

[Act 1995 No 72]



New South Wales

Road Transport (Heavy Vehicles Registration Charges) Bill 1995

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.*

The *Road Transport Legislation Amendment Bill 1995* is cognate with this Bill.

Overview of Bill

The object of this Bill is to apply in New South Wales the uniform charging regime for heavy vehicles (that is, vehicles having a mass rating for charging of more than 4.5 tonnes) agreed between the States, Territories and the Commonwealth. Charges for these heavy vehicles are to be based on those determined by the National Road Transport Commission on the basis of the cost of road usage. The charges in the Bill reflect those determined by the Commission.

* Amended in committee-see table at end of volume.

Outline of provisions

Part 1 Preliminary

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be proclaimed.

Clause 3 defines certain words and expressions used in the proposed Act. Other definitions relating to vehicle classification for the purposes of charges are contained in Part 1 of Schedule 1 to the proposed Act.

Clause 4 sets out the object of the proposed Act, as stated in the Overview above.

Clause 5 applies the proposed Act to vehicles with a mass rating for charging of more than **4.5** tonnes and that are of a description of vehicle for which provision is made in Schedule 1 for an amount of charge (including a nil charge).

Clause 6 provides that the proposed Act binds the Crown.

Part 2 Registration and permit charges

Division 1 Amount of charges

Clause 7 provides that the annual registration charges for vehicles are the charges set out in Part 2 of Schedule 1. The proposed section also provides for the determination of charges for shorter periods of registration. An additional administration fee is payable for registrations of 3 months' duration.

Clause 8 provides that the charges for the grant of a permit for certain heavy vehicles (with a loaded mass exceeding **125** tonnes and carrying indivisible loads) are the charges set out in Part 3 of Schedule 1.

Clause 9 enables the charges set out in Schedule 1 to be varied by the regulations, but not by more than 5 per cent annually.

Clause 10 enables amounts of charges and administration fees to be rounded up or down to the nearest dollar.

Division 2 When registration charges are payable

Clause 11 defines charges to include administration fees for the purposes of the Division.

Clause 12 requires registration charges to be paid when an application is made for registration or a renewal of registration of a vehicle. It is an offence not to pay the charges (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation).

Clause 13 makes it an offence for an owner to use or drive, or cause or permit to be used or driven, on a public street a vehicle which is not registered or for which the required registration charges have not been paid. The maximum penalty is \$2,000 for an individual or \$10,000 for a corporation.

Division 3 When permit charges are payable

Clause 14 enables the Roads and Traffic Authority (the “Authority”) to issue heavy vehicle permits to vehicles or combinations of vehicles over 125 tonnes in loaded mass and that have loads that cannot, without disproportionate effort, expense or risk of damage, be divided into 2 or more smaller loads.

Clause 15 requires permit charges to be paid when an application is made for a heavy vehicle permit. It is an offence not to pay the charges (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation).

Clause 16 makes it an offence to use or drive, or permit to be used or driven, on a public street a vehicle referred to above for which a permit has not been granted or for which permit charges have not been paid. The maximum penalty is \$2,000 for an individual or \$10,000 for a corporation.

Part 3 Assessment and collection of charges

Clause 17 requires the Authority to determine charges and administration fees under the proposed Act.

Clause 18 enables the Authority or an authorised officer to require vehicle owners and other persons to produce vehicles and provide information so that the Authority may determine whether and what charges are payable under the proposed Act. It is an offence not to comply with the requirement and also an offence to provide information knowing it to be false or misleading (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation for both offences).

Clause 19 enables the Authority at any time to adjust the charges or administration fees payable for the purpose of complying with the proposed Act and to require payment of charges or fees or additional charges or fees payable after such an adjustment. It is an offence not to comply with the requirement (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation for both offences).

Clause 20 requires changes, during the currency of registration or of a heavy vehicle permit, in the construction, equipment, configuration, use or ownership of a vehicle to be notified to the Authority. The appropriate amount of charges or additional charges must be paid forthwith to the Authority. It is an offence not to pay the charges (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation).

Clause 21 sets out the way charges or additional charges payable under proposed section 20 are to be calculated.

Clause 22 gives the Authority the discretion to refund charges when the registration of a vehicle is cancelled before it expires on the application of the person in whose name the vehicle is registered or when a heavy vehicle permit is cancelled.

Clause 23 restricts the time within which a refund may be granted to 3 years or less from the date of payment of the charges.

Clause 24 makes the amount of any charges due a debt due to the Authority recoverable in a court of competent jurisdiction by the Authority from the person liable to pay the charges.

Part 4 Concessions and exemptions

Clause 25 exempts vehicles owned by eligible pensioners from charges if they are not used for trade, business or in the course of a profession, are used solely or principally by the pensioners and are used substantially for social or domestic purposes or for pleasure. The exemption usually only extends to one vehicle except where 2 eligible pensioners are joint registered owners of 2 vehicles and are married or reside in the same household.

Clause 26 exempts from charges vehicles (other than government-owned vehicles) used solely for or in connection with civil defence work and registered in the name of the body controlling the work. The proposed section also enables the Minister to grant an exemption or partial exemption from charges for other vehicles used solely for or in connection with civil defence work while on a public street.

Explanatory note

Clause 27 exempts from charges vehicles (other than government-owned vehicles) specially constructed to carry out mine rescue work for the purposes of the *Mines Rescue Act 1994*.

Clause 28 exempts from charges a vehicle on which a trader's plate is being used in accordance with the *Traffic Act 1909*.

Clause 29 exempts from charges a vehicle that is exempted from registration.

Clause 30 enables the Minister to grant an exemption or partial exemption from charges for a vehicle which is used by or on behalf of an organisation having as one of its objects a charitable, benevolent, philanthropic or patriotic purpose if, in the Minister's opinion, the vehicle is used solely or principally as an ambulance.

Part 5 Miscellaneous

Clause 31 makes it an offence to use or drive, or to cause or permit to be used or driven, a vehicle registered outside New South Wales on a public street in a configuration that is different from the configuration under which it is registered or exempt from registration (maximum penalty \$10,000). It is not an offence if the changed configuration would result in the same or lower registration charges in the jurisdiction in which it is registered or so exempt.

Clause 32 makes it clear that the proposed Act does not affect powers under other Acts to charge fees or charges or take actions relating to vehicle registration.

Clause 33 provides that offences under the proposed Act are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

Clause 34 requires courts to send particulars of convictions or orders for the payment of money under the proposed Act to the Authority. It also enables orders for the payment of money to be treated as orders for the payment of money under the *Local Courts (Civil Claims) Act 1970* rather than be the subject of warrants under the *Justices Act 1902*.

Clause 35 provides for the Authority or an authorised officer to issue certificates to be used in proceedings as evidence of matters under the proposed Act, including amounts owing for charges.

Clause 36 enables the Minister, the Authority or an authorised officer to revoke or vary or impose conditions on certain actions that may be taken by the Minister or the Authority under the proposed Act. For example, the exemption from charges by the Minister or the reduction of charges by the Authority. It is an offence to fail to comply with a condition in force under the proposed section (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation).

Clause 37 appropriates from the Consolidated Fund into the Roads and Traffic Authority Fund amounts received for charges and administration fees under the proposed Act.

Clause 38 empowers the Governor-in-Council to make regulations for the purposes of the proposed Act.

Clause 39 is a formal provision that gives effect to Schedule 2 which contains savings and transitional provisions consequent on the enactment of the proposed Act and the proposed *Road Transport Legislation Amendment Act 1995*.

Clause 40 provides for the expiration of the proposed Act when the *National Road Transport Commission Act 1991* of the Commonwealth ceases to be in force.

Schedules

Schedule 1 Charges sets out the registration charges and permit charges for heavy vehicles under the proposed Act. The charges are uniform with those proposed to be charged under the legislation of other jurisdictions, as are the definitions of the vehicles to which the charges apply.

Schedule 2 Savings and transitional provisions contains savings and transitional provisions consequent on the enactment of the proposed Act and the proposed *Road Transport Legislation Amendment Act 1995*.