

Refund of Road User Charges paid by LMCTs

VACC Licensed Motor Car Trader (LMCT) members who have retailed vehicles classified as a Zero and Low Emission Vehicles (ZLEV) would be aware that a Road User Charge (RUC) was introduced from 1 July 2021.

In 2021 VACC negotiated with the Victorian government for franchise dealers to be granted an exemption for the first 1,500 km of a new ZLEV demonstrator vehicle from the RUC.

LMCTs would also know that the Victorian Government was challenged in the High Court of Australia (HCA) with regard to the validity of the RUC.

The High Court of Australia ruling

LMCTs have previously been advised that the HCA ruled in favor of the applicant in the *Vanderstock & Anor v State of Victoria* [2023][1] in that a provision (s.7(1)) contained within the *Victorian Zero and Low Emission Vehicle Distance-based Charge Act 2021* (Vic) was found to be invalid as it imposes a duty of excise, an exclusive power of the Commonwealth Parliament as per the meaning of excise in s.90 of the Australian Constitution. You can view the court summary of the HCA case [by taking this link](#).

What does this mean for purchasers of ZLEVS and LMCTS?

The [VicRoads webpage](#) has information announcing that customers (including LMCTs) are not required to pay ZLEV RUC invoices or provide odometer readings. VicRoads will soon be contacting eligible customers to advise them of the refund process. This will include LMCTs who were issued and paid RUC invoices.

To be clear, LMCTs with ZLEV Demonstrator trading stock will no longer be required to pay the RUC invoices.

Will LMCTs be able to seek a refund of RUC previously paid to the Victorian Government?

VACC has been in dialogue with VicRoads who advise that customers who have previously made e-payment of RUC invoices will receive a full refund of the RUC invoice payment including card payment fees and interest.

Any customer that has been sold a ZLEV and been issued and paid the RUC invoice will soon receive advice from VicRoads to advise them of the refunds process. VicRoads webpage will be continuously updated.

Timing of refund

LMCTs are advised that timing for refunds of RUC Invoices is yet to be determined.

The VicRoads Registration and Licensing (R&L) Team are working feverishly to make the refunds available as soon as is possible. Your patience with R&L would be appreciated. Please refer to vicroads.vic.gov.au for updates.

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[1] HCA 30.