

FIRST PRINT

**STATE ROADS (MOTOR VEHICLES TAXATION)
AMENDMENT BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Motor Vehicles Taxation (Amendment) Bill 1987.

The object of this Bill is to amend the State Roads Act 1986 so as—

- (a) to alter (as a consequence of the enactment of the proposed Motor Vehicles Taxation (Amendment) Act 1987) the provisions of that Act dealing with payments of motor vehicles taxation into the Country and Metropolitan Roads Funds so that the proportion of that taxation paid into each fund will remain approximately the same as it is currently;
- (b) to provide a system for the issue of permits to enable certain heavy vehicles to exceed applicable weight limits and to make provision for a charge to recoup the extra cost of road maintenance thereby made necessary;
- (c) to empower regulations to be made prescribing fees in respect of exemptions and authorities granted under the regulations; and
- (d) to increase the maximum penalties which may be imposed for a breach of the regulations.

Clause 1 specifies the short title of the proposed Act.

State Roads (Motor Vehicles Taxation) Amendment 1987

Clause 2 provides for the commencement of the proposed Act. Formal provisions will commence on assent. Provisions concerning the proposed excess vehicle weight permit scheme will commence on a day to be appointed by the Governor-in-Council. Other provisions will commence on 1 July 1987.

SCHEDULE 1—AMENDMENTS TO THE STATE ROAD ACT 1986

Schedule 1 (1) inserts proposed sections 72A and 72B into the Principal Act:

- (a) Proposed section 72A provides for the issue of excess vehicle weight permits by the Commissioner for Main Roads. Such a permit enables a vehicle to which it applies to exceed weight limits otherwise applicable to it when using State roads.
- (b) Proposed section 72B provides for the charge which is payable for an excess vehicle weight permit. The charge is calculated in accordance with the regulations and is based on the extra cost of road maintenance attributable to the use of State roads by a vehicle which exceeds otherwise applicable weight limits. Charges collected will be paid into the Metropolitan and Country Roads Funds.

Schedule 1 (2) (a) alters the provision under which the tax, imposed by the Motor Vehicles (Taxation) Act 1980, is payable into the Metropolitan Roads Fund. Currently the amount payable is calculated as a proportion of motor vehicles tax levy together with a different proportion of motor vehicles weight tax. Those taxes will be replaced with a single motor vehicles tax by the proposed Motor Vehicles Taxation (Amendment) Act 1987. The new proportion of the single motor vehicles tax which will now be required to be paid into that Fund will give approximately the same result as the current requirements.

Schedule 1 (2) (b) provides for the payment into the Metropolitan Roads Fund of a proportion of excess vehicle weight permit charges paid under proposed section 72A.

Schedule 1 (3) and (5) require money paid into the Metropolitan and Country Roads Funds out of charges for excess vehicle weight permits to be used only for maintenance of public roads in the State including by way of advances to councils to defray increased costs of road maintenance caused by the use of local roads by heavy vehicles.

Schedule 1 (4) (a) makes a similar amendment to that effected by Schedule 1 (2) (a) in relation to the Country Roads Fund.

Schedule 1 (4) (b) provides for the payment into the Country Roads Fund of a proportion of excess vehicle weight permit charges paid under proposed section 72A.

Schedule 1 (6) (a) and (b) empower the making of regulations under the Principal Act to fix the fees to be paid in connection with exemptions granted and permits and authorities issued under the regulations.

Schedule 1 (6) (c) increases the maximum penalties which may be imposed for an offence against the regulations. The maximum penalty for a first offence increases from \$1,000 to \$1,500. The maximum penalty for a second or subsequent offence increases from \$2,000 to \$3,000.

STATE ROADS (MOTOR VEHICLES TAXATION) AMENDMENT BILL 1987

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 85, 1986

SCHEDULE 1—AMENDMENTS TO THE STATE ROADS ACT 1986

**STATE ROADS (MOTOR VEHICLES TAXATION)
AMENDMENT BILL 1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the State Roads Act 1986 as a consequence of the enactment of the Motor Vehicles Taxation (Amendment) Act 1987 and to make provision for excess vehicle weight permits and charges; and for other purposes.

State Roads (Motor Vehicles Taxation) Amendment 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

5 Short title

1. This Act may be cited as the "State Roads (Motor Vehicles Taxation) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this
10 Act.

(2) Schedule 1 (1), (2) (b), (3), (4) (b) and (5), and section 3 in its application to those provisions, shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

15 (3) Except as provided by subsections (1) and (2), this Act shall commence on 1 July 1987.

Amendment of Act No. 85, 1986

3. The State Roads Act 1986 is amended in the manner set forth in Schedule 1.

20

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE STATE ROADS ACT 1986

(1) Sections 72A, 72B—

After section 72, insert:

25

Excess vehicle weight permits

72A. (1) The Commissioner may issue an excess vehicle weight permit under this section in respect of a vehicle.

*State Roads (Motor Vehicles Taxation) Amendment 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

(2) Such a permit may provide that any or specified limits or restrictions imposed by or under this Act or the Local Government Act 1919 do not apply in respect of any one or more of the following:

- 5 (a) the maximum weight of the vehicle;
 (b) the maximum weight of any part of the vehicle;
 (c) the maximum weight of the vehicle together with its load;
 (d) the maximum weight of the vehicle's load.

10 (3) The permit may be issued subject to conditions including (without being limited to)—

- (a) a condition as to the maximum weight of the vehicle together with its load or the maximum weight of the vehicle or any part of the vehicle or of its load; and
 15 (b) a condition as to which public roads or which class or classes of public roads the vehicle may use.

(4) While an excess vehicle weight permit is in force and any conditions to which it is subject are complied with, maximum weight limits and restrictions do not apply in respect of the vehicle as provided by the permit.

20 (5) An excess vehicle weight permit remains in force for the period for which it is issued, as specified in the permit.

(6) There is payable to the Commissioner for the issue of an excess vehicle weight permit—

- 25 (a) a fee of \$50 or such other amount as may be prescribed; and
 (b) the charge provided for by section 72B.

(7) If the functions of the Commissioner under this section are delegated to the Commissioner for Motor Transport, the Commissioner for Motor Transport is—

- 30 (a) by this section empowered to exercise those functions; and

State Roads (Motor Vehicles Taxation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

- (b) entitled to retain such part of the fee payable for the issue of an excess vehicle weight permit as the Commissioner and the Commissioner for Motor Transport agree.

Charge for excess vehicle weight permits

5 72B. (1) The charge payable for the issue of an excess vehicle weight permit is the amount, calculated as prescribed, of the likely increase in the cost of maintaining public roads in the State as a result of the vehicle concerned being used as authorised by the permit.

10 (2) Regulations made for the purposes of this section shall provide for a method of calculating the charge which is based on—

15 (a) an estimate of the distance which the vehicle concerned is likely to travel on public roads in the State during the period for which the permit will be in force; and

(b) an estimate of the additional cost of maintaining public roads in the State as a result of a vehicle of the excess weight concerned travelling on those roads for the distance estimated.

20 (3) The regulations shall also provide for the refund of the appropriate proportion of any charge paid if it is subsequently established that the vehicle concerned travelled a shorter distance than the distance estimated for it.

25 (4) The amount received in payment of charges under this section shall be paid into the Metropolitan Roads Fund and the Country Roads Fund in such proportions as are determined by the Minister from time to time.

State Roads (Motor Vehicles Taxation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

(2) Section 74 (**Composition of Metropolitan Roads Fund**)—

(a) Section 74 (1) (b)—

Omit section 74 (1) (b) and (c), insert instead:

- 5 (b) 28 per cent of the collected proceeds of the tax imposed by section 7 (1) of the Motor Vehicles (Taxation) Act 1980, other than proceeds required to be paid into the Public Vehicles Fund under section 204 of the Transport Act 1930;

(b) Section 74 (1) (k1)—

10 After section 74 (1) (k), insert:

- (k1) any money that, under section 72B (charges for excess vehicle weight permits), is required to be paid into the Fund;

(3) Section 75 (**Use of Metropolitan Roads Fund**)—

15 Section 75 (5A)—

After section 75 (5), insert:

(5A) Money paid into the Metropolitan Roads Fund under section 72B (charges for excess vehicle weight permits) may be used only for the following:

- 20 (a) the maintenance of public roads in the metropolitan area;
- (b) the granting of financial assistance to a council for the purpose of defraying costs incurred, or to be incurred, in restoring a public road in the metropolitan area that has suffered damage or deterioration by reason of its use by vehicles in respect of which an excess vehicle weight permit is issued under section 72A;
- 25 (c) the refund of charges under section 72B.

*State Roads (Motor Vehicles Taxation) Amendment 1987*SCHEDULE 1—*continued*AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*(4) Section 76 (**Composition of Country Roads Fund**)—

(a) Section 76 (1) (b)—

Omit section 76 (1) (b) and (c), insert instead:

- 5 (b) 72 per cent of the collected proceeds of the tax imposed by section 7 (1) of the Motor Vehicles (Taxation) Act 1980, other than proceeds required to be paid into the Public Vehicles Fund under section 204 of the Transport Act 1930;

(b) Section 76 (1) (j1)—

10 After section 76 (1) (j), insert:

- (j1) any money that, under section 72B (charges for excess vehicle weight permits), is required to be paid into the Fund;

(5) Section 77 (**Use of Country Roads Fund**)—

15 Section 77 (5A)—

After section 77 (5), insert:

(5A) Money paid into the Country Roads Fund under section 72B (charges for excess vehicle weight permits) may be used only for the following:

- 20 (a) the maintenance of public roads in the country area;
- (b) the granting of financial assistance to a council for the purpose of defraying costs incurred, or to be incurred, in restoring a public road in the country area that has suffered damage or deterioration by reason of its use by vehicles in respect of which an excess vehicle weight permit is issued under section 72A;
- 25 (c) the refund of charges under section 72B.

(6) Section 105 (**Regulations**)—

(a) Section 105 (1) (w)—

30 Omit "or".

State Roads (Motor Vehicles Taxation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

(b) Section 105 (1) (x), (y)—

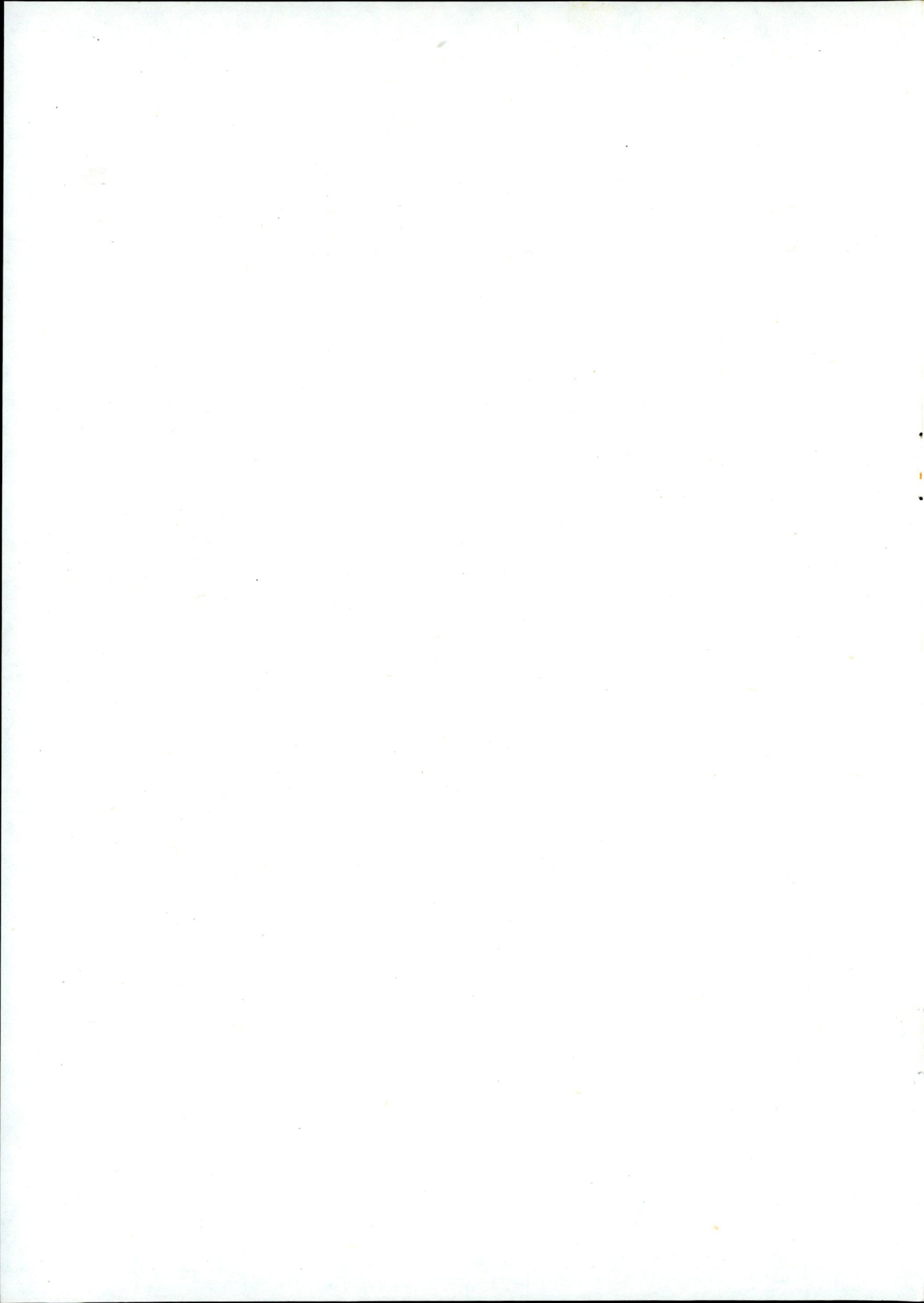
At the end of section 105 (1) (x), insert:

; or

5 (y) prescribing the fees to be paid for or with respect to the grant of an exemption, or the issue of a permit or authority, under a regulation.

(c) Section 105 (2)—

Omit “\$1,000 for a first offence or \$2,000 for a second”, insert instead “\$1,500 for a first offence or \$3,000 for a second”.



**STATE ROADS (MOTOR VEHICLES TAXATION)
AMENDMENT ACT 1987 No. 99**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 85, 1986

SCHEDULE 1—AMENDMENTS TO THE STATE ROADS ACT 1986



**STATE ROADS (MOTOR VEHICLES TAXATION) AMENDMENT
ACT 1987 No. 99**

NEW SOUTH WALES



Act No. 99, 1987

An Act to amend the State Roads Act 1986 as a consequence of the enactment of the Motor Vehicles Taxation (Amendment) Act 1987 and to make provision for excess vehicle weight permits and charges; and for other purposes. [Assented to 12 June 1987]

State Roads (Motor Vehicles Taxation) Amendment 1987

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act may be cited as the "State Roads (Motor Vehicles Taxation) Amendment Act 1987".

Commencement

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Schedule 1 (1), (2) (b), (3), (4) (b) and (5), and section 3 in its application to those provisions, shall commence on such day as may be appointed by the Governor and notified by proclamation published in the Gazette.

(3) Except as provided by subsections (1) and (2), this Act shall commence on 1 July 1987.

Amendment of Act No. 85, 1986

3. The State Roads Act 1986 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE STATE ROADS ACT 1986

(1) Sections 72A, 72B—

After section 72, insert:

Excess vehicle weight permits

72A. (1) The Commissioner may issue an excess vehicle weight permit under this section in respect of a vehicle.

State Roads (Motor Vehicles Taxation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

(2) Such a permit may provide that any or specified limits or restrictions imposed by or under this Act or the Local Government Act 1919 do not apply in respect of any one or more of the following:

- (a) the maximum weight of the vehicle;
- (b) the maximum weight of any part of the vehicle;
- (c) the maximum weight of the vehicle together with its load;
- (d) the maximum weight of the vehicle's load.

(3) The permit may be issued subject to conditions including (without being limited to)—

- (a) a condition as to the maximum weight of the vehicle together with its load or the maximum weight of the vehicle or any part of the vehicle or of its load; and
- (b) a condition as to which public roads or which class or classes of public roads the vehicle may use.

(4) While an excess vehicle weight permit is in force and any conditions to which it is subject are complied with, maximum weight limits and restrictions do not apply in respect of the vehicle as provided by the permit.

(5) An excess vehicle weight permit remains in force for the period for which it is issued, as specified in the permit.

(6) There is payable to the Commissioner for the issue of an excess vehicle weight permit—

- (a) a fee of \$50 or such other amount as may be prescribed; and
- (b) the charge provided for by section 72B.

(7) If the functions of the Commissioner under this section are delegated to the Commissioner for Motor Transport, the Commissioner for Motor Transport is—

- (a) by this section empowered to exercise those functions; and

SCHEDULE 1—*continued*AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

- (b) entitled to retain such part of the fee payable for the issue of an excess vehicle weight permit as the Commissioner and the Commissioner for Motor Transport agree.

Charge for excess vehicle weight permits

72B. (1) The charge payable for the issue of an excess vehicle weight permit is the amount, calculated as prescribed, of the likely increase in the cost of maintaining public roads in the State as a result of the vehicle concerned being used as authorised by the permit.

(2) Regulations made for the purposes of this section shall provide for a method of calculating the charge which is based on—

- (a) an estimate of the distance which the vehicle concerned is likely to travel on public roads in the State during the period for which the permit will be in force; and
- (b) an estimate of the additional cost of maintaining public roads in the State as a result of a vehicle of the excess weight concerned travelling on those roads for the distance estimated.

(3) The regulations shall also provide for the refund of the appropriate proportion of any charge paid if it is subsequently established that the vehicle concerned travelled a shorter distance than the distance estimated for it.

(4) The amount received in payment of charges under this section shall be paid into the Metropolitan Roads Fund and the Country Roads Fund in such proportions as are determined by the Minister from time to time.

State Roads (Motor Vehicles Taxation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

(2) Section 74 (**Composition of Metropolitan Roads Fund**)—

(a) Section 74 (1) (b)—

Omit section 74 (1) (b) and (c), insert instead:

- (b) 28 per cent of the collected proceeds of the tax imposed by section 7 (1) of the Motor Vehicles (Taxation) Act 1980, other than proceeds required to be paid into the Public Vehicles Fund under section 204 of the Transport Act 1930;

(b) Section 74 (1) (k1)—

After section 74 (1) (k), insert:

- (k1) any money that, under section 72B (charges for excess vehicle weight permits), is required to be paid into the Fund;

(3) Section 75 (**Use of Metropolitan Roads Fund**)—

Section 75 (5A)—

After section 75 (5), insert:

(5A) Money paid into the Metropolitan Roads Fund under section 72B (charges for excess vehicle weight permits) may be used only for the following:

- (a) the maintenance of public roads in the metropolitan area;
- (b) the granting of financial assistance to a council for the purpose of defraying costs incurred, or to be incurred, in restoring a public road in the metropolitan area that has suffered damage or deterioration by reason of its use by vehicles in respect of which an excess vehicle weight permit is issued under section 72A;
- (c) the refund of charges under section 72B.

State Roads (Motor Vehicles Taxation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

(4) Section 76 (**Composition of Country Roads Fund**)—

(a) Section 76 (1) (b)—

Omit section 76 (1) (b) and (c), insert instead:

- (b) 72 per cent of the collected proceeds of the tax imposed by section 7 (1) of the Motor Vehicles (Taxation) Act 1980, other than proceeds required to be paid into the Public Vehicles Fund under section 204 of the Transport Act 1930;

(b) Section 76 (1) (j1)—

After section 76 (1) (j), insert:

- (j1) any money that, under section 72B (charges for excess vehicle weight permits), is required to be paid into the Fund;

(5) Section 77 (**Use of Country Roads Fund**)—

Section 77 (5A)—

After section 77 (5), insert:

(5A) Money paid into the Country Roads Fund under section 72B (charges for excess vehicle weight permits) may be used only for the following:

- (a) the maintenance of public roads in the country area;
- (b) the granting of financial assistance to a council for the purpose of defraying costs incurred, or to be incurred, in restoring a public road in the country area that has suffered damage or deterioration by reason of its use by vehicles in respect of which an excess vehicle weight permit is issued under section 72A;

(c) the refund of charges under section 72B.

(6) Section 105 (**Regulations**)—

(a) Section 105 (1) (w)—

Omit “or”.

State Roads (Motor Vehicles Taxation) Amendment 1987

SCHEDULE 1—*continued*

AMENDMENTS TO THE STATE ROADS ACT 1986—*continued*

(b) Section 105 (1) (x), (y)—

At the end of section 105 (1) (x), insert:

; or

- (y) prescribing the fees to be paid for or with respect to the grant of an exemption, or the issue of a permit or authority, under a regulation.

(c) Section 105 (2)—

Omit “\$1,000 for a first offence or \$2,000 for a second”, insert instead “\$1,500 for a first offence or \$3,000 for a second”.



