



# **Transport and Communications Legislation Amendment Act 1989**

**No. 29 of 1989**

## **TABLE OF PROVISIONS**

### **PART 1—PRELIMINARY**

**Section**

1. Short title
2. Commencement

### **PART 2—AMENDMENTS OF THE AIR NAVIGATION (CHARGES) ACT 1952**

3. Principal Act
4. Interpretation
5. Remissions and refunds of charges and penalties
6. Insertion of new sections:
  - 5B. Review of decisions
  - 5C. Statements to accompany notices

### **PART 3—AMENDMENT OF THE AIRPORTS (SURFACE TRAFFIC) ACT 1960**

7. Principal Act
8. Repeal of section 16

### **PART 4—AMENDMENTS OF THE AUSTRALIAN CENTENNIAL ROADS DEVELOPMENT ACT 1988**

9. Principal Act
10. Determination in relation to charge rate

**TABLE OF PROVISIONS—*continued***

**Section**

**PART 5—AMENDMENTS OF THE BROADCASTING ACT 1942**

- 11. **Principal Act**
- 12. **Licence warrants**

**PART 6—AMENDMENTS OF THE INTERSTATE ROAD TRANSPORT ACT  
1985**

- 13. **Principal Act**
- 14. **Registration of motor vehicles etc.**
- 15. **Cancellation or suspension of registration**
- 16. **Regulations may make further provision with respect to registered motor vehicles etc.**
- 17. **Repeal of section 14 and substitution of new section:**
  - 14. **By whom charge etc. payable**
- 18. **When charge due and payable**
- 19. **Advance on account of charge**
- 20. **Insertion of new section:**
  - 17A. **Payment of charge etc. by instalments**

**PART 7—AMENDMENTS OF THE TELECOMMUNICATIONS ACT 1975**

- 21. **Principal Act**
- 22. **By-laws**



# Transport and Communications Legislation Amendment Act 1989

No. 29 of 1989

---

## An Act to amend certain laws relating to Transport and Communications

[Assented to 22 May 1989]

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

### PART 1—PRELIMINARY

#### Short title

1. This Act may be cited as the *Transport and Communications Legislation Amendment Act 1989*.

#### Commencement

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

### PART 2—AMENDMENTS OF THE AIR NAVIGATION (CHARGES) ACT 1952

#### Principal Act

3. In this Part, "Principal Act" means the *Air Navigation (Charges) Act 1952*.

*Transport and Communications Legislation Amendment  
No. 29, 1989*

**Interpretation**

4. Section 2 of the Principal Act is amended by inserting in subsection (1) the following definitions:

“‘decision’ has the same meaning as in the *Administrative Appeals Tribunal Act 1975*;

‘reviewable decision’ means a decision made under section 5A;”.

**Remissions and refunds of charges and penalties**

5. Section 5A of the Principal Act is amended by omitting “Minister, the”.

6. After section 5A of the Principal Act the following sections are inserted:

**Review of decisions**

“5B. (1) A person affected by a reviewable decision may, by notice in writing given to the Secretary:

(a) within the period of 28 days after the day on which the decision first comes to the person’s notice; or

(b) within such further period as the Secretary (either before or after the end of the period mentioned in paragraph (a)) allows by notice in writing served on the person;

request the Secretary to reconsider the decision.

“(2) The request shall set out the grounds on which reconsideration of the decision is sought.

“(3) Within 28 days after receiving the request, the Secretary shall reconsider the decision and affirm or revoke the decision or vary the decision in such manner as the Secretary thinks fit.

“(4) Where the Secretary affirms, revokes or varies a decision, the Secretary shall, by notice in writing served on the person who made the request:

(a) inform the person of the result of the reconsideration of the decision; and

(b) give the reasons for affirming, revoking or varying the decision, as the case may be.

“(5) Applications may be made to the Administrative Appeals Tribunal for reviews of reviewable decisions that have been affirmed or varied under subsection (3).

**Statements to accompany notices**

“5C. (1) Where the person who makes a reviewable decision gives to the person or persons whose interests are affected by the decision notice in writing of the making of the decision, that notice shall include a statement to the effect that a person affected by the decision:

*Transport and Communications Legislation Amendment  
No. 29, 1989*

- (a) may request the Secretary to reconsider the decision; and
- (b) may, subject to the *Administrative Appeals Tribunal Act 1975*, if the person is dissatisfied with a decision made by the Secretary under subsection 5B (3) affirming or varying the reviewable decision, apply to the Administrative Appeals Tribunal for review of the decision so affirmed or varied.

“(2) Where the Secretary makes a decision under subsection 5B (3) affirming or varying a reviewable decision, the notice given under subsection 5B (4) shall include a statement to the effect that a person affected by the decision so affirmed or varied may, subject to the *Administrative Appeals Tribunal Act 1975*, apply to the Administrative Appeals Tribunal for review of the decision.

“(3) Any failure to comply with the requirements of subsection (1) or (2) in relation to a decision does not affect the validity of the decision.”.

**PART 3—AMENDMENT OF THE AIRPORTS (SURFACE TRAFFIC)  
ACT 1960**

**Principal Act**

7. In this Part, “Principal Act” means the *Airports (Surface Traffic) Act 1960*<sup>2</sup>.

**Repeal of section 16**

8. Section 16 of the Principal Act is repealed.

**PART 4—AMENDMENTS OF THE AUSTRALIAN CENTENNIAL  
ROADS DEVELOPMENT ACT 1988**

**Principal Act**

9. In this Part, “Principal Act” means the *Australian Centennial Roads Development Act 1988*<sup>3</sup>.

**Determination in relation to charge rate**

10. Section 10 of the Principal Act is amended:

- (a) by omitting paragraph (5) (b) and substituting the following paragraph:

“(b) subject to subsection (6), is a disallowable instrument for the purposes of section 46A of the *Acts Interpretation Act 1901*.”;

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

“(6) Paragraph 48 (1) (b) of the *Acts Interpretation Act 1901* does not apply in relation to a determination under this section.”.

*Transport and Communications Legislation Amendment  
No. 29, 1989*

**PART 5—AMENDMENTS OF THE BROADCASTING ACT 1942**

**Principal Act**

11. In this Part, “Principal Act” means the *Broadcasting Act 1942*<sup>4</sup>.

**Licence warrants**

12. Section 89D of the Principal Act is amended by inserting after paragraph (3) (ba) the following paragraph:

“(bb) in the case of a limited licence—authorises the operation, in accordance with the warrant and by a person or persons specified in the warrant, of a particular radiocommunications transmitter or transmitters (which may be, or may include, a transmitter that is on an Aussat satellite) for the purpose for which the licence is granted;”.

**PART 6—AMENDMENTS OF THE INTERSTATE ROAD  
TRANSPORT ACT 1985**

**Principal Act**

13. In this Part, “Principal Act” means the *Interstate Road Transport Act 1985*<sup>5</sup>.

**Registration of motor vehicles etc.**

14. Section 9 of the Principal Act is amended by omitting subparagraphs (1) (b) (i) and (ii) and substituting the following subparagraphs:

- “(i) where the whole of the charge in respect of the registration of a motor vehicle or trailer, or the whole of the amount payable under section 17 by way of advance on account of that charge, is due and payable on the registration of the motor vehicle or trailer—the amount of the charge or advance (as the case may be);
- (ii) where the first instalment of the charge or advance is due and payable on the registration of the motor vehicle or trailer—the amount of that instalment or that amount together with the amount of any of the other instalments;
- (iia) the amount of any fee charged by the regulations in respect of a function performed by a Regulatory Authority in or in connection with the registration of the motor vehicle or trailer;”.

**Cancellation or suspension of registration**

15. Section 11 of the Principal Act is amended:

- (a) by omitting from paragraph (1) (e) “or” (second occurring);
- (b) by omitting paragraph (1) (f) and substituting the following paragraphs:

“(f) in the case of a motor vehicle or trailer in relation to which

*Transport and Communications Legislation Amendment  
No. 29, 1989*

section 17A applies, an instalment (other than the first instalment) of:

- (i) the charge in respect of the registration of the motor vehicle or trailer; or
- (ii) the advance on account of that charge;  
(as the case may be) has not been paid on or before the day of payment for that instalment; or
- (g) where an amount, being:
  - (i) an amount payable under paragraph 9 (1) (a) or (b) or 9 (3) (b) and accompanying an application for registration under section 9; or
  - (ii) an instalment of charge or advance on account of charge;

has been paid by cheque—the cheque is dishonoured when duly presented for payment.”;

- (c) by omitting from paragraph (2) (c) “or” (last occurring);
- (d) by omitting paragraph (2) (ca) and substituting the following paragraphs:

“(ca) in the case of a motor vehicle or trailer in relation to which section 17A applies, an instalment (other than the first instalment) of:

- (i) the charge in respect of the registration of the motor vehicle or trailer; or
- (ii) the advance on account of that charge;  
(as the case may be) has not been paid on or before the day of payment for that instalment; or
- (cb) where an amount, being:
  - (i) an amount payable under paragraph 9 (1) (a) or (b) or 9 (3) (b) and accompanying an application for registration under section 9; or
  - (ii) an instalment of charge or advance on account of charge;

has been paid by cheque—the cheque is dishonored when duly presented for payment.”.

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

**16.** Section 13 of the Principal Act is amended by adding at the end the following subsection:

“(2) Without limiting the generality of paragraph (1) (aa), regulations for the purposes of that paragraph may make provision for and in relation to requiring registered motor vehicles or trailers:

- (a) to be weighed; and
  - (b) if necessary, to be unloaded;
- for the purpose of ensuring that they comply with mass limits.”.

*Transport and Communications Legislation Amendment  
No. 29, 1989*

17. Section 14 of the Principal Act is repealed and the following section is substituted:

**By whom charge etc. payable**

“14. An amount of:

- (a) charge in respect of the registration of a motor vehicle or trailer; or
- (b) advance payable under this Act on account of that charge;

is payable by the person who is, at the time when the amount is due and payable, the owner of the motor vehicle or trailer.”.

**When charge due and payable**

18. Section 16 of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:

“(b) in any other case:

- (i) if section 17A applies in relation to the motor vehicle or trailer—in accordance with that section; or
- (ii) if section 17A does not apply in relation to the motor vehicle or trailer—on the day on which the registration comes into force.”.

**Advance on account of charge**

19. Section 17 of the Principal Act is amended:

- (a) by omitting from subsection (1) “the owner of the motor vehicle or trailer is liable to pay” and substituting “there is payable”;
- (b) by inserting after subsection (1) the following subsection:

“(1A) The amount payable under subsection (1) by way of an advance on account of the charge in respect of the registration of a motor vehicle or trailer is due and payable:

- (a) if section 17A applies in relation to the motor vehicle or trailer—in accordance with that section; or
- (b) if section 17A does not apply in relation to the motor vehicle or trailer—on the day on which the registration comes into force.”.

20. After section 17 of the Principal Act the following section is inserted:

**Payment of charge etc. by instalments**

“17A. (1) This section applies in relation to motor vehicles, and trailers, prescribed for the purposes of this section.

“(2) The charge in respect of the registration of a motor vehicle or trailer in relation to which this section applies may be paid by instalments.

“(3) The regulations may make provision for and in relation to:

- (a) the maximum number of instalments by which the charge in respect of the registration of a motor vehicle or trailer may be paid;



*Transport and Communications Legislation Amendment  
No. 29, 1989*

- (b) the day of payment for each instalment other than the first instalment; and
- (c) the amount of each instalment.

“(4) The first instalment of the charge in respect of the registration of a motor vehicle or trailer is due and payable on the day on which the registration comes into force.

“(5) Any other instalment of the charge:

- (a) is due and payable on the day of payment in respect of the instalment; and
- (b) shall be paid to the Registration Authority that registered the motor vehicle or trailer.

“(6) A reference in this section to the charge in respect of the registration of a motor vehicle or trailer is, in the case of a motor vehicle or trailer in relation to which a nomination has been made under subsection 15 (1), a reference to the amount payable under subsection 17 (1) by way of an advance on account of that charge.”

**PART 7—AMENDMENTS OF THE TELECOMMUNICATIONS ACT  
1975**

**Principal Act**

**21.** In this Part, “Principal Act” means the *Telecommunications Act 1975*<sup>6</sup>.

**By-laws**

**22.** Section 111 of the Principal Act is amended:

- (a) by omitting from subsection (2) “Sections” and substituting “Subject to subsection (5), sections”;
- (b) by adding at the end the following subsection:

“(5) By-laws made within 3 months after the commencement of this subsection that make provision for, or with respect to, charges for telecommunications services may be expressed to take effect from and including a day not earlier than 4 May 1980.”

---

**NOTES**

1. No. 101, 1952, as amended. For previous amendments, see No. 87, 1957; No. 49, 1960; No. 78, 1962; No. 97, 1963; No. 95, 1964; Nos. 107 and 125, 1965; No. 48, 1966; No. 79, 1967; No. 84, 1968; No. 75, 1969; No. 105, 1970; No. 100, 1972; No. 179, 1973; No. 114, 1974; Nos. 5 and 124, 1976; No. 176, 1978; No. 142, 1979; No. 138, 1980; No. 123, 1981; Nos. 77 and 80, 1982; No. 107, 1984; Nos. 76 and 168, 1986; and Nos. 57 and 63, 1988.
2. No. 40, 1960, as amended. For previous amendments, see No. 93, 1966; No. 216, 1973; No. 124, 1974; No. 125, 1976; No. 80, 1982; Nos. 39 and 91, 1983; No. 65, 1985; and No. 63, 1988.

*Transport and Communications Legislation Amendment  
No. 29, 1989*

**NOTES—continued**

3. No. 154, 1988.
4. No. 33, 1942, as amended. For previous amendments, see No. 39, 1946; No. 64, 1948; No. 80, 1950; No. 41, 1951; No. 12, 1953; No. 82, 1954, Nos. 33, 65 and 92, 1956; No. 36, 1960 (as amended by No. 32, 1961); No. 96, 1962; No. 82, 1963; Nos. 67 and 121, 1964; Nos. 38 and 120, 1965; No. 57, 1966; No. 47, 1967; No. 69, 1968; Nos. 21 and 31, 1969; Nos. 8, 72 and 136, 1971; No. 49, 1972; No. 50, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 55, 1974; No. 56, 1975; Nos. 89, 157 and 187, 1976; No. 160, 1977; Nos. 36, 52 and 210, 1978; Nos. 143 and 177, 1980; Nos. 61, 113, 153 and 176, 1981; No. 154, 1982; Nos. 7, 37, 39, 91 and 136, 1983; Nos. 10, 63, 72, 163 and 165, 1984; Nos. 66, 166 and 191, 1985; Nos. 2 and 76, 1986; Nos. 68, 79, 80, 134 and 184, 1987; and Nos. 56, 99, 109 and 146, 1988.
5. No. 130, 1985, as amended. For previous amendments, see Nos. 76 and 168, 1986; and Nos. 39 and 99, 1988.
6. No. 55, 1975, as amended. For previous amendments, see No. 94, 1976; No. 160, 1977; Nos. 36 and 170, 1978; No. 115, 1979; No. 177, 1980; No. 61, 1981; No. 80, 1982; Nos. 7, 91, 92, 115, 136 and 147, 1983; Nos. 18 and 165, 1984; Nos. 67, 119 and 193, 1985; No. 76, 1986; No. 69, 1987; and Nos. 36, 55, 75 and 121, 1988.

---

*[Minister's second reading speech made in—  
House of Representatives on 8 March 1989  
Senate on 7 April 1989]*