



Interstate Road Transport Legislation (Repeal) Act 2018

No. 35, 2018

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

Note: An electronic version of this Act is available on the Federal Register of Legislation (<https://www.legislation.gov.au/>)

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No. 35, 2018

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

[Assented to 22 May 2018]

The Parliament of Australia enacts:

1 Short title

This Act is the *Interstate Road Transport Legislation (Repeal) Act 2018*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	22 May 2018
2. Schedule 1	The day after this Act receives the Royal Assent.	23 May 2018
3. Schedule 2	1 July 2019.	1 July 2019

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.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

Part 1—Amendments

Interstate Road Transport Act 1985

1 After subsection 9(2)

Insert:

- (2A) A Registration Authority must not register a motor vehicle or trailer if the registration would come into force on or after 1 July 2018.

Note: This subsection applies only to registrations granted on or after the day this subsection takes effect (see Part 2 of Schedule 1 to the *Interstate Road Transport Legislation (Repeal) Act 2018*).

- (2B) If the registration of a motor vehicle or trailer would come into force on or after 1 July 2018, the registration is valid until it is cancelled.

Note: This subsection applies only to registrations granted before this subsection takes effect (see Part 2 of Schedule 1 to the *Interstate Road Transport Legislation (Repeal) Act 2018*).

2 At the end of subsection 9(4)

Add:

Note: A motor vehicle or trailer must not be re-registered if the re-registration would come into force on or after 1 July 2018 (see subsection (2A)).

3 At the end of paragraphs 11(1)(a) to (e)

Add “or”.

4 At the end of subsection 11(1)

Add:

; or (g) the registration would expire on or after 1 July 2019.

Part 2—Application provisions

5 Application provisions

- (1) Subsection 9(2A) of the *Interstate Road Transport Act 1985*, as inserted by this Schedule, applies in relation to a registration granted on or after the commencement of this item.
- (2) Subsection 9(2B) of the *Interstate Road Transport Act 1985*, as inserted by this Schedule, applies in relation to a registration granted before the commencement of this item.

Schedule 2—Repeals and related provisions

Part 1—Repeals

Interstate Road Transport Act 1985

1 The whole of the Act

Repeal the Act.

Interstate Road Transport Charge Act 1985

2 The whole of the Act

Repeal the Act.

Part 2—Consequential amendments

COAG Reform Fund Act 2008

3 Subsection 5(2) (note 4)

Repeal the note.

4 Paragraph 7(1)(c)

Repeal the paragraph.

5 Subsection 7(3) (note 2)

Repeal the note.

Part 3—Transitional provisions

6 Arrangements with States etc.

Despite the repeal of section 6 of the *Interstate Road Transport Act 1985* by this Schedule:

- (a) an arrangement that is in force under that section immediately before this item commences is taken, after that commencement, to continue in force in relation to the exercise after that commencement of functions under that Act as a result of this Part; and
- (b) subsection 6(5) of that Act (amounts received by an officer or authority of a State) continues to apply in relation to amounts received after this item commences as a result of this Part.

7 Cancellation of registration

If, but for the repeal of the *Interstate Road Transport Act 1985* by this Schedule, the registration of a motor vehicle or trailer would expire after this item commences, the registration is taken to be cancelled immediately before that commencement.

8 Refund of charges etc.

Refund of charge on cancellation or surrender of registration

- (1) Despite the repeal by this Schedule of section 18 of the *Interstate Road Transport Act 1985*, that section continues to apply, after this item commences, in relation to the cancellation or surrender of the registration of a motor vehicle or trailer if:
 - (a) the cancellation or surrender occurs before that commencement; and
 - (b) a refund is not given before that commencement in relation to the cancellation or surrender.

Refund of charge in relation to intra-state operations

- (2) Despite the repeal by this Schedule of section 19 of the *Interstate Road Transport Act 1985*, that section continues to apply, after this item commences, in relation to the use of a registered motor vehicle or trailer in accordance with paragraphs 19(1)(a) and (b) of that Act if:
 - (a) that use occurs before that commencement; and

- (b) a refund is not given before that commencement in relation to that use.

Offence against section 137.1 of the Criminal Code

- (3) Despite the repeal by this Schedule of subsection 19(3) of the *Interstate Road Transport Act 1985*, that subsection continues to apply, after this item commences, in relation to a proceeding commenced before or after this item commences.

9 Arrangements relating to the Interstate Road Transport Account and COAG Reform Fund

- (1) Despite the repeal by this Schedule of Part IV of the *Interstate Road Transport Act 1985* and paragraph 7(1)(c) of the *COAG Reform Fund Act 2008*, those provisions and any related instruments continue to apply, after this item commences, in accordance with this item.

Crediting amounts to special accounts

- (2) An amount must be credited to the Interstate Road Transport Account in accordance with Part IV of the *Interstate Road Transport Act 1985* until 20 October 2019.
- (3) If, but for the repeal of that Part by this Schedule, an amount would have been credited to that Account between 21 October 2019 and 31 October 2019, the amount is to be credited to the COAG Reform Fund:
- (a) for the purposes of making grants of financial assistance to a State, the Australian Capital Territory or the Northern Territory for expenditure by the State or Territory on the maintenance and upkeep of roads in the State or Territory that are used by registered motor vehicles or trailers; and
 - (b) in accordance with a determination under subsection 23(1) of the *Interstate Road Transport Act 1985* as if the amount were standing to the credit of the Interstate Road Transport Account on the 20th day of the month.

Debiting and crediting arrangements after repeal

- (4) Section 23 of the *Interstate Road Transport Act 1985* and paragraph 7(1)(c) of the *COAG Reform Fund Act 2008*, and any related instruments, continue to apply, after this item commences, to:
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- (a) any amounts credited to the Interstate Road Transport Account between 21 June 2019 and 20 October 2019; and
- (b) any amounts credited to the COAG Reform Fund under the *Interstate Road Transport Act 1985* between 21 June 2019 and 31 October 2019; and
- (c) any amounts credited to the COAG Reform Fund under subitem (3).

Interpretation

- (5) For the purposes of this item, a reference in section 23 of the *Interstate Road Transport Act 1985* to an amount credited to the COAG Reform Fund under subsection 23(1) of that Act is taken to include a reference to an amount credited to that Fund under subitem (3).
- (6) In this item:
 - related instruments*** means any of the following (as in force immediately before this item commences):
 - (a) any instruments made by the Minister under section 23 of the *Interstate Road Transport Act 1985*;
 - (b) any regulations made under section 56 of that Act for the purposes of section 23 of that Act.

10 Delegation

Despite the repeal of section 50 of the *Interstate Road Transport Act 1985* by this Schedule:

- (a) any instruments that are in force under that section immediately before this item commences are taken, after that commencement, to continue in force in relation to the exercise after that commencement of powers as a result of this Part; and
- (b) subsections 50(2) and (3) of that Act continue to apply in relation to those instruments.

11 Reconsideration and review of certain decisions

Despite the repeal of section 51 of the *Interstate Road Transport Act 1985* by this Schedule, the section continues to apply, after this item commences, in relation to a decision made before this item commences.

12 Transitional rules

- (1) The Minister may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments and repeals made by this Act.
- (2) However, to avoid doubt, the rules may not do the following:
 - (a) create an offence or civil penalty;
 - (b) provide powers of:
 - (i) arrest or detention; or
 - (ii) entry, search or seizure;
 - (c) impose a tax;
 - (d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;
 - (e) directly amend the text of this Act.
- (3) This Act (other than subitem (2)) does not limit the rules that may be made for the purposes of subitem (1).
- (4) Rules made for the purposes of this item that are registered under the *Legislation Act 2003* before 1 July 2020:
 - (a) may be expressed to take effect from a date before the rules are registered; and
 - (b) apply despite subsection 12(2) (retrospective application of legislative instruments) of that Act.

*[Minister's second reading speech made in—
House of Representatives on 28 February 2018
Senate on 9 May 2018]*

(30/18)
