



New South Wales

Road Transport Legislation Amendment Act 1995 No 73

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Road Transport Legislation Amendment Act 1995 No 73

Act No 73, 1995

An Act to amend various Acts as a consequence of the enactment of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*. [Assented to 12 December 1995]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Road Transport Legislation Amendment Act 1995*.

2 Commencement

This Act commences on 1 July 1996, unless commenced sooner by proclamation.

3 Amendment of Motor Vehicles Taxation Act 1988 No 111

The *Motor Vehicles Taxation Act 1988* is amended as set out in Schedule 1.

4 Amendment of Roads Act 1993 No 33

The *Roads Act 1993* is amended as set out in Schedule 2.

5 Amendment of Traffic Act 1909 No 5

The *Traffic Act 1909* is amended as set out in Schedule 3.

6 Amendment of Transport Administration Act 1988 No 109

The *Transport Administration Act 1988* is amended as set out in Schedule 4.

Schedule 1 Amendment of Motor Vehicles Taxation Act 1988

(Section 3)

[1] Section 3 Definitions

Omit paragraph (a) of the definition of *pensioner*. Insert instead:

- (a) who is the holder of a Pensioner Concession Card which is in force issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs, or

[2] Section 3

Omit paragraph (b1) of the definition of *pensioner*. Insert instead:

- (b1) who is an armed services widow within the meaning of the *Social Security Act 1991* of the Commonwealth and:
 - (i) who is in receipt of a pension under Part II or IV of the *Veterans' Entitlements Act 1986* of the Commonwealth at the maximum rate applicable under section 1064 (5) of the *Social Security Act 1991* of the Commonwealth, and
 - (ii) who is under the applicable pension age for the person set out in section 5QA of the *Veterans' Entitlements Act 1986* of the Commonwealth,

[3] Section 3B

Insert after section 3A:

3B Effect of Road Transport (Heavy Vehicles Registration Charges) Act 1995

- (1) This Act applies to motor vehicles in respect of which an amount of tax (including a nil amount) is specified in Schedule 1 but does not apply to a vehicle in respect of which a charge (including a nil charge) is imposed under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or which is exempt from charges under Part 4 of that Act.
- (2) The regulations may contain provisions of a savings or transitional nature consequent on the expiry of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (3) Without limiting subsection (2), provision may be made for or with respect to:
 - (a) establishing amounts of tax payable in respect of vehicles to which the expired Act applied or exempting any such vehicle from tax, and
 - (b) the construction of references to the expired Act and matters under the expired Act, and
 - (c) the treatment and enforcement of, and other matters relating to, liabilities under the expired Act, and
 - (d) the temporary operation of provisions in other Acts relating to the expired Act or affected by the expiry.
- (4) Any such savings or transitional provision may, if the regulations so provide, take effect on or before the expiry date or a later date.

- (5) To the extent to which any savings or transitional provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
- (a) to affect, in a manner prejudicial to any person (other than the State or any authority of the State), the rights of that person existing before the date of its publication, or
 - (b) to impose liabilities on any person (other than the State or any authority of the State) in respect of anything done or omitted to be done before the date of its publication.
- (6) Despite subsection (5), it is not prejudicial to any person to impose an amount of tax that is the same or less than the amount of registration charges payable under the expired Act and a liability may be imposed on a person in respect of such an amount.

[4] Schedule 1 Motor vehicle tax

Insert “and is not liable to charges (including a nil charge) under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or is exempt from charges under Part 4 of that Act” after “2 500 kilograms” in clause 3 (a).

[5] Schedule 1, clause 3 (c)

Omit the paragraph. Insert instead:

- (c) is not a motor omnibus, a motor lorry or light self-propelled plant as defined in clause 5,

[6] Schedule 1, Table to clause 3

Omit “light special purpose vehicle” from the heading to column 2. Insert instead “motor lorry or light self-propelled plant”.

[7] Schedule 1, clause 4

Insert “and which is not liable to charges (including a nil charge) under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or is exempt from charges under Part 4 of that Act” after “2 500 kilograms”.

[8] Schedule 1, clause 5 (1)

Omit clause 5 (1). Insert instead:

- (1) In this clause, light self-propelled plant means plant (other than a trailer) which is of a weight exceeding 2 500 kilograms and:
 - (a) is not liable to charges (including a nil charge) under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or is exempt from charges under Part 4 of that Act, and
 - (b) is not used substantially for private purposes.

[9] Schedule 1, clause 5 (2)

Omit “light special purpose vehicle”.
Insert instead “light self-propelled plant”.

[10] Schedule 1, Table to clause 5

Omit “light special purpose vehicle” from the heading to column 2.
Insert instead “light self-propelled plant”.

[11] Schedule 1, Table to clause 5

Insert “and which is not liable to charges (including a nil charge) under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or is exempt from charges under Part 4 of that Act” after “3 560 kilograms”.

[12] Schedule 1, clause 9

Insert after clause 8:

9 Motor lorries exceeding 2 500 kg

In respect of a motor lorry which is of a weight exceeding 2 500 kilograms and:

- (a) is not liable to charges (including a nil charge) under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or is exempt from charges under Part 4 of that Act, and
 - (b) is not used substantially for private purposes,
- the amount of tax is \$393.

Schedule 2 Amendment of Roads Act 1993

(Section 4)

[1] Section 109 Excess weight permits

Omit section 109 (2).

[2] Section 110 Excess weight charges

Omit the section.

[3] Section 111 Excess weight charges to be held in RTA Fund

Omit the section.

Schedule 3 Amendment of Traffic Act 1909

(Section 5)

[1] Section 18B Penalty notices for certain offences

Insert after section 18B (1) (cb):

- (cc) has committed any prescribed offence under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* or any regulation made under that Act,

[2] Section 24 Power to seize unregistered vehicles

Insert “or the charges or administration fees imposed under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*” after “*Motor Vehicles Taxation Act 1988*” in section 24 (5) (b).

Schedule 4 Amendment of Transport Administration Act 1988

(Section 6)

[1] Section 46 Constitution of RTA

insert “, the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*” after “*Motor Vehicles Taxation Act 1988*” in section 46 (2) (a).

[2] Section 78 Payments into Roads and Traffic Authority Fund

Insert “or charges and administration fees paid under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*” after “*Motor Vehicles Taxation Act 1988*” in section 78 (1) (b) (i).

[3] Section 106 Grants to councils in connection with use of buses

Omit section 106 (2). Insert instead:

- (2) The amount approved by the Minister for distribution in any financial year must not exceed the amount of tax and charges which the Minister estimates was received under the *Motor Vehicles Taxation Act 1988* and the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* during the previous financial year in connection with the registration of buses.

[Minister’s second reading speech made in —
Legislative Assembly on 15 November 1995
Legislative Council on 4 December 1995]