

1995

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Minister for Urban Services)

**Motor Traffic (Consequential Provisions)  
Bill 1995**

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**A BILL**

**FOR**

**An Act to amend certain Acts consequent on the  
*Motor Vehicles (Dimensions and Mass) (Amendment)  
Act 1995***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

**Short title**

5 1. This Act may be cited as the *Motor Traffic (Consequential Provisions) Act 1995*.

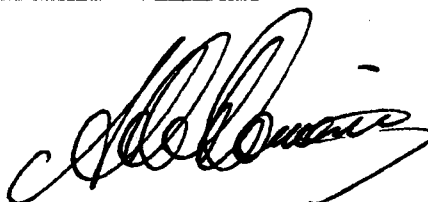
**Commencement**

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

10 (2) The remaining provisions commence on the day on which section 4 of the *Motor Vehicles (Dimensions and Mass) (Amendment) Act 1995* commences.

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85061 1995/164 (T61/95)



## Principal Act

3. In this Act, "Principal Act" means the *Motor Traffic Act 1936*.<sup>1</sup>

## Interpretation

4. Section 4 of the Principal Act is amended—

5 (a) by omitting from subsection (1) the definitions of "B-double",  
"manufacturer's gross combination mass", "manufacturer's gross  
vehicle mass", "road train", "semi-trailer", "vehicle" and  
"wheelchair" and substituting the following definitions:

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

'combination' means a combination consisting of a motor  
vehicle connected to 1 or more trailers;

15 'GCM', in relation to a motor vehicle, means the greatest  
possible sum of the maximum loaded mass of the motor  
vehicle and of any vehicles that may be towed by it at one  
time—

20 (a) that, subject to subsection 8A (1) of the Motor  
Traffic Act, is specified by the manufacturer of the  
motor vehicle or the Registrar, as the case may be;  
or

(b) if the vehicle is registered in a State or another  
Territory and the registration authority of that State  
or other Territory has specified the sum—that is  
specified by that authority;

25 'GVM', in relation to a vehicle, means the maximum loaded  
mass of the vehicle—

(a) that, subject to subsection 8A (2) of the Motor  
Traffic Act, is specified by the manufacturer of the  
vehicle or the Registrar, as the case may be; or

30 (b) if the vehicle is registered in a State or another  
Territory and the registration authority of that State  
or other Territory has specified the mass—that is  
specified by that authority;

35 'road train' means a combination, other than a B-double,  
consisting of a motor vehicle towing at least 2 trailers  
(counting as 1 trailer a dolly supporting a semi-trailer);

'semi-trailer' means a trailer that has—

- 5
- (a) 1 axle not forming part of an axle group, or 1 axle group, that is toward the rear of the trailer; and
  - (b) a means of attachment to a prime mover that would result in some of the mass of the trailer (whether with or without a load) being imposed on the prime mover;

'vehicle' means any means of conveyance that runs on wheels or continuous tracks, but does not include—

- 10
- (a) a vehicle that is designed to run solely on a railway or tram track; or
  - (b) a wheelchair.”; and

(b) by inserting in subsection (1) the following definitions:

15 “ ‘axle’ means a part of a vehicle consisting of 1 or more shafts, spindles or bearings in the same transverse vertical plane by means of which, in conjunction with the wheels mounted on the shafts, spindles or bearings, the whole or part of the mass of the vehicle and its load may be carried;

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

20 ‘dolly’ means a trailer with 1 axle group, or 1 axle not being part of an axle group, designed to convert a semi-trailer into a dog trailer;

‘prime mover’ means a motor vehicle built to tow a semi-trailer;

25 ‘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;

30 ‘registration authority’, in relation to a vehicle registered in a State or another Territory, means a person or body empowered by or under a corresponding law of the Commonwealth, a State or another Territory to regulate the dimensions and mass of vehicles;

35 ‘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;”.

**Registration of motor vehicles**

5. Section 7 of the Principal Act is amended—

- (a) by omitting from paragraph (2) (a) “and”;
- (b) by inserting after paragraph (2) (a) the following paragraph:

5 “(ab) subject to subsection (3) and section 8A—

(i) a GVM is specified in relation to the motor vehicle; and

(ii) in the case of a motor vehicle capable of towing another vehicle—a GCM is specified in relation to the motor vehicle; and”;

10

- (c) by adding at the end the following subsection:

“(3) Paragraph (2) (ab) does not apply to—

- (a) a motor car (other than a motor omnibus);
- (b) a passenger car derivative; or
- (c) a motor cycle.”.

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**Registration of trailers**

6. Section 8 of the Principal Act is amended—

- (a) by omitting from paragraph (2) (a) “and”; and
- (b) by inserting after paragraph (2) (a) the following paragraph:

20 “(ab) in the case of a trailer that is a vehicle—subject to section 8A, a GVM is specified in relation to the trailer; and”.

**Insertion**

7. After section 8 of the Principal Act the following section is inserted:

**Manner of determining GCM or GVM of vehicles**

25 “8A. (1) Subject to subsection (3), if, in relation to a motor vehicle capable of towing another vehicle, the Registrar is satisfied that—

(a) the manufacturer has not specified the greatest possible sum of the maximum loaded mass of the vehicle and of any vehicle that may be towed by it at any one time;

30 (b) the manufacturer’s specification of that sum can not reasonably be ascertained; or

- (c) the motor vehicle has been modified to the extent that the manufacturer's specification of that sum is no longer appropriate;

the Registrar shall specify the greatest possible sum of the maximum loaded mass of the vehicle and of any vehicle that may be towed by it at any one time.

“(2) Subject to subsection (3), if, in relation to a vehicle, the Registrar is satisfied that—

- (a) the manufacturer has not specified the maximum loaded mass;
- (b) the manufacturer's specification of the maximum loaded mass can not reasonably be ascertained; or
- (c) the vehicle has been modified to the extent that the manufacturer's specification of the maximum loaded mass is no longer appropriate;

the Registrar shall specify the maximum loaded mass of the vehicle.

“(3) Subsections (1) and (2) do not apply to—

- (a) a motor car (other than a motor omnibus);
- (b) a passenger car derivative; or
- (c) a motor cycle.

“(4) In determining the sum or mass to be specified under subsection (1) or (2), the Registrar shall have regard to the extent to which use of the vehicle on a public street or in a public place, together with any equipment or load carried on or attached to the vehicle, is likely to cause—

- (a) danger of the death of, or injury to, any person;
- (b) damage to the street, the place or any bridge, culvert, structure or installation; or
- (c) damage to any other property.

“(5) Before making a specification under subsection (1) or (2), the Registrar may cause the motor vehicle or trailer to be examined by a duly qualified mechanical engineer approved by the Minister for the purposes of this subsection.”.

## Schedule 7

8. Schedule 7 to the Principal Act is amended by inserting after item 3 of Part II the following items:

3A	Subsection 8A (1)	Specifying, or refusing to specify, the greatest possible sum of the maximum loaded mass of a motor vehicle and of any vehicles that may be towed by it at any one time
3B	Subsection 8A (2)	Specifying, or refusing to specify, the maximum loaded mass of a vehicle

### Further amendments

9. The Principal Act is amended as set out in the Schedule.

### Amendments of *Motor Traffic (Alcohol and Drugs) Act 1977*

5 10. Section 4 of the *Motor Traffic (Alcohol and Drugs) Act 1977* is amended—

- (a) by omitting from paragraph (a) of the definition of “heavy motor vehicle” in subsection (1) “manufacturer’s gross vehicle mass” and substituting “GVM”; and
- 10 (b) by omitting from paragraph (b) of the definition of “heavy motor vehicle” in subsection (1) “manufacturer’s gross combination mass” and substituting “GCM”.

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## SCHEDULE

Section 9

### FURTHER AMENDMENTS

15 **Section 4 (definition of “heavy articulated vehicle”, paragraph (a))—**

Omit “manufacturer’s gross combination mass”, substitute “GCM”.

**Section 4 (definition of “heavy trailer combination”)—**

20 Omit “manufacturer’s gross vehicle mass” (wherever occurring), substitute “GVM”.

**Section 4 (definition of “light motor omnibus”, paragraph (a))—**

Omit “manufacturer’s gross vehicle mass”, substitute “GVM”.

**Section 4 (definition of “light truck”, paragraph (a))—**

**SCHEDULE—continued**

Omit “manufacturer’s gross vehicle mass”, substitute “GVM”.

**Section 4 (definition of “light vehicle”, paragraph (a))—**

Omit “manufacturer’s gross vehicle mass”, substitute “GVM”.

5 **Section 4 (definition of “small motor omnibus”, paragraph (a))—**

Omit “manufacturer’s gross vehicle mass”, substitute “GVM”.

**Subsection 7A (1) (definition of “heavy motor vehicle”, subparagraph (a) (ii) and paragraph (b))—**

Omit “manufacturer’s gross vehicle mass”, substitute “GVM”.

10 **Paragraph 9A (8) (c)—**

Omit “manufacturer’s gross vehicle mass”, substitute “GVM”.

**Sub-subparagraph 9B (2) (e) (ii) (A)—**

Omit “manufacturer’s gross combination mass”, substitute “GCM”.

**Paragraph 9B (21) (b)—**

15 Omit “manufacturer’s gross vehicle mass”, substitute “GVM”.

**Sub-subparagraph 10 (3) (c) (ii) (A)—**

Omit “manufacturer’s gross combination mass”, substitute “GCM”.

**Sub-subparagraph 176 (5) (h) (ii) (A)—**

Omit “manufacturer’s gross combination mass”, substitute “GCM”.

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**NOTE**

**Principal Act**

1. Reprinted as at 28 February 1995. See also Acts Nos. 8 and 17, 1995.