



TASMANIA

**TRAFFIC AMENDMENT (NATIONAL ROAD
TRANSPORT REFORM) ACT 1996**

No. 18 of 1996

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TRAFFIC AMENDMENT (NATIONAL ROAD TRANSPORT REFORM) ACT 1996

No. 18 of 1996

An Act to amend the Traffic Act 1925

[Royal Assent 30 August 1996]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

Short title

1. This Act may be cited as the *Traffic Amendment (National Road Transport Reform) Act 1996*.

Commencement

2. This Act commences on a day to be proclaimed.

Principal Act

3. In this Act, the *Traffic Act 1925** is referred to as the Principal Act.

Section 3 amended (Interpretation)

4. Section 3(1) of the Principal Act is amended as follows:

- (a) by inserting the following definitions after the definition of "beach":

"bus" means a motor vehicle that –

- (a) is designed and constructed to carry people; and
(b) has a seating capacity of more than 9 adults, including the driver;

"certificate of registration" means a certificate of registration issued in respect of a vehicle when it is first registered or when its registration is renewed;

"combination" means a motor vehicle connected to one or more trailers;

*16 Geo. V No. 38. For this Act, as amended to 1 October 1979, see the continuing Reprint of Statutes. Subsequently amended by No. 52 of 1978, No. 76 of 1979, Nos. 10, 11, 74 and 107 of 1980, Nos. 13, 19, 34, 61 and 69 of 1981, No. 99 of 1982, Nos. 9 and 19 of 1983, Nos. 29, 55 and 80 of 1984, Nos. 101 and 102 of 1985, Nos. 10, 35 and 108 of 1986, Nos. 34, 41 and 73 of 1987, Nos. 3, 5 and 40 of 1990, No. 9 of 1991, Nos. 54 and 62 of 1992, No. 58 of 1993 and Nos. 28, 30, 71 and 86 of 1995.

- (b) by inserting the following definitions after the definition of "goods":

"gross combination mass" or "GCM"
means the greatest possible sum of the maximum loaded mass of a motor vehicle and any vehicles that may lawfully be towed by it at one time –

- (a) as specified by the motor vehicle's manufacturer –
- (i) on a plate affixed to the motor vehicle; or
- (ii) if there is no such plate – in another place on the motor vehicle; or
- (b) as determined by the Commission under section 11B(3) or 11C(6);

"gross trailer mass" or "GTM" means the maximum loaded mass of a trailer as specified by –

- (a) the trailer's manufacturer –
- (i) on a plate affixed to the trailer; or
- (ii) if there is no such plate – in another place on the trailer; or
- (b) the Commission under section 11A(4)(b);

"gross vehicle mass" or **"GVM"** means the maximum loaded mass of a vehicle –

- (a) as specified by the vehicle's manufacturer –
 - (i) on a plate affixed to the vehicle; or
 - (ii) if there is no such plate – in another place on the vehicle; or
- (b) as determined by the Commission under section 11B(3) or 11C(6);
- (c) by inserting the following definition after the definition of "photographic detection device":

"prime mover" means a motor vehicle designed and constructed to tow a semi-trailer;

- (d) by inserting the following definitions after the definition of "reliability trial":

"semi-trailer" means a trailer with –

- (a) one axle group or a single axle towards the rear; and
- (b) a means of attachment to a prime mover such that, if so attached, some of the load would be imposed on the prime mover;

"special purpose vehicle" means a heavy vehicle, other than a public vehicle, that –

- (a) does not carry passengers or goods; or
- (b) has a primary purpose other than the carriage of passengers or goods; or
- (c) is a work vehicle;

"standard vehicle registration period" means a period of 12 months;

- (e) by inserting the following definition after the definition of "Tribunal":

"truck" means a rigid motor vehicle that is designed and constructed as a load-carrying vehicle;

Section 10 amended (Regulations: Application to the Crown)

5. Section 10 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) the following paragraph after paragraph (d):
 - (daa) providing for the payment of fees to cover the administrative costs of registering vehicles for periods less than the standard vehicle registration period;
- (b) by inserting the following subsection after subsection (8):

(9) Regulations made under this section may –

- (a) apply generally or be limited in their application by reference to specified exemptions or specified factors; and
- (b) apply differently according to different factors, limitations or restrictions of a specified kind.

Sections 11A, 11B and 11C substituted and section 11D repealed

6. Sections 11A, 11B, 11C and 11D of the Principal Act are repealed and the following sections are substituted:

Truck registration nominations

11A. (1) In this section –

"prescribed circumstances", in relation to a trailer, means circumstances in which –

- (a) the manufacturer of the trailer has not specified a maximum loaded mass for the trailer; or
- (b) the manufacturer of the trailer cannot be identified; or
- (c) the trailer has been modified to the extent that the maximum loaded mass specified by its manufacturer is no longer appropriate;

"trailer" does not include a trailer that is a special purpose vehicle.

(2) An applicant for the registration or renewal of registration of a truck must nominate whether or not the truck is to be used as part of a combination having a trailer with a GTM exceeding 4.5 tonnes.

(3) If the applicant fails for any reason to make a nomination under subsection (2), and the Commission has previously determined a GVM and GCM in respect of that truck under section 11B, the applicant is taken to have nominated under that subsection that the truck will be used as part of a combination having a trailer with a GTM exceeding 4.5 tonnes.

(4) For the purposes of subsection (2), the GTM of a trailer is –

- (a) as specified by the trailer's manufacturer; or
- (b) if prescribed circumstances apply – as specified by the Commission.

Determination of GVM or GCM

11B. (1) In this section –

"manufacturer" includes an agent of a manufacturer;

"prescribed circumstances", in relation to a vehicle, means circumstances in which –

- (a) the manufacturer of the vehicle has not specified a maximum loaded mass for the vehicle; or

- (b) the manufacturer of the vehicle cannot be identified; or
- (c) the vehicle has been modified to the extent that the maximum loaded mass specified by its manufacturer is no longer appropriate.

(2) The Commission is not to issue a certificate of registration for a truck, work vehicle, bus or prime mover unless it has determined –

- (a) in the case of a truck nominated under section 11A for use as part of a combination having a trailer with a GTM exceeding 4.5 tonnes – a GVM and GCM for that truck; or
- (b) in the case of any other truck – a GVM for that truck; or
- (c) in the case of a work vehicle or bus – a GVM for that work vehicle or bus; or
- (d) in the case of a prime mover – a GCM for that prime mover.

(3) For the purposes of subsection (2), the Commission may –

- (a) adopt the GVM or GCM specified by the vehicle's manufacturer as its own determination; or
- (b) if prescribed circumstances apply – make its own determination of the GVM or GCM by reference to –
 - (i) the mass prescribed as the maximum permitted laden mass of

the vehicle in relation to the distance between the extreme axles of the vehicle; and

- (ii) the mass prescribed as the maximum permissible aggregate of the axle loads applicable to the vehicle.

(4) A GVM or GCM determined in respect of a vehicle under this section remains in force until a new GVM or GCM is determined in respect of the vehicle under section 11C(6).

(5) Before issuing a certificate of registration in respect of a vehicle for which a GVM or GCM, or a GVM and GCM, has been determined, the Commission is to –

- (a) endorse the GVM or GCM, or the GVM and GCM, on the certificate; and
- (b) enter the particulars of the GVM or GCM, or the GVM and GCM, in the record kept under section 11 in respect of that vehicle.

Variation of GVM or GCM

11C. (1) In this section –

"prescribed combination" means a combination having a trailer with a GTM exceeding 4.5 tonnes;

"prescribed vehicle" means a truck, prime mover, bus or work vehicle;

"registered" means registered for the first time or registered after an application for the renewal of registration.

(2) The owner of a prescribed vehicle that has been modified in such a way as to increase its load carrying capacity since it was last registered must not drive or use that prescribed vehicle on a public street, or cause or permit that prescribed vehicle to be driven or used on a public street, unless –

- (a) written notice setting out full and accurate particulars of the modification has been lodged with the Commission; or
- (b) the Commission has been given notice of the modification under section 7(1) of the *Motor Vehicles Taxation Act 1981*.

Penalty: Fine not exceeding 10 penalty units.

(3) The owner of a truck must not drive or use that truck on a public street as part of a prescribed combination, or cause or permit that truck to be driven or used on a public street as part of a prescribed combination, if, when the truck was last registered, the applicant for registration nominated under section 11A that the truck would not be used as part of a prescribed combination.

Penalty: Fine not exceeding 10 penalty units.

(4) The owner of a truck is not guilty of an offence under subsection (3) if, since the truck was last registered but before it was driven or used on a public street as part of a prescribed combination –

- (a) written notice had been lodged with the Commission stating the owner's intention to use or allow the use of the

truck as part of a prescribed combination; or

- (b) the owner had, in the course of complying with section 7(1) of the *Motor Vehicles Taxation Act 1981*, given notice to the Commission of the intention to use or allow the use of the truck as part of a prescribed combination.

(5) Where –

- (a) a prescribed vehicle is modified in such a way as to reduce its load carrying or load pulling capacity; or
- (b) a vehicle previously nominated under section 11A for use as part of a prescribed combination is no longer being so used –

the owner of the vehicle may lodge with the Commission a notice in writing specifying the modification to the vehicle or the change of use.

(6) Where the Commission receives a notice referred to in subsection (2), (4) or (5) in respect of a vehicle, it may, if satisfied as to the truth and accuracy of the contents of the notice, make a new determination of the GVM or GCM of the vehicle.

(7) On making a new determination under subsection (6), the Commission is to –

- (a) issue a new certificate of registration specifying the new GVM or GCM; and
- (b) make such entry in the record of motor vehicles kept under section 11 in respect of the vehicle as appears to it to be appropriate.

(8) A GVM or GCM determined under subsection (6) in respect of a vehicle remains in force until a new GVM or GCM is subsequently determined in respect of the vehicle under that subsection.

Section 12 amended (Certain vehicles to be fitted with seat belts, &c.)

7. Section 12(7) of the Principal Act is amended by omitting "State." from the definition of "motor vehicle to which this section applies" and substituting "State or in a prescribed State or Territory."

Section 24 amended (Offences and penalties in relation to use of public vehicles)

8. Section 24 of the Principal Act is amended by omitting subsection (3B) and substituting the following subsections:

(3B) Except as may be authorised by a licence or permit issued under this Act, a person who drives or uses a motor vehicle designed and constructed as a load-carrying vehicle must not –

- (a) carry another person in the vehicle; or
- (b) permit another person to ride in that vehicle –

unless that other person is seated in a seat beside the driver.

Penalty: Fine not exceeding 10 penalty units.

(3C) Subsection (3B) does not apply to –

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- (a) a garbage collection vehicle that is being used for the task for which it is licensed;
or
- (b) a motor vehicle with more than one row of seats if the other person is seated in a seat other than a seat in the row occupied by the person driving or using the vehicle.

Schedule 2 substituted

9. Schedule 2 to the Principal Act is repealed and the following Schedule is substituted:

**SCHEDULE 2 - FEES AND RELATED
MATTERS**

Section 10(1)(d), (db) and (ja)

**PART 1 - MAXIMUM VEHICLE REGISTRATION FEES
FOR STANDARD VEHICLE REGISTRATION PERIOD****1. For a motor vehicle (other than a motor cycle)**

Registration	\$46 plus the amount represented by the "rounded indexed amount" in section 77L of the <i>Fire Service Act 1979</i> at the time when the regulation prescribing the fee takes effect
Transfer of registration	\$11

2. For a motor cycle

Registration	\$46
Transfer of registration	\$11

**3. For a trailer attached to a motor vehicle
(other than a motor cycle)**

Registration	\$20
Transfer of registration	\$8

**PART 2 - MAXIMUM VEHICLE REGISTRATION FEES
FOR VEHICLES THAT MAY BE REGISTERED FOR
PERIODS LESS THAN THE STANDARD VEHICLE
REGISTRATION PERIOD**

1. The registration fees:

A. Registration for 6 months

If a vehicle is capable of being registered for a period of 6 months, the maximum registration fee payable in respect of the vehicle is one-half of the maximum fee specified in Part 1 in respect of that vehicle, rounded up, if the half-yearly fee is not in whole dollars, to the nearest whole dollar.

B. Registration for 3 months

If a vehicle is capable of being registered for a period of 3 months, the maximum registration fee payable in respect of the vehicle is one-quarter of the maximum fee specified in respect of the vehicle in Part 1, rounded up, if the quarterly fee is not in whole dollars, to the nearest whole dollar.

2. Calculation of "rounded indexed amount":

If the 6 monthly or 3 monthly registration relates to a motor vehicle (other than a motor cycle) the "rounded index amount" referred to in item 1 of Part 1 applying at the time of registration is, for the purposes of this Part, to be divided by 2 in the case of 6 months registration and by 4 in the case of 3 months registration.

If the division does not produce an amount that is in whole dollars the amount is to be rounded up to the nearest whole dollar.

**PART 3 - MAXIMUM FEES FOR ISSUE OR RENEWAL
OF DRIVER'S LICENCE**

- | | |
|---|------|
| 1. For the first year of validity | \$17 |
| 2. For each subsequent year of validity | \$12 |
| 3. Additional processing fee for the issue
of a licence to a person whose previous
licence has been cancelled | \$25 |

**PART 4 - FEE FOR NUMBER-PLATES FOR DEALERS
AND MANUFACTURERS**

The fee for a set of the number-plates referred to in
section 10(1)(j) is \$30 a year.

*[Second reading presentation speech made in:-
House of Assembly on 20 June 1996
Legislative Council on 26 June 1996]*