

Legislative Council—No 162A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 28 October 2021

South Australia

**Motor Vehicles (Electric Vehicle Levy)
Amendment Bill 2021**

A BILL FOR

An Act to amend the *Motor Vehicles Act 1959* and to make a related amendment to the *Highways Act 1926*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Motor Vehicles (Electric Vehicle Levy) Amendment Act 2021*.

2—Commencement

- (a1) Subject to this section, this Act comes into operation on the day on which it is assented to by the Governor.
- (1) Part 2 and Schedule 1 come into operation on—
 - 10 (a) the prescribed day; or
 - (b) 1 July 2027,whichever occurs first.
- (2) In this section—
battery electric vehicle means a motor vehicle that—
 - 15 (a) uses only an electric motor for propulsion; and
 - (b) is not fitted with—

- (i) a fuel cell; or
- (ii) an internal combustion engine,

but does not include a heavy vehicle;

heavy vehicle has the same meaning as in the *Motor Vehicles Act 1959*;

5 *motor vehicle* has the same meaning as in the *Motor Vehicles Act 1959*;

prescribed day means the day on which the Treasurer publishes a notice in the Gazette specifying that the Treasurer is reasonably satisfied that sales of battery electric vehicles in South Australia will be 30% of new motor vehicle sales in South Australia.

3—Amendment provisions

10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 5—Interpretation

(1) Section 5(1)—after the definition of *drug driving offence* insert:

15 *electric vehicle* means a motor vehicle that is powered wholly or partly by electricity from an external source (commonly known as a battery electric vehicle or a plug-in hybrid vehicle) or by hydrogen (commonly known as a fuel cell vehicle or a fuel cell electric vehicle) but does not include—

- (a) a heavy vehicle; or
- 20 (b) a vehicle of a kind, or used in circumstances, excluded from the ambit of this definition by regulation;

(2) Section 5(7)—after "In this Act" insert:

(other than in section 37AA)

5—Amendment of section 20—Application for registration

25 (1) Section 20(1)(b)(i)—delete "or" appearing at the end of subparagraph (H) and after subparagraph (H) insert:

- (I) in the case of an application relating to an electric vehicle—an odometer reading taken from the vehicle within 7 days (or such longer period as the Registrar may allow) of the application; or

30 (2) Section 20(2)(c)—delete "the stamp duty (if any)" and substitute:

any other amounts

6—Amendment of section 24—Duty to grant registration

Section 24(1)—delete ", the appropriate LSS Fund levy and the stamp duty (if any)" and substitute:

35 and any other amounts

7—Amendment of section 24A—Registrar may accept periodic renewal payments

Section 24A(2)—after paragraph (d) insert:

- 5 (da) when odometer readings must be provided for electric vehicles and how levy amounts payable under section 37AA are to be paid under the scheme;

8—Insertion of section 37AA

After section 37 insert:

37AA—Additional levy for registration of electric vehicle

- 10 (1) An electric vehicle registration levy (the *levy*), of an amount calculated at the prescribed rate per kilometre travelled on roads and road related areas (whether within or outside the State) by an electric vehicle registered under this Act, is payable by the registered owner of the electric vehicle to the Registrar.

15 **Note—**

The levy will not be payable for travel by an electric vehicle on an area of private land that is not open to or used by the public.

- 20 (2) Subject to subsection (7), the Registrar must not accept a relevant application relating to an electric vehicle unless any levy amount owing in respect of the vehicle has been paid.
- 25 (3) Subject to subsection (4), for the purposes of calculating the levy—
- (a) the levy amount will be calculated based on odometer readings for the electric vehicle provided to the Registrar in accordance with this Act; and
- (b) it will be presumed that the entire distance travelled by the electric vehicle since the last time an odometer reading was provided for the vehicle is subject to the levy.
- 30 (4) A person may claim a reduction of the levy calculated in accordance with subsection (3) if the person establishes, in a manner approved by the Registrar, that some of the distance travelled by the vehicle since the last time an odometer reading was submitted for the vehicle was not travelled on a road or road related area.
- 35 (5) If a reduction of the levy is claimed by a person in accordance with subsection (4), the Registrar—
- (a) may require the person to pay the full levy amount calculated in accordance with subsection (3) before accepting the relevant application and may then refund or credit any amount of the levy so paid on subsequently being satisfied of a valid claim for reduction; or

- 5 (b) accept the claim for reduction on an interim basis (and accept the relevant application as if the full amount of the levy owing had been paid) and, if not subsequently satisfied that the claim for reduction was valid, may require the payment of any amount in respect of which the claim for reduction was not accepted.
- 10 (6) The Registrar may recover any levy amount owing in respect of an electric vehicle as a debt due from—
- (a) the person who was the owner of the electric vehicle at the time the levy accrued; or
- (b) the current owner of the electric vehicle,
- (and both owners are jointly and severally liable for the debt).
- 15 (7) The Registrar may—
- (a) waive, remit or reduce any levy amount owing in respect of a vehicle; and
- (b) credit any overpayment of the levy in respect of an electric vehicle by a registered owner to any other payment required to be made by that registered owner or to future payments of the levy for that vehicle.
- 20 (8) In this section—
- prescribed rate***, for the purpose of calculating the levy owing in respect of an electric vehicle, is—
- (a) for plug-in hybrid vehicles—2 cents (indexed); or
- (b) for any other electric vehicle—2.5 cents (indexed);
- 25 ***relevant application*** means an application under this Act to—
- (a) register an electric vehicle (or renew the registration of an electric vehicle); or
- (b) transfer the registration of an electric vehicle; or
- (c) cancel the registration of an electric vehicle.
- 30 (9) For the purposes of the definition of ***prescribed rate***, where a monetary amount is followed by the word "(indexed)", the following provisions apply:
- (a) the amount is to be adjusted—
- (i) on the day on which this section commences, by—
- 35 (A) multiplying the stated amount by a multiplier obtained by dividing the CPI for the quarter ending on the preceding 31 December by the CPI for the quarter ending 31 December 2020; and
- 40 (B) rounding the amount so obtained to 3 decimal points; and

(ii) on 1 July of each subsequent year, by—

(A) multiplying the stated amount by a multiplier obtained by dividing the CPI for the quarter ending 31 December in the previous year by the CPI for the quarter ending 31 December 2020; and

(B) rounding the amount so obtained to 3 decimal points;

(b) if an amount as adjusted under paragraph (a) is less than the prescribed rate that applied under this section during the previous financial year, the amount that applied during the previous financial year will (despite paragraph (a)) continue to be the prescribed rate for the purposes of this section until the following 1 July;

(c) the amount that will apply as the prescribed rate in accordance with this section for a financial year must be published by the Minister by notice in the Gazette before the commencement of that financial year (but the amount determined in accordance with paragraphs (a) and (b) of this subsection will apply as the prescribed rate for the relevant financial year whether or not the Minister publishes it in accordance with this paragraph).

9—Amendment of section 41—Misuse of vehicles registered at reduced fees or without fees

Section 41—after subsection (5) insert:

(6) A person required to pay the Registrar an amount pursuant to an order under this section must, if the motor vehicle is an electric vehicle, provide the Registrar with an odometer reading taken from the vehicle within 7 days (or such longer period as the Registrar may allow) of the order.

(7) For the purposes of subsection (3) the prescribed registration fee is taken to include any levy payable under section 37AA in respect of registration of the vehicle up to the date of an odometer reading supplied in accordance with subsection (6).

10—Amendment of section 57—Duty of transferee on transfer of vehicle

(1) Section 57(2)(e)—delete "the stamp duty (if any)" and substitute:

any other amounts

(2) Section 57(5)(b)—after subparagraph (viii) insert:

(ix) in the case of an application relating to an electric vehicle—an odometer reading taken from the vehicle within 7 days (or such longer period as the Registrar may allow) of the application.

11—Amendment of section 58—Transfer of registration

Section 58(1)—delete "the stamp duty (if any)" and substitute:
any other amounts

Schedule 1—Related amendment of *Highways Act 1926*

5 1—Amendment of section 32—Application of Highways Fund

Section 32(1)—after paragraph (o) insert:

- (oa) in defraying the cost of installing, maintaining, altering, operating or removing charging facilities for vehicles powered by electricity and refuelling facilities for vehicles powered by hydrogen; and

10 Schedule 2—Review of Act

1—Review of Act by Select Committee

15 As soon as practicable after the day that is 1 year after the commencement of this Schedule, the Legislative Council is to appoint a Select Committee to consider longer term issues relating to the use of electric vehicles in the State (including infrastructure, training and the disposal of batteries and other electric vehicle components) and to recommend strategies to address these issues, in accordance with terms of reference determined by the Legislative Council.