

**MISCELLANEOUS ACTS (MOTOR VEHICLES
TAXATION) REPEAL AND AMENDMENT ACT,
1980, No. 120**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 120, 1980.

An Act to amend the Motor Vehicles Taxation Management Act, 1949, the Main Roads Act, 1924, and the Transport Act, 1930, in connection with the enactment of the Motor Vehicles (Taxation) Act, 1980; to repeal certain enactments; and for other purposes. [Assented to, 4th November, 1980.]

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and 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 "Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment Act, 1980".

Commence- **2.** (1) This section and section 1 shall commence on the date
ment. of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on 21st November, 1980.

Schedules. **3.** This Act contains the following Schedules :—

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

SCHEDULE 2.—AMENDMENTS TO OTHER ACTS.

SCHEDULE 3.—AMENDMENTS TO THE MOTOR VEHICLES
TAXATION MANAGEMENT ACT, 1949, BY WAY OF
STATUTE LAW REVISION.

SCHEDULE 4.—REPEALS.

Amendment **4.** The Motor Vehicles Taxation Management Act, 1949, is
of Act No. amended in the manner set forth in Schedules 1 and 3.
34, 1949.

Other amend- **5.** Each Act specified in Schedule 2 is amended in the manner
ments. set forth in Schedule 2.

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

6. Each Act specified in Column 1 of Schedule 4 is, to the extent specified opposite that Act in Column 2 of Schedule 4, repealed. **Repeals.**

7. (1) Any exemption or partial exemption from tax granted, and any condition imposed with respect to any such exemption or partial exemption, in accordance with the Motor Vehicles Taxation Management Act, 1949, and in force immediately before 21st November, 1980, shall be deemed to have been granted and imposed, respectively, in accordance with that Act as amended by this Act. **Savings.**

(2) The repeal of any enactment by this Act does not affect the liability of any person to pay tax in respect of a period commencing before 21st November, 1980, in accordance with that enactment, and that person is liable to pay any such tax in all respects as if that enactment had not been repealed.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE MOTOR VEHICLES TAXATION
MANAGEMENT ACT, 1949.

(1) (a) Section 7—

Omit “Commissioner” wherever occurring, insert instead “Minister”.

(b) Section 7 (3)—

Omit “11 (1) (b) of the Motor Vehicles (Taxation) Act, 1976”, insert instead “7 (1) (b) of the Motor Vehicles (Taxation) Act, 1980”.

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

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

(2) (a) Section 9 (1)—

Omit “the Motor Vehicles (Taxation) Act, 1949, or any Act imposing motor vehicles tax in lieu of the tax upon motor vehicles imposed by that Act”, insert instead “any Motor Vehicles (Taxation) Act”.

(b) Section 9 (3), (4)—

After section 9 (2), insert :—

(3) For the purposes of this section, a repealed Motor Vehicles (Taxation) Act shall be deemed to continue in force.

(4) In this section, “Motor Vehicles (Taxation) Act” means the Motor Vehicles (Taxation) Act, 1949, or any subsequent Act imposing motor vehicles taxation, motor vehicles weight tax or motor vehicles tax levy, and includes any Act amending any such Act.

(3) Section 11—

Omit “11 (1) (b) of the Motor Vehicles (Taxation) Act, 1976”, insert instead “7 (1) (b) of the Motor Vehicles (Taxation) Act, 1980”.

(4) (a) Section 18 (1)—

Omit “the Commissioner” where firstly occurring, insert instead “or”.

(b) Section 18 (1)—

Omit “the Commissioner” where secondly occurring, insert instead “the relevant person”.

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

SCHEDULE 1—*continued.*

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

(c) Section 18 (3)—

After section 18 (2), insert :—

(3) In this section, “the relevant person” means—

(a) in the case of an exemption or partial
exemption from tax—the Minister; or

(b) in any other case—the Commissioner.

(5) (a) Section 19—

Before “the Commissioner”, insert “the Minister,”.

(b) Section 19—

Omit “such Commissioner or officer”, insert instead
“the Minister, Commissioner or officer, as the case
may be,”.

(6) (a) Section 20 (1) (a) (ii)—

Omit “11 (1) (b) of the Motor Vehicles (Taxation)
Act, 1976”, insert instead “7 (1) (b) of the Motor
Vehicles (Taxation) Act, 1980”.

(b) Section 20 (2)—

Before “the Commissioner” where firstly occurring,
insert “the Minister or”.

(c) Section 20 (2)—

Before “the Commissioner” where secondly occurring,
insert “the Minister or”.

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

Sec. 5.

SCHEDULE 2.

AMENDMENTS TO OTHER ACTS.

Amendment of Act No. 24, 1924. Main Roads Act, 1924—

(1) (a) Section 10 (1) (a)—

Omit “11 (1) (a) of the Motor Vehicles (Taxation) Act, 1976”, insert instead “7 (1) (a) of the Motor Vehicles (Taxation) Act, 1980”.

(b) Section 10 (1) (a1)—

Omit “11 (1) (b) of the Motor Vehicles (Taxation) Act, 1976”, insert instead “7 (1) (b) of the Motor Vehicles (Taxation) Act, 1980”.

(2) (a) Section 20 (1) (a)—

Omit “11 (1) (a) of the Motor Vehicles (Taxation) Act, 1976”, insert instead “7 (1) (a) of the Motor Vehicles (Taxation) Act, 1980”.

(b) Section 20 (1) (a1)—

Omit “11 (1) (b) of the Motor Vehicles (Taxation) Act, 1976”, insert instead “7 (1) (b) of the Motor Vehicles (Taxation) Act, 1980”.

Amendment of Act No. 18, 1930. Transport Act, 1930—

Section 204 (1) (a)—

Omit “11 (1) (b) of the Motor Vehicles (Taxation) Act, 1976”, insert instead “7 (1) (b) of the Motor Vehicles (Taxation) Act, 1980”.

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

SCHEDULE 3.

Sec. 4.

AMENDMENTS TO THE MOTOR VEHICLES TAXATION MANAGEMENT
ACT, 1949, BY WAY OF STATUTE LAW REVISION.

- (1) Section 1 (1)—
Omit “1949.’”, insert instead “1949’.”.
- (2) Section 2—
Omit the section.
- (3) (a) Section 3 (1)—
Omit “unless”, insert instead “except in so far as”.
- (b) Section 3 (1), definition of “Commissioner”—
Omit the definition, insert instead :—
“Commissioner” means the Commissioner for
Motor Transport.
- (c) Section 3 (1), definition of “Motor cycle”—
Omit “two”, insert instead “2”.
- (d) Section 3 (1), definition of “Motor cycle”—
Omit “three”, insert instead “3”.
- (e) Section 3 (1), definition of “Motor omnibus”—
Omit “taxi-cab)”, insert instead “taxi-cab)—”.
- (f) Section 3 (1), definition of “Motor omnibus”—
From paragraph (a), omit “fares, or”, insert instead
“fares; or”.
- (g) Section 3 (1), definition of “Motor omnibus”—
From paragraph (b), omit “eight”, insert instead “8”.

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

SCHEDULE 3—*continued.*AMENDMENTS TO THE MOTOR VEHICLES TAXATION MANAGEMENT ACT, 1949, BY WAY OF STATUTE LAW REVISION—*continued.*

- (h) Section 3 (1), definition of “Primary producer’s vehicle”—
From paragraph (b), omit “—1948”.
- (i) Section 3 (1), definition of “Primary producer’s vehicle”—
From paragraph (b) (i), omit “seventy-five per centum”, insert instead “75 per cent”.
- (j) Section 3 (1), definition of “Registered”—
Omit “as amended by subsequent Acts,” wherever occurring.
- (k) Section 3 (1), definition of “Registered”—
Omit “as so amended” and “, and ‘registration’ has a corresponding meaning”.
- (l) Section 3 (3) (c) (iii)—
Omit “institution—”, insert instead “institution,”.
- (4) Section 4 (2)—
Omit “ten dollars”, insert instead “\$10”.
- (5) Section 5—
Omit “two hundred dollars”, insert instead “\$200”.
- (6) (a) Section 6 (3)—
Omit “—1947”.
- (b) Section 6 (4)—
Omit “twenty per centum”, insert instead “20 per cent”.

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES TAXATION MANAGEMENT
ACT, 1949, BY WAY OF STATUTE LAW REVISION—*continued.*

(7) (a) Section 7 (1) (b)—

Omit “as amended by subsequent Acts,”.

(b) Section 7 (3) (b) (i)—

Omit “or for purposes mentioned in subparagraphs (i) and (ii) of paragraph (a)”, insert instead “of this subsection or for purposes mentioned in paragraphs (a) (i) and (ii)”.

(c) Section 7 (3) (b) (ii)—

Omit “—1948, and at least seventy-five per centum”, insert instead “, and at least 75 per cent”.

(d) Section 7 (3) (b) (ii)—

Omit “or for purposes mentioned in subsection (ii) of paragraph (b)”, insert instead “of this subparagraph or for purposes mentioned in paragraph (b) (ii)”.

(e) Section 7 (3) (c)—

Omit “paragraph (c) of subsection (1)”, insert instead “subsection (1) (c)”.

(f) Section 7 (3) (j)—

Omit “or any Act amending or replacing the same,”

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

SCHEDULE 3—*continued.*AMENDMENTS TO THE MOTOR VEHICLES TAXATION MANAGEMENT
ACT, 1949, BY WAY OF STATUTE LAW REVISION—*continued.*

(g) Section 7 (4)—

Omit “seventy-five per centum”, insert instead “75 per cent”.

(8) (a) Section 8 (2)—

Omit “paragraph (a) of subsection (1)”, insert instead “subsection (1) (a)”.

(b) Section 8 (2)—

Omit “paragraph (b) of that subsection”, insert instead “subsection (1) (b)”.

(c) Section 8 (2)—

Omit “twenty dollars”, insert instead “\$20”.

(9) (a) Section 9 (2)—

Omit “ten dollars”, insert instead “\$10”.

(b) Section 9 (2)—

Omit “three”, insert instead “3”.

(10) (a) Section 10 (2)—

Omit “three” wherever occurring, insert instead “3”.

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

SCHEDULE 3—*continued.*

AMENDMENTS TO THE MOTOR VEHICLES TAXATION MANAGEMENT
ACT, 1949, BY WAY OF STATUTE LAW REVISION—*continued.*

(b) Section 10 (3)—

Omit “two hundred dollars and to a further penalty of forty dollars”, insert instead “\$200 and to a further penalty of \$40”.

(11) Section 12—

Omit “three”, insert instead “3”.

(12) Section 13 (1)—

Omit “subsection (2) of section 15”, insert instead “section 15 (2)”.

(13) (a) Section 15 (2)—

Omit “subsection (2) of section 82”, insert instead “section 82 (2)”.

(b) Section 15 (2)—

Omit “and any Act amending or replacing the same,” wherever occurring.

(c) Section 15 (2)—

Omit “Small Debts Recovery Act, 1912”, insert instead “Courts of Petty Sessions (Civil Claims) Act, 1970”.

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

SCHEDULE 3—*continued.*AMENDMENTS TO THE MOTOR VEHICLES TAXATION MANAGEMENT
ACT, 1949, BY WAY OF STATUTE LAW REVISION—*continued.*

(d) Section 15 (2)—

Omit “the said Acts” wherever occurring, insert instead “that Act”.

(e) Section 15 (2)—

Omit “Small Debts Court exercising jurisdiction at the Petty Sessions”, insert instead “court of petty sessions”.

(14) Section 16 (b)—

Omit “9;”, insert instead “9,”.

(15) Section 18 (2)—

Omit “twenty dollars”, insert instead “\$20”.

(16) (a) Section 20 (1) (c)—

Omit “twenty dollars”, insert instead “\$20”.

(b) Section 20 (4)—

Omit the subsection, insert instead :—

(4) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Miscellaneous Acts (Motor Vehicles Taxation) Repeal and Amendment.

SCHEDULE 4.

Sec. 6.

REPEALS.

Column 1		Column 2
Year and number of Act	Short title of Act	Extent of repeal
1914, No. 34 ..	Motor Tax Management Act, 1914 ..	The whole Act
1916, No. 65 ..	Motor Tax Management (Amendment) Act, 1916.	The whole Act
1924, No. 76 ..	Motor Vehicles (Taxation) Management Act, 1924.	Section 2
1926, No. 10 ..	Motor Vehicles (Taxation) Management Act, 1926.	The whole Act
1930, No. 18 ..	Transport Act, 1930	Sections, 182, 276 and 277.
1962, No. 37 ..	Motor Vehicles (Taxation) Act, 1962	The whole Act
1965, No. 33 ..	Decimal Currency Act, 1965 ..	So much of Schedule 1 as amended Act No. 37, 1962.
1971, No. 59 ..	Motor Vehicles (Taxation) Act, 1971	The whole Act
1973, No. 78 ..	Motor Vehicles (Taxation) and Motor Vehicles Taxation Management (Amendment) Act, 1973.	Sections 2 (2) and 3
1976, No. 45 ..	Motor Vehicles (Taxation) Act, 1976	The whole Act
1979, No. 145 ..	Road Maintenance (Contribution) Repeal Act, 1979.	So much of the Schedule as relates to the Motor Vehicles (Taxation) Act, 1976.