



New South Wales

Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill 2009

Explanatory note

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

Overview of Bill

The objects of this Bill are as follows:

- (a) to amend the *Road Transport (Vehicle Registration) Act 1997* to enable registration charges to be imposed on heavy vehicles in accordance with nationally agreed reforms,
- (b) to repeal the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Road Transport (Heavy Vehicles Registration Charges) Regulation 2006*,
- (c) to make consequential amendments to certain other Acts and Regulations.

Outline of provisions

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

Clause 2 provides for the commencement of the proposed Act on a day to be appointed by proclamation.

Clause 3 repeals the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

Clause 4 repeals the *Road Transport (Heavy Vehicles Registration Charges) Regulation 2006*.

Schedule 1 Amendment of Road Transport (Vehicle Registration) Act 1997 No 119

Registration charges for heavy vehicles

Schedule 1 [5] inserts a new Part in the *Road Transport (Vehicle Registration) Act 1997* dealing with registration charges for chargeable heavy vehicles. A **chargeable heavy vehicle** is a motor vehicle or trailer that has a mass of more than 4.5 tonnes.

The new Part contains the following provisions:

- (a) **Proposed section 17** contains definitions for terms and expressions used in the new Part.
- (b) **Proposed section 17A** provides that the annual registration charge for a chargeable heavy vehicle that is registered, or the registration of which is renewed, during a particular financial year is the amount for the type or kind of vehicle specified by, or calculated in accordance with, the regulations.
- (c) **Proposed section 17B** prevents the registration charge for a chargeable heavy vehicle that is a primary producer's vehicle from exceeding the motor vehicle tax that would be payable for the vehicle were it to be taxed under the *Motor Vehicles Taxation Act 1988*. The proposed section substantially re-enacts the provisions of section 10 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (d) **Proposed section 17C** provides for the determination of registration charges for periods of registration that are shorter than 12 months. An additional administration fee is payable for registrations of less than 12 months. The proposed section substantially re-enacts the provisions of section 7 (2)–(4) of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (e) **Proposed section 17D** defines **registration charges** to include administration fees for the purposes of Division 4 (When registration charges payable) of the new Part. The proposed section substantially re-enacts the provisions of section 11 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (f) **Proposed section 17E** requires registration charges to be paid when an application is made for registration or a renewal of registration of a chargeable heavy vehicle. It is an offence not to pay the charges (maximum penalty of \$2,200 for an individual or \$11,000 for a corporation). The proposed section substantially re-enacts the provisions of section 12 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (g) **Proposed section 17F** makes it an offence for an owner of a chargeable heavy vehicle to use or drive the vehicle, or cause or permit the vehicle to be driven,

Explanatory note

on a road or road related area if the vehicle is not registered or the registration charges for the vehicle have not been paid. The maximum penalty is \$2,200 for an individual or \$11,000 for a corporation. The proposed section substantially re-enacts the provisions of section 13 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

- (h) **Proposed section 17G** requires the Roads and Traffic Authority (the *Authority*) to determine registration charges and administration fees under the new Part. The proposed section substantially re-enacts the provisions of section 17 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (i) **Proposed section 17H** enables the Authority or an appropriate officer to require vehicle owners and other persons in charge of vehicles to produce vehicles and provide information so that the Authority may determine whether and what charges are payable under the new Part. 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 \$2,200 for an individual or \$11,000 for a corporation for both offences). The proposed section substantially re-enacts the provisions of section 18 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (j) **Proposed section 17I** enables the Authority at any time to adjust the charges or administration fees payable for the purpose of complying with the new Part 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 \$2,200 for an individual or \$11,000 for a corporation for both offences). The proposed section substantially re-enacts the provisions of section 19 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (k) **Proposed section 17J** requires changes, during the currency of registration of a chargeable heavy vehicle, in the construction, equipment, configuration, use or ownership of the 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 \$2,200 for an individual or \$11,000 for a corporation). The proposed section substantially re-enacts the provisions of section 20 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (l) **Proposed section 17K** sets out the way charges or additional charges payable under proposed section 17J are to be calculated. The proposed section substantially re-enacts the provisions of section 21 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (m) **Proposed section 17L** gives the Authority the discretion to refund charges when the registration of a chargeable heavy vehicle is cancelled before it expires on the application of the person in whose name the vehicle is registered. The proposed section substantially re-enacts the provisions of

section 22 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

- (n) **Proposed section 17M** restricts the time within which a refund may be granted to 3 years or less from the date of payment of the registration charges. The proposed section substantially re-enacts the provisions of section 23 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (o) **Proposed section 17N** makes it an offence to use or drive, or to cause or permit to be driven, a chargeable heavy vehicle registered by the Commonwealth or another State or Territory on a road or road related area in a configuration that is different from the configuration under which it is registered or exempt from registration (maximum penalty \$11,000). 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. The proposed section substantially re-enacts the provisions of section 31 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (p) **Proposed section 17O** makes it clear that the new Part does not affect powers under the road transport legislation or other Acts to charge fees or charges or take actions relating to vehicle registration. The proposed section substantially re-enacts the provisions of section 32 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (q) **Proposed section 17P** requires the relevant registrar of the Local Court to send particulars of convictions or orders for the payment of money under the new Part to the Authority. It also enables orders for the payment of money to be treated as orders for the payment of money under the *Civil Procedure Act 2005*. The proposed section substantially re-enacts the provisions of section 34 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (r) **Proposed section 17Q** provides for the Authority or an appropriate officer to issue certificates to be used in proceedings as evidence of matters under the new Part, including amounts owing for registration charges. The proposed section substantially re-enacts the provisions of section 35 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.
- (s) **Proposed section 17R** enables the Minister, the Authority or an appropriate officer to revoke or vary or impose conditions on certain actions that may be taken by the Minister or the Authority under the new Part or the regulations. It is an offence to fail to comply with a condition in force under the proposed section (maximum penalty of \$2,200 for an individual or \$11,000 for a corporation). The proposed section substantially re-enacts the provisions of section 36 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

- (t) **Proposed section 17S** appropriates from the Consolidated Fund into the Roads and Traffic Authority Fund amounts received for charges and administration fees under the proposed Act. The proposed section substantially re-enacts the provisions of section 37 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

Schedule 1 [1]–[4], [6] and [7] make various amendments to the Act that are consequential on the repeal of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the enactment of the new registration charges provisions.

Savings and transitional provisions

Schedule 1 [8] amends clause 1 of Schedule 3 to the Act to enable the Governor to make regulations of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [9] inserts a new Part in Schedule 3 to the Act containing provisions of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 2 Consequential amendment of other Acts and Regulations

Schedule 2 makes amendments to certain Acts and Regulations that are consequential on the repeal of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the enactment of the new registration charges provisions.



New South Wales

Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill 2009

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New South Wales

Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Bill 2009

No. , 2009

A Bill for

An Act to amend the *Road Transport (Vehicle Registration) Act 1997* to make provision for registration charges for heavy vehicles; and to repeal and amend certain other Acts and Regulations consequentially.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Act 2009</i> .	3 4
2 Commencement	5
This Act commences on a day to be appointed by proclamation.	6
3 Repeal of Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72	7 8
The <i>Road Transport (Heavy Vehicles Registration Charges) Act 1995</i> is repealed.	9 10
4 Repeal of Road Transport (Heavy Vehicles Registration Charges) Regulation 2006	11 12
The <i>Road Transport (Heavy Vehicles Registration Charges) Regulation 2006</i> is repealed.	13 14

Schedule 1	Amendment of Road Transport (Vehicle Registration) Act 1997 No 119	1 2
[1] Part 1 Preliminary		3
	Omit the note at the beginning of the Part. Insert instead:	4
	Note. This Act and the regulations made under it form part of the road transport legislation identified by section 5 of the <i>Road Transport (General) Act 2005</i> . Other road transport legislation includes the <i>Motor Vehicles Taxation Act 1988</i> , the <i>Road Transport (Driver Licensing) Act 1998</i> , the <i>Road Transport (General) Act 2005</i> , the <i>Road Transport (Safety and Traffic Management) Act 1999</i> and the statutory rules made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the <i>Road Transport (General) Act 2005</i> concerning the administration and enforcement of the road transport legislation generally.	5 6 7 8 9 10 11 12 13 14
[2] Section 4 Definitions		15
	Insert in alphabetical order:	16
	<i>chargeable heavy vehicle</i> —see section 17 (1).	17
	<i>registration charge</i> —see section 17 (1).	18
[3] Section 7 Functions of Authority		19
	Omit “the <i>Road Transport (Heavy Vehicles Registration Charges) Act 1995</i> or” from section 7 (1) (c).	20 21
[4] Section 8 Powers of Authority		22
	Omit “the <i>Road Transport (Heavy Vehicles Registration Charges) Act 1995</i> or” from section 8 (1) (g).	23 24
[5] Part 2A		25
	Insert after Part 2:	26
	Part 2A Registration charges for heavy vehicles	27
	Division 1 Preliminary	28
	17 Definitions	29
	(1) In this Part:	30
	<i>administration fee</i> means a fee payable under section 17C (2).	31
	<i>appropriate officer</i> means any person authorised by the Authority for the purposes of this Part either generally or in any particular case.	32 33 34

chargeable heavy vehicle means a vehicle that has a MRC (Mass Rating for Charging) of more than 4.5 tonnes. 1
2

compliance plate means a plate authorised to be placed on a vehicle, or taken to have been placed on a vehicle, under the *Motor Vehicle Standards Act 1989* of the Commonwealth. 3
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configuration of a vehicle means a description of a vehicle in the regulations for which separate provision is made in the regulations for the amount of the registration charge. 6
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financial year means a year commencing on 1 July. 9

MRC (Mass Rating for Charging), in relation to a vehicle, means: 10
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(a) the maximum mass of the vehicle (including any load, recorded on the compliance plate as the GVM, GTMR or ATM of the vehicle), or 12
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(b) in relation to a vehicle for which there is no compliance plate—its operating mass. 15
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Note. **GVM** means Gross Vehicle Mass, **GTMR** means Gross Trailer Mass Rating and **ATM** means Aggregate Trailer Mass. 17
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operating mass, in relation to a vehicle, means the maximum mass of the vehicle, including any load, as determined by the Authority having regard to the design and construction of the vehicle or of any of its components. 19
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owner, in relation to a vehicle, includes: 23

(a) every person who is the owner, joint owner or part owner of the vehicle, and 24
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(b) any person who has the use of the vehicle under a hire-purchase or hiring agreement, 26
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but does not include the lessor of a vehicle under a hire-purchase agreement. 28
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registration charge means a charge imposed under this Part for the registration or renewal of registration of a chargeable heavy vehicle. 30
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road transport legislation has the same meaning as in the *Road Transport (General) Act 2005*. 33
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vehicle means a motor vehicle or trailer within the meaning of the *Road Transport (General) Act 2005*. 35
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(2) Any reference in this Part to regulations made for the purposes of this Part is a reference to regulations made under this Act for or with respect to a matter that is required or permitted to be prescribed by a provision of this Part. 37
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Division 2	Amount of registration charges for chargeable heavy vehicles	1
		2
17A	Amount of annual registration charge for chargeable heavy vehicles	3
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(1)	The annual registration charge for a chargeable heavy vehicle that is registered, or the registration of which is renewed, during a particular financial year is the amount for the type or kind of vehicle specified by, or calculated in accordance with, the regulations.	5
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	Note. See section 17C for the calculation of registration charges for chargeable heavy vehicles registered for less than one year. Also, annual registration charges are not payable to the extent to which an exemption or partial exemption is granted by or under regulations made for the purposes of subsection (2) (c).	10
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(2)	Without limiting subsection (1), the regulations may make provision for or with respect to the following:	15
		16
(a)	the specification or calculation of registration charges by reference to types or kinds of chargeable heavy vehicles,	17
		18
(b)	the indexation of the amount payable for registration charges over a number of financial years,	19
		20
(c)	exemptions or partial exemptions (or the granting of exemptions or partial exemptions) from, or reductions in, registration charges,	21
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		23
(d)	the refunding of registration charges paid for the registration of a chargeable heavy vehicle if, during the currency of the registration, a change is made in the construction, equipment, configuration, use or ownership of the vehicle of such a nature that no charges or a reduced amount of charges would be payable in respect of the vehicle on the renewal of its registration,	24
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(e)	the amount of any such refund to be calculated in accordance with a formula to be prescribed by the regulations,	31
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(f)	the production, at the time of application for registration or renewal of registration of a chargeable heavy vehicle or at any time during the currency of the registration, of weighbridge tickets showing the weight of the vehicle,	34
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(g)	fees of an administrative nature for changes in registration charges and registration arising out of a change in the construction, equipment, configuration, use or ownership of a chargeable heavy vehicle.	38
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- (3) The Minister is not to recommend the making of a regulation that prescribes any amounts as annual registration charges, or the manner in which annual registration charges are to be calculated, for chargeable heavy vehicles unless the Minister is satisfied that the provisions of the regulation are consistent with:
- (a) model legislation within the meaning of the *National Transport Commission Act 2003* of the Commonwealth, or
 - (b) provisions for road transport laws that are recommended or approved by the Australian Transport Council or the National Transport Commission under the Agreement referred to in section 4 of the *National Transport Commission Act 2003* of the Commonwealth for implementation or adoption by the parties to that Agreement.
- (4) For the avoidance of doubt, subsection (3) does not limit the ability of the Minister to recommend the making of a regulation that makes provision for or with respect to exemptions or partial exemptions from, or refunds of, registration charges.
- 17B Registration charge for primary producer's vehicle**
- (1) If the registration charge for a primary producer's vehicle that, but for this section, would be payable under this Part (the ***charge under this Part***) is more than the motor vehicle tax that, but for section 3B of the *Motor Vehicles Taxation Act 1988*, would be payable under that Act (the ***tax under the 1988 Act***), the registration charge for the vehicle is not the charge under this Part but the tax under the 1988 Act.
- (2) The effect of the following may be ignored for the purpose of calculating the motor vehicle tax referred to in subsection (1):
- (a) any exemption granted under section 17 of the *Motor Vehicles Taxation Act 1988*,
 - (b) clause 3 (c) of Schedule 1 to that Act (to the extent to which it excludes motor lorries from the operation of that clause),
 - (c) clause 9 of Schedule 1 to that Act.
- (3) In this section:
primary producer's vehicle has the same meaning as in the *Motor Vehicles Taxation Act 1988*.

Division 3	Registration charges for registration periods of less than one year	1 2
17C	Amount of registration charge for chargeable heavy vehicle registered for less than one year	3 4
(1)	The amount of the registration charge for a chargeable heavy vehicle to be registered for a period of less than one year is the amount calculated by multiplying the relevant annual registration charge for the vehicle by the number of days for which registration or renewal of registration is to have effect and dividing the result by 365.	5 6 7 8 9 10
(2)	If registration or renewal of registration of a chargeable heavy vehicle is to have effect for a period of less than one year, the Authority may impose an additional administration fee of not more than 10 percent of the relevant registration charge for that period.	11 12 13 14 15
(3)	The amount of a registration charge or administration fee referred to in this section is to be rounded up or down to the nearest whole dollar amount (rounding an amount of 50 cents upwards).	16 17 18
Division 4	When registration charges payable	19
17D	Definition	20
	In this Division: <i>registration charges</i> includes administration fees.	21 22
17E	Payment of registration charges	23
(1)	The registration charges for a chargeable heavy vehicle must be paid:	24 25
(a)	at the time of application for registration of the vehicle, and	26 27
(b)	at the time of application for each renewal of registration of the vehicle.	28 29
(2)	A person in whose name an application for registration or renewal of registration is made must not fail to pay the full amount of registration charges required by subsection (1). Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).	30 31 32 33 34
(3)	Registration charges are payable in respect of a registration or renewal of registration that occurs after the commencement of this section.	35 36 37

(4)	Despite the conviction of a person for an offence under this section, the person remains liable to pay the unpaid amount of the registration charges.	1 2 3
17F	Use of unregistered vehicles and vehicles for which charges unpaid	4 5
(1)	This section applies to the following kinds of chargeable heavy vehicle (other than a vehicle exempted from registration):	6 7
(a)	a vehicle that is not registered,	8
(b)	a registered vehicle that is liable to registration charges (including any charges or additional charges payable under section 17J) but for which such charges, though due and payable, have not been paid.	9 10 11 12
(2)	The owner of a vehicle to which this section applies must not:	13
(a)	use or drive the vehicle on a road or road related area, or	14
(b)	cause or permit it to be driven on a road or road related area.	15 16
	Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).	17 18
(3)	In addition to imposing a penalty for an offence under this section, the court concerned may order the owner to pay to the Authority within a time specified by the order:	19 20 21
(a)	if the vehicle is not registered—the registration charges that would be due on the application for the registration or renewal of registration of the vehicle for a period of 1 year or for such greater or lesser period as the court in all the circumstances thinks just, or	22 23 24 25 26
(b)	if the vehicle is registered—the registration charges so due and payable.	27 28
Division 5	Assessment and collection of charges and fees	29 30
17G	Authority to determine charges and fees	31
	The Authority must determine, in accordance with this Part and the regulations, whether any registration charges or administration fees are payable under this Part in respect of a vehicle and, if there are, the amount of the charges or fees.	32 33 34 35

17H	Provision of information to determine charges	1
(1)	For the purpose of determining whether any registration charges under this Part are payable in respect of a vehicle and, if so, the amount of the charges, the Authority or an appropriate officer may:	2
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(a)	require the owner or person in charge of the vehicle to produce the vehicle within a specified period and at a specified place and provide all reasonable facilities to enable an appropriate officer to examine it, or	6
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(b)	require the owner or person in charge of the vehicle or person liable to pay registration charges to provide such information in writing by statutory declaration or otherwise as the Authority or the appropriate officer considers appropriate.	10
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(2)	An owner or other person must not fail to comply with a requirement under subsection (1).	15
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	Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).	17
		18
(3)	An owner or other person must not provide information knowing it to be false or misleading in respect of any matter necessary or convenient to enable the appropriate registration charges under this Part to be determined.	19
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		22
	Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).	23
		24
(4)	An owner or other person must comply with a requirement under subsection (1) at the owner's or other person's own cost if required to do so by the Authority.	25
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17I	Adjustment of charges by Authority	28
(1)	The Authority may, at any time, alter, vary or rescind any determination as to registration charges or administration fees, or may refund the whole or any portion of any charges or fees paid, for the purpose of ensuring that this Part is complied with.	29
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(2)	The Authority may require a person in whose name a chargeable heavy vehicle is registered to pay registration charges or administration fees or additional charges or fees, within a specified time, if the charges or fees are payable as a result of action taken under subsection (1).	33
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- (3) A person must not fail to comply with a requirement under subsection (2). 1
Maximum penalty: 20 penalty units (in the case of an individual) 2
or 100 penalty units (in the case of a corporation). 3
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- (4) In addition to imposing a penalty for any such offence, the court 5
concerned may order the person to pay to the Authority within a 6
specified period the amount of the registration charges or 7
administration fees or additional charges or fees. 8
- (5) A person is not liable to pay registration charges or 9
administration fees or additional charges or fees as a result of 10
action taken under subsection (1) if the Authority's determination 11
was made more than 3 years before the date of the action and the 12
person satisfies the Authority that there was no intention to avoid 13
paying charges or fees. 14
- 17J Changes in owners or to vehicles must be notified to Authority 15**
- (1) A person in whose name a chargeable heavy vehicle is registered 16
must notify the Authority of any change during the currency of 17
the registration in the construction, equipment, configuration, use 18
or ownership of the vehicle of such a nature that registration 19
charges or additional registration charges would be payable if the 20
registration was renewed when the change occurred. 21
Maximum penalty: 100 penalty units. 22
- (2) The person or, if the change is in ownership, the new owner must 23
pay to the Authority the appropriate amount of registration 24
charges or additional registration charges forthwith or within the 25
period specified by the Authority. 26
Maximum penalty: 20 penalty units (in the case of an individual) 27
or 100 penalty units (in the case of a corporation). 28
- (3) A person who is required by subsection (1) to notify the 29
Authority of any change in the construction, equipment, 30
configuration, use or ownership of a vehicle must not authorise 31
or permit the use of the vehicle on a road or road related area until 32
the Authority has been so notified. 33
Maximum penalty: 100 penalty units. 34
- (4) In addition to imposing a penalty for an offence under this 35
section, the court concerned may order the offender to pay to the 36
Authority within a specified period any amount that, from the 37
evidence given during the proceedings, the court is satisfied the 38
offender should have paid to the Authority as registration charges 39
or administration fees or additional charges or fees. 40

17K	Calculation of charges arising from changes	1
(1)	The registration charges or additional registration charges payable under section 17J are for the unexpired period of the registration or for such shorter period as the Authority, having regard to the temporary nature of any change, determines should apply.	2 3 4 5 6
(2)	The charges are to be calculated at the rate of:	7
(a)	in the case of the registration of a chargeable heavy vehicle for a period of more than 3 months—one-twelfth of the charge applicable after the change in respect of a yearly registration if the vehicle was exempt from or not liable to registration charges before the change or, as the case may be, one-twelfth of the difference between the charge applicable before the change and the charge applicable after the change in respect of a yearly registration, or	8 9 10 11 12 13 14 15
(b)	in the case of the registration of a chargeable heavy vehicle for a period of 3 months or less—one-third of the charge applicable after the change in respect of a quarterly registration if the vehicle was exempt from or not liable to registration charges before the change or, as the case may be, one-third of the difference between the charge applicable before the change and the charge applicable after the change in respect of a quarterly registration,	16 17 18 19 20 21 22 23
	for each month or part of a month in the unexpired period or the shorter period, as the case may be.	24 25
17L	Refund of charges on cancellation of registration	26
(1)	If the Authority cancels the registration of a chargeable heavy vehicle on the application of the person in whose name the vehicle is registered before the registration expires, the Authority may, in its discretion, grant to the person a refund of the registration charges imposed in respect of the vehicle.	27 28 29 30 31
(2)	The refund is to be calculated:	32
(a)	at the rate of one-twelfth of the charge applicable in respect of a yearly registration for each complete month in the portion of the unexpired period of the registration at the date of the cancellation, less any cancellation fee determined by the Authority, or	33 34 35 36 37
(b)	in such manner as may be prescribed by the regulations.	38

17M	Time limit for refunds	1
	A person is not entitled to a refund of registration charges if the application for the refund is made more than 3 years from the date of payment of the charges.	2 3 4
Division 6	Other provisions dealing with registration charges	5 6
17N	Vehicles registered in another jurisdiction	7
(1)	The owner of a chargeable heavy vehicle registered in another jurisdiction, or which is exempted from registration in another jurisdiction (other than because the vehicle is registered elsewhere), must not:	8 9 10 11
(a)	use or drive the vehicle on a road or road related area other than in the configuration for which it is registered or in which it is so exempt, or	12 13 14
(b)	cause or permit it to be so driven on a road or road related area.	15 16
	Maximum penalty: 100 penalty units.	17
(2)	This section does not apply if the vehicle, in its changed configuration, would be liable to the same or less registration charges in the jurisdiction in which it is registered than those paid for the configuration for which it is registered or in which it is so exempt.	18 19 20 21 22
(3)	In this section:	23
	<i>another jurisdiction</i> means a jurisdiction other than New South Wales.	24 25
17O	Powers to do certain things not affected	26
	Nothing in this Part affects any power under the road transport legislation (other than this Part) or any other Act:	27 28
(a)	to charge fees in respect of the inspection of vehicles for the purpose of registration, or	29 30
(b)	to make rebates of registration charges for particular classes of vehicles or road users, or	31 32
(c)	to charge pro rata amounts for registrations that are for less than a whole year, or	33 34
(d)	to make refunds in respect of the surrender of the registration of a vehicle, or	35 36

(e)	to charge other administrative fees or other charges in respect of matters relating to vehicles (including registration of vehicles).	1 2 3
17P	Particulars of orders to be sent to Authority	4
(1)	The relevant registrar of the Local Court is to forward to the Authority particulars of any conviction or order made under this Part or regulations made for the purposes of this Part.	5 6 7
(2)	Whenever a person is by an order made by a court under this Part adjudged to pay registration charges or administration fees or additional charges or fees, the provisions of any other Act do not apply to or in respect of the order, but instead the order:	8 9 10 11
(a)	operates as an order for the payment of money under the <i>Civil Procedure Act 2005</i> , and	12 13
(b)	is enforceable as such an order under the provisions of that Act.	14 15
(3)	For the purposes of subsection (2), an order referred to in that subsection may be entered in the records of the Local Court if the order was made in the manner prescribed by rules made under the <i>Civil Procedure Act 2005</i> .	16 17 18 19
(4)	A registrar of the Local Court must pay to the Authority any amount paid to the registrar under an order referred to in subsection (2).	20 21 22
17Q	Evidence of charges and fees	23
	In any proceedings under this Part, the production by the Authority or on its behalf of a certificate purporting to be signed by an appropriate officer certifying the following is admissible in those proceedings and is evidence of the particulars contained in the certificate:	24 25 26 27 28
(a)	that the amount specified in the certificate as being the amount of registration charges or administration fees payable in respect of a vehicle is due and unpaid, or was due or paid on a specified date, or was not paid before a specified date,	29 30 31 32 33
(b)	that an adjustment of charges or a requirement to pay registration charges or additional registration charges in respect of a vehicle was made in accordance with this Part.	34 35 36

17R	Variation and revocation of exemptions and other actions	1
(1)	The Minister (in the case of an exemption or partial exemption from registration charges under regulations made for the purposes of this Part) or the Authority (in the case of a reduction of registration charges, a refund of registration charges or an approval under this Part or regulations made for the purposes of this Part) may:	2 3 4 5 6 7
(a)	impose such conditions as the Minister or Authority thinks fit, and	8 9
(b)	revoke or vary any such condition or add any condition at any time during the period in respect of which the exemption, partial exemption, reduction, refund or approval operates.	10 11 12 13
(2)	A person must not fail to comply with a condition in force under this section. Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).	14 15 16 17
(3)	When this Part or regulations made for the purposes of this Part confer power on the Minister, the Authority or an appropriate officer:	18 19 20
(a)	to grant an exemption or partial exemption from, or reduction of, charges, or	21 22
(b)	to grant an approval, or	23
(c)	to give a direction, or	24
(d)	to make a request, or	25
(e)	to do any other act, matter or thing,	26
	the Minister, Authority or officer is also empowered to revoke or vary the exemption, partial exemption, approval, direction, request, act, matter or thing.	27 28 29
17S	Charges and fees to be paid into Roads and Traffic Authority Fund	30
(1)	There is appropriated by this section for payment out of the Consolidated Fund into the Roads and Traffic Authority Fund all amounts received on or after the commencement of this section in payment of registration charges and administration fees under this Part.	31 32 33 34 35
(2)	There is payable out of the Roads and Traffic Authority Fund such amounts as may become payable under this Part by way of refunds of registration charges or administration fees.	36 37 38

(3)	In this section:	1
	<i>Roads and Traffic Authority Fund</i> means the Roads and Traffic Authority Fund established under the <i>Transport Administration Act 1988</i> .	2 3 4
[6]	Section 27 Power to seize unregistered vehicles	5
	Omit “charges or administration fees imposed under the <i>Road Transport (Heavy Vehicles Registration Charges) Act 1995</i> ” from section 27 (5) (b).	6 7
	Insert instead “registration charges or administration fees imposed under Part 2A”.	8 9
[7]	Section 30 Unpaid charges and fees	10
	Insert “, except as provided by section 17P (2),” after “Authority and”.	11
[8]	Schedule 3 Savings and transitional provisions	12
	Insert at the end of clause 1 (1):	13
	<i>Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Act 2009</i>	14 15
[9]	Schedule 3	16
	Insert at the end of the Schedule (with appropriate Part and clause numbers):	17
Part	Provisions consequent on enactment of Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Act 2009	18 19 20 21
	Definitions	22
	In this Part:	23
	<i>amending Act</i> means the <i>Road Transport (Vehicle Registration) Amendment (Heavy Vehicle Registration Charges) Act 2009</i> .	24 25
	<i>corresponding provision</i> of this Act or the regulations, in relation to any provision of the repealed charges legislation, means any provision of this Act or the regulations that corresponds (or substantially corresponds) to the provision of the repealed charges legislation.	26 27 28 29 30
	<i>repeal day</i> means the day on which the repealed charges legislation is repealed by the amending Act.	31 32
	<i>repealed Act</i> means the <i>Road Transport (Heavy Vehicles Registration Charges) Act 1995</i> .	33 34

repealed charges legislation means:

- (a) the repealed Act, and
- (b) the *Road Transport (Heavy Vehicles Registration Charges) Regulation 2006*.

Charges and administration fees paid or payable under repealed charges legislation

- (1) Any applicable registration charges or administration fees under the repealed charges legislation that were paid in respect of a registration or renewal of registration of a chargeable heavy vehicle before the repeal day for a registration period ending after that day are taken on and from the repeal day to be registration charges or administrative fees paid under Part 2A of this Act for the vehicle for the unexpired balance of the registration period.
- (2) Any registration charges or administrative fees payable under the repealed charges legislation immediately before the repeal day in respect of the registration or renewal of registration of a chargeable heavy vehicle continue to be payable on and from the repeal day in accordance with that legislation despite the repeal of that legislation.
- (3) Any registration charges or administrative fees referred to in subclause (2) that are paid on or after the repeal day for a registration period ending after that day are taken to be registration charges or administrative fees paid under Part 2A of this Act for the vehicle for the unexpired balance of the registration period.

Payment of charges and fees collected under repealed charges legislation into Consolidated Fund

- (1) Any registration charges or administrative fees payable under the repealed charges legislation that are paid on or after the repeal day are to be paid into the Consolidated Fund. However, section 17S of this Act extends to any such charges or fees as if they were charges or fees paid under Part 2A of this Act.
- (2) Section 37 of the repealed Act, as in force immediately before the repeal day, continues to apply on and from the repeal day in respect of charges or fees paid under that Act before the repeal day.

Existing refund rights not affected

Nothing in this Part affects any right to a refund arising under the repealed charges legislation (whether before or after the repeal day).

**Orders to pay additional penalty in relation to certain offences
under repealed Act**

Sections 13 (2), 19 (2) and 20 (3) of the repealed Act continue to
apply on and from the repeal day in relation to offences
committed before the repeal day.

Existing authorised officers

Any person who was an authorised officer for the purposes of the
repealed Act immediately before the repeal day is taken on and
from that day to be authorised to be an appropriate officer for the
purposes of Part 2A of this Act until such time as the person
ceases to be so authorised under Part 2A of this Act.

References to repealed Act and this Act

- (1) In any other Act or in any instrument made under another Act
(and except as provided by subclauses (2) and (3)):
- (a) subject to paragraph (b), a reference to the repealed Act is
to be read on and from the repeal day as a reference to
Part 2A of this Act, and
 - (b) a reference to a provision of the repealed Act is to be read
on and from the repeal day as a reference to the
corresponding provision (if any) of this Act or the
regulations.
- (2) Subclause (1) does not apply to the following:
- (a) references to the repealed Act in the *Motor Vehicles
Taxation Act 1988*,
 - (b) such other references to the repealed Act in an Act, or an
instrument made under an Act, as may be prescribed by the
regulations.
- (3) A reference to this Act (or to Part 2A of this Act) in any of the
following provisions is to be read on and from the repeal day as
including a reference to the repealed Act:
- (a) section 5 (1) (e), and the definition of **road transport
legislation** in section 187 (7), of the *Road Transport
(General) Act 2005*,
 - (b) sections 78 (1) (b) (i) and 106 (2) of the *Transport
Administration Act 1988*,
 - (c) sections 7 (1) (c), 8 (1) (g) and 27 (5) (b) of this Act,
 - (d) clauses 14 (3) and 41 (1) (c) of the *Road Transport
(Vehicle Registration) Regulation 2007*,

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Registration Charges) Bill 2009

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- (e) such other provisions of Acts, or instruments made under Acts, as may be prescribed by the regulations. 1
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General savings provision 3

- (1) Subject to this Part and the regulations, anything done under or for the purposes of a provision of the repealed charges legislation is, to the extent that the thing is in force or has effect immediately before the repeal day, taken on and from the repeal day to have been done under or for the purposes of the corresponding provision (if any) of this Act or the regulations. 4
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- (2) Without limiting subclause (1), any exemption, approval, direction, request or certificate given or made under the repealed charges legislation that is continued in force or effect by subclause (1) may be repealed, revoked or replaced in accordance with this Act and the regulations. 10
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Schedule 2	Consequential amendment of other Acts and Regulations	1 2
2.1	Children’s Services Regulation 2004	3
[1]	Clause 5 Meaning of “notifiable offence”	4
	Omit “section 19 (2) of the <i>Road Transport (General) Act 1999</i> ” from clause 5 (2) (g).	5 6
	Insert instead “section 171 (2) of the <i>Road Transport (General) Act 2005</i> ”.	7
[2]	Clause 5 (3)	8
	Omit the subclause and the note that follows it. Insert instead:	9
	(3) In this clause, <i>road transport legislation</i> has the same meaning as in the <i>Road Transport (General) Act 2005</i> .	10 11
	Note. <i>Road transport legislation</i> is defined in section 5 of the <i>Road Transport (General) Act 2005</i> as:	12 13
	(a) that Act,	14
	(b) the <i>Road Transport (Driver Licensing) Act 1998</i> ,	15
	(c) the <i>Road Transport (Safety and Traffic Management) Act 1999</i> ,	16
	(d) the <i>Road Transport (Vehicle Registration) Act 1997</i> ,	17
	(e) the <i>Motor Vehicles Taxation Act 1988</i> ,	18
	(f) any other Act or regulation (or any provision of such an Act or regulation) prescribed by the regulations under the <i>Road Transport (General) Act 2005</i> ,	19 20 21
	(g) any statutory rule made under any Act referred to in paragraphs (a)–(e) above.	22 23
2.2	Criminal Procedure Regulation 2005	24
	Schedule 6 Traffic offender intervention program	25
	Omit the note to the definition of <i>traffic offence</i> from clause 1. Insert instead:	26
	Note. <i>Road transport legislation</i> is defined in section 5 of the <i>Road Transport (General) Act 2005</i> as:	27 28
	(a) that Act,	29
	(b) the <i>Road Transport (Driver Licensing) Act 1998</i> ,	30
	(c) the <i>Road Transport (Safety and Traffic Management) Act 1999</i> ,	31
	(d) the <i>Road Transport (Vehicle Registration) Act 1997</i> ,	32
	(e) the <i>Motor Vehicles Taxation Act 1988</i> ,	33
	(f) any other Act or regulation (or any provision of such an Act or regulation) prescribed by the regulations under the <i>Road Transport (General) Act 2005</i> ,	34 35 36

- (g) any statutory rule made under any Act referred to in paragraphs (a)–(e) above.

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2.3 Motor Vehicles Taxation Act 1988 No 111

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[1] Section 3B

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Omit the section. Insert instead:

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3B Relationship with Part 2A of Road Transport (Vehicle Registration) Act 1997

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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 registration charge (including a nil charge) is imposed under Part 2A of the *Road Transport (Vehicle Registration) Act 1997* or which is exempt from registration charges under that Part.

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Note. Part 2A of the *Road Transport (Vehicle Registration) Act 1997* makes provision for registration charges for heavy vehicles.

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[2] Section 5 Amount of tax

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Insert after section 5 (1D):

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(1E) For the purposes of the calculation of the amount of motor vehicle tax as provided by subsection (1A) for a calendar year (or part of calendar year) occurring after the commencement of Part 2A of the *Road Transport (Vehicle Registration) Act 1997*:

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(a) any reference in Schedule 1 to charges (including a nil charge) under the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* is to be read as a reference to registration charges (including a nil charge) under Part 2A of the *Road Transport (Vehicle Registration) Act 1997*, and

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(b) any reference in Schedule 1 to a vehicle being exempt from charges under Part 4 of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* is to be read as a reference to a vehicle being exempt from registration charges under Part 2A of the *Road Transport (Vehicle Registration) Act 1997*.

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2.4 Road Transport (Driver Licensing) Act 1998 No 99	1
Part 1 Preliminary	2
Omit the note at the beginning of the Part. Insert instead:	3
Note. This Act and the regulations made under it form part of the <i>road transport legislation</i> identified by section 5 of the <i>Road Transport (General) Act 2005</i> . Other road transport legislation includes the <i>Motor Vehicles Taxation Act 1988</i> , the <i>Road Transport (General) Act 2005</i> , the <i>Road Transport (Safety and Traffic Management) Act 1999</i> , the <i>Road Transport (Vehicle Registration) Act 1997</i> and the statutory rules made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the <i>Road Transport (General) Act 2005</i> concerning the administration and enforcement of the road transport legislation generally.	4 5 6 7 8 9 10 11 12 13
2.5 Road Transport (General) Act 2005 No 11	14
[1] Part 1.1 Introductory	15
Omit the note at the beginning of the Part. Insert instead:	16
Note. This Act and the regulations made under it form part of the <i>road transport legislation</i> identified by section 5. Other road transport legislation includes the <i>Motor Vehicles Taxation Act 1988</i> , the <i>Road Transport (Driver Licensing) Act 1998</i> , the <i>Road Transport (Safety and Traffic Management) Act 1999</i> , the <i>Road Transport (Vehicle Registration) Act 1997</i> and the statutory rules made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in this Act concerning the administration and enforcement of the road transport legislation generally.	17 18 19 20 21 22 23 24 25
[2] Section 5 Meaning of “road transport legislation”	26
Omit section 5 (1) (c).	27
[3] Section 187 Court may impose penalty and disqualify driver on conviction	28 29
Omit the definition of <i>road transport legislation</i> from section 187 (7).	30
Insert instead:	31
<i>road transport legislation</i> does not include the following:	32
(a) the <i>Motor Vehicles Taxation Act 1988</i> or regulations made under that Act,	33 34
(b) Part 2A of the <i>Road Transport (Vehicle Registration) Act 1997</i> or regulations made for the purposes of that Part (within the meaning of that Part).	35 36 37

2.6 Road Transport (Safety and Traffic Management) Act 1999 No 20	1 2
Part 1 Preliminary	3
Omit the note at the beginning of the Part. Insert instead:	4
Note. This Act and the statutory rules made under it form part of the road transport legislation identified by section 5 of the <i>Road Transport (General) Act 2005</i> . Other road transport legislation includes the <i>Motor Vehicles Taxation Act 1988</i> , the <i>Road Transport (Driver Licensing) Act 1998</i> , the <i>Road Transport (General) Act 2005</i> , the <i>Road Transport (Vehicle Registration) Act 1997</i> and the statutory rules made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the <i>Road Transport (General) Act 2005</i> concerning the administration and enforcement of the road transport legislation generally.	5 6 7 8 9 10 11 12 13 14
2.7 Transport Administration Act 1988 No 109	15
[1] Section 46 Constitution of RTA	16
Omit “ <i>Road Transport (Heavy Vehicles Registration Charges) Act 1995</i> ” from section 46 (2) (a).	17 18
Insert instead “ <i>Road Transport (Vehicle Registration) Act 1997</i> ”.	19
[2] Section 78 Payments into Roads and Traffic Authority Fund	20
Omit “the <i>Road Transport (Heavy Vehicles Registration Charges) Act 1995</i> ” from section 78 (1) (b) (i).	21 22
Insert instead “Part 2A of the <i>Road Transport (Vehicle Registration) Act 1997</i> ”.	23 24
[3] Section 106 Grants to councils in connection with use of buses	25
Omit “the <i>Road Transport (Heavy Vehicles Registration Charges) Act 1995</i> ” from section 106 (2).	26 27
Insert instead “Part 2A of the <i>Road Transport (Vehicle Registration) Act 1997</i> ”.	28 29