

[Act 1997 No 118]



New South Wales

Road Transport (Heavy Vehicles Registration Charges) Amendment Bill 1997

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 ensure that the registration charges payable under that Act with respect to primary producers' vehicles do not exceed the motor vehicle tax that would be payable for those vehicles under the *Motor Vehicles Taxation Act 1988* were that Act to apply to them, and
 - (ii) to validate certain administrative action that has been taken since 21 June 1996 to achieve the purpose referred to in subparagraph (i), and
 - (iii) to make other minor, consequential and ancillary amendments, and
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- (b) to amend the *Motor Vehicles Taxation Act 1988* so as:
- (i) to ensure that the cap that applies to the motor vehicle tax payable for motor lorries exceeding 2500 kilograms in weight when used for business purposes applies also to such motor lorries when used for private purposes, and
 - (ii) to make other minor, consequential and ancillary amendments.

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

Schedule 1 [1] amends section 7 of the Act so as to ensure that the registration charges payable under that Act with respect to primary producers' vehicles do not exceed the motor vehicle tax that would be payable for those vehicles under the *Motor Vehicles Taxation Act 1988* were that Act to apply to them.

Schedule 1 [2] and **[3]** amend section 13 of the Act so as to ensure that the offence of driving an unregistered vehicle on a public street applies not only in relation to unpaid charges under section 7 of the Act but also to unpaid charges and additional charges under section 20 of the Act.

Schedule 1 [4] specifies a maximum penalty of 100 penalty units (currently \$11,000) for the offence created by section 20 (1) of the Act (the offence of failing to notify the Roads and Traffic Authority of any change in the construction, equipment, configuration, use or ownership of a registered vehicle).

Schedule 1 [5] amends section 20 of the Act so as to create a new offence (with a maximum penalty of 100 penalty units (currently \$11,000)) of authorising or permitting a person to drive a registered vehicle in respect of which any change in the construction, equipment, configuration, use or ownership of a registered vehicle has not been notified to the Roads and Traffic Authority.

Schedule 1 [6] amends the definition of *MRC* (an abbreviation for the expression Mass Rating for Charging) in clause 1 of Schedule 1 to the Act so as to enable the Roads and Traffic Authority, in calculating the Mass Rating for Charging of a vehicle, to disregard the information on the vehicle's compliance plate where the vehicle has been modified.

Schedule 1 [7] and **[11]** insert new Part headings in Schedule 2 to the Act (the Schedule of savings and transitional provisions).

Schedule 1 [9] amends clause 1 of Schedule 2 to the Act so as to enable the regulations to make provision of a savings or transitional nature consequent on the enactment of the proposed Act.

Schedule 1 [8] and **[10]** make consequential amendments to clause 1 of Schedule 2 to the Act.

Schedule 1 [12] inserts a new Part 3 into Schedule 2 to the Act. The new Part contains a single clause (clause 6) that validates certain administrative action that has been taken since 21 June 1996 to ensure that the registration charges payable under the Act with respect to primary producers' vehicles do not exceed the motor vehicle tax that would be payable for those vehicles under the *Motor Vehicles Taxation Act 1988* were that Act to apply to them.

Schedule 2 Amendment of Motor Vehicles Taxation Act 1988

Schedule 2 [1] and **[2]** amend section 9 of the Act so as to ensure that the offence of driving an unregistered vehicle on a public street applies not only in relation to unpaid motor vehicle taxes under section 8 of the Act but also to unpaid taxes and additional taxes under section 12 of the Act.

Schedule 2 [3] and **[4]** amend clause 9 of Schedule 1 to the Act so as to ensure that the cap that applies to the motor vehicle tax payable for motor lorries exceeding 2 500 kilograms in weight when used for business purposes applies also to such motor lorries when used for private purposes.