

First print



New South Wales

# **Road Transport (Heavy Vehicles Registration Charges) Bill 1995**

## **Explanatory note**

This explanatory note relates to this Bill as introduced into Parliament.

The *Road Transport Legislation Amendment Bill 1995* is cognate with this Bill.

## **Overview of Bill**

The object of this Bill is to apply in New South Wales the uniform charging regime for heavy vehicles (that is, vehicles having a mass rating for charging of more than 4.5 tonnes) agreed between the States, Territories and the Commonwealth. Charges for these heavy vehicles are to be based on those determined by the National Road Transport Commission on the basis of the cost of road usage. The charges in the Bill reflect those determined by the Commission.

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## Outline of provisions

### **Part 1 Preliminary**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides that the proposed Act will commence on a day or days to be proclaimed.

**Clause 3** defines certain words and expressions used in the proposed Act. Other definitions relating to vehicle classification for the purposes of charges are contained in Part 1 of Schedule 1 to the proposed Act.

**Clause 4** sets out the object of the proposed Act, as stated in the Overview above.

**Clause 5** applies the proposed Act to vehicles with a mass rating for charging of more than 4.5 tonnes and that are of a description of vehicle for which provision is made in Schedule 1 for an amount of charge (including a nil charge).

**Clause 6** provides that the proposed Act binds the Crown.

### **Part 2 Registration and permit charges**

#### **Division 1 Amount of charges**

**Clause 7** provides that the annual registration charges for vehicles are the charges set out in Part 2 of Schedule 1. The proposed section also provides for the determination of charges for shorter periods of registration. An additional administration fee is payable for registrations of 3 months' duration.

**Clause 8** provides that the charges for the grant of a permit for certain heavy vehicles (with a loaded mass exceeding 125 tonnes and carrying indivisible loads) are the charges set out in Part 3 of Schedule 1.

**Clause 9** enables the charges set out in Schedule 1 to be varied by the regulations, but not by more than 5 per cent annually.

**Clause 10** enables amounts of charges and administration fees to be rounded up or down to the nearest dollar.



### **Division 2      When registration charges are payable**

**Clause 11** defines charges to include administration fees for the purposes of the Division.

**Clause 12** requires registration charges to be paid when an application is made for registration or a renewal of registration of a vehicle. It is an offence not to pay the charges (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation).

**Clause 13** makes it an offence for an owner to use or drive, or cause or permit to be used or driven, on a public street a vehicle which is not registered or for which the required registration charges have not been paid. The maximum penalty is \$2,000 for an individual or \$10,000 for a corporation.

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

**Clause 14** enables the Roads and Traffic Authority (the "Authority") to issue heavy vehicle permits to vehicles or combinations of vehicles over 125 tonnes in loaded mass and that have loads that cannot, without disproportionate effort, expense or risk of damage, be divided into 2 or more smaller loads.

**Clause 15** requires permit charges to be paid when an application is made for a heavy vehicle permit. It is an offence not to pay the charges (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation).

**Clause 16** makes it an offence to use or drive, or permit to be used or driven, on a public street a vehicle referred to above for which a permit has not been granted or for which permit charges have not been paid. The maximum penalty is \$2,000 for an individual or \$10,000 for a corporation.

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

**Clause 17** requires the Authority to determine charges and administration fees under the proposed Act.

**Clause 18** enables the Authority or an authorised officer to require vehicle owners and other persons to produce vehicles and provide information so that the Authority may determine whether and what charges are payable under the proposed Act. It is an offence not to comply with the requirement and also an offence to provide information knowing it to be false or misleading (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation for both offences).

**Clause 19** enables the Authority at any time to adjust the charges or administration fees payable for the purpose of complying with the proposed Act and to require payment of charges or fees or additional charges or fees payable after such an adjustment. It is an offence not to comply with the requirement (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation for both offences).

**Clause 20** requires changes, during the currency of registration or of a heavy vehicle permit, in the construction, equipment, configuration, use or ownership of a vehicle to be notified to the Authority. The appropriate amount of charges or additional charges must be paid forthwith to the Authority. It is an offence not to pay the charges (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation).

**Clause 21** sets out the way charges or additional charges payable under proposed section 20 are to be calculated.

**Clause 22** gives the Authority the discretion to refund charges when the registration of a vehicle is cancelled before it expires on the application of the person in whose name the vehicle is registered or when a heavy vehicle permit is cancelled.

**Clause 23** restricts the time within which a refund may be granted to 3 years or less from the date of payment of the charges.

**Clause 24** makes the amount of any charges due a debt due to the Authority recoverable in a court of competent jurisdiction by the Authority from the person liable to pay the charges.

#### **Part 4 Concessions and exemptions**

**Clause 25** exempts vehicles owned by eligible pensioners from charges if they are not used for trade, business or in the course of a profession, are used solely or principally by the pensioners and are used substantially for social or domestic purposes or for pleasure. The exemption usually only extends to one vehicle except where 2 eligible pensioners are joint registered owners of 2 vehicles and are married or reside in the same household.

**Clause 26** exempts from charges vehicles (other than government-owned vehicles) used solely for or in connection with civil defence work and registered in the name of the body controlling the work. The proposed section also enables the Minister to grant an exemption or partial exemption from charges for other vehicles used solely for or in connection with civil defence work while on a public street.



**Clause 27** exempts from charges vehicles (other than government-owned vehicles) specially constructed to carry out mine rescue work for the purposes of the *Mines Rescue Act 1994*.

**Clause 28** exempts from charges a vehicle on which a trader's plate is being used in accordance with the *Traffic Act 1909*.

**Clause 29** exempts from charges a vehicle that is exempted from registration.

**Clause 30** enables the Minister to grant an exemption or partial exemption from charges for a vehicle which is used by or on behalf of an organisation having as one of its objects a charitable, benevolent, philanthropic or patriotic purpose if, in the Minister's opinion, the vehicle is used solely or principally as an ambulance.

## **Part 5     Miscellaneous**

**Clause 31** makes it an offence to use or drive, or to cause or permit to be used or driven, a vehicle registered outside New South Wales on a public street in a configuration that is different from the configuration under which it is registered or exempt from registration (maximum penalty \$10,000). It is not an offence if the changed configuration would result in the same or lower registration charges in the jurisdiction in which it is registered or so exempt.

**Clause 32** makes it clear that the proposed Act does not affect powers under other Acts to charge fees or charges or take actions relating to vehicle registration.

**Clause 33** provides that offences under the proposed Act are to be dealt with summarily before a Local Court constituted by a Magistrate sitting alone.

**Clause 34** requires courts to send particulars of convictions or orders for the payment of money under the proposed Act to the Authority. It also enables orders for the payment of money to be treated as orders for the payment of money under the *Local Courts (Civil Claims) Act 1970* rather than be the subject of warrants under the *Justices Act 1902*.

**Clause 35** provides for the Authority or an authorised officer to issue certificates to be used in proceedings as evidence of matters under the proposed Act, including amounts owing for charges.



**Clause 36** enables the Minister, the Authority or an authorised officer to revoke or vary or impose conditions on certain actions that may be taken by the Minister or the Authority under the proposed Act. For example, the exemption from charges by the Minister or the reduction of charges by the Authority. It is an offence to fail to comply with a condition in force under the proposed section (maximum penalty of \$2,000 for an individual or \$10,000 for a corporation).

**Clause 37** appropriates from the Consolidated Fund into the Roads and Traffic Authority Fund amounts received for charges and administration fees under the proposed Act.

**Clause 38** empowers the Governor-in-Council to make regulations for the purposes of the proposed Act.

**Clause 39** is a formal provision that gives effect to Schedule 2 which contains savings and transitional provisions consequent on the enactment of the proposed Act and the proposed *Road Transport Legislation Amendment Act 1995*.

**Clause 40** provides for the expiration of the proposed Act when the *National Road Transport Commission Act 1991* of the Commonwealth ceases to be in force.

## **Schedules**

**Schedule 1 Charges** sets out the registration charges and permit charges for heavy vehicles under the proposed Act. The charges are uniform with those proposed to be charged under the legislation of other jurisdictions, as are the definitions of the vehicles to which the charges apply.

**Schedule 2 Savings and transitional provisions** contains savings and transitional provisions consequent on the enactment of the proposed Act and the proposed *Road Transport Legislation Amendment Act 1995*.



New South Wales

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New South Wales

## Road Transport (Heavy Vehicles Registration Charges) Bill 1995

No , 1995

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### **A Bill for**

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

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See also the Road Transport Legislation Amendment Bill 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*.

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### 2    Commencement

This Act commences on a day or days to be appointed by proclamation.

### 3    Definitions

In this Act:

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**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*.

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**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*.

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**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:

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- (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 5
- (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 10
- (ii) who is under the pension age for the person set out in section 5QA of the *Veterans' Entitlements Act 1986* of the Commonwealth, 15
- 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 *Motor Traffic Regulations 1935*, or 20
- (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. 25

**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. 30

**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,

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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.

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

15

**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,

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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 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.

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## **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).

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## **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.

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## **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. 5

- (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. 10

- (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:

$$C = A \times \frac{D}{365} \quad \text{15}$$

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. 20

- (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 25**

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%.

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**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.

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**Division 2 When registration charges are payable****11 Definition**

In this Division:

*registration charges* include administration fees.

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**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.

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- (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).

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- (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 but for which registration charges though due and payable have not been paid, who: 5
- (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). 10
- (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 15
- (b) if the vehicle is registered, the registration charges so due and payable. 20

### 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 25
- (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. 30

- (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**

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- (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).

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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,

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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.

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## **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. 5

### **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: 10
- (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. 15
- (2) An owner or other person must not fail to comply with a requirement under subsection (1). 20
- 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. 25
- 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. 30



**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. 5
- (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). 10
- (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. 15
- (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

**20 Changes in owners or to vehicles must be notified to Authority 25**

- (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. 30

- (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) 5  
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. 10

## **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. 15

- (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 20
- (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, 30

for each month or part of a month in the unexpired period or the shorter period, as the case may be. 35

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**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. 5
- (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. 10

**23 Time limit for refunds**

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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. 20



## 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: 5
- (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 10
  - (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. 15
- (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. 20

### 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. 25
- (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. 30

### 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. 5

**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: 10

- (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. 15

## 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: 5
- (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. 10
- 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. 15

### 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 20
- (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 25
- (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. 30

### 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. 5
- (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: 10
- (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*. 15
- (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). 20

**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: 25
- (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 30
- (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. 35

**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: 5
- (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. 10
- (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). 15
- (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 20
  - (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. 25

**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*. 30
- (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. 35



- (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. 5
- (2) In particular, the regulations may make provision for or with respect to: 10
- (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 15 20
- (c) providing for the amount of any such refund to be calculated in accordance with a formula to be prescribed by the regulations, and 25
- (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 30
- (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. 35
-



Clause 39 Road Transport (Heavy Vehicles Registration Charges) Bill 1995

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.

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## 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. 5

**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. 10

**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. 15

**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. 20

**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. 25

**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. 30

Schedule 1 Charges

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**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 (type 1)** means a prime mover nominated to haul 2 trailers, but does not include a medium combination prime mover. 5

**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. 10

**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). 15

**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 20
- (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. 25

**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. 30

**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.

5

***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,

10

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.

15

***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.

20

***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.

25

***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.

30

Schedule 1 Charges

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**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:

5

- (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.

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**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.

15

**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.

20

**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.

25

**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).

30

## Part 2 Registration charges

### Division 1 Load carrying vehicles

Vehicle type	2-axe	3-axe	4-axe	5-axe	
<b>Trucks</b>	\$	\$	\$	\$	
Truck (type 1)	300	600	900	900	5
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>					10
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:

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

15

### Division 3 Buses

Bus Type	2-axe	3-axe	
	\$	\$	
Bus (type 1)	300	—	20
Bus (type 2)	500	1,250	
Articulated bus	—	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 × Number of axles in excess of 2	25

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.

30



**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: 5

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

where: 10

**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*. 5
- (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: 10
  - (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 15
  - (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. 20  
25
- (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. 30  
35

- (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. 5

### 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. 10
- (2) The Authority is to determine, either generally or in a particular case, the appropriate proportion to be refunded. 15

### 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. 20



LEGISLATIVE COUNCIL

ROAD TRANSPORT (HEAVY VEHICLES REGISTRATION  
CHARGES) BILL 1995, COGNATE WITH THE ROAD TRANSPORT  
LEGISLATION AMENDMENT BILL 1995

THE HON MICHAEL EGAN MLC



ROAD TRANSPORT ( HEAVY VEHICLES REGISTRATION  
CHARGES ) BILL 1995 COGNATE WITH THE ROAD TRANSPORT  
LEGISLATION AMENDMENT BILL 1995

MR PRESIDENT

I MOVE THAT THE BILLS BE NOW READ A SECOND TIME.

MR PRESIDENT, THE PURPOSE OF THE BILLS BEFORE THE HOUSE IS TO INTRODUCE A NEW REGIME OF ROAD USE CHARGES FOR HEAVY VEHICLES. THIS EMBRACES A NATIONALLY UNIFORM FRAMEWORK THAT MORE RATIONALLY RELATES TO THE WEAR AND TEAR THAT THESE VEHICLES IMPOSE ON THE ROAD SYSTEM THAN THE EXISTING TAXATION SYSTEM.

SPECIFICALLY THEY INTRODUCE CHARGES DETERMINED BY THE NATIONAL ROAD TRANSPORT COMMISSION, KNOWN AS THE N.R.T.C., AND ENDORSED BY ALL STATE AND TERRITORY MINISTERS AT THE NATIONAL MINISTERIAL COUNCIL FOR ROAD TRANSPORT.





THESE BILLS HONOUR THE ELECTION COMMITMENT MADE PRIOR TO THE ELECTION TO ADOPT THE NATIONAL HEAVY VEHICLE CHARGES ON A UNIFORM BASIS AROUND AUSTRALIA.

THE CHARGING PROPOSAL WILL DIRECTLY AFFECT HEAVY VEHICLES WITH A GROSS VEHICLE MASS OF MORE THAN 4.5 TONNES.

THE LEGISLATION GIVES EFFECT TO THE COMMITMENTS ACCEPTED UNDER THE 1991 HEADS OF GOVERNMENT HEAVY VEHICLES AGREEMENT. THIS AGREEMENT ESTABLISHED THE NATIONAL ROAD TRANSPORT COMMISSION AS AN INDEPENDENT NATIONAL BODY. THE COMMISSION IS REQUIRED TO DEVELOP A PACKAGE OF NATIONAL LAW FOR HEAVY VEHICLES, COVERING UNIFORM TECHNICAL AND OPERATING REGULATIONS AND NATIONALLY CONSISTENT CHARGES.

AS HONOURABLE MEMBERS WILL BE AWARE, IN APRIL THIS YEAR, THE GOVERNMENT AGREED TO THE NATIONAL COMPETITION POLICY AND RELATED REFORMS. HEADS OF GOVERNMENT AGREEMENTS WERE SIGNED BY THE PREMIER IN APRIL 1995.





THESE REQUIRE "EFFECTIVE OBSERVANCE" OF AGREED ROAD REFORMS BY 1997/98. ADOPTION OF THE CHARGES WILL PROVIDE THE FIRST ELEMENT IN COMPLYING WITH THESE AGREEMENTS.

THE STRUCTURE OF THE NATIONAL CHARGES BRINGS ABOUT SIGNIFICANT CHANGES TO CURRENT N.S.W. REGISTRATION CHARGES. THE CURRENT REGIME IS BASED ON TAXES FORMULATED ON THE VEHICLE'S TARE MASS, WITH ONLY MARGINAL RELEVANCE TO ROAD WEAR COSTS.

THE NATIONAL CHARGES ARE BASED ON A CONCEPT OF COST RECOVERY. THIS ESTABLISHES REGISTRATION CHARGES, WHICH TOGETHER WITH A CONTRIBUTION THROUGH COMMONWEALTH DIESEL EXCISE, IS INTENDED TO RECOVER ROAD EXPENDITURE INCURRED AS A RESULT OF TRAVEL BY HEAVY VEHICLES. THE N.R.T.C. REACHED ITS DETERMINATION BY CONSIDERING NATIONAL ROAD EXPENDITURE AVERAGED OVER A THREE YEAR PERIOD, AND NATIONAL TRAVEL BY HEAVY VEHICLES.



THE NEW CHARGES ARE BASED ON ACTUAL ROAD EXPENDITURE ATTRIBUTED TO HEAVY VEHICLES. THESE REFLECT A RANGE OF COST FACTORS WHICH INCLUDE: THE TYPE OF VEHICLE, GROSS MASS, NUMBER OF AXLES AND THE NUMBER OF TRAILERS TO BE TOWED.

THE PUSH FOR NATIONAL UNIFORMITY BEGAN IN 1984 BUT REALLY ACCELERATED DURING THE SPECIAL PREMIERS' CONFERENCES IN 1990 AND 1991.

MR PRESIDENT, THIS NATIONAL LAW IS BEING DEVELOPED IN SIX AREAS. IN ADDITION TO THE CHARGES, OTHER AREAS ARE VEHICLE OPERATIONS, DANGEROUS GOODS BY ROAD, VEHICLE REGISTRATION, DRIVER LICENSING, AND COMPLIANCE AND ENFORCEMENT. MANY OF THESE ELEMENTS ARE IN AN ADVANCED STAGE OF DEVELOPMENT, AND MOST OF THEM HAVE AN IMPACT ON THE OTHERS.

WHEN ALL ASPECTS OF THE NATIONAL ROAD TRANSPORT LAW HAVE BEEN APPROVED BY THE MINISTERIAL COUNCIL FOR ROAD TRANSPORT, CONSIDERATION WILL BE GIVEN BY THE N.S.W. GOVERNMENT TO THE "TEMPLATE APPROACH".





UNDER THIS APPROACH, THE PARLIAMENT WOULD PROVIDE FOR THE AUTOMATIC APPLICATION IN N.S.W. OF THE NATIONAL ROAD TRANSPORT LAW AND ANY FUTURE AMENDMENTS APPROVED BY THE MINISTERIAL COUNCIL.

FOR THE TIME BEING, THE GOVERNMENT PROPOSES TO GIVE EFFECT TO THE EVOLVING NATIONAL LAW BY NORMAL LEGISLATIVE PROCESSES. THIS COMPLIES WITH THE HEADS OF GOVERNMENT AGREEMENT FOR EFFECTIVE OBSERVANCE OF THE NATIONAL REFORMS BY 1997/8.

MR PRESIDENT, THE LEGISLATION BEFORE THE HOUSE ESTABLISHES N.S.W. LAW WHICH MIRRORS THE SPIRIT AND TEXT OF THE COMMONWEALTH LEGISLATION, WHILE PRESERVING THE AUTHORITY OF THE N.S.W. PARLIAMENT.

THESE BILLS RETAIN FULL DEDICATION OF THESE CHARGES TO THE N.S.W. ROAD PROGRAM TO PAY FOR THE ROAD COSTS ON WHICH THEIR CALCULATION IS BASED. THIS ISSUE HAS PARTICULAR SIGNIFICANCE, AS N.S.W. REMAINS THE ONLY JURISDICTION WHERE THESE ROAD USER CHARGES ARE TOTALLY DEDICATED TO THE ROADS PROGRAM.





MR PRESIDENT, I AM DELIGHTED TO INFORM HONOURABLE MEMBERS THAT THE BILLS BEFORE THE HOUSE REDUCE THE REGISTRATION CHARGES FOR NEARLY ALL HEAVY VEHICLES REGISTERED IN N.S.W.. THIS PROVIDES DIRECT FINANCIAL BENEFIT TO THE N.S.W. ROAD TRANSPORT INDUSTRY.

IN TIMES HOPEFULLY NOW PASSED, N.S.W. HAS HAD THE PROBLEM OF OTHER STATES ACCEPTING REGISTRATION PROCEEDS FROM VEHICLES PREDOMINANTLY OPERATING BEYOND THEIR BORDERS WITH NO COMMITMENT TO INVESTING ALL THOSE CHARGES IN THEIR ROAD SYSTEMS. THESE PROCEEDS WERE FUNNELLED INTO GENERAL REVENUE PURPOSES. THIS POLICY OF OTHER JURISDICTIONS IS CONTRARY TO ACCEPTED USER PAY PRINCIPLES.

IT HAS ALSO PRODUCED CHEAPER REGISTRATION OUT OF N.S.W. EXACERBATING REGISTRATION LEAKAGE TO OTHER STATES, AND REQUIRING STILL HIGHER CHARGES FOR THE REMAINING N.S.W. HEAVY VEHICLES.

THE ADOPTION OF THESE NATIONALLY UNIFORM CHARGES SHOULD ALLEVIATE THAT INCENTIVE FOR N.S.W. VEHICLES TO BE REGISTERED OUT-OF-STATE.



MR PRESIDENT, THE ESTIMATED IMPACT OF THE N.R.T.C. CHARGES ON THE N.S.W. ROAD TRANSPORT INDUSTRY AND THE GOVERNMENT'S ROAD PROGRAM HAS BEEN ASSESSED. THE MOST LIKELY SCENARIO WILL BE A SIGNIFICANT BENEFIT TO THE INDUSTRY. WITH VEHICLES RETURNING TO N.S.W. REGISTRATION, IT IS EXPECTED THAT THE LOSS IN FUNDS WILL DIMINISH FROM \$75 MILLION IN THE FIRST YEAR TO \$60 MILLION PER YEAR AFTER THREE YEARS.

THE INTRODUCTION OF THESE CHARGES SHOULD SEE AN IMPROVEMENT IN OPERATOR VIABILITY, IN ALL AREAS OF N.S.W., THROUGH THE REDUCED REGISTRATION CHARGES.

UNIFORM CHARGES WILL CREATE EQUAL CONDITIONS FOR HEAVY VEHICLE TRANSPORT OPERATORS AND IMPROVE THE COMPETITIVENESS OF THE N.S.W. HEAVY VEHICLE INDUSTRY IN BOTH THE N.S.W. AND NATIONAL CONTEXT.

IN ADDITION TO THE DIRECT BENEFITS TO THE N.S.W. ROAD TRANSPORT INDUSTRY FROM THE REDUCED CHARGES, THERE ARE CHANGES BEING MADE TO THE MAXIMUM LOADS AT WHICH TRUCKS MAY OPERATE.





IN N.S.W., THESE LOADS HAVE BEEN OPTIONALLY AVAILABLE SINCE 1987 UNDER A PRICED PERMIT SCHEME. THIS ALLOWED THE INDUSTRY THE OPTION OF THE EXTRA LOADS IF COMMERCIALY ADVANTAGEOUS. THE N.R.T.C. UNIFORM CHARGES PROVIDE THESE MAXIMUM LOADS AS OF RIGHT, REMOVING THE NEED TO PAY FOR ADDITIONAL PERMITS, EXCEPT FOR EXTREMELY HEAVY VEHICLES CARRYING INDIVISIBLE LOADS FOR WHICH PERMITS WILL CONTINUE TO BE REQUIRED.

REMEMBERING THAT THE CHARGES ARE PART OF A WIDER REFORM PROCESS, AN INDEPENDENT STUDY WAS MADE OF THE ECONOMIC IMPACT ON N.S.W. OF THE PRIORITY ELEMENTS OF THE NATIONAL LAW. THIS CONCLUDED THAT THE NET ECONOMIC BENEFITS TO N.S.W. WERE ABOUT \$173 MILLION OVER 20 YEARS. THIS RESULT DEPENDS ON THE ECONOMIC VALUE OF THE GOVERNMENT'S ROAD INVESTMENT PROGRAM BEING RETAINED.

THE N.R.T.C. ORIGINALLY PROPOSED AN IMPLEMENTATION DATE FOR CHARGES OF JULY 1995.





THIS DATE WAS ONLY MET BY THE A.C.T. AND QUEENSLAND, AND THE COMMONWEALTH FOR FEDERALLY REGISTERED INTERSTATE HEAVY VEHICLES. AT THE RECENT MEETING OF THE NATIONAL MINISTERIAL COUNCIL FOR ROAD TRANSPORT, I AGREED, ALONG WITH ALL OTHER MINISTERS, TO THE INTRODUCTION OF NATIONAL CHARGES NO LATER THAN 1 JULY 1996.

VICTORIA HAS INDICATED IT WILL BE IMPLEMENTING THE CHARGES FROM 1 JANUARY 1996.

NEW SOUTH WALES TAKES THE VERY STRONG VIEW THAT UNIFORM CHARGES MEANS EXACTLY THAT - ONE IN, ALL IN.

GIVEN THAT NEW SOUTH WALES WILL BE REDUCING CHARGES, AND THAT WE FACE LEAKAGE OF REGISTRATION TO OTHER STATES, WE ARE KEEN TO SEE WESTERN AUSTRALIA AND SOUTH AUSTRALIA PARTICULARLY, COME IN TO THE SCHEME AT THE SAME TIME AS NEW SOUTH WALES. THOSE STATES HAVE TO AGREE TO DO SO, AND WESTERN AUSTRALIA BELIEVES THAT THE LATEST THAT IT WILL JOIN THE SCHEME WILL BE 1 JULY, 1996.



WE ARE INVOLVED IN ONGOING NEGOTIATIONS WITH THOSE STATES AND THE NORTHERN TERRITORY IN AN ENDEAVOUR TO ENTER THE SCHEME AT AN EARLIER DATE.

IF THIS LEGISLATION PASSES THROUGH THE NEW SOUTH WALES PARLIAMENT, THIS STATE WILL BE IN A POSITION TO ENTER THE SCHEME AT ANY TIME FROM 1 JANUARY, 1996. HOWEVER, WE WILL NOT ENTER THE SCHEME UNTIL AN AGREED DATE HAS BEEN SET WITH WESTERN AUSTRALIA AND SOUTH AUSTRALIA.

PRODUCTIVITY IMPROVEMENTS IN THE ROADS AND TRAFFIC AUTHORITY, ALONG WITH THE OTHER NATIONAL ROAD TRANSPORT REFORMS CURRENTLY UNDER DEVELOPMENT WILL MINIMISE THE IMPACT OF THE LOSS OF REVENUE RESULTING FROM THE ADOPTION OF THESE CHARGES.

ADDITIONALLY, IT MUST BE REMEMBERED THAT THE N.S.W. ROAD TRANSPORT INDUSTRY HAS CLEARLY SIGNALLED ITS SUPPORT FOR THE NATIONAL CHARGES.





IN ADDITION TO THE FORM AND SUBSTANCE OF THE NATIONAL CHARGES THEMSELVES, THE INTERACTION BETWEEN THESE CHARGES AND THOSE FOR LIGHTER VEHICLES NOT COVERED BY THE NATIONAL REGIME HAS BEEN CAREFULLY EXAMINED.

FOR SOME HEAVY TRUCKS, THE NATIONAL SCHEME HAS LOWER CHARGES THAN THOSE CURRENTLY APPLYING TO N.S.W. LIGHT VEHICLES, ESPECIALLY FOR THOSE JUST BELOW THE N.R.T.C. THRESHOLD OF 4.5 TONNES.

LET ME GIVE AN EXAMPLE.

N.S.W. TRUCKS WITH A LADEN MASS OF JUST LESS THAN 4.5 TONNES ARE CURRENTLY BEING CHARGED SOME \$800. BY COMPARISON A TRUCK SLIGHTLY OVER 4.5 TONNES WILL BE CHARGED \$300 UNDER THE NATIONAL SCHEME.

TO ALLEVIATE THIS ANOMALY, IT IS PROPOSED THAT TRUCKS UNDER 4.5 TONNES NOT INCLUDED IN THE N.R.T.C. SCHEME HAVE A MAXIMUM CHARGE EQUIVALENT TO THE MAXIMUM BUSINESS CAR RATE OF \$393.



ANOTHER ISSUE RELATES TO VEHICLES SUCH AS CONCRETE PUMPS, FORKLIFTS, FIRE ENGINES, CHERRY PICKERS AND THE LIKE, WHICH ARE NOT DESIGNED TO CARRY PEOPLE OR LOADS. THE N.R.T.C. HAS DETERMINED THAT FOR THESE HEAVY SPECIAL PURPOSE VEHICLES THE CONTRIBUTION TOWARDS THEIR ROAD COSTS THROUGH DIESEL FUEL CHARGES IS SUFFICIENT.

THEREFORE, UNDER THE NATIONAL UNIFORM HEAVY VEHICLE SCHEME, THESE WILL TYPICALLY HAVE A NIL CHARGE.

FOR SPECIAL PURPOSE VEHICLES UNDER 4.5 TONNES, EXISTING N.S.W. CHARGES RANGE BETWEEN \$15 AND \$160. THERE ARE A NUMBER OF FACTORS WHICH JUSTIFY RETENTION OF EXISTING CHARGES.

THESE INCLUDE THE NUMBER AND VARIETY OF THESE LIGHTER SPECIAL PURPOSE VEHICLES, THE LOW LEVEL OF EXISTING CHARGES, THE DOMINANT USE OF PETROL RATHER THAN DIESEL, AND THE NATURE OF THEIR OPERATIONS.





MR PRESIDENT, I NOW TURN TO CONCESSIONS.

WHEN THE NATIONAL ROAD TRANSPORT COMMISSION DEVELOPED ITS CHARGES, IT DID NOT PROVIDE FOR ANY CONCESSIONS.

IN RECOGNITION OF THE IMPORTANCE OF SOME CONCESSIONS AS COMMUNITY SERVICE OBLIGATIONS, THE LEGISLATION BEFORE THE HOUSE PROVIDES FOR THE CONTINUATION OF MANY EXISTING CONCESSIONS.

N.S.W. HAS HISTORICALLY GRANTED CONCESSIONS TO A RANGE OF HEAVY VEHICLE OWNERS ON A NUMBER OF GROUNDS. SOME OF THESE CONCESSIONS WERE ATTEMPTS TO REMOVE DISTORTIONS IN THE PRESENT STRUCTURE. OTHERS REFLECT WELFARE CONCERNS RATIONALE.

THE LEGISLATION BEFORE THE HOUSE WILL PROVIDE THAT IN ALL BUT A FEW CASES, THESE OWNERS WILL BE PAYING SUBSTANTIALLY LESS THAN AT PRESENT.



I WOULD PARTICULARLY DRAW TO THE ATTENTION OF HONOURABLE MEMBERS THE CONCESSION FOR PENSIONERS. I WISH TO ALLY ANY CONCERNS AT THE NEW DESCRIPTIONS OF THOSE ELIGIBLE FOR THESE CONCESSIONS. THE CHANGES IN LANGUAGE MERELY REFLECT ALTERATIONS TO COMMONWEALTH WELFARE LAWS. IT IS THE GOVERNMENT'S INTENTION TO PRESERVE PENSIONER CONCESSIONS.

CONCESSIONS FOR PRIMARY PRODUCERS WERE SPECIFICALLY ADDRESSED BY THE N.R.T.C.. WHILST THE N.R.T.C. IDENTIFIED SOME DIFFERENCES IN THEIR TRAVEL PATTERNS FROM THE AVERAGE, IT RESOLVED THAT THESE WERE INSUFFICIENT TO WARRANT SPECIAL TREATMENT.

WHILST IT IS PROPOSED TO REMOVE THE EXISTING N.S.W. CONCESSION FOR PRIMARY PRODUCERS, THE NEW CHARGING REGIME WILL MEAN REDUCED CHARGES FOR SOME 29,000 PRIMARY PRODUCERS.





SOME 1700 PRIMARY TRANSPORTERS WILL HAVE AN INCREASE, HOWEVER, THE AFFECTED VEHICLES ARE HEAVY COMMERCIAL VEHICLES, AND RETENTION OF ANY CONCESSION IS NOT CONSIDERED WARRANTED. THESE MEASURES WILL PROVIDE A NET BENEFIT OF SOME \$5.6 MILLION PER YEAR TO PRIMARY PRODUCERS.

IT IS IMPORTANT TO RECOGNISE THAT RURAL LIVESTOCK TRANSPORTERS ARE STRONGLY SUPPORTIVE OF THE INTRODUCTION OF THE NATIONAL CHARGES REGIME AND HAVE MOUNTED A POWERFUL CASE FOR THE POSITIVE IMPACT THE LEGISLATION WILL HAVE ON THE RURAL ECONOMY.

ANOTHER AREA WHERE CONCESSIONS ARE TO BE ALTERED IS LOCAL GOVERNMENT. EXEMPTIONS ARE PRESENTLY PROVIDED FOR TRUCKS ASSOCIATED WITH GARBAGE AND ROAD WORKS.

PRIVATE OPERATORS DO NOT ENJOY THIS BENEFIT. AN ANNUAL INCREASED COST OF HEAVY VEHICLE OPERATION TO LOCAL GOVERNMENT OF APPROXIMATELY \$2.1M FOR THE COST OF REGISTERING THESE LOCAL GOVERNMENT HEAVY VEHICLES.



THERE ARE ALSO SOME ADDITIONAL IMPACTS ON LOCAL GOVERNMENT IN THE FORM OF REDUCED REVENUES FROM EXCESS WEIGHT PERMITS ( \$4.38M) AND REDUCED REVENUES FROM URBAN BUS REGISTRATIONS ( \$2.87M). THIS DECISION WAS MADE IN THE CONTEXT OF INCREASING LOCAL FUNDING FOR REGIONAL ROADS BY \$11 MILLION AS PART OF THE REGIONAL ROADS REVIEW.

MR PRESIDENT, ALTHOUGH THE BASIS FOR CALCULATION OF THE CHARGES DIFFERS FROM EXISTING ARRANGEMENTS, THE PROPOSED LEGISLATION PARALLELS THE PRESENT ADMINISTRATIVE FRAMEWORK IN THE MOTOR VEHICLES TAXATION ACT AS THE COMMONWEALTH LEGISLATION MAKES NO PROVISIONS FOR THESE ASPECTS.

THIS COVERS VEHICLE REGISTRATION, COLLECTION OF CHARGES AND RECOVERY OF UNPAID CHARGES.

THE MAXIMUM PENALTIES PROPOSED FOR OFFENCES AGAINST THE CHARGING LAW CORRESPOND WITH THOSE BEING DEVELOPED IN OTHER PARTS OF THE NATIONAL LAW.





THESE ARE \$2000 FOR AN INDIVIDUAL AND \$10,000 FOR A CORPORATION. THE ONE EXCEPTION IS THE PROPOSAL TO INTRODUCE A NEW MAXIMUM PENALTY OF \$10,000 FOR OWNERS OF INTERSTATE REGISTERED VEHICLES OPERATING CONTRARY TO THE REGISTERED CONFIGURATION.

THE GOVERNMENT WISHES TO SEND A STRONG MESSAGE TO DETER OWNERS OF SUCH VEHICLES FROM USING THEM IN N.S.W. OTHER THAN IN THE CONFIGURATION FOR WHICH THEY HAVE PAID IN THEIR HOME STATE.

THE BILLS BEFORE THE HOUSE ALSO PROPOSE TO RETAIN THE POWER FOR A COURT TO ADDITIONALLY REQUIRE PAYMENT OF ANY CHARGES THAT SHOULD HAVE BEEN PAID BY THE OWNER IF THE VEHICLE WERE TO HAVE OPERATED LEGALLY.

IN THIS WAY, THE ROAD COSTS IMPOSED BY THE VEHICLE'S OPERATION WILL BE RETURNED TO PAY FOR THE ADDITIONAL ROAD WEAR.



MR PRESIDENT, IN CONCLUSION I REMIND HONOURABLE MEMBERS THAT THE ADOPTION OF NATIONAL UNIFORM HEAVY VEHICLE REGISTRATION CHARGES IS BUT THE FIRST KEY ELEMENT OF THE NATIONAL MICRO-ECONOMIC REFORM AGENDA FOR THE ROAD TRANSPORT INDUSTRY.

IT HAS STRONG NATIONAL SUPPORT FROM ALL GOVERNMENTS AND THE ROAD TRANSPORT INDUSTRY. IT ALSO REPRESENTS ANOTHER EXAMPLE OF THIS GOVERNMENT FULFILLING AN ELECTION COMMITMENT.

I COMMEND THE BILLS TO THE HOUSE.







New South Wales

# Road Transport (Heavy Vehicles Registration Charges) Bill 1995

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Clerk of the Legislative Assembly.  
Legislative Assembly*



New South Wales

## **Road Transport (Heavy Vehicles Registration Charges) Bill 1995**

Act No      , 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.

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See also the Road Transport Legislation Amendment Bill 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*.

5

### 2    Commencement

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

### 3    Definitions

In this Act:

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*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*.

15

*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*.

20

*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:

25

- (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 5
- (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 10
- (ii) who is under the pension age for the person set out in section 5QA of the *Veterans' Entitlements Act 1986* of the Commonwealth, 15
- 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 *Motor Traffic Regulations 1935*, or 20
- (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. 25

**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. 30

**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,

5

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.

10

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

15

**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,

20

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 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.

25

30



## **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).

5

## **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.

10

## **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. 5

- (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. 10

- (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:

$$C = A \times \frac{D}{365} \quad \text{15}$$

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. 20

- (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 25**

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%.

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.

10

**Division 2 When registration charges are payable****11 Definition**

In this Division:

*registration charges* include administration fees.

15

**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.

20

25

### 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: 5
- (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). 10
- (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 15
  - (b) if the vehicle is registered, the registration charges so due and payable. 20

### 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 25
  - (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. 30



- (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**

5

- (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).

10

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:

15

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

20

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:

25

- (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.

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## **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. 5

### **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: 10

(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. 15

(2) An owner or other person must not fail to comply with a requirement under subsection (1). 20

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. 25

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. 30

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**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. 5
- (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). 10
- (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. 15
- (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

**20 Changes in owners or to vehicles must be notified to Authority** 25

- (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. 30



- (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) 5  
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. 10

## **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. 15
- (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 20
- (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, 30
- for each month or part of a month in the unexpired period or the shorter period, as the case may be. 35



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**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. 5
- (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. 10

**23 Time limit for refunds**

15

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. 20

## **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: 5
  - (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 10
  - (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. 15
- (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. 20

### **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. 25
- (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. 30

### **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.

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**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. 5

**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: 10

- (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. 15



## **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: 5
- (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. 10
- 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. 15

### **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 20
- (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 25
- (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. 30

### **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.



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**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. 5
- (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: 10
- (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*. 15
- (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). 20

**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: 25
- (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 30
- (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. 35

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**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: 5
- (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. 10
- (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). 15
- (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 20
  - (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. 25

**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*. 30
- (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. 35

- 
- (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. 5
- (2) In particular, the regulations may make provision for or with respect to: 10
- (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 15 20
  - (c) providing for the amount of any such refund to be calculated in accordance with a formula to be prescribed by the regulations, and 25
  - (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 30
  - (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. 35



Clause 39 Road Transport (Heavy Vehicles Registration Charges) Bill 1995

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.

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## 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. 5

**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. 10

**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. 15

**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. 20

**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. 25

**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. 30

Schedule 1 Charges

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**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 (type 1)** means a prime mover nominated to haul 2 trailers, but does not include a medium combination prime mover. 5

**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. 10

**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). 15

**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 20
- (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. 25

**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. 30

**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.

5

***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,

10

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.

15

***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.

20

***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.

25

***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.

30



Schedule 1 Charges

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**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:

5

- (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.

10

**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.

15

**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.

20

**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.

25

**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).

30



Road Transport (Heavy Vehicles Registration Charges) Bill 1995

Charges

Schedule 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	5
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>					10
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:

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

15

### Division 3 Buses

Bus Type	2-axle	3-axle	
	\$	\$	
Bus (type 1)	300	—	20
Bus (type 2)	500	1,250	
Articulated bus	—	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 × Number of axles in excess of 2	25

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.

30

**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: 5

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

where: 10

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

**N** is a number ascertained in accordance with the regulations.

## 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*. 5
- (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: 10
  - (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 15
  - (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. 20 25
- (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. 30 35



- (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. 5

**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. 10
- (2) The Authority is to determine, either generally or in a particular case, the appropriate proportion to be refunded. 15

**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. 20





New South Wales

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

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## 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,

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 *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 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 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).

- (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 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.

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## **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.



### **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.



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## 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 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 (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.

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***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.



Schedule 1 Charges

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**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)	300	—
Bus (type 2)	500	1,250
Articulated bus	—	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.



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## **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]

