



New South Wales

# Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72

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New South Wales

# Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72

Act No 72, 1995

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An Act relating to the setting, assessment and collection of registration charges and permit charges for certain heavy vehicles; and for other purposes. [Assented to 12 December 1995]

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See also Road Transport Legislation Amendment Act 1995.

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The Legislature of New South Wales enacts:

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Road Transport (Heavy Vehicles Registration Charges) Act 1995*.

### 2 Commencement

This Act commences on 1 July 1996, unless commenced sooner by proclamation.

### 3 Definitions

In this Act:

*administration fee* means a fee payable under section 7 (4).

*authorised officer* means any person authorised by the Authority for the purposes of this Act either generally or in any particular case.

*Authority* means the Roads and Traffic Authority constituted under the *Transport Administration Act 1988*.

*charges* means registration charges and permit charges under this Act.

*civil defence work* means the work of dealing with an emergency as defined in section 4 of the *State Emergency and Rescue Management Act 1989*.

*configuration* of a vehicle means a description of a vehicle in Schedule 1 for which separate provision is made in that Schedule for the amount of the registration charge.

*eligible pensioner* means a person:

- (a) who is the holder of a Pensioner Concession Card which is in force issued by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans' Affairs, or

- (b) who is in receipt of a pension or other amount paid by the Commonwealth Department of Veterans' Affairs in respect of a war-caused disability seriously affecting the person's powers of movement, being a pension or other amount (or a pension or other amount below a rate) approved by the Authority for the purposes of this paragraph, or
- (c) who is an armed services widow within the meaning of the *Social Security Act 1991* of the Commonwealth and:
  - (i) who is in receipt of a pension under Part II or IV of the *Veterans' Entitlements Act 1986* of the Commonwealth at the maximum rate applicable under section 1064 (5) of the *Social Security Act 1991* of the Commonwealth, and
  - (ii) who is under the pension age for the person set out in section 5QA of the *Veterans' Entitlements Act 1986* of the Commonwealth,
- (d) who is the holder of a current licence to drive a vehicle, being a licence for which no fee was payable by virtue of the *Motor Traffic Regulations 1935*, or
- (e) who is not the holder of any such licence but:
  - (i) who has satisfied the Authority, by the production of a certificate from a medical practitioner, that the person is not medically fit to drive a vehicle, or
  - (ii) who has otherwise satisfied the Authority that the person should be treated as an eligible pensioner for the purposes of this Act.

**government-owned vehicle** means a vehicle owned by the Crown or by a statutory body representing the Crown.

**heavy vehicle permit** means a permit referred to in section 14.

**loaded mass** of a vehicle means the sum of the mass of the vehicle and the mass of the load on the vehicle that is imposed on the surface on which the vehicle is standing or running.

**owner** of a vehicle includes:

- (a) every person who is the owner, joint owner or part owner of the vehicle, and
- (b) any person who has the use of the vehicle under a hire-purchase or a hiring agreement,

but does not include the lessor of a vehicle under a hire-purchase agreement.

**permit charge** means a charge imposed under this Act for a heavy vehicle permit.

**public street** means any street, road, lane, thoroughfare, footpath or place open to or used by the public, and includes any place for the time being open to or used by the public, whether on the payment of money or not.

**registered**, in relation to a vehicle, means registered under the *Traffic Act 1909*.

**registration charge** means a charge imposed under this Act for the registration or renewal of registration of a vehicle.

**vehicle** means any motor car, motor carriage or other vehicle propelled on any public street wholly or partly:

- (a) by any volatile spirit, steam, gas, oil or electricity, or
- (b) by any means other than human or animal power,

and includes a tractor or a trailer, but does not include a vehicle used on a railway or tramway.

#### 4 Object

The object of this Act is to apply in New South Wales registration charges and other charges or certain heavy vehicles (that is, vehicles with a mass rating for charging of more than 4.5 tonnes) agreed with the Commonwealth and other States and Territories as part of a scheme for uniform national road transport charges based on the cost of road use by such heavy vehicles.

## **5 Application of Act**

This Act applies to vehicles:

- (a) with a mass rating for charging of more than 4.5 tonnes, and
- (b) of a description of vehicle for which provision is made in Schedule 1 for an amount of charge (including a nil charge).

## **6 Act binds Crown**

This Act binds the Crown in right of New South Wales and, so far as the legislative power of Parliament permits, the Crown in all its other capacities.



## Part 2 Registration and permit charges

### Division 1 Amount of charges

#### 7 Registration charges

- (1) The annual registration charges for a vehicle, or a combination of vehicles, of a kind referred to in Part 2 of Schedule 1 are as set out in that Part.
- (2) If registration or renewal of registration of a vehicle is effected for a period of 3 months, the amount of registration charges applicable to the vehicle is 25% of the amount applicable for an annual registration charge for the vehicle.
- (3) If registration or renewal of registration of a vehicle is effected for a period other than 1 year or 3 months, the amount of registration charges applicable to the vehicle is the amount ascertained in accordance with the following formula:

$$C = A \times \frac{D}{365}$$

where:

C is the amount of charge applicable,

A is the amount of charge that would be applicable if registration or renewal of registration had been effected for 1 year,

D is the number of days in the period for which the registration or renewal of registration is effected.

- (4) In addition to the registration charges payable for a vehicle for a registration period of 3 months, an administration fee equal to 2.5% of the annual registration charge for the vehicle is payable.

#### 8 Permit charges

The charges for the grant of a heavy vehicle permit are as set out in Part 3 of Schedule 1.

## 9 Alteration of charges

The regulations may amend the amounts specified in Schedule 1 in relation to a year, but any amendment in relation to a year must not increase or decrease the amounts applicable to the previous year by more than 5%.

## 10 Rounding off of amounts

If an amount of charges or administration fees comprises, in addition to a number of dollars, a number of cents, that number of cents:

- (a) if it is less than 50 cents, is to be disregarded, and
- (b) if it is 50 cents or more, is to be taken to be another dollar.

## Division 2 When registration charges are payable

### 11 Definition

In this Division:

*registration charges* include administration fees.

### 12 Payment of registration charges

- (1) The registration charges for a vehicle must be paid:
  - (a) at the time of application for registration of the vehicle, and
  - (b) at the time of application for each renewal of registration of the vehicle.
- (2) A person in whose name an application for registration or renewal of registration is made must not fail to pay the full amount of registration charges required by subsection (1).

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

Registration charges are payable in respect of a registration or renewal of registration that occurs after the commencement of this section.

### **13 Unregistered vehicles**

(1) The owner of a vehicle which (not being a vehicle exempted from registration) is not registered, or which being registered is liable to registration charges but for which registration charges though due and payable have not been paid, who:

- (a) uses or drives the vehicle on a public street, or
- (b) causes or permits it to be driven on a public street,

is guilty of an offence.

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

(2) In addition to imposing a penalty for an offence under this section, the court concerned may order the owner to pay to the Authority within a time specified by the order:

- (a) if the vehicle is not registered, the registration charges which would be due on the application for the registration or renewal of registration of the vehicle for a period of 1 year or for such greater or lesser period as the court in all the circumstances thinks just, or
- (b) if the vehicle is registered, the registration charges so due and payable.

## **Division 3 When permit charges are payable**

### **14 Heavy vehicle permits**

(1) The Authority may grant a person a heavy vehicle permit in respect of a vehicle, or a combination of vehicles:

- (a) with a loaded mass exceeding 125 tonnes, and
- (b) that is carrying a load that cannot, without disproportionate effort, expense or risk of damage, be divided into 2 or more smaller loads for the purpose of transport on public streets.

(2) A heavy vehicle permit is in force for the period and distance specified in the permit.

- (3) The Authority may at any time cancel a heavy vehicle permit.
- (4) Nothing in this section affects any requirement under the *Roads Act 1993* for the issue of an excess weight permit in respect of any vehicle.

#### **15 Payment of permit charges**

- (1) The charges for a heavy vehicle permit must be paid at the time of application for the permit.
- (2) A person in whose name an application for a heavy vehicle permit is made must not fail to pay the full amount of permit charges required by subsection (1).

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

#### **16 Driving without heavy vehicle permit prohibited**

- (1) The owner of a vehicle for which a heavy vehicle permit may be granted (not being a vehicle exempt from permit charges) but for which there is no heavy vehicle permit or for which permit charges though due and payable have not been paid, or any other person, who:
  - (a) uses or drives the vehicle on a public street, or
  - (b) causes or permits the vehicle to be driven on a public street,

is guilty of an offence.

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (2) In addition to imposing a penalty for an offence under this section, the court concerned may order the owner to pay to the Authority within a time specified by the order:
  - (a) if there is no heavy vehicle permit for the vehicle, the permit charges that would be due on the application for the permit for such period and distance as the court in all the circumstances thinks just, or
  - (b) if there is a heavy vehicle permit, the permit charges so due and payable.

## **Part 3 Assessment and collection of charges**

### **17 Authority to determine charges**

The Authority must determine, in accordance with this Act and the regulations, whether any charges or administration fees are payable under this Act in respect of a vehicle and, if there are, the amount of the charges or fees.

### **18 Provision of information to determine charges**

- (1) For the purpose of determining whether any charges under this Act are payable in respect of a vehicle and, if so, the amount of the charges, the Authority or an authorised officer may:
  - (a) require the owner or person in charge of the vehicle to produce the vehicle within a specified period and at a specified place and provide all reasonable facilities to enable an authorised officer to examine it, or
  - (b) require the owner or person in charge of the vehicle or person liable to pay charges to provide such information in writing by statutory declaration or otherwise as the Authority or the authorised officer considers appropriate.
- (2) An owner or other person must not fail to comply with a requirement under subsection (1).

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (3) An owner or other person must not provide information knowing it to be false or misleading in respect of any matter necessary or convenient to enable the appropriate charges under this Act to be determined.

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (4) An owner or other person must comply with a requirement under subsection (1) at their own cost if required to do so by the Authority.

## **19 Adjustment of charges by Authority**

- (1) The Authority may, at any time, alter, vary or rescind any determination as to charges or administration fees, or may refund the whole or any portion of any charges or fees paid, for the purpose of ensuring that this Act is complied with.
- (2) The Authority may require a person in whose name a vehicle is registered or who holds a heavy vehicle permit to pay charges or administration fees or additional charges or fees, within a specified time, if the charges or fees are payable as a result of action taken under subsection (1).
- (3) A person must not fail to comply with a requirement under subsection (2).

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (4) In addition to imposing a penalty for any such offence, the court may order the person to pay to the Authority within a specified period the amount of the charges or administration fees or additional charges or fees.
- (5) A person is not liable to pay charges or administration fees or additional charges or fees as a result of action taken under subsection (1) if the Authority's determination was made more than 3 years before the date of the action and the person satisfies the Authority there was no intention to avoid paying charges or fees.

## **20 Changes in owners or to vehicles must be notified to Authority**

- (1) A person in whose name a vehicle is registered or who holds a heavy vehicle permit for a vehicle must notify the Authority of any change during the currency of the registration or permit in the construction, equipment, configuration, use or ownership of the vehicle of such a nature that charges or additional charges would be payable if the registration was renewed or the permit was granted when the change occurred.

- (2) The person or, if the change is in ownership, the new owner must pay to the Authority the appropriate amount of charges or additional charges forthwith or within the period specified by the Authority.

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (3) In addition to imposing a penalty for an offence under this section, the court concerned may order the offender to pay to the Authority within a specified period any amount which, from the evidence given during the proceedings, the court is satisfied the offender should have paid to the Authority as charges or administration fees or additional charges or fees.

## **21 Calculation of charges arising from changes**

- (1) The charges or additional charges payable under section 20 are for the unexpired period of the registration or permit or for such shorter period as the Authority, having regard to the temporary nature of any change, determines should apply.
- (2) The charges are to be calculated at the rate of:
- (a) if the registration or permit was for a period of more than 3 months—one-twelfth of the charge applicable after the change in respect of a yearly registration or permit if the vehicle was exempt from or not liable to charges before the change or, as the case may be, one-twelfth of the difference between the charge applicable before the change and the charge applicable after the change in respect of a yearly registration or permit, or
  - (b) if the registration or permit was for a period of 3 months or less—one-third of the charge applicable after the change in respect of a quarterly registration or permit if the vehicle was exempt from or not liable to charges before the change or, as the case may be, one-third of the difference between the charge applicable before the change and the charge applicable after the change in respect of a quarterly registration or permit,

for each month or part of a month in the unexpired period or the shorter period, as the case may be.

## **22 Refund of charges on cancellation of registration or permit**

- (1) If the Authority cancels the registration of a vehicle on the application of the person in whose name the vehicle is registered before the registration expires, the Authority may, in its discretion, grant to the person a refund of the registration charges imposed in respect of the vehicle.
- (2) If the Authority cancels a heavy vehicle permit before the permit expires, the Authority may, in its discretion, grant to the person a refund of the permit charges imposed in respect of the vehicle.
- (3) The refund is to be calculated at the rate of one-twelfth of the charge applicable in respect of a yearly registration or permit for each complete month in the portion of the unexpired period of the registration or permit at the date of the cancellation, less any cancellation fee determined by the Authority.

## **23 Time limit for refunds**

A person is not entitled to a refund of charges if the refund is applied for more than 3 years from the date of payment of the charges.

## **24 Recovery of charges**

The amount of charges and administration fees imposed in respect of a vehicle is a debt due to the Authority and, except as provided by section 34 (2), is recoverable in a court of competent jurisdiction by the Authority from the person liable to pay the charges and fees.



## **Part 4 Exemptions**

### **25 Exemption for eligible pensioners**

- (1) A vehicle that is owned solely by an eligible pensioner or jointly owned by 2 or more eligible pensioners only is exempt from charges if:
  - (a) it is not used in the course of any trade, business or profession or let out for hire, and
  - (b) it is used solely or principally by the pensioner or pensioners, and
  - (c) it is used substantially for social or domestic purposes or for pleasure, and
  - (d) it is a vehicle or a vehicle of a class or description of vehicles approved for the time being by the Authority.
- (2) Except as provided by subsection (3), an eligible pensioner is entitled to an exemption from charges in respect of one vehicle only.
- (3) An eligible pensioner is entitled to an exemption from charges in respect of 2 vehicles if the pensioner and another eligible pensioner are the joint registered owners of the vehicles and the pensioners are married to each other or reside in the same household.

### **26 Exemption for civil defence vehicles**

- (1) A vehicle (other than a government-owned vehicle) that while on a public street is used solely for or in connection with civil defence work and is registered in the name of a body controlling that work is exempt from charges.
- (2) The Minister may grant an exemption or partial exemption from charges in respect of any other vehicle (other than a government-owned vehicle) that while on a public street is used solely for or in connection with civil defence work.

### **27 Exemption for vehicles used for mine rescue work**

A vehicle (other than a government-owned vehicle) specially constructed to carry out mine rescue work for the purposes of the *Mines Rescue Act 1994* is exempt from charges.

## **28 Exemption for vehicles with traders' plates**

A vehicle on which a trader's plate is being used in accordance with the *Traffic Act 1909* is exempt from charges.

## **29 Exemption for vehicles exempted from registration**

A vehicle that is exempted from registration is exempt from charges.

## **30 Exemption for charitable and other organisations**

The Minister may grant an exemption or partial exemption from charges in respect of a vehicle (other than a government-owned vehicle) for which there is no other provision for exemption or partial exemption under this Act if the vehicle:

- (a) is, in the Minister's opinion, used solely or principally as an ambulance, and
- (b) is used by or on behalf of a non-profit organisation having as one of its objects a charitable, benevolent, philanthropic or patriotic purpose.

## **Part 5 Miscellaneous**

### **31 Vehicles registered outside New South Wales**

- (1) The owner of a vehicle registered in another jurisdiction or which is exempted from registration in another jurisdiction (other than because the vehicle is registered elsewhere) who:
  - (a) uses or drives the vehicle on a public street other than in the configuration for which it is registered or in which it is so exempt, or
  - (b) causes or permits it to be so driven on a public street, is guilty of an offence.Maximum penalty: 100 penalty units.
- (2) This section does not apply if the vehicle, in its changed configuration, would be liable to the same or less registration charges in the jurisdiction in which it is registered than those paid for the configuration for which it is registered or in which it is so exempt.

### **32 Powers to do certain things not affected**

Nothing in this Act affects any power under the *Traffic Act 1909* or any other Act:

- (a) to charge fees in respect of the inspection of vehicles for the purpose of registration, or
- (b) to make rebates of registration charges for particular classes of vehicles or road users, or
- (c) to charge pro rata amounts for registrations that are for less than a whole year, or
- (d) to make refunds in respect of the surrender of the registration of a vehicle, or
- (e) to charge other administrative fees or other charges in respect of matters relating to vehicles, including registration of vehicles.

### **33 Proceedings for offences**

Proceedings for an offence against this Act or the regulations are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

### **34 Particulars of orders to be sent to Authority**

- (1) The Local Court before which a person is convicted of an offence under this Act or the regulations or that makes any order under this Act or the regulations must cause particulars of each such conviction or order to be forwarded to the Authority.
- (2) Whenever a person is by an order made by a court under this Act adjudged to pay charges or administration fees or additional charges or fees, the provisions of section 87 of the *Justices Act 1902* do not apply to or in respect of the order, but instead the order:
  - (a) operates as an order for the payment of money under the *Local Courts (Civil Claims) Act 1970*, and
  - (b) is enforceable as such an order under the provisions of that Act.
- (3) For the purposes of subsection (2), an order referred to in that subsection may be entered in the records of the Local Court if the order was made in the manner prescribed by rules made under the *Local Courts (Civil Claims) Act 1970*.
- (4) The registrar of the Local Court must pay to the Authority any amount paid to the registrar under an order referred to in subsection (2).

### **35 Evidence of charges and fees**

In any proceedings under this Act, the production by the Authority or on its behalf of a certificate purporting to be signed by an authorised officer certifying:

- (a) that the amount specified in the certificate as being the amount of charges or administration fees payable in respect of a vehicle is due and unpaid, or was due or paid on a specified date, or was not paid before a specified date, and
- (b) that an adjustment of charges or a requirement to pay charges or additional charges in respect of a vehicle was made in accordance with section 20,

is admissible in those proceedings and is evidence of the particulars contained in the certificate.

### **36 Variation and revocation of exemptions and other actions**

- (1) The Minister (in the case of an exemption or partial exemption from charges) or the Authority (in the case of a reduction of charges, a refund of charges or an approval under this Act or the regulations) may:
  - (a) impose such conditions as the Minister or Authority thinks fit, and
  - (b) revoke or vary any such condition or add any condition at any time during the period in respect of which the exemption, partial exemption, reduction, refund or approval operates.

- (2) A person must not fail to comply with a condition in force under this section.

Maximum penalty: 20 penalty units (in the case of an individual) or 100 penalty units (in the case of a corporation).

- (3) When this Act or the regulations confer power on the Minister, the Authority or an authorised officer:
  - (a) to grant an exemption or partial exemption from, or reduction of, charges, or
  - (b) to grant an approval, or
  - (c) to give a direction, or
  - (d) to make a request, or
  - (e) to do any other act, matter or thing,

the Minister, Authority or officer is also empowered to revoke or vary the exemption, partial exemption, approval, direction, request, act, matter or thing.

### **37 Charges and fees to be paid into Roads and Traffic Authority Fund**

- (1) In this section:

***Roads Fund*** means the Roads and Traffic Authority Fund established under the *Transport Administration Act 1988*.

- (2) There is appropriated by this section for payment out of the Consolidated Fund into the Roads Fund all amounts received on or after the commencement of this section in payment of charges and administration fees under this Act.

- (3) There is payable out of the Roads Fund such amounts as may become payable under this Act by way of refunds of charges or administration fees.

### **38 Regulations**

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) In particular, the regulations may make provision for or with respect to:
  - (a) regulating matters relating to exemptions and partial exemptions from, or reductions in, charges, and
  - (b) providing for and regulating the granting to a person prescribed by the regulations of a refund of a portion of the charges paid in respect of registration of a vehicle or a heavy vehicle permit if, during the currency of the registration or permit, a change is made in the construction, equipment, configuration, use or ownership of the vehicle of such a nature that no charges or a reduced amount of charges would be payable in respect of the vehicle on the renewal of its registration or the grant of a permit, and
  - (c) providing for the amount of any such refund to be calculated in accordance with a formula to be prescribed by the regulations, and
  - (d) providing for the production, at the time of application for registration or renewal of registration of a vehicle or for a heavy vehicle permit or at any time during the currency of the registration or permit, of weighbridge tickets showing the weight of the vehicle, and
  - (e) fees of an administrative nature for changes in charges, registration and heavy vehicle permits arising out of a change in the construction, equipment, configuration, use or ownership of a vehicle.
- (3) A regulation may create an offence punishable by a penalty not exceeding 5 penalty units.

Section 39 Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72

Part 5 Miscellaneous

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### **39 Savings and transitional provisions**

Schedule 2 has effect.

### **40 Expiry of Act**

This Act expires when the *National Road Transport Commission Act 1991* of the Commonwealth ceases to be in force.

## Schedule 1 Charges

(Sections 7, 8)

### Part 1 Interpretation

1 In this Schedule:

**articulated bus** means a bus consisting of more than one rigid section with passenger access between the sections and the sections connected to one another so as to allow rotary movement between the sections.

**axle** means the axis of rotation of a row of tyres across a vehicle.

**axle group** means one axle or consecutive axles connected by a load sharing suspension system or steering mechanism.

**bus** means a vehicle currently principally fitted or equipped to carry more than 9 seated adult persons (including the driver).

**bus (type 1)** means a rigid bus that has 2 axles and an MRC not exceeding 12 tonnes.

**bus (type 2)** means:

- (a) a rigid bus that has 2 axles and an MRC exceeding 12 tonnes, or
- (b) a rigid bus that has 3 axles.

**compliance plate** means a plate authorised to be placed on a vehicle, or taken to have been placed on a vehicle, under the *Motor Vehicle Standards Act 1989* of the Commonwealth.

**dog trailer** means a trailer that has 2 axle groups of which the front axle group is steered by connection to the hauling vehicle.

**dolly** means a specially designed pig trailer used to convert a semi trailer into a dog trailer.

**indivisible load** means a load comprising one item or a number of similar items that cannot, without disproportionate effort, expense or risk of damage, be divided into 2 or more smaller loads for the purpose of transport.



***load currying vehicle*** means a vehicle that is currently constructed to haul or carry goods and wares in addition to any fuel, water, lubricants, tools and any other equipment or accessories necessary for normal operation of the vehicle.

***long combination prime mover (type 1)*** means a prime mover nominated to haul 2 trailers, but does not include a medium combination prime mover.

***long combination prime mover (type 2)*** means a prime mover nominated to haul more than 2 trailers.

***long combination truck*** means a truck nominated to haul 2 or more trailers.

***medium combination prime mover*** means a prime mover nominated to haul 2 semi trailers where the second semi trailer is mounted on the rear of the semi trailer being hauled by the prime mover (a B-double).

***medium combination truck*** means a truck nominated to haul one trailer where the combination has more than 6 axles.

***MRC*** (Mass Rating for Charging), in relation to a vehicle, means:

- (a) the maximum mass of the vehicle, including any load, recorded on the compliance plate as the GVM, GTMR or ATM of the vehicle, or
- (b) in relation to a vehicle for which there is no compliance plate—its operating mass.

***nominated*** means nominated by the person applying for registration.

***operating mass***, in relation to a vehicle, means the maximum mass of the vehicle, including any load, as determined by the Authority having regard to the design and construction of the vehicle or of any of its components.

***pig trailer*** means a trailer with one axle group near the middle of its load carrying surface and connected to the towing vehicle by a drawbar.

***pole type trailer*** means a trailer that is attached to a towing vehicle by a pole or an attachment fitted to a pole and that is used for transporting loads such as logs, pipes, structural members or other things that are capable of supporting themselves as beams between supporting connections.

***prime mover*** means a vehicle designed to haul a semi trailer.

***semi trailer*** means a trailer that has:

- (a) one axle group towards the rear, and
- (b) a means of attachment to a prime mover that results in some of the load being imposed on the prime mover,

and includes a pole type trailer.

***short combination prime mover*** means a prime mover nominated to haul one semi trailer.

***short combination truck*** means a truck nominated to haul one trailer.

***special purpose vehicle*** means a vehicle:

- (a) that does not carry passengers or goods, or
- (b) whose primary purpose is not the carriage of passengers or goods.

***special purpose vehicle (type 1)*** means a special purpose vehicle that has no axle or axle group loaded in excess of the limits specified in the regulations for the purposes of this definition.

***special purpose vehicle (type 2)*** means a special purpose vehicle that has at least one axle or axle group that is loaded in excess of the limits specified in the regulations for the purposes of this definition.

***trailer*** means a load carrying vehicle without motive power designed to be hauled by another vehicle.

***truck*** means a rigid motor vehicle that is currently constructed as a load carrying vehicle.

***truck (type 1)*** means a truck that:

- (a) has 2 axles and an MRC not exceeding 12 tonnes, or
- (b) has 3 axles and an MRC not exceeding 16.5 tonnes, or
- (c) has 4 or more axles and an MRC not exceeding 20 tonnes.

***truck (type 2)*** means:

- (a) a truck that has 2 axles and an MRC exceeding 12 tonnes, or
- (b) a truck that has 3 axles and an MRC exceeding 16.5 tonnes, or
- (c) a truck that has 4 or more axles and an MRC exceeding 20 tonnes.

**2** For the purposes of this Schedule:

- (a) 2 axles not more than one metre apart are to be regarded as one axle, and
- (b) 3 axles not more than 2 metres apart are to be regarded as 2 axles, and
- (c) 4 axles not more than 3.2 metres apart are to be regarded as 3 axles.

**3** For the purposes of determining the number of trailers that a prime mover or truck may tow, a dolly and a semi trailer when used together are to be regarded as one trailer.

**4** Nothing in this Schedule applies to a vehicle with an MRC less than or equal to 4.5 tonnes.

**5** For the purposes of this Schedule, a tow truck which, if it is not towing another vehicle, would be a rigid truck is to be treated as a rigid truck when towing another vehicle in its capacity as a tow truck.

**6** For the purposes of this Schedule, a special purpose vehicle used for the purpose of road making is, if it is loaded in excess of the limits specified in the regulations for the purposes of the definition of special purpose vehicle (type 2), to be charged as a special purpose vehicle (type 1).

## Part 2 Registration charges

### Division 1 Load carrying vehicles

Vehicle type	2-axle	3-axle	4-axle	5-axle
<b>Trucks</b>	\$	\$	\$	\$
Truck (type 1)	300	600	900	900
Truck (type 2)	500	800	2,000	2,000
Short combination truck	600	2,100	2,100	2,100
Medium combination truck	4,000	4,000	4,250	4,250
Long combination truck	5,250	5,250	5,250	5,250
<b>Prime Movers</b>				
Short combination prime mover	800	3,250	4,250	4,250
Medium combination prime mover (B-Double)	3,250	4,250	4,500	4,500
Long combination prime mover (type 1)	4,750	4,750	4,750	4,750
Long combination prime mover (type 2)	5,250	5,250	5,500	5,500

### Division 2 Load carrying trailers

The amount calculated using the formula:

$$\$250 \times \text{Number of axles}$$

### Division 3 Buses

Bus Type	2-axle	3-axle
Bus (type 1)	\$	\$
Bus (type 2)	300	—
Articulated bus	500	1,250
	—	500

### Division 4 Special purpose vehicles

Special purpose vehicle (type 1)	No charge
Special purpose vehicle (type 2)	The amount calculated using the formula: $\$250 + \$250 \times \text{Number of axles in excess of 2}$

If a vehicle falls within 2 or more categories specified in the table, the registration for the vehicle is the higher of the charges that could apply to the vehicle.

**Part 3 Charges for the grant of a permit to carry an indivisible load on a vehicle with a loaded mass exceeding 125 tonnes**

The charge for the grant of a permit to operate a vehicle, or a combination of vehicles, with a loaded mass exceeding 125 tonnes and that is carrying an indivisible load is to be worked out using the formula:

$$K \times 4 \text{ cents} \times N$$

where:

K is the number of kilometres involved in the journey, and

N is a number ascertained in accordance with the regulations.

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## Schedule 2 Savings and transitional provisions

(Section 39)

### 1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act and the *Road Transport Legislation Amendment Act 1995*.
- (2) Any such savings or transitional provision may, if the regulations so provide, take effect on the date of assent to this Act or a later date.
- (3) To the extent to which any savings or transitional provision takes effect on a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as:
  - (a) to affect, in a manner prejudicial to any person (other than the State or any authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or any authority of the State) in respect of anything done or omitted to be done before the date of its publication.

### 2 No refund in respect of other motor vehicle tax

- (1) A person who pays tax under the *Motor Vehicles Taxation Act 1988* in respect of a registration or renewal of registration that occurred before the commencement of this clause but in respect of a period that ends after that commencement is not entitled to a refund in respect of any part of that period occurring after the commencement.
- (2) The *Motor Vehicles Taxation Act 1988*, as in force immediately before that commencement, continues to apply to any amount of tax payable under that Act that arose before that commencement in respect of a vehicle to which charges under this Act apply.

- (3) Any exemption, approval, direction, request, certificate or other matter or thing made, given or done under the *Motor Vehicles Taxation Act 1988* in respect of any such vehicle and in force and having effect immediately before that commencement continues in force in relation to a vehicle referred to in subclause (2) but may be revoked or varied in accordance with that Act.
- (4) Nothing in subclause (1) affects any right to a refund arising under the *Motor Vehicles Taxation Act 1988* whether before or after that commencement.

### **3 Refunds of pre-paid motor vehicle tax**

A person who pays tax under the *Motor Vehicles Taxation Act 1988* in advance of the due date, being a day on or after the commencement of this clause, is entitled to a refund of the amount concerned.

### **4 Refunds of excess weight charges**

- (1) The holder of an excess weight permit under the *Roads Act 1993* in force immediately before the commencement of this clause is entitled to a refund of the appropriate proportion of any excess weight charge paid for the vehicle concerned for the unexpired portion of the period of the permit as at that commencement.
- (2) The Authority is to determine, either generally or in a particular case, the appropriate proportion to be refunded.

### **5 Grants to councils in connection with use of buses**

The amount approved by the Minister for distribution under section 106 of the *Transport Administration Act 1988* in the financial year commencing after the commencement of this clause must not exceed the amount of tax which the Minister estimates was received under the *Motor Vehicles Taxation Act 1988* during the previous financial year in connection with the registration of buses.

[Minister's second reading speech made in—  
Legislative Assembly on 15 November 1995  
Legislative Council on 4 December 1995]