



Road Transport Reform (Vehicles and Traffic) Act 1993

Act No. 9 of 1994 as amended

[Note: This Act was repealed by Act No. 5 of 2011 on 22 March 2011]

This compilation was prepared on 22 October 2001
taking into account amendments up to Act No. 143 of 2001

The text of any of those amendments not in force
on that date is appended in the Notes section

The operation of amendments that have been incorporated may be
affected by application provisions that are set out in the Notes section

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

Part 1—Preliminary

1 Short title [see Note 1]

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

2 Purpose

- (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*.

2A Status of this Act under Commonwealth and ACT laws

- (1) For the purposes of the laws of the Commonwealth and the laws of the Australian Capital Territory, this Act is taken to be a law made by the Legislative Assembly for the Australian Capital Territory under subsection 22(1) of the *Australian Capital Territory (Self-Government) Act 1988*.
- (2) Subsection (1) does not empower the Legislative Assembly for the Australian Capital Territory to make a law amending or repealing this Act.

Section 3

(3) In this section:

laws of the Commonwealth does not include:

- (a) this section or section 3; or
- (b) sections 31, 33 and 35 of the *Australian Capital Territory (Self-Government) Act 1988*.

3 Binding the Crown

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

4 Definitions

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.

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.

6 Relationship between this Act and the Motor Vehicle Standards Act

- (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
 - (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*.

6A Criminal Code does not apply

Chapter 2 of the *Criminal Code* does not apply in relation to, or in relation to matters arising under, offences created by this Act.

Part 2—Regulations

7 Regulations

- (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*.

8 Scope of regulations dealing with vehicles and traffic

- (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.

9 Subject matter of regulations dealing with vehicles and traffic*Vehicle standards*

- (1) The regulations may prescribe rules dealing with vehicle standards, including rules relating to:
 - (a) the design, construction, efficiency and performance of, and the 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
 - (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 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.

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 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:
 - (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

Section 10

- (g) the use of safety equipment by drivers, riders, passengers and 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.

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
 - (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.

10 Exemptions from the regulations

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

11 Penalties under the regulations

- (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:
 - (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.

12 Provisions of Part 3 to apply

The provisions of Part 3 apply to the regulations.

Part 3—Provisions applying to national road transport laws

Division 1—Preliminary

13 Application of Division 2

- (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).

14 Application of Commonwealth Acts Interpretation Act

- (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:
 - (a) **Government Gazette** is to refer to the Government Gazette of the Australian Capital Territory; and
 - (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:
 - (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.

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

15 Application orders and emergency orders

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

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

- (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.

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

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

18 Delegation by Minister

- (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).
- (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.

19 Other penalties

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.

Table of Acts**Notes to the *Road Transport Reform (Vehicles and Traffic) Act 1993*****Note 1**

The *Road Transport Reform (Vehicles and Traffic) Act 1993* as shown in this compilation comprises Act No. 9, 1994 amended as indicated in the Tables below.

For all relevant information pertaining to application, saving or transitional provisions *see* Table A.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>Road Transport Reform (Vehicles and Traffic) Act 1993</i>	9, 1994	18 Jan 1994	15 Feb 1994	
<i>Transport Legislation Amendment Act (No. 2) 1995</i>	89, 1995	20 July 1995	Schedule (item 30): Royal Assent (a)	—
<i>National Road Transport Commission Amendment Act 1998</i>	82, 1998	2 July 1998	2 Jan 1999	—
<i>Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001</i>	143, 2001	1 Oct 2001	2 Oct 2001	S. 4

Act Notes

- (a) The *Road Transport Reform (Vehicles and Traffic) Act 1993* was amended by Schedule (item 30) only of the *Transport Legislation Amendment Act (No. 2) 1995*, subsection 2(1) of which provides as follows:
- (1) Subject to this section, this Act commences on the day on which it receives the Royal Assent.

Table of Amendments

Table of Amendments

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
S. 2A	ad. No. 89, 1995
S. 5	rep. No. 82, 1998
S. 6A	ad. No. 143, 2001

Table A

Table A

Application, saving or transitional provisions

Transport and Regional Services Legislation Amendment (Application of Criminal Code) Act 2001 (No. 143, 2001)

4 Application of Amendments

- (1) Each amendment made by this Act applies to acts and omissions that take place after the amendment commences.
- (2) For the purposes of this section, if an act or omission is alleged to have taken place between 2 dates, one before and one on or after the day on which a particular amendment commences, the act or omission is alleged to have taken place before the amendment commences.