

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Urban Services)

**Road Transport (Vehicle Registration)
Bill 1999**

CONTENTS

Section		Page
PART 1—PRELIMINARY		
1	Name of Act	2
2	Commencement	2
3	Objects of Act (Cwth s 3, NSW s 3)	2
4	Definitions—the dictionary (Cwth s 2, NSW s 4)	2
5	Notes (NSW s 6).....	2
PART 2—REGISTRATION SYSTEM		
<i>Division 2.1—Functions and powers of road transport authority generally</i>		
6	Functions of road transport authority (Cwth s 9, NSW s 7 (1)).....	4
7	Powers of road transport authority (Cwth s 10, NSW s 8).....	4
8	Registrable vehicles based outside ACT not to be registered (Cwth s 11, NSW s 9).....	5
9	Register does not provide evidence of title (Cwth s 12, NSW s 10).....	5
10	Keeping of register (NSW s 7 (2)-(4)).....	5
11	Security of information in register (Cwth s 13, NSW s 11).....	5

99055 (1998/161) (T55/1999)

CONTENTS—continued

Section	Page
12	Ownership of devices, plates and documents (Cwth s 15, NSW s 13).....5
	<i>Division 2.2—Regulations</i>
13	General regulation-making power (Cwth s 16, 24 (2), (3), NSW s 14, MTA s 218).....5
14	Regulations to establish a registration system (Cwth s 17, NSW s 15).....6
15	Regulations to establish system for vehicle standards and inspections (NSW s 15A).....6
16	Regulations may apply certain documents etc (NSW s 14 (2)).....8
17	Regulations may exclude vehicles and people from Act (Cwth s 18, NSW s 16).....9
	PART 3—OFFENCES
18	Prohibition on using unregistered registrable vehicles or vehicles with suspended registration (Cwth s 20, NSW s 18, MTA s 165).....10
19	Obtaining registration or unregistered vehicle permits by false statements etc (Cwth s 21, NSW s 19, MTA s 177).....10
20	Forgery of devices etc (MTA s 177).....11
21	Obligations of registered operator (Cwth s 23, NSW s 21).....11
22	Offences about numberplates, registration labels etc.....12
23	Offences relating to identification numbers of motor vehicles and trailers (NSW s 21A).....12
	PART 4—DEFECTIVE AND DANGEROUSLY DEFECTIVE VEHICLES
24	Meaning of <i>defective vehicle</i> and <i>dangerously defective vehicle</i> (NSW s 4, 27B (7)).....14
25	Identifying defective vehicles (Cwth s 28, NSW s 26).....14
26	Using certain defective vehicles (Cwth s 22, NSW s 20).....14
27	Identifying dangerously defective vehicles (NSW s 27B).....15
28	Using dangerously defective vehicles (NSW s 27B).....15
	PART 5—MISCELLANEOUS
29	Registered operators (NSW s 23A).....16
30	Seizure of numberplates (NSW s 27C).....16
31	Status of unregistered vehicles with permits (NSW s 29).....16
32	References to Motor Traffic Act etc.....16
	PART 6—TRANSITIONAL
33	Definitions for Pt 6.....17
34	Existing registrations (NSW Sch 3, cl 3).....17
35	Existing temporary licences (NSW Sch 3, cl 4).....18
36	Owner taken to be registered operator.....18
37	Existing trader's plates.....18

Road Transport (Vehicle Registration) No , 1999

CONTENTS—continued

Section		Page
38	Existing registration records.....	18
39	Existing defect notices.....	18
40	Transitional regulations	19
41	Modification of Part's operation	19
42	Expiry of Part.....	19
	DICTIONARY.....	20

1999
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(As presented)

(Minister for Urban Services)

**Road Transport (Vehicle Registration)
Bill 1999**

**A BILL
FOR**

**An Act to provide for the registration of vehicles and
for related matters as part of the system for
nationally consistent road transport law, and for
other purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

PART 1—PRELIMINARY

Note This Act and the regulations made under it form part of the road transport legislation. Other road transport legislation includes the *Road Transport (Alcohol and Drugs) Act 1977*, the *Road Transport (Dimensions and Mass) Act 1990*, the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999*, the *Road Transport (Safety and Traffic Management) Act 1999* and the regulations made under those Acts. As part of the road transport legislation, this Act is subject to various provisions of the *Road Transport (General) Act 1999* about the administration and enforcement of the road transport legislation generally.

1 Name of Act

This Act is the *Road Transport (Vehicle Registration) Act 1999*.

2 Commencement

This Act commences on 1 December 1999.

3 Objects of Act (Cwth s 3, NSW s 3)

The objects of this Act are—

- (a) to provide for a vehicle registration system in the ACT that is—
 - (i) consistent with the agreements scheduled to the *National Road Transport Commission Act 1991* (Cwth); and
 - (ii) part of the uniform national road transport legislation envisaged by that Act; and
- (b) to improve road safety and transport efficiency, and reduce the costs of administering road transport.

4 Definitions—the dictionary (Cwth s 2, NSW s 4)

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary defines certain words and expressions, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or elsewhere in the road transport legislation.

For example, the signpost definition '*driver licence—see the Road Transport (Driver Licensing) Act 1999, dictionary*' means the expression 'driver licence' is defined in the dictionary to that Act and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

5 Notes (NSW s 6)

(1) A note in this Act is explanatory and is not part of this Act.

Road Transport (Vehicle Registration) No , 1999

(2) In this section—

note includes material enclosed in brackets in section headings.

Note For comparison, a number of sections of this Act contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other Acts or regulations. Abbreviations in the notes include the following:

- Cwth: *Road Transport Reform (Heavy Vehicles Registration) Act 1997* (Cwth)
- MTA: *Motor Traffic Act 1936*, as in force immediately before the commencement of this Act
- 10 • NSW: *Road Transport (Vehicle Registration) Act 1997* (NSW)
- NSW Reg: *Road Transport (Vehicle Registration) Regulation 1998* (NSW)

PART 2—REGISTRATION SYSTEM

Division 2.1—Functions and powers of road transport authority generally

6 Functions of road transport authority (Cwth s 9, NSW s 7 (1))

The functions of the road transport authority under this Act are—

- (a) to administer the registration system established under this Act; and
- (b) to keep a registrable vehicles register under this Act; and
- (c) to provide information about registrable vehicles and registered operators in accordance with this Act and other laws in force in the Territory; and
- (d) to administer the systems for regulating vehicle standards and inspections established under this Act; and
- (e) to exercise any other functions given to the authority under this Act.

7 Powers of road transport authority (Cwth s 10, NSW s 8)

In exercising functions under this Act, the road transport authority may, in accordance with this Act—

- (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 fees, charges and other amounts determined for this Act under the *Road Transport (General) Act 1999*; and
- (h) certify the GCM for a motor vehicle or the GVM of a vehicle; and
- (i) collect amounts payable under, or require evidence of compliance with, any applicable provisions of the *Road Transport (General) Act 1999* and the *Duties Act 1999*; and
- (j) exercise other powers given to the authority under this Act.

8 Registrable vehicles based outside ACT not to be registered
(Cwth s 11, NSW s 9)

5 The road transport authority may register or renew the registration of a registrable vehicle only if satisfied the vehicle's garage address is in the ACT.

9 Register does not provide evidence of title (Cwth s 12, NSW s 10)

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

10 **10 Keeping of register** (NSW s 7 (2) to (4))

(1) The registrable vehicles register may include information given to the road transport authority under this Act and any other information the authority considers appropriate.

15 (2) The register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the road transport authority considers appropriate.

(3) The road transport authority may correct any mistake, error or omission in the register subject to the requirements (if any) of the regulations.

20 (4) This section does not limit the functions of the road transport authority in relation to the register.

11 Security of information in register (Cwth s 13, NSW s 11)

25 The road transport authority must ensure that information in the registrable vehicles register of a personal nature, or having commercial sensitivity for the person about whom it is kept, is released only in accordance with the regulations or another law in force in the Territory.

12 Ownership of devices, plates and documents (Cwth s 15, NSW s 13)

30 Any devices, plates or documents issued by the road transport authority to authorise the use of a registrable vehicle remain the property of the Territory.

Division 2.2—Regulations

13 General regulation-making power (Cwth s 16, 24 (2), (3), NSW s 14, MTA s 218)

35 (1) The Executive may make regulations for the purposes of this Act.

(2) The regulations may create offences punishable by maximum penalties not exceeding 20 penalty units.

14 Regulations to establish a registration system (Cwth s 17, NSW s 15)

5 (1) Without limiting section 13, the regulations are to provide a system of registration of registrable vehicles 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
- 10 (b) enables the identification of each registrable vehicle 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—

- 15 (a) fix the duration of the registration, and renewal of registration, of registrable vehicles; and
- (b) make provision for or with respect to the keeping of the registrable vehicles register; and
- (c) make provision for or with respect to the disclosure of personal information in the registrable vehicles register; and
- 20 (d) make provision for or with respect to the calculation of fees, charges and other amounts payable for the registration of vehicles for less than 12 months; and
- (e) make provision for or with respect to the recognition by the road transport authority of anything done under a corresponding law; and
- 25 (f) allow the road transport authority to enter into agreements with registered operators about rights to use special numberplates; and
- (g) make provision for or with respect to the form, issue, use, surrender, replacement and transfer of plates (including trader's plates) and registration labels, registration certificates and other registration documents; and
- 30 (h) require the keeping of records about the driving of registrable vehicles with trader's plates; and
- 35 (i) enable police officers or authorised people to require a driver or person in charge of a registrable vehicle with trader's plates to answer questions about the use of the plates.

15 Regulations to establish system for vehicle standards and inspections (NSW s 15A)

40 (1) Without limiting section 13 (General regulation-making power), 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) Without limiting the scope of regulations under subsection (1), the regulations may—

- 5
- (a) impose requirements about the supply by a buyer of a registrable vehicle of information or documents about the vehicle's compliance with vehicle standards; and
 - (b) make provision for or with respect to the identification of any part (including an engine or engine block) of a registrable vehicle and the use of the identification; and
 - 10 (c) authorise the road transport authority to exempt a vehicle from a vehicle standard prescribed under the regulations.

(3) Without limiting the scope of regulations under subsection (1), the regulations may make provision for or with respect to—

- 15
- (a) the appointment of people (*inspectors*) to inspect and test registrable vehicles; and
 - (b) the approval of premises (*approved premises*) for inspecting and testing registrable vehicles; and
 - (c) the duties of inspectors; and
 - 20 (d) the duties of people in relation to approved premises; and
 - (e) the issue of certificates about—
 - (i) the inspection and testing of registrable vehicles; and
 - (ii) the appointment of people as inspectors, including whether a stated person was an inspector on a stated date or during a stated period; and
 - 25 (iii) the approval of premises as approved premises, including whether stated premises were approved premises on a stated date or during a stated period; and
 - (f) the evidentiary effect of a certificate mentioned in paragraph (e); and
 - 30 (g) the review of decisions of inspectors; and
 - (h) the functions and powers of authorised people in relation to inspectors and approved premises; and
 - 35 (i) the charging of fees for the inspection or testing of registrable vehicles, including the fixing by the Minister of the maximum fees payable for the inspection or testing of registrable vehicles.

(4) Without limiting the scope of regulations under subsection (1), the regulations may, for the purposes of the inspection of any registrable vehicle, also—

- (a) make provision for or with respect to authorising the entry in or on any registrable vehicle (whether or not on a road or road related area); and
- 5 (b) make provision for or with respect to authorising entry into or on any premises ordinarily used for the sale of registrable vehicles or where a registrable vehicle may be held for sale; and
- (c) make provision for or with respect to the requirements to be complied with in relation to the use and disposition of registrable vehicles that—
 - 10 (i) do not comply with the vehicle standards prescribed under the regulations; or
 - (ii) are subject to inspections.

16 Regulations may apply certain documents etc (NSW s 14 (2))

(1) The regulations—

- 15 (a) may apply, adopt or incorporate, entirely or in part and with or without changes, publications of the National Road Transport Commission approved, or of matters approved, by the Australian Transport Council or any other publication (including an Act or regulation of another jurisdiction), as in force at a particular time or as in force from time to time; and
- 20 (b) may apply to a provision of the regulations, entirely or in part and with or without changes, the provisions of the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* (Cwth).

(2) For the regulations, the regulations may define a word or expression (or apply, adopt, or incorporate a definition of a word or expression in a publication mentioned in subsection (1) (a)) defined by this Act—

- 25 (a) in the same (or in substantially the same) way as it is defined by this Act; or
- 30 (b) by reference to a matter included in the word or expression as defined by this Act; or
- (c) by reference to a combination of matters included in the word or expression as defined by this Act and in any other word or expression defined by this Act (but not in a way that exceeds the power to make regulations about those matters); or
- 35 (d) for applying, adopting or incorporating a publication of the National Road Transport Commission approved, or of matters approved, by the Australian Transport Council—in the same way as it is defined in the publication despite anything in this Act or other road transport legislation.

(3) If a regulation applies, adopts or incorporates a publication (or provision of a publication) of the National Road Transport Commission

approved, or of matters approved, by the Australian Transport Council, evidence of the publication or provision may be given in a proceeding—

- 5 (a) by the production of a document purporting to be a copy of it and purporting to be published by or on behalf of the National Road Transport Commission; or
- (b) by the production of a document purporting to be a copy of it and purporting to be printed by the government printer or by the authority of the Government of any jurisdiction.

10 (4) In this section, a reference to a *publication of the National Road Transport Commission* includes a reference to a document published on behalf of the National Road Transport Commission.

17 Regulations may exclude vehicles and people from Act
(Cwth s 18, NSW s 16)

- 15 (1) The regulations may—
- (a) exempt a vehicle or person prescribed under the regulations from this Act (or a stated provision of this Act); or
- (b) authorise the road transport authority to exempt a vehicle or person prescribed under the regulations from this Act (or a stated provision of this Act).
- 20 (2) An exemption given under a regulation mentioned in subsection (1) may be conditional.
- (3) The regulations may provide for the road transport authority to—
- (a) suspend the operation of a regulation mentioned in subsection (1) in the way and circumstances prescribed under the regulations; or
- 25 (b) suspend the operation of an exemption given by the authority to a vehicle or person in the way and circumstances prescribed under the regulations.

PART 3—OFFENCES

18 Prohibition on using unregistered registrable vehicles or vehicles with suspended registration (Cwth s 20, NSW s 18, MTA s 165)

- 5 (1) A person must not use an unregistered registrable vehicle, or a vehicle with suspended registration, on a road or road related area.

Maximum penalty: 20 penalty units.

(2) Subsection (1) does not apply to the use of an unregistered registrable vehicle on a road or road related area if—

- 10 (a) the vehicle is of a kind prescribed by a regulation mentioned in section 17 (Regulations may exclude vehicles and people from Act) as a vehicle exempt from this Act; or
(b) the use is otherwise permitted under this Act.

15 (3) Subsection (1) does not apply to a registrable vehicle left parked on a road or road related area—

- (a) within 15 days after the vehicle ceases to be registered or to be exempted from being registered or its registration is suspended; or
(b) with the permission of the responsible person for the road or area.

(4) In this section—

20 *registrable vehicle* includes—

- (a) an incomplete or partly constructed registrable vehicle; and
(b) the remains of a registrable vehicle.

responsible person, for a road or road related area where a vehicle is left parked, means—

- 25 (a) if a person other than the owner of the road or area has care, control and management of the road or area—that person; or
(b) in any other case—the owner of the road or area.

19 Obtaining registration or unregistered vehicle permits by false statements etc (Cwth s 21, NSW s 19, MTA s 177)

30 (1) A person must not—

- (a) by a false statement or a misrepresentation or other dishonest means—
(i) register a registrable vehicle; or
(ii) renew the registration of a registrable vehicle; or

- (iii) obtain an unregistered vehicle permit for a registrable vehicle; or
 - (iv) renew an unregistered vehicle permit for a registrable vehicle; or
- 5 (b) without lawful authority or excuse, possess a device, plate or document obtained (whether in the Territory or elsewhere) using those means.

Maximum penalty: 20 penalty units.

- 10 (2) A device, plate or document obtained in a way mentioned in subsection (1) is void, and the road transport authority may change the registrable vehicles register accordingly.

20 Forgery of devices etc (MTA s 177)

A person must not—

- 15 (a) forge or fraudulently change or use, or fraudulently lend to or allow to be used by someone else, a device, plate or document issued under this Act or a corresponding law; or
- (b) without lawful authority or excuse, possess a device, plate or document issued under this Act, or a corresponding law, knowing it has been forged or fraudulently changed; or
- 20 (c) without lawful authority or excuse, possess anything resembling a device, plate or document issued under this Act, or a corresponding law, and calculated to deceive.

Maximum penalty: 50 penalty units, imprisonment for 6 months, or both.

21 Obligations of registered operator (Cwth s 23, NSW s 21)

- 25 (1) This Act does not affect the obligations of a registered operator of a registrable vehicle to comply with any applicable provisions of the *Road Transport (General) Act 1999* and the *Duties Act 1999*.

(2) A registered operator of a registrable vehicle must, in accordance with any requirements of the regulations—

- 30 (a) ensure that any devices, plates and documents issued by the road transport authority are installed or displayed on, or attached to, the vehicle; and
- (b) while operating the vehicle, carry or cause the driver to carry, documents prescribed under the regulations; and
- 35 (c) when required by the road transport authority, a police officer or an authorised person, produce any device, plate or document prescribed under the regulations; and
- (d) keep records required to be kept under the regulations about the registration of the vehicle.

Maximum penalty: 5 penalty units.

(3) A registered operator of a registrable vehicle must comply with any directions given by, and conditions imposed by, the road transport authority about the registration of the vehicle.

5 Maximum penalty: 50 penalty units.

22 Offences about numberplates, registration labels etc

(1) The driver of a registrable vehicle commits an offence if the vehicle is used on a road or road related area and has installed or displayed on, or attached to, it—

- 10 (a) a numberplate or registration label that was not properly issued, or was properly issued for another vehicle; or
- (b) a numberplate, registration label or anything else properly issued that has been fraudulently changed or changed in a way calculated to deceive; or
- 15 (c) anything resembling a numberplate, registration label or anything else properly issued that is calculated to deceive.

Maximum penalty: 20 penalty units.

(2) The registered operator of a registrable vehicle (other than the driver of the vehicle) used in contravention of subsection (1) also commits an offence if the operator failed to take reasonable precautions to prevent the contravention.

20

Maximum penalty: 20 penalty units.

(3) A person must not, without lawful authority or excuse—

- 25 (a) remove a numberplate, registration label or anything else properly issued that is installed or displayed on, or attached to, a vehicle; or
- (b) deface, damage, or otherwise interfere with, a numberplate, registration label or anything else properly issued.

Maximum penalty: 20 penalty units.

(4) In this section—

30 *properly issued* means issued—

- (a) by the road transport authority under this Act; or
- (b) under a corresponding law.

23 Offences relating to identification numbers of motor vehicles and trailers (NSW s 21A)

35 (1) In this section—

prescribed part, of a motor vehicle or trailer, means the engine, engine block, or any other part of the motor vehicle or trailer prescribed under the regulations.

(2) A person must not—

- 5 (a) if the person is not the manufacturer—stamp or attach an identification number on or to a prescribed part of a motor vehicle or trailer without the written authority of the road transport authority or except as prescribed under the regulations; or
- 10 (b) except as required or permitted under this Act—change, deface, remove or obliterate an identification number stamped on or attached to a prescribed part of a motor vehicle or trailer; or
- 15 (c) without lawful authority or excuse, possess a prescribed part of a motor vehicle or trailer knowing the identification number stamped on or attached to it has been changed, defaced, removed or obliterated other than as required or permitted under this Act.

Maximum penalty: 50 penalty units, imprisonment for 6 months, or both.

PART 4—DEFECTIVE AND DANGEROUSLY DEFECTIVE VEHICLES

24 Meaning of *defective vehicle* and *dangerously defective vehicle* (NSW s 4, 27B (7))

5 (1) A *defective vehicle* is a registrable vehicle that does not comply with a vehicle standard prescribed under the regulations.

(2) A *dangerously defective vehicle* is a registrable vehicle that is in such a condition that if a person drives or tows, or tries to drive or tow, the vehicle it is likely the person will lose control of the vehicle.

10 **25 Identifying defective vehicles (Cwth s 28, NSW s 26)**

(1) A police officer or authorised person may inspect a registrable vehicle on a road or road related area to find out its identity, condition or the status of any registration or permit relating to the vehicle.

15 (2) Without limiting subsection (1), the police officer or authorised person may, for that subsection, enter in or on the vehicle.

(3) The responsible person for the registrable vehicle must give the police officer or authorised person all reasonable assistance to make the inspection.

Maximum penalty: 20 penalty units.

20 (4) On discovering a defective vehicle, a police officer or authorised person may, in accordance with the regulations, do 1 or more of the following:

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

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

30 (6) After inspecting a registrable vehicle, a police officer or authorised person may seize any device, plate or document in or on the vehicle if the police officer or authorised person suspects on reasonable grounds that the device, plate or document has been or is being used in committing an offence against this Act.

26 Using certain defective vehicles (Cwth s 22, NSW s 20)

35 A person must not use a defective vehicle contrary to conditions or a prohibition imposed under section 25 (Identifying defective vehicles).

Maximum penalty: 20 penalty units.

27 Identifying dangerously defective vehicles (NSW s 27B)

(1) To decide whether a registrable vehicle being used on a road or road related area is dangerously defective, a police officer or authorised person may inspect and test the vehicle.

5 (2) Without limiting subsection (1), a police officer or authorised person may, for that subsection, do 1 or more of the following:

- (a) request or signal the driver of a registrable vehicle to stop the vehicle;
- 10 (b) request the driver of a registrable vehicle to give the police officer or authorised person any information the police officer or authorised person reasonably requires to inspect or test the vehicle;
- (c) request the driver of a registrable vehicle to do anything else the police officer or authorised person reasonably requires to inspect or test the vehicle.

15 (3) If a registrable vehicle is stopped because of a request or signal under paragraph (2) (a), any inspection or testing of the vehicle must be carried out—

- (a) at, or as near as practicable to, the place where the request or signal is made or given; and
- 20 (b) as soon as practicable, and in any case within 1 hour, after the vehicle is stopped.

(4) A person must not, without reasonable excuse, fail to comply with a request or signal made or given by a police officer or authorised person under this section.

25 Maximum penalty (subsection (4)): 20 penalty units.

28 Using dangerously defective vehicles (NSW s 27B)

(1) A person must not use a dangerously defective registrable vehicle on a road or road related area.

Maximum penalty: 20 penalty units.

30 (2) Subsection (1) does not apply to the use of a dangerously defective vehicle—

- (a) if the vehicle is at, or in the vicinity of, an accident and its condition is the result of damage caused by the accident; or
- 35 (b) if the person using the vehicle knows the vehicle's condition and has taken, or is taking, reasonable action to have the vehicle repaired or removed from the road or road related area; or
- (c) if the vehicle is being inspected or tested under subsection 27 (1); or
- (d) in any other circumstances prescribed under the regulations.

PART 5—MISCELLANEOUS

29 Registered operators (NSW s 23A)

(1) The road transport authority may record 1 or more people as registered operators of a registrable vehicle in accordance with the regulations.

(2) Subject to any regulations made under subsection (3), if more than 1 person is recorded as a registered operator of a registrable vehicle at any time, a reference in any relevant legislation to the *registered operator* of a registrable vehicle is taken to include a reference to each registered operator of the vehicle at that time.

(3) The regulations may provide for or with respect to deciding the respective rights, liabilities and obligations of each registered operator of a registrable vehicle under any relevant legislation.

(4) In this section—

relevant legislation means—

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

30 Seizure of numberplates (NSW s 27C)

A police officer or authorised person may seize—

- (a) a numberplate attached to a registrable vehicle if the registration of the vehicle has expired more than 15 days earlier or is cancelled; or
- (b) a numberplate used in contravention of a provision of the regulations prescribed under the regulations for this section.

31 Status of unregistered vehicles with permits (NSW s 29)

If an unregistered vehicle permit is in force for an unregistered registrable vehicle, the vehicle is taken to be a registered vehicle for this Act and any other law about the registration or licensing of vehicles.

32 References to Motor Traffic Act etc

In any Act, instrument made under an Act or document, a reference to the *Motor Traffic Act 1936* or the *Motor Traffic Regulations 1934* is, in relation to anything to which this Act applies, a reference to this Act.

PART 6—TRANSITIONAL

33 Definitions for Pt 6

In this Part—

commencement means the commencement of this Act.

5 *existing certificate* means a registration certificate (or renewal of a registration certificate), issued under the former Act, that was in force immediately before the commencement.

10 *existing label* means a registration label (or renewal of a registration label), issued under the former Act, that was in force immediately before the commencement.

existing plate means a numberplate, issued under the former Act, that was in force immediately before the commencement.

15 *existing registered vehicle* means an existing registrable vehicle that was registered, under the former Act, immediately before the commencement.

existing registrable vehicle means a vehicle within the meaning of the former Act, as in force immediately before the commencement, that belongs to a class of vehicles that could have been registered under that Act as in force at that time.

20 *existing registration* means the registration of an existing registrable vehicle, under the former Act, that was in force immediately before the commencement.

former Act means the *Motor Traffic Act 1936*, and includes the former regulations.

25 *former regulations* means the *Motor Traffic Regulations 1934*.

temporary licence means a temporary licence, issued under paragraph 216 (1) (a) of the former Act, that was in force immediately before the commencement.

30 *unexpired registration period*, of an existing registered vehicle, means the part of the period for which the vehicle was registered under the former Act that had not expired immediately before the commencement.

34 Existing registrations (NSW Sch 3, cl 3)

35 (1) An existing registered vehicle is taken to be registered under this Act despite section 8.

(2) The period of registration of the vehicle is taken to be the unexpired registration period of the vehicle.

(3) Accordingly, any existing certificates, existing labels and existing plates of the vehicle are taken to be certificates, labels and plates issued by the road transport authority under this Act.

(4) Despite subsection (3), the regulations may make provision for or with respect to the continuation under this Act of existing plates issued under the former Act.

35 Existing temporary licences (NSW Sch 3, cl 4)

A temporary licence is taken—

- (a) to be an unregistered vehicle permit issued by the road transport authority under this Act for the period of the temporary licence that remains unexpired immediately before the commencement; and
- (b) to be subject to the same conditions it was subject to immediately before the commencement.

36 Owner taken to be registered operator

The owner (or an owner) of a motor vehicle under paragraph (a) or (b) of the definition of *owner* in subsection 4 (1) (Interpretation) of the former Act is taken, after the commencement, to be the registered operator (or a registered operator) of the vehicle under this Act.

37 Existing trader's plates

A trader's plate issued under the former Act is taken, after the commencement, to be a trader's plate issued under this Act.

38 Existing registration records

The record of the particulars of the registration of motor vehicles and trailers kept under subsection 194 (1) (Record of registration and licences to be kept) of the former Act is taken, after the commencement, to be the registrable vehicles register.

39 Existing defect notices

A notice under section 108B (Defect notices), section 108C (Vehicles in dangerous condition) or subsection 108E (2) or (4) (Powers of Registrar, inspectors and authorised examiners) of the former Act is taken, after the commencement, to be a defect notice under paragraph 25 (4) (a) (Identifying defective vehicles) of this Act.

40 Transitional regulations

- (1) The regulations may prescribe savings or transitional matters necessary or convenient to be prescribed because of the enactment of this Act.
- 5 (2) Without limiting the scope of subsection (1), the regulations may prescribe matters necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act instead of the provisions of the former Act.
- (3) Regulations made for this section must not be taken to be
10 inconsistent with this Act as far as they can operate concurrently with this Act.
- (4) This section is additional to, and does not limit, section 41.

41 Modification of Part's operation

- 15 The regulations may modify the operation of this Part to make provision with respect to any matter that is not, or not adequately, dealt with in this Part.

42 Expiry of Part

This Part ceases to have effect 15 months after it commences.

DICTIONARY

(See s 4)

another jurisdiction means a jurisdiction other than the ACT.

Australian Transport Council means the Australian Transport Council mentioned in section 3 of the *National Road Transport Commission Act 1991* (Cwth) or its successor.

authorised person, for a provision of this Act, means—

- (a) a person who is appointed as an authorised person under the *Road Transport (General) Act 1999* for the provision; or
- (b) a person who, under the regulations made under this Act or the *Road Transport (General) Act 1999*, is an authorised person for the provision.

authority—see *road transport authority*.

corresponding law means a law of another jurisdiction under which devices, plates and documents relating to the registration of vehicles are issued.

dangerously defective vehicle—see section 24.

defective vehicle—see section 24.

drive a vehicle includes—

- (a) be in control of the steering, movement or propulsion of the vehicle; and
- (b) if the vehicle is a trailer—draw or tow the vehicle; and
- (c) if the vehicle can be ridden—ride the vehicle.

driver, of a vehicle, means the person who is driving the vehicle.

exercise a function includes perform a duty.

function includes power.

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 main 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 and—
 - (i) the vehicle has only 1 operator—the home address of the registered operator; or
 - (ii) the vehicle has more than 1 registered operator and 1 or more of the operators lives in the ACT—the home address of the registered operator living in the ACT

DICTIONARY—continued

whose home address is nearest the road or road related area; or

(iii) the vehicle has more than 1 registered operator and none of the registered operators live in the ACT—the suburb and road or road related area in the ACT where the vehicle is normally kept; or

(c) if the vehicle is normally kept at a place (other than a depot, base of operations or road or road related area) when not in use—the place where the vehicle is normally kept.

GCM (or *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 the same time—

(a) specified by the manufacturer on an identification plate on the motor vehicle; or

(b) if there is no specification by the manufacturer on an identification plate on the motor vehicle or if the specification is not appropriate because the motor vehicle has been modified—certified by the road transport authority.

GVM (or *gross vehicle mass*), of a vehicle, means the maximum loaded mass of the vehicle—

(a) specified by the manufacturer on an identification plate on the vehicle; or

(b) if there is no specification by the manufacturer on an identification plate on the vehicle or if the specification is not appropriate because the vehicle has been modified—certified by the road transport authority.

heavy vehicle means a motor vehicle or trailer with a GVM more than 4.5 tonnes.

home address means—

(a) for a corporation—the address of its registered office or the address recorded in the registrable vehicles register as its home or business address; or

(b) for an individual—the address of the place where the person usually lives.

inspect, in relation to a registrable vehicle, includes observe the vehicle's performance, with or without the use of instrumentation.

DICTIONARY—continued

jurisdiction means a State, the Commonwealth or an internal Territory, including the ACT.

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

5 *National Road Transport Commission* means the National Road Transport Commission established by the *National Road Transport Commission Act 1991* (Cwth) or its successor.

premises means any place.

register—see *registrable vehicles register*.

10 *registered*, for a registrable vehicle, means registered under this Act.

registered operator means—

- (a) for a registrable vehicle registered under this Act—a person recorded in the registrable vehicles register as a registered operator of the vehicle; or
- 15 (b) for a registrable vehicle registered under the law of another jurisdiction—a person recorded in the register of the other jurisdiction corresponding to the registrable vehicles register as a registered operator of the vehicle.

registrable vehicle means—

- 20 (a) any motor vehicle; or
- (b) any trailer; or
- (c) any other vehicle prescribed under the regulations for this definition.

25 *registrable vehicles register* (or *register*) means the registrable vehicles register required to be kept under section 6.

responsible person, for a vehicle—see *Road Transport (General) Act 1999*, section 10.

ride, for the rider of a motorbike or an animal-drawn vehicle, includes be in control of the vehicle.

30 *road* means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, but does not include an area that would otherwise be a road so far as an order under section 12 (Power to include or exclude areas in road transport legislation) of the *Road Transport (General) Act 1999* declares that this Act does not apply to the area.

35

DICTIONARY—continued

road related area means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- 5 (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
- 10 (f) any other area that is open to or used by the public so far as an order under section 12 (Power to include or exclude areas in road transport legislation) of the *Road Transport (General) Act 1999* declares that this Act applies to the area;

but does not include an area that would otherwise be a road related area so far as an order under that section declares that this Act does not apply to the area.

road transport authority (or **authority**) means the Australian Capital Territory Road Transport Authority.

Note The chief executive of the department responsible for the *Road Transport (General) Act 1999* is the road transport authority (see *Road Transport (General) Act 1999*, s 16).

road transport legislation see *Road Transport (General) Act 1999*, section 6.

the regulations made under this Act includes any publication applied, adopted or incorporated under the regulations, whether entirely or in part and with or without changes.

this Act (or **the Act**) includes the regulations under this Act.

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

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

unregistered vehicle permit means a permit mentioned in paragraph 7 (d) (Powers of road transport authority).

use a vehicle includes drive, park or stop the vehicle on a road or road related area.

vehicle means—

DICTIONARY—continued

- (a) any description of vehicle on wheels, other than a vehicle used on railways or tramways; or
- (b) any other vehicle prescribed under the regulations.

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

Endnote

Penalty units

Section 33AA of the *Interpretation Act 1967* deals with the meaning of offence penalties that are expressed in penalty units.