

1993-94-95

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA  
HOUSE OF REPRESENTATIVES

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Presented and read a first time

*(Transport)*

## A BILL

FOR

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

The Parliament of Australia enacts:

**Short title etc.**

**1.(1)** This Act may be cited as the *Interstate Road Transport Amendment Act 1995*.

**5 (2)** In this Act, “**Principal Act**” means the *Interstate Road Transport Act 1985*<sup>1</sup>.

**Commencement**

2. This Act commences at the commencement of the *Interstate Road Transport Charge Amendment Act 1995*.

**Amendments**

3. The Principal Act is amended as set out in the Schedule. 5

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**SCHEDULE**

Section 3

**AMENDMENTS OF THE INTERSTATE ROAD TRANSPORT  
ACT 1985**

**1. Subsection 3(1) (definition of “vehicle”):**

Omit the definition, substitute:

“ **‘vehicle’** means any means of conveyance which runs on wheels but does not include:

- (a) any vehicle used on a railway; or
- (b) any vehicle that has an MRC equal to or less than 4.5 tonnes.”.

**2. Subsection 3(1) (definitions of “charge monitoring device”, “motor vehicle charge monitoring device” and “trailer charge monitoring device”):**

Omit the definitions.

**3. Subsection 3(1):**

Insert:

“ **‘compliance plate’** means a plate authorised to be placed on a vehicle, or taken to have been placed on a vehicle, under the *Motor Vehicle Standards Act 1989*;

**‘MRC’** (Mass Rating for Charging), in relation to a vehicle, means:

- (a) the maximum mass of the vehicle, including any load, recorded on the compliance plate as the GVM, GTMR or ATM of the vehicle; or
- (b) in relation to a vehicle for which there is no compliance plate—its operating mass;”.

**4. Subparagraphs 9(1)(b)(i) and (ii):**

Omit the subparagraphs, substitute:

“(i) the whole of the charge in respect of the registration of the motor vehicle or trailer;”.

**5. Paragraphs 11(1)(f) and (g):**

Omit the paragraphs, substitute:

“(f) an amount payable under paragraph 9(1)(a) or (b) or 9(3)(b) and accompanying an application for registration under section 9 has been paid by cheque—the cheque is dishonoured when duly presented for payment.”.

**6. Paragraphs 11(2)(ca) and (cb):**

Omit the paragraphs, substitute:

**SCHEDULE—continued**

“(ca) an amount payable under paragraph 9(1)(a) or (b) or 9(3)(b) and accompanying an application for registration under section 9 has been paid by cheque—the cheque is dishonoured when duly presented for payment;”.

**7. Section 14:**

Repeal the section, substitute:

**By whom charge payable**

“14. An amount of charge in respect of the registration of a motor vehicle or trailer 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.”.

**8. Section 16:**

Repeal the section, substitute:

**When charge due and payable**

“16. 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.”.

**9. Sections 15, 17 and 17A:**

Repeal the sections.

**10. Section 18:**

Repeal the section, substitute:

**Refund of charge on cancellation or surrender**

“18. If the registration of a motor vehicle or trailer is cancelled or surrendered the Commonwealth must refund to the owner an amount worked out using the formula:

**AB**

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**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, apart from 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).”.

**SCHEDULE**—continued

**11. Section 20:**

Repeal the section, substitute:

**Recovery of charge**

“20. Charge payable to the Commonwealth may be recovered as a debt due to the Commonwealth.”.

**12. Subsections 36(2), (3), (4) and (5):**

Omit the subsections.

**13. Section 38:**

Omit “and the *Interstate Road Transport Charge Act 1985*”.

**14. Subsection 39(1):**

Omit the subsection, substitute:

“(1) The regulations may require the owner of a registered motor vehicle fitted with a standard monitoring device to:

- (a) cause the monitoring device to be kept in good repair; and
- (b) cause the monitoring device to be maintained and operated in accordance with procedures specified in the regulations; and
- (c) cause the monitoring device to be replaced in such circumstances as are specified in the regulations; and
- (d) if the monitoring device records information relating to the operation of the motor vehicle or trailer in a document located in the device:
  - (i) cause the document to be removed in accordance with procedures specified in the regulations; and
  - (ii) cause the document to be kept in a manner, and for a period, specified in the regulations; and
- (e) if information recorded by the monitoring device relating to the operation of the motor vehicle or trailer may be mechanically transferred to a document:
  - (i) cause that information to be transferred to a document in accordance with procedures specified in the regulations; and
  - (ii) cause the document to be kept in a manner, and for a period, specified in the regulations; and
- (f) cause to be prepared documents, in accordance with the approved form, containing extracts from, or summaries of, documents of a kind referred to in subparagraph (d)(i) or (e)(i) and cause the documents first referred to in this paragraph to be kept in a manner, and for a period, specified in the regulations; and

**SCHEDULE—continued**

- (g) notify a Licensing Authority of such matters relevant to monitoring devices as are specified in the regulations including, but without limiting the generality of the foregoing, the places where monitoring device records are kept.”.

**15. Subsection 39(2):**

Omit “(g)”, substitute “(e)”.

**16. Section 40:**

Repeal the section, substitute:

**Offences relating to monitoring devices**

“40. If a registered motor vehicle is fitted with a standard monitoring device, a person must not, during the period the registration is in force:

- (a) destroy the monitoring device; or
- (b) damage, injure, manipulate or tamper or interfere with the monitoring device in such a way as to hinder the normal operation of the monitoring device; or
- (c) use or operate the monitoring device in such a way as to hinder the normal operation of the device; or
- (d) except as permitted by regulations made for the purposes of section 39, remove the monitoring device.

Penalty: 10 penalty units.”.

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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; No. 23, 1990; No. 128, 1991; and No. 5, 1994.





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