



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

- (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*.



New South Wales

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New South Wales

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

No , 2001

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## A Bill for

An Act to amend the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988* with respect to motor vehicle taxation and heavy vehicle registration charges; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1    Name of Act</b>	2
This Act is the <i>Road Transport Legislation Amendment (Heavy Vehicle Registration Charges and Motor Vehicle Tax) Act 2001</i> .	3 4
<b>2    Commencement</b>	5
This Act commences on a day or days to be appointed by proclamation.	6 7
<b>3    Amendment of Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72</b>	8 9
The <i>Road Transport (Heavy Vehicles Registration Charges) Act 1995</i> is amended as set out in Schedule 1.	10 11
<b>4    Amendment of Motor Vehicles Taxation Act 1988 No 111</b>	12
The <i>Motor Vehicles Taxation Act 1988</i> is amended as set out in Schedule 2.	13 14

<b>Schedule 1</b>	<b>Amendment of Road Transport (Heavy Vehicles Registration Charges) Act 1995</b>	1
		2
	(Section 3)	3
<b>[1] Part 2, Division 1</b>		4
	Omit the Division. Insert instead:	5
<b>Division 1</b>	<b>Amount of charges</b>	6
<b>7</b>	<b>Registration charges</b>	7
(1)	The annual registration charge for a vehicle or combination of vehicles specified in Part 2 of Schedule 1 is the charge specified in that Part for that kind of vehicle or combination, as varied from time to time in accordance with section 9.	8 9 10 11
(2)	The registration charge for a vehicle or combination of vehicles for a period of less than one year is the amount calculated by multiplying the relevant annual registration charge by the number of days for which registration is to have effect and dividing the result by 365.	12 13 14 15 16
(3)	If registration of a vehicle or combination of vehicles is to have effect for a period of less than one year, the Authority may impose an additional administration fee of not more than 10 per cent of the relevant registration charge for that period.	17 18 19 20
(4)	If an amount of a charge or fee comprises, in addition to a number of dollars, a number of cents, that number of cents:	21 22
(a)	if it is less than 50 cents, is to be disregarded, and	23
(b)	if it is 50 cents or more, is to be taken to be another dollar.	24 25
<b>8</b>	<b>Heavy vehicle permit charges</b>	26
(1)	The charge for a heavy vehicle permit is the charge calculated in accordance with Part 3 of Schedule 1, as varied from time to time in accordance with section 9.	27 28 29



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

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

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- (2) If an amount of a charge comprises, in addition to a number of dollars, a number of cents, that number of cents:
  - (a) if it is less than 50 cents, is to be disregarded, and
  - (b) if it is 50 cents or more, is to be taken to be another dollar.
- 9 Variations in charges**
- (1) The charges specified, or calculated in accordance with, Parts 2 and 3 of Schedule 1 may be varied from time to time by the regulations.
- (2) Before such a regulation is made, the Minister must cause notice to be published in the Gazette of the maximum registration charges that may be imposed for the time being, as calculated:
  - (a) in accordance with such procedures as are for the time being approved, and
  - (b) subject to such parameters as are for the time being set, by the Australian Transport Council under the *Heavy Vehicles Agreement*.
- (3) The charges specified, or calculated in accordance with, Parts 2 and 3 of Schedule 1 may not be varied so as to exceed the maximum amounts published in the most recent notice referred to in subsection (2).
- (4) A regulation that varies the charges specified, or calculated in accordance with, Parts 2 and 3 of Schedule 1 must indicate, in respect of each such charge:
  - (a) the amount of the charge, as so varied, and
  - (b) the maximum amount for such a charge, as published in the most recent notice referred to in subsection (2).
- (5) In this section, *Australian Transport Council* and *Heavy Vehicles Agreement* have the same meanings as they have in the *National Road Transport Commission Act 1991* of the Commonwealth.

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**10 Registration charges for primary producers' vehicles**

- (1) If the registration charge for a primary producer's vehicle that, but for this section, would be payable under this Act (the *charge under this Act*) is more than the motor vehicle tax that, but for section 3B (1) of the *Motor Vehicles Taxation Act 1988*, would be payable under that Act (the *tax under the 1988 Act*), the registration charge for the vehicle is not the charge under this Act but the tax under the 1988 Act.
- (2) The effect of:
- (a) any exemption granted under section 17 of the *Motor Vehicles Taxation Act 1988*, and
  - (b) clause 3 (c) of Schedule 1 to that Act (to the extent to which it excludes motor lorries from the operation of that clause), and
  - (c) clause 9 of Schedule 1 to that Act,
- may be ignored for the purpose of calculating the motor vehicle tax referred to in subsection (1).
- (3) In this section, *primary producer's vehicle* has the same meaning as it has in the *Motor Vehicles Taxation Act 1988*.

**[2] Section 30 Exemptions granted by Minister**

Insert at the end of the section:

- (2) The Minister may grant an exemption or partial exemption from charges in respect of a vehicle for which there is no other provision for exemption (other than partial exemption) under this Act if the vehicle is registered conditionally under the regulations under the *Road Transport (Vehicle Registration) Act 1997*.

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

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

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**[3] Schedule 1 Charges**

Omit Part 2 of the Schedule. Insert instead:

**Part 2 Annual registration charges**

**1 Load carrying vehicles**

Item	Vehicle type	2-axle	3-axle	4-axle	5-axle
1	Truck (type 1)	\$310	\$620	\$930	\$930
2	Truck (type 2)	\$516	\$826	\$2,066	\$2,066
3	Short combination truck	\$568	\$2,066	\$2,066	\$2,066
4	Medium combination truck	\$3,925	\$3,925	\$4,235	\$4,235
5	Long combination truck	\$5,423	\$5,423	\$5,423	\$5,423
6	Short combination prime mover	\$1,343	\$3,512	\$4,545	\$4,545
7	Medium combination prime mover	\$4,132	\$5,165	\$5,681	\$5,681
8	Long combination prime mover	\$5,165	\$5,165	\$5,681	\$5,681

**2 Load carrying trailer, converter dolly and low loader dolly**

The charge for a load carrying trailer, converter dolly or low loader dolly is \$310 multiplied by the number of axles of the trailer or dolly.

**3 Buses**

Item	Bus type	2-axle	3-axle	4-axle
1	Bus (type 1)	\$310	Not applicable	Not applicable
2	Bus (type 2)	\$516	\$1,291	\$1,291
3	Articulated bus	Not applicable	\$516	\$516

**4 Special purpose vehicles**

Item	Special purpose vehicle type	Charge
1	Special purpose vehicle (type p)	No charge
2	Special purpose vehicle (type t)	\$207
3	Special purpose vehicle (type o)	\$258, plus \$258 times the number of axles in excess of 2

**5 Vehicles in 2 or more categories**

If a vehicle falls within 2 or more categories, the charge for the vehicle is the higher or highest of the charges applicable to the vehicle.

<b>Schedule 2</b>	<b>Amendment of Motor Vehicles Taxation Act 1988</b>	1
		2
	(Section 4)	3
<b>[1]</b>	<b>Section 5 Amount of tax</b>	4
	Omit section 5 (2) and (3). Insert instead:	5
	(2) The amount of motor vehicle tax applicable to a motor vehicle for a period of less than one year is the amount calculated by multiplying the relevant motor vehicle tax for one year by the number of days for which registration or renewal of registration is to have effect and dividing the result by 365.	6 7 8 9 10
	(3) If registration or renewal of registration of a motor vehicle is to have effect for a period of less than one year, the Authority may impose an additional administration fee of not more than 10 per cent of the relevant motor vehicle tax for that period.	11 12 13 14
<b>[2]</b>	<b>Section 17 Exemptions granted by Minister</b>	15
	Insert at the end of section 17 (1):	16
	, or	17
	(p) any motor vehicle that is registered conditionally under the regulations under the <i>Road Transport (Vehicle Registration) Act 1997</i> .	18 19 20