



New South Wales

Tow Truck Industry Amendment (Fees) Regulation 2018

under the

Tow Truck Industry Act 1998

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Tow Truck Industry Act 1998*.

MATT KEAN, MP
Minister for Innovation and Better Regulation

Explanatory note

The objects of this Regulation are:

- (a) to increase certain fees payable under the *Tow Truck Industry Act 1998*, and
- (b) to provide for a mechanism for the automatic adjustment for inflation of those fees in future.

The fee increases are generally in line with movements in the Consumer Price Index.

This Regulation is made under the *Tow Truck Industry Act 1998*, including sections 54 and 105 (the general regulation-making power).

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Tow Truck Industry Act 1998

1 Name of Regulation

This Regulation is the *Tow Truck Industry Amendment (Fees) Regulation 2018*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Tow Truck Industry Regulation 2008

[1] Clause 3 Definitions

Insert in alphabetical order in clause 3 (1):

fee unit—see clause 2 of Schedule 2.

[2] Clauses 22 and 23 (2)

Omit “\$56” wherever occurring. Insert instead “0.57 fee units”.

[3] Clause 40C Maximum fees for accident towing work involving light motor vehicles

Omit “\$238” from clause 40C (a). Insert instead “2.43 fee units”.

[4] Clauses 40C (b) (i), 40D (b) (i) and 40E (2) (b) (i)

Omit “\$5.17” wherever occurring. Insert instead “0.0528 fee units”.

[5] Clauses 40C (b) (ii), 40D (b) (ii) and 40E (2) (b) (ii)

Omit “\$4.26” wherever occurring. Insert instead “0.0435 fee units”.

[6] Clause 40D Maximum fees for recovery towing work involving light motor vehicles

Omit “\$157” from clause 40D (a). Insert instead “1.60 fee units”.

[7] Clause 40E (2) (a) and 40O (1) (b)

Omit “\$86” wherever occurring. Insert instead “0.88 fee units”.

[8] Clause 40I Maximum fees for accident towing work involving heavy motor vehicles

Omit “\$252” from clause 40I (a) (i). Insert instead “2.57 fee units”.

[9] Clause 40I (a) (ii)

Omit “\$272”. Insert instead “2.78 fee units”.

[10] Clause 40I (a) (iii)

Omit “\$286”. Insert instead “2.92 fee units”.

[11] Clause 40I (a) (iv)

Omit “\$363”. Insert instead “3.71 fee units”.

[12] Clauses 40I (b) (i) and 40J (b) (i)

Omit “\$156” wherever occurring. Insert instead “1.59 fee units”.

[13] Clauses 40I (b) (ii) and 40J (b) (ii)

Omit “\$179” wherever occurring. Insert instead “1.83 fee units”.

[14] Clauses 40I (b) (iii) and 40J (b) (iii)

Omit “\$192” wherever occurring. Insert instead “1.96 fee units”.

[15] Clauses 40I (b) (iv) and 40J (b) (iv)

Omit “\$271” wherever occurring. Insert instead “2.77 fee units”.

- [16] **Clauses 40I (c) and (d), 40J (c) and (d) and 40O (1) (c)**
Omit "\$64" wherever occurring. Insert instead "0.65 fee units".
- [17] **Clause 40J Maximum fees for stolen motor vehicle recovery involving heavy motor vehicles**
Omit "\$229" from clause 40J (a) (i). Insert instead "2.34 fee units".
- [18] **Clause 40J (a) (ii)**
Omit "\$250". Insert instead "2.55 fee units".
- [19] **Clause 40J (a) (iii)**
Omit "\$264". Insert instead "2.69 fee units".
- [20] **Clause 40J (a) (iv)**
Omit "\$341". Insert instead "3.48 fee units".
- [21] **Clause 40K Stand by rate**
Omit "\$126" from clause 40K (a) (i). Insert instead "1.29 fee units".
- [22] **Clause 40K (a) (ii)**
Omit "\$78". Insert instead "0.80 fee units".
- [23] **Clause 40K (b) (i)**
Omit "\$136". Insert instead "1.39 fee units".
- [24] **Clause 40K (b) (ii)**
Omit "\$89.50". Insert instead "0.9135 fee units".
- [25] **Clause 40K (c) (i)**
Omit "\$143". Insert instead "1.46 fee units".
- [26] **Clause 40K (c) (ii)**
Omit "\$96". Insert instead "0.98 fee units".
- [27] **Clause 40K (d) (i)**
Omit "\$181.50". Insert instead "1.8526 fee units".
- [28] **Clause 40K (d) (ii)**
Omit "\$135.50". Insert instead "1.383 fee units".
- [29] **Clause 40N Maximum fees for certain salvage of light motor vehicles**
Omit "\$61" wherever occurring in clause 40N (b) and (c). Insert instead "0.62 fee units".
- [30] **Clause 40P Stand by rate for salvage of heavy motor vehicles**
Omit "\$43". Insert instead "0.44 fee units".
- [31] **Clause 40T Maximum storage fees for light motor vehicles**
Omit "\$23" from clause 40T (1) (a). Insert instead "0.23 fee units".

[32] Clause 40T (1) (b)

Omit "\$14". Insert instead "0.14 fee units".

[33] Clause 40T (2) (a)

Omit "\$12". Insert instead "0.1225 fee units".

[34] Clause 40T (2) (b)

Omit "\$7". Insert instead "0.07 fee units".

[35] Clause 40U Maximum storage fees for heavy motor vehicles

Omit "\$95" from clause 40U (1). Insert instead "0.97 fee units".

[36] Schedule 2

Insert after Schedule 1:

Schedule 2 Adjustment of fees for inflation

1 Definitions

In this Schedule:

CPI number means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics in the latest published series of that index.

financial year means a period of 12 months commencing on 1 July.

2 Calculation of fee unit for purposes of Regulation

(1) For the purposes of this Regulation, a **fee unit** is:

- (a) in the financial year 2018–19—\$100, and
- (b) in each subsequent financial year—the amount calculated as follows:

$$\$100 \times \frac{A}{B}$$

where:

A is the CPI number for the March quarter in the financial year immediately preceding the financial year for which the amount is calculated.

B is the CPI number for the March quarter of 2018.

- (2) The amount of a fee unit is to be rounded to the nearest cent (and an amount of 0.5 cent is to be rounded down).
- (3) However, if the amount of a fee unit calculated for any financial year is less than the amount that applied for the previous financial year, then the amount for that previous financial year applies instead.

3 Rounding of fee amounts

The amount of a fee calculated by reference to a fee unit is to be rounded to the nearest dollar (and an amount of 50 cents is to be rounded down).

4 Notice of indexed fees

- (1) As soon as practicable after the CPI number for the March quarter is first published by the Australian Statistician, the Secretary is required to:

- (a) notify the Parliamentary Counsel of the amount of the fee unit for the next financial year so that notice of that amount can be published on the NSW legislation website, and
 - (b) give public notice on an appropriate government website of the actual amounts of the fees applying in each financial year resulting from the application of the amount of a fee unit calculated under this Schedule.
- (2) This Schedule operates to change an amount of a fee that is calculated by reference to a fee unit and that change is not dependent on the notification or other notice required by this clause.