

South Australia

Motor Vehicles (National Heavy Vehicles Registration Fees) Variation Regulations 2010

under the *Motor Vehicles Act 1959*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles (National Heavy Vehicles Registration Fees) Variation Regulations 2010*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*

4—Variation of Schedule 1—Determination of annual adjustment factor

- (1) Schedule 1, clause 1(1)—after "financial year" insert:
(the *relevant year*)
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(2) Schedule 1, clause 1(4)—delete subclause (4) and substitute:

- (4) The result is the raw annual adjustment factor (**RAAF**) expressed as a percentage.
- (5) If the annual report of the National Transport Commission for the financial year that ended 1 year before the start of the relevant year does not provide the information needed to calculate the value of TFU in clause 3 and the values of HV and TTR in clause 4, then the raw annual adjustment factor is the annual adjustment factor for the relevant year.
- (6) If subclause (5) does not apply, then the following formula is to be applied:

$$PRABC \times (1 + RAAF)$$

where—

PRABC is the Revised Adjusted Base Cost derived in calculating the annual adjustment factor in the previous financial year.

- (7) The result is the Revised Adjusted Base Cost (**RABC**).
- (8) Next, the following formula is to be applied:

$$\left(\frac{(RABC - FR - RR)}{(FR + RR)} \right) \times 100$$

where—

FR means the estimated total amount of the road user charge under the *Fuel Tax Act 2006* of the Commonwealth as calculated in accordance with clause 3

RR means the estimated revenue raised in relation to heavy vehicles by registration charges in Australia as calculated in accordance with clause 4.

- (9) Finally, the amount determined under subclause (8) is to be rounded up or down to 1 decimal place (rounding an amount of 0.05 upwards).
- (10) The result is the annual adjustment factor expressed as percentage.

(3) Schedule 1, clause 3—delete the clause and substitute:

3—Calculation of the estimated total amount of the road user charge

- (1) The estimated total amount of the road user charge under the *Fuel Tax Act 2006* of the Commonwealth is to be calculated in accordance with this clause.
- (2) First, the following formula is to be applied:

$$TFU \times RUC$$

where—

TFU is the total fuel use by heavy vehicles in litres determined by adding together the estimated annual fuel use shown in the relevant annual report of the NTC for each category of heavy vehicle

RUC is the road user charge rate (expressed in dollars) for the previous year that applied under section 43-10 of the *Fuel Tax Act 2006* of the Commonwealth, or if more than 1 rate applied in that year, the last rate that applied in that year

previous year means the financial year that immediately preceded the relevant year

relevant annual report of the NTC means the annual report of the National Transport Commission for the financial year that ended 1 year before the start of the relevant year

relevant year means the financial year for which the annual adjustment factor is being calculated.

- (3) Second, the amount determined under subclause (2) is to be divided by 1 000 000.
- (4) Third, the amount determined under subclause (3) is to be rounded up or down to 2 decimal places (rounding an amount of 0.005 upwards).
- (5) The result is the estimated total amount of the road user charge.

4—Calculation of estimated revenue raised from registration charges

- (1) The estimated revenue raised in relation to heavy vehicles by registration charges in Australia (**RR**) is to be calculated in accordance with this clause.
- (2) First, the following formula is to be applied:

$$HV + TRR$$

where—

HV is the sum of the amounts shown in the relevant annual report of the NTC as the estimated vehicle registration revenue excluding trailers for each category of heavy vehicle

TTR is the sum of the amounts shown in the relevant annual report of the NTC as the estimated trailer registration revenue for each relevant category of heavy vehicle

relevant annual report of the NTC means the annual report of the National Transport Commission for the financial year that ended 1 year before the start of the financial year for which the annual adjustment factor is being calculated.

- (3) Second, the amount determined under subclause (2) is to be divided by 1 000 000.

- (4) Third, the amount determined under subclause (3) is to be rounded up or down to 2 decimal places (rounding an amount of 0.005 upwards).
- (5) The result is the estimated revenue raised in relation to heavy vehicles by registration charges in Australia.

5—Transitional provision relating to the calculation of the annual adjustment factor for 2010/2011 financial year

Despite anything to the contrary in clause 1, for the purposes of calculating the annual adjustment factor for the financial year commencing on 1 July 2010—

- (a) the PRABC referred to in clause 1(6) is to be taken to be 2015.15; and
- (b) a reference to the relevant annual report of the NTC in clauses 3 and 4 is a reference to the tables published by the National Transport Commission before 1 July 2010 in the Commonwealth Government Gazette for the purposes of this Schedule.

Part 3—Transitional provision

5—Transitional provision

- (1) The fees prescribed in respect of the issue or renewal of the registration of a motor vehicle by the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*, as varied by these regulations, apply where the issue or renewal is to take effect on or after 1 July 2010.
- (2) Despite Part 2, the fees prescribed in respect of the issue or renewal of the registration of a motor vehicle by the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*, as in force immediately before the commencement of these regulations, continue to apply where the issue or renewal is to take effect before 1 July 2010.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 10 June 2010

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