

First print



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 2 500 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.



New South Wales

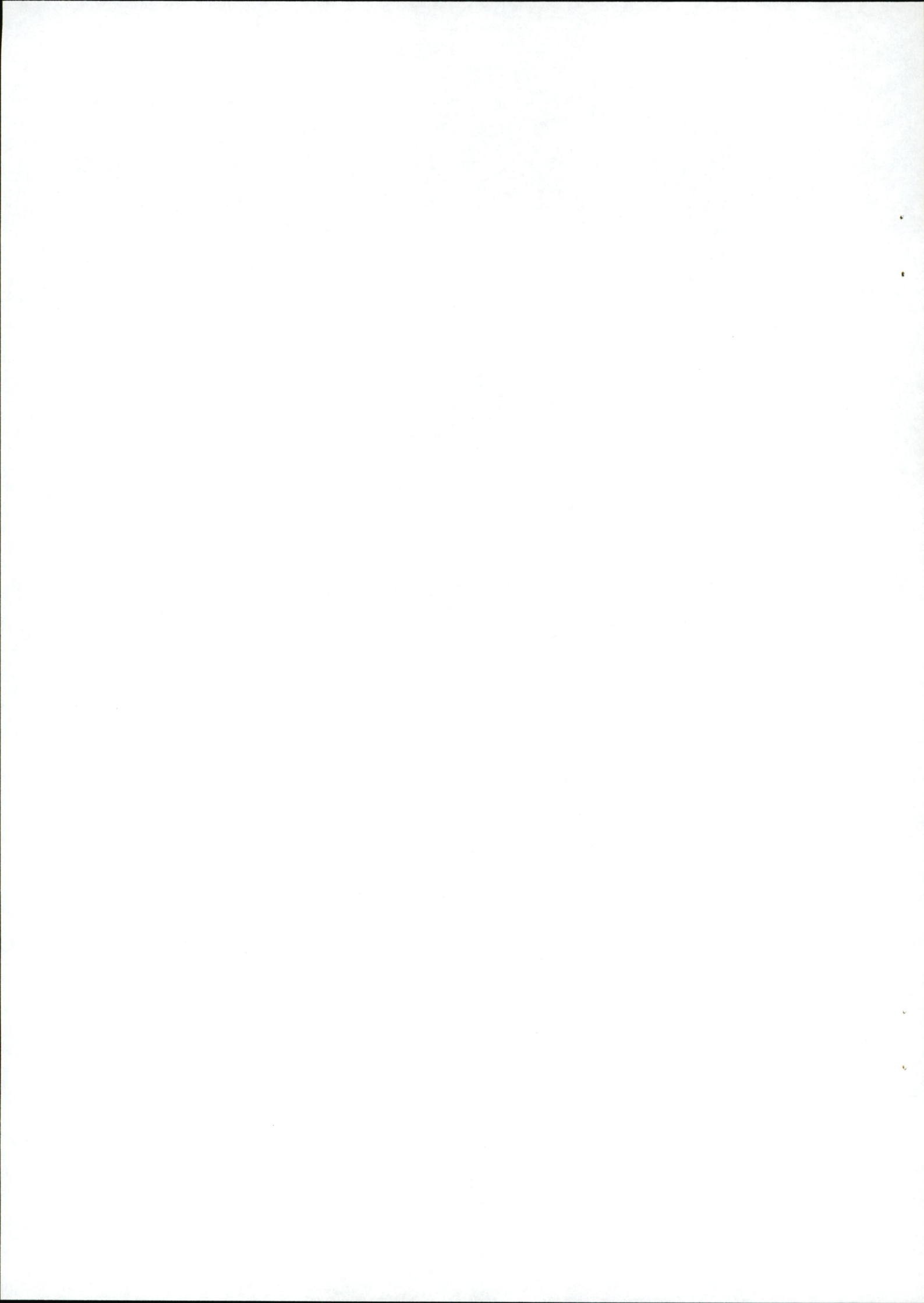
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New South Wales

Road Transport (Heavy Vehicles Registration Charges) Amendment Bill 1997

No. , 1997

A Bill for

An Act to amend the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* with respect to the registration charges payable for primary producers' vehicles; to make corresponding amendments to the *Motor Vehicles Taxation Act 1988*; and for other purposes.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Road Transport (Heavy Vehicles Registration Charges) Amendment Act 1997*.

2 Commencement

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This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72

The *Road Transport (Heavy Vehicles Registration Charges) Act 1995* is amended as set out in Schedule 1. 10

4 Amendment of Motor Vehicles Taxation Act 1988 No 111

The *Motor Vehicles Taxation Act 1988* is amended as set out in Schedule 2.

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

(Section 3)

[1] Section 7 Registration charges 5

Insert after section 7 (4):

- (5) If the registration charge for a primary producer's vehicle calculated in accordance with Part 2 of Schedule 1 to this Act for a particular period (the *charge under this Act*) exceeds the motor vehicle tax calculated in accordance with clauses 3 and 6 of Schedule 1 to the *Motor Vehicles Taxation Act 1988* for the same period (the *tax under the 1988 Act*), the registration charge payable in respect of the vehicle is not the charge under this Act but the tax under the 1988 Act. 10 15

- (6) The effect of:

- (a) section 3B (1) of the *Motor Vehicles Taxation Act 1988*, and
(b) any exemption granted under section 17 of that Act, and 20
(c) 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
(d) clause 9 of Schedule 1 to that Act,

may be ignored for the purpose of calculating the motor vehicle tax referred to in subsection (5). 25

- (7) In subsection (5), *primary producer's vehicle* has the same meaning as it has in the *Motor Vehicles Taxation Act 1988*.

[2] Section 13 Unregistered vehicles 30

Insert "(including any charges or additional charges payable under section 20)" after "liable to registration charges" in section 13 (1).

- [3] Section 13 (1)**
Insert "such" after "but for which".
- [4] Section 20 Changes in owners or to vehicles must be notified to Authority**
Insert at the end of section 20 (1): 5
Maximum penalty: 100 penalty units.
- [5] Section 20 (2A)**
Insert after section 20 (2):
(2A) A person who is required by subsection (1) to notify the Authority of any change in the construction, equipment, configuration, use or ownership of a vehicle must not authorise or permit the use of the vehicle on a public street until the Authority has been so notified. 10
Maximum penalty: 100 penalty units.
- [6] Schedule 1 Charges** 15
Insert "or which, in the opinion of the Authority, has been modified to such an extent that the GVM, GTMR or ATM recorded on its compliance plate is no longer applicable to the vehicle" after "plate" in paragraph (b) of the definition of *MRC* in clause 1.
- [7] Schedule 2 Savings and transitional provisions** 20
Insert "**Part 1 Preliminary**" before clause 1.
- [8] Schedule 2, clause 1 (1)**
Omit the clause. Insert instead:
(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts: 25
this Act
Road Transport Legislation Amendment Act 1995

[9] Schedule 2, clause 1 (1)

Insert at the end of the clause:

*Road Transport (Heavy Vehicles Registration Charges)
Amendment Act 1997*

[10] Schedule 2, clause 1 (2)

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Omit "this Act". Insert instead "the Act concerned".

[11] Schedule 2, Part 2 heading

Insert "**Part 2 Provisions consequent on enactment of this Act and Road Transport Legislation Amendment Act 1995**" before clause 2.

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[12] Schedule 2, Part 3

Insert after clause 5:

**Part 3 Provisions consequent on enactment of
Road Transport (Heavy Vehicles Registration
Charges) Amendment Act 1997**

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6 Validation of certain administrative action

(1) The following directions are taken to have been validly given:

(a) the direction given on 21 June 1996 by the Minister for Roads to the Chief Executive of the Roads and Traffic Authority with respect to the administration of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988*,

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(b) the direction given on 1 July 1996 by the Minister for Roads to the Chief Executive of the Roads and Traffic Authority with respect to the administration of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988*,

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

- (c) the direction given on 10 October 1996 by the Minister for Roads to the Chief Executive of the Roads and Traffic Authority with respect to the administration of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988*, subject to the modification that the references to 30 June 1997 in clause 7 (as inserted by that direction into the direction referred to in paragraph (a)) are taken to be references to the date of commencement of this clause. 5
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- (2) Anything done or omitted to be done before the commencement of this clause in the administration or execution of the provisions of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988* is taken to have been done or omitted to be done in accordance with those provisions if it was done or omitted to be done in accordance with a direction referred to in subclause (1). 15
- (3) In particular, any registration charge calculated, imposed or paid before the commencement of this clause for the purposes of the provisions of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988* is taken to have been calculated, imposed or paid in accordance with those provisions if it was calculated, imposed or paid in accordance with a direction referred to in subclause (1). 20
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**Schedule 2 Amendment of Motor Vehicles
Taxation Act 1988**

(Section 4)

**[1] Section 9 Unregistered vehicles and vehicles upon which tax
has not been paid** 5

Insert "(including any tax or additional tax payable under section 12)" after "liable to tax" in section 9 (1).

[2] Section 9 (1)

Insert "such" after "but on which".

**[3] Schedule 1 Motor vehicle tax on registration or renewal of
registration during the calendar year 1996** 10

Omit "and" from clause 9 (a).

[4] Schedule 1, clause 9 (b)

Omit the paragraph.