



New South Wales

# Road Transport (Minimum Toll Expenditure Calculation) Order 2018

under the

Road Transport Act 2013

I, the Minister for Roads, Maritime and Freight, in pursuance of clause 127A of the *Road Transport (Vehicle Registration) Regulation 2017*, make the following Order.

Dated, this 13th day of April 2018.

MELINDA PAVEY, MP  
Minister for Roads, Maritime and Freight

## Explanatory note

The object of this Order is to specify methods to be used for the purposes of clause 127A of the *Road Transport (Vehicle Registration) Regulation 2017* in calculating the minimum expenditure amount in tolls for a previous financial year.

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## Road Transport (Minimum Toll Expenditure Calculation) Order 2018

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### 1 Name of Order

This Order is the *Road Transport (Minimum Toll Expenditure Calculation) Order 2018*.

### 2 Commencement

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

### 3 Definitions

(1) In this Order:

***e-tag*** for a tolling account means an electronic tag linked with the account to track tolls incurred in respect of one or more registrable light motor vehicles.

***e-tag matched vehicle*** for a tolling account means a registrable light motor vehicle that is identified for the purposes of the account as a vehicle in respect of which a toll is incurred because of the presence in or with the vehicle of an e-tag for the account.

***M5 Cashback Scheme*** means the M5 Cashback Scheme conducted by the NSW Government to enable participants to claim back tolls paid in respect of the M5 South-West Motorway.

***photograph matched vehicle*** for a tolling account means a registrable light motor vehicle that is identified for the purposes of the account as a vehicle in respect of which a toll is incurred because it has activated a camera (and not because of the presence in or with the vehicle of an e-tag for the account).

***the Regulation*** means the *Road Transport (Vehicle Registration) Regulation 2017*.

***toll service provider*** has the same meaning as in clause 89D of the *Roads Regulation 2008*.

***tolling account*** means an account provided by a toll service provider for the purpose of enabling the account holder to pay tolls.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Order.

(2) Words or expressions used in this Order that are defined for the purposes of clause 127A of the Regulation have the same meanings as in that clause.

**Note.** For example, ***toll*** is defined in clause 127A of the Regulation to mean 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).

(3) Notes included in this Order do not form part of this Order.

#### **4 Tolling accounts required**

The methods specified by this Order can only be used in respect of tolls that are paid using a tolling account.

#### **5 Method for calculating for tolling accounts with e-tags**

- (1) This clause specifies the method to be used for the purposes of clause 127A of the Regulation in calculating the minimum expenditure amount in tolls for a previous financial year in respect of a tolling account with one or more e-tags for the account.
- (2) The minimum expenditure amount in tolls is to be calculated as follows:
  - (a) for a tolling account with only one e-tag—the amount of tolls paid in respect of any e-tag matched vehicles for the account during the financial year concerned can be counted,
  - (b) for a tolling account with more than one e-tag—only the amount of tolls paid in respect of e-tag matched vehicles for the account during the financial year concerned using the e-tag that incurred the greatest amount of tolls can be counted,
  - (c) in addition to paragraph (a) or (b), the tolls paid in respect of any photograph matched vehicles for the tolling account during the financial year concerned can be counted.
- (3) However, any amount in tolls paid during that year by a registered participant in the M5 Cashback Scheme in connection with the use of any part of the M5 South-West Motorway to which the Scheme applies cannot be counted towards the minimum expenditure amount in tolls.

#### **6 Method for calculating for tolling accounts without e-tags**

- (1) This clause specifies the method to be used for the purposes of clause 127A of the Regulation in calculating the minimum expenditure amount in tolls for a previous financial year in respect of a tolling account with no e-tags for the account.
- (2) The minimum expenditure amount in tolls is to be calculated by counting the tolls paid in respect of any photograph matched vehicles for the tolling account during the financial year concerned.
- (3) However, any amount in tolls paid during that year by a registered participant in the M5 Cashback Scheme in connection with the use of any part of the M5 South-West Motorway to which the Scheme applies cannot be counted towards the minimum expenditure amount in tolls.