

Motor Vehicles Taxation Regulation 2016

[2016-516]



New South Wales

Status Information

Currency of version

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

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Motor Vehicles Taxation Regulation 2016



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1 Name of Regulation

This Regulation is the *Motor Vehicles Taxation Regulation 2016*.

2 Commencement

This Regulation commences on 1 September 2016 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Motor Vehicles Taxation Regulation 2008*, which is repealed on 1 September 2016 by section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definition

(1) In this Regulation:

the Act means the *Motor Vehicles Taxation Act 1988*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Calculation of refund of taxes on surrender of registration

(1) For the purposes of section 13 (b) of the Act, a refund of a tax imposed in respect of a vehicle under the Act is to be calculated in accordance with this clause.

(2) A refund is to be calculated using the following formula:

$$\left(\frac{\text{number of days} \times \text{tax}}{365} \right) - \text{fee}$$

where:

number of days means:

(a) in the case of a vehicle that has had its registration cancelled on the application of

a person in whose name it is registered because the vehicle was stolen or sustained damage in an incident—the number of whole unexpired days of the registration period of the vehicle on the date on which the vehicle was stolen or involved in the incident (as the case may be), or

- (b) in any other case—the number of whole unexpired days of the registration period of the vehicle concerned on the date on which the Authority cancels the registration of the vehicle.

tax means the tax imposed in respect of the vehicle under the Act.

fee means any unpaid fee payable under the [Road Transport Act 2013](#) or under any regulation made under that Act (including any unpaid fee for the cancellation of the registration of a vehicle).

- (3) If an amount of refund determined in accordance with subclause (2) would comprise an amount that is not a whole number of dollars, the amount of refund is to be adjusted downwards to the next whole number of dollars.

5 Exemption for toll users

- (1) An individual (an **applicant**) may apply to the Authority, in a form approved by the Authority, to claim an exemption from paying any motor vehicle tax in respect of the registration of a registrable light motor vehicle (except for its conditional registration) if:
 - (a) the commencement date for the registration period is in the 2018–2019 financial year or a subsequent financial year, and
 - (b) the registration period is not less than 12 months, and
 - (c) the applicant is entitled to the exemption for that financial year as provided by this clause.
- (2) An application to claim such an exemption cannot be made before 1 July 2018 unless the applicant is an individual who has been invited or permitted to participate in a pilot program of a kind referred to in clause 127A of the [Road Transport \(Vehicle Registration\) Regulation 2017](#).
- (3) An applicant is entitled to an exemption from paying any motor vehicle tax payable in a financial year in respect of the registration of a light motor vehicle if:
 - (a) the vehicle is used or proposed to be used:
 - (i) solely or principally by the applicant, and
 - (ii) substantially for social or domestic purposes or for pleasure, and
 - (b) the applicant has paid at least the minimum expenditure amount in tolls for the

previous financial year calculated as provided by a minimum expenditure calculation order.

Note—

A light motor vehicle that is used or proposed to be used substantially for purposes other than those referred to in paragraph (a) (ii) (for example, business purposes) will not be covered by this subclause.

- (4) An applicant cannot rely on the same minimum expenditure amount in respect of the registration of more than one registrable light motor vehicle.
- (5) The Authority may provide to an applicant an exemption by way of a refund of motor vehicle tax that has already been paid if:
 - (a) the applicant is entitled to an exemption from paying the tax as provided by this clause, and
 - (b) the Authority is satisfied that there was a sufficient reason why a claim for the exemption was not made at the time of payment.
- (6) The Authority may require an applicant to provide the Authority with any information specified by the Authority for the purpose of assisting it to determine the applicant's entitlement to an exemption.

Note—

Clause 89D of the [Roads Regulation 2008](#) also enables the Authority (and its delegates such as Service NSW) to require toll service providers to provide information to assist the Authority to determine an applicant's entitlement to an exemption under this clause. It also authorises toll service providers to disclose any required information.

- (7) Without limiting subclause (6), the Authority may require an applicant to provide evidence of the relevant payment of tolls in the previous financial year concerned.
- (8) Any words or expressions used in this clause that are defined for the purposes of clause 127A of the [Road Transport \(Vehicle Registration\) Regulation 2017](#) have the same meanings as in clause 127A.