

POLICE**PE301****ROAD TRAFFIC ACT 1974****ROAD TRAFFIC (LICENSING) AMENDMENT REGULATIONS
(NO. 4) 1995**

Made by the deputy of the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Road Traffic (Licensing) Amendment Regulations (No. 4) 1995*.

Commencement

2. These regulations come into operation on the day on which the *Road Traffic Amendment Act 1995* comes into operation.

Principal regulations

3. In these regulations the *Road Traffic (Licensing) Regulations 1975** are referred to as the principal regulations.

[* Reprinted as at 5 October 1994.
For amendments to 7 November 1995 see 1994 Index to Legislation of Western Australia, Table 4, p. 242, and Gazettes of 10 January, 26 May and 27 June 1995.]

Regulation 3 amended

4. Regulation 3 (1) of the principal regulations is amended by deleting the definitions of "Act", "regulation" and "Schedule".

Part IIIA inserted

5. After Part III of the principal regulations the following part is inserted —

PART IIIA — VEHICLE LICENCE FEE EXEMPTIONS AND CONCESSIONS

Division 1 — Preliminary

Interpretation

21A. (1) In this Part, unless the contrary intention appears —

"farm" means the land on which a farmer carries on the farmer's farming business;

"farmer" means a person who carries on business as a farmer or grazier;

"farming business" means the business of farming or grazing;

"load capacity", in relation to a vehicle, means —

(a) the load or carrying capacity specified in the vehicle's licence or the records kept under the Act; or

(b) if no capacity is so specified, the difference between —

(i) the vehicle's maximum permissible gross weight or aggregate weight specified in the vehicle's licence or the records kept under the Act; and

(ii) the vehicle's tare weight;

"vehicle licence fee" means the relevant fee as set out in Part III of the Second Schedule to the Act or, if the grant or renewal of a vehicle licence is for a period of less than 12 months, the fee calculated under section 18 (7) (a) and (b) of the Act.

(2) A reference in this Part to a vehicle being used for any purpose is to be read as a reference to the vehicle being used for that purpose during the period in respect of which a vehicle licence for the vehicle is to be granted or renewed.

(3) A reference in this Part to a vehicle licence fee in relation to a vehicle is a reference to a vehicle licence fee for the grant or renewal of a vehicle licence for that vehicle.

Statutory declaration

21B. The Board may, in order to satisfy itself of any of the matters referred to in this Part, require any information contained in an application for the grant or renewal of a vehicle licence to be verified by a statutory declaration.

Division 2 — Exemptions

Crown vehicles

21C. (1) This regulation applies to a vehicle if the Board is satisfied that the vehicle —

- (a) is owned by the Crown;
- (b) is owned by a local authority;
- (c) is owned by the Western Australian Fire Brigades Board constituted under the *Fire Brigades Act 1942*, or any other fire brigade, and is to be used exclusively for preventing and extinguishing fires or dealing with other emergencies; or
- (d) is to be used exclusively as an ambulance.

(2) No vehicle licence fee is payable for a vehicle to which this regulation applies.

Farm vehicles

21D. (1) This regulation applies to a vehicle if the Board is satisfied that the vehicle is owned by a farmer and is to be used only on the owner's farm or —

- (a) to pass from one portion of the farm to another;
- (b) to travel between the farm and some other place to carry out fire fighting or fire prevention operations;
- (c) to travel between the farm and some other place to take part in fire control exercises previously authorized by a bush fire control officer appointed under the *Bush Fires Act 1954*; or
- (d) if the farm is in an area that is declared by the Minister for Primary Industry to be drought affected or water deficient, to travel between the farm and a water supply for the purpose of carting water for stock or for domestic purposes.

(2) This regulation does not apply to a tractor or tractor plant to which regulation 21M applies.

(3) No vehicle licence fee is payable for a vehicle to which this regulation applies.

Division 3 — Reduction of fee

Trailers and semi-trailers used outside South West Division

21F. (1) This regulation applies to a vehicle that is a trailer or semi-trailer if the Board is satisfied that the vehicle —

- (a) has a tare weight exceeding 2 tonnes; and

- (b) is to be used exclusively on roads outside the South West Division within the meaning of the *Land Act 1928*.

(2) The vehicle licence fee payable for a vehicle to which this regulation applies is reduced by 50%.

Vehicles used for prospecting

21G. (1) This regulation applies to a vehicle if the Board is satisfied that the vehicle —

- (a) is owned by —
 - (i) a *bona fide* prospector; or
 - (ii) a person (other than a company within the meaning of the Corporations Law) who searches for or produces metals or minerals from land in which the person holds an interest; and
- (b) is to be used by that prospector or person solely or principally in connection with prospecting.

(2) The vehicle licence fee payable for a vehicle to which this regulation applies is reduced by 50%.

Vehicles used for pulling sandalwood

21H. (1) This regulation applies to a vehicle if the Board is satisfied that the vehicle —

- (a) is owned by a *bona fide* sandalwood puller; and
- (b) is to be used by that person solely or principally in connection with the pulling of sandalwood.

(2) The vehicle licence fee payable for a vehicle to which this regulation applies is reduced by 50%.

Vehicles used for kangaroo hunting

21I. (1) This regulation applies to a vehicle if the Board is satisfied that the vehicle —

- (a) is owned by a *bona fide* kangaroo hunter; and
- (b) is to be used by that person solely or principally in connection with the hunting of kangaroos.

(2) The vehicle licence fee payable for a vehicle to which this regulation applies is reduced by 50%.

Vehicles used for beekeeping

21J. (1) This regulation applies to a vehicle if the Board is satisfied that the vehicle —

- (a) is owned by a person who is a beekeeper within the meaning of the *Beekeepers Act 1963* and who engages in the keeping of bees substantially as a means of livelihood; and
- (b) is to be used by the person solely or principally in connection with beekeeping.

(2) The vehicle licence fee payable for a vehicle to which this regulation applies is reduced by 50%.

Vehicles used to transport stock

21K. (1) This regulation applies to a vehicle if the Board is satisfied that the vehicle —

- (a) has a tare weight exceeding 1 524 kilograms;
- (b) is owned by a person who carries on the business of transporting stock; and
- (c) is to be used by the person solely or principally for journeys that involve the carriage of stock.

(2) The vehicle licence fee payable for a vehicle to which this regulation applies is reduced by 50%.

(3) A vehicle licence in respect of which a reduced vehicle licence fee is paid under subregulation (2) is taken to be subject to conditions that —

- (a) the vehicle shall not be used for any journey that involves the carriage of goods other than a journey that involves the carriage of stock; and
- (b) goods other than stock shall not be carried on the vehicle in the course of a journey that involves the carriage of stock unless the carriage of those goods is authorized by the Board under subregulation (4).

(4) The Board may authorize the use of a vehicle to which this regulation applies to carry goods other than stock on a specified journey or on a specified part of a journey.

(5) An authorization shall be in writing and may be amended or revoked by the Board.

(6) The fee specified in item 9A of Schedule 2 is payable for the grant of an authorization.

(7) All fees received by the Board under subregulation (6) are to be credited to the Consolidated Fund.

Farm haulage vehicles

21L. (1) This regulation applies to a vehicle that is a motor wagon, trailer, semi-trailer or is to be used for the purpose of hauling a trailer or semi-trailer, if the Board is satisfied that the vehicle —

- (a) is owned by a farmer; and
- (b) is to be used solely or principally for carrying the products of, or requisites for, the owner's farming business.

(2) This regulation does not apply to —

- (a) a tractor or tractor plant to which regulation 21M applies; or
- (b) a vehicle that has a tare weight of less than 1 524 kilograms.

(2) The vehicle licence fee payable for a vehicle to which this regulation applies is reduced by 50%.

(3) A reduction under this regulation does not apply at any one time in respect of more than one vehicle used in connection with the carrying on of the same business.

(4) Subregulation (3) does not prevent a reduction applying in respect of —

- (a) a semi-trailer if a reduction also applies in respect of a vehicle that is to be used for the purpose of hauling that semi-trailer; or
- (b) a vehicle if a reduction also applies in respect of a semi-trailer that is to be hauled by that vehicle.

Farm tractors

21M. (1) This regulation applies to a vehicle that is a tractor (other than a prime mover type) or tractor plant if the Board is satisfied that the vehicle is owned by a farmer and is to be used only in connection with the owner's farming business or —

- (a) to pass from one portion of the owner's farm to another;
- (b) to travel between the owner's farm and some other place to carry out fire fighting or fire prevention operations;
- (c) to travel between the owner's farm and some other place to take part in fire control exercises previously authorized by a bush fire control officer appointed under the *Bush Fires Act 1954*; or
- (d) if the farm is in an area that is declared by the Minister for Primary Industry to be drought affected or water deficient, to travel between the owner's farm and a water supply for the purpose of carting water for stock or for domestic purposes.

(2) The vehicle licence fee payable for a vehicle to which this regulation applies is reduced to \$4.

Diesel vehicles

21N. (1) This regulation applies to a vehicle if the Board is satisfied that the vehicle —

- (a) is a diesel engined vehicle; or
- (b) is a semi-trailer, converter dolly trailer or trailer, other than a plant trailer, and is to be hauled solely by a diesel engined tractor (prime mover type).

(2) This regulation does not apply to —

- (a) a motor wagon that has a tare weight exceeding 5 865 kilograms unless the load capacity of the vehicle does not exceed 8 130 kilograms;
- (b) a tractor (prime mover type) that has a tare weight exceeding 3 060 kilograms unless the load capacity of the vehicle does not exceed 8 130 kilograms;
- (c) a trailer or converter dolly trailer that has a tare weight exceeding 2 040 kilograms unless the load capacity of the vehicle does not exceed 8 130 kilograms; or
- (d) a semi-trailer that has a tare weight exceeding 2 040 kilograms unless it is to be hauled solely by a diesel engined tractor (prime mover type) having a load capacity not exceeding 8 134 kilograms.

(3) The vehicle licence fee that, but for this regulation, would be payable for a vehicle to which this regulation applies is reduced by 50%.

Interchangeable semi-trailers

21O. The vehicle licence fee payable for a vehicle which the Board is satisfied is an interchangeable semi-trailer is reduced by 75%.

Vehicles owned by pensioners

21P. (1) This regulation applies to a vehicle if the Board is satisfied that the vehicle —

- (a) is a motor car or motor wagon, with a tare weight not exceeding 3 000 kilograms, a motor propelled caravan, a motor cycle or a moped; and
- (b) is owned by a person who holds a current pensioner concession card issued by the Department of Social Security, or the Department of Veteran's Affairs, of the Commonwealth.

(2) The vehicle licence fee payable for a vehicle to which this regulation applies is reduced by 50%.

(3) A person is not entitled to a reduction under this regulation in respect of more than one vehicle at any one time.

Reductions not cumulative

21Q. (1) Subject to subregulation (3), only one reduction under this Division is to be applied to the vehicle licence fee of a vehicle for any year.

(2) If a vehicle qualifies for 2 or more reductions under this Division, the owner of the vehicle may choose which one is to be applied.

(3) A vehicle licence fee that has been reduced under a regulation in this Division, can be further reduced in accordance with regulation 21N.

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Part heading amended

6. The Part heading to Part VIII of the principal regulations is amended by deleting “PENALTIES” and substituting the following —

“ MISCELLANEOUS ”.

Section 38A inserted

7. After the Part heading to Part VIII of the principal regulations the following regulation is inserted —

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Exemption or refund of fee in particular case

38A. (1) The Board may, in a particular case —

- (a) refund all or part of a payment that has been made in respect of any fee referred to in these regulations; or
- (b) in writing, exempt a person from payment of any fee referred to in these regulations or from payment of part of such a fee,

if the Board is satisfied that exceptional circumstances warrant the refund or exemption being given in that case.

(2) The Board may, in writing given to a person exempted under subregulation (1) (b), vary or revoke the exemption.

(3) An exemption may be given subject to such conditions as the Board thinks fit and specifies in the exemption.

(4) A person must not contravene a condition of an exemption.

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Schedule 2 amended

8. Schedule 2 to the principal regulations is amended by inserting after item 9 the following item —

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9A.	21K	Fee for authorization under regulation 21K (4)	10
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By Command of the deputy of the Governor,

J. PRITCHARD, Clerk of the Council.
