

NORTHERN TERRITORY OF AUSTRALIA
MOTOR VEHICLES AMENDMENT ACT 2001

No. 58 of 2001

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NORTHERN TERRITORY OF AUSTRALIA

No. 58 of 2001

AN ACT

to amend the *Motor Vehicles Act*

[Assented to 28 November 2001]
[Second reading 27 November 2001]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Motor Vehicles Amendment Act 2001*.

2. Commencement

This Act comes into operation, or is to be taken to have come into operation, on 28 November 2001.

3. Principal Act

The *Motor Vehicles Act* is in this Act referred to as the Principal Act.

4. New sections

The Principal Act is amended by inserting after section 11A the following:

"12. Temporary Budget Improvement Levy

"(1) This section applies to a motor vehicle other than a motor vehicle that is—

- (a) a heavy vehicle;

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- (b) a motor omnibus, or a goods vehicle, of greater than 3.5 tonne gross vehicle mass;
- (c) a motor tractor;
- (d) a trailer, including a caravan;
- (e) a motorised wheelchair, motorised golf buggy or ride-on lawnmower; or
- (f) a motor vehicle of a prescribed class of motor vehicles.

"(2) Subject to subsections (6) and (7), the Registrar must not register a motor vehicle to which this section applies unless the Temporary Budget Improvement Levy in relation to the motor vehicle has been paid for the period of the registration.

"(3) Subject to subsections (6) and (7), the Registrar must not renew the registration of a motor vehicle to which this section applies that on 28 November 2001 is due to expire on or after 4 January 2002, unless the Temporary Budget Improvement Levy in relation to the motor vehicle has been paid for the period of the renewal.

"(4) The Temporary Budget Improvement Levy, in relation to a motor vehicle to which this section applies, is –

- (a) an amount equal to 1/12 of \$90 for each part or whole month for which the motor vehicle is to be registered; or
- (b) if Regulations are made in accordance with subsection (5) – an amount equal to 1/12 of the amount of the levy, for a 12 month period, specified in or calculated in accordance with the Regulations, for each part or whole month for which the motor vehicle is to be registered.

"(5) The Regulations may prescribe the amount of the Temporary Budget Improvement Levy or prescribe a method for calculating the amount of the Temporary Budget Improvement levy.

"(6) The Registrar must reduce by 50% the Temporary Budget Improvement Levy payable in relation to the registration of, or the renewal of the registration of, a motor vehicle by a person –

- (a) who is a pensioner or a member of a prescribed class of persons; and
- (b) who has not already received in relation to another motor vehicle a reduction in accordance with this subsection or subsection (7) of

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the amount of the Temporary Budget Improvement Levy payable for all or part of the period for which the vehicle is to be registered.

"(7) If—

- (a) a pensioner or a member of a prescribed class of persons intends to register a motor vehicle ('the new motor vehicle');
- (b) he or she has received a reduction, for all or part of the period for which the new motor vehicle is to be registered, of the Temporary Budget Improvement Levy payable in relation to another motor vehicle ('the previous motor vehicle'); and
- (c) the previous motor vehicle has ceased to be registered in his or her name before he or she seeks to register the new motor vehicle,

the Registrar must reduce the amount of the Temporary Budget Improvement Levy payable in relation to the new motor vehicle by 50%, for each part or whole month of the period for which the new motor vehicle is to be registered that is not a month for part or all of which the previous motor vehicle was registered in the person's name.

"(8) An agency of the Territory may recover from a government car user who is, was or is to be provided with a motor vehicle for his or her private use under a contract of employment or other arrangement, an amount equivalent to the Temporary Budget Improvement Levy paid in relation to the vehicle by the agency of the Territory for each period during which the person is, was or is to be provided with the vehicle.

"(9) In this section—

'agency of the Territory' means the Territory, an Agency, a statutory authority or a Government Business Division within the meaning of the *Financial Management Act*;

'government car user' means a member of the Legislative Assembly or a person employed by, or engaged to provide services to, an agency of the Territory;

'pensioner' means the holder of any of the following:

- (a) a Northern Territory Pensioner Concession Card;
- (b) a Health Care Card, or a Pensioner Concession Card, issued under the *Social Security Act 1991* of the Commonwealth;
- (c) a prescribed card.

"12A. Refund of registration levy in certain circumstances

"(1) If the Registrar refuses to register, or to renew the registration of, a motor vehicle for which an amount for the Temporary Budget Improvement Levy has been paid in anticipation of the registration or renewal, the Registrar must refund the amount to the person who paid it.

"(2) If all or part of the Temporary Budget Improvement Levy is paid to the Registrar in error, the Registrar may refund to the person in whose name the motor vehicle is registered the amount paid in error.

"(3) Subject to subsection (5), if the registration of a motor vehicle is cancelled, the Registrar must refund to the person in whose name the motor vehicle was registered, or a person who the Registrar is satisfied is the new owner of the motor vehicle, all or part of the Temporary Budget Improvement Levy paid in relation to the vehicle.

"(4) The amount that may be refunded under subsection (3) is 1/12 of the Temporary Budget Improvement Levy for each whole month in the unexpired period of the period for which the motor vehicle was registered.

"(5) The Registrar must not refund an amount under subsection (3) until –

- (a) the certificate of registration of the motor vehicle after 27 November 2001, or other evidence of the payment of the Temporary Budget Improvement levy as is, in the opinion of the Registrar, sufficient, is produced to the Registrar; and
- (b) the 2 number plates issued in connection with the registration of the motor vehicle are produced to the Registrar or a member of the Police Force or a person holding, or acting on behalf of, a corresponding office in a State or another Territory of the Commonwealth.

"(6) Despite subsection (5), if the number plates of the motor vehicle have been lost or destroyed, the Registrar must refund an amount under subsection (3) unless the Registrar has reason to believe that improper use has been made or is being made of the plates.

"(7) A refund under subsection (3) in relation to the registration of a motor vehicle is to be calculated –

- (a) from the day on which the number plates of the motor vehicle are produced to the Registrar or a member of the Police Force or a person holding, or acting on behalf of, a corresponding office in a State or another Territory of the Commonwealth; or

- (b) if the number plates are lost or destroyed and the Registrar does not believe that improper use has or is being made of the plates – from the day on which the certificate of registration or other evidence of the payment of the Temporary Budget Improvement Levy as is, in the opinion of the Registrar, sufficient, is produced to the Registrar."

5. Cessation of Levy

(1) Unless repealed earlier under subsection (2), this Act and sections 12 and 12A of the Principal Act as inserted into the Principal Act by this Act –

- (a) cease to apply in relation to the registration of a motor vehicle after 26 November 2004;
- (b) cease to apply in relation to the renewal of registration of a motor vehicle that is due for renewal after 3 January 2005; and
- (c) expire on 4 January 2005.

(2) The Administrator may, by notice in the *Gazette*, repeal on the date specified in the notice this Act and sections 12 and 12A of the Principal Act as inserted into the Principal Act by this Act.