

TASMANIA

**VEHICLE AND TRAFFIC AMENDMENT (HEAVY
VEHICLE CHARGES) BILL 2008**

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VEHICLE AND TRAFFIC AMENDMENT (HEAVY VEHICLE CHARGES) BILL 2008

(Brought in by the Minister for Infrastructure, Resources, Planning and Workplace Relations, the Honourable Steven Kons)

A BILL FOR

An Act to amend the *Vehicle and Traffic Act 1999*

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:

1. Short title

This Act may be cited as the *Vehicle and Traffic Amendment (Heavy Vehicle Charges) Act 2008*.

2. Commencement

This Act commences on 1 July 2008.

3. Principal Act

In this Act, the *Vehicle and Traffic Act 1999** is referred to as the Principal Act.

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4. Section 34 amended (Imposition of motor tax for light vehicles)

Section 34 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “motor vehicle or a trailer” and substituting “light vehicle”;
- (b) by omitting from subsection (2) “subsections (3) and (5)” and substituting “subsection (3)”;
- (c) by omitting from subsection (3) “for a light vehicle”;
- (d) by omitting subsections (5), (6), (7), (8) and (9).

5. Section 34A inserted

After section 34 of the Principal Act, the following section is inserted in Part 5:

34A. Imposition of motor tax for heavy vehicles

- (1) Tax is imposed in respect of a heavy vehicle used or to be used on a public street.
- (2) The amount of the tax is the amount prescribed by Schedule 2.

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6. Schedule 1 amended (Rates of Motor Tax)

Schedule 1 to the Principal Act is amended as follows:

- (a) by omitting the heading and substituting the following heading:

**SCHEDULE 1 – RATES OF MOTOR TAX FOR
LIGHT VEHICLES**

- (b) by omitting Part 3.

7. Schedule 2 inserted

After Schedule 1 to the Principal Act, the following Schedule is inserted:

**SCHEDULE 2 – RATES OF MOTOR TAX FOR
HEAVY VEHICLES**

Section 34A

1. Interpretation

- (1) In this Schedule –

“**annual adjustment factor**” – see clause 6;

“**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

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so to allow rotary movement between the sections;

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

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

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

“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;

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

“fifth wheel coupling” means a device, other than the upper

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rotating element and the kingpin (which are parts of a semi-trailer), used with a prime mover, semi-trailer or converter dolly to permit quick coupling and uncoupling and to provide for articulation;

“goods”, for a vehicle, does not include the fuel, water, lubricants, tools and other equipment needed for the normal operation of the vehicle;

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

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

“low loader dolly” means a mass-distributing device that –

- (a) is usually coupled between a prime mover and low loader; and
- (b) consists of a gooseneck rigid frame; and
- (c) does not directly carry any load on itself; and

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(d) is equipped with one or more axles, a kingpin and a fifth wheel coupling;

“nominated” means nominated by the person applying for registration;

“passengers”, for a vehicle, does not include the driver, trainee driver or any other person needed for the normal operation of the vehicle;

“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;

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“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;

“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 that has been built, or permanently modified, to be used primarily for a purpose other than the carriage of passengers or goods; or
- (b) such other vehicle as is prescribed as a special-purpose vehicle;

“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;

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“tax table” means –

- (a) for the financial year commencing on 1 July 2008, the table at the foot of clause 2; and
- (b) for the financial year commencing on 1 July 2009, the table at the foot of clause 3; and
- (c) for the financial year commencing on 1 July 2010, the table at the foot of clause 4(2);

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

“twinsteer axle group” means a group of 2 axles –

- (a) with single tyres; and
- (b) fitted to a motor vehicle; and
- (c) connected to the same steering mechanism; and

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- (d) the horizontal distance between the centre-lines of which is at least 1 metre, but not more than 2 metres;

“type” includes category.

- (2) In determining, for the purposes of this Schedule, 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.
- (3) For the purpose of this Schedule (other than the definitions of “single axle group”, “tandem axle group”, “tri-axle group”, “twinsteer axle group” and “quad-axle group”) –
 - (a) 2 axles positioned less than 1 metre apart are to be regarded as one axle; and
 - (b) 3 axles positioned not more than 2 metres apart are to be regarded as 2 axles; and

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- (c) 4 axles positioned not more than 3.2 metres apart are to be regarded as 3 axles.

2. Heavy vehicle tax for 2008/09

For the financial year commencing on 1 July 2008, the amount of tax payable for a heavy vehicle of a type specified in column 2 of the tax table is the amount correspondingly specified in column 3 of the tax table.

Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Tax payable (\$)
	<i>Trucks</i>	
1.	A 2 axle truck with a GVM not exceeding 12 tonnes	380
2.	A 2 axle truck with a GVM exceeding 12 tonnes	652
3.	A 2 axle truck nominated for use in a combination having a trailer with a laden mass exceeding 4.5 tonnes and a mass entitlement not exceeding 42.5 tonnes	652
4.	A 2 axle truck nominated for use in a combination having one trailer and more than 6 axles or a mass entitlement exceeding 42.5 tonnes	5 161
5.	A 3 axle truck with a GVM not exceeding 16.5 tonnes	652
6.	A 3 axle truck with a GVM exceeding 16.5 tonnes	859

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Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Tax payable (\$)
7.	A 3 axle truck nominated for use in a combination having a trailer with a laden mass exceeding 4.5 tonnes and a mass entitlement not exceeding 42.5 tonnes	859
8.	A 3 axle truck nominated for use in a combination having one trailer and more than 6 axles or a mass entitlement exceeding 42.5 tonnes	5 161
9.	A truck with 4 or more axles and a GVM not exceeding 20 tonnes	652
10.	A truck with 4 or more axles and a GVM exceeding 20 tonnes	859
11.	A truck with 4 or more axles and nominated for use in a combination having a trailer with a laden mass exceeding 4.5 tonnes and a mass entitlement not exceeding 42.5 tonnes	1 593
12.	A truck with 4 or more axles and nominated for use in a combination having one trailer and more than 6 axles or a mass entitlement exceeding 42.5 tonnes	5 574
	<i>Prime Movers</i>	
1.	A prime mover with 2 axles	1 000
2.	A prime mover with 3 axles	3 930
3.	A prime mover with 4 or more axles	4 322
4.	A prime mover with 2 axles and nominated for use in a combination having 2 semi-trailers	7 050
5.	A prime mover with 3 axles and nominated for use in a combination having 2 semi-trailers	7 050

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Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Tax payable (\$)
6.	A prime mover with 4 or more axles and nominated for use in a combination having 2 semi-trailers	7 755
	<i>Buses</i>	
1.	A 2 axle rigid bus with a GVM not exceeding 12 tonnes	380
2.	A 2 axle rigid bus with a GVM exceeding 12 tonnes	380
3.	A rigid bus with 3 or more axles	2 087
4.	An articulated bus	380
	<i>Trailers</i>	
1.	A goods-carrying trailer with a GVM exceeding 4.5 tonnes but less than 9 tonnes	166
2.	A single or tandem axle semi-trailer (excluding a converter dolly) with a GVM of 9 tonnes or more	380 (per axle)
3.	A tri-axle or quad-axle semi-trailer (excluding a converter dolly) with a GVM of 9 tonnes or more	380 (per axle)
4.	A pig trailer with a GVM exceeding 9 tonnes	380 (per axle)
5.	A dog trailer with a GVM exceeding 9 tonnes	380 (per axle)
6.	A converter dolly or low loader dolly with a GVM exceeding 4.5 tonnes	380 (per axle)
7.	B-double lead trailer – single axle	380 (per axle)
8.	B-double lead trailer – tandem axle	380 (per axle)
9.	B-double lead trailer – tri-axle and quad-axle	380 (per axle)

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Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Tax payable (\$)
	<i>Special-purpose vehicles</i>	
1.	A special-purpose vehicle (type p), being a special-purpose vehicle built, or permanently modified, primarily for – (a) off-road use; or (b) use on public streets that are under construction or repair	Nil
2.	A special-purpose vehicle (type t), being a special-purpose vehicle (other than one referred to in item 1) that – (a) has been built, or permanently modified, for use on public streets; and (b) has no axle group loaded in excess of the mass limits prescribed under this Act	248
3.	A special-purpose vehicle (type o), being a special-purpose vehicle (other than one referred to in item 1) that – (a) has been built, or permanently modified, primarily for use on public streets; and (b) has at least one axle or axle group loaded in excess of the mass limits prescribed under this Act	310 + (310 x number of axles over 2)

3. Heavy vehicle tax for 2009/10

(1) In this clause –

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“**base tax**”, for a heavy vehicle, means the amount specified in column 3 of the tax table for that type of heavy vehicle.

(2) For the financial year commencing on 1 July 2009, the amount of tax payable for a heavy vehicle of a type specified in column 2 of the tax table is to be calculated by –

- (a) multiplying the base tax for that heavy vehicle by the annual adjustment factor for that financial year; and
- (b) adding the result to or, if the percentage is negative, subtracting the result from that base tax; and
- (c) rounding the result up or down to the nearest dollar (rounding an amount of 50 cents upwards).

Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Base tax (\$)
	<i>Trucks</i>	
1.	A 2 axle truck with a GVM not exceeding 12 tonnes	380
2.	A 2 axle truck with a GVM exceeding 12 tonnes	652

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Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Base tax (\$)
3.	A 2 axle truck nominated for use in a combination having a trailer with a laden mass exceeding 4.5 tonnes and a mass entitlement not exceeding 42.5 tonnes	652
4.	A 2 axle truck nominated for use in a combination having one trailer and more than 6 axles or a mass entitlement exceeding 42.5 tonnes	5 828
5.	A 3 axle truck with a GVM not exceeding 16.5 tonnes	652
6.	A 3 axle truck with a GVM exceeding 16.5 tonnes	859
7.	A 3 axle truck nominated for use in a combination having a trailer with a laden mass exceeding 4.5 tonnes and a mass entitlement not exceeding 42.5 tonnes	859
8.	A 3 axle truck nominated for use in a combination having one trailer and more than 6 axles or a mass entitlement exceeding 42.5 tonnes	5 828
9.	A truck with 4 or more axles and a GVM not exceeding 20 tonnes	652
10.	A truck with 4 or more axles and a GVM exceeding 20 tonnes	859
11.	A truck with 4 or more axles and nominated for use in a combination having a trailer with a laden mass exceeding 4.5 tonnes and a mass entitlement not exceeding 42.5 tonnes	1 593
12.	A truck with 4 or more axles and nominated for use in a combination having one trailer and more than 6 axles or a mass entitlement exceeding 42.5 tonnes	6 295

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Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Base tax (\$)
	<i>Prime Movers</i>	
1.	A prime mover with 2 axles	1 000
2.	A prime mover with 3 axles	3 930
3.	A prime mover with 4 or more axles	4 322
4.	A prime mover with 2 axles and nominated for use in a combination having 2 semi-trailers	7 050
5.	A prime mover with 3 axles and nominated for use in a combination having 2 semi-trailers	7 050
6.	A prime mover with 4 or more axles and nominated for use in a combination having 2 semi-trailers	7 755
	<i>Buses</i>	
1.	A 2 axle rigid bus with a GVM not exceeding 12 tonnes	380
2.	A 2 axle rigid bus with a GVM exceeding 12 tonnes	380
3.	A rigid bus with 3 or more axles	2 087
4.	An articulated bus	380
	<i>Trailers</i>	
1.	A goods-carrying trailer with a GVM exceeding 4.5 tonnes but less than 9 tonnes	166
2.	A single or tandem axle semi-trailer (excluding a converter dolly) with a GVM of 9 tonnes or more	380 (per axle)

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Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Base tax (\$)
3.	A tri-axle or quad-axle semi-trailer (excluding a converter dolly) with a GVM of 9 tonnes or more	405 (per axle)
4.	A pig trailer with a GVM exceeding 9 tonnes	380 (per axle)
5.	A dog trailer with a GVM exceeding 9 tonnes	380 (per axle)
6.	A converter dolly or low loader dolly with a GVM exceeding 4.5 tonnes	380 (per axle)
7.	B-double lead trailer – single axle	380 (per axle)
8.	B-double lead trailer – tandem axle	1 140 (per axle)
9.	B-double lead trailer – tri-axle and quad-axle	1 190 (per axle)
<i>Special-purpose vehicles</i>		
1.	A special-purpose vehicle (type p), being a special-purpose vehicle built, or permanently modified, primarily for – <ul style="list-style-type: none"> (a) off-road use; or (b) use on public streets that are under construction or repair 	Nil
2.	A special-purpose vehicle (type t), being a special-purpose vehicle (other than one referred to in item 1) that – <ul style="list-style-type: none"> (a) has been built, or permanently modified, for use on public streets; and 	248

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Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Base tax (\$)
3.	<p>(b) has no axle group loaded in excess of the mass limits prescribed under this Act</p> <p>A special-purpose vehicle (type o), being a special-purpose vehicle (other than one referred to in item 1) that –</p> <p>(a) has been built, or permanently modified, primarily for use on public streets; and</p> <p>(b) has at least one axle or axle group loaded in excess of the mass limits prescribed under this Act</p>	$310 + (310 \times \text{number of axles over } 2)$

4. Heavy vehicle tax for 2010/11

(1) In this clause –

“**additional tax**”, for a heavy vehicle, means the amount specified in column 3 of the tax table for that type of heavy vehicle;

“**previous tax**”, for a heavy vehicle, means the amount of tax that was payable under clause 3 for the heavy vehicle for registration for the full term of the financial year commencing on 1 July 2009 (regardless of whether that amount was actually or fully paid).

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- (2) For the financial year commencing on 1 July 2010, the amount of tax payable for a heavy vehicle of a type specified in column 2 of the tax table is to be calculated by –
- (a) adding the additional tax for that heavy vehicle to the previous tax for that heavy vehicle; and
 - (b) multiplying the amount determined under paragraph (a) by the annual adjustment factor for that financial year; and
 - (c) adding the result to or, if the percentage is negative, subtracting the amount from the amount determined under paragraph (a); and
 - (d) rounding the result up or down to the nearest dollar (rounding an amount of 50 cents upwards).

Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Additional tax (\$)
1.	Tri-axle or quad-axle semi-trailer (excluding a converter dolly) with a GVM of 9 or more tonnes	25 (per axle)
2.	B-double lead trailer – tandem axle	760 (per axle)

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Column 1 Item	Column 2 Type of heavy vehicle	Column 3 Additional tax (\$)
3.	B-double lead trailer – tri-axle and quad-axle	810 (per axle)

(3) For the financial year commencing on 1 July 2010, the amount of tax payable for a heavy vehicle of a type not specified in column 2 of the tax table is to be calculated by –

- (a) multiplying the previous tax for that heavy vehicle by the annual adjustment factor for that financial year; and
- (b) adding the result to or, if the percentage is negative, subtracting the result from the amount of that previous tax; and
- (c) rounding the result up or down to the nearest dollar (rounding an amount of 50 cents upwards).

5. Heavy vehicle tax for 2011/12 and beyond

(1) In this clause –

“out financial year” means a financial year following the

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financial year ending on
30 June 2011;

“previous tax”, for a heavy vehicle in respect of a financial year, means the amount of tax payable for the heavy vehicle under this Schedule for registration for the full term of the immediately preceding financial year (regardless of whether that amount was actually or fully paid).

- (2) For an out financial year, the amount of tax payable for a heavy vehicle is to be calculated by –
- (a) multiplying the annual adjustment factor for that out financial year by the previous tax; and
 - (b) adding the result to or, if the percentage is negative, subtracting the amount from the previous tax; and
 - (c) rounding the result up or down to the nearest dollar (rounding an amount of 50 cents upwards).

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6. Annual adjustment factor

- (1) The annual adjustment factor for a financial year is the figure determined by the Minister, by notice published in the *Gazette*, based on the formula that –
 - (a) is determined by the National Transport Commission, established under the *National Transport Commission Act 2003* of the Commonwealth, in respect of that financial year; and
 - (b) reflects changes in the expenditure of State and local governments on roads and expected changes in road use by heavy vehicles.
- (2) A notice under subclause (1) is not –
 - (a) a statutory rule for the purposes of the *Rules Publication Act 1953*; or
 - (b) subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.
- (3) Sections 47(3), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* apply to a notice under subclause (1) as if it were regulations within the meaning of the Act.

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7. Heavy vehicles in 2 or more categories

- (1) For the purposes of this Schedule, if a heavy vehicle falls within 2 or more categories of heavy vehicle, the tax payable for the heavy vehicle is the higher or highest of the taxes that could apply to the heavy vehicle.
- (2) Subclause (1) prevails over any other provision of this Schedule.