

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

Presented and read a first time

(Transport and Communications)

**ROAD TRANSPORT REFORM (VEHICLES AND
TRAFFIC) BILL 1993**

TABLE OF PROVISIONS

PART 1—PRELIMINARY

Section

1. Short title
2. Purpose
3. Binding the Crown
4. Definitions
5. Act to cease to be in force
6. Relationship between this Act and the Motor Vehicle Standards Act

PART 2—REGULATIONS

7. Regulations
8. Scope of regulations dealing with vehicles and traffic
9. Subject matter of regulations dealing with vehicles and traffic
10. Exemptions from the regulations
11. Penalties under the regulations
12. Provisions of Part 3 to apply

**PART 3—PROVISIONS APPLYING TO NATIONAL ROAD TRANSPORT
LAWS**

Division 1—Preliminary

13. Application of Division 2
14. Application of Commonwealth Acts Interpretation Act

TABLE OF PROVISIONS—*continued*

Section

Division 2—Provisions applying or to be applied to national road transport laws

15. Application orders and emergency orders
16. Power to include areas in the scope of regulations dealing with vehicles and traffic
17. Power to grant exemptions from particular regulations dealing with vehicles and traffic
18. Delegation by Minister
19. Other penalties

1993

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

Presented and read a first time

(Transport and Communications)

A BILL

FOR

An Act to assist in the adoption of nationally uniform or consistent road transport laws

The Parliament of Australia enacts:

PART 1—PRELIMINARY

Short title

5 **1.** This Act may be cited as the *Road Transport Reform (Vehicles and Traffic) Act 1993*.

Purpose

2.(1) This Act forms part of a scheme to create uniform or consistent national road transport legislation, as envisaged by the agreements scheduled to the *National Road Transport Commission Act 1991*.

(2) The scheme is designed to:

- (a) improve the safety and efficiency of transport on roads and on other areas that are open to or used by the public; and
- (b) reduce the costs of the administration of that transport.

(3) The purpose of this Act is to empower the making of laws for the Australian Capital Territory and the Jervis Bay Territory that are intended to be adopted, along with Division 2 of Part 3 of this Act, by the States and the Northern Territory in accordance with the agreements scheduled to the *National Road Transport Commission Act 1991*. 5

Binding the Crown

3.(1) This Act and the regulations bind the Crown in all its capacities. 10

(2) It is intended that an adopting law of a State or of the Northern Territory will bind the Crown in all its capacities.

(3) For that purpose, an adopting law of a State or of the Northern Territory may bind the Crown in right of the Commonwealth. 15

Definitions

4. In this Act:

“**motor vehicle**” means a vehicle that is built to be propelled by a motor that forms part of the vehicle;

“**road**” means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles; 20

“**trailer**” means a vehicle that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed.

Act to cease to be in force

5.(1) This Act, other than subsection (2), ceases to be in force when the *National Road Transport Commission Act 1991* ceases to be in force. 25

(2) Even if this Act ceases to be in force under subsection (1), the regulations continue in force as if they were laws made by the Legislative Assembly of the Australian Capital Territory, and those laws may be amended or repealed by the Legislative Assembly. 30

Relationship between this Act and the Motor Vehicle Standards Act

6.(1) It is the intention of the Parliament that:

(a) the *Motor Vehicle Standards Act 1989* will, subject to paragraph (b), continue to be the sole source of standards for the design and construction of new vehicles; and 35

(b) regulations under this Act may deal with standards for the design and construction of new vehicles for which no standards had been determined under the *Motor Vehicle Standards Act 1989* at the commencement of the regulations.

(2) If:

- (a) regulations are made as mentioned in paragraph (1)(b); and
- (b) after the commencement of the regulations, standards are determined under the *Motor Vehicle Standards Act 1989* that are inconsistent with the regulations;

the standards prevail.

(3) In this section:

“new vehicle” has the same meaning as in the *Motor Vehicle Standards Act 1989*.

PART 2—REGULATIONS

Regulations

7.(1) The Governor-General may make regulations to apply as laws of the Australian Capital Territory and of the Jervis Bay Territory, prescribing all matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations may specify that the provisions of the regulations commence on a day or days specified by the Commonwealth Minister for the time being administering this Act, by notice in the *Gazette*.

Scope of regulations dealing with vehicles and traffic

8.(1) The regulations may apply to a vehicle, animal or person on:

- (a) a road; or
- (b) an area that divides a road; or
- (c) a footpath or nature strip adjacent to a road; or
- (d) an area that is open to the public and is designated for use by cyclists or animals; or
- (e) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (f) any other area that is open to or used by the public and that has been declared, in accordance with section 16, to be an area to which the regulations apply.

(2) The regulations may make provision for a matter by applying, adopting or incorporating national standards under the *Motor Vehicle Standards Act 1989* as in force from time to time.

Subject matter of regulations dealing with vehicles and traffic

Vehicle standards

9.(1) The regulations may prescribe rules dealing with vehicle standards, including rules relating to:

- (a) the design, construction, efficiency and performance of, and the 5
equipment to be carried on, vehicles; and
- (b) the attachment of operational or safety devices; and
- (c) mass and dimension limits of vehicles and their loads; and
- (d) roadworthiness; and
- (e) safety, emissions and noise; and 10
- (f) the coupling of trailers and motor vehicles; and
- (g) the identification of vehicles or components of vehicles; and
- (h) the keeping and production of records.

Driver and rider standards

(2) The regulations may prescribe rules dealing with motor vehicle 15
driver and rider competence and performance standards, including rules relating to:

- (a) driver and rider training and assessment criteria; and
- (b) working hours for drivers; and
- (c) the keeping and production of records. 20

Traffic regulation

(3) The regulations may prescribe rules dealing with the regulation of traffic and people, including rules relating to:

- (a) the places in which and the manner in which vehicles may or may not 25
be driven or ridden; and
- (b) speed limits for vehicles; and
- (c) signs and traffic control devices; and
- (d) the marks that are to be used on the surface of roads and related areas;
and
- (e) the control and reduction of: 30
 - (i) danger in vehicle operation; or
 - (ii) traffic congestion; and
- (f) the conduct of events on roads and related areas that may disrupt
traffic; and
- (g) the use of safety equipment by drivers, riders, passengers and 35
pedestrians; and

- (h) standards of conduct for safety purposes; and
- (i) parking of vehicles and parked or stationary vehicles; and
- (j) complying with directions given by police officers or other prescribed people.

5 **Vehicle operations**

(4) The regulations may prescribe rules dealing with the operation of vehicles, including rules relating to:

- (a) loading and unloading and securing of loads; and
- 10 (b) vehicles whose size, mass or load exceeds limits set by the regulations; and
- (c) the keeping and production of records.

Fees

(5) The regulations may prescribe fees to be paid for services provided under the regulations.

15 **Exemptions from the regulations**

10. The regulations may provide for the granting of exemptions from provisions of the regulations, either unconditionally or on specified conditions.

Penalties under the regulations

20 11.(1) The regulations may create offences for breaches of the regulations.

(2) In relation to each offence against the regulations, the regulations may prescribe a maximum penalty:

- 25 (a) not exceeding \$2,000 for an individual or \$10,000 for a body corporate; or
- (b) not exceeding \$3,000 for an individual or \$15,000 for a body corporate for an offence relating to overloading.

Provisions of Part 3 to apply

12. The provisions of Part 3 apply to the regulations.

30 **PART 3—PROVISIONS APPLYING TO NATIONAL ROAD TRANSPORT LAWS**

Division 1—Preliminary

Application of Division 2

35 13.(1) It is intended that Division 2 and the regulations as in force from time to time will form part of the law of each jurisdiction of Australia, namely:

- (a) of the Australian Capital Territory and the Jervis Bay Territory; and
 - (b) when they are adopted—of each State and the Northern Territory.
- (2) Paragraph (1)(b) does not apply to regulations under subsection 9(5).

Application of Commonwealth Acts Interpretation Act

14.(1) The provisions of the *Acts Interpretation Act 1901* of the Commonwealth apply to the interpretation of Division 2 and of the regulations in their application to the Australian Capital Territory and the Jervis Bay Territory, except that: 5

- (a) “**Government Gazette**” is to refer to the Government Gazette of the Australian Capital Territory; and 10
- (b) “**Minister**” is to refer to the responsible Minister of the Australian Capital Territory.

(2) It is intended that the provisions of the *Acts Interpretation Act 1901* of the Commonwealth will be applied to the interpretation of Division 2 and of the regulations when they are adopted by each State and the Northern Territory, except that: 15

- (a) “**Government Gazette**” is to refer to the Government Gazette of the jurisdiction concerned; and
- (b) “**Minister**” is to refer to the responsible Minister of the jurisdiction concerned. 20

Division 2—Provisions applying or to be applied to national road transport laws

Application orders and emergency orders

15.(1) The Minister may declare, by notice in the Government Gazette, that the operation of the regulations, or of specified parts of the regulations: 25

- (a) is suspended for a specified period; or
- (b) is varied in a manner specified by the Minister.

(2) A declaration must be consistent with the provisions relating to application orders and emergency orders in the agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth. 30

(3) A declaration may have effect in relation to the whole jurisdiction or to a specified area.

(4) If the Ministerial Council for Road Transport terminates an emergency order, the Minister must publish notice of the termination in the Government Gazette. 35

Power to include areas in the scope of regulations dealing with vehicles and traffic

5 **16.(1)** The Minister may declare, by notice in the Government Gazette, that a specified area of the jurisdiction that is open to or used by the public is an area to which specified regulations apply.

(2) Such a declaration has effect until it is revoked or for the period specified in the declaration.

Power to grant exemptions from particular regulations dealing with vehicles and traffic

10 **17.(1)** The Minister may, in accordance with the regulations and by notice in writing, declare that a specified requirement of the regulations does not apply to a specified person or vehicle.

(2) An exemption under subsection (1):

- 15 (a) applies only in the jurisdiction in which it is made; and
 (b) may be unconditional or subject to specified conditions.

Delegation by Minister

18.(1) The Minister may, by signed instrument, delegate to a prescribed person any of his or her powers under this Act, other than the powers set out in subsection 15(1).

20 **(2)** Subject to any directions of the Minister, a person to whom such a power has been delegated may, by signed instrument, delegate the power to another prescribed person.

Other penalties

25 **19.** This Part and the regulations do not affect a law that applies a non-monetary penalty on conviction or that provides for the issue of an infringement notice or other administrative sanction.