



National Road Transport Commission Amendment Act 1992

No. 149 of 1992

An Act to amend the *National Road Transport Commission Act 1991*

[Assented to 11 December 1992]

The Parliament of Australia enacts:

Short title etc.

1.(1) This Act may be cited as the *National Road Transport Commission Amendment Act 1992*.

5 (2) In this Act, “Principal Act” means the *National Road Transport Commission Act 1991*¹.

Commencement

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

10 **Amendments relating to the Light Vehicles Agreement etc.**

3. The Principal Act is amended as set out in Schedule 1.

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Light Vehicles Agreement

4. The Principal Act is amended by adding at the end the Schedule set out in Schedule 2 to this Act.

SCHEDULE 1

Section 3

**AMENDMENTS RELATING TO THE LIGHT VEHICLES
AGREEMENT ETC.**

Section 3:

Omit the definition of “Agreement”, substitute:

“‘**Agreement**’ means the Heavy Vehicles Agreement or the Light Vehicles Agreement;”.

Section 3 (definition of “head of government”):

Omit “the Agreement”, substitute “an Agreement”.

Section 3 (definition of “Ministerial Council”):

Insert “Heavy Vehicles” before “Agreement”.

Section 3:

Insert:

“‘**Heavy Vehicles Agreement**’ means the agreement made on 30 July 1991 between the Commonwealth, the States and the Australian Capital Territory, a copy of which is set out in Schedule 1;

‘**Light Vehicles Agreement**’ means the agreement made on 11 May 1992 between the Commonwealth, New South Wales, Victoria, Queensland, South Australia, the Northern Territory of Australia and the Australian Capital Territory, a copy of which is set out in Schedule 2;”.

Subsection 6(2):

Insert “Heavy Vehicles” before “Agreement”.

Subsection 7(2):

Insert “Heavy Vehicles” before “Agreement”.

Paragraph 8(1)(a):

Omit “the Agreement”, substitute “an Agreement”.

Paragraph 8(1)(d):

Omit “that is a party to the Agreement”.

Subparagraph 8(1)(f)(i):

Omit “that is a party to the Agreement”.

Subparagraph 8(1)(f)(ii):

Omit “that is a party to the Agreement”.

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Subsection 8(2):

Insert “Heavy Vehicles” before “Agreement”.

Subsection 8(5):

Omit “Agreement” (wherever occurring), substitute “Agreements”.

Subsection 9(3):

Insert “Heavy Vehicles” before “Agreement”.

Section 16:

Insert “Heavy Vehicles” before “Agreement”.

Subsection 18(3):

Insert “Heavy Vehicles” before “Agreement”.

Section 19:

Insert “Heavy Vehicles” before “Agreement”.

Subsection 25(2):

Insert “Heavy Vehicles” before “Agreement”.

Subsection 27(3):

Insert “Heavy Vehicles” before “Agreement”.

Subsection 28(2):

Insert “Heavy Vehicles” before “Agreement”.

Subsection 33(2):

Omit “that is a party to the Agreement”.

Subsection 39(4):

Insert “Heavy Vehicles” before “Agreement”.

Subsection 41(1):

Insert “Heavy Vehicles” before “Agreement”.

Subsection 41(2):

Omit “the Agreement”, substitute “an Agreement”.

Subsection 42(2):

Insert “Heavy Vehicles” before “Agreement”.

Paragraph 44(1)(a):

Insert “Heavy Vehicles” before “Agreement”.

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SCHEDULE 1—continued

Paragraph 44(2)(b):

Insert “Heavy Vehicles” before “Agreement”.

Paragraph 47(1)(b):

Omit “the Agreement”, substitute “an Agreement”.

Heading to Schedule:

(a) Omit “SCHEDULE”, substitute “SCHEDULE 1”.

(b) Insert “HEAVY VEHICLES” before “AGREEMENT”.

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SCHEDULE 2

Section 4

“SCHEDULE 2

Section 3

LIGHT VEHICLES AGREEMENT

THIS AGREEMENT is made the 11th day of May 1992

BETWEEN

**COMMONWEALTH OF AUSTRALIA
STATE OF NEW SOUTH WALES
STATE OF VICTORIA
STATE OF QUEENSLAND
STATE OF SOUTH AUSTRALIA
NORTHERN TERRITORY OF AUSTRALIA
AUSTRALIAN CAPITAL TERRITORY**

RECITALS:

- A. The Premiers and Chief Ministers at a meeting in Adelaide in November 1991 proposed an agreement between their Governments and the Commonwealth of Australia (“the Commonwealth”) involving a regime for vehicles, other than those to which the Heavy Vehicles Agreement applies, their drivers, other road users and related matters.
- B. The Government of the Commonwealth of Australia has approved of the Commonwealth entering into that proposed agreement.
- C. The Parties to this Agreement are agreed that the principles referred to in the Recital C of the Heavy Vehicles Agreement necessitate uniform or consistent light vehicle transport legislation throughout Australia, and they are further agreed that this will be achieved by establishing and implementing a co-operative scheme, the objectives of which are to ensure in respect of light vehicle transport legislation that:
 - (a) legislation is made, and continues to be, uniform or consistent throughout Australia at all times except as otherwise provided for in this Agreement;
 - (b) legislation is administered so as to achieve, at least, a minimum standard of outcome;
 - (c) the Commonwealth, the States, the Northern Territory of Australia and the Australian Capital Territory are able to

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- co-operate with each other in regard to the matters to be provided in the legislation, the way in which the legislation is administered, and the fostering of innovation;
- (d) the legislation is capable of effective administration throughout Australia with the minimum of procedural requirements and is so administered; and
 - (e) changes in the legislation are proposed for consideration as appropriate from time to time and amendments made when the need for reform arises.
- D. The Parties to this Agreement have reached agreement on a scheme to achieve the objectives referred to in Recital C.
- E. The essential element of the scheme is an agreement between the Commonwealth, the States, the Northern Territory of Australia and the Australian Capital Territory to provide for;
- (a) the introduction of both legislation amending the National Road Transport Commission Act 1991 of the Commonwealth (“NRTC Act”) and of legislation forming part of, or being an amendment to, the Commonwealth Road Transport Legislation;
 - (b) access to the Ministerial Council and National Commission; and
 - (c) for other matters as appear hereafter.
- F. The matters mentioned in Recital E, involve the following sequence:
- (a) Firstly, the conclusion of an agreement between the Commonwealth and the Australian Capital Territory under which the former, with consent of the Legislative Assembly for the Australian Capital Territory, will seek to amend the NRTC Act and to enact or make Light Vehicle Transport Legislation for the Australian Capital Territory which law will be the model on which the pertinent law of the parties to this Agreement, other than the Commonwealth, will be based.
 - (b) Secondly, the extension by the Parties to this Agreement of the powers of the Ministerial Council to include the functions and powers set out herein.
 - (c) Thirdly, the enactment by the Commonwealth Parliament of legislation amending the NRTC Act which establishes a National Road Transport Commission and describes its powers and functions.
 - (d) Fourthly, the making by the Appropriate Authority of Commonwealth Light Vehicle Transport Legislation and its coming into force.

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- (e) Fifthly, the passage by the Parties, other than the Commonwealth and the Australian Capital Territory, through their respective Parliaments, of legislation which will provide that, when the last mentioned legislation is made by the Appropriate Authority and comes into force, the then existing light vehicle transport legislation of these Parties is repealed, amended or modified so as to avoid any conflict with that Commonwealth legislation and, in its place, there is on the same date for all Parties applied the legislation referred to in Recital F(d) and there is conferred on the National Commission in relation to each of those Parties the functions and powers conferred on it by the Commonwealth legislation referred to in Recital E.

NOW IT IS AGREED by the Parties as follows:

PART I—INTERPRETATION

1. In this Agreement, except where a contrary intention appears:
 - (a) “Australian Capital Territory” means, save where a geographic meaning is intended, the body politic established by the Australian Capital Territory (Self-Government) Act 1988;
 - (b) “Commonwealth” means the Commonwealth of Australia as a Party to this Agreement; and
 - (c) “Northern Territory” means, save in sub-clauses 4(1) and 31(3) the Northern Territory of Australia while a Party to this Agreement; and
 - (d) “State” means, save in sub-clauses 4(1) and 31(3), a State of the Commonwealth of Australia that is at the relevant time a Party to this Agreement.
2. “Application Order” means an order which, because of geographical or regional conditions, suspends or varies the operation of Commonwealth Light Vehicle Transport Legislation as it should otherwise apply in a Zone in relation to:
 - (a) standards and other regulatory measures whether or not those measures are introduced as innovations on a trial basis,
 - (b) enforcement levels above a national minimum standard, and
 - (c) the level of penalties above a national minimum;“Appropriate Authority” means in the case of:
 - (a) legislation proposed hereunder other than regulations, the Commonwealth Parliament,

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(b) regulations, the Federal Executive Council including the Governor-General, or

(c) orders or instruments under that legislation, the Commonwealth Minister or his delegate;

“Commonwealth Act” means the Act of the Commonwealth Parliament enacting the amendments referred to in sub-clause 6(1) to the NRTC Act;

“Commonwealth Light Vehicle Transport Legislation” means the legislation referred to in paragraph (a) of the definition of Light Vehicle Transport Legislation;

“Commonwealth Minister” means the Commonwealth Minister appointed under clause 11 of the Heavy Vehicles Agreement;

“Commonwealth Road Transport Legislation” means the legislation referred to in paragraph (a) of the definition of Road Transport Legislation;

“Emergency Order” means an Order of the kind made under sub-clause 8(5);

“Financial Year” means a period of twelve months ending on a thirtieth day of June or, where the relevant provision of this Agreement is applicable during part only of any such period, means the portion of the period during which the provision applies;

“Federal Office of Road Safety” means that Division of the Commonwealth Department of Transport and Communications or its successor responsible for; the development and administration of standards under the Motor Vehicle Standards Act 1989, vehicle safety recalls, the development of national codes for traffic, dangerous goods and explosives; research, public education and national accident statistics;

“Heavy Vehicles Agreement” means the Agreement dated 30 July 1991 between the Commonwealth, all the States as defined therein and the Australian Capital Territory;

“Light Vehicle” means a road vehicle other than a vehicle to which the Heavy Vehicles Agreement applies;

“Light Vehicle Transport” means the regime referred to in Recital A, but does not include road charges and economic regulation of the transport industry, e.g., Part VI of the Transport Act 1983, as amended, of Victoria;

“Light Vehicle Transport Legislation” means:

(a) the Commonwealth legislation in relation to Light Vehicle Transport applying in the Australian Capital Territory and the Jervis Bay Territory, or

(b) the provisions of that Commonwealth legislation applied

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pursuant to clause 8(1) by a Participating Party other than the Commonwealth

in either case extending to a Light Vehicle whilst within the Australian Capital Territory, the Jervis Bay Territory or the territory of such a Participating Party although they emanate from a State or the Northern Territory that is not a Participating Party;

“Ministerial Council” means the Ministerial Council established by Part VI of the Heavy Vehicles Agreement as affected by this Agreement;

“National Commission” means the National Road Transport Commission established by the NRTC Act as hereafter amended from time to time;

“Participating Party” means any Party, other than the Australian Capital Territory, which has both secured the passage or the making, of the legislation relevant in its case, provided for by Part IV and caused that legislation to come into force;

“Road Transport” means:

- (a) design, construction and use of Vehicles to which the Heavy Vehicles Agreement applies including operating requirements as to drivers’ records, driving hours, and other matters in relation to the drivers of those Vehicles,
- (b) registration of those Vehicles and matters relating thereto including the means by which any registration may be cancelled, suspended or its operation affected,
- (c) standards of driver licensing with respect to those Vehicles and matters relating thereto including the means by which any licence may be cancelled, suspended or its operation affected,
- (d) any provision of a traffic code, directed solely to the use of those Vehicles, and
- (e) nationally consistent Charging Principles and Road Charges as defined in the Heavy Vehicles Agreement,

but does not include economic regulation of the transport industry, e.g., Part VI of the Transport Act 1983, as amended, of Victoria;

“Road Transport Legislation” means:

- (a) the Commonwealth Legislation in relation to Road Transport applying in the Australian Capital Territory and the Jervis Bay Territory; or
- (b) the provisions of that Commonwealth legislation applied pursuant to clause 8 of the Heavy Vehicles Agreement by a

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Participating Party as defined therein other than the Commonwealth;

in either case extending to Vehicles to which the Heavy Vehicles Agreement applies whilst within the Australian Capital Territory, the Jervis Bay Territory or the territory of such a Participating Party although they emanate from either a State or the Northern Territory that is not such a Participating Party;

“State and Territory Acts” means legislation as amended from time to time consistent with this Agreement of the Parliament of each Participating Party, other than the Commonwealth, that is provided for by this Agreement,

“Vehicle to which the Heavy Vehicles Agreement applies” means a road vehicle which has a manufacturer’s rated gross vehicle mass of more than 4.5 tonnes;

“Voting Member” means all members of the Ministerial Council;

“Zone” means:

- (a) until replaced by another Zone or other Zones pursuant to sub-clause 17(4), the area within Australia excluding the external territories; or
- (b) upon that area being replaced by other Zones pursuant to sub-clause 17(4), those other Zones.

3. In this Agreement, unless a contrary intention appears or the context otherwise requires:

- (a) a reference to a Recital is a reference to the relevant Recital of this Agreement;
- (b) a reference to a Part is a reference to the relevant Part of this Agreement;
- (c) a reference to a clause, sub-clause or paragraph is a reference to the relevant clause, sub-clause or paragraph of this Agreement;
- (d) words importing the singular shall include the plural and vice versa; and
- (e) words importing any gender shall include each of the other genders.

PART II—OPERATION OF AGREEMENT

4.(1) This Agreement shall come into force when it has been executed by the Commonwealth and a majority of all the States, of the Northern Territory and of the Australian Capital Territory.

(2) This Agreement may, after its coming into force, be amended only by the unanimous decision of Parties and the Australian Capital Territory.

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PART III—ESTABLISHMENT OF SCHEME

- 5.(1) The Parties to this Agreement will, to the extent necessary having regard to legislation in force pursuant to the Heavy Vehicles Agreement, take such action as is provided for by this Agreement, and as is otherwise requisite on their respective parts, to achieve the objectives referred to in Recital C. by initiating and operating the scheme of legislative and administrative acts and procedures provided for by this Agreement.
- (2) Without limiting the provisions of sub-clause 5(1), pending the coming into force of the Commonwealth legislation the subject of clauses 6 and 7, the Parties to this Agreement are, from the date this Agreement comes into force, as the opportunity arises, to take such action as is available to them, including that referred to in Part IX and the submission to their respective Parliaments of legislation and the making of regulations, to expedite the achievement of the principles and objectives of this Agreement.

PART IV—INITIAL LEGISLATION

- 6.(1) The Commonwealth will, as soon as is practicable, submit to the Commonwealth Parliament any amendments to the NRTC Act which are required to enable that legislation to apply in relation to Light Vehicle Transport.
 - (2) The Commonwealth shall only submit to the Commonwealth Parliament any amendments referred to in sub-clause 6(1), which have:
 - (a) been proposed by the National Commission;
 - (b) been submitted to the Ministerial Council for its consideration for at least two months or such lesser period as may be unanimously agreed by the Ministerial Council; and
 - (c) not been disapproved by the Ministerial Council within that period.
 - (3) The legislation provided for by sub-clause 6(1) shall confer on the National Commission such functions and powers as will enable it, in conjunction with the functions and powers which are conferred on it by the State and Territory Acts to carry out its functions under, and in accordance with, this Agreement.
- 7.(1) The Commonwealth shall ensure that there is included in the legislation to be submitted to the Appropriate Authority under clause 7 of the Heavy Vehicles Agreement or in legislation amending that legislation, provisions of the Commonwealth Light Vehicle Transport Legislation.

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- (2) The Commonwealth shall only submit to the Appropriate Authority any provisions of the Commonwealth Light Vehicle Transport Legislation, which have:
 - (a) been proposed by the National Commission;
 - (b) been submitted to the Ministerial Council for its consideration for at least two months or such lesser period as may be unanimously agreed by the Ministerial Council; and
 - (c) not been disapproved by the Ministerial Council within that period.
 - (3) The Commonwealth Light Vehicle Transport Legislation provided for by sub-clause 7(1) shall constitute substantive law as to Light Vehicle Transport:
 - (a) in the Australian Capital Territory; and
 - (b) in the Jervis Bay Territory.
 - (4) The Commonwealth Act and the Commonwealth Light Vehicle Transport Legislation submitted to the Appropriate Authority shall be limited in the term of its application to the period of operation of the NRTC Act.
- 8.(1) Each Party, other than the Commonwealth and the Australian Capital Territory, will take such steps as are appropriate to secure the passage or making, as the case may be, of legislation which, as from the date on which the Commonwealth Light Vehicle Transport Legislation comes into force and to the extent necessary for the purposes of this Agreement, provides, that:
- (a) the existing light vehicle transport legislation of the State or the Northern Territory shall be automatically repealed, amended or modified in operation to the extent necessary to avoid conflict with the Commonwealth Light Vehicle Transport Legislation and the Commonwealth Act;
 - (b) the provisions of the Commonwealth Light Vehicle Transport Legislation, as amended from time to time, are automatically applied as the law of that State or the Northern Territory, as the case may be, in place of the legislation so repealed, amended or modified in operation;
 - (c) the relevant Minister of each such Party may make Application Orders and Emergency Orders; and
 - (d) there is conferred on the National Commission and the Ministerial Council in relation to the State the functions and powers respectively conferred on them by the Commonwealth Act.

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- (2) The Commonwealth will take such steps as are appropriate to seek the passage of legislation authorising a Minister of the Australian Capital Territory, or in the case of Jervis Bay Territory, a Commonwealth Minister, to make Application Orders and Emergency Orders.
- (3) The relevant Minister of a Participating Party, the Australian Capital Territory or of the Commonwealth, in the case of the Jervis Bay Territory, shall only make an Application Order which:
 - (a) has been recommended in relation to the territory of that Participating Party, the Australian Capital Territory or Jervis Bay Territory, as the case may be, by the National Commission; and
 - (b) has not been disapproved by the Ministerial Council within two months.
- (4) A Participating Party, the Australian Capital Territory or the Commonwealth in the case of Jervis Bay Territory shall make:
 - (a) any Emergency Order which the National Commission recommends for that Party, the Australian Capital Territory, or Jervis Bay Territory respectively; or
 - (b) any Application Order which the National Commission recommends for that Party, the Australian Capital Territory, or Jervis Bay Territory respectively and of which the Ministerial Council does not so disapprove.
- (5) If the National Commission considers, on being notified by a Participating Party, the Australian Capital Territory or the Commonwealth for Jervis Bay Territory, or on such other information as it considers relevant, that there is a need for urgent emergency measures relating to public health and safety or the furtherance of some other public interest to be made then without reference to the Ministerial Council, on the Commission so making a recommendation, any Minister of a Participating Party or the Australian Capital Territory may make an Emergency Order to that effect. The making of the Emergency Order shall have the effect of suspending or varying the operation of the Commonwealth Light Vehicle Transport Legislation in relation to whichever of that Party, the Australian Capital Territory or the Commonwealth, in the case of Jervis Bay Territory, makes that Order.
- (6) An Emergency Order is to continue for a period of six months unless two months before the end of the six months period:
 - (a) the National Commission recommends; and

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- (b) before the end of the period the Ministerial Council does not disapprove,
the matter dealt with by that Order being dealt with in the same manner in the Light Vehicle Transport Legislation or in relation to a part of Australia in an Application Order, in which case the Emergency Order shall continue in force until the date on which that Legislation or Application Order comes into force.
- (7) An Emergency Order may be terminated by the Ministerial Council at any time within the period referred to in sub-clause 8(6).

PART V—FUNCTIONS OF MINISTERIAL COUNCIL

9. The Ministerial Council established under the Heavy Vehicles Agreement shall, having regard to the principles and objectives stated in Recital C have as its functions hereunder to:
- (a) consider policy questions relating to the Light Vehicle Transport Legislation and any recommendations of the National Commission not otherwise mentioned in this clause;
 - (b) refer any question to the National Commission for consideration and report;
 - (c) consider whether to disapprove the text of Light Vehicle Transport Legislation submitted to it by the National Commission;
 - (d) agree, pursuant to clause 23, the proportion of the Budget of the National Commission to be borne by each Party;
 - (e) consider whether to disapprove the replacement of a Zone, with other Zones recommended by the National Commission;
 - (f) oversee the administration by Participating Parties and the Australian Capital Territory of Light Vehicle Transport Legislation;
 - (g) approve the guidelines for the preparation of regulatory impact statements produced by the National Commission pursuant to paragraph 17(1)(b);
 - (h) disapprove Application Orders;
 - (i) terminate Emergency Orders;
 - (j) approve under sub-clause 31(3) a way of interlinking the operation of the Acts referred to in the sub-clause; and
 - (k) disapprove any recommendation of the National Commission referred to in paragraph 31(2)(a).

SCHEDULE 2—continued

PART VI—PROCEEDINGS OF MINISTERIAL COUNCIL

- 10.(1) Ordinary meetings of the Ministerial Council shall be held at such times and places as are from time to time decided by the Ministerial Council but, in any event, not less than once in each calendar year.
- (2) A special meeting of the Ministerial Council may be convened by any member by giving 28 days (or such other shorter period as may be accepted by all members for the purpose of the meeting) notice in writing to all other members.
- (3) A special meeting shall not, except with the agreement of all members of the Ministerial Council, consider a matter which has not been specified in, or at the time of, the notice of the special meeting.
11. The quorum for consideration of a resolution at a meeting of the Ministerial Council shall be that number of Voting Members equal to the integer immediately above 50 percent of the total number of Voting Members.
- 12.(1) The Chairperson of a meeting of the Ministerial Council shall be decided by the Ministerial Council prior to or, if not previously decided, at the meeting.
- (2) At a meeting of the Ministerial Council the Chairperson shall:
 - (a) in the case where the chairperson is a Voting Member, have a deliberative, but not a casting, vote; and
 - (b) in all other cases, have no vote.
13. The Ministerial Council will carry a resolution by a simple majority of Voting Members in favour of the resolution except in relation to a matter referred to in paragraphs 6(2)(b) and 7(2)(b) and clause 23 where the vote of all Voting Members in favour of the resolution shall cause the resolution to be carried.
14. A resolution which, without being considered at a meeting of the Ministerial Council, is referred to all Voting Members of the Ministerial Council who indicate in writing, whether transmitted by electronic or other means, to the National Commission, that they are in favour, shall be as valid and effective as if the resolution had been passed at a duly convened meeting of the Ministerial Council.
- 15.(1) Subject to the provisions of sub-clauses 15(2), and 15(3), the Australian Local Government Association shall be entitled to nominate in writing to the Chairperson of the National Commission a person who shall be entitled to receive notices of

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- meetings of the Ministerial Council and to attend meetings of the Ministerial Council as an observer but not as a member.
- (2) Upon receipt of the nomination referred to in sub-clause 15(1), the Chairperson of the National Commission shall advise in writing each member for the time being of the Ministerial Council of the person nominated.
 - (3) No meeting of the Ministerial Council shall be deemed to be improperly held by reason of:
 - (a) there being no person nominated pursuant to sub-clause 15(1); or
 - (b) the person nominated pursuant to sub-clause 15(1) not having been sent, or not having received, a notice of a meeting of the Ministerial Council or not being in attendance at any meeting of the Ministerial Council.
16. Subject to the previous provisions of this Part, the Ministerial Council may determine its own procedure and for that purpose may make rules of procedure, including rules relating to notices of meetings and conduct of business at meetings, and may from time to time alter such rules.

PART VII—NATIONAL ROAD TRANSPORT COMMISSION

- 17.(1) Subject to this Agreement and to the responsibility of the States and the Territories for day-to-day administration, having regard to the principles and objectives stated in the Recitals, the functions of the National Commission shall be to have and to exercise responsibility both for the policy development in relation to Light Vehicle Transport and for overseeing the administration by Participating Parties and the Australian Capital Territory of Light Vehicle Transport Legislation and for the provision of information with respect to such Legislation and the preparation and issuing of guidelines and principles of administration to the Participating Parties and the Australian Capital Territory, and the recommending to the Ministerial Council of:
- (a) the proposed Light Vehicle Transport Legislation;
 - (b) guidelines for the preparation of regulatory impact statements concerning proposed Light Vehicle Transport Legislation;
 - (c) one of the options set out in sub-clause 29(1);
 - (d) Application Orders;
 - (e) a way of interlinking the operation of the Acts referred to in sub-clause 31(3), as developed by it and the Commonwealth; and

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- (f) amendments to the Motor Vehicle Standards Act 1989; and the recommending of Emergency Orders to the Participating Parties and the Australian Capital Territory.
- (2) The National Commission shall exercise in the following manner its functions under this Agreement as to the matters below:
- (a) as a matter of priority to develop and/or maintain national standards and associated codes of practice as appropriate in the following areas:
- (i) new vehicle safety, emission, noise and other technical standards;
 - (ii) in-service vehicle safety, emission noise and other standards;
 - (iii) roadworthiness performance standards;
 - (iv) driver capability criteria;
 - (v) the traffic code covering interaction and behaviour of all road users;
 - (vi) the transport of dangerous goods;
 - (vii) vehicle registration and driver licensing information exchange; and
 - (viii) integration of national data bases as they relate to Light Vehicles.
- (b) in addition,
- (i) to assemble and publish comparative information on the funding of roads and the taxes and road-related charges applying to Light Vehicles;
 - (ii) assist in developing indicators for assessing the performance of the road system, the efficiency and effectiveness of road authorities (including the Commonwealth and those of local government) in managing that system, collate the information collected by those authorities, and publish comparative assessments of the performance, of those road authorities and of their road systems;
 - (iii) monitor the use of alternative fuels; and
 - (iv) assemble and publish information on road safety.
- (c) to identify priorities and timetables for the following and develop proposals for national regulation and associated codes of practice as appropriate but only where significant net benefits can be demonstrated:
- (i) technical standards for new Light Vehicles not covered by the Motor Vehicle Standards Act 1989;
 - (ii) standards for modification of Light Vehicles;

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- (iii) regulations regarding towed mass;
 - (iv) procedures and sanctions for unroadworthy vehicles;
 - (v) co-ordination of national road safety research and public education relating to road safety;
 - (vi) enforcement and sanctions;
 - (vii) vehicle registration and driver licensing business rules;
 - (viii) uniform vehicle registration and driver licensing computer systems;
 - (ix) driver licensing requirements and performance standards including driver and rider training;
 - (x) operator licensing requirements; and
 - (xi) other matters referred by the Ministerial Council.
- (3) The National Commission in conjunction with the National Environmental Protection Authority is to develop for Light Vehicles national motor vehicle emission and noise standards.
- (4) The National Commission may recommend the replacement of a Zone for any purpose, with another Zone or other Zones and in the case of any replacement Zone referred to if not disapproved by the Ministerial Council within a period of at least two months or any lesser period agreed by the Ministerial Council, shall constitute a Zone for all members of the Ministerial Council whose territory in whole or part lies within that Zone until any further recommendation, not so disapproved, is made.
- (5) To assist the National Commission in discharging the responsibilities set out in sub-clauses 17(1), 17(2) and 17(3) the National Commission shall consult with interested persons and may, from time to time, appoint committees. The number of members of, manner of appointment to and removal from, and terms and conditions of appointment to such committees, are to be determined by the National Commission.
- (6) Proposed Commonwealth Light Vehicle Transport Legislation submitted to the Ministerial Council shall be accompanied by a regulatory impact statement.
- (7) The National Commission shall prepare regulatory impact statements.
- (8) The National Commission shall report within three months after the expiry of each Financial Year to the Commonwealth Parliament on the administration and enforcement by the Participating Parties and the Australian Capital Territory of the Light Vehicle Transport Legislation.

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PART VIII—STATE AND TERRITORY ADMINISTRATIONS

18. The administration of Commonwealth Light Vehicle Transport Legislation within the Australian Capital Territory and Jervis Bay Territory and within the Territory of each Participating Party which applies the Commonwealth Light Vehicle Transport Legislation in accordance with the scheme established under this Agreement shall, to the maximum extent practicable, be carried out by the entities and personnel of the administration of the relevant Participating Party or the Australian Capital Territory, and the Commonwealth, as the case may be, but the National Commission shall oversee in accordance with clause 17, those entities in the performance of those functions.
19. The exercise by the National Commission of responsibility for the administration of Light Vehicle Transport Legislation shall not extend to matters relating to:
 - (a) the Australian Public Service;
 - (b) the Public Service of a State or Territory;
 - (c) the management and provision of facilities or services or both of Commonwealth, State or Territory administrations; or
 - (d) any functions of Commonwealth, State or Territory administration that are not included within the scope of operation of the scheme established under this Agreement.
20. Members of the Ministerial Council or their delegates shall be entitled to be notified of, and to be given information concerning, any matter being dealt with by the National Commission and shall have the right to refer any matter arising out of, or in connection with, their responsibilities directly to the National Commission for consideration.
21. Each Participating Party and the Australian Capital Territory will provide the funds and other resources necessary for its administration to carry out the functions of that administration in accordance with the scheme established under this Agreement.

PART IX—INTERIM ARRANGEMENTS

- 22.(1) As soon as practicable after this Agreement comes into force, Heads of Government agree to direct the representatives of their Governments on the Ministerial Council to act so that the functions and powers referred to in paragraphs 8(1)(e) and (f) of the NRTC Act are so conferred and expressed to be conferred pending the amendment to that Act referred to in this Agreement to enable that Commission to exercise its powers in relation to this Agreement.

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SCHEDULE 2—continued

PART X—FUNDING OF NATIONAL COMMISSION

23. The funds required for the functioning of the National Commission shall be provided by the Parties in such shares as may be agreed unanimously by the Ministerial Council provided that if, after the commencement of the legislation referred to in sub-clause 8(1), the Ministerial Council unanimously agrees that the Parties who are not then Participating Parties will not so become within a reasonable time then any of those Parties may, while they continue to fail to so become, cease to provide funds should they wish to so do.
24. The Participating Parties and the Australian Capital Territory shall take all practicable measures to ensure that any increase in the level of the National Commission's expenditure brought about by an increase in staff or by extension of its functions will result in a combined saving in aggregate of the costs previously incurred by the Participating Parties and the Australian Capital Territory in respect of those functions conferred on the National Commission by Commonwealth legislation of at least twice the amount of that increase incurred by the National Commission.

PART XI—AMENDMENT OF LEGISLATION

- 25.(1) The Commonwealth will not:
- (a) submit to the Commonwealth Parliament any Bill to amend the Commonwealth Act; or
 - (b) cause to be submitted to the Appropriate Authority any proposed legislation which would amend the Light Vehicles Transport Legislation, unless the amendment which will be made by the Bill or by the proposed legislation, as the case may be, has been recommended by the National Commission and, having been submitted to the Ministerial Council for its consideration for at least two months, has not been disapproved within that period by the Ministerial Council.
- (2) If any proposed amendment to legislation is not disapproved by the Ministerial Council, the Commonwealth will submit that proposed amendment to the Appropriate Authority and take such steps as are appropriate to secure its enactment or making.
26. A State or the Northern Territory will not submit to its Parliament legislation or take action for the making of regulations;
- (a) which will, upon coming into force, conflict with the legislation referred to in clause 8; or
 - (b) concerning interstate trade or commerce in relation to Light Vehicle Transport without first consulting the National Commission.

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SCHEDULE 2—continued

PART XII—ADMINISTRATIVE AND LIKE LAWS

27. Each Participating Party, other than the Commonwealth, shall do all that is practicable to ensure that its legislation if any, relating to the review of administrative decisions, review by an Ombudsman, privacy, freedom of information and archives applies to decisions made by the administration of that Participating Party.

PART XIII—DISPUTE RESOLUTION

- 28.(1) Should the National Commission resolve that a Participating Party or the Australian Capital Territory is acting contrary to, or failing to otherwise comply with, a provision of this Agreement or there is a failure to pass legislation required to be passed through its Parliament, then it shall inform the relevant member of the Ministerial Council representing that Party of its resolution and of its intention to refer the matter to the Ministerial Council unless the alleged act or failure is remedied or satisfactorily explained.
- (2) If the matter is not settled, the National Commission shall inform the member of the Ministerial Council representing such Participating Party that it is referring the matter to the Ministerial Council to determine whether further action should be taken including fixing of a further period within which the matter shall be remedied by the Participating Party.
- (3) If the matter is not remedied to the satisfaction of the Ministerial Council within the period referred to in sub-clause 28(2) then the matter may be referred by the Ministerial Council to the next Premiers' Conference or equivalent Conference for resolution.

PART XIV—REVIEW

- 29.(1) Six months before the first or any subsequent expiry of the Commonwealth Act and the Commonwealth Light Vehicle Transport Legislation, the National Commission shall have completed a review of such legislation and have recommended to the Heads of Government of the Participating Parties and the Australian Capital Territory whether the legislation should:
- (a) be allowed to expire;
 - (b) be re-enacted or re-made for a further period of six years or a lesser period in its existing form; or
 - (c) be re-enacted or re-made in a modified form.

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SCHEDULE 2—continued

- (2) Those Heads of Government shall make their decision on any recommendation as to either the Commonwealth Act or the Commonwealth Light Vehicle Transport Legislation made to them pursuant to sub-clause 29(1) by majority vote and if the decision is in relation to paragraphs (b) and (c) of sub-clause 29(1) take all practicable steps to ensure re-enactment or re-making before the expiry of that Legislation.
- (3) The Heads of Government may at any time before the expiry of the NRTC Act review the operation of the Light Vehicle Transport Legislation and if they unanimously resolve to terminate that Legislation and this Agreement, do all that is practicable to terminate them.

PART XV—ACCESSION

- 30.(1) Any State or the Northern Territory, not being a Party to this Agreement, may elect to so become by notice in writing to the other Parties and shall thereafter be bound by the provisions of this Agreement.
- (2) Any Party to this Agreement, not being a Participating Party, may so become by the passage or making of legislation of the kind referred to in clause 8.

PART XVI—MOTOR VEHICLE STANDARDS ACT 1989

- 31.(1) Save to the extent required by sub-clause (2), this Agreement is not to extend to any matter the subject of the Motor Vehicle Standards Act 1989, an Act of the Commonwealth Parliament.
- (2) No later than the taking of the steps referred to in clause 8 by the Parties, the Commonwealth undertakes to:
 - (a) take all practicable steps to amend the Motor Vehicle Standards Act 1989 in any respect which the National Commission recommends, being a recommendation not disapproved by a majority of all the persons who are members of the Ministerial Council within two months after that recommendation;
 - (b) adopt as the standards relating to Light Vehicles those recommended by the National Commission and not disapproved or varied by the majority, and within the period, referred to in paragraph (a); and
 - (c) develop and enter into a Memorandum of Understanding with the National Commission on the role of the Federal Office of Road Safety.

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SCHEDULE 2—continued

- (3) On all the States and the Northern Territory securing passage of the legislation referred to in clause 8, the Commonwealth will within six months thereafter develop in consultation with the National Commission for approval by the Ministerial Council a way of interlinking the operation of the Commonwealth Light Vehicle Transport Legislation and the Motor Vehicle Standards Act 1989.

**PART XVII—AMENDMENTS TO HEAVY VEHICLES
AGREEMENT**

32.(1) The Parties agree that:

- (a) the word “Participating” in Recitals G(e) and in sub-clauses 4(2) and 39(1); and
- (b) the words “until 30 June 1992 and thereafter by the Participating Parties and the Australian Capital Territory” in Clause 31,

of the Heavy Vehicles Agreement are to be deemed to have never been included in that Agreement.

- (2) Clause 35 of the Heavy Vehicles Agreement is amended by deleting all words after “regulations” and adding the following:
- “(a) which will, upon coming into force, conflict with the legislation referred to in clause 8; or
 - (b) concerning interstate trade or commerce in relation to Road Transport without first consulting the National Commission.”
- (3) Clause 31 of the Heavy Vehicles Agreement is amended by adding the words “provided that if, after the commencement of the Legislation referred to in sub-clause 8(1), the Ministerial Council unanimously agrees that the Parties who are not then Participating Parties will not so become within a reasonable time, then any of those Parties may, while they continue to fail to so become, cease to provide funds should they wish to so do”.

IN WITNESS WHEREOF this Agreement has been respectively signed for and on behalf of the Parties as at the day and year first above written.

SIGNED by the Honourable
PAUL JOHN KEATING, Prime Minister
of the Commonwealth of Australia,
in the presence of—

R. T. PERRY

} PAUL KEATING

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SCHEDULE 2—continued

SIGNED by the Honourable
NICHOLAS FRANK GREINER, Premier
of the State of New South Wales,
in the presence of—
R. T. PERRY

NICK GREINER

SIGNED by the Honourable
JOAN ELIZABETH KIRNER, Premier
of the State of Victoria,
in the presence of—
R. T. PERRY

JOAN KIRNER

SIGNED by the Honourable
WAYNE KEITH GOSS, Premier
of the State of Queensland,
in the presence of—
R. T. PERRY

WAYNE GOSS

SIGNED by the Honourable
JOHN CHARLES BANNON, Premier
of the State of South Australia,
in the presence of—
R. T. PERRY

JOHN BANNON

SIGNED by the Honourable
MARSHALL BRUCE PERRON,
Chief Minister of the
Northern Territory of
Australia, in the presence of—
R. T. PERRY

M. PERRON

SIGNED by ROSEMARY FOLLETT,
Chief Minister of the
Australian Capital Territory,
in the presence of—
R. T. PERRY

ROSEMARY
FOLLETT

”.

*National Road Transport Commission
Amendment No. 149, 1992*

NOTE

1. No. 8, 1992.

*[Minister's second reading speech made in—
House of Representatives on 19 August 1992
Senate on 13 October 1992]*