

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

[1995-72]



New South Wales

## Status Information

### Currency of version

Historical version for 13 December 2007 to 5 July 2009 (accessed 26 November 2024 at 11:49)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Miscellaneous Acts \(Local Court\) Amendment Act 2007 No 94](#) (not commenced)
- **Note**  
Section 40 provides that this Act expires when the [National Road Transport Commission Act 1991](#) of the Commonwealth ceases to be in force. That Act was repealed on 15.1.2004 and replaced by the [National Transport Commission Act 2003](#) of the Commonwealth. Under section 68 (3) of the [Interpretation Act 1987](#) the reference in section 40 to the [National Road Transport Commission Act 1991](#) of the Commonwealth is required to be construed as a reference to the replacement Act. Accordingly this Act will now expire when the [National Transport Commission Act 2003](#) of the Commonwealth ceases to be in force.

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 19 August 2008

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



New South Wales

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



New South Wales

An Act relating to the setting, assessment and collection of registration charges for certain heavy vehicles; and for other purposes.

## Part 1 Preliminary

### Note—

This Act and the regulations made under it form part of the **road transport legislation** identified by section 5 of the [Road Transport \(General\) Act 1999](#). Other road transport legislation includes the [Road Transport \(General\) Act 1999](#), the [Road Transport \(Driver Licensing\) Act 1998](#), the [Road Transport \(Vehicle Registration\) Act 1997](#) and the regulations made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the [Road Transport \(General\) Act 1999](#) concerning the administration and enforcement of the road transport legislation generally.

### 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

(1) 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 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,

and

- (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 *Road Transport (Driver Licensing) Act 1998* or the regulations made under that Act, 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.

**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.

**registered**, in relation to a vehicle, means registered under the [Road Transport \(Vehicle Registration\) Act 1997](#).

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

**road** means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

**road related area** means:

- (a) an area that divides a road, or
- (b) a footpath or nature strip adjacent to a road, or
- (c) an area that is open to the public and is designated for use by cyclists or animals, or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles, or
- (e) a shoulder of a road, or
- (f) any other area that is open to or used by the public and that has been declared under section 15 of the [Road Transport \(General\) Act 2005](#) to be an area to which specified provisions of this Act or the regulations apply.

**road transport legislation** has the same meaning as it has in the [Road Transport \(General\) Act 2005](#).

**vehicle** means a motor vehicle or trailer within the meaning of the [Road Transport \(General\) Act 2005](#).

(2) Notes included in this Act are explanatory notes and do not form part of this Act.

#### 4 Object

The object of this Act is to apply in New South Wales registration charges and other charges for 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 charges**

## **Division 1 Amount of charges**

### **7 Registration charges**

- (1) The annual registration charge for a vehicle or combination of vehicles specified in Part 2 of Schedule 1 is the charge specified in that Part for that kind of vehicle or combination, as varied from time to time in accordance with section 9.
- (2) The registration charge for a vehicle or combination of vehicles for a period of less than one year is the amount calculated by multiplying the relevant annual registration charge by the number of days for which registration is to have effect and dividing the result by 365.
- (3) If registration of a vehicle or combination of vehicles is to have effect for a period of less than one year, the Authority may impose an additional administration fee of not more than 10 per cent of the relevant registration charge for that period.
- (4) If an amount of a charge or fee 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.

### **8 (Repealed)**

### **9 Variations in charges**

- (1) The charges specified in, or calculated in accordance with, Part 2 of Schedule 1 may be varied from time to time by the regulations.
- (2) Before such a regulation is made, the Minister must cause notice to be published in the Gazette of the maximum registration charges that may be imposed for the time being, as calculated:

- (a) in accordance with such procedures (if any) as are for the time being approved, and
  - (b) subject to such parameters (if any) as are for the time being set, by the Australian Transport Council or the National Transport Commission under the Agreement referred to in section 4 of the Commonwealth Act.
- (3) The charges specified in, or calculated in accordance with, Part 2 of Schedule 1 may not be varied so as to exceed the maximum amounts published in the most recent notice referred to in subsection (2).
- (4) A regulation that varies the charges specified in, or calculated in accordance with, Part 2 of Schedule 1 must indicate, in respect of each such charge:
- (a) the amount of the charge, as so varied, and
  - (b) the maximum amount for such a charge, as published in the most recent notice referred to in subsection (2).
- (5) In this section:

**Australian Transport Council** has the same meaning as it has in the Commonwealth Act.

**National Transport Commission** means the Commission of that name established by the Commonwealth Act.

**the Commonwealth Act** means the [National Transport Commission Act 2003](#) of the Commonwealth.

**Editorial note—**

See also Notices relating to maximum registration charges published in Gazettes No 113 of 5.7.2002, p 5203, No 101 of 20.6.2003, p 5807, No 98 of 18.6.2004, p 3737, No 78 of 29.6.2005, p 3220, No 82 of 23.6.2006, p 4686, No 81 of 22.6.2007, p 3812 and No 72 of 20.6.2008, p 5444.

## **10 Registration charges for primary producers' vehicles**

- (1) If the registration charge for a primary producer's vehicle that, but for this section, would be payable under this Act (the **charge under this Act**) is more than the motor vehicle tax that, but for section 3B (1) of the [Motor Vehicles Taxation Act 1988](#), would be payable under that Act (the **tax under the 1988 Act**), the registration charge for the vehicle is not the charge under this Act but the tax under the 1988 Act.
- (2) The effect of:
- (a) any exemption granted under section 17 of the [Motor Vehicles Taxation Act 1988](#), and



(b) clause 3 (c) of Schedule 1 to that Act (to the extent to which it excludes motor lorries from the operation of that clause), and

(c) clause 9 of Schedule 1 to that Act,

may be ignored for the purpose of calculating the motor vehicle tax referred to in subsection (1).

(3) In this section, **primary producer's vehicle** has the same meaning as it has in the [Motor Vehicles Taxation Act 1988](#).

## 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).

(3) 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 (including any charges or additional charges payable under section 20) but for which such registration charges though due and payable have not been paid, who:

(a) uses or drives the vehicle on a road or road related area, or

(b) causes or permits it to be driven on a road or road related area,

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**

#### **14-16 (Repealed)**

### **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 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 must notify the Authority of any change during the currency of the registration 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 when the change occurred.

Maximum penalty: 100 penalty units.

- (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).

- (2A) A person who is required by subsection (1) to notify the Authority of any change in

the construction, equipment, configuration, use or ownership of a vehicle must not authorise or permit the use of the vehicle on a road or road related area until the Authority has been so notified.

Maximum penalty: 100 penalty units.

- (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 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 was for a period of more than 3 months—one-twelfth of the charge applicable after the change in respect of a yearly registration 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
- (b) if the registration was for a period of 3 months or less—one-third of the charge applicable after the change in respect of a quarterly registration 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,
- 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**

- (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) (Repealed)
- (3) The refund is to be calculated:
- (a) at the rate of one-twelfth of the charge applicable in respect of a yearly registration for each complete month in the portion of the unexpired period of the

registration at the date of the cancellation, less any cancellation fee determined by the Authority, or

(b) in such manner as may be prescribed by the regulations.

### **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 in a de facto relationship with each other, or reside in the same household.

(4) In this section:

**de facto relationship** has the same meaning as in the [Property \(Relationships\) Act 1984](#).

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

- (1) A vehicle (other than a government-owned vehicle) that while on a road or road

related area 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 road or road related area 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 *Road Transport (Vehicle Registration) Act 1997* is exempt from charges.

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

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

### **30 Exemptions granted by Minister**

- (1) 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.
- (2) The Minister may grant an exemption or partial exemption from charges in respect of a vehicle for which there is no other provision for exemption (other than partial exemption) under this Act if the vehicle is registered conditionally under the regulations under the *Road Transport (Vehicle Registration) Act 1997*.

## **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 road or road related area 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 road or road related area,

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 road transport legislation (other than this Act) 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.

### **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 any other Act 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 *Civil Procedure Act 2005*, 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 *Civil Procedure Act 2005*.

- (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 if, during the currency of the registration, 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, 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 at any time during the currency of the registration, of weighbridge tickets showing the weight of the vehicle, and
  - (e) fees of an administrative nature for changes in charges and registration 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.

### **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.

### Editorial note—

The *National Road Transport Commission Act 1991* of the Commonwealth was repealed on 15.1.2004 and replaced by the *National Transport Commission Act 2003* of the Commonwealth. Under section 68 (3) of the *Interpretation Act 1987* the reference in this section to the *National Road Transport Commission Act 1991* of the Commonwealth is required to be construed as a reference to the replacement Act. Accordingly this Act will now expire when the *National Transport Commission Act 2003* 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 one or more shafts positioned in a line across a vehicle, on which one or more wheels intended to support the vehicle turn.

**axle group** means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad-axle group.

**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 or 4 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.

**converter dolly** means a trailer, with one axle group or single axle and a fifth wheel coupling, designed to convert a semi trailer into a dog trailer.

**dog trailer** means a trailer (including a trailer consisting of a semi trailer and converter dolly) with:

- (a) one axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar, and

(b) one axle group or single axle at the rear.

**drawbar** means a part of a trailer (other than a semi trailer) that connects the trailer body to a coupling for towing purposes.

**driver** means the person driving or in control of a motor vehicle.

**fifth wheel coupling** means a device, other than the upper rotating element and the kingpin (which are parts of a semi trailer), used with a prime mover, semi trailer or a converter dolly to permit quick coupling and uncoupling and to provide for articulation.

**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 carrying trailer** means a trailer that is carrying a load or that is built to carry a load.

**load carrying 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** means a prime mover nominated to haul 2 or more trailers, but does not include a medium combination prime mover.

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

**low loader** means a gooseneck semi trailer with a loading deck no more than 1 metre above the ground.

**low loader dolly** means a mass-distributing device that:

- (a) is usually coupled between a prime mover and low loader, and
- (b) consists of a gooseneck rigid frame, and
- (c) does not directly carry any load on itself, and
- (d) is equipped with one or more axles, a kingpin and a fifth wheel coupling.

**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, other than a short combination truck, nominated to haul one trailer.

**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 or which, in the opinion of the Authority, has been modified to such an extent that the GVM, GTMR or ATM recorded on its

compliance plate is no longer applicable to the vehicle—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 or single axle near the middle of its load-carrying surface, and connected to the towing vehicle by a drawbar.

**pole type trailer** means a trailer that:

- (a) is attached to a towing vehicle by means of a pole or an attachment fitted to a pole, and
- (b) is of a kind ordinarily used for transporting loads, such as logs, pipes, structural members or other long objects, that are generally capable of supporting themselves like beams between supports.

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

**quad-axle group** means a group of 4 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 3.2 metres but not more than 4.9 metres.

**semi trailer** means a trailer (including a pole type trailer) that has:

- (a) one axle group or single axle 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.

**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 where, according to the nomination:

- (a) the combination has 6 axles or fewer, and
- (b) the maximum total mass that is legally allowable for the combination is 42.5 tonnes or less.

**single axle** means an axle not forming part of an axle group.

**single axle group** means a group of 2 or more axles, in which the horizontal distance between the centre-lines of the outermost axles is less than 1 metre.

**special purpose vehicle** means:

- (a) a vehicle (other than one that the regulations declare not to be a special purpose vehicle for the purposes of this definition) where the primary purpose for which it was built, or permanently modified, was not the carriage of goods or passengers, or
- (b) a vehicle declared by the regulations to be a special purpose vehicle for the purposes of this definition.

**Note—**

Clause 7 of this Schedule contains an interpretation provision affecting this definition.

**special purpose vehicle (type o)** means a special purpose vehicle (other than a special purpose vehicle (type p)):

- (a) built, or permanently modified, primarily for use on roads, and
- (b) that has at least one axle or axle group loaded in excess of the mass limits specified in the regulations for the purposes of this definition.

**Note—**

Some possible examples of this kind of vehicle are mobile cranes, fire engines, truck-mounted concrete pumps and boring plants. These may also fall within the definition of **special purpose vehicle (type t)** if they have no axle or axle group loaded in excess of the mass limits specified in the regulations for the purposes of that definition.

**special purpose vehicle (type p)** means a special purpose vehicle built, or permanently modified, primarily for:

- (a) off-road use, or
- (b) use on a road related area, or
- (c) use on an area of road that is under construction or repair.

**Note—**

Some examples of this kind of vehicle are agricultural tractors, self-propelled agricultural harvesters, bulldozers, backhoes, graders and front-end loaders.

**special purpose vehicle (type t)** means a special purpose vehicle (other than a special purpose vehicle (type p)):

- (a) built, or permanently modified, primarily for use on roads, and
- (b) that has no axle or axle group loaded in excess of the mass limits specified in the regulations for the purposes of this definition.

**Note—**

Some possible examples of this kind of vehicle are mobile cranes, fire engines, truck-mounted concrete pumps and boring plants. These may also fall within the definition of **special purpose vehicle (type o)** if they have at least one axle or axle group loaded in excess of the mass limits specified in the regulations for the purposes of that definition.

**tandem axle group** means a group of at least 2 axles, in which the horizontal distance between the centre-lines of the outermost axles is at least 1 metre but not more than 2 metres.

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

**tri-axle group** means a group of at least 3 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 2 metres, but not more than 3.2 metres.

**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.

**twinsteer axle group** means a group of 2 axles:

- (a) with single tyres, and
- (b) fitted to a motor vehicle, and
- (c) connected to the same steering mechanism, and
- (d) the horizontal distance between the centre-lines of which is at least 1 metre, but not more than 2 metres.

**2** For the purposes of this Schedule (other than the definitions of **single axle group**, **tandem axle group**, **twinsteer axle group**, **tri-axle group** and **quad-axle group**):

- (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) a converter dolly and a semi trailer when used together are to be regarded as one trailer, and
- (b) a low loader dolly and a low loader 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).

**7** In paragraph (a) of the definition of **special purpose vehicle**:

**goods** does not include fuel, water, lubricants, tools and any other equipment or accessories

necessary for the normal operation of the vehicle.

**Note—**

For example, in the case of a crane, goods would not include any chains on the crane necessary to operate the crane.

**passengers** does not include the driver, a trainee driver or any person necessary for the normal operation of the vehicle.

## Part 2 Annual registration charges

### 1 Load carrying vehicles

Item	Vehicle type	2-axle	3-axle	4-axle	5-axle
1	Truck (type 1)	\$310	\$620	\$930	\$930
2	Truck (type 2)	\$516	\$826	\$2,066	\$2,066
3	Short combination truck	\$568	\$2,066	\$2,066	\$2,066
4	Medium combination truck	\$3,925	\$3,925	\$4,235	\$4,235
5	Long combination truck	\$5,423	\$5,423	\$5,423	\$5,423
6	Short combination prime mover	\$1,343	\$3,512	\$4,545	\$4,545
7	Medium combination prime mover	\$4,132	\$5,165	\$5,681	\$5,681
8	Long combination prime mover	\$5,165	\$5,165	\$5,681	\$5,681

### 2 Load carrying trailer, converter dolly and low loader dolly

The charge for a load carrying trailer, converter dolly or low loader dolly is \$310 multiplied by the number of axles of the trailer or dolly.

### 3 Buses

Item	Bus type	2-axle	3-axle	4-axle
1	Bus (type 1)	\$310	Not applicable	Not applicable
2	Bus (type 2)	\$516	\$1,291	\$1,291
3	Articulated bus	Not applicable	\$516	\$516

#### 4 Special purpose vehicles

Item	Special purpose vehicle type	Charge
1	Special purpose vehicle (type p)	No charge
2	Special purpose vehicle (type t)	\$207
3	Special purpose vehicle (type o)	\$258, plus \$258 times the number of axles in excess of 2

#### 5 Vehicles in 2 or more categories

If a vehicle falls within 2 or more categories, the charge for the vehicle is the higher or highest of the charges applicable to the vehicle.

### Part 3

(Repealed)

## Schedule 2 Savings and transitional provisions

(Section 39)

### Part 1 Preliminary

#### 1 Regulations

- (1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts:

this Act

*Road Transport Legislation Amendment Act 1995*

*Traffic Legislation Amendment Act 1997*, but only in relation to the amendments made to this Act

*Road Transport (Heavy Vehicles Registration Charges) Amendment Act 1997*

*Road Transport (General) Amendment (Heavy Vehicle User Charges) Act 2007*

- (2) Any such savings or transitional provision may, if the regulations so provide, take effect on the date of assent to the Act concerned 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.

## **Part 2 Provisions consequent on enactment of this Act and Road Transport Legislation Amendment Act 1995**

### **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.

## Part 3 Provisions consequent on enactment of Road Transport (Heavy Vehicles Registration Charges) Amendment Act 1997

### 6 Validation of certain administrative action

- (1) The following directions are taken to have been validly given:
  - (a) the direction given on 21 June 1996 by the Minister for Roads to the Chief Executive of the Roads and Traffic Authority with respect to the administration of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988*,
  - (b) the direction given on 1 July 1996 by the Minister for Roads to the Chief Executive of the Roads and Traffic Authority with respect to the administration of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988*,
  - (c) the direction given on 10 October 1996 by the Minister for Roads to the Chief Executive of the Roads and Traffic Authority with respect to the administration of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988*, subject to the modification that the references to 30 June 1997 in clause 7 (as inserted by that direction into the direction referred to in paragraph (a)) are taken to be references to the date of commencement of this clause.
- (2) Anything done or omitted to be done before the commencement of this clause in the administration or execution of the provisions of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988* is taken to have been done or omitted to be done in accordance with those provisions if it was done or omitted to be done in accordance with a direction referred to in subclause (1).
- (3) In particular, any registration charge calculated, imposed or paid before the commencement of this clause for the purposes of the provisions of the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Motor Vehicles Taxation Act 1988* is taken to have been calculated, imposed or paid in accordance with those provisions if it was calculated, imposed or paid in accordance with a direction referred to in subclause (1).

## **7 Validation of certain charges**

Any registration charge calculated, imposed or paid under section 7 between 1 January 1998 and 16 January 1998 (the date of commencement of the amendment made to this Act by Schedule 1 [1] to the *Road Transport (Heavy Vehicles Registration Charges) Amendment Act 1997*), that would have been valid if the amendment had commenced on 1 January 1998, is validated.

## **Part 4 Provisions consequent on enactment of Road Transport (Heavy Vehicles Registration Charges) Amendment Act 2000**

### **8 Transitional provision if assent after 1 July 2000**

- (1) If the date of assent to the *Road Transport (Heavy Vehicles Registration Charges) Amendment Act 2000* is after 1 July 2000, the charges payable under sections 7 and 8 in respect of registration or renewal of registration, or for a heavy vehicle permit, granted before that date of assent are the charges that would have been payable had the amendments made by that Act not been made.
- (2) The amendments made by the *Road Transport (Heavy Vehicles Registration Charges) Amendment Act 2000* do not affect the charges payable under this Act before the date of assent to that Act.

## **Part 5 Provisions consequent on enactment of Road Transport (General) Amendment (Heavy Vehicle User Charges) Act 2007**

### **9 Existing heavy vehicle permits**

A heavy vehicle permit that was in force immediately before the repeal of section 14 by the *Road Transport (General) Amendment (Heavy Vehicle User Charges) Act 2007* continues in force for the period for which it would have been in force if that section had not been repealed and is taken to be an excess permit granted under section 27 of the *Road Transport (General) Act 2005*.