



Interstate Road Transport Amendment Act 1991

No. 128 of 1991

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

[Assented to 2 September 1991]

The Parliament of Australia enacts:

Short title etc.

1. (1) This Act may be cited as the *Interstate Road Transport Amendment Act 1991*.

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

Commencement

2. (1) Subject to subsection (2), this Act commences on a day to be fixed by Proclamation.

(2) If this Act does not commence within the period of 6 months beginning on the day on which it receives the Royal Assent, it commences on the first day after the end of that period.

Interpretation

3. Section 3 of the Principal Act is amended by inserting in subsection (1) the following definition:

“‘federal route’ means a road in respect of which a determination under subsection 43A (1) is in force;”.

4. After section 3 of the Principal Act the following section is inserted:

B-doubles

“3A. (1) A reference in this Act to a B-double is a reference to a motor vehicle that consists of:

- (a) a prime-mover registered under this Act; and
- (b) a registered trailer attached to the prime-mover by means of a turntable mounted on the prime-mover; and
- (c) a registered trailer attached to the rear of the trailer referred to in paragraph (b) by means of a turntable mounted on the last-mentioned trailer.

“(2) A reference in subsection (1) to a registered trailer is a reference to a trailer registered under this Act or under a law of a State or Territory.”.

5. After section 12A of the Principal Act the following sections are inserted:

Regulation of the operation of B-doubles

“12B. (1) The regulations may make provision regulating the operation of B-doubles in the carriage of passengers or goods between prescribed places or for any purpose that is incidental to carriage of that kind.

“(2) The provision that may be made by the regulations includes, but is not limited to:

- (a) provision fixing the maximum loaded mass of a B-double or any of its component parts; and
- (b) prohibition of the operation of a B-double on a road that is not a federal route; and
- (c) prohibition of the operation of a B-double on a federal route in breach of conditions determined under subsection 43A (2) in relation to that route; and
- (d) prohibition of the embarkation or disembarkation of passengers on or from a B-double except at a place approved under the regulations for the purpose; and
- (e) prohibition of the loading or unloading of goods on or from a B-double except at a place approved by or under the regulations for the purpose; and

- (f) provision as to the maximum exterior dimensions of a B-double or any of its component parts; and
- (g) requirements as to the specifications or condition of any part of a B-double or any equipment on, or forming part of, a B-double; and
- (h) provision requiring B-doubles:
 - (i) to be weighed; and
 - (ii) if necessary, to be unloaded;for the purpose of ensuring that they comply with this Act and the regulations.

Operating requirements for B-doubles

“12C. In spite of any law of a State or Territory relating to the operation of articulated vehicles, it is lawful, subject to this Act, for a B-double that is operated in accordance with this Act and the regulations to be operated on a road in a State or Territory in the carriage of passengers or goods between prescribed places or for any purpose that is incidental to carriage of that kind.

Offences involving the operation of B-doubles

“12D. (1) A person must not operate a B-double in the carriage of passengers or goods between prescribed places or for any purpose that is incidental to carriage of that kind if:

- (a) the loaded mass of the B-double exceeds the maximum loaded mass applicable to the B-double under the regulations; or
- (b) the loaded mass of any component part of the B-double exceeds the maximum loaded mass applicable to that component under the regulations.

Penalty: \$4,000.

“(2) A person who, in relation to a B-double, contravenes regulations made for the purposes of paragraph 12B (2) (h) is guilty of an offence punishable on conviction by a fine not exceeding \$4,000.”.

Regulations may make further provision with respect to registered motor vehicles

6. Section 13 of the Principal Act is amended by omitting paragraph (1) (aa) and substituting the following paragraph:

- “(aa) requiring a registered motor vehicle or trailer, other than a vehicle or trailer being operated as part of a B-double, to comply with such mass limits as are specified in the regulations;”.

7. Before section 44 of the Principal Act the following section is inserted in Part VII:

Determination of federal routes

“43A. (1) The Minister may determine, in writing, that certain roads or categories of roads are to be routes for the carriage of passengers or goods between prescribed places or for any purpose that is incidental to carriage of that kind.

“(2) The Minister may determine, in writing, conditions to which the operation of a B-double on a federal route is subject.

“(3) The Minister must cause a notice of a determination made under this section to be published in the *Gazette*.

“(4) The Minister shall cause a copy of a determination under subsection (2) to be laid before each House of the Parliament within 15 sitting days of that House after the determination is published in the *Gazette*.

“(5) If either House of the Parliament, within 15 sitting days of that House after a copy of a determination has been laid before that House, passes a resolution disapproving of the determination, then the determination shall not have any force or effect on or after the day on which the resolution was passed.”.

Effect of this Act and regulations on State and Territory laws

8. Section 52 of the Principal Act is amended:

- (a) by omitting from subsection (1) “section 12A” and substituting “sections 12A and 12C”;
- (b) by omitting from paragraph (2)(b) all the words from and including “prescribed” and substituting the following:
“prescribed for the purposes of subsection 12B(1) or section 13, 37 or 39, or conditions determined under subsection 43A(2)”.

Regulations

9. Section 56 of the Principal Act is amended:

- (a) by adding at the end of each of paragraphs (2)(a), (b), (c), (d) and (da) “and”;
- (b) by inserting in paragraph (2)(da) “an offence against section 12D or” after “committed”;
- (c) by omitting from paragraph (2)(da) “\$200” and substituting “\$400”;
- (d) by omitting paragraph (2)(e) and substituting the following paragraph:
“(e) penalties not exceeding a fine of \$1,000 for offences against the regulations, other than offences referred to in paragraph (d);”.

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NOTE

1. No. 130, 1985, as amended. For previous amendments, see Nos. 76 and 168, 1986; Nos. 39 and 99, 1988; No. 29, 1989; and No. 23, 1990.

*[Minister's second reading speech made in—
House of Representatives on 31 May 1991 a.m.
Senate on 16 August 1991]*