

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.

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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 page 3

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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

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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.

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(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.