



New South Wales

Road Transport (Vehicle Registration) Amendment (Number-Plates) Regulation 2010

under the

Road Transport (Vehicle Registration) Act 1997

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (Vehicle Registration) Act 1997*.

DAVID BORGER, MP
Minister for Roads

Explanatory note

The object of this Regulation is to amend the *Road Transport (Vehicle Registration) Regulation 2007* as follows:

- (a) to revise and clarify existing arrangements for the issue of special number-plates to facilitate proposed commercial arrangements for the issue of special number-plates and to provide for the use and release of information by the Roads and Traffic Authority (*the Authority*) in connection with those arrangements,
- (b) to clarify the power of the Authority to set fees for services provided by the Authority,
- (c) to provide a power for the Authority to alter the design of number-plates,
- (d) to provide a power for the Authority to waive, reduce or refund number-plate fees,
- (e) to extend provisions for the issue of bicycle rack number-plates to facilitate the transport on motor vehicles of personal mobility devices approved by the Authority,
- (f) to make various minor amendments and clarifications to provisions for the issue, allocation, reservation, transfer and replacement of number-plates.

This Regulation is made under the *Road Transport (Vehicle Registration) Act 1997*, including sections 8, 8A, 14 and 15.

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Clause 1 Road Transport (Vehicle Registration) Amendment (Number-Plates)
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**Road Transport (Vehicle Registration) Amendment
(Number-Plates) Regulation 2010**

under the

Road Transport (Vehicle Registration) Act 1997

1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Number-Plates) Regulation 2010*.

2 Commencement

This Regulation commences on 20 August 2010 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Transport (Vehicle Registration) Regulation 2007

- [1] **Clauses 10, 14, 15, 16, 16A, 19, 27, 30, 34, 35, 38, 42, 43, 44, 56, 57, 58, 59, 60, 61, 71, 72, 78 and 83**

Omit “applicable scheduled fee” and “applicable gazetted fee” wherever occurring (except where otherwise amended by this Schedule).

Insert instead “applicable fee”.

- [2] **Clause 17 Definitions**

Omit paragraph (b) of the definition of *plate holder*. Insert instead:

- (b) in the case of a special number-plate—the person to whom the special number-plate is issued pursuant to the special number-plate arrangements referred to in clause 20, or

- [3] **Clause 17, definition of “vehicle number-plate”**

Omit “a bicycle rack number-plate”.

Insert instead “an auxiliary number-plate”.

- [4] **Clause 19 Number-plates generally**

Omit clause 19 (3). Insert instead:

- (3) A vehicle number-plate is to conform to such specifications as the Authority determines and must display the matter “NSW” or the words “New South Wales”, and such other words or matter as may be determined:
- (a) by the Authority with the consent of the Minister in the case of standard number-plates, or
- (b) by the Authority in the case of special number-plates.

- [5] **Clause 20**

Omit the clause. Insert instead:

20 Special number-plates

- (1) The Authority may issue special number-plates to a person pursuant to arrangements determined by the Authority (referred to in this Division as the *special number-plate arrangements*).
- (2) Special number-plates may be issued to a person for a motor vehicle registered by the Authority (to display the distinguishing registration number assigned to the vehicle) or independently of vehicle registration. Special number-plates issued independently

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of vehicle registration must be kept in the possession of the Authority, unless the Authority otherwise determines in a particular case or class of cases.

- (3) The Authority may set the fees, charges and consideration to be paid for or in connection with the issue of special number-plates and other services provided by the Authority in connection with the issue of special number-plates. However, any such fee, charge or consideration cannot be set in relation to a matter for which a fee is prescribed by Schedule 3.
- (4) The special number-plate arrangements can include provision for the following:
 - (a) the terms and conditions under which special number-plates are issued and the rights and obligations of plate holders in respect of special number-plates,
 - (b) the arrangements under which special number-plates issued independently of vehicle registration are to be held in the possession of the Authority (including requirements for the payment of additional fees and charges in connection with that service),
 - (c) providing for the consideration to be paid for or in connection with the issue of a special number-plate to be determined by auction, tender or other competitive process,
 - (d) the issue of replica or souvenir versions of special number-plates,
 - (e) requiring an agreement to be entered into for the issue of special number-plates (being an agreement between the Authority and a person for or in connection with the issue to the person of special number-plates).
- (5) The required agreement for the issue of special number-plates can include provision for the following:
 - (a) the terms and conditions under which a special number-plate is issued and the rights and obligations of the plate holder in respect of a special number-plate,
 - (b) requiring payment of the fees, charges and consideration that are payable under the special number-plate arrangements for or in connection with the issue of a special number-plate,
 - (c) such other matters in connection with special number-plates as the Authority considers appropriate.

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- (6) The requirements of the special number-plate arrangements are in addition to the other requirements of this Division relating to the issue of number-plates.
 - (7) In this clause, *issue* a number-plate includes allocate, set aside, reserve, transfer and replace a number-plate.

[6] Clause 21

Omit the clause. Insert instead:

21 Auxiliary number-plates for bicycle and approved personal mobility device racks

- (1) The Authority may on payment of any applicable fee issue a number-plate (referred to in this Division as an *auxiliary number-plate*) for use on a registrable vehicle (in addition to the vehicle number-plates) by being placed on apparatus attached to the vehicle for use in transporting a bicycle or other personal mobility device approved by the Authority for the purposes of this clause.
- (2) An auxiliary number-plate is to have the same distinguishing number as the registration of the registrable vehicle on which it is to be used.
- (3) An auxiliary number-plate cannot be issued for use on a motor bike or motor trike.
- (4) An auxiliary number-plate is to conform to such specifications as the Authority determines and must display the matter “NSW” or the words “New South Wales”, and such other words or matter as may be determined:
 - (a) by the Authority with the consent of the Minister in the case of an auxiliary number-plate that is a standard number-plate, or
 - (b) by the Authority in the case of an auxiliary number-plate that is a special number-plate.
- (5) For the purposes of this Regulation:
 - (a) an auxiliary number-plate is a number-plate for the purposes of this Regulation and is taken to be issued for use on a motor vehicle, and
 - (b) an auxiliary number-plate displayed, in accordance with this Regulation, on apparatus attached to a motor vehicle for use in transporting a bicycle or other approved personal mobility device is taken to be placed on the motor vehicle concerned.

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- (6) An auxiliary number-plate displayed on a motor vehicle must be illuminated, at all times when the vehicle is driven between the hours of sunset and sunrise, with a white light so as to render visible at a distance of 20 metres the distinguishing number on the plate.

[7] Clause 22 Authority may alter distinguishing number of registration

Omit clause 22 (1) and (2). Insert instead:

- (1) The Authority may at any time alter the distinguishing number of the registration of a registrable vehicle or of a number-plate allocated, reserved or set aside by the Authority.

[8] Clause 22A

Insert after clause 22:

22A Authority may alter number-plate design

- (1) The Authority may at any time alter the design of a number-plate issued by the Authority. The *design* of a number-plate includes the colour, layout, style and other characteristics of the appearance of a number-plate.
- (2) The Authority may give written notice to each registered operator of a vehicle requiring the registered operator to return to the Authority, within the period specified in the notice, any number-plate issued in respect of the vehicle that the Authority has decided to alter the design of.
- (3) A registered operator of a vehicle must comply with any notice given to the registered operator under this clause.
Maximum penalty: 20 penalty units.
- (4) The Authority alters the design of a number-plate by issuing a replacement number-plate with the altered design.
- (5) In this clause, *issue* a number-plate includes allocate, set aside and reserve a number-plate.

[9] Clauses 23–26

Omit the clauses. Insert instead:

23 Reservation of number-plates

The Authority may reserve a number-plate (or the distinguishing number for a number-plate) on payment of any applicable fee.

24 Transfer of number-plates

- (1) The Authority may transfer number-plates from one vehicle to another on payment of any applicable fee.
- (2) The Authority may transfer the reservation of a number-plate (or the distinguishing number for a number-plate) on payment of any applicable fee.

25 Replacement of surrendered number-plates

- (1) The Authority may on payment of any applicable fee issue a number-plate to replace an existing number-plate.
- (2) The content and style of a replacement number-plate may be the same as or different from the content and style of the existing number-plate.
- (3) If a replacement number-plate is issued for a registrable vehicle before an existing number-plate for the vehicle is surrendered, a registered operator of the vehicle must surrender any existing number-plate to the Authority within 14 days after the replacement number-plate is issued.
Maximum penalty: 20 penalty units.

26 Damaged number-plates

- (1) The plate holder of a number-plate that has become damaged must surrender the damaged number-plate to the Authority as soon as reasonably practicable for replacement under clause 25.
- (2) The plate holder must at the same time also surrender any other number-plate with the same distinguishing number, unless the Authority otherwise approves in a particular case.
Maximum penalty: 20 penalty units.

[10] Clause 27 Lost, stolen or destroyed number-plates

Omit “a bicycle rack number-plate” from clause 27 (2).
Insert instead “an auxiliary number-plate”.

[11] Clause 27 (4) and (5)

Omit clause 27 (4). Insert instead:

- (4) The Authority may issue a new number-plate under clause 25 to replace a number-plate that has been lost, stolen or destroyed.

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- (5) When the Authority issues a new number-plate to replace a number-plate that has been lost, stolen or destroyed, the new number plate must:
- (a) in the case of a vehicle number-plate—have a distinguishing number that is different from that of the number-plate it replaces, or
 - (b) in the case of an auxiliary number-plate—have the same number as the number-plate it replaces,
- unless the Authority otherwise approves in a particular case.

[12] Part 2, Division 5, Subdivision 5

Insert after clause 28:

Subdivision 5 General

28A Return of number-plates

- (1) The Authority may, by written notice to a person who has possession of a number-plate issued by the Authority, direct the person to return the number-plate to the Authority.
- (2) A person must comply with a notice under this clause within the period specified in the notice.
Maximum penalty: 20 penalty units.

28B Special number-plate concession arrangements

- (1) The Authority may use operational information or release operational information to the special number-plate concessionaire to facilitate the operation of the special number-plate concession concerned or any subsidiary arrangement.
- (2) A person who obtains operational information in the course of exercising functions under a special number-plate concession or a subsidiary arrangement must not make a record of or disclose the information except:
 - (a) in the exercise of the person's functions under or for the purposes of the special number-plate concession, or
 - (b) with other lawful authority.Maximum penalty: 20 penalty units.
- (3) The Authority may delegate any function of the Authority under this Division (except this power of delegation) to a special number-plate concessionaire.

(4) In this clause:

operational information means any information obtained by the Authority in the exercise of any function of the Authority, including:

- (a) information in any register kept by the Authority, and
- (b) information that is of a personal nature or that has commercial sensitivity.

special number-plate concession means a commercial arrangement entered into by the Authority for the provision of marketing and other services to the Authority in connection with the issue of special number-plates.

special number-plate concessionaire means a person with whom the Authority enters into a special number-plate concession.

subsidiary arrangement means a commercial arrangement entered into by the special number-plate concessionaire in connection with a special number-plate concession.

[13] Clause 30 Renewal of registration

Omit “within 14 days of the date specified in the notice” from clause 30 (8).

Insert instead “within the period specified in the notice”.

[14] Clause 34 Obligations of acquirers

Omit “If the applicable scheduled fee referred to in subclause (1) is expressed, in Schedule 3, to include an additional amount” from clause 34 (3).

Insert instead “If the applicable fee referred to in subclause (1) includes an additional amount”.

[15] Clause 36 Registration of the transfer of vehicles and functions of the Authority

Omit clause 36 (2). Insert instead:

- (2) The Authority may refuse to register the transfer of registration of a registrable vehicle for which any special number-plate has been issued unless:
 - (a) the distinguishing number of the registration has been altered in accordance with this Regulation, and
 - (b) any number-plate issued for the vehicle has been surrendered to the Authority.

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[16] Clause 37 Transfer on death of registered proprietor

Omit section 37 (1) (d). Insert instead:

- (d) any applicable fee in respect of the transfer is paid.

[17] Clause 39 Expiry of registration

Omit “within 14 days after the date specified in the notice” from clause 39 (3).

Insert instead “within the period specified in the notice”.

[18] Clause 41 Suspension or cancellation of registration by Authority

Insert at the end of clause 41 (1) (m):

, or

- (n) a registered operator of the vehicle has failed to comply with a requirement imposed by or under this Regulation to return or surrender a number-plate for the vehicle.

[19] Clause 42 Procedures for suspension and cancellation of registration

Omit clause 42 (5) and (6). Insert instead:

- (5) If the registration of a vehicle is cancelled, a registered operator must:
- (a) destroy the registration label for the vehicle as soon as practicable after the registration is cancelled, and
 - (b) return the certificate of registration and any number-plates issued in respect of the registration to the Authority (or an agent nominated by the Authority) within 14 days after the registration is cancelled.

Maximum penalty: 20 penalty units.

[20] Clause 77

Omit the clause. Insert instead:

77 Fees

- (1) The following fees are payable under this Regulation:
- (a) fees prescribed by Schedule 3 for the various matters set out in that Schedule,
 - (b) fees fixed by the Authority under subclause (2),
 - (c) fees set by the Authority under clause 20 (Special number-plates).
- (2) The Authority may with the approval of the Minister fix fees to be payable for or in connection with any service provided by the

Authority under the Act or this Regulation except any service for which a fee is prescribed by Schedule 3.

Note. These fees are fixed under section 8 (1) (k) of the Act. Section 8 (2) of the Act requires these fees to be published in the Gazette.

- (3) Subclause (2) does not apply to fees set by the Authority under clause 20.

[21] Clause 78 Refund of fees

Omit “applicable scheduled fee or applicable gazetted fee” wherever occurring.

Insert instead “applicable fee”.

[22] Clause 80 Exemption for eligible pensioners

Omit “applicable gazetted fee or applicable scheduled fee” from the definition of *administrative fee* in clause 80 (4).

Insert instead “applicable fee”.

[23] Clauses 81 and 82

Omit the clauses. Insert instead:

81 Refund of number-plate fees

The Authority may, in any case or class of cases that the Authority thinks it appropriate to do so, waive, reduce or refund (in whole or in part) any applicable fee payable or paid for or in connection with the issue, allocation, setting aside, reservation, transfer or replacement of a number-plate.

[24] Schedule 3 Fees

Omit “general issue number-plates”.

Insert instead “standard number-plates”.

[25] Dictionary

Omit the definitions of *applicable gazetted fee*, *applicable scheduled fee* and *special number-plate*.

[26] Dictionary

Insert in alphabetical order:

applicable fee, in relation to a matter, means a fee set, fixed or prescribed by or under this Regulation in relation to the matter.

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special number-plate means a number-plate that has a special design, content or format designated by the Authority from time to time as constituting a special number-plate for the purposes of this Regulation.

standard number-plate means a number-plate that is not a special number-plate.