

Queensland



ANNO TRICESIMO

ELIZABETHAE SECUNDAE REGINAE

No. 93 of 1981

**An Act to amend the State Transport Act 1960–1972 and
The State Transport Acts, 1938 to 1943 each in
certain particulars**

[ASSENTED TO 11TH DECEMBER, 1981]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *State Transport Acts Amendment Act 1981*.

2. Arrangement. This Act is divided into Parts as follows:—

PART I—PRELIMINARY (ss. 1-2);

PART II—AMENDMENT OF STATE TRANSPORT ACT 1960-1972 (ss. 3-8);

PART III—AMENDMENT OF STATE TRANSPORT ACTS, 1938 TO 1943 (ss. 9-12).

PART II—AMENDMENT OF STATE TRANSPORT ACT 1960-1972

3. Citation. (1) In this Part the *State Transport Act 1960-1972* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *State Transport Act 1960-1981*.

4. Amendment of s. 45. Application of Part. Section 45 of the Principal Act is amended by omitting subsection (21) and substituting the following subsection:—

“(21) Any vehicle carrying goods other than raw sugar between places if those places are not connected by rail over a distance greater than 40 kilometres.

For the purposes of this subsection places shall be deemed to be connected by rail, notwithstanding that either or both of those places is not or are not serviced by rail, if goods of any description can be carried from one place to the other wholly or partly by rail over a distance greater than 40 kilometres by any route that is reasonably adequate to meet the convenience and requirements of the public for the carriage of goods between those places.”

5. Amendment of s. 48. Offence with respect to carriage of passengers. Section 48 of the Principal Act is amended by omitting all words from and including the words “(i) for a first such offence,” to the end of the section and substituting the following words:—

“(i) for a first offence, to a penalty not exceeding \$300;

(ii) for a second offence, to a penalty not exceeding \$600;

(iii) for a third or subsequent offence, to a penalty not exceeding \$1 200.”

6. Amendment of s. 49. Offence with respect to carriage of goods. Section 49 of the Principal Act is amended by omitting all words from and including the words “(a) for a first such offence,” to the end of the section and substituting the following words:—

“(a) for a first offence, to a penalty not exceeding \$600;

- (b) for a second offence, to a penalty not exceeding \$1 200;
 (c) for a third or subsequent offence, to a penalty not exceeding \$3 000.”.

7. Amendment of s. 49A. Further offences with respect to carriage of goods. Section 49A of the Principal Act is amended by, in subsection (1), omitting all words from and including the words “(a) for a first such offence,” to the end of the subsection and substituting the following words:—

- “(a) for a first offence, to a penalty not exceeding \$600;
 (b) for a second offence, to a penalty not exceeding \$1 200;
 (c) for a third or subsequent offence, to a penalty not exceeding \$3 000.”.

8. Amendment of currency references. The provisions of the Principal Act specified in the following Table are amended as indicated in that Table:—

TABLE

Amended provision	Omit	Substitute
section 67 (3) ..	One hundred pounds	\$400
section 68 (1) ..	One hundred and fifty pounds ..	\$600
section 69 (2) ..	One hundred and fifty pounds ..	\$600
section 72	the expression “(1)” One hundred pounds	\$500
section 74 (2) ..	one hundred pounds	\$200
	ten pounds	\$ 20
Schedule clause 18	one hundred pounds	\$200
	ten pounds	\$ 20

PART III—AMENDMENT OF STATE TRANSPORT ACTS 1938 TO 1943

9. Citation. (1) In this Part *The State Transport Act of 1938* as subsequently amended is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *State Transport Act 1938–1981*.

10. Amendment of s. 23. General penalty. Section 23 of the Principal Act is amended by in subsection (1), omitting the words “one hundred pounds” and substituting the expression “\$1 000”.

11. New s. 23A. The Principal Act is amended by inserting after section 23 the following section:—

“**23A. Enforcement of penalty orders.** (1) Where an order for the payment of a penalty or costs is made against a person for breach of or failure to comply with any provision of an Order in Council made under

section 22, an order that, upon default in payment of the penalty or costs, the person in default be imprisoned or that the amount thereof be recovered by levy and distress shall not be made, but the following provisions of this section shall apply in relation to the recovery thereof.

(2) Where an order referred to in subsection (1) is made the clerk of magistrates courts or other person having custody of the record of the proceeding in which the order was made shall furnish to the complainant, or other person authorized by the Premier of the State, a certificate of the order in the prescribed form and that certificate may be registered in a court having jurisdiction to entertain civil proceedings in which the amount claimed is the amount of the order.

(3) The registrar of a court to whom a certificate referred to in subsection (2) is duly produced for registration shall, upon payment of the appropriate fee, register the certificate in the court and thereupon the certificate shall be a record of the court in which it is registered and the order to which it refers shall be deemed to be a judgment of that court, duly entered, obtained by the complainant or other person to whom the certificate was furnished as plaintiff against the person in default as defendant for the payment to the plaintiff of money comprising—

- (a) the amount of the penalty;
- (b) any costs ordered to be paid by the person in default in the proceeding in which the penalty was imposed; and
- (c) costs of registration of the certificate in the court,

to the intent that like proceedings (including proceedings in bankruptcy) may be taken to recover the amount of the judgment as if the judgment had been given by such court in favour of the plaintiff.

12. Amendment of s. 24. Regulations. Section 24 of the Principal Act is amended by, in subsection (1)—

(a) omitting the words “one hundred pounds” and substituting the expression “\$200”;

(b) omitting the words “ten pounds” and substituting the expression “\$20”.