



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.