



New South Wales

Road Transport (Vehicle Registration) Amendment (Toll Relief Scheme) Regulation 2018

under the

Road Transport Act 2013

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport Act 2013*.

MELINDA PAVEY, MP
Minister for Roads, Maritime and Freight

Explanatory note

The object of this Regulation is to enable an individual to claim an exemption from paying any registration fee in respect of a single light motor vehicle payable in a financial year if the individual has paid a certain amount in tolls during the previous financial year.

This Regulation is made under the *Road Transport Act 2013*, including sections 21, 23 (the general statutory rule-making power) and 24 and clause 14 of Schedule 1.

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1 Name of Regulation

This Regulation is the *Road Transport (Vehicle Registration) Amendment (Toll Relief Scheme) Regulation 2018*.

2 Commencement

This Regulation commences on 16 April 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Road Transport (Vehicle Registration) Regulation 2017

Clause 127A

Insert after clause 127:

127A Exemption for toll users

(1) Applications to claim exemptions

An individual (an *applicant*) may apply to the Authority, in a form approved by the Authority, to claim an exemption from paying any registration fee for a registrable light motor vehicle (except for its conditional registration) if:

- (a) the commencement date for the registration period is in the 2018–2019 financial year or a subsequent financial year, and
- (b) the registration period is not less than 12 months, and
- (c) the applicant is entitled to the exemption for that financial year as provided by this clause.

- (2) An application to claim such an exemption cannot be made before 1 July 2018 unless the applicant is an individual who has been invited or permitted to participate in a pilot program conducted by or for the Authority for the purposes of testing systems for the provision of exemptions under this clause and clause 5 of the *Motor Vehicles Taxation Regulation 2016*.

(3) Entitlement to exemption

An applicant is entitled to an exemption from paying any registration fee for a registrable light motor vehicle payable in a financial year if:

- (a) the vehicle is used or proposed to be used:
 - (i) solely or principally by the applicant, and
 - (ii) substantially for social or domestic purposes or for pleasure, and
- (b) the applicant has paid at least the minimum expenditure amount in tolls for the previous financial year calculated as provided by a minimum expenditure calculation order.

Note. A light motor vehicle that is used or proposed to be used substantially for purposes other than those referred to in paragraph (a) (ii) (for example, business purposes) will not be covered by this subclause.

- (4) An applicant cannot rely on the same minimum expenditure amount in respect of the registration of more than one registrable light motor vehicle.
- (5) The Authority may provide to an applicant an exemption by way of a refund of a registration fee that has already been paid if:
- (a) the applicant is entitled to an exemption from paying the fee as provided by this clause, and
 - (b) the Authority is satisfied that there was a sufficient reason why a claim for the exemption was not made at the time of payment.

(6) Information for application

The Authority may require an applicant to provide the Authority with any information specified by the Authority for the purpose of assisting it to determine the applicant's entitlement to an exemption.

Note. Clause 89D of the *Roads Regulation 2008* also enables the Authority (and its delegates such as Service NSW) to require toll service providers to provide information

to assist the Authority to determine an applicant's entitlement to an exemption under this clause. It also authorises toll service providers to disclose any required information.

- (7) Without limiting subclause (6), the Authority may require an applicant to provide evidence of the relevant payment of tolls in the previous financial year concerned.

(8) **Minimum expenditure amount**

The *minimum expenditure amount* in tolls for a previous financial year is:

- (a) if the previous financial year is the 2017–2018 financial year or 2018–2019 financial year—\$1,300 (inclusive of GST), or
- (b) if the previous financial year is the 2019–2020 financial year or a subsequent financial year—the amount (inclusive of GST) calculated in accordance with the formula specified by subclause (9) for the financial year concerned.

- (9) For the purposes of subclause (8) (b), the minimum expenditure amount in tolls for a previous financial year is to be calculated by adding 4 percent to the minimum expenditure amount for the financial year immediately before it rounded up or down to the nearest whole dollar amount (rounding an amount of 50 cents upwards).

- (10) The Minister may, by order published on the NSW legislation website (a *minimum expenditure calculation order*), specify one or more methods for calculating when amounts paid in tolls in respect of one or more registrable light motor vehicles can be counted towards determining whether the minimum expenditure amount in tolls for a previous financial year has been reached.

Note. The first previous financial year in respect of which a minimum expenditure calculation order can be made is the 2017–2018 financial year because exemptions can only be claimed for registrations commencing during the 2018–2019 financial year or a subsequent financial year.

- (11) To avoid doubt, a minimum expenditure calculation order may provide for tolls paid in respect of registrable light motor vehicles to be included in a method of calculation even if they are not registrable light motor vehicles for which an exemption is claimed.

(12) **Definitions**

In this clause:

financial year means the period of 12 months commencing on 1 July in any year.

minimum expenditure calculation order—see subclause (10).

previous financial year, in relation to a financial year, means the financial year immediately before that financial year.

registrable light motor vehicle means a motor vehicle that is registrable and has a tare mass that is not greater than 2,794 kilograms.

registration fee, in relation to a registrable light motor vehicle, means the fee payable under a provision of this Regulation for the registration, or renewal of the registration, of the vehicle that is specified by Part 1 of Schedule 3.

toll means a toll (inclusive of GST) levied in connection with a vehicle's use of a tollway, bridge, tunnel or road-ferry within the meaning of the *Roads Act 1993* (but excluding any administrative charges or fees paid in connection with the toll or a tolling account).