

[Act 2001 No 106]



New South Wales

# Road Transport Legislation Amendment (Heavy Vehicle Registration Charges and Motor Vehicle Tax) Bill 2001

## Explanatory note

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

### Overview of Bill

The objects of this Bill are:

- (a) to amend the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* so as:
    - (i) to vary the manner in which registration charges for heavy vehicles are determined under that Act, and
    - (ii) to generalise provisions concerning the calculation of the registration charge that is payable with respect to a heavy vehicle that is registered for less than one year and the 10 per cent administration fee that may be imposed with respect to a heavy vehicle so registered, and
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- (iii) to enable the Minister to grant exemptions from registration charges in respect of heavy vehicles that are registered conditionally under the *Road Transport (Vehicle Registration) Act 1997*, and
- (b) to amend the *Motor Vehicles Taxation Act 1988* so as:
  - (i) to generalise provisions concerning the calculation of the motor vehicle tax that is payable with respect to a motor vehicle that is registered for less than one year and the 10 per cent administration fee that is imposed with respect to a motor vehicle so registered, and
  - (ii) to enable the Minister to grant exemptions from motor vehicle tax in respect of vehicles that are registered conditionally under the *Road Transport (Vehicle Registration) Act 1997*.

## 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 or days to be appointed by proclamation.

**Clause 3** is a formal provision giving effect to the amendments to the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* set out in Schedule 1.

**Clause 4** is a formal provision giving effect to the amendments to the *Motor Vehicles Taxation Act 1988* set out in Schedule 2.

## **Schedule 1    Amendment of Road Transport (Heavy Vehicles Registration Charges) Act 1995**

### **Variation of heavy vehicle registration charges**

Registration charges and heavy vehicle permit charges are currently fixed under Division 1 of Part 2 on the basis of initial charges set out in Schedule 1. The charges set out in Schedule 1 constitute the charges applicable to the financial year beginning 1 July 2000, while section 9 provides for the annual variation of those charges in accordance with a specified indexation factor. The current provisions are designed to give effect to the *Heavy Vehicles Agreement* entered into between New South Wales and other States and Territories.

**Schedule 1 [1]** substitutes Division 1 of Part 2 (sections 7–10).

**Proposed section 7** provides that the annual registration charge for a vehicle or combination of vehicles is the relevant charge set out in proposed Schedule 1, as varied from time to time in accordance with proposed section 9. Any such charge is to be rounded to the nearest dollar.

**Proposed section 8** provides that the heavy vehicle permit charge for a vehicle or combination of vehicles is the relevant charge set out in proposed Schedule 1, as varied from time to time in accordance with proposed section 9. Any such charge is to be rounded to the nearest dollar.

**Proposed section 9** provides that the charges set out in proposed Schedule 1 may be varied by the regulations, but any such variation must not result in charges exceeding those calculated in accordance with procedures approved for the time being by the Australian Transport Council under the *Heavy Vehicles Agreement*, as set out in a notice published by the Minister in the *Gazette*. The proposed section further provides that any such variation must indicate not only the amount of each charge, as varied, but also the maximum amount set out in the most recent Gazetted notice.

**Proposed section 10** replicates subsections (5)–(7) of existing section 7, which prevent the registration charge for a primary producer's vehicle from exceeding the motor vehicle tax that would be payable for the vehicle were it to be taxed under that Act.

**Schedule 1 [3]** substitutes Part 2 of Schedule 1, so as to bring the base charges set out in that Schedule in line with the base charges currently approved by the Australian Transport Council under the *Heavy Vehicles Agreement*.

### **Short-term registration**

**Proposed section 7 (2) and (3)** (as inserted by **Schedule 1 [1]**) generalise the provisions of that section with respect to the calculation of the registration charge that is payable with respect to a heavy vehicle that is registered for less than one year and the 10 per cent administration fee that is imposed with respect to a motor vehicle so registered.

### **Exemption for conditionally registered vehicles**

**Schedule 1 [2]** amends section 30 so as to enable the Minister to grant exemptions from registration charges in respect of heavy vehicles that are registered conditionally under the regulations under the *Road Transport (Vehicle Registration) Act 1997*.

## **Schedule 2   Amendment of Motor Vehicles Taxation Act 1988**

### **Short-term registration**

**Schedule 2 [1]** amends section 5 so as to generalise the provisions of that section with respect to the calculation of the motor vehicle tax that is payable with respect to a motor vehicle that is registered for less than one year and the 10 per cent administration fee that is imposed with respect to a motor vehicle so registered.

### **Exemption for conditionally registered vehicles**

**Schedule 2 [2]** amends section 17 so as to enable the Minister to grant exemptions from motor vehicle tax in respect of motor vehicles that are registered conditionally under the regulations under the *Road Transport (Vehicle Registration) Act 1997*.