



National Transport Commission (Model Heavy Vehicle Charges Act) Regulations 2008¹

Select Legislative Instrument 2008 No. 128

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *National Transport Commission Act 2003*.

Dated 24 June 2008

P. M. JEFFERY
Governor-General

By His Excellency's Command

ANTHONY ALBANESE
Minister for Infrastructure, Transport, Regional Development
and Local Government

1 Name of Regulations

These Regulations are the *National Transport Commission (Model Heavy Vehicle Charges Act) Regulations 2008*.

2 Commencement

These Regulations commence on the day after they are registered.

3 Model legislation

For section 7 of the *National Transport Commission Act 2003* (the *NTC Act*), Schedule 1 sets out model legislation.

Note 1 The model legislation does not have the force of law (see paragraph 7 (2) (a) of the *NTC Act*).

Note 2 These Regulations are not subject to disallowance — see the *Legislative Instruments Act 2003*, subsection 44 (2) (table, item 44) and the *Legislative Instruments Regulations 2004*, regulation 8 and Schedule 2 item 7.

Note 3 These Regulations are not subject to sunseting — see the *Legislative Instruments Act 2003*, subsection 54 (2) (table, item 51) and the *Legislative Instruments Regulations 2004*, regulation 9 and Schedule 3 item 4.

Schedule 1 Model Heavy Vehicle Charges Act

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Schedule 1 Model Heavy Vehicle Charges Act

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Model Heavy Vehicle Charges Act

The following provisions are intended to provide the basis for nationally consistent transport laws on the topics with which they deal. They do not, of themselves, have any legal effect.

Part 1 – Preliminary matters

1. Name

This is the Model Heavy Vehicle Charges Act.

[Local variations]

2. Purpose

The purpose of this Act is to set the annual registration charges and permit fees that are to apply to various heavy road transport vehicles from 1 July 2008.

[Local variations]

3. Approval

This Act was approved by the Australian Transport Council on 29 February 2007.

[Local variations]

4. Application

This Act applies to heavy vehicles that have an MRC (Mass Rating for Charging) of more than 4.5 tonnes.

Note Definitions of terms used in this Act such as “MRC” are set out in the Dictionary in Schedule 2.

5. Examples

- (1) Examples are part of this Act.

- (2) An example of the operation of a provision of this Act –
- (a) is not exhaustive; and
 - (b) may extend the meaning of the provision; and
 - (c) does not limit the meaning of the provision, unless the contrary intention appears.

[*Local variations*]

6. Notes

- (1) Notes that are at the foot of a provision are part of this Act.
- (2) Marginal notes, footnotes at the bottom of a page and endnotes are not part of this Act.

[*Local variations*]

Part 2 – Charges and fees

7. Annual registration charges: 1/7/08 – 30/6/09

The annual registration charge for a vehicle to which this Act applies for the 2008 – 2009 financial year is the relevant amount set out in Table 1 for the vehicle.

Table 1

Annual Registration Charges: 1 July 2008 – 30 June 2009

Division 1 - Load carrying vehicles (\$)				
Vehicle Type	2 axles	3 axles	4 axles	5 or more axles
Trucks				
Truck (type 1)	380	652	652	652
Truck (type 2)	652	859	859	859
Short combination truck	652	859	1593	1593
Medium combination truck	5161	5161	5574	5574
Long combination truck	7120	7120	7120	7120
Prime Movers				
Short combination prime mover	1000	3930	4322	4322
Multi-combination prime mover	7050	7050	7755	7755

Division 2 - Trailers				
Charge (\$) per axle				
Trailer type	Single axle	Tandem axle group	Tri-axle group	Quad-axle group and above
Pig Trailer	380	380	380	380
Dog Trailer	380	380	380	380
Semi Trailer	380	380	380	380
B-Double lead trailer and B-triple lead and middle trailers	380	380	380	380
Converter dolly or low loader dolly	380	380	380	380
Division 3 – Buses (\$)				
Bus Type	2 axles	3 axles	4 or more axles	
Bus (type 1)	380			
Bus (type 2)	380	2087	2087	
Articulated bus		380	380	
Division 4 - Special purpose vehicles				
Special purpose vehicle (type P)	No charge			
Special purpose vehicle (type T)	248			
Special purpose vehicle (type O)	Calculated using the formula: $310 + (310 \times \text{Number axles over } 2)$			

8. Annual registration charges: 1/7/09 – 30/6/10

The annual registration charge for a vehicle to which this Act applies for the 2009 – 2010 financial year is to be calculated as follows:

1. The Base Charge is to be multiplied by the Annual Adjustment Factor for that year

where –

the **Base Charge** is the relevant amount set out in Table 2 for the vehicle; and

the **Annual Adjustment Factor** is the percentage determined under Schedule 1 for that year.

2. The result is to be added to, or subtracted from (if the percentage was negative), the Base Charge.
3. The result is to be rounded up or down to the nearest whole dollar amount (rounding an amount of 50 cents upwards).

Table 2

Base Charges: 1 July 2009 – 30 June 2010

Division 1 - Load carrying vehicles (\$)				
Vehicle Type	2 axles	3 axles	4 axles	5 or more axles
Trucks				
Truck (type 1)	380	652	652	652
Truck (type 2)	652	859	859	859
Short combination truck	652	859	1593	1593
Medium combination truck	5828	5828	6295	6295
Long combination truck	8036	8036	8036	8036
Prime Movers				
Short combination prime mover	1000	3930	4322	4322
Multi-combination prime mover	7050	7050	7755	7755

Division 2 - Trailers				
Charge (\$) per axle				
Trailer type	Single axle	Tandem axle group	Tri-axle group	Quad-axle group and above
Pig Trailer	380	380	380	380
Dog Trailer	380	380	380	380
Semi Trailer	380	380	405	405
B-Double lead trailer and B-triple lead and middle trailers	380	1140	1190	1190
Converter dolly or low loader dolly	380	380	380	380
Division 3 – Buses (\$)				
Bus Type	2 axles	3 axles	4 or more axles	
Bus (type 1)	380			
Bus (type 2)	380	2087	2087	
Articulated bus		380	380	
Division 4 - Special purpose vehicles				
Special purpose vehicle (type P)	No charge			
Special purpose vehicle (type T)	248			
Special purpose vehicle (type O)	Calculated using the formula: $310 + (310 \times \text{Number axles over } 2)$			

9. Annual registration charges: 1/7/10 – 30/6/11

- (1) The annual registration charge for a vehicle to which this Act applies, other than semi trailers, B-double lead trailers and B-triple lead and middle trailers, for the 2010 – 2011 financial year is to be calculated as follows –

1. The annual registration charge that was payable for the vehicle for the 2009 – 2010 financial year (“the previous annual registration charge”) is to be multiplied by the Annual Adjustment Factor percentage determined under Schedule 1 for the 2010 – 2011 financial year.
 2. The result is to be added to, or subtracted from (if the percentage was negative), the previous annual registration charge.
 3. The result is to be rounded up or down to the nearest whole dollar amount (rounding an amount of 50 cents upwards).
- (2) The annual registration charge for semi trailers, B-double lead trailers and B-triple lead and middle trailers for the 2010 – 2011 financial year is to be calculated as follows –
1. The relevant amount set out in Table 3 is to be added to the annual registration charge that was payable for the vehicle for the 2009 – 2010 financial year.
 2. The result is to be multiplied by the Annual Adjustment Factor percentage determined under Schedule 1 for that period.
 3. The result is to be added to, or subtracted from (if the percentage was negative), the amount determined under step 1.
 4. The result is to be rounded up or down to the nearest whole dollar amount (rounding an amount of 50 cents upwards).

Table 3
Registration Charge Increments to Apply on 1 July 2010

	Charge (\$) per axle			
	Single axle or single axle group	Tandem axle group	Tri-axle group	Quad-axle group and above
Trailer type				
Semi Trailer			25	25
B-Double lead trailer and B-triple lead and middle trailers		760	810	810

10. Annual registration charges: after 30/6/11

The annual registration charge for a vehicle to which this Act applies for any financial year after 30 June 2011 (“the relevant financial year”) is to be calculated as follows:

1. The annual registration charge that was payable for the vehicle for the financial year immediately preceding the relevant financial year (“the previous annual registration charge”) is to be multiplied by the Annual Adjustment Factor percentage determined under Schedule 1 for the relevant financial year.
2. The result is to be added to, or subtracted from (if the percentage was negative), the previous annual registration charge.
3. The result is to be rounded up or down to the nearest whole dollar amount (rounding an amount of 50 cents upwards).

11. Clarification of meaning of *previous annual registration charge*

A reference to the *previous annual registration charge* for a vehicle in sections 9 and 10 is a reference to the charge that was payable for the vehicle under this Act had the vehicle been registered for the entire relevant financial year, and regardless of whether the amount of the charge was paid or not.

12. Permit fees

- (1) The charge for the grant of a permit to operate a vehicle, or a combination of vehicles, with a loaded mass of more than 125 tonnes where the load being carried is an indivisible load is –

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

where

ESA is the sum of the equivalent standard axles for each of the rows of tyres across the trailer or trailers to be hauled under the permit by the vehicle, as determined by reference to the relevant part or parts of Table 4;

[Drafting note: This definition was previously found in regulation 4 (“How is *N* ascertained for the purposes of Part 3 of the Schedule to the Act?”)]

K is a reasonable estimate of the number of kilometres the vehicle will travel under the permit.

[Drafting note: The concept of “a reasonable estimate” has been introduced so as to make it clear this section is not intended to create obligations inconsistent with duties applicable under national trade measurement legislation prohibiting the use of measuring instruments for trade, which includes “determining the amount payable as a tax, rate, toll, duty, charge or other impost (however described)”. For example, see section 4(1)(b) of the Trade Measurement Act 1989 (NSW), and the Trade Measurement Act 1990 (Qld).]

Table 4

[Drafting note: The following tables replicate those currently found in Part 2 of the Schedule to the Regulations (‘Equivalent standard axles for rows of tyres across trailers’)]

Equivalent standard axles for rows of tyres across trailers

Part A — Trailers with rows of 8 tyres

Column 1	Column 2
Average load per row (tonnes)	Equivalent standard axles per row
10 or more but less than 11	0.4
11 or more but less than 12	0.6
12 or more but less than 13	0.9
13 or more but less than 14	1.2
14 or more but less than 15	1.7
15 or more but less than 16	2.2
16 or more but less than 17	2.8
17 or more but less than 18	3.6
18 or more but less than 19	4.6
19 or more but less than 20	5.7
20 or more but less than 21	6.9

Column 1	Column 2
Average load per row (tonnes)	Equivalent standard axles per row
21 or more but less than 22	8.4
22 or more but less than 23	10.2
23 or more but less than 24	12.1
24 or more	14.4

Part B — Trailers with rows of 4 tyres

Column 1	Column 2
Average load per row (tonnes)	Equivalent standard axles per row
5 or more but less than 6	0.1
6 or more but less than 7	0.3
7 or more but less than 8	0.5
8 or more but less than 9	0.9
9 or more but less than 10	1.5
10 or more but less than 11	2.2
11 or more but less than 12	3.2
12 or more	4.6

- (2) For the purposes of Table 4, the *average load per row* is the loaded mass (in tonnes) of the trailer divided by the number of rows of tyres that the trailer has.

[Drafting note: This clause reflects the current regulation 4 (3).]

- (3) In this section, *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.

13. Vehicles in 2 or more categories

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

14. Regulations

The [*relevant authority*] may make regulations for or with respect to any matter or thing –

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed to give effect to this Act.

Schedule 1 – Annual adjustment factor

1. Annual adjustment factor

- (1) The annual adjustment factor for a financial year is to be calculated in accordance with this clause.
- (2) First, the following formula is to be applied –

$$\left[(0.454 \times RA) + (0.362 \times UA) + (0.119 \times RL) + (0.064 \times UL) \right] - 1.0$$

where –

RA means the Rural Arterial Road Expenditure adjustment factor that applies for that year (see clause 2).

RL means the Rural Local Road Expenditure adjustment factor that applies for that year (see clause 2).

UA means the Urban Arterial Road Expenditure adjustment factor that applies for that year (see clause 2).

UL means the Urban Local Road Expenditure adjustment factor that applies for that year (see clause 2).

- (3) Second, the amount determined under subclause (2) is to be rounded up or down to one decimal place (rounding an amount of 0.05 upwards).

Example

An amount of 3.55 would be rounded up to 3.6.

- (4) The result is the annual adjustment factor expressed as a percentage.

2. Adjustment factors

- (1) The 4 adjustment factors referred to in clause 1 (RA, RL, UA, UL) for a particular financial year are to be calculated in accordance with this clause.
- (2) First, the expenditure for each adjustment factor for the Years 1 – 6 is to be multiplied by the following fraction to derive an amount of adjusted expenditure for each of those years for each of those factors –

$$\frac{\text{Index number for Year 7}}{\text{Index number for relevant Year of expenditure}}$$

where –

expenditure, for a financial year, means the amount specified in the most recent annual report of the NTC as being –

- (a) in the case of RA — the estimated amount of expenditure on rural arterial roads for that year; and
- (b) in the case of UA — the estimated amount of expenditure on urban arterial roads for that year; and
- (c) in the case of RL — the estimated amount of expenditure on rural local roads for that year; and
- (d) in the case of UL — the estimated amount of expenditure on urban local roads for that year;

index number, for a particular financial year, means the road construction and maintenance price index number for 30 June of that year published by the Bureau of Transport and Regional Economics;

Example

In August 2007 the BTRE published its index figure. As at 30 June 2007 the index number was 150.5. Thus the index number for the 2006 – 2007 financial year is 150.5.

most recent annual report of the NTC means the last annual report of the National Transport Commission that was tabled in each House of the Commonwealth Parliament before the start of the financial year for which the annual adjustment factor is being determined;

Year 1 means the financial year immediately before Year 2;

Year 2 means the financial year immediately before Year 3;
Year 3 means the financial year immediately before Year 4;
Year 4 means the financial year immediately before Year 5;
Year 5 means the financial year immediately before Year 6;
Year 6 means the financial year immediately before Year 7;
Year 7 means the financial year immediately before Year 8;
Year 8 means the latest financial year for which the amount of estimated expenditure on the relevant type of road mentioned in the definition of *expenditure* is specified in the most recent annual report of the NTC.

Examples of the determination of Year 8

Suppose that, on 1 March 2010, the most recent annual report of the NTC to have been tabled is the annual report for 2008-2009, and that that report contains estimated expenditure figures for arterial roads up to and including the 2008 – 2009 financial year and estimated expenditure figures for local roads up to and including the 2006 – 2007 financial year. For the purpose of calculating RA and UA for the 2010 – 2011 financial year, Year 8 is the 2008 – 2009 financial year. For the purpose of calculating RL and UL for the 2010 – 2011 financial year, Year 8 is the 2006 – 2007 financial year.

Example of the calculation of the amount of adjusted expenditure for a year

Suppose that the Estimated Urban Arterial Road Expenditure for Year 4 is \$2,010,000,000; that the index number for Year 4 is 129.7; and that the index number for Year 7 is 154.26. The adjusted expenditure for UA for Year 4 is \$2,390,613,720 (that is $(154.26/129.7) \times \$2,010,000,000$).

- (3) Second, for each adjustment factor, the amount of adjusted expenditure for each of Years 1 – 6 is to be added together, and the expenditure for Year 7 is to be added to the total to derive the Combined Adjusted Expenditure for Years 1 – 7.
- (4) Third, the expenditure for each adjustment factor for the Years 2 – 7 is to be multiplied by the following fraction to derive an amount of adjusted expenditure for each of those years for each of those factors –

$$\frac{\text{Index number for Year 8}}{\text{Index number for relevant Year of expenditure}}$$

- (5) Fourth, for each adjustment factor, the amount of adjusted expenditure for each of Years 2 – 7 is to be added together, and

the expenditure for Year 8 is to be added to the total to derive the Combined Adjusted Expenditure for Years 2 – 8.

- (6) Fifth, for each adjustment factor, the following formula is to be applied –

$$\left[\left(\frac{\text{Combined Adjusted Expenditure for Years 2-8}}{\text{Combined Adjusted Expenditure for Years 1-7}} \right) - 1 \right] \times 100$$

where –

Combined Adjusted Expenditure for Years 2 – 8 – see subclause (5);

Combined Adjusted Expenditure for Years 1 – 7 – see subclause (3).

Note Clause 3 varies the operation of this clause with respect to the calculation of RA and UA for the purposes of calculating the annual adjustment factor for the 2009 – 2010 financial year.

- (4) Lastly, the amount determined under subclause (6) is to be rounded up or down to 4 decimal places (rounding an amount of 0.00005 upwards).

Example

An amount of 2.35065 would be rounded up to 2.3507.

- (5) The result is the amount that is to be used for that adjustment factor in the formula in clause 1(2).

3. Transitional provision in relation to the calculation of the annual adjustment factor for 2009 – 2010

- (1) Despite anything to the contrary in clause 2, for the purposes of calculating the annual adjustment factor for the 2009 – 2010 financial year, RA and UA are to be calculated by applying the following formula –

$$\left[\left(\frac{\text{Combined Expenditure}}{\text{Base Combined Expenditure}} \right) - 1 \right] \times 100$$

where –

amount of adjusted expenditure is the amount derived using the method set out in clause 2(2);

Combined Expenditure is the sum of the amounts of adjusted expenditure for the 2001 – 2002 (Year 1), 2002 – 2003 (Year 2), 2003 – 2004 (Year 3), 2004 – 2005 (Year 4), 2005 – 2006 (Year 5) and 2006 – 2007 (Year 6) financial years, and the amount of expenditure for the 2007 – 2008 (Year 7) financial year, based on the expenditure amounts set out in the annual report of the NTC for the 2007 – 2008 financial year, adjusted in the case of Years 1 – 6 using the index number for the 2007 – 2008 financial year as the numerator in the adjustment fraction;

Base Combined Expenditure is–

- (a) in the case of RA, \$22,877,279,156;
- (b) in the case of UA, \$22,628,161,494.

- (2) All terms defined in clause 2 that are used in this clause have the same meaning as they have in clause 2, unless a contrary intention appears.

Schedule 2 – Dictionary

1. Definitions

In this Act –

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

axle means one or more shafts positioned in a line across a vehicle, on which one or more wheels intended to support the vehicle turn;

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

B-double combination means a combination consisting of a prime mover towing 2 semi-trailers;

B-double lead trailer means a semi trailer that is nominated for use as the lead trailer in a B-double combination;

B-triple combination means a combination consisting of a prime mover towing 3 semi-trailers;

B-triple lead trailer means a semi trailer that is nominated for use as the lead trailer in a B-triple combination;

B-triple middle trailer means a semi trailer that is nominated for use as the second trailer in a B-triple combination;

bus means a motor vehicle, built mainly to carry people, that seats more than 9 adults (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 or 4 axles;

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

converter dolly means a trailer with a fifth wheel coupling designed to support a semi trailer for hauling purposes;

Note This definition differs from that found in other legislation dealing with heavy vehicles.

[Drafting note: This definition was amended in relation to the reference to dog trailers because the conversion to a dog trailer was thought not to accurately reflect the full spectrum of uses to which converter dollies are conventionally put. The reference to the number of axles was deleted to reflect the fact that most converter dollies have more than one axle or axle group.]

dog trailer means a trailer with –

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

[Drafting note: This definition has been amended to take account of the more specific way trailers are referred to in the charging tables. It

would now be too confusing to include trailers consisting of semi trailers and converter dollies as dog trailers.]

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

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

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

financial year means a period starting immediately after midnight on 30 June and ending at midnight on the next 30 June;

lead trailer, in a combination, means the trailer that is, or that is to be, attached to the prime mover;

load carrying vehicle means a vehicle designed and 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;

loaded mass, in relation to 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;

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

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

low loader dolly means a mass-distributing device that –

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

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

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

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

Note GVM means Gross Vehicle Mass, GTMR means Gross Trailer Mass Rating, and ATM means Aggregate Trailer Mass.

multi-combination prime mover means a prime mover nominated to haul 2 or more trailers;

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 Registration Authority having regard to the design and construction of the vehicle or of any of its components;

pig trailer means a trailer with one axle group or single axle near the middle of its load-carrying surface, and connected to the towing vehicle by a drawbar;

pole type trailer means a trailer that –

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

prime mover means a motor vehicle designed to haul a semi trailer;

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

Registration Authority means the authority that is responsible for registering vehicles;

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

road related area means –

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles; or
- (e) any shoulder of a road; or
- (f) an area that is a road related area for the purposes of the Australian Road Rules;

semi trailer means a trailer (including a pole type trailer) that has –

- (a) one axle group or single axle towards the rear; and
- (b) a means of attachment to a prime mover or a converter dolly that results in some of the load being imposed on the prime mover, or the converter dolly, as the case may be;

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

short combination truck means a truck nominated to haul one trailer where, according to the nomination –

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

single axle means an axle not forming part of an axle group;

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

special purpose vehicle means –

- (a) a vehicle (other than a caravan, a mobile home, a mobile library, a mobile workshop, a mobile laboratory, a mobile billboard or a vehicle that the regulations declare not to be a special purpose vehicle for the purposes of this definition) where the primary purpose for which it was built, or permanently modified, was not the carriage of goods or passengers; or
- (b) any of the following vehicles –
 - (i) a forklift;
 - (ii) a straddle carrier;
 - (iii) a mobile cherry picker;
 - (iv) a mobile crane; or

[Drafting note: This provision reflects National Transport Commission (Road Transport Legislation -- Road Transport Charges Regulations) Amendment Regulations 2006 (No. 1) (SLI No 33 of 2006) - Schedule 2.]

- (c) a vehicle declared by the regulations to be a special purpose vehicle for the purposes of this definition;

Note Clause 4 contains an interpretation provision affecting this definition.

special purpose vehicle (type O) means a special purpose vehicle (other than a special purpose vehicle (type P)) –

- (a) built, or permanently modified, primarily for use on roads; and
- (b) that has at least one axle or axle group loaded in excess of the axle load limits specified in Table 5;

Examples

Examples of this kind of vehicle are mobile cranes, fire engines, truck-mounted concrete pumps and boring plants. These kinds of vehicle may also fall within the definition of ***special purpose vehicle (type T)*** if they have no axle or axle group loaded in excess of the axle load limits specified in Table 5.

Table 5

[Drafting note: This Table replicates that currently found in the Schedule Part 1 ('Axle load limits') of the Regulations.]

Axle load limits

Column 1	Column 2	Column 3
Item No	Type of axle or axle group	Axle load limit (tonnes)
1	<u>Single axles</u>	
	(a) 2 tyres	6.0
	(b) 2 wide profile tyres:	
	(i) 375mm to 450mm	6.7
	(ii) over 450mm	7.0
	(c) 4 or more tyres:	
	(i) on pig trailers	8.5
	(ii) on other vehicles	9.0
2	<u>Twinsteer axle groups</u>	
	(a) non-load sharing suspensions	10.0
	(b) load sharing suspensions	11.0
3	<u>Tandem axle groups</u>	
	(a) 4 tyres	11.0
	(b) 4 wide profile tyres:	
	(i) 375mm to 450mm	13.3
	(ii) over 450mm	14.0
	(c) 6 tyres	13.0
	(d) 8 or more tyres:	
	(i) on pig trailers	15.0
	(ii) on other vehicles	16.5
4	<u>Tri-axle groups</u>	
	(a) 6, 8 or 10 tyres	15.0
	(b) 6 wide profile tyres (375mm or over):	
	(i) on pig trailers	18.0
	(ii) on other vehicles	20.0

Column 1	Column 2	Column 3
Item No	Type of axle or axle group	Axle load limit (tonnes)
	(c) 12 or more tyres:	
	(i) on pig trailers	18.0
	(ii) on other vehicles	20.0

[Drafting note: The descriptions of the groups that appeared in this table have been removed because they were not consistent with the definitions of the groups (they appear to be relics of previous legislation).]

special purpose vehicle (type P) means a special purpose vehicle built, or permanently modified, primarily for –

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

Examples

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

special purpose vehicle (type T) means a special purpose vehicle (other than a special purpose vehicle (type P)) –

- (a) built, or permanently modified, primarily for use on roads; and
- (b) that has no axle or axle group loaded in excess of the axle load limits specified in Table 5 under the definition of special purpose vehicle (type O);

Examples

Examples of this kind of vehicle are mobile cranes, fire engines, truck-mounted concrete pumps and boring plants. These kinds of vehicle may also fall within the definition of **special purpose vehicle (type O)** if they have at least one axle or axle group loaded in excess of the axle load limits specified in Table 5 under that definition.

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

trailer means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed;

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

truck means a rigid motor vehicle that is principally constructed as a load carrying vehicle;

truck (type 1) means a truck that has –

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

truck (type 2) means a truck that has –

- (a) 2 axles and an MRC exceeding 12 tonnes; or
- (b) 3 axles and an MRC exceeding 16.5 tonnes; or
- (c) 4 or more axles and an MRC exceeding 20 tonnes;

twinsteer axle group means a group of 2 axles –

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

vehicle includes a trailer.

2. Close-spaced axles

- (1) For the purposes of this Act (other than the definitions of single axle group, tandem axle group, twinsteer axle group, tri-axle group and quad-axle group) –

- (a) 2 axles less than one metre apart are to be regarded as one axle; and

[Drafting note: 2 axles one metre apart have been removed from paragraph (a) to avoid an overlap with the definition of tandem axle group (and for consistency with the definition of single axle group).]

- (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.

- (2) A reference to a distance in subclause (1) is a reference to the horizontal distance between the centre-lines of –
- (a) in the case of subclause (1)(a), the 2 axles; and
 - (b) in any other case, the outermost axles.

3. Determination of number of trailers

For the purposes of determining the number of trailers that a prime mover or truck is nominated to haul –

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

Note Nothing in this clause affects the requirement under Part 2 that a separate annual registration fee be paid for each converter dolly or low loader dolly and for each semi trailer.

4. Special purpose vehicles

In paragraph (a) of the definition of *special purpose vehicle* – *goods* does not include fuel, water, lubricants, tools and any other equipment or accessories necessary for the normal operation of the vehicle;

Example

In the case of a crane, *goods* would not include any chains on the crane necessary to operate the crane.

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

Schedule 3 – Consequential amendments

1. Amendments to the C&E Act

In the *National Transport Commission (Road Transport Legislation – Compliance and Enforcement Bill) Regulations 2006*, in Schedule 1, in section 6, in the drafting note under the definition of *road law*, for “*Road Transport Charges*

(Australian Capital Territory) Act 1993” substitute “*Model Heavy Vehicle Charges Act 2007*”.

2. Amendments to the Registration Regulations

In the *National Transport Commission (Road Transport Legislation – Heavy Vehicles Registration Regulations) Regulations 2006*, in Schedule 1 –

- (a) in regulations 18(1)(i), 21(2)(a)(ix), 23(3)(b), 32(4)(b), 33(c) and 47(1) and in the note under regulation 47(3), for “*Road Transport Charges (Australian Capital Territory) Act 1993*” substitute “*Model Heavy Vehicle Charges Act 2007*”;
- (b) in the Dictionary, in the definition of **registration charge**, for “*Road Transport Charges (Australian Capital Territory) Act 1993*” substitute “*Model Heavy Vehicle Charges Act 2007*”.

Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.