

**MOTOR VEHICLES (PENSIONERS TAXATION AND
REGISTRATION) AMENDMENT ACT, 1984, No. 41**

New South Wales



ANNO TRICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 41, 1984.

An Act to amend the Motor Vehicles Taxation Management Act, 1949, to exempt certain pensioners' motor vehicles from tax and to amend the Motor Traffic Regulations, 1935, to exempt those vehicles from certain registration fees. [Assented to, 13th June, 1984.]

Motor Vehicles (Pensioners Taxation and Registration) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Motor Vehicles (Pensioners Taxation and Registration) Amendment Act, 1984".

Commencement.

2. (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 1st July, 1984.

Schedules.

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE MOTOR VEHICLES TAXATION
MANAGEMENT ACT, 1949.

SCHEDULE 2.—AMENDMENTS TO THE MOTOR TRAFFIC REGULA-
TIONS, 1935.

Amendment of Act No. 34, 1949.

4. The Motor Vehicles Taxation Management Act, 1949, is amended in the manner set forth in Schedule 1.

Motor Vehicles (Pensioners Taxation and Registration) Amendment.

Amendment of Motor Traffic Regulations, 1935.

5. (1) The Motor Traffic Regulations, 1935, are amended in the manner set forth in Schedule 2.

(2) The amendments made by this Act to the Motor Traffic Regulations, 1935, and those Regulations, as amended by this Act, may be amended, varied or repealed by regulations made under the Motor Traffic Act, 1909.

SCHEDULE 1.

(Sec. 4.)

**AMENDMENTS TO THE MOTOR VEHICLES TAXATION
MANAGEMENT ACT, 1949.**

(1) Section 3 (1), definition of "Pensioner"—

After the definition of "Owner", insert:—

"Pensioner" means a person who is the holder of a Pensioner Health Benefits Card which is in force issued on behalf of the Commonwealth Department of Health by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs and—

- (a) who is the holder of a licence which is in force to drive a motor vehicle, being a licence for which, pursuant to Regulation 5 of the Motor Traffic Regulations, 1935, no fee was payable; or
- (b) who is not the holder of a licence referred to in paragraph (a) but—
 - (i) who has satisfied the Commissioner, by the production of a certificate from a medical practitioner, that the person is not medically fit to drive a motor vehicle; or
 - (ii) who has otherwise satisfied the Commissioner that the person should be treated as a pensioner for the purposes of this Act.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE MOTOR VEHICLES TAXATION
MANAGEMENT ACT, 1949—*continued.*

(2) (a) Section 7 (1) (d)—

After section 7 (1) (c), insert:—

(d) subject to subsection (1A), any motor vehicle—

- (i) which is solely owned by a pensioner or jointly owned by 2 or more pensioners;
- (ii) which is not used in the course of any trade, business or profession or let out for hire;
- (iii) which is used solely or principally by the pensioner or those pensioners, as the case may be;
- (iv) which is used substantially for social or domestic purposes or for pleasure; and
- (v) which does not weigh more than 2 tonnes or is a motor vehicle, or a motor vehicle of a class or description of motor vehicles, approved for the time being by the Commissioner;

(b) Section 7 (1A)—

After section 7 (1), insert:—

(1A) A pensioner—

- (a) except as provided by paragraph (b), shall be entitled to an exemption from tax in respect of one motor vehicle only; or
 - (b) shall be entitled to an exemption from tax in respect of 2 motor vehicles where—
 - (i) the pensioner and another pensioner are the joint registered owners of the motor vehicles; and
 - (ii) the pensioners referred to in subparagraph (i) are married to each other or reside in the same household.
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Motor Vehicles (Pensioners Taxation and Registration) Amendment.

SCHEDULE 2.

(Sec. 5.)

AMENDMENTS TO THE MOTOR TRAFFIC REGULATIONS, 1935.

(1) Regulation 5 (1)—

Omit Regulation 5 (1), insert instead:—

(1) In this Regulation—

“pensioner” means a person who is the holder of a Pensioner Health Benefits Card which is in force issued on behalf of the Commonwealth Department of Health by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans’ Affairs and—

- (a) who is the holder of a licence which is in force to drive a motor vehicle, being a licence for which, pursuant to this Regulation, no fee was payable; or
- (b) who is not the holder of a licence referred to in paragraph (a) but—
 - (i) who has satisfied the Commissioner, by the production of a certificate from a medical practitioner, that the person is not medically fit to drive a motor vehicle; or
 - (ii) who has otherwise satisfied the Commissioner that the person should be treated as a pensioner for the purposes of this Regulation;

“pensioner’s motor vehicle” means a motor vehicle—

- (a) which is solely owned by a pensioner or jointly owned by 2 or more pensioners;
- (b) which is not used in the course of any trade, business or profession or let out for hire;
- (c) which is used solely or principally by the pensioner or those pensioners, as the case may be;
- (d) which is used substantially for social or domestic purposes or for pleasure; and

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SCHEDULE 2—*continued.*AMENDMENTS TO THE MOTOR TRAFFIC REGULATIONS, 1935—*continued.*

- (e) which does not weigh more than 2 tonnes or is a motor vehicle, or a motor vehicle of a class or description of motor vehicles, approved for the time being by the Commissioner.

(2) Regulation 5 (2) (a1)—

After Regulation 5 (2) (a), insert:—

- (a1) subject to clause (2A), for the registration, on or after 1st July, 1984, or the renewal of registration, on or after that date, of a pensioner's motor vehicle, not being a motor vehicle referred to in Item 5 (c) of Schedule A;

(3) Regulation 5 (2A)—

After Regulation 5 (2), insert:—

(2A) A pensioner—

- (a) except as provided by paragraph (b), shall be entitled to an exemption from payment of the prescribed fee in respect of one motor vehicle only; or
 - (b) shall be entitled to an exemption from payment of the prescribed fee in respect of 2 motor vehicles where—
 - (i) the pensioner and another pensioner are the joint registered owners of the motor vehicles; and
 - (ii) the pensioners referred to in subparagraph (i) are married to each other or reside in the same household.
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