

South Australia



**MOTOR VEHICLES (HEAVY VEHICLES REGISTRATION CHARGES)  
AMENDMENT ACT 1995**

**No. 77 of 1995**

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**ELIZABETHAE II REGINAE**

A.D. 1995

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No. 77 of 1995

An Act to amend the Motor Vehicles Act 1959 and to make consequential amendments to the Stamp Duties Act 1923.

[Assented to 23 November 1995]

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995*.

(2) The *Motor Vehicles Act 1959* is referred to in this Act as "the principal Act".

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Amendment of s. 5—Interpretation**

3. Section 5 of the principal Act is amended—

(a) by inserting after the definition of "the committee" in subsection (1) the following definitions:

"the Commonwealth Road Transport Charges Act" means the *Road Transport Charges (Australian Capital Territory) Act 1993* of the Commonwealth as amended and in force for the time being;

"configuration", in relation to a heavy vehicle, means a description of a heavy vehicle in the schedule of the Commonwealth Road Transport Charges Act for which separate provision is made in Part 2 of that schedule for the amount of the registration charge;;

(b) by inserting after the definition of "declared area" in subsection (1) the following definition:

"heavy vehicle" means a vehicle of a kind referred to in section 2 of the Commonwealth Road Transport Charges Act;;

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- (c) by striking out the definition of "prescribed registration fee" in subsection (1) and substituting the following definition:

**"prescribed registration fee" means—**

(a) in relation to a heavy vehicle—

- (i) a fee equal to the product of the number of quarters for which the vehicle is to be registered multiplied by one quarter of the amount that would be the annual registration charge determined in accordance with the Commonwealth Road Transport Charges Act for registration of the vehicle in the Australian Capital Territory;

plus

- (ii) any fee prescribed by, or computed in accordance with, the regulations;

(b) in relation to any other motor vehicle—the registration fee for that vehicle prescribed by, or computed in accordance with, the regulations;;

- (d) by inserting after the definition of "probationary licence" in subsection (1) the following definition:

**"quarter" means any period of three months;.**

**Amendment of s. 12—Exemption of farmer's tractors and implements**

4. Section 12 of the principal Act is amended by inserting after subsection (5) the following subsection:

(6) This section does not apply in relation to a heavy vehicle.

**Amendment of s. 20—Application for registration**

5. Section 20 of the principal Act is amended—

- (a) by striking out from subsection (1)(a) "and" between subparagraphs (ii) and (iii) and inserting after subparagraph (iii) the following word and subparagraph:

and

- (iv) in the case of an application to register a heavy vehicle—the configuration of the vehicle for the period of registration.;

- (b) by striking out from subsection (2)(a) "registration" and substituting "prescribed registration fee".

**Amendment of s. 24—Duty to grant registration**

6. Section 24 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:

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(1) On application duly made and payment of the prescribed fee, the appropriate insurance premium and the stamp duty (if any) payable on the application, the Registrar must, subject to this Act, register the motor vehicle in the register of motor vehicles—

(a) —

(i) in the case of a heavy vehicle—for one or more quarters, being a period of not more than 12 months;

or

(ii) in any other case—for 6 or 12 months;

or

(b) where the applicant is the owner of a number of motor vehicles that equals or exceeds a number to be determined by the Registrar—for a period expiring on a day fixed by the Registrar as a common day of expiry in relation to those motor vehicles,

at the option of the applicant.;

(b) by striking out from subsection (1a) "6 months or 12 months" and substituting "a period referred to in subsection (1)(a)";

(c) by striking out subsection (1b) and substituting the following subsection:

(1b) The Registrar may renew the registration of a motor vehicle despite the expiry of the previous registration if the application for renewal is made by the last registered owner of the vehicle within—

(a) in respect of a heavy vehicle—90 days of that expiry;

(b) in respect of any other vehicle—30 days of that expiry.

**Amendment of s. 25—Conditional registration of certain classes of vehicles**

7. Section 25 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) The Registrar may register a motor vehicle under this section—

(a) if—

(i) the vehicle is a heavy vehicle of a prescribed class;

or

(ii) the vehicle is a vehicle of a prescribed class and the applicant for registration satisfies the Registrar that the vehicle is to be driven on roads in circumstances in which it is, in the opinion of the Registrar, unreasonable or inexpedient to require the vehicle to be registered at the prescribed registration fee;

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and

- (b) application for registration under this section is made in accordance with section 20 and the following fee is paid:
- (i) in the case of a heavy vehicle of a prescribed class—the prescribed administration fee and, if the regulations so require, the prescribed registration fee;
  - (ii) in any other case—the prescribed administration fee.

**Amendment of s. 31—Registration without fee**

8. Section 31 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) This section does not apply in relation to a heavy vehicle other than a heavy vehicle of a kind referred to in subsection (1)(f).

**Amendment of s. 32—Vehicles owned by the Crown**

9. Section 32 of the principal Act is amended by inserting in subsection (3) "(other than a heavy vehicle)" after "vehicle" first occurring.

**Amendment of s. 34—Registration fees for primary producers' commercial vehicles**

10. Section 34 of the principal Act is amended by striking out from subsection (1) "the registration fee is one-half of the prescribed registration fee." and substituting the following words and paragraphs:

the prescribed registration fee must be reduced by—

- (c) in the case of a heavy vehicle of a prescribed class—
  - (i) 40 per cent of that component of the fee that is calculated by reference to charges prescribed by or under the Commonwealth Road Transport Charges Act;
- or
- (ii) if some other percentage of that component of the fee is fixed by the regulations—that percentage;
- (d) in the case of a vehicle that is not a heavy vehicle—50 per cent or, if some other percentage is fixed by the regulations, that percentage.

**Insertion of s. 34a**

11. The following section is inserted after section 34 of the principal Act:

**Application of ss. 35-36 and 38-38b**

34a. Sections 35 and 36 and 38 to 38b (inclusive) do not apply in relation to a heavy vehicle.

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**Amendment of s. 37—Registration fees for vehicles in outer areas**

12. Section 37 of the principal Act is amended by striking out from subsection (2) "the registration fee is one-half of the prescribed registration fee." and substituting the following words and paragraphs:

the prescribed registration fee must be reduced by—

- (d) in the case of a heavy vehicle of a prescribed class—
  - (i) 40 per cent of that component of the fee that is calculated by reference to charges prescribed by or under the Commonwealth Road Transport Charges Act;
- or
- (ii) if some other percentage of that component of the fee is fixed by the regulations—that percentage;
- (e) in the case of a vehicle that is not a heavy vehicle—50 per cent or, if some other percentage is fixed by the regulations, that percentage.

**Insertion of s. 43a**

13. The following section is inserted after section 43 of the principal Act:

**Temporary configuration certificate for heavy vehicle**

43a. (1) A person must not drive a registered heavy vehicle on a road in an unregistered configuration unless a temporary configuration certificate is in force under this section in respect of the vehicle for that configuration.

(2) If a person drives a heavy vehicle on a road in contravention of subsection (1), the vehicle will be taken to be unregistered for the purposes of this Act.

(3) If a person is guilty of an offence of driving an unregistered vehicle on a road by virtue of subsection (2), a person who caused or permitted the vehicle to be so driven is also guilty of an offence.

Penalty: Division 9 fine.

- (4) If the owner of a registered heavy vehicle—
  - (a) applies for a temporary configuration certificate to be issued in respect of the vehicle for a configuration other than the vehicle's registered configuration;
- and
- (b) pays to the Registrar—
  - (i) a fee equal to the product obtained by multiplying the number of days in the period for which the certificate is to be in force or 90 days (whichever is the greater) by one-three hundred and sixty fifth of the difference between—

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(A) the prescribed registration fee that would be payable for registration of the vehicle for 12 months if that other configuration were nominated in an application for such registration;

and

(B) the prescribed registration fee that would be payable for registration of the vehicle for 12 months if its registered configuration were nominated in an application for such registration,

(a fraction of one dollar being counted as one dollar);

and

(ii) the prescribed administration fee,

the Registrar may issue such a certificate to the owner of the vehicle.

(5) A certificate may be issued under this section in respect of a vehicle so as to be in force for a period specified in the certificate at the option of the applicant, being a period not exceeding the unexpired portion of the vehicle's registration.

(6) A certificate under this section will be in a form determined by the Minister.

(7) A person must not drive a vehicle on a road while a certificate is in force in respect of the vehicle under this section unless the certificate is carried in the vehicle in accordance with the regulations.

Penalty: Division 11 fine.

(8) If the Registrar is satisfied that a certificate under this section has been lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate.

(9) The Registrar may, on application by the holder of a certificate under this section, cancel the certificate.

(10) If the registration of a vehicle in respect of which a certificate is in force under this section is cancelled or transferred, the certificate is cancelled.

(11) Subject to subsection (12), if a certificate under this section is cancelled, any registration fee paid for the issue of the certificate is not refundable.

(12) The Registrar may, if satisfied that reasonable cause exists for doing so, refund all or part of a fee (other than an administration fee) paid for the issue of a certificate under this section.

(13) Where the person recorded in the register of motor vehicles as the owner of a heavy vehicle is convicted of an offence of driving the vehicle while it is unregistered by virtue of subsection (2) or of an offence against subsection (3), the court must order, in addition to any other penalty it may have imposed, that the convicted person pay to the Registrar within a period specified in the order, the difference between—

(a) the prescribed registration fee that would have been payable for registration of the vehicle for the period for which the vehicle's registration was effected if the current configuration of the vehicle at the time of the offence had been nominated in the application for the registration of the vehicle;

and

(b) the prescribed registration fee that was paid for registration of the vehicle.

(14) On making an order under subsection (13), the court must notify the Registrar in writing of the terms of the order.

(15) Despite any other provision of this Act, registration fees paid pursuant to an order under subsection (13) are not refundable on subsequent cancellation of registration.

(16) For the purposes of this section—

(a) "**current configuration**", in relation to a registered heavy vehicle, means the vehicle in its current form together with the trailers (within the meaning of the Commonwealth Road Transport Charges Act), if any, that are being hauled by the vehicle;

(b) "**registered configuration**", in relation to a registered heavy vehicle, means the configuration nominated in the application for the registration of the vehicle;

(c) the current configuration of a registered heavy vehicle will be taken to be an unregistered configuration if—

(i) it does not conform to the vehicle's registered configuration;

and

(ii) the amount paid for registration in respect of the vehicle was less than the amount that would have been payable if the vehicle's current configuration had been nominated in the application for the registration of the vehicle.

**Amendment of s. 44—Duty to notify alterations or additions to vehicles**

14. Section 44 of the principal Act is amended by inserting after subsection (3a) the following subsection:

(3b) Despite subsections (3) and (3a), the regulations may, for cases of a prescribed kind, provide a different method for calculating an additional fee payable under subsection (3).



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**Amendment of s. 55—Amount of prescribed refund**

15. Section 55 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) Despite subsection (1), the regulations may, for cases of a specified kind, provide a different method for calculating the prescribed refund.

**Amendment of s. 145—Regulations**

16. Section 145 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) The regulations may prescribe a matter by reference to the *Road Transport Charges (Australian Capital Territory) Act 1993* of the Commonwealth as amended and in force from time to time.

**Amendment of Stamp Duties Act 1923**

17. The *Stamp Duties Act 1923* is amended—

(a) by striking out from schedule 2 item 10A of the exemptions from payment of the *Component payable in respect of Registration* appearing under the heading commencing "APPLICATION to Register a Motor Vehicle" and substituting the following items:

10A. Any application to register a motor vehicle where the vehicle is to be registered under section 25 of the *Motor Vehicles Act 1959* on payment only of the administration fee prescribed under that Act.

10B. Any application to register a special purpose vehicle (as defined in the *Road Transport Charges (Australian Capital Territory) Act 1993* of the Commonwealth as amended and in force from time to time) where the vehicle is to be registered under section 25 of the *Motor Vehicles Act 1959*;

(b) by striking out from schedule 2 the two entries immediately under the heading *Component payable in respect of a Policy of Insurance* appearing under the heading commencing "APPLICATION to Register a Motor Vehicle" and substituting the following entry:

Where the application is for registration of the vehicle for a period of—

- |  |        |
|--|--------|
| (a) less than 12 months (for each 3 months or part of each 3 months in the period of registration) . . . . . | 4.00   |
| (b) for 12 months . . . . .  | 15.00; |

(c) by striking out from schedule 2 item 5A of the exemptions from payment of the *Component payable in respect of a Policy of Insurance* appearing under the heading commencing "APPLICATION to Register a Motor Vehicle" and substituting the following items:

5A. Policy of insurance where the motor vehicle is to be registered under section 25 of the *Motor Vehicles Act 1959* on payment only of the administration fee prescribed under that Act.

**5B.** Policy of insurance where a special purpose vehicle (as defined in the *Road Transport Charges (Australian Capital Territory) Act 1993* of the Commonwealth as amended and in force from time to time) is to be registered under section 25 of the *Motor Vehicles Act 1959*.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor