



Interstate Road Transport Amendment Act 1988

No. 39 of 1988

An Act to amend the *Interstate Road Transport Act 1985*

[Assented to 3 June 1988]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title etc.

1. (1) This Act may be cited as the *Interstate Road Transport Amendment Act 1988*.

(2) In this Act, "Principal Act" means the *Interstate Road Transport Act 1985*¹.

Commencement

2. This Act commences on 1 July 1988.

Arrangements with States etc.

3. Section 6 of the Principal Act is amended by inserting after subsection (3) the following subsections:

“(3A) Subject to subsection (3B), the Governor of a State with whom an arrangement is in force under subsection (1) or (2) may, by signed instrument, revoke the arrangement.

“(3B) A revocation under subsection (3A) takes effect at the end of 6 months after the instrument of revocation is signed or, if a later time is specified in the instrument, at that time.”.

Cancellation or suspension of registration

4. Section 11 of the Principal Act is amended:

- (a) by omitting from subsection (1) “by notice in writing served on the owner of a registered motor vehicle or trailer” and substituting “in accordance with the regulations”;
- (b) by omitting from paragraph (1) (d) “or” (last occurring);
- (c) by adding at the end of subsection (1) the following word and paragraph:
 - “; or (f) any amount payable under paragraph 9 (1) (a) or (b) or 9 (3) (b) and accompanying an application for registration under section 9 is paid by cheque—the cheque is dishonoured when duly presented for payment.”;
- (d) by omitting from subsection (2) “by notice in writing served on the owner of the motor vehicle or trailer” and substituting “in accordance with the regulations”;
- (e) by omitting from paragraph (2) (b) “or” (last occurring);
- (f) by inserting after paragraph (2) (c) the following word and paragraph:
 - “; or (ca) any amount payable under paragraph 9 (1) (a) or (b) or 9 (3) (b) and accompanying an application for registration under section 9 is paid by cheque—the cheque is dishonoured when duly presented for payment;”.

5. After section 12 of the Principal Act the following section is inserted:

Mass limits of registered motor vehicles

“12A. Notwithstanding any law of a State or Territory relating to mass limits, it is lawful, subject to this Act, for a registered motor vehicle or trailer that complies with the requirements prescribed for the purposes of paragraph 13 (aa) to be driven on a road in the carriage of passengers or goods between prescribed places or for any purpose that is incidental to carriage of that kind.”.

Regulations may make further provision with respect to registered motor vehicles etc.

6. Section 13 of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

“(aa) requiring registered motor vehicles or trailers to comply with such mass limits as are specified in the regulations;”.

Advance on account of charge

7. Section 17 of the Principal Act is amended by omitting from subsection (2) all the words from and including “then” and substituting “then the amount of the excess shall be refunded to the owner of the motor vehicle or trailer.”.

Refund of charge on cancellation or surrender

8. Section 18 of the Principal Act is amended by omitting all the words from and including “shall” (first occurring) and substituting “shall refund to the owner an amount calculated under the formula:

$$\frac{AB}{C}$$

where:

- A is the amount of charge payable in respect of the registration of the motor vehicle or trailer;
- B is the number of whole days in the period commencing on the cancellation or surrender and ending at the time when the registration would, but for the cancellation or surrender, have expired; and
- C is the number of whole days in the period that is applicable to the registration under subsection 9 (3).”.

Monitoring devices to be fitted in accordance with the regulations

9. Section 38 of the Principal Act is amended by omitting “a manner specified in”.

Effect of this Act and regulations on State and Territory laws

10. Section 52 of the Principal Act is amended by inserting in subsection (1) “(except section 12A)” after “Act”.

Penalties for corporations

11. Section 54 of the Principal Act is repealed.

Regulations

12. Section 56 of the Principal Act is amended by omitting subsection (2) and substituting the following subsections:

“(2) Without limiting the generality of subsection (1), the regulations may make provision for and in relation to:

- (a) regulating the use and operation of registered motor vehicles and trailers and prescribing operating standards (including mass limits) of such vehicles and trailers;

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- (b) prohibiting or regulating specified conduct or activities:
 - (i) in registered motor vehicles or trailers; or
 - (ii) in connection with the operation or use of registered motor vehicles or trailers;
- (c) providing for the charging of fees (other than fees for the purposes of paragraph 9 (1) (a), subparagraph 9 (3) (b) (ii) or subsection 12 (2)) in respect of functions performed by a Regulatory Authority in or in connection with the registration under this Act of a motor vehicle or trailer or the licensing under this Act of a person who proposes to carry on long distance interstate road transport business;
- (d) penalties not exceeding a fine of \$3000 for offences against regulations made for the purposes of paragraph 13 (aa);
- (e) penalties not exceeding a fine of \$500 for other offences against the regulations; and
- (f) enabling a person who is alleged to have committed an offence referred to in paragraph (e) to pay to the Commonwealth, as an alternative to prosecution, a penalty not exceeding:
 - (i) in the case of a natural person—\$100; or
 - (ii) in the case of a body corporate—\$500.

“(3) The regulations may make provision for or in relation to a matter by applying, adopting or incorporating, with or without modification, any matter contained in an instrument or other writing as in force at a particular time or as in force from time to time.

“(4) A fee provided for under paragraph (2) (c) shall not exceed \$100.”.

NOTE

1. No. 130, 1985, as amended. For previous amendments, see Nos. 76 and 168, 1986.

[*Minister's second reading speech made in—
House of Representatives on 26 April 1988
Senate on 23 May 1988*]