

1993—No. 494

MOTOR ACCIDENTS ACT 1988—ORDER

NEW SOUTH WALES



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I, John Planta HANNAFORD, being the Minister for the Crown administering the provisions of the Motor Accidents Act 1988, do, in pursuance of section 150 of that Act, make the order set forth hereunder.

Dated this twenty first day of September 1993.

J. P. HANNAFORD
Attorney General.

Citation

1. This Order may be cited as the Motor Accidents (Short-fall Levy) Order 1993.

Definitions

2. In this Order:

“pensioner” means a person:

- (a) who is the holder of a Pensioner Health Benefits Card or Pensioner Concession Card (being a card that 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; or
- (b) who is in receipt of a pension or other amount paid by the Commonwealth Department of Veterans’ Affairs in respect of a war caused disability that seriously affects the person’s powers of locomotion, being a pension or other amount (or a pension or other amount at a level) approved by the Roads and Traffic Authority for the purposes of this paragraph; or

(c) who is a woman who is the holder of a dependent treatment entitlement card issued on behalf of the Commonwealth Department of Veterans' Affairs and:

- (i) in the case of a woman who is of or above the age of 60 years—is entitled to receive an age pension under the Social Security Act 1991 of the Commonwealth at the maximum rate applicable under that Act; or
- (ii) in the case of a woman who is under the age of 60 years—would be entitled (if she were, in fact, of or above the age of 60 years) to so receive an age pension at that maximum rate,

and:

- (d) who is the holder of a licence to drive a motor vehicle, being a licence that is in force and being a licence for which (pursuant to Regulation 5 of the Motor Traffic Regulations 1935) no fee was payable; or
- (e) who is not the holder of a licence referred to in paragraph (d) but:

- (i) who has satisfied the Roads and Traffic Authority, by the production of a certificate from a medical practitioner, that the person is medically fit to drive a motor vehicle; or
- (ii) who has otherwise satisfied the Roads and Traffic Authority that the person should be treated as a pensioner for the purposes of this Order;

“pensioner's motor vehicle” means a motor vehicle:

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

“the Act” means the Motor Accidents Act 1988.

Short-fall levy

3. (1) This clause applies to any application made for the registration or renewal of registration of a motor vehicle, where the registration or renewal of registration is to take effect on or after 1 November 1993.

(2) A short-fall levy is payable under Part 10 of the Act for each motor vehicle in respect of which an application is made, other than:

- (a) a pensioner's motor vehicle; or
- (b) a motor vehicle that has less than four wheels and is equipped with an engine with a capacity of 100 millilitres or less;
- (c) a motor vehicle (other than one that is owned by New South Wales Fire Brigades) that is used solely for fire fighting purposes or State Emergency Service operations; or
- (d) a trailer; or
- (e) a tractor or other item of self-propelled machinery that is not constructed on a conventional motor vehicle chassis and that is used solely for agricultural or farming purposes; or
- (f) an invalid chair; or
- (g) a motor vehicle in respect of which an application is made for a permit under Regulation 53A of the Motor Traffic Regulations 1935; or
- (h) a motor vehicle in respect of which an application is made for registration or renewal of registration under the Recreation Vehicles Act 1983.

(3) A short-fall levy is payable under Part 10 of the Act for each trader's plate in respect of which an application is made.

(4) The amount of the short-fall levy is:

- (a) \$11, in the case of an application for the registration or renewal of registration of a motor vehicle for a period of 3 months or less; or
- (b) \$43, in the case of an application for the registration or renewal of registration of a motor vehicle for a period of more than 3 months or for the issue of a trader's plate.

Repeal

4. (1) This clause takes effect on 1 November 1993.

(2) The Order made under section 150 of the Act and published in Gazette No. 81 of 30 June 1989 at page 3829 is repealed.
