

**ROAD MAINTENANCE (CONTRIBUTION) ACT,  
1963-1975****SUMMARY OF PROVISIONS**

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**SCHEDULES**

## ROAD MAINTENANCE (CONTRIBUTION) ACT, 1963-1975

being

Road Maintenance (Contribution) Act, 1963, No. 63 of 1963 [Assented to 5th December, 1963]<sup>1</sup>;

as amended by

Road Maintenance (Contribution) Act Amendment Act, 1968, No. 7 of 1968 [Assented to 19th September, 1968];

Road Maintenance (Contribution) Act Amendment Act, 1975, No. 23 of 1975 [Assented to 27th March, 1975]<sup>2</sup>;

Road Maintenance (Contribution) Act Amendment Act (No. 2), 1975, No. 82 of 1975 [Assented to 13th November, 1975]<sup>3</sup>;

and

State Transport Authority Act, 1974-1975, *being* State Transport Authority Act, 1974, No. 41 of 1974 [Assented to 11th April, 1974], *as amended by* State Transport Authority Act Amendment Act, 1975, No. 97 of 1975 [Assented to 20th November, 1975]<sup>4</sup>.

**An Act to impose a charge on the owners of certain motor vehicles as a contribution to the maintenance of public roads, to amend the Road and Railway Transport Act, 1930-1957 and for other purposes.**

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Road Maintenance (Contribution) Act, 1963-1975".

Short title.  
Citation  
amended by 82,  
1975, s. 1(3).

2. This Act shall come into operation on a day to be fixed by the Governor by proclamation<sup>1</sup>.

Commence-  
ment.

3. In this Act unless the context otherwise requires—

Interpretation.

"Commissioner" means the Commissioner of Highways appointed by or pursuant to the Highways Act, 1926-1960<sup>5</sup>;

"commercial goods vehicle" or "vehicle" means any motor vehicle (together with any trailer) which is used or intended to be used for carrying goods for hire or reward or for any consideration or in the course of any trade or business whatsoever;

"goods" includes livestock commodities and all chattels personal;

"load capacity" in the case of a motor vehicle or trailer means—

(a) the load capacity thereof as shown in the certificate of registration issued in respect thereof under the Motor Vehicles Act, 1959-1962<sup>6</sup>, or under any corresponding legislation or ordinance of any State or Territory of the Commonwealth; or

<sup>1</sup> Came into operation 1st July, 1964: *Gaz.* 25th June, 1964, p.1600.

<sup>2</sup> Came into operation 11th December, 1975: *Gaz.* 11th December, 1975, p.3136.

<sup>3</sup> For commencement of Act No. 82 of 1975 see s. 2 of that Act.

<sup>4</sup> Act No. 97 of 1975 came into operation 8th December, 1975: *Gaz.* 4th December, 1975, p. 2994.

<sup>5</sup> Now Highways Act, 1926-1975.

<sup>6</sup> Now Motor Vehicles Act, 1959-1975.

(b) where in such certificate there is shown the maximum permissible gross weight of the motor vehicle or trailer together with the load which may be carried thereon and also the tare weight of the motor vehicle or trailer, the difference between such gross weight and tare weight; or

(c) where no such load capacity or weights are shown in such certificate or no such certificate is in force, the load capacity aforesaid of a similar motor vehicle or trailer registered under the Motor Vehicles Act, 1959-1962<sup>1</sup>:

“motor vehicle” means a vehicle, tractor, or mobile machine driven or propelled or ordinarily capable of being driven or propelled by a steam engine, internal combustion engine, electricity or any other power not being human or animal power, but does not include a mobile machine controlled and guided by a person walking, or a vehicle run upon a railway or tramway:

“operate” means (in the case of any vehicle) carry goods for hire or reward or for any consideration or in the course of any trade or business whatsoever, and “operation” has a corresponding meaning:

“owner” includes every person who is the owner or joint owner or part owner of a commercial goods vehicle and any person who has the use of any such vehicle under a hiring or hire-purchase agreement, and includes any person in whose name a vehicle is registered under the Motor Vehicles Act, 1959-1962<sup>1</sup>, or under any corresponding legislation or ordinance of any State or Territory of the Commonwealth, but does not include an unpaid vendor of such a vehicle under a hire-purchase agreement:

“public road” means any street road lane bridge thoroughfare or place open to or used by the public for passage with vehicles:

“tare weight” in the case of a motor vehicle or trailer means—

(a) the tare weight or weight unladen thereof as shown in the certificate of registration issued in respect thereof under the Motor Vehicles Act, 1959-1962<sup>1</sup>, or under any corresponding legislation or ordinance of any State or Territory of the Commonwealth; or

(b) where no such tare weight or weight unladen is shown in such certificate or no such certificate is in force, the actual weight unladen of the motor vehicle or trailer:

“trailer” means any trailer fore-car side-car or other device attached (temporarily or otherwise) to a motor vehicle and capable of being used to carry goods.

Exemption.

#### 4. This Act shall not apply with respect to—

Para. (a)  
amended by 23,  
1975, s. 3.

(a) any vehicle the load capacity of which (together with any trailer for the time being attached thereto) is not more than 8.15 tonnes; or

(b) any vehicle while being used solely for any or some of the purposes specified in the First Schedule or while travelling unladen directly to or from the business premises of the owner of the vehicle so as to be so used or after having been so used.

<sup>1</sup> Now Motor Vehicles Act, 1959-1975.

5. (1) The owner of every commercial goods vehicle shall as provided by this Act pay to the Commissioner towards compensation for wear and tear caused thereby to public roads in South Australia a charge at the rate prescribed in the Second Schedule.

Contribution towards wear and tear of public roads.

(2) Such charge shall become due at the time of the use of any public road by the vehicle and if not then paid shall be paid and recoverable as in this Act provided.

(3) Any charge payable under this Act shall be a civil debt due to the Commissioner by the owner of the vehicle concerned and, without affecting any other method of recovery provided by this Act, may be recovered by the Commissioner in any court of competent jurisdiction.

6. (1) The owner of the vehicle shall keep in duplicate in or to the effect of the form in the Third Schedule an accurate daily record of all journeys of the vehicle along public roads in South Australia.

Records of journeys of vehicles.

(2) The owner of the vehicle shall retain for a period of six months after the completion of any journey, and on demand make available to the Commissioner or any person authorized in that behalf in writing by the Commissioner (whether generally or in any particular case), a copy of each such record for inspection when so required.

7. (1) Subject to this Act, not later than the fourteenth day of each month each owner of a commercial goods vehicle which has during the preceding month travelled on any public road in South Australia shall deliver to the Commissioner at his office in Adelaide in respect of each such vehicle—

Returns and payments to be made.

(a) the record for the previous month kept pursuant to section 6 of this Act certified as correct; and

(b) the amount of all moneys owing by way of charges payable in respect of such previous month pursuant to the provisions of this Act insofar as not already paid to the Commissioner.

(2) It shall be a sufficient delivery for the purposes of this Act of any record or payment of moneys owing by way of charge if such record or payment is sent by prepaid registered letter through the post addressed to the Commissioner at his office in Adelaide and such letter is posted not later than the day on which such record or payment is by subsection (1) of this section required to be delivered to the Commissioner.

8. Any owner of a vehicle may make arrangements in writing with the Commissioner as to the time and place and manner when where or in which he shall pay the charges which by this Act he is required to pay and as to the records to be made and kept in relation thereto and the delivery thereof to the Commissioner, whereupon the provisions of this Act shall apply in respect of such vehicle subject to such arrangements; but nothing in this section shall affect the amount of charge payable under this Act or shall postpone the payment of any charge for more than three months after the date on which it would otherwise be payable.

Alternative provision as to records, etc.

9. (1) All moneys received by the Commissioner by way of charges under this Act shall be paid by him to the credit of a special account in the books of the Treasurer to be called the "Roads Maintenance Account".

Payments to Roads Maintenance Account.

(2) Money to the credit of that account shall be applied only on the maintenance of public roads (including grants to municipal or district councils for that purpose).

Offences.

## 10. (1) Every person who—

- (a) fails to keep any record as required by this Act or to retain a copy of any such record or to make a copy thereof available for inspection as required by this Act; or
- (b) omits any item from any such record or copy thereof; or
- (c) makes any false or misleading statement in any such record or copy thereof; or
- (d) fails to deliver any such record to the Commissioner as required by this Act; or
- (e) fails to pay to the Commissioner as required by this Act any charges payable in respect of any vehicle—

shall be guilty of an offence against this Act.

Subsec. (2)  
substituted by  
23, 1975, s. 4.

(2) Any person who is guilty of an offence against this Act is liable to a penalty of five hundred dollars.

Subsec. (3)  
inserted by 23,  
1975, s. 4.

(3) Where a person convicted of an offence against this Act is a body corporate, every person concerned in the management of the body corporate may be convicted of the like offence unless he proves that the act or omission constituting the offence took place without his knowledge or consent.

Summary  
Procedure.

11. Proceedings for offences against this Act shall be disposed of summarily.

Recovery of  
contributions.

12. Where any person is convicted of an offence against this Act the court before which he is so convicted may order such person to pay to the Commissioner any amount which from the evidence given during the proceedings the court is satisfied should have been, but has not been, paid to the Commissioner by way of charge under this Act, and, without prejudice to any other method of recovery thereof as an order of the court for the payment of a civil debt, any amount so ordered to be paid shall so far only as relates to its recovery and the consequences of failure to pay be regarded as a fine imposed by the court upon a conviction in the exercise of its ordinary jurisdiction.

Evidence.

13. In any prosecution or proceedings for an offence against this Act in respect of any vehicle—

- (a) a certificate purporting to be signed by the officer in charge of the records maintained by the Commissioner under this Act stating—
  - (i) that no record as prescribed by this Act has been received by the Commissioner in respect of the vehicle in respect of the period stated; or
  - (ii) that the records described therein are the only records as prescribed by this Act received by the Commissioner in respect of the vehicle in respect of the period stated therein; or
  - (iii) that the amount of the payment stated therein to have been made is the total amount of payment (if any) of charges under this Act received by the Commissioner in respect of the vehicle in respect of the period stated therein; or
  - (iv) that no charges under this Act have been received by the Commissioner in respect of the vehicle in respect of the period stated therein—

shall be *prima facie* evidence of the matters so stated;

- (b) any record in respect of the vehicle received by the Commissioner shall unless the contrary is proved be deemed to be a record kept by the owner of the vehicle and delivered to the Commissioner pursuant to this Act;
- (c) a document purporting to be signed by the Registrar of Motor Vehicles or by a person acting on his behalf or by a person deemed, pursuant to the Motor Vehicles Act, 1959-1968<sup>1</sup>, to have acted on his behalf, which states the load capacity of the motor vehicle or trailer, or the maximum permissible gross weight of the motor vehicle or trailer together with the load which may be carried thereon, or the tare weight of the motor vehicle or trailer shall be *prima facie* evidence of the matters so stated; Para. (c) substituted by 7, 1968, s. 2.
- (ca) a certificate or document purporting to be issued pursuant to any enactment of a State, other than this State, or of any Territory of the Commonwealth which states the load capacity of the motor vehicle or trailer, or the maximum permissible gross weight of the motor vehicle or trailer together with the load which may be carried thereon, or the tare weight of such motor vehicle or trailer shall be *prima facie* evidence of the matters so stated; Para. (ca) inserted by 7, 1968, s. 2.
- (d) any statement of weight painted on a motor vehicle or trailer and purporting to be the load capacity thereof or (where statements of weight are painted on a motor vehicle or trailer and purport to be respectively the maximum permissible gross weight of such motor vehicle or trailer together with the load which may be carried thereon and also the tare weight of such motor vehicle or trailer when unladen) the difference between such weights, shall be *prima facie* evidence of the load capacity of the motor vehicle or trailer, as the case may be;
- (e) any certificate or document purporting to be issued pursuant to the Motor Vehicles Act, 1959-1962<sup>1</sup>, or any corresponding previous enactment or to any corresponding legislation or ordinance of any State or Territory of the Commonwealth which states that on any date or during any period—
- (i) the vehicle was registered in the name of any person specified therein; or
  - (ii) the vehicle was not registered in South Australia or the State or Territory in respect of which the certificate or document is issued—

shall be *prima facie* evidence of the matters stated therein.

\* \* \* \* \*

S. 14 repealed  
by the State  
Transport  
Authority Act,  
1974-1975,  
s. 15a as enacted  
by 97, 1975,  
s. 10.

<sup>1</sup> Now Motor Vehicles Act, 1959-1975.

## SCHEDULES

## FIRST SCHEDULE

1. The carriage of berries and other soft fruits, unprocessed market garden and orchard produce (other than potatoes and onions), milk, cream, butter, eggs, meat, fish or flowers, and, on the return trip, any empty containers used on the outward trip for the carriage of any such commodity.

2. The carriage of livestock to or from agricultural shows or exhibitions or from farm to farm.

2nd Sched.  
substituted by  
23, 1975, s. 5.

## SECOND SCHEDULE

1. The rate of charge to be paid in respect of every vehicle shall be .17 cents per tonne of the sum of—

(a) the tare weight of the vehicle;

and

(b) forty per centum of the load capacity of the vehicle,  
per kilometre of public road along which the vehicle travels in South Australia.

2. In assessing such charge, fractions of kilometres shall be disregarded and kilograms (in relation to both tare weight and load capacity) shall be taken into account as decimals of tonnes.

3rd Sched.  
amended by 23,  
1975, s. 6(a) to  
(e);  
82, 1975, s. 3.

## THIRD SCHEDULE

ROAD MAINTENANCE (CONTRIBUTION) ACT, 1963

HIGHWAYS AND LOCAL GOVERNMENT DEPARTMENT

*Certified Record of Journeys*

Owner .....

Address .....

*Description of Vehicle*

Make of Truck ..... Type ..... Regd. No. .... Tare  
Load Weight ..... tonnes.  
Capacity ..... tonnes.

Trailer: Type ..... Regd. No. .... Tare  
Load Weight ..... tonnes.  
Capacity ..... tonnes.

*Statement of Journeys*

During Month of ..... 19 ..

(Exclude any journeys exempted)

Date of Journey	Time of Starting	Was Trailer Used? (Yes or no)	Vehicle Travelled			Time of Finishing	Road Kilometres Travelled in South Australia
			From	Via	To		

NOTE—Journeys exempted are journeys while the vehicle is being used solely for any or some of the following purposes, namely:—

(1) the carriage of berries and other soft fruits unprocessed market garden and orchard produce (other than potatoes and onions), milk, cream, butter, eggs, meat, fish or flowers, and, on the return trip, any empty containers used on the outward trip for the carriage of any such commodity;

(2) the carriage of livestock to or from agricultural shows or exhibitions or from farm to farm—

or while travelling unladen directly to or from the business premises of the owner of the vehicle so as to be so used or after having been so used.

*Details of Charges Payable*

1 Vehicle	2 Kilometres Travelled	3 Weight- Capacity (a)	4 Tonne Kilometres (b)	5 Amount Payable (c)
Without Trailer .....				
With Trailer .....				
Total .....				

NOTES—

(a) To ascertain weight-capacity add together—

(i) the tare weight of the vehicle;

and

(ii) forty per centum of the load capacity of the vehicle—

expressed in tonnes, taking into account kilograms as decimals of tonnes.

(b) To ascertain tonne kilometres multiply the number in column 2 by the number in column 3.

(c) To ascertain amount payable, multiply by 0.17 the number in Column 4, which will give the amount payable in cents. Then reduce to dollars and cents.

Para. (a)  
substituted by  
23, 1975, s. 6(e).

Para. (b)  
substituted by  
23, 1975, s. 6(e).

Para. (c)  
substituted by  
23, 1975,  
s. 6 (e); 82,  
1975, s. 3.

I ..... of ..... being  
(Name) (Address)

the owner (or the authorized agent of the owner) of the vehicle described above and being aware that the inclusion of any false or misleading statement in this record or in the statement of journeys appearing in this document renders me guilty of an offence, hereby certify that this record contains a full and complete statement of all journeys made on public roads in the State of South Australia (other than journeys exempted by the Act) during the period shown in the statement of journeys in this document and I forward herewith a ..... for the sum of ..... such sum being the amount of all charges due and payable in respect of all journeys of the vehicle during such period in so far as not already paid by me.

Signed .....

Date .....

(If not signed by owner, state authority to sign.)