) has been removed from the motor vehicle pursuant to section 28 (1), and
  - (b) has not been returned to the registered owner of the motor vehicle pursuant to section 30 (1).

## **25 Children under eight years not to drive motor vehicles**

A person shall not cause or permit any child to drive a motor vehicle in a recreation vehicle area unless the child has attained the age of 8 years.

Maximum penalty—5 penalty units.

## **26 Registration plates etc to be attached to motor vehicles**

A person shall not drive a motor vehicle in a recreation vehicle area, or cause or permit a motor vehicle to be driven in a recreation vehicle area, unless—

- (a) in the case of a motor vehicle registered under this Act—the motor vehicle's registration plate or registration plates is or are attached to the motor vehicle in the prescribed manner, or
- (b) in the case of a motor vehicle registered within the meaning of the [Road Transport Act 2013](#)—the motor vehicle's number-plate or number-plates is or are attached to the motor vehicle in the manner prescribed under that Act.

Maximum penalty—5 penalty units.

## **27 Motor vehicles not in registrable condition**

A person shall not drive a motor vehicle in a recreation vehicle area, or cause or permit a motor vehicle to be driven in a recreation vehicle area, unless the motor vehicle is in registrable condition.

Maximum penalty—5 penalty units.

## **28 Removal of registration plates from motor vehicles not in registrable condition**

- (1) Where an authorised officer is of the opinion that a registered motor vehicle which is in a recreation vehicle area is not in registrable condition, the officer may remove from the motor vehicle any registration plate attached thereto.
- (2) Upon removing a registration plate from a registered motor vehicle, an authorised officer—
  - (a) shall—
    - (i) issue to the driver of the motor vehicle, or
    - (ii) where no person appears to the officer to be the driver of the motor vehicle—attach to, or leave upon, the motor vehicle, a notice to the effect that the motor vehicle is not in registrable condition, and
  - (b) except as provided by section 30 (2)—retain possession of the registration plate.
- (3) A notice referred to in subsection (2) (a) shall—

- (a) be in or to the effect of the prescribed form,
- (b) specify the defect in respect of which the authorised officer is of the opinion that the motor vehicle concerned is not in registrable condition,
- (c) specify the address at which the registration plate concerned is being retained, and
- (d) be signed by the authorised officer.

## **29 Applications for return of registration plates**

- (1) A person may apply to an authorised officer for the return of a registration plate removed from a registered motor vehicle by the officer pursuant to section 28 (1).
- (2) An application under subsection (1) shall—
  - (a) be in or to the effect of the prescribed form,
  - (b) be accompanied by—
    - (i) the prescribed information in relation to the motor vehicle,
    - (ii) a statement by the registered owner of the motor vehicle concerned to the effect that the defect specified pursuant to section 28 (3) (b) in the relevant notice has been remedied by means of such measures as are described in the application, and
    - (iii) a statement, in or to the effect of the prescribed form, by the registered owner of the motor vehicle concerned to the effect that the motor vehicle is in registrable condition, and
  - (c) be lodged at the address specified pursuant to section 28 (3) (c) in the relevant notice.

## **30 Return of registration plates**

- (1) An authorised officer shall return a registration plate the subject of an application made to the officer in accordance with section 29 to the registered owner of the motor vehicle from which the registration plate was removed pursuant to section 28 (1).
- (2) Where an application for the return of a registration plate has not been made in accordance with section 29—
  - (a) within 21 days after an authorised officer has removed the registration plate from a motor vehicle pursuant to section 28 (1), or
  - (b) within such longer period as the authorised officer may, upon application made by the registered owner of the motor vehicle concerned, allow,



the authorised officer shall forward the registration plate to Transport for NSW.

## **Division 2 Restricted land**

### **31 Use of motor vehicles on restricted land**

- (1) A person shall not drive a motor vehicle upon restricted land, or cause or permit a motor vehicle to be driven upon restricted land, in wilful contravention of a direction given (in whatever manner) by the occupier of that land.

Maximum penalty—5 penalty units.

- (2) This section does not—

(a) affect rights conferred—

(i) by or under any other Act or law, or

(ii) by or under any covenant or agreement or by user, or

(b) render any person liable to a penalty as a consequence of the exercise of a right so conferred.

## **Part 6 Appeals**

### **32 Appeals**

- (1) A person may, in accordance with the regulations, appeal to the Local Court against—

(a) the refusal by Transport for NSW to register a motor vehicle the subject of an application under section 17 (1) by that person,

(b) the cancellation by Transport for NSW of the registration of a motor vehicle of which that person was the registered owner immediately before that registration was cancelled, or

(c) the rescission by the Environment Protection Authority, under section 14 (2), of an order under section 11 (1) in respect of land comprising a recreation vehicle area of which the person is the occupier.

- (2) An appeal under subsection (1) shall be in the nature of a rehearing.

- (3) An appeal under subsection (1) shall be heard and determined by the Local Court.

- (4) The determination of the Local Court is final and is binding on the appellant and on Transport for NSW or the Environment Protection Authority, as the case may be.

## **Part 7 Supplementary**

### **32A Directions**

- (1) The Environment Protection Authority may, by notice in writing served on the occupier of a recreation vehicle area, give one or more directions to the occupier with respect to any one or more of the following—
  - (a) notices and signs to be erected in the area,
  - (b) regulating or prohibiting the conduct, by or on behalf of the occupier or with the consent of the occupier, of a sporting activity involving motor vehicles,
  - (c) the demarcation of tracks and circuits,
  - (d) any other matter which, in the opinion of the Environment Protection Authority, is calculated to serve the interests of persons resorting to or using the area or of residents in the neighbourhood of the area or the public interest.
- (2) A direction under this section takes effect on the day on which the notice by which it is given is served or, if a later day is specified for that purpose in the notice, on that later day.

### **33 Powers of authorised officers: generally**

- (1) For the purposes of this Act and the regulations, an authorised officer may do any one or more of the following things—
  - (a) the officer may inspect and test a motor vehicle which is in a recreation vehicle area,
  - (b) the officer may direct the driver of a motor vehicle which is being driven in a recreation vehicle area or upon restricted land—
    - (i) to remove the motor vehicle from that area or land,
    - (ii) to furnish the officer with the name and address of the driver, or
    - (iii) to furnish the officer with the name and address of the owner of the motor vehicle,
  - (c) the officer may direct a person not to drive a motor vehicle, or cause or permit a motor vehicle to be driven, in a recreation vehicle area or upon restricted land,
  - (d) the officer may remove a motor vehicle from a recreation vehicle area or from restricted land.
- (2) A person shall not, without reasonable excuse, fail to comply with a direction given to the person pursuant to subsection (1) (b) or (c).

Maximum penalty—5 penalty units.

- (3) For the purpose of enabling an authorised officer to exercise the powers conferred on the officer by subsection (1), the officer may do any one or more of the following things—
- (a) the officer may enter any recreation vehicle area or restricted land (other than a dwelling),
  - (b) the officer may stop and detain any motor vehicle which is in a recreation vehicle area or upon restricted land,
  - (c) the officer may seize, enter and drive any motor vehicle which is in a recreation vehicle area or upon restricted land.
- (4) For the purposes of subsection (1) (b) (iii), a reference to the owner of a motor vehicle includes, where the motor vehicle is registered under this Act or within the meaning of the [Road Transport Act 2013](#), a reference to the registered owner of the motor vehicle.

#### **34 Identification certificates to be produced for inspection**

An authorised officer shall, upon reasonable request by a person, produce for inspection by the person the officer's identification certificate.

Maximum penalty—1 penalty unit.

#### **35 Registered owners to identify drivers of registered motor vehicles**

- (1) Where a member of the police force suspects or believes that an offence against this Act or the regulations has been committed at any time in relation to a motor vehicle, the member may direct the owner of the motor vehicle to furnish the member with the name and address of the person who was the driver of the motor vehicle at that time.
- (2) The owner of a motor vehicle shall not, without reasonable excuse, fail to comply with a direction given to the owner pursuant to subsection (1).

Maximum penalty—5 penalty units.

- (3) For the purposes of subsections (1) and (2), a reference to the owner of a motor vehicle includes, where the motor vehicle is registered under this Act or within the meaning of the [Road Transport Act 2013](#), a reference to the registered owner of the motor vehicle.

#### **36 Obstruction of authorised officers**

A person shall not hinder or obstruct an authorised officer in the exercise of the functions conferred or imposed on the officer by or under this Act.

Maximum penalty—5 penalty units.

### **37 False or misleading information**

A person shall not, in or in relation to any application under this Act or in purported compliance with any direction under this Act, make any statement or furnish any information which is false or misleading in a material particular.

Maximum penalty—5 penalty units.

### **38 Liability of authorised officers**

An authorised officer is not personally liable for any act or omission done or omitted to be done by the officer in the bona fide exercise of the functions conferred or imposed on the officer by or under this Act.

### **39 Liability of occupiers of recreation vehicle areas**

- (1) The occupier of a recreation vehicle area is not liable to any person in respect of loss or damage of any kind suffered by that person or any other person as a consequence of an accident involving a motor vehicle being driven in that recreation vehicle area, whether the accident occurs—
  - (a) as a consequence of some act or omission of the occupier in relation to the area or any building, structure or work situated in the area, or
  - (b) otherwise in circumstances that would, but for this section, render the occupier liable in respect of any such loss or damage.
- (2) This section does not operate so as—
  - (a) to affect the liability of the occupier of a recreation vehicle area to any person in respect of loss or damage suffered by an authorised officer in the exercise, in good faith, of the functions conferred or imposed on the officer by or under this Act, or
  - (b) to exonerate such an occupier from liability for loss or damage suffered by any person as a consequence of any act or omission of the occupier that is—
    - (i) wilful and malicious, or
    - (ii) done or omitted with reckless indifference to the safety of persons resorting to or using the area or of the public.

### **40 (Repealed)**

### **41 Service of notices**

A notice that the Environment Protection Authority or Transport for NSW is required, by or under this Act, to cause to be served on a person may be served personally or by means of a letter addressed to the person at the person's address last known to the Environment Protection Authority or Transport for NSW, as the case may be.

## **42 Proceedings**

Proceedings for an offence against this Act or the regulations may be taken before the Local Court.

## **43 Evidence**

In any proceedings for an offence against this Act or the regulations—

- (a) a certificate which purports to have been signed by a prescribed officer of Transport for NSW and which states that on a date specified in the certificate—
  - (i) a motor vehicle so specified was or was not a registered motor vehicle, or
  - (ii) a person so specified was or was not the registered owner of a motor vehicle so specified,
- (b) a certificate which purports to have been signed by a prescribed officer of the Environment Protection Authority and which states that on a date specified in the certificate—
  - (i) land so specified was or was not a recreation vehicle area, or
  - (ii) a person so specified was or was not an officer of the Environment Protection Authority, or
- (c) a certificate which purports to have been signed by a prescribed officer of a public authority and which states that on a date specified in the certificate a person so specified was or was not an officer of the public authority,

is, without proof of the signature of the person by whom the certificate purports to have been signed, prima facie evidence of the fact or facts so stated.

## **44 Regulations**

- (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 and, in particular, for or with respect to—
  - (a) the functions of authorised officers,
  - (b) the keeping of the register,
  - (c) design, construction, equipment and performance standards for motor vehicles,
  - (d) the transfer of registration,
  - (e) the issue of replacement identification certificates, certificates of registration and registration plates,

- (f) the control of motor vehicles, and of the driving of motor vehicles, in recreation vehicle areas,
  - (g) safety measures to be observed by the drivers and passengers of motor vehicles, and by other persons who are in, on or about motor vehicles, in recreation vehicle areas,
  - (h) the procedures to be followed by the driver of a motor vehicle in the event of an accident involving the motor vehicle occurring in a recreation vehicle area,
  - (i) the design, construction and exhibition of traffic control signs for use in recreation vehicle areas,
  - (j) the protection of the environment from the effects of the driving of motor vehicles in recreation vehicle areas, and
  - (k) the imposition of fees.
- (2) A regulation may impose a penalty not exceeding 5 penalty units for any breach thereof.
- (3) A provision of a regulation may—
- (a) apply generally or be limited in its application by reference to specified exceptions or factors,
  - (b) apply differently according to different factors of a specified kind,
  - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,
  - (d) exempt from the operation of any specified provision of this Act—
    - (i) any specified person or specified class of persons, or
    - (ii) any specified motor vehicle or specified class of motor vehicles,either absolutely or subject to conditions, or
  - (e) provide that any specified provision of the road transport legislation within the meaning of the [Road Transport Act 2013](#) applies (subject to such variations, if any, as are specified in the regulations under this Act) to and in respect of a motor vehicle, or the driving of a motor vehicle, in a recreation vehicle area,
  - (f) (Repealed)
- or may do any combination of those things.