



Interstate Road Transport Amendment Act 1998

No. 43, 1998



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**An Act to amend the *Interstate Road Transport Act
1985*, and for related purposes**

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No. 43, 1998

An Act to amend the *Interstate Road Transport Act 1985*, and for related purposes

[Assented to 17 June 1998]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Interstate Road Transport Amendment Act 1998*.

2 Commencement

This Act commences on the day on which it receives the Royal Assent.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Interstate Road Transport Act 1985

1 Subsection 3(1)

Insert:

carriage of passengers or goods between prescribed places means carriage of passengers or goods, in trade or commerce, between a place in a State and a place in another State.

2 Subsection 3(1) (definition of *insurance*)

Omit “or Territory”.

3 Subsection 3(1) (definition of *State*)

After “includes”, insert “the Australian Capital Territory and”.

4 Subsection 3(1) (definition of *State operator’s licence*)

Omit “or the Australian Capital Territory”.

5 Subsection 3(1) (definition of *Territory*)

Repeal the definition.

6 Paragraph 3(10)(a)

Omit “, of a Regulatory Authority in respect of the Australian Capital Territory or of the Minister”.

7 Subsection 3A(2)

Omit “or Territory”.

8 Section 4

Repeal the section.

9 After subsection 6(4)

Insert:

(4A) For the purposes of the application of the above subsections in relation to the Australian Capital Territory:

- (a) references to the Governor-General are taken to be references to the Prime Minister; and
- (b) references to the Governor of a State are taken to be references to the Chief Minister of the Territory.

10 Subsections 7(1) and (2)

Omit “and the Australian Capital Territory”.

11 Subsection 7(5)

Repeal the subsection, substitute:

- (5) For the purposes of the application of subsections (3) and (4) in relation to the Australian Capital Territory, references to the Governor of the State are taken to be references to the Chief Minister of the Territory.

12 Paragraph 8(1)(e)

Omit “or of the Australian Capital Territory”.

13 Subsection 8(1) (penalty)

Repeal the penalty, substitute:

Penalty: 10 penalty units.

Note: If a body corporate is convicted of the offence, subsection 4B(3) of the *Crimes Act 1914* allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

14 After subsection 8(2)

Insert:

- (2A) For the purposes of the application of subsection (2) in relation to the Australian Capital Territory, the reference in that subsection to the commencement of this section is taken to be a reference to the commencement of this subsection.

15 Subsection 10(1) (penalty)

Repeal the penalty, substitute:

Penalty: Imprisonment for one year.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

16 Subsection 10(3) (penalty)

Repeal the penalty, substitute:

Penalty: Imprisonment for 6 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of that Act allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

17 Subsection 10(5)

Repeal the subsection.

18 Section 12A

Omit “or Territory”.

19 Section 12C

Omit “or Territory” (wherever occurring).

20 Section 12D

Omit “\$4,000” (wherever occurring), substitute “40 penalty units”.

21 At the end of section 12D

Add:

Note: If a body corporate is convicted of the offence, subsection 4B(3) of the *Crimes Act 1914* allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

22 Paragraph 19(1)(b)

Omit “or the Australian Capital Territory”.

23 Subsection 23(2)

Repeal the subsection.

24 Subsection 23(3)

Repeal the subsection, substitute:

- (3) The Minister, in exercising the power to make determinations under subsection (1), must, as far as practicable, ensure that the allocation of payments under this section among the States reflects the distribution of damage done to roads by registered motor vehicles and trailers operating as mentioned in subsection 8(1).

25 Subsections 24(2) and (3)

Omit “or Territory”.

26 Section 25 (penalty)

Repeal the penalty, substitute:

Penalty: 50 penalty units.

Note: If a body corporate is convicted of the offence, subsection 4B(3) of the *Crimes Act 1914* allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

27 Section 41

Omit “\$1,000”, substitute “10 penalty units”.

28 Subsection 44(2)

Omit “\$1,000”, substitute “10 penalty units”.

29 Subsection 44(5)

Omit “\$100”, substitute “1 penalty unit”.

30 Subsection 44(6) (penalty)

Repeal the penalty, substitute:

Penalty: Imprisonment for 2 years.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment.

31 Subsection 45(2) (penalty)

Repeal the penalty, substitute:

Penalty: 10 penalty units.

Note: If a body corporate is convicted of the offence, subsection 4B(3) of the *Crimes Act 1914* allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

32 Subsection 45(3) (penalty)

Repeal the penalty, substitute:

Penalty: Imprisonment for 6 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment. If a body corporate is convicted of the offence, subsection 4B(3) of the *Crimes Act 1914* allows a court to impose a fine of an amount that is not greater than 5 times the maximum fine that could be imposed by the court on an individual convicted of the same offence.

33 Subsection 47(1) (penalty)

Repeal the penalty, substitute:

Penalty: Imprisonment for 6 months.

Note: Subsection 4B(2) of the *Crimes Act 1914* allows a court to impose an appropriate fine instead of, or in addition to, a term of imprisonment.

34 Subsection 47A(7)

Omit “or Territory”.

35 After paragraph 49(1)(a)

Insert:

(aa) trade, commerce or intercourse between the Australian Capital Territory and a State is not absolutely free within the meaning of section 69 of the *Australian Capital Territory (Self-Government) Act 1988*.

36 Subsection 49(2)

After “include”, insert “the Australian Capital Territory or”.

37 Section 52

Omit “or Territory” (wherever occurring).

Note: The heading to section 52 is altered by omitting “and Territory”.

38 Paragraph 56(2)(d)

Omit "\$3,000", substitute "30 penalty units".

39 Paragraph 56(2)(da)

Omit "\$400" and "\$3,000", substitute "4 penalty units" and "20 penalty units" respectively.

40 Paragraph 56(2)(e)

Omit "\$1,000", substitute "10 penalty units".

41 Paragraph 56(2)(f)

Omit "\$100" and "\$500", substitute "1 penalty unit" and "5 penalty units" respectively.

*[Minister's second reading speech made in—
House of Representatives on 2 April 1998
Senate on 25 May 1998]*

(44/98)
