



New South Wales

Road Transport Legislation Amendment Bill 2021

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 Act 2013* and the *Motor Vehicles Taxation Act 1988* concerning the fixing of registration charges and motor vehicle taxation amounts, including by providing that the *Road Transport Act 2013* and the related regulations deal with all heavy vehicles, including primary producers' heavy vehicles,
- (b) to provide for the *Motor Vehicles Taxation Regulation 2016* to fix the amounts of motor vehicle taxation, and the indexation of those amounts,
- (c) to update enforcement powers,
- (d) to make minor and consequential amendments and savings and transitional provisions,
- (e) to amend various Acts and instruments to make consequential amendments for the purposes of giving effect to provisions of the *Road Vehicle Standards Act 2018* of the Commonwealth.

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.

Schedule 1 Amendment of Road Transport Act 2013 No 18

Schedule 1[1] inserts definitions of *primary producer* and *primary producer's vehicle*.

Schedule 1[2] substitutes the *Road Transport Act 2013*, section 69 to provide for different penalties for corporations and individuals and to create an offence of obtaining concessional registration fraudulently.

Schedule 1[3] empowers authorised officers to obtain information to determine a person's eligibility for concessional registration charges, the person's compliance with vehicle registration requirements and the proper payment of registration charges, fees and taxes.

Schedule 1[4] provides for vehicle registration charges for primary producers' vehicles to be fixed by the statutory rules.

Schedule 1[5] inserts savings and transitional provisions.

Schedule 2 Amendment of Road Transport (Vehicle Registration) Regulation 2017

Schedule 2[1] provides for registration charges payable for chargeable heavy vehicles that are primary producer's vehicles to be set out in a Schedule.

Schedule 2[3] inserts proposed Schedule 4A, which sets out the registration charges payable for primary producer's vehicles. Schedule 2[2] makes a consequential amendment.

Schedule 2[4] makes consequential amendments to the Dictionary.

Schedule 3 Amendment of Motor Vehicles Taxation Act 1988 No 111

Schedule 3[1] transfers the definition of *primary producer* to the *Road Transport (Vehicle Registration) Regulation 2017*.

Schedule 3[2] amends the definition of *primary producer's vehicle*.

Schedule 3[3] transfers the amended definition of *primary producer's vehicle* to the *Road Transport (Vehicle Registration) Regulation 2017*. **Schedule 3[5]** makes a consequential amendment.

Schedule 3[4] inserts definitions of *primary producer* and *primary producer's vehicle* that refer to the definitions transferred to the *Road Transport (Vehicle Registration) Regulation 2017*.

Schedule 3[6], [7], [11]–[13] and [15] make amendments consequent on the relocation of the schedule of taxation amounts to the regulations.

Schedule 3[8]–[10] insert provisions to allow the amounts of motor vehicle taxation, and the indexation of those amounts, to be fixed by the regulations.

Schedule 3[14] removes the Minister's power to grant an exemption from the payment of motor vehicle taxation.

Schedule 3[16] inserts a savings and transitional provision.

Schedule 4 Amendment of Motor Vehicles Taxation Regulation 2016

Schedule 4 inserts arrangements for the fixing of motor vehicle taxation amounts and the annual indexation of those amounts.

Schedule 5 Minor and consequential amendments

Schedule 5.1 amends the *Crimes Act 1900* to clarify that provisions referring to the term *identification plate*, defined by reference to a Commonwealth Act, relate to the definition in the Commonwealth Act as in force immediately before its repeal.

Schedule 5.2 amends the *Interpretation Act 1987* to provide that provisions may be transferred from an Act or instrument to another Act or instrument, without affecting the operation or meaning of the provision, if the Act or instrument the provision is transferred to states that the *Interpretation Act 1987*, section 30A applies.

Schedule 5.3 amends the *Motor Accident Injuries Regulation 2017* to preserve certain exemptions available for vehicles used for agriculture or on snow under the *Motor Vehicle Standards Act 1989* of the Commonwealth (the *1989 Act*), which is due to be repealed, and apply the exemptions available under the corresponding provisions of the *Road Vehicle Standards Act 2018* of the Commonwealth, which is due to replace the 1989 Act.

Schedule 5.4 amends the *Motor Accidents Compensation Regulation 2020* to preserve certain exemptions available for vehicles used for agriculture or on snow under the *Motor Vehicle Standards Act 1989* of the Commonwealth (the *1989 Act*), which is due to be repealed, and apply the exemptions available under the corresponding provisions of the *Road Vehicle Standards Act 2018* of the Commonwealth, which is due to replace the 1989 Act.

Schedule 5.5 updates a reference to a Commonwealth Act in the *National Environment Protection Council (New South Wales) Act 1995*.

Schedule 5.6 amends the *Passenger Transport (General) Regulation 2017* to update references to standards made under Commonwealth legislation.

Schedule 5.7 amends the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016* to recognise that the Point to Point Transport Commissioner, when commencing criminal proceedings under the *Point to Point Transport (Taxis and Hire Vehicles) Act 2016*, is doing so in a public capacity rather than as a private prosecution.

Schedule 5.8 amends the *Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017* to update references to standards made under Commonwealth legislation.

Schedule 5.9 updates a reference to Commonwealth standards in the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

Schedule 5.10 amends the *Protection of the Environment Operations (Noise Control) Regulation 2017*. **Schedule 5.10[1] and [2]** update definitions consequent on the repeal of the *Motor Vehicle Standards Act 1989* of the Commonwealth (the *1989 Act*) and the enactment of the corresponding *Road Vehicle Standards Act 2018* of the Commonwealth (the *new Cth Act*).

Schedule 5.10[3] updates an outdated reference to compliance plates, which are now known as identification plates.

Schedule 5.10[4]–[6] make it clear that stationary noise levels for vehicles entered on the Register for Approved Vehicles under the new Cth Act are the same noise levels prescribed for vehicles with certain identification plates authorised to be placed on vehicles under the 1989 Act before its repeal.

Schedule 5.11 updates references to Commonwealth standards in the *Road Rules 2014*.

Schedule 5.12 amends the *Road Transport Act 2013*. **Schedule 5.12[1]** of the proposed amendments updates a reference to national standards which the statutory rules made under the *Road Transport Act 2013* may apply, adopt or incorporate.

Schedule 5.12[2] provides that if Transport for NSW cancels the registration of a written-off heavy vehicle, the offence of using the unregistered vehicle applies from the day on which the registered operator of the vehicle is notified of the cancellation to ensure the consistent application of the offence in relation to written-off heavy vehicles and written-off light vehicles.

Schedule 5.12[3] aligns the language of the *Road Transport Act 2013* relating to motor vehicles carrying dangerous goods with the *Dangerous Goods (Road and Rail Transport) Act 2008*.

Schedule 5.12[4] updates a reference to identification plates, which were previously known as compliance plates, and inserts a definition of the Register of Approved Vehicles kept under the *Road Vehicle Standards Act 2018* of the Commonwealth. **Schedule 5.12[6]** makes a consequential amendment.

Schedule 5.12[5] makes it clear that certain information found on an identification plate may also be found on the Register.

Schedule 5.12[7] corrects a typographical error.

Schedule 5.13 amends the *Road Transport (Driver Licensing) Regulation 2017*.

Schedule 5.13[1] makes it clear that certain information displayed on a vehicle's identification plate, issued and in force under repealed Commonwealth legislation, will now be recorded on the Register of Approved Vehicles. **Schedule 5.13[2]** inserts a definition of the Register.

Schedule 5.13[3] and [4] update references to Commonwealth standards.



New South Wales

Road Transport Legislation Amendment Bill 2021

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New South Wales

Road Transport Legislation Amendment Bill 2021

No. , 2021

A Bill for

An Act to amend the *Road Transport Act 2013* and the *Motor Vehicles Taxation Act 1988* concerning the fixing of registration charges and motor vehicle taxation amounts; to make minor miscellaneous amendments to legislation administered by the Minister for Transport and Roads and Minister for Regional Transport and Roads; and to make minor consequential amendments.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Road Transport Legislation Amendment Act 2021*.

2 Commencement

- (1) Subject to subsections (2)–(4), this Act commences on a day or days to be appointed by proclamation.
- (2) Except as provided by subsections (3) and (4), Schedule 5 commences on—
 - (a) if section 15 of the *Road Vehicle Standards Act 2018* of the Commonwealth commences before the date of assent to this Act—on the date of assent to this Act, or
 - (b) otherwise—on the day on which section 15 of the *Road Vehicle Standards Act 2018* of the Commonwealth commences.
- (3) Schedule 5.5 commences, or is taken to have commenced, on the day on which section 15 of the *Road Vehicle Standards Act 2018* of the Commonwealth commences.
- (4) Schedule 5.2, 5.7 and 5.12[2] and [3] and [7] commence on 14 July 2021.

Schedule 1	Amendment of Road Transport Act 2013 No 18	1
[1] Section 4 Definitions		2
	Insert in alphabetical order in section 4(1)—	3
	<i>primary producer</i> means a person who—	4
	(a) is a primary producer as defined by the statutory rules, and	5
	(b) meets the eligibility criteria for a primary producer, if any, prescribed by the statutory rules.	6
	<i>primary producer's vehicle</i> means a vehicle prescribed by the statutory rules.	7
[2] Section 69		9
	Omit the section. Insert instead—	10
69 False statements		11
(1)	A person must not fraudulently attempt to—	12
(a)	register, or renew the registration of, a registrable vehicle, or	13
(b)	obtain, or renew, an unregistered vehicle permit for a registrable vehicle, or	14
(c)	obtain an exemption from, a concession on, or a reduction of a registration charge, fee or tax under the road transport legislation.	15
(2)	A person must not, without lawful authority, possess a device, plate or document obtained fraudulently.	16
(3)	Transport for NSW may—	17
(a)	decide a device, plate or document obtained fraudulently is void, and	18
(b)	make consequential amendments to the NSW registrable vehicles register.	19
	Maximum penalty for subsections (1) and (2)—	20
(a)	for an individual—20 penalty units, and	21
(b)	for a corporation—100 penalty units.	22
[3] Section 169B		23
	Insert after section 169A—	24
169B Power to require production of information		25
(1)	An authorised officer may require a relevant person for a vehicle to give the authorised officer information the authorised officer reasonably requires to assess—	26
(a)	the eligibility of a person to receive a concessional charge for the vehicle, or	27
(b)	whether or not the registered operator of the vehicle has paid the correct registration charge, fee or tax under the road transport legislation for the vehicle, or	28
(c)	the compliance of the registered operator of the vehicle with the following—	29
(i)	vehicle registration requirements and conditions applying to the vehicle,	30

(ii)	conditions, however described, attached to a concessional charge for the vehicle.	1 2
(2)	The information must be given in the form specified by the authorised officer.	3
(3)	A person must comply with a requirement under subsection (1) unless the person has a reasonable excuse for not complying.	4 5
	Maximum penalty—	6
(a)	for an individual—20 penalty units, and	7
(b)	for a corporation—50 penalty units.	8
(4)	In this section—	9
	<i>concessional charge</i> means the following—	10
(a)	a registration charge for a vehicle reduced in accordance with the statutory rules,	11 12
(b)	an exemption, or partial exemption, granted under this Act or the statutory rules, from payment under the road transport legislation of a registration charge, fee or tax.	13 14 15
	<i>relevant person</i> , for a vehicle, means—	16
(a)	the registered operator of the vehicle, or	17
(b)	another person the authorised officer reasonably believes has control or possession of the information.	18 19
[4]	Schedule 2 Registration charges for heavy vehicles	20
	Omit clause 3. Insert instead—	21
	3 Registration charge for primary producer’s vehicles	22
	The statutory rules may prescribe the amounts of registration charges applicable to primary producer’s vehicles.	23 24
[5]	Schedule 4 Savings, transitional and other provisions	25
	Insert at the end of the Schedule, with appropriate Part and clause numbering—	26
Part	Provisions consequent on enactment of Road Transport Legislation Amendment Act 2021	27 28
	Device, plate or document obtained by false statement	29
	Section 69, as substituted by the <i>Road Transport Legislation Amendment Act 2021</i> , extends to a device, plate or document fraudulently obtained before the substitution.	30 31 32
	Power to require production of information	33
	The power of an authorised officer under section 169B to require a person to give the officer information extends to information about a charge, fee or tax incurred or paid before the commencement of that section.	34 35 36

Schedule 2	Amendment of Road Transport (Vehicle Registration) Regulation 2017	1
		2
[1]	Part 8, Division 1A	3
	Insert after clause 127A—	4
	Division 1A Registration charges for primary producer’s vehicles	5
127B	Eligibility criteria for primary producers	6
	For the purposes of the Act, section 4(1), definition of <i>primary producer</i> , paragraph (b), the eligibility criteria for a primary producer is that the primary producer must earn at least 50 per cent of the primary producer’s total income from primary production activities.	7 8 9 10
127C	Registration charges for primary producer’s vehicles	11
	For the purposes of the Act, Schedule 2, clause 3, the amounts specified in Schedule 4A as the registration charges for primary producer’s vehicles are prescribed.	12 13 14
[2]	Schedule 4 Registration charges for chargeable heavy vehicles	15
	Insert “, subject to Schedule 4A,” after “is” in clause 1(1).	16
[3]	Schedule 4A	17
	Insert after Schedule 4—	18
	Schedule 4A Registration charges for primary producer’s vehicles	19 20
		clause 127B 21
1	Registration charges	22
	The registration charge for a primary producer’s vehicle is the lesser of the following amounts—	23 24
	(a) the amount calculated in accordance with Schedule 4,	25
	(b) the amount specified in the table to this Schedule.	26

Table—Registration charges for primary producer's vehicles

1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	
	Load carrying vehicle		Special purpose vehicle, other than a tractor		Tractor		Bus		
Weight of vehicle	Not lower charged vehicle	Lower charged vehicle	Not lower charged vehicle	Lower charged vehicle	Not lower charged vehicle	Lower charged vehicle	Not lower charged vehicle	Lower charged vehicle	
More than kg	Not more than kg	Registration charge \$							
—	975	197	197	359	359	197	197	359	359
975	1,150	225	222	409	403	225	222	409	403
1,150	1,500	272	259	495	471	272	259	495	471
1,500	2,500	410	389	745	707	410	389	745	707
2,500	2,790	637	637	1,207	1,207	684	663	695	695
2,790	3,050	724	724	1,372	1,372	684	663	790	790
3,050	3,300	793	793	1,503	1,503	684	663	865	865
3,300	3,560	863	863	1,635	1,635	684	663	941	941
3,560	3,810	926	926	1,755	1,755	684	663	1,010	1,010
3,810	4,060	996	996	1,889	1,889	684	663	1,087	1,087
4,060	4,320	1,063	1,063	2,014	2,014	684	663	1,160	1,160
4,320	4,500	1,131	1,131	2,142	2,142	684	663	1,234	1,234
4,500	4,830	1,196	1,196	2,142	2,142	684	663	1,304	1,304
4,830	5,080	1,263	1,263	2,142	2,142	684	663	1,378	1,378
5,080	5,330	1,335	1,335	2,142	2,142	684	663	1,456	1,456
5,330	5,590	1,400	1,400	2,142	2,142	684	663	1,527	1,527
5,590	5,840	1,469	1,469	2,142	2,142	684	663	1,602	1,602
5,840	6,100	1,535	1,535	2,142	2,142	684	663	1,675	1,675
6,100	6,350	1,603	1,603	2,142	2,142	684	663	1,748	1,748
6,350	6,600	1,668	1,668	2,142	2,142	684	663	1,819	1,819
6,600	6,860	1,739	1,739	2,142	2,142	684	663	1,897	1,897
6,860	7,110	1,803	1,803	2,142	2,142	684	663	1,967	1,967
7,110	—	1,803 plus \$65 for each 254 kg or part by which the weight exceeds 7,110 kg	1,803 plus \$65 for each 254 kg or part by which the weight exceeds 7,110 kg	2,142	2,142	684	663	1,967 plus \$71 for each 254 kg or part by which the weight exceeds 7,110 kg	1,967 plus \$71 for each 254 kg or part by which the weight exceeds 7,110 kg

[4] Dictionary

Insert in alphabetical order—

load carrying vehicle has the meaning given by Schedule 4, clause 12(2).

lower charged vehicle means—

(a) a motor vehicle designated, for the purposes of this definition, by Transport for NSW as a kind of energy efficient motor vehicle in a list—

(i) maintained by Transport for NSW, and

(ii) published on its website or in another way Transport for NSW considers appropriate, or

(b) a trailer.

special purpose vehicle has the meaning given by Schedule 4, clause 15.

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[11]	Section 5, heading	1
	Omit the heading. Insert instead—	2
	5 Amounts of tax—pro-rata reductions and rounding	3
[12]	Section 5(1)–(1E)	4
	Omit the subsections.	5
[13]	Transferred provision—Section 7 Determination of weight	6
	Section 7 is transferred to the <i>Motor Vehicles Taxation Regulation 2016</i> , as clause 8 of the Regulation, and is a transferred provision to which the <i>Interpretation Act 1987</i> , section 30A applies.	7 8 9
[14]	Section 17 Exemptions granted by Minister	10
	Omit the section.	11
[15]	Schedule 1 Motor vehicle tax for 2010	12
	Omit the Schedule.	13
[16]	Schedule 2 Savings, transitional and other provisions	14
	Insert at the end of the Schedule, with appropriate clause numbering—	15
	Provision consequent on enactment of Road Transport Legislation Amendment Act 2021	16 17
	An exemption from the payment of motor vehicle tax granted by the Minister under section 17 before the commencement of the <i>Road Transport Legislation Amendment Act 2021</i> continues in force as if it were a declaration by the Minister under the <i>Road Transport Act 2013</i> , section 19 until—	18 19 20 21
	(a) it is rescinded, revoked or repealed under the <i>Road Transport Act 2013</i> , section 19(2), or	22 23
	(b) if the exemption is expressed to operate for a fixed period of time, the expiry of the period.	24 25

Schedule 4 Amendment of Motor Vehicles Taxation 1
Regulation 2016 2

Clause 7 and Schedule 1 3

Insert after clause 6— 4

7 Motor vehicle tax 5

For the purposes of the Act, section 4, the amounts of motor vehicle tax
specified in Schedule 1 are prescribed. 6
7

Schedule 1 Motor vehicle tax 8

clause 7 9

1 Amount of tax for 2021 10

If registration or renewal of registration of a motor vehicle is effected for 1
year commencing on a date during the calendar year 2021, the amount of
motor vehicle tax applicable to the vehicle is the amount specified for the
vehicle in the table to this Schedule. 11
12
13
14

2 Tractors—special arrangements 15

Despite any other provision in this Schedule, the maximum amount of tax
payable for a tractor is as follows— 16
17

- (a) if the tractor is both a primary producer's vehicle and a lower taxed
motor vehicle—\$663, 18
19
- (b) if the tractor is a primary producer's vehicle but is not a lower taxed
motor vehicle—\$684, 20
21
- (c) if the tractor is not a primary producer's vehicle but is a lower taxed
motor vehicle—\$1,207, 22
23
- (d) if the tractor is neither a primary producer's vehicle nor lower taxed
motor vehicle—\$1,243. 24
25

3 Additional tax—motor vehicle over 3,560kg 26

(1) This clause applies to a motor vehicle— 27

- (a) weighing more than 3,560kg, and 28
- (b) not used substantially for private purposes. 29

(2) The tax payable for a motor vehicle to which this clause applies is increased
by— 30
31

- (a) if the vehicle is a bus—\$167, or 32
- (b) if the vehicle is not a bus—\$278. 33

4 Tax to increase by CPI for years after 2021 34

(1) If registration or renewal of registration of a motor vehicle of a class described
in the table to this Schedule is effected for 1 year commencing on a date (the
registration date) after the calendar year 2021, the amount of motor vehicle
tax applicable to the vehicle on registration or renewal of registration is— 35
36
37
38

- (a) if the registration date occurs in the calendar year 2022—the amount of
the tax specified in Schedule 1 for a motor vehicle of that class, adjusted
by the prescribed proportion, or 39
40
41

- (b) if the registration date occurs in a subsequent calendar year—the amount of the tax for which a motor vehicle of that class was liable during the previous year, adjusted by the prescribed proportion. 1
2
3
- (2) The *prescribed proportion* is calculated by subtracting the CPI number for the first previous financial year from the CPI number for the second previous financial year, and expressing the difference obtained as a percentage of the CPI number for the first previous financial year, rounded down to 2 decimal places. 4
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- (3) In this clause— 9
- CPI number* means the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Bureau of Statistics. 10
11
- first previous financial year* means the financial year immediately preceding the second previous financial year. 12
13
- second previous financial year* means the financial year immediately preceding the financial year that ends on 30 June of the calendar year that includes the registration date. 14
15
16

Table—Motor vehicle tax for 2021 17

Column 1	Column 2	Column 3		Column 4
Vehicle type	Vehicle characteristics	Vehicle weight		Tax
		Exceeding kg	Not exceeding kg	\$
Motor cycle		N/A	N/A	66
Motor vehicle not exceeding 2,500kg weight	Not a lower taxed motor vehicle and used substantially for private purposes	0	975	221
		975	1,150	257
		1,150	1,500	313
		1,500	2,500	479
Motor vehicle not exceeding 2,500kg weight	Not a lower taxed motor vehicle and not used substantially for private purposes	0	975	359
		975	1,150	409
		1,150	1,500	495
		1,500	2,500	745
Motor vehicle not exceeding 2,500kg weight	Lower taxed motor vehicle used substantially for private purposes	0	975	221
		975	1,150	251
		1,150	1,500	289
		1,500	2,500	441
Motor vehicle not exceeding 2,500kg weight	Lower taxed motor vehicle not used substantially for private purposes	0	975	359
		975	1,150	403
		1,150	1,500	471
		1,500	2,500	707

Column 1	Column 2	Column 3		Column 4
Vehicle type	Vehicle characteristics	Vehicle weight		Tax
		Exceeding kg	Not exceeding kg	\$
Motor vehicle exceeding 2,500kg weight	Not used substantially for private purposes and not a bus, a motor lorry or self-propelled plant	2,500	2,790	1,158
		2,790	3,050	1,316
		3,050	3,300	1,442
		3,300	3,560	1,569
		3,560	3,810	1,684
		3,810	4,060	1,811
		4,060	4,320	1,933
		4,320	4,500	2,056
Motor vehicle exceeding 2,500kg weight	Used substantially for private purposes, or a bus	2,500	2,790	695
		2,790	3,050	790
		3,050	3,300	865
		3,300	3,560	941
		3,560	3,810	1,010
		3,810	4,060	1,087
		4,060	4,320	1,160
		4,320	4,500	1,234
Motor lorry		2,500	4,500	707
Light self-propelled plant		2,500	2,790	1,207
		2,790	3,050	1,372
		3,050	3,300	1,503
		3,300	3,560	1,635
		3,560	3,810	1,755
		3,810	4,060	1,889
		4,060	4,320	2,014
Primary producer's vehicle that is a tractor or a motor lorry, other than a station wagon	Not a lower taxed motor vehicle	0	975	197
		975	1,150	225
		1,150	1,500	272
		1,500	2,500	410
		2,500	2,790	637
		2,790	3,050	724
		3,050	4,500	745

Column 1	Column 2	Column 3		Column 4
Vehicle type	Vehicle characteristics	Vehicle weight		Tax
		Exceeding kg	Not exceeding kg	\$
Primary producer's vehicle that is a tractor, a trailer or a motor lorry, other than a station wagon	Lower taxed motor vehicle	0	975	197
		975	1,150	222
		1,150	1,500	259
		1,500	2,500	389
Primary producer's vehicle that is a trailer	Exceeding 2,500 kg in weight	2,500	2,790	637
		2,790	3,050	724
		3,050	4,500	745
Primary producer's vehicle that is a motor car or a station wagon	Not a lower taxed motor vehicle	0	975	221
		975	1,150	257
		1,150	1,500	313
		1,500	2,500	479
		2,500	2,790	695
		2,790	3,050	790
		3,050	3,300	865
		3,300	3,560	941
		3,560	3,810	1,010
		3,810	4,060	1,087
Primary producer's vehicle that is a motor car or a station wagon	Lower taxed motor vehicle	0	975	221
		975	1,150	251
		1,150	1,500	289
		1,500	2,500	441

Schedule 5	Minor and consequential amendments	1
5.1	Crimes Act 1900 No 40	2
[1]	Section 154E Definitions	3
	Insert “as in force immediately before its repeal” after “of the Commonwealth” in paragraph (c) of the definition of <i>motor vehicle</i> in section 154E(1).	4 5
[2]	Section 154J Possession of identification plate not attached to motor vehicle or trailer	6 7
	Insert “as in force immediately before its repeal” after “of the Commonwealth” in the definition of <i>identification plate</i> in section 154J(3).	8 9
5.2	Interpretation Act 1987 No 15	10
	Section 30A Transferred provisions	11
	Omit “statutory rule to another Act and an Act” from section 30A(1).	12
	Insert instead “other instrument to another Act or instrument and the Act or instrument”.	13
5.3	Motor Accident Injuries Regulation 2017	14
[1]	Clause 5 Motor vehicles subject to unregistered vehicle permits (section 2.4 (1) (c))	15
	Omit “in respect of which approval for the placement of identification plates has not been given under section 10A of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from clause 5(a).	16 17 18
	Insert instead “that comply with subclause (2)”.	19
[2]	Clause 5(2) and (3)	20
	Insert at the end of clause 5—	21
	(2) A motor vehicle complies with this subclause if—	22
	(a) the vehicle is not required to be entered on the RAV by the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth or rules made under that Act, and	23 24 25
	(b) if applicable—approval for the placement of identification plates was not given in relation to the vehicle under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth, section 10A, as in force from time to time before its repeal.	26 27 28 29
	(3) In this clause—	30
	<i>RAV</i> means the Register of Approved Vehicles kept under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 14(1).	31 32
5.4	Motor Accidents Compensation Regulation 2020	33
[1]	Clause 21 Motor vehicles subject to unregistered vehicle permits	34
	Omit “, in respect of which approval for the placement of identification plates has not been given under section 10A of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from clause 21(a).	35 36 37
	Insert instead “that comply with subclause (2)”.	38

[2] Clause 21(2) and (3)	1
Insert at the end of clause 21—	2
(2) A motor vehicle complies with this subclause if—	3
(a) the vehicle is not required to be entered on the RAV by the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth or rules made under that Act, and	4 5 6
(b) if applicable—approval for the placement of identification plates was not given in relation to the vehicle under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth, section 10A, as in force from time to time before its repeal.	7 8 9 10
(3) In this clause—	11
RAV means the Register of Approved Vehicles kept under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 14(1).	12 13
5.5 National Environment Protection Council (New South Wales) Act 1995 No 4	14 15
Section 14 Council may make national environment protection measures	16
Omit “ <i>Motor Vehicle Standards Act 1989</i> ” from section 14(2)(b).	17
Insert instead “ <i>Road Vehicle Standards Act 2018</i> ”.	18
5.6 Passenger Transport (General) Regulation 2017	19
Clause 80 Management information system	20
Omit “Australian Design Rules under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from the definition of vehicle identification number in clause 80(2).	21 22
Insert instead “national road vehicle standards under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	23 24
5.7 Point to Point Transport (Taxis and Hire Vehicles) Act 2016 No 34	25
Section 136 Nature of proceedings for offences	26
Insert after section 136(5)—	27
(6) The Commissioner is taken to be a public officer for the purposes of the <i>Criminal Procedure Act 1986</i> .	28 29
5.8 Point to Point Transport (Taxis and Hire Vehicles) Regulation 2017	30
Clause 21 Motor cycles—hire vehicles	31
Omit “the Australian Design Rules (under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth) vehicle category definition” from clause 21(1).	32 33
Insert instead “a vehicle category definition, contained in a national road vehicle standard under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12,”.	34 35
5.9 Protection of the Environment Operations (Clean Air) Regulation 2010	36
Clause 14 Definitions	37
Omit “national standard under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from the definition of ADR .	38 39

Insert instead “national road vehicle standard under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	1 2
5.10 Protection of the Environment Operations (Noise Control) Regulation 2017	3 4
[1] Schedule 1 Prescribed stationary noise levels	5
Omit the definitions of <i>ADR 83/00</i> , <i>certified to ADR 83/00</i> and <i>compliance plate date</i> from clause 1.	6 7
Insert in alphabetical order—	8
<i>ADR 83/00</i> means the national road vehicle standard made under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12, entitled <i>Australian Design Rule 83/00—External Noise</i> .	9 10 11
<i>identification plate</i> means the plate authorised to be placed on a motor vehicle, or taken to have been placed on a motor vehicle, under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth as in force immediately before its repeal.	12 13 14 15
<i>identification plate date</i> , in relation to a motor vehicle, means the date appearing on the identification plate for the motor vehicle.	16 17
<i>RAV</i> means the Register of Approved Vehicles kept under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 14(1).	18 19
[2] Schedule 1, clause 1A	20
Insert after clause 1—	21
1A Certified to ADR 83/00	22
For this Schedule, a motor vehicle is <i>certified to ADR 83/00</i> if—	23
(a) approval was given, under of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth, section 10A, before the repeal of that Act, to place identification plates showing compliance with ADR 83/00 on that motor vehicle, or	24 25 26 27
(b) approval is given under the <i>Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018</i> of the Commonwealth, Schedule 3, item 4(2) or 6(2), or	28 29 30
(c) the vehicle satisfied the requirements of an entry pathway under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 15(2), including compliance with ADR 83/00, and the vehicle is entered on the RAV.	31 32 33 34
[3] Schedule 1, clauses 2(b), 3(b) and 4(b)	35
Omit “compliance plate date” wherever occurring. Insert instead “identification plate date”.	36
[4] Schedule 1, clause 2(b)(iii)	37
Insert at the end of clause 2(b)(ii)—	38
, or	39
(iii) if the motor car is entered on the RAV and does not have an identification plate—the noise level established by ADR 83/00 for a motor car when stationary plus 5 dB(A).	40 41 42

[5] Schedule 1, clause 3(b)(iii)	1
Insert at the end of clause 3(b)(ii)—	2
, or	3
(iii) if the motor cycle is entered on the RAV and does not have an identification plate—the noise level established by ADR 83/00 for a motor cycle when stationary plus 5 dB(A).	4 5 6
[6] Schedule 1, clause 4(b)(iii)	7
Insert at the end of clause 4(b)(ii)—	8
, or	9
(iii) if the vehicle is entered on the RAV and does not have an identification plate—the stationary noise level established by ADR 83/00 for a motor lorry or motor bus of that type when stationary plus 5 dB(A).	10 11 12 13
5.11 Road Rules 2014	14
[1] Rule 266 Wearing of seatbelts by passengers under 16 years old	15
Omit “ <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from rule 266(7), definition of approved booster seat , paragraph (b)(iii).	16 17
Insert instead “ <i>Road Vehicle Standards Act 2018</i> of the Commonwealth”.	18
[2] Dictionary	19
Omit “vehicle standards, as amended from time to time, determined under section 7 of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” from paragraph (b) of the definition of bicycle .	20 21 22
Insert instead “national road vehicle standards, as amended from time to time, determined under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	23 24
[3] Dictionary, definition of “bicycle”, note 1	25
Omit “determined under section 7 of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth”.	26 27
Insert instead “determined under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	28 29
5.12 Road Transport Act 2013 No 18	30
[1] Section 25 Incorporation of documents and modification of definitions	31
Omit section 25(1)(a)(ii). Insert instead—	32
(ii) a national road vehicle standard under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12,	33 34
[2] Section 68 Prohibition on using unregistered registrable vehicles	35
Insert “or 104C” after “section 84” in section 68(4).	36
[3] Sections 107(2)(g)(i) and 150(1)(b)	37
Omit “to have a sign exhibited on it” wherever occurring.	38
Insert instead “to be identified with a placard”.	39

[4] Schedule 2 Registration charges for heavy vehicles	1
Omit the definition of <i>compliance plate</i> from clause 1. Insert in alphabetical order—	2
<i>identification plate</i> means a plate authorised to be placed on a vehicle, or taken to have been placed on a vehicle, under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth as in force immediately before its repeal.	3
<i>RAV</i> means the Register of Approved Vehicles kept under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 14(1).	4
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[5] Schedule 2, clause 1, definition of “MRC (Mass Rating for Charging)”	8
Omit “compliance plate” from paragraph (a).	9
Insert instead “identification plate or on the RAV for the vehicle”.	10
[6] Schedule 2, clause 1, definition of “MRC (Mass Rating for Charging)”	11
Omit “compliance plate” from paragraph (b).	12
Insert instead “identification plate”.	13
[7] Schedule 2 Registration charges for heavy vehicles	14
Omit “the an appropriate officer” from Schedule 2, clause 19(3).	15
Insert instead “an appropriate officer”.	16
5.13 Road Transport (Driver Licensing) Regulation 2017	17
[1] Clause 4 Definitions	18
Omit paragraph (a) from the definition of <i>car-based motor tricycle</i> in clause 4(1).	19
Insert instead—	20
(a) has the category of LEM, LEP or LEG—	21
(i) as displayed on an identification plate on the motor trike issued under the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth as in force immediately before its repeal, or	22
(ii) as recorded on the RAV for the motor trike, and	23
	24
	25
[2] Clause 4(1)	26
Insert in alphabetical order—	27
<i>RAV</i> means the Register of Approved Vehicles kept under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 14(1).	28
	29
[3] Clause 99 Other exemptions from licensing	30
Omit “vehicle standards, as amended from time to time, determined under section 7 of the <i>Motor Vehicle Standards Act 1989</i> of the Commonwealth” wherever occurring in clause 99(1)(c) and (2)(c).	31
	32
	33
Insert instead “national road vehicle standards, as amended from time to time, determined under the <i>Road Vehicle Standards Act 2018</i> of the Commonwealth, section 12”.	34
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[4] Clause 99(1), note

Omit “determined under section 7 of the *Motor Vehicle Standards Act 1989* of the Commonwealth”.

Insert instead “determined under the *Road Vehicle Standards Act 2018* of the Commonwealth, section 12”.

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