

Passed by both Houses



New South Wales

Road Transport (Heavy Vehicles Registration Charges) Amendment Bill 2000

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 2000*



New South Wales

Road Transport (Heavy Vehicles Registration Charges) Amendment Bill 2000

Act No , 2000

*An Act to amend the *Road Transport (Heavy Vehicles Registration Charges) Act 1995* and the *Road Transport (Heavy Vehicles Registration Charges) Regulation 1996* to make further provision with respect to the charges under that Act and to provide for the indexation of those charges; and for other purposes.*

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Road Transport (Heavy Vehicles Registration Charges) Amendment Act 2000*.

2 Commencement

This Act commences or is taken to have commenced on 1 July 2000.

3 Amendment of Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72

The *Road Transport (Heavy Vehicles Registration Charges) Act 1995* is amended as set out in Schedule 1.

4 Amendment of Road Transport (Heavy Vehicles Registration Charges) Regulation 1996

The *Road Transport (Heavy Vehicles Registration Charges) Regulation 1996* is amended as set out in Schedule 2.

Schedule 1 Amendment of Road Transport (Heavy Vehicles Registration Charges) Act 1995 No 72

(Section 3)

[1] Section 7 Registration charges

Omit section 7 (1). Insert instead:

- (1) The annual registration charges for a vehicle, or a combination of vehicles, of a kind mentioned in Part 2 of Schedule 1 are:
 - (a) if the registration or renewal of registration is granted during the financial year commencing on 1 July 2000—as set out in that Part, or
 - (b) if the registration or renewal of registration is granted during any financial year (an *indexation year*) after the one commencing on 1 July 2000—as determined in accordance with section 9.

[2] Sections 8 and 9

Omit the sections. Insert instead:

8 Permit charges

The charges for the grant of a heavy vehicle permit are:

- (a) if the permit is granted during the financial year commencing 1 July 2000—as set out in Part 3 of Schedule 1, or
- (b) if the permit is granted during any financial year (an *indexation year*) after the one commencing on 1 July 2000—as determined in accordance with section 9.

9 Indexation of charges

- (1) For each indexation year:
- (a) the charges for the grant of registrations or renewals of registration during the year of vehicles of a kind mentioned in Part 2 of Schedule 1, and
 - (b) the charges for the grant of permits during the year in circumstances set out in Part 3 of Schedule 1,

are to be determined as if the monetary amounts set out in Parts 2 and 3 of Schedule 1 were replaced with the amounts (the *indexed amounts*) calculated for that indexation year as provided by this section.

- (2) The indexed amounts for a financial year are to be calculated in accordance with the following formula:

previous year's indexed amounts \times indexation factor

where:

previous year's indexed amounts means the indexed amounts calculated as provided by this section for the financial year before the indexation year. The indexed amounts for the financial year commencing on 1 July 2000 are the amounts set out in Parts 2 and 3 of Schedule 1.

indexation factor means:

- (a) the fraction calculated by dividing the sum of the index numbers for the quarters in the year ending on 30 September before the indexation year by the sum of the index numbers for the quarters in the year ending on the previous 30 September, unless a smaller fraction applies under paragraph (b), or
- (b) such smaller fraction as the Minister may declare by order published in the Gazette to be the indexation factor for the indexation year concerned.

Example

For registrations during the financial year commencing on 1 July 2000, the charge under Part 2 of Schedule 1 for a vehicle that is a load carrying trailer is:

\$300 \times Number of axles

If the load carrying trailer has 2 axles, the charge for registrations during the financial year commencing 1 July 2000 is \$600.

For the financial year commencing on 1 July 2001, the charge for a vehicle of that kind is to be determined as if the amount of \$300 in Part 2 of Schedule 1 were adjusted by multiplying it by the indexation factor for the 2001 financial year. Assume the indexation factor is 1.103:

$\$300 \times 1.103 = \330.90 , which is rounded up to \$331 (see subsection (5)).

The charge for the vehicle is $\$331 \times 2 = \662 .

- (3) Despite subsection (2), the indexation factor under that subsection for an indexation year is 1 if:
- (a) the indexation factor calculated in accordance with subsection (2) would otherwise be less than 1, or
 - (b) the Australian Transport Council does not (by resolution carried in accordance with the Heavy Vehicles Agreement before the start of the indexation year) consent to the charges being indexed for the indexation year in accordance with this section.
- (4) The indexation factor is calculated to 3 decimal places (rounding up if the fourth decimal place is 5 or more).

Example

If the factor is 1.102793, it is to be rounded up to 1.103.

- (5) If an indexed amount calculated under subsection (2) in respect of an amount in Part 2 of Schedule 1 is not a whole number of dollars, the charge is rounded to the nearest whole number of dollars (rounding an amount ending in 50 cents upwards). The indexed amount calculated under subsection (2) in respect of the amount in Part 3 of Schedule 1 is to be calculated to 4 decimal places (rounding up if the fifth decimal place is 5 or more).

Example

If an indexed amount calculated under subsection (2) for the purposes of Part 2 of Schedule 1 is \$873.828, it is rounded up to \$874.

If the indexed amount calculated under subsection (2) for the purposes of Part 3 of Schedule 1 is 4.13247 cents, it is rounded up to 4.1325 cents.

- (6) The index number for a quarter is the All Groups Consumer Price Index number (being the weighted average of the 8 capital cities) first published by the Australian Statistician for the quarter.

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- (7) If the Australian Statistician changes the reference base for an index number, index numbers used for the purposes of this section after the change are to be those published in terms of the new base or converted to be in terms of the new base.
- (8) In this section:
Australian Transport Council has the same meaning as in the *National Road Transport Commission Act 1991* of the Commonwealth.
Heavy Vehicles Agreement has the same meaning as in the *National Road Transport Commission Act 1991* of the Commonwealth.

[3] Schedule 1 Charges

Omit the following definitions from clause 1 of Schedule 1:

axle
axle group
bus (type 2)
dog trailer
dolly
long combination prime mover (type 1)
long combination prime mover (type 2)
medium combination truck
pig trailer
pole type trailer
semi trailer
short combination truck
special purpose vehicle
special purpose vehicle (type 1)
special purpose vehicle (type 2)

Insert instead in alphabetical order:

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 (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.

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.

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

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

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

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.

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 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

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- (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.

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.

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.

[4] Schedule 1, clause 2

Insert “(other than the definitions of *single axle group*, *tandem axle group*, *twinsteer axle group*, *tri-axle group* and *quad-axle group*)” after “For the purposes of this Schedule”.

[5] Schedule 1, clause 3

Omit the clause. Insert instead:

- 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.

[6] Schedule 1, clause 7

Insert after clause 6:

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.

[7] Schedule 1, Part 2

Omit the Part. Insert instead:

Part 2 Annual registration charges

1 Load carrying vehicles

Vehicle Type	2-axle	3-axle	4-axle	5-axle
Truck (type 1)	\$300	\$600	\$900	\$900
Truck (type 2)	\$500	\$800	\$2,000	\$2,000
Short combination truck	\$550	\$2,000	\$2,000	\$2,000
Medium combination truck	\$3,800	\$3,800	\$4,100	\$4,100
Long combination truck	\$5,250	\$5,250	\$5,250	\$5,250
Short combination prime mover	\$1,300	\$3,400	\$4,400	\$4,400

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Medium combination prime mover	\$4,000	\$5,000	\$5,500	\$5,500
Long combination prime mover	\$5,000	\$5,000	\$5,500	\$5,500

2 Load carrying trailer, converter dolly and low loader dolly

The amount of the charge applicable to a load carrying trailer, a converter dolly or a low loader dolly is calculated using the formula:

$$\$300 \times \text{Number of axles}$$

3 Buses

Item	Bus Type	2-axle	3-axle	4-axle
1	Bus (type 1)	\$300	Not applicable	Not applicable
2	Bus (type 2)	\$500	\$1,250	\$1,250
3	Articulated bus	Not applicable	\$500	\$500

4 Special purpose vehicles

Item	Special purpose vehicle type	Charge
1	Special purpose vehicle (type p)	No charge
2	Special purpose vehicle (type t)	\$200
3	Special purpose vehicle (type o)	The amount calculated using the formula: $\$250 + \$250 \times \text{Number of axles in excess of 2}$

5 Vehicles in 2 or more categories

If a vehicle falls within 2 or more categories specified in this Part, the charge for the vehicle is the higher or highest of the charges that could apply to the vehicle.

[8] Schedule 1, Part 3, heading

Omit the heading. Insert instead:

Part 3 Charges for the grant of certain permits

[9] Schedule 2, Part 4

Insert at the end of Schedule 2:

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.

Schedule 2 Amendment of Road Transport (Heavy Vehicles Registration Charges) Regulation 1996

(Section 4)

[1] Clauses 4A and 4B

Insert after clause 4:

4A Vehicles declared not to be special purpose vehicles

For the purposes of paragraph (a) of the definition of *special purpose vehicle* in Part 1 of Schedule 1 to the Act, each of the following vehicles is declared not to be a special purpose vehicle:

- (a) a caravan,
- (b) a mobile home,
- (c) a mobile library,
- (d) a mobile workshop,
- (e) a mobile laboratory,
- (f) a mobile billboard.

4B Vehicles declared to be special purpose vehicles

For the purposes of paragraph (b) of the definition of *special purpose vehicle* in Part 1 of Schedule 1 to the Act, each of the following vehicles is declared to be a special purpose vehicle:

- (a) a forklift,
- (b) a straddle carrier,
- (c) a mobile cherry picker,
- (d) a mobile crane.

[2] Clause 5 What are the axle load limits for special purpose vehicles?

Omit “*special purpose vehicle (type 1)*” and “*special purpose vehicle (type 2)*”.

Insert instead “*special purpose vehicle (type o)*” and “*special purpose vehicle (type t)*” respectively.