

[Act 1995 No 73]



New South Wales

# Road Transport Legislation Amendment Bill 1995

## Explanatory note

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

This Bill is cognate with the *Road Transport (Heavy Vehicles Registration Charges) Bill 1995*.

## Overview of Bill

The object of this Bill is to amend various Acts as a consequence of the enactment of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

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

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## Outline of provisions

**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** is a formal provision that gives effect to Schedule 1 which amends the *Motor Vehicles Taxation Act 1988*.

**Clause 4** is a formal provision that gives effect to Schedule 2 which amends the *Roads Act 1993*.

**Clause 5** is a formal provision that gives effect to Schedule 3 which amends the *Traffic Act 1909*.

**Clause 6** is a formal provision that gives effect to Schedule 4 which amends the *Transport Administration Act 1988*.

### **Schedule 1      Amendment of Motor Vehicles Taxation Act 1988**

**Schedule 1 [1]** and **[2]** update the definition of *pensioner* for the purposes of pensioner exemptions.

**Schedule 1 [3]** inserts proposed section 3B which excludes from the operation of the Act vehicles in respect of which charges (including nil charges) are imposed or which are exempt from charges under the proposed *Road Transport (Heavy Vehicles Registration Charges) Act 1995*. It also contains a regulation making power to enable appropriate regulations to be made of a savings or transitional nature when that proposed Act expires.

**Schedule 1 [4], [7]** and **[11]** make it clear that the tax set out in clauses 3, 4 and 8 of Schedule 1 (the schedule of motor vehicle tax) does not apply to vehicles charged under the proposed *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

**Schedule 1 [5]** and **[6]** amend clause 3 of Schedule 1 as a consequence of the amendments made by Schedule I [8] and [12].

**Schedule 1 [8]** substitutes clause 5 (1) in Schedule 1 to replace the tax rate currently set for light special purpose vehicles with a rate for light self-propelled plant.

**Schedule 1 [9]** and **[10]** amend clause 5 of Schedule 1 as a consequence of the amendments made by Schedule 1 [8].

**Schedule 1 [12]** inserts clause 9 into Schedule 1. The clause caps the motor vehicle tax payable for light motor lorries at \$393.

### **Schedule 2 Amendment of the Roads Act 1933**

**Schedule 2 [1], [2] and [3]** repeal provisions relating to excess weight charges and fees for excess weight permits. These charges are to be replaced with registration charges and permit charges under the proposed *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

### **Schedule 3 Amendment of Traffic Act 1909**

**Schedule 3 [1]** enables penalty notices to be issued for prescribed offences under the proposed *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

**Schedule 3 [2]** enables charges payable under that proposed Act to be included with motor vehicle tax as an amount that must be paid in any amounts payable to avoid forfeiture of an unregistered vehicle.

### **Schedule 4 Amendment of Transport Administration Act 1988**

**Schedule 4 [1]** confers on the RTA the functions referred to in the proposed *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

**Schedule 4 [2]** makes an amendment as a consequence of the appropriation of money into the Roads and Traffic Authority Fund under that proposed Act.

**Schedule 4 [3]** includes amounts of charges under that proposed Act for the purpose of determining the ceiling on the amount that the Minister may distribute in grants to local councils in connection with buses.