

Queensland



ANNO TRICESIMO QUARTO

ELIZABETHAE SECUNDAE REGINAE

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No. 30 of 1985

An Act to to amend the Motor Vehicles Safety Act 1980, the Inspection of Machinery Act 1951-1982, the Motor Vehicle Driving Instruction School Act 1969-1984, the Motor Vehicles Control Act 1975, the State Transport Act 1960-1981, the Tow-Truck Act 1973 and the Traffic Act 1949-1982 each in certain particulars and for related purposes

[ASSENTED TO 17TH APRIL, 1985]

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 *Motor Vehicles Safety Act and Other Acts Amendment Act 1985*.

**2. Commencement.** (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as is provided in subsection (1), this Act shall commence on a day appointed by Proclamation.

This Act (other than section 1 and this section) or a provision thereof specified in the Proclamation shall commence on the date appointed by Proclamation made under this subsection for the commencement of this Act or, as the case may be, that provision.

**3. Arrangement of Act.** This Act is divided into parts as follows:—

PART I—PRELIMINARY (ss. 1-3);

PART II—AMENDMENT OF MOTOR VEHICLES SAFETY ACT 1980 (ss. 4-55);

PART III—AMENDMENT OF INSPECTION OF MACHINERY ACT 1951-1982 (ss. 56-60);

PART IV—AMENDMENT OF MOTOR VEHICLE DRIVING INSTRUCTION SCHOOL ACT 1969-1984 (ss. 61-62);

PART V—AMENDMENT OF MOTOR VEHICLES CONTROL ACT 1975 (ss. 63-65);

PART VI—AMENDMENT OF STATE TRANSPORT ACT 1960-1981 (ss. 66-69);

PART VII—AMENDMENT OF TOW-TRUCK ACT 1973 (ss. 70-72);

PART VIII—AMENDMENT OF TRAFFIC ACT 1949-1982 (ss. 73-74).

#### PART II—AMENDMENT OF MOTOR VEHICLES SAFETY ACT 1980

**4. Citation.** (1) In this Part the *Motor Vehicles Safety Act 1980* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Motor Vehicles Safety Act 1980-1985*.

**5. Amendment of s. 3. Arrangement of Act.** Section 3 of the Principal Act is amended by—

(a) omitting the words “COMMERCIAL MOTOR VEHICLES (ss. 23-31);” and substituting the words “COMPULSORY INSPECTION OF CERTAIN MOTOR VEHICLES (ss. 23-30);

PART IVA—ALTERATION AND MODIFICATION OF COMMERCIAL AND SPECIFIED MOTOR VEHICLES (ss. 31A-31E);”;

(b) inserting after the words “PART V—CERTIFICATES OF ROADWORTHINESS (ss. 32-42);” the following words:—

“PART VA—CERTIFICATION OF MOTOR MECHANICS (ss. 42A-42E);

PART VB—APPEALS TRIBUNAL (ss. 42F-42T);”.

**6. Amendment of s. 4. Savings.** Section 4 of the Principal Act is amended by omitting subsection (1) and substituting the following subsections:—

“(1) Subject to subsection (1A), every certificate, licence, order, requisition, notice or other act of authority made, granted, issued, given or done by the Chief Inspector of Motor Vehicles for the purposes of this Act prior to, and in force at, the date of the commencement of section 5 of the *Motor Vehicles Safety Act and Other Acts Amendment Act 1985* shall continue in force as if it were made, granted, issued, given or done by the Commissioner under this Act until it expires by effluxion of time or is revoked, cancelled, suspended or surrendered under this Act.

(1A) Where any certificate or licence granted or issued or caused to be granted or issued by the Chief Inspector of Motor Vehicles is suspended at the date of commencement of section 5 of the *Motor Vehicles Safety Act and Other Acts Amendment Act 1985*, it shall not be in force under this Act until the expiration of the period for which it was suspended, and then only if it has not expired during the period of its suspension and it shall only continue in force thereafter for the remainder of the period during which it would have been in force if it had not been so suspended.

(1B) Any reference in this or any other Act, or in any Proclamation, Order in Council, regulation, rule, by-law, ordinance, licence, approval, authority, permit, direction, determination, order, prohibition or other act of authority, or in any document, instrument or writing whatsoever before the date of commencement of section 5 of the *Motor Vehicles Safety Act and Other Acts Amendment Act 1985* to the Chief Inspector of Motor Vehicles shall, on and from such commencement, be read and construed as referring to the Commissioner and shall operate and have effect accordingly.

(1C) Every notice or act of authority issued or done by an authorized officer for the purposes of this Act prior to, and in force at, the date of commencement of section 5 of the *Motor Vehicles Safety Act and Other Acts Amendment Act 1985* shall continue in force as if it were issued or done by an accredited officer under this Act until it expires by effluxion of time or is revoked or cancelled under this Act.

(1D) Any reference in this or any other Act, or in any Proclamation, Order in Council, regulation, rule, by-law, ordinance, licence, approval, authority, permit, direction, determination, order, prohibition or other act of authority, or in any document, instrument or writing whatsoever before the date of commencement of section 5 of the *Motor Vehicles Safety Act and Other Acts Amendment Act 1985* to an authorized officer shall on and from such commencement, be read and construed as referring to an accredited officer and shall operate and have effect accordingly.

(1E) Every motor mechanic's certificate issued by the Board of Examiners under the *Inspection of Machinery Act 1951-1982* for the purposes of that Act prior to and in force at the date of commencement of section 5 of the *Motor Vehicles Safety Act and Other Acts Amendment Act 1985* shall continue in force as if it were a certificate of the same classification validly issued by the Commissioner under the *Motor Vehicles Safety Act 1980-1985* until it expires by effluxion of time or is revoked, cancelled, suspended or surrendered under the *Motor Vehicles Safety Act 1980-1985*."

**7. Amendment of s. 6. Meaning of Terms.** Section 6 of the Principal Act is amended by—

(a) inserting before the definition "approved examiner" the following definition:—

" "accredited officer" means a person employed for the time being in any capacity in any office, position or place under the Crown in right of the State including a corporation representing the Crown in such right constituted by or under any Act, who is appointed to be an accredited officer in accordance with the provisions of this Act;"

(b) omitting the definition "approved examiner" and substituting the following definition:—

" "approved examiner" means any person who is approved or deemed to be approved under this Act to inspect—

(a) motor vehicles at an approved inspection station for the purposes of part IV;

(b) second-hand motor vehicles at an approved inspection station for the purposes of Part V;"

(c) omitting the definition “approved inspection station” and substituting the following definition:—

“approved inspection station” means a place that is approved or deemed to be approved under this Act for the inspection of—

(a) motor vehicles for the purposes of Part IV;

(b) second-hand motor vehicles for the purposes of Part V;”;

(d) inserting in the definition “authorized officer” after the words “provisions of” the words “Part IVA of”;

(e) inserting after the definition “certificate of inspection” the following definition:—

“certificate of modification” means a certificate of modification issued, or deemed to be issued, and in relation to any time in question, in force or deemed to be in force under this Act;”;

(f) omitting the definition “certificate of roadworthiness” and substituting the following definition:—

“certificate of roadworthiness” means a certificate given—

(a) by an approved examiner at an approved inspection station under Part V;

(b) by or on behalf of the Commissioner under Part V,

that in either case certifies in the prescribed form that the motor vehicle to which it relates complies with the appropriate requirements of the *Traffic Act 1949-1982*, the *Main Roads Act 1920-1983* and the *State Transport Act 1960-1981* and this Act as to its construction, equipment and performance and that it has not any defect that would affect its safe use on a road and, in relation to any time in question, in force or deemed to be in force under this Act;”;

(g) omitting the definition “Chief Inspector”;

(h) omitting the definition “commercial motor vehicle”;

(i) inserting after the definition “certificate of roadworthiness” the following definition:—

“Commissioner” means the Commissioner for Transport within the meaning of section 5 (1) of the *State Transport Act 1960-1981*, or the person for the time being performing the duties of the Commissioner for Transport;”;

(j) inserting after the definition “disposal” the following definition:—

“gross vehicle mass” means the mass of a motor vehicle that is the maximum laden mass recommended by the vehicle manufacturer at which that motor vehicle, or a motor vehicle

of the same make or class or series, or a similar class or series, should be operated;”;

(k) omitting the definition “inspector” and substituting the following definition:—

“ “inspector” means an inspector appointed or deemed to be appointed under this Act, and any person appointed for the time being to perform the whole or part of the duties of an inspector;”;

(l) inserting after the definition “licensed motor dealer” the following definitions:—

“ “Minister” means the Minister of the Crown for the time being charged with the administration of this Act and includes a person for the time being performing the duties of the Minister;

“motor mechanic” means any person who works at testing, examining, adjusting or repairing motor vehicles or internal combustion engines;”;

(m) inserting in the definition “motor vehicle” after the words “mobile dump truck,” the words “tractor;”;

(n) inserting after the definition “proprietor” the following definition:—

“ “road” includes any road, street, highway, alley, avenue, lane, thoroughfare, track, carriageway, footway or subway, whether surveyed or unsurveyed (and all bridges, viaducts, culverts, grids, approaches, crossings and other things appurtenant thereto) open to or used by the public or to which the public have or are permitted to have access, whether on payment of a fee or otherwise;”;

(o) inserting after the definition “second-hand motor vehicle” the following definition:—

“ “tare” means the unladen mass of a motor vehicle;”;

(p) omitting from the end of the definition “trailer” the expression “.” and substituting the expression “;”;

(q) adding after the definition “trailer” the following definition:—

“ “Tribunal” means the Appeals Tribunal established under section 42F.”.

**8. Amendment of s. 7. Administration of Act.** Section 7 of the Principal Act is amended by omitting the words “Chief Inspector, other” and substituting the words “Commissioner,”.

**9. Repeal of s. 9. Qualification of inspectors.** The Principal Act is amended by repealing section 9.

**10. Repeal of and new s. 10. Authorized officers.** The Principal Act is amended by repealing section 10 and substituting the following section:—

**“10. Accredited officers.** (1) The Minister may appoint any person described in the appointment to be an accredited officer for such period as the Minister specifies in the appointment.

(2) An accredited officer appointed under subsection (1) shall perform such functions and duties and may exercise such powers as are from time to time assigned to him in writing by the Commissioner.

(3) A person shall not be appointed an accredited officer unless he possesses, in the opinion of the Minister, sufficient qualifications to permit him to perform the functions and duties likely to be assigned to him by the Commissioner.”

**11. Amendment of s. 11. Certificates of appointment.** Section 11 of the Principal Act is amended by—

(a) in the first paragraph—

(i) omitting the word “authorized” and substituting the word “accredited”;

(ii) omitting the words “Chief Inspector” and substituting the word “Commissioner”;

(b) omitting from the second paragraph the word “authorized” and substituting the word “accredited”.

**12. Amendment of s. 13. Power of Chief Inspector to delegate.** Section 13 of the Principal Act is amended by—

(a) omitting the words “Chief Inspector” from the note appearing in and at the commencement of that section and substituting the word “Commissioner”;

(b) omitting the words “Chief Inspector” wherever they appear in that section and substituting the word “Commissioner” in each case.

**13. Amendment of s. 14. Reports to be made and may be inspected.** Section 14 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the word “authorized” and substituting the word “accredited”;

(ii) omitting the words “Chief Inspector” where they appear twice in that subsection and substituting the word “Commissioner” in each case;

(b) in subsection (2)—

(i) omitting the word “authorized” and substituting the word “accredited”;

(ii) omitting the words “Chief Inspector” where they appear twice in that subsection and substituting the word “Commissioner” in each case;

(c) omitting from subsection (3) the words “Chief Inspector” and substituting the word “Commissioner”.

**14. Amendment of s. 15. Protection from liability.** Section 15 of the Principal Act is amended by omitting the word “authorized” where it occurs five times in that subsection and substituting the word “accredited” in each case.

**15. Amendment of s. 16. Powers of inspectors, etc.** Section 16 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “authorized officer” and substituting the words “accredited officer”;

(ii) omitting the words “Chief Inspector” and substituting the word “Commissioner”;

(iii) omitting from subparagraph (vi) the words “and take copies of or extracts from the same” and substituting the following words:—

“and—

(A) take copies of or extracts from the same; or

(B) where the provisions of this Act operate so as to prevent the removal of a certificate or copy of any such certificate, report, licence, notice, record, list or writing from a book, take possession of that book”;

(b) in subsection (2)—

(i) omitting the words “authorized officer” where they appear three times in that subsection and substituting the words “accredited officer” in each case;

(ii) omitting the words “Chief Inspector” where they appear twice in that subsection and substituting the word “Commissioner” in each case.

**16. Amendment of s. 17. Assistance to inspectors, etc.** Section 17 of the Principal Act is amended by—

(a) omitting the words “authorized officer” where they appear four times in that section and substituting the words “accredited officer” in each case;

(b) omitting the words “Chief Inspector” where they occur twice in that section and substituting the word “Commissioner” in each case.

**17. Amendment of s. 18. Obstructing an inspector, etc.** Section 18 of the Principal Act is amended by omitting from subsection (2) the words “authorized officer” and substituting the words “accredited officer”.

**18. Amendment of s. 19. Inspection of motor vehicles.** Section 19 of the Principal Act is amended by—

(a) omitting the words “authorized officer” and substituting the words “accredited officer”;

(b) omitting the words “*Traffic Act 1949-1977*” and substituting the words “*Main Roads Act 1920-1983* and the *Traffic Act 1949-1982*”.

**19. Amendment of s. 20. Faulty or defective motor vehicles.** Section 20 of the Principal Act is amended by—

(a) omitting the note appearing in and at the commencement of the section and substituting the words “Procedure by inspectors and accredited officers following inspection.”;

(b) omitting subsection (1) and substituting the following subsection:—

“(1) Where an inspector or accredited officer is of the opinion that a motor vehicle or any part thereof or anything attached thereto—

(a) is—

(i) faulty or defective in respect of its safe use; or

(ii) so dangerous as to be likely to cause loss of life or bodily injury to any person;

(b) does not comply in every respect with the appropriate requirements of the *Main Roads Act 1920-1983* and the *Traffic Act 1949-1982* concerning the construction, equipment and performance of vehicles of the type inspected.

he may give to the owner of that vehicle (or, where the owner is a licensed motor dealer or a member of a firm that carries on the business of a licensed motor dealer, to any agent of his) a notice in writing to that effect and such notice may require the owner—

(c) to cease using the vehicle forthwith, or after a date specified in the notice until such replacements, repairs or alterations as are specified in the notice have been carried out;

(d) to carry out such replacements, repairs or alterations to the vehicle within the time specified in the notice and to produce the vehicle for further inspection at a time and place specified in the notice;

(e) to produce and surrender to the inspector or accredited officer any part of the vehicle or anything attached thereto that appears to the inspector to be faulty, defective or dangerous or does not comply with the requirements of the *Main Roads Act 1920-1983* or the *Traffic Act 1949-1982*.”;

(c) omitting from subsection (2) the words “authorised officer” and substituting the words “accredited officer”;

(d) omitting from subsection (4) the words “authorised officer” and substituting the words “accredited officer”;

(e) omitting from subsection (5) the words “Chief Inspector” and substituting the word “Commissioner”.

**20. Amendment of s. 21. Production of motor vehicle on demand.** Section 21 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “Chief Inspector” where they appear twice in that subsection and substituting the word “Commissioner” in each case;

(ii) omitting the words “authorised officer” and substituting the words “accredited officer”;

(b) omitting from subsection (2) (b) the word “authorized” and substituting the word “accredited”.

**21. Repeal of and new s. 22. Alteration to and modification of motor vehicles.** The Principal Act is amended by repealing section 22 and substituting the following section:—

“**22. Alteration to and modification of motor vehicles.** (1) An owner shall not use or allow or permit to be used on a road a motor vehicle that has been altered or modified from the manufacturer’s specifications, unless that alteration or modification has been approved by the Commissioner.

(2) An owner shall not, in respect of a motor vehicle for which approval has been granted pursuant to subsection (1), further alter or modify the vehicle from the manufacturer’s specifications unless the further alteration or modification has been approved pursuant to subsection (1).

(3) On giving approval pursuant to subsection (1) or (2) the Commissioner may, in respect of that approval, issue a certificate of modification in the prescribed form and require a prescribed modification plate to be affixed to the vehicle.

(4) Where a prescribed modification plate is required to be affixed pursuant to subsection (3), the owner in question shall—

(a) cause the plate to be affixed—

(i) on such conspicuous part of the motor vehicle, in respect of which the approval was granted, as is specified in the Commissioner’s approval; or

(ii) if no such part is specified, on such conspicuous part of the vehicle as is specified by an inspector; and

(b) keep the plate so affixed until a fresh plate is required by the Commissioner to be affixed in respect of the vehicle, or approval is granted by the Commissioner for the removal of the plate.

(5) Where the Commissioner requires a fresh modification plate to be affixed under this section in respect of a motor vehicle, the fresh plate shall not be affixed to the vehicle until the previous plate required to be affixed under this section has been removed or defaced by an inspector.

(6) Notwithstanding the provisions of subsection (1) the Commissioner may exempt any owner from the requirement under subsection (1) of affixing a modification plate to a motor vehicle and that exemption shall be endorsed by the Commissioner on the relevant certificate of modification.

(7) Where any alteration or modification of a motor vehicle has been carried out in accordance with—

(a) the provisions of part IVA; or

(b) the provisions of the regulations made under the *Traffic Act 1949-1982*,

the alteration or modification shall, for the purposes of this section, be deemed to have been approved by the Commissioner.”.

**22. Amendment of heading.** The heading of Part IV of the Principal Act is amended by omitting the words “COMMERCIAL MOTOR VEHICLES” and substituting the words “COMPULSORY INSPECTION OF CERTAIN MOTOR VEHICLES”.

**23. Repeal of and new s. 23. Owner of commercial motor vehicle to notify Chief Inspector.** The Principal Act is amended by repealing section 23 and substituting the following section:—

“**23. Certain motor vehicles to be inspected periodically.** (1)

An owner of a motor vehicle of a type specified in the First Schedule shall not use or permit or allow the vehicle to be used unless the vehicle has been inspected by an inspector—

(a) at least once in every 12 months; or

(b) at least once in such other period as the Commissioner directs, and unless a certificate of inspection pursuant to section 24 has been granted and is in force or it has been exempted from inspection under section 30.

(2) An owner of a motor vehicle of a type specified in the Second Schedule shall not use or permit or allow the vehicle to be used unless the vehicle has been inspected by an accredited officer or, where the Commissioner so approves, by an inspector—

(a) at least once in every 12 months; or

(b) at least once in such other period as the Commissioner directs, and unless a certificate of inspection pursuant to section 24 has been granted and is in force or it has been exempted from inspection under section 30.

(3) An owner of a motor vehicle of a type specified in the Third Schedule shall not use or permit or allow the vehicle to be used unless the vehicle has been inspected by an approved examiner at an approved inspection station or, where the Commissioner so approves, by an inspector—

(a) at least once in every 12 months; or

- (b) at least once in such other period as the Commissioner directs, and unless a certificate of inspection pursuant to section 24 has been granted and is in force or it has been exempted from inspection under section 30.

(4) This section does not apply to a new motor vehicle during the period of 12 months from and including the date when that vehicle is first registered under the regulations made pursuant to the *Main Roads Act 1920-1983*, unless the Commissioner directs otherwise in the case of a particular vehicle or a class or classes of vehicles.

**24. Repeal of and new s. 24. Inspection of commercial motor vehicles.**  
The Principal Act is amended by repealing section 24 and substituting the following sections:—

**“24. Certificate of inspection.** (1) Where an inspector or accredited officer has inspected a motor vehicle pursuant to section 23 and is satisfied that it is in good repair and has no defect that would affect its safe use on a road, he shall, on behalf of the Commissioner, cause to be issued to the owner of the vehicle who produced that vehicle for inspection a certificate of inspection in the prescribed form.

(2) Where an approved examiner has inspected a motor vehicle pursuant to section 23 and is satisfied that it is in good repair and has no defect that would affect its safe use on the road he shall issue to the owner of the vehicle who produced that vehicle for inspection a certificate of inspection in the prescribed form.

(3) A certificate issued pursuant to subsection (1) or (2) shall remain in force for 12 months or, as the case may be, for such other period as the Commissioner directs pursuant to section 23.

(4) A certificate of inspection shall no longer be in force if the registration of the vehicle under the *Main Roads Act 1920-1983* is cancelled.

**24A. Procedure by approved examiners following inspection.**

(1) Where an approved examiner is of the opinion that a motor vehicle or any part thereof or anything attached thereto—

- (a) is faulty or defective in any particular or so dangerous as to be likely to cause loss of life or bodily injury to any person; or
- (b) does not comply in every respect with the appropriate requirement of the *Main Roads Act 1920-1983* and the *Traffic Act 1949-1982* concerning the construction, equipment and performance of vehicles of the type inspected,

he shall issue to the owner of that vehicle (or, where the owner is a licensed motor dealer or a member of a firm that carries on

the business of a licensed motor dealer, to any agent of his) a copy of the inspection report showing those replacements, repairs or alterations required to be carried out to the vehicle.

(2) An owner to whom a copy of an inspection report has been issued pursuant to subsection (1) shall, within a period of 14 days from and including the date of issue of the inspection report, cause those replacements, repairs or alterations to be carried out and return the vehicle to the approved examiner for re-inspection of the work carried out.

(3) Where a motor vehicle is not returned for re-inspection pursuant to subsection (2), a further complete inspection of the vehicle by the approved examiner shall be required.”.

**25. Repeal of and new s. 25. Periods of inspection for commercial motor vehicles.** The Principal Act is amended by repealing section 25 and substituting the following section:—

“**25. Requirements of approved examiner upon inspection.**

Upon inspecting a motor vehicle under this Part, an approved examiner shall in every case determine whether the vehicle—

- (a) is faulty or defective in any particular, or so dangerous as to be likely to cause loss of life or bodily injury to any person;
- (b) complies in every respect with the appropriate requirements of the *Main Roads Act 1920-1983* and the *Traffic Act 1949-1982* concerning the construction, equipment and performance of vehicles of the type inspected.”.

**26. Repeal of and new s. 26. Exemptions.** The Principal Act is amended by repealing section 26 and substituting the following section:—

“**26. Production of certificate of inspection.** An owner to whom a certificate of inspection is issued under section 24 shall, upon demand by an inspector or by a person authorized by the Commissioner, produce that certificate.”.

**27. Repeal of and new s. 27. Certificate of inspection.** The Principal Act is amended by repealing section 27 and substituting the following section:—

“**27. Cancellation, etc., of certificates of inspection.** (1) A certificate of inspection shall have no force or effect if after inspection and without the prior approval of the Commissioner or of an inspector any material alteration or addition is made to the motor vehicle specified in the certificate.

(2) The Commissioner may at any time cancel or suspend a certificate of inspection where he deems it necessary for the safety of any person so to do, and after such cancellation, or during such suspension, the certificate shall have no force or effect.”.

**28. Repeal of and new s. 28. Owner not to use commercial motor vehicle.** The Principal Act is amended by repealing section 28 and substituting the following section:—

**“28. Requirements for applications for renewal of registration.**

(1) The owner of a motor vehicle of a type specified in the First, Second or Third Schedule shall furnish to the Commissioner of Main Roads with his application for renewal of the certificate of registration of the vehicle under the regulations made pursuant to the *Main Roads Act 1920-1983*—

(a) the current certificate of inspection that relates to that vehicle issued by the Commissioner or an approved examiner; or

(b) the current certificate of exemption,  
that relates to the vehicle.

(2) A certificate of inspection or a certificate of exemption shall not be taken to be current if the expiry date shown on the certificate precedes the date due for renewal of the certificate of registration of the vehicle.”.

**29. Repeal of and new s. 29. Production of certificate of inspection.** The Principal Act is amended by repealing section 29 and substituting the following section:—

**“29. Procedure where certificate not furnished.** (1) Notwithstanding the provisions of the *Main Roads Act 1920-1983*, where an application for renewal of the certificate of registration of a motor vehicle of a type specified in the First, Second or Third Schedule is not accompanied by a certificate of inspection or a certificate of exemption as provided by section 28, the Commissioner of Main Roads may issue a certificate of registration and registration label for a period not exceeding two months from the expiration date of the previous certificate of registration subject to production of the relevant certificate.

(2) If a certificate of inspection or a certificate of exemption referred to in subsection (1) is not received by the Commissioner of Main Roads by the expiration of the period for which the certificate of registration has or had been issued, he may cancel the certificate of registration and registration label of the vehicle.

(3) The Commissioner of Main Roads may require the payment of the relevant prescribed inspection fee for any motor vehicle of a type specified in the First Schedule at the time an application for renewal of the certificate of registration is furnished.”.

**30. Repeal of and new s. 30. Inspection label.** The Principal Act is amended by repealing section 30 and substituting the following section:—

**“30. Exemptions.** (1) Where it appears to the Governor in Council that because of any circumstances affecting a particular area of the State, it is unnecessary or undesirable that section 23, 28 and 29 should apply to a certain type or class of motor

vehicle or certain types or classes of **motor** vehicles within that area, he may by Order in Council exempt that type or class or those types or classes of motor vehicles from the application of those sections whilst they are used solely within that area and thereupon for so long as the Order subsists the provisions of those sections shall not apply to that vehicle or those vehicles in that area.

In any proceeding it shall be presumed that sections 23, 28 and 29 apply throughout the State until it is proved to the contrary.

(2) The Minister or the Commissioner may exempt any motor vehicle or any class or type of vehicle from—

- (a) inspection under section 23; or
- (b) the payment of fees for an inspection carried out by an inspector or accredited officer pursuant to section 23.

(3) Where an exemption has been granted by the Minister or by the Commissioner, a certificate of exemption shall be issued to the owner of the motor vehicle in question for such period as may be specified in the certificate.

(4) A certificate of exemption shall no longer be in force if the registration of the vehicle under the *Main Roads Act 1920-1983* is cancelled.”.

**31. Repeal of s. 31. Cancellation, etc., of certificates of inspection.** The Principal Act is amended by repealing section 31.

**32. New Part and ss. 31A to 31E.** The Principal Act is amended by inserting after section 30 the following heading and sections:—

**“PART IVA—ALTERATION AND MODIFICATION OF  
COMMERCIAL AND SPECIFIED MOTOR VEHICLES**

**31A. Interpretation.** For the purposes of this Part, unless the contrary intention appears:—

“commercial motor vehicle” means any motor vehicle other than a passenger car or a passenger car derivative;

“passenger car” means a motor vehicle (other than a motor cycle, an omnibus or moped) constructed principally for the conveyance of persons;

“passenger car derivative” means a motor vehicle of the kind known as a coupe utility or panel van of the same make as a factory produced passenger car and in which the forward part of the body form and the greater part of the mechanical equipment are the same as in that factory produced passenger car;

“specified motor vehicle” means a motor vehicle or class or classes of motor vehicle to which section 31B (b) applies.

**31B. Application of Part.** This Part applies to and in relation to alterations or modifications to—

- (a) a commercial motor vehicle where such alterations or modifications are or have been carried out prior to the date of first registration of that motor vehicle under the *Main Roads Act 1920-1983* or under corresponding legislation of any other State or Territory of the Commonwealth; and
- (b) any other motor vehicle or class or classes of motor vehicle determined by the Commissioner.

Where the Commissioner determines that any motor vehicle or class or classes of motor vehicle shall be a specified motor vehicle or specified motor vehicles he shall as soon as practicable publish details of his determination in the Gazette.

**31C. Alteration to or modification of commercial and specified motor vehicles etc.** (1) Subject to subsection (5), an owner shall not use or allow or permit to be used on a road—

- (a) a commercial motor vehicle; or
- (b) a specified motor vehicle.

that has been altered or modified from the manufacturer's specifications unless—

- (c) the alteration or, as the case may be, modification has been carried out in accordance with the relevant standards prescribed by the regulations or such other alternative standards as are approved by the Commissioner;
- (d) an authorized officer has certified that alteration or modification;
- (e) an authorized officer has issued a certificate of modification in the prescribed form in respect of that alteration or modification and has duly stamped and issued the prescribed modification plate; and
- (f) the prescribed modification plate has been affixed to the vehicle in the manner prescribed in subsection (3) and is kept so affixed at all times.

(2) An owner shall not in respect of a motor vehicle for which a certificate of modification has been issued pursuant to subsection (1), further alter or modify the vehicle from the manufacturer's specifications, or cause the vehicle to be further altered or modified, unless the further alteration or modification has been approved pursuant to subsection (1).

(3) A person who alters or modifies a motor vehicle from the manufacturer's specifications shall—

- (a) obtain a certificate of modification from an authorized officer for such alteration or modification;
- (b) cause to be affixed, in accordance with the relevant code of practice on such motor vehicle, a prescribed modification plate duly stamped.

(4) A person shall not remove, vary or deface a modification plate that has been affixed to a motor vehicle for the purposes of this Part without the approval of the Commissioner.

(5) Notwithstanding the provisions of subsection (1), the Commissioner may exempt any motor vehicle from the requirements of this Part provided that such vehicle shall remain subject to the provisions of Part III unless a further exemption is granted in respect of that lastmentioned Part.

**31D. Authorized officers.** (1) The Minister may appoint any person described in the appointment to be an authorized officer for such period as the Minister specifies in the appointment and shall cause to be issued a certificate of appointment in respect of every such appointment.

(2) An authorized officer appointed under subsection (1) shall perform such functions and duties and may exercise such powers as are from time to time assigned to him in writing by the Commissioner.

(3) A person shall not be appointed an authorized officer unless he possesses, in the opinion of the Minister, sufficient qualifications to permit him to perform the functions and duties likely to be assigned to him by the Commissioner.

**31E. Cancellation and suspension of appointment of authorized officers.** (1) Where an authorized officer is convicted of an offence against this Act that—

- (a) is defined in this Part;
- (b) consists of a contravention of or failure to comply with any provision of this Part;
- (c) consists of a contravention of section 43;
- (d) consists of a contravention of or failure to comply with any of the regulations concerning the examination of motor vehicles for the purpose of issuing a certificate of modification and the stamping and issuing of a modification plate.

the certificate of appointment issued to that authorized officer shall, by virtue of the conviction, be cancelled.

(2) Where a certificate of appointment is cancelled pursuant to the provisions of subsection (1), the person in whose name the certificate was issued shall surrender the certificate to the Commissioner.

(3) If an authorized officer has, in the opinion of the Commissioner, contravened or failed to comply with any provision of this Part or any of the regulations concerning the examination of motor vehicles for the purpose of issuing a certificate of modification and the stamping and issuing of a modification plate (whether or not he has been prosecuted therefor), the Commissioner may, by notice in writing, call upon that authorized officer to show cause before the Tribunal at a time and place

appointed in the notice, why the certificate of appointment of that authorized officer should not be cancelled or suspended.

(4) If at the time and place appointed in the notice or at any other time or place to which the hearing is adjourned sufficient cause is not shown to the satisfaction of the Tribunal it may, having regard to the circumstances of the case, cancel the certificate of appointment of the authorized officer or suspend that certificate for a period specified by the Tribunal.

(5) Where a certificate of appointment is cancelled or suspended pursuant to subsection (4), the person in whose name the certificate was issued shall surrender the certificate to the Commissioner.”.

**33. Repeal of and new s. 32. Second-hand motor vehicles to be accompanied by certificate where disposed of, or where application made for transfer of registration.** The Principal Act is amended by repealing section 32 and substituting the following section:—

“**32. Requirements for disposal of second-hand motor vehicles.**

(1) For the purposes of this section and of section 34 motor vehicles are divided into the following categories:—

- (a) Category A consisting of motor vehicles specified in the First, Second and Third Schedules other than trailers;
- (b) Category B consisting of all motor vehicles not included in Category A other than motor cycles and trailers.

(2) A person shall not dispose of a second-hand motor vehicle unless—

- (a) where the vehicle is one of a type described in Category A in subsection (1)—
  - (i) he has duly obtained a certificate of roadworthiness, issued by or on behalf of the Commissioner, that relates to that vehicle; or
  - (ii) he has duly obtained a certificate of roadworthiness, issued by an approved examiner at an approved inspection station, that relates to that vehicle; or
  - (iii) there is in force a certificate of inspection granted under section 24 that relates to that vehicle;
- (b) where the vehicle is one of a type described in Category B in subsection (1), he has duly obtained a certificate of roadworthiness, issued by an approved examiner at an approved inspection station, that relates to that vehicle.

(3) A person who disposes of a second-hand motor vehicle shall—

- (a) give to the person to whom delivery of possession is made, at the time of that delivery, the prescribed

duplicate copy of the certificate of roadworthiness duly obtained or the certificate of inspection in force under section 24, that relates to that vehicle; and

- (b) where an application under the *Main Roads Act 1920-1983* for transfer of registration of that vehicle is made, submit together with that application, the prescribed original copy of the certificate of roadworthiness duly obtained or the certificate of inspection in force under section 24, that relates to that vehicle.

In any case where the duplicate copy of a certificate that is required to be given by this subsection to be given to any person has been lost or destroyed, the person required to give the copy shall, in lieu of giving that copy as prescribed, give to the person to whom that copy should have been given his statutory declaration declaring the particulars contained in that certificate of roadworthiness or certificate of inspection under section 24.

(4) Where a second-hand motor vehicle is disposed of by a servant or agent of the owner of the vehicle, and in so doing contravenes or fails to comply with any provision of subsection (2) or (3) the owner shall be deemed to have committed the offence constituted by such contravention or failure to comply and, whether or not the servant or agent is prosecuted in respect of an offence, may be convicted thereof.

The operation of the provisions of section 23 of *The Criminal Code* is excluded in respect of the liability of an owner for an offence deemed under this subsection to have been committed by him.

(5) In any proceeding for an offence constituted by a contravention of or failure to comply with subsection (3) the complainant shall not be required to prove that a certificate or declaration thereby required to be given or submitted was not given or submitted or obtained as prescribed and the burden of proof that such certificate or declaration was given or submitted or obtained as prescribed shall lie on the defendant.”.

**34. New s. 32A.** The Principal Act is amended by inserting after section 32 the following section:—

**“32A. Requirements for registration of second-hand motor vehicle.** A person applying for registration of a second-hand motor vehicle shall furnish to the Commissioner of Main Roads with the application for registration, the prescribed original copy of a certificate of roadworthiness duly obtained or a certificate of inspection in force under section 24, that relates to that vehicle.”.

**35. Amendment of s. 33. Refusal by Commissioner of Main Roads of applications relating to registration of second-hand motor vehicles.** Section 33 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the expression “1979” and substituting the expression “1983”;

(ii) omitting the words “or a certificate of inspection under section 27 duly obtained” and substituting the words “duly obtained or a certificate of inspection in force under section 24”;

(b) in subsection (2) omitting the expression “1979” and substituting the expression “1983”.

**36. Amendment of s. 34. Licensed motor dealer restricted in his use of vehicles.** Section 34 of the Principal Act is amended by omitting the words “Chief Inspector” and substituting the word “Commissioner”.

**37. Amendment of s. 35. When certificate duly obtained.** Section 35 of the Principal Act is amended by omitting the words “. or a certificate granted under section 27”.

**38. Amendment of s. 36. Certificate valid for one transaction only.** Section 36 of the Principal Act is amended by omitting the words “. or a certificate of inspection granted under section 27”.

**39. Amendment of s. 37. Application of ss. 32-34.** Section 37 of the Principal Act is amended by omitting from subsection (1) the expression “1979” and substituting the expression “1983”

**40. Amendment of s. 38. Approval of inspection stations.** Section 38 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “Chief Inspector” where they appear twice in that subsection and substituting the word “Commissioner” in each case;

(ii) inserting after the words “purposes of this Part” the words “and Part IV”;

(b) omitting from subsection (2) the words “Chief Inspector” and substituting the word “Commissioner”.

**41. Repeal of and new s. 39. Approval of examiners.** The Principal Act is amended by repealing section 39 and substituting the following section:—

“**39. Approval of examiners.** (1) Upon the application of the proprietor of an approved inspection station or of an applicant for approval of premises as an approved inspection station the Commissioner may, upon payment of the prescribed fee, approve of a person as an approved examiner of motor vehicles for the

purposes of this Part and Part IV if he is satisfied that the person has the qualifications prescribed for an approved examiner.

(2) When the Commissioner approves of a person as an approved examiner he shall issue to that person a licence in respect thereof.”

**42. Amendment of s. 41. Cancellation and suspension of approvals.**  
Section 41 of the Principal Act is amended by—

(a) in subsection (1)—

(i) inserting in provision (a) after the word “Part” the words “or Part IV”;

(ii) inserting in provision (b) after the word “Part” the words “or Part IV”;

(iii) omitting from provision (d) all words from and including “motor vehicles” to and including “roadworthiness,” where secondly occurring and substituting the following words:—

“motor vehicles and the issue of related certificates.”;

(b) inserting after subsection (1) the following subsection:—

“(1A) If a proprietor of an approved inspection station is convicted of an offence of a kind referred to in subsection (1) and he is the holder of one or more certificates of approval for premises other than those to which the conviction relates, all of those certificates of approval shall, by virtue of the conviction, be cancelled.

(1B) If a proprietor of an approved inspection station is convicted of an offence of a kind referred to in subsection (1) and he also holds a licence as an approved examiner at the material time, both the certificate of approval issued to that proprietor in relation to that approved inspection station and the licence issued to that approved examiner that shows his approval shall, by virtue of the conviction, be cancelled.

(1C) If an approved examiner is convicted of an offence of a kind referred to in subsection (1) and he is also the proprietor of an approved inspection station, both the licence issued to that examiner that shows his approval and the certificate of approval issued to that proprietor in relation to that approved inspection station shall, by virtue of the conviction, be cancelled.”;

(c) in subsection (2)—

(i) omitting subparagraph (b) and substituting the following subparagraph:—

“(b) a proprietor of an approved inspection station or an approved examiner has, in the opinion of the Commissioner contravened or failed to comply with any provision of this Part or Part IV or any of the regulations concerning the examinations

of motor vehicles (whether or not he has been prosecuted therefor);”;

(ii) omitting the words “Chief Inspector” where they appear three times in that subsection and substituting the word “Commissioner” in each case;

(d) omitting subsection (3) and substituting the following subsection:—

“(3) If at the time and place appointed in the notice or at any other time and place to which the hearing is adjourned sufficient cause is not shown to the satisfaction of the Commissioner or, the person to whom the notice is given under subsection (2) does not appear at any such time and place, the Commissioner, having regard to the circumstances of the case, may cancel the certificate or licence, or suspend the same for a period specified by him.”;

(e) in subsection (4)—

(i) omitting from subparagraph (a) the words “Chief Inspector” and substituting the word “Commissioner”;

(ii) in subparagraph (b)—

(A) omitting the words “Chief Inspector” and substituting the word “Commissioner”;

(B) inserting after the word “roadworthiness” the words “and certificates of inspection”;

(iii) omitting from subparagraph (c) the words “Chief Inspector” and substituting the word “Commissioner”;

(f) omitting from subsection (5) the words “Chief Inspector” and substituting the word “Commissioner”;

(g) omitting from subsection (7) the words “Chief Inspector” and substituting the word “Commissioner”.

**43. Repeal of and new s. 42. Appeals concerning certificates and licences.** The Principal Act is amended by repealing section 42 and substituting the following section:—

“**42. Appeals concerning certificates and licences.** A person who is aggrieved by a decision of the Commissioner under section 41 to cancel or suspend a certificate of approval issued to a proprietor in relation to an approved inspection station or, as the case may be, the licence of an approved examiner may appeal to the Tribunal.”.

**44. New Part VA and ss. 42A to 42E.** The Principal Act is amended by inserting after section 42 the following heading and sections:—

“PART VA—CERTIFICATION OF MOTOR MECHANICS

**42A. Motor mechanic’s certificate.** (1) Upon the application of a person in the prescribed form for a motor mechanic’s

certificate and upon payment of the prescribed fee, the Commissioner shall grant that application if he is satisfied—

- (a) that (except in the case of a person with respect to whom the prescribed rules provide that such a certificate may be granted without examination) he has duly passed the examination prescribed with respect to that certificate;
- (b) that the applicant has complied in all respects with the prescribed rules granting such a certificate.

(2) Where the Commissioner grants the application of a person for a motor mechanic's certificate he shall issue to that person a certificate in the prescribed form.

**42B. Disciplinary action.** (1) Where the Commissioner has reason to suspect that a person to whom a motor mechanic's certificate has been granted—

- (a) has been convicted of an offence against this Act;
- (b) has ceased to be a fit and proper person to hold a motor mechanic's certificate.

the Commissioner may, by notice in writing, call upon the person to show cause at a time and place appointed in the notice why the motor mechanic's certificate in question should not be cancelled or suspended.

(2) If at the time and place appointed in the notice or at any other time and place to which the hearing is adjourned sufficient cause is not shown to the satisfaction of the Commissioner or, the person to whom the notice is given under subsection (1) does not appear at any such time and place, the Commissioner, having regard to the circumstances of the case, may cancel the certificate, or suspend the same for a period specified by him.

**42C. Obtaining certificate by improper means.** (1) A person who by fraud or fraudulent means obtains or attempts to obtain a motor mechanic's certificate under this Act commits an offence against this Act and is liable to a penalty of \$1000 or to six months imprisonment.

(2) Where, in the opinion of the Commissioner, a person has obtained a motor mechanic's certificate in contravention of subsection (1) or has obtained such a certificate by improper means, the Commissioner may cancel the certificate.

(3) A person in respect of whom a motor mechanic's certificate has been cancelled under subsection (2) shall not use that certificate after receipt by him of a notice in writing from the Commissioner that the certificate has been cancelled.

**42D. Surrender of cancelled or suspended certificates.** (1) Upon the cancellation or suspension of a motor mechanic's certificate the person to whom that certificate was issued shall surrender to the Commissioner the certificate and any copy of that certificate issued to him for exhibition purposes after receipt

by him of a notice in writing from the Commissioner that the certificate has been cancelled or suspended.

(2) A person in respect of whom a motor mechanic's certificate has been cancelled or suspended who fails to comply with the provisions of subsection (1) within 14 days from the date of receipt by him of the notice from the Commissioner commits a continuing offence against this Act and is liable to a penalty of \$1000 and, in addition, to a penalty of \$25 for each day beyond such fourteenth day during which such failure to comply continues.

**42E. Appeals concerning Motor Mechanic's Certificates.** A person who is aggrieved by a decision of the Commissioner—

(a) not to issue a motor mechanic's certificate under section 42A;

(b) to cancel or suspend a motor mechanic's certificate under section 42B or 42C,

may appeal to the Tribunal.”.

**45. New Part VB and ss. 42F to 42T.** The Principal Act is amended by inserting after section 42E the following heading and sections:—

**“PART VB—APPEALS TRIBUNAL**

**42F. Appeals Tribunal.** (1) There shall be constituted for the purposes of this Act a tribunal to be called the Appeals Tribunal.

(2) The Tribunal shall consist of three persons of whom—

(a) two shall be continuing members of the Tribunal appointed by Order in Council of whom—

(i) one shall be a stipendiary magistrate, who shall be the chairman;

(ii) one shall be an officer of the department of government of the State responsible to the Minister for the administration of this Act;

(b) one shall be a provisional member of the Tribunal who shall be a person appointed in respect of each appeal by the Minister who is, in the opinion of the Minister, suitably qualified to be a representative of persons who hold certificates or, as the case may be, licences, of the kind that is the subject of the appeal concerned.

(3) The Order in Council appointing a person as a member of the Tribunal shall specify whether he is appointed pursuant to subsection (2) (a) (i) or (ii).

(4) The term of every appointment of a continuing member made to the Tribunal shall commence on the date specified therefor in the Order in Council by which the appointment is made and, except where the appointment is to a casual vacancy, shall be for a period of one year.

(5) A provisional member appointed to the Tribunal shall hold office during the course of the hearing and determination of the appeal in respect of which he is appointed.

(6) A person shall be eligible for further appointment as a member of the Tribunal.

(7) A person appointed as a continuing member of the Tribunal shall, unless he sooner vacates his office as prescribed, continue to hold office until his successor assumes office in his place.

**42G. Vacation of office.** (1) A member of the Tribunal may, by notice in writing furnished to the Minister, resign his office at any time.

(2) The Governor in Council may at any time remove from office a continuing member of a Tribunal by notice in writing furnished to the member.

(3) A member of the Tribunal shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he resigns his office;
- (c) in the case of the chairman, if he ceases to be a stipendiary magistrate;
- (d) in the case of a continuing member, if he is removed from office.

**42H. Filling vacancies.** (1) If a casual vacancy occurs in the office of a continuing member of the Tribunal during the currency of his term of appointment, there may be appointed to fill that vacancy a person who has the qualification referred to in section 42F (2) (a) by reason of which his predecessor in office was eligible to be appointed as a member of the Tribunal.

(2) A person appointed to fill a casual vacancy as provided in subsection (1) shall hold office for the remainder of the term for which his predecessor was appointed but shall be eligible for reappointment if he remains otherwise qualified as prescribed to be a member of the Tribunal.

**42I. Validation of proceedings.** No proceedings of the Tribunal shall be invalidated by reason of any defect in the appointment of any person as a member of the Tribunal.

**42J. Functions of the Tribunal.** It is the function of the Tribunal—

- (a) to hear any appeal, which is within the jurisdiction of the Tribunal, that is referred to it pursuant to the provisions of this Act;
- (b) to make or cause to be made such investigations as it considers necessary for the purposes of such hearing; and
- (c) to determine every such appeal in accordance with and for the purposes of the provisions of this Act.

**42K. Determination of questions before the Tribunal.** (1) Subject to subsection (2), a question before the Tribunal shall be decided according to the opinion of a majority of the members constituting the Tribunal.

(2) A question of law arising before the Tribunal shall be decided by the chairman.

**42L. Status of Tribunal and powers of its members.** Subject to this Act—

(a) the Tribunal shall be deemed to be a Commission of Inquiry within the meaning of *The Commissions of Inquiry Acts, 1950 to 1954*;

(b) the members of the Tribunal shall be deemed to be Commissioners to whom those Acts apply and to have the powers, authorities, rights, privileges and protection of Commissioners under those Acts other than—

(i) powers reserved by those Acts to the Chairman of a Commission who is a Judge of the Supreme Court; and

(ii) power to issue a warrant in the first instance or before the return of a summons conferred by section 8 (2) of those Acts.

and the provisions of those Acts shall apply accordingly.

**42M. Secretary to Tribunal.** An officer of the department of government of the State responsible to the Minister for the administration of this Act shall be assigned to act as secretary of the Tribunal.

**42N. Institution of appeal.** (1) An appeal shall be instituted within 14 days from the date on which the person instituting the appeal referred to in this Part as the appellant receives notice of the Commissioner's decision by which he is aggrieved and no later, by lodging with the secretary a notice of appeal in writing in the prescribed form and paying the prescribed fee.

(2) The grounds of appeal shall be clearly and briefly set forth in the notice of appeal.

(3) The appellant may at any time, by notice in writing to the secretary, withdraw his appeal.

**42O. Notice of hearing.** (1) When an appeal has been duly instituted, the secretary shall arrange with the chairman of the Tribunal a date, time and place for the hearing of the appeal and shall give at least seven days' notice thereof to the appellant and to the Commissioner.

(2) So far as is practicable an appeal shall be heard and determined within one month after the date on which it is instituted.

**42P. Venue and nature of appeal.** (1) The Tribunal shall sit at such place as the chairman appoints and shall determine an

appeal on the evidence that was before the Commissioner in the matter in question and on such further evidence as, in the opinion of the chairman, is relevant to the matter of inquiry.

(2) The Tribunal may inform itself on any matter in such manner as it deems fit and subject to this Act, shall not be bound by rules of and practices as to evidence.

(3) Subject to this Act, an appeal shall be conducted in accordance with directions of the Tribunal, which directions shall be consistent with natural justice.

(4) The appellant or, as the case may be, the Commissioner may appear before the Tribunal in person or by counsel or solicitor or by an agent acceptable to the Tribunal.

**42Q. Determination of appeal.** By way of determining an appeal, the Tribunal may confirm or set aside the Commissioner's decision in issue and may make any determination and order that the Commissioner could properly have made under this Act with respect to the matter in question, and may make such order as to costs as it thinks fit.

**42R. Effect of institution and of determination of appeal.**

(1) An appeal duly instituted under this Act shall suspend the operation of the decision in respect of which the appeal was instituted until the appeal is determined by the Tribunal or withdrawn by the appellant, whichever event occurs sooner.

(2) The decision of the Tribunal shall be final and conclusive and effect shall be given to that decision.

(3) Where a decision of the Commissioner—

(a) is set aside on appeal, that decision shall thereupon be of no further force or effect;

(b) is confirmed on appeal, that decision shall again operate and have full force and effect from the time of that confirmation.

**42S. Restricted right to question Tribunal's proceedings.** The proceedings of the Tribunal and the determination of the Tribunal shall not be questioned in any proceedings whatever except proceedings based solely on one or both of the following grounds:—

(a) that the Tribunal had or has no jurisdiction or has exceeded its jurisdiction in the proceedings in question or in making the determination in question; or

(b) there has occurred a denial of natural justice in the course of the proceedings in question.

**42T. Protection for Tribunal's member.** A member of the Tribunal shall not incur any liability on account of anything done or omitted by him bona fide and without negligence for the purposes of this Act."

**46. Amendment of s. 43. Forgery of certificates, false entries and false declarations.** Section 43 of the Principal Act is amended by—

(a) inserting in provision (a) after the word “roadworthiness” the words “or motor mechanic’s certificate”;

(b) inserting in provision (b) after the word “give” the words “, obtain”;

(c) omitting from the end of provision (k) the expression “.” and substituting the expression“;”;

(d) adding after provision (k) the following provisions:—

“(l) make a document purporting to be a certificate of inspection issued at an approved inspection station unless he is an approved examiner;

(m) falsely advertise himself or hold himself out as having obtained a motor mechanic’s certificate under or as being registered under this Act, or permit any such advertisement or holding out.”.

**47. Amendment of s. 44. Offences.** Section 44 of the Principal Act is amended by—

(a) omitting from subsection (1) the expression “\$500” and substituting the expression “\$1000”;

(b) omitting from subsection (2) the words “Chief Inspector” and substituting the word “Commissioner”.

**48. Amendment of s. 46. Evidentiary aids.** Section 46 of the Principal Act is amended by—

(a) in provision (a)—

(i) omitting the words “Chief Inspector” and substituting the word “Commissioner”;

(ii) omitting the word “authorized” and substituting the word “accredited”;

(iii) omitting after the words “or of any” the word “other”;

(b) in provision (b)—

(i) omitting the words “Chief Inspector” and substituting the word “Commissioner”;

(ii) omitting the word “authorized” and substituting the word “accredited”;

(iii) omitting after the words “or of any” the word “other”;

(c) in provision (c)—

(i) omitting the words “Chief Inspector” and substituting the word “Commissioner”;

(ii) omitting the word “authorized” and substituting the word “accredited”;

(iii) omitting after the words “or any” the word “other”;

(d) in provision (d)—

(i) omitting the words “Chief Inspector” and substituting the word “Commissioner”;

(ii) omitting the word “authorized” and substituting the word “accredited”;

(iii) omitting after the words “or any” the word “other”;

(e) omitting from provisions (e), (f) and (i) the words “Chief Inspector” where they occur once in each such provision and substituting the word “Commissioner” in each case;

(f) omitting from the end of provision (i) the expression “.” and substituting the expression “;”;

(g) adding after provision (i) the following provisions:—

“(j) a document purporting to be signed by the Commissioner and purporting to be a copy of the manufacturer’s specifications in respect of any motor vehicle shall, upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;

(k) a document purporting to be signed by the Commissioner certifying that at any material time a person was the proprietor of an approved inspection station or an approved examiner, as the case may be, shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained in that document;

(l) a certificate purporting to be signed by the Commissioner of Main Roads within the meaning of the *Main Roads Act 1920-1983* to the effect that neither a certificate of inspection nor a certificate of exemption has been furnished to him under section 28 (1) shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein;

(m) a certificate purporting to be signed by the Commissioner of Main Roads within the meaning of the *Main Roads Act 1920-1983* to the effect that—

(i) neither a certificate of roadworthiness nor a certificate of inspection has been furnished to him pursuant to section 32 (3) (b);

(ii) neither a certificate of roadworthiness nor a certificate of inspection has been furnished to him pursuant to section 32A,

shall upon its production in that proceeding be evidence and, in the absence of evidence to the contrary, conclusive evidence of the matters contained therein.”.

**49. Amendment of s. 47. Power of court to order cause of contravention to be remedied.** Section 47 of the Principal Act is amended by omitting the expression “\$10” from subsection (2) and substituting the expression “\$25”.

**50. Amendment of s. 48. Service of notices and orders.** Section 48 of the Principal Act is amended by—

(a) in subsection (1)—

(i) omitting the words “Chief Inspector or any other” and substituting the words “Commissioner or an”;

(ii) omitting the words “Chief Inspector or the other” where they occur in subparagraphs (a) and (b) and substituting the words “Commissioner or the” in each case;

(b) in subsection (2)—

(i) omitting the words “Chief Inspector or any other” and substituting the words “Commissioner or an”;

(ii) omitting from subparagraph “(e)” the words “Chief Inspector, other inspector” and substituting the words “Commissioner, inspector”;

(c) in subsection (3)—

(i) omitting the words “Chief Inspector or any other”, and substituting the words “Commissioner or an”;

(ii) omitting the words “Chief Inspector or the other” and substituting the words “Commissioner or the”.

**51. Amendment of s. 49. Matters may be completed by different inspectors or authorized officers.** Section 49 of the Principal Act is amended by omitting the word “authorized” where it occurs—

(a) once in the note in and at the commencement of that section;

(b) twice in that section,

and substituting the word “accredited” in each such case.

**52. Amendment of s. 51. Regulations.** Section 51 of the Principal Act is amended by in subsection (1)—

(a) omitting the words “Chief Inspector, other” from subparagraph (b) and substituting the word “Commissioner,”;

(b) in subparagraph (f)—

(i) inserting after provision (i) the following provision:—

“(i) A) the fees to be paid in respect of examinations for and the granting of motor mechanic’s certificates under this Act;”;

(ii) omitting provision (iii) and substituting the following provision:—

“(iii) the persons by whom and the places and times when and where all such fees are payable including the collections by and payment to inspectors at the time of making any inspection or examination under this Act of any fee prescribed to be payable in respect of the inspection or examination or of any certificate issued as a consequence of any such inspection or examination;”;

(c) in subparagraph (h)—

(i) inserting after the words “motor vehicles inspected therefor:” the words “certificates of inspection, the standards to be met by motor vehicles inspected therefor:”;

(ii) inserting after the words “comply with this Act:” the words “seizure and cancellation of certificates of inspection and inspection reports that do not comply with this Act:”;

(d) in subparagraph (j)—

(i) omitting the expression “\$500” and substituting the expression “\$1000”;

(ii) omitting the expression “\$10” and substituting the expression “\$25”;

(e) omitting from the end of subparagraph (k) the expression “.” and substituting the expression “;”;

(f) adding after subparagraph (k) the following subparagraphs:—

“(l) prescribing, providing for, regulating and controlling—

(i) the qualifications and experience required of applicants for motor mechanic’s certificates under this Act;

(ii) the examinations by means of which examinees qualify for motor mechanic’s certificates under this Act; the standards and times and places of and all other matters touching those examinations and the conduct and holding thereof including giving of

- public notice by advertisement of the exact time and place for the holding of such examinations;
- (iii) the granting and status of motor mechanic's certificates and the conditions upon which those certificates may be cancelled or suspended on the grounds of misconduct, negligence, intemperance, unfitness, or successive offences under this Act; and the conduct of such investigations;
  - (m) prescribing, regulating and controlling the business and procedure of the Tribunal;
  - (n) alteration or modification of commercial motor vehicles, appointment of authorized officers, duties of authorized officers; certificates of approvals of authorized officers and qualifications required of them, certificates of inspection of altered or modified commercial motor vehicles; standards to be met for altered or modified motor vehicles; modification plates prescribed and details to be supplied; suspension and cancellation of appointment of authorized officers; fees to be paid in respect of the purposes of Part IVA in respect of certificates of inspection forms and approvals of authorized officers."

**53. Amendment of s. 52. Regulations may adopt standards.** Section 52 of the Principal Act is amended by inserting after the words "or a like body" the words "or code".

**54. Repeal of s. 53. Annual report.** The Principal Act is amended by repealing section 53.

**55. New Schedules.** The Principal Act is amended by adding after section 52 the following Schedules:—

"FIRST SCHEDULE

[s. 23]

Motor vehicles of a type registered pursuant to the provisions of the *Main Roads Act 1920-1983* under one of the following descriptions:—

- Bus (all such vehicles)
- Cab and chassis (8 tonnes gross vehicle mass and higher)
- Cane Bin Trailer (higher than 1.02 tonnes gross vehicle mass)
- Caravan—Truck mounted (8 tonnes gross vehicle mass and higher)
- Concrete (Agitator) Truck (8 tonnes gross vehicle mass and higher)
- Dolley Trailer (higher than 1.02 tonnes gross vehicle mass)
- Light Bus (all such vehicles)
- Low Loader (higher than 1.02 tonnes gross vehicle mass)
- Pantehnicon (8 tonnes gross vehicle mass and higher)

FIRST SCHEDULE—*continued*

[s. 23]

- Refrigeration Van (all such vehicles)
- School Bus (all such vehicles)
- Semi Trailer (higher than 1.02 tonnes gross vehicle mass)
- Semi Trailer Bus (higher than 1.02 tonnes gross vehicle mass)
- Taxis (all such vehicles)
- Timber Jinker (higher than 1.02 tonnes gross vehicle mass)
- Tow Truck (all such vehicles)
- Tow Truck licensed (all such vehicles)
- Towing Unit (all such vehicles)
- Trailer (over 1 tonne tare)
- Truck (8 tonnes gross vehicle mass and higher)
- Truck Bus (all such vehicles)
- Truck or Van School Bus (all such vehicles)
- Truck Tractor (8 tonnes gross vehicle mass and higher)
- Utility Tow Truck (all such vehicles)
- Utility Tow Truck—licensed (all such vehicles)
- Utility towing unit (all such vehicles)
- Van (8 tonnes gross vehicle mass and higher)
- And such other motor vehicles as may from time to time be prescribed by the Regulations

SECOND SCHEDULE

[s. 23]

Types of Motor Vehicles

All motor vehicles having a gross vehicle mass exceeding four tonnes;

Motor vehicles equipped to seat more than eight persons including the driver;

Trailers with a tare exceeding one tonne.

And such other motor vehicles as may from time to time be prescribed by the Regulations.

THIRD SCHEDULE

[s. 23]

Motor vehicles having a gross vehicle mass greater than four tonnes but less than eight tonnes of a type registered pursuant to the provisions of the *Main Roads Act 1920-1983* under one of the following descriptions:—

- Cab and Chassis
- Caravan (Truck mounted)
- Concrete (Agitator)
- Pantehnicon
- Truck
- Van

And such other motor vehicles as may from time to time be prescribed by the Regulations

PART III—AMENDMENT OF INSPECTION OF MACHINERY  
ACT 1951-1982

**56. Citation.** (1) In this Part the *Inspection of Machinery Act 1951-1982* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Inspection of Machinery Act 1951-1985*.

**57. Amendment of s. 7. Meaning of terms.** Section 7 of the Principal Act is amended by omitting the definition "Motor mechanic".

**58. Amendment of s. 54. Board of Examiners.** Section 54 of the Principal Act is amended by omitting provision (d) from subsection (1) and substituting the following provision:—

"(d) A holder of a first class crane driver's certificate qualifying the holder to operate any mobile crane and also tower cranes, stiff leg cranes and portal cranes."

**59. Amendment of s. 55. Classes of certificates of competency.** Section 55 of the Principal Act is amended by omitting classes "15" and "16".

**60. Amendment of The Second Schedule.** The Second Schedule of the Principal Act is amended by—

(a) omitting from sub-rule 2 of Rule 6 all words from and including "Except in the case" to and including the words "certificate, every" and substituting the word "Every";

(b) omitting Rule 17.

PART IV—AMENDMENT OF MOTOR VEHICLE DRIVING INSTRUCTION SCHOOL ACT 1969-1984

**61. Citation.** (1) In this Part the *Motor Vehicle Driving Instruction School Act 1969-1984*, being the *Motor Vehicle Driving Instruction School Act 1969* as amended by the *Motor Vehicle Driving Instruction School Act Amendment Act 1984*, is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Motor Vehicle Driving Instruction School Act 1969-1985*.

**62. Amendment of s. 18. Motor vehicles to comply with requirements of law.** Section 18 of the Principal Act is amended by omitting subsections (1) and (2) and substituting the following subsection:—

“(1) A person who conducts a driving instruction school or the holder of a licence—

(a) shall not use; or

(b) shall not make available for use,

on a road a motor vehicle unless—

(c) it has been inspected as required by the *Motor Vehicles Safety Act 1980-1985* and a current certificate of inspection issued under that Act exists in respect of that vehicle;

or—

(d) a certificate acceptable to the Commissioner and which satisfies him that the appropriate requirements of the *Traffic Act 1949-1982* relative to the construction, equipment and performance of the vehicle concerned exists in respect of that vehicle.

PART V—AMENDMENT OF MOTOR VEHICLES CONTROL ACT 1975

**63. Citation.** In this Part the *Motor Vehicles Control Act 1975* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Motor Vehicles Control Act 1975-1985*.

**64. Amendment of s. 14. Standards for use of business vehicles.** Section 14 of the Principal Act is amended by omitting from provision (b) of subsection (1) the words “*Inspection of Machinery Act 1951-1973*” and substituting the words “*Motor Vehicles Safety Act 1980-1985*”.

**65. Amendment of s. 15. Duties of owner of vehicle.** Section 15 of the Principal Act is amended by omitting from provision (b) of subsection (1) the words “*Inspection of Machinery Act 1951-1973*” and substituting the words “*Motor Vehicles Safety Act 1980-1985*”.

PART VI—AMENDMENT OF STATE TRANSPORT ACT  
1960-1981

**66. Citation.** (1) In this Part the *State Transport Act 1960-1981* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *State Transport Act 1960-1985*.

**67. Amendment of s. 17. Issue, renewal and transfer of licenses to hire.** Section 17 of the Principal Act is amended by omitting provision (b) from subsection (2) and substituting the following provision:—

- “(b) (i) it has been inspected as required by the *Motor Vehicles Safety Act 1980-1985* and a current certificate of inspection issued under that Act exists in respect of that vehicle; or
- (ii) a certificate acceptable to the Commissioner and which satisfies him that the appropriate requirements of the *Traffic Act 1949-1982* relative to the construction, equipment and performance of the vehicle concerned exists in respect of that vehicle:”.

**68. Amendment of s. 36. Approval of vehicles.** Section 36 of the Principal Act is amended by omitting provision (b) from subsection (2) and substituting the following provision:—

- “(b) (i) it has been inspected as required by the *Motor Vehicles Safety Act 1980-1985* and a current certificate of inspection issued under that Act exists in respect of that vehicle; or
- (ii) a certificate acceptable to the Commissioner and which satisfies him that the appropriate requirements of the *Traffic Act 1949-1982* relative to the construction, equipment and performance of the vehicle concerned exists in respect of that vehicle:”.

**69. Amendment of s. 63. Licensees and permittees to comply with other laws.** Section 63 of the Principal Act is amended by omitting the words “*The Traffic Acts, 1949 to 1960,*” “*The Inspection of Machinery Acts, 1951 to 1960,*” and substituting the words “*the Traffic Act 1949-1982, the Motor Vehicles Safety Act 1980-1985*”.

PART VII—AMENDMENT OF TOW-TRUCK ACT 1973

**70. Citation.** (1) In this Part the *Tow-Truck Act 1973* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Tow-Truck Act 1973-1985*.

**71. Amendment of s. 4. Interpretation.** Section 4 of the Principal Act is amended by omitting from the definition “authorized officer” the words “*Inspection of Machinery Act 1951-1971*” and substituting the words “*Motor Vehicles Safety Act 1980-1985*”.

**72. Amendment of s. 12. Conditions of licence.** Section 12 of the Principal Act is amended by omitting from provision (d) of subsection (2) the words "*Inspection of Machinery Act 1951-1971*" and substituting the words "*Motor Vehicles Safety Act 1980-1985*".

PART VIII—AMENDMENT OF TRAFFIC ACT 1949-1982

**73. Citation.** (1) In this Part the *Traffic Act 1949-1982* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Traffic Act 1949-1985*.

**74. Amendment of s. 49. Facilitation of proof.** Section 49 of the Principal Act is amended by in paragraph (1) of subsection (1)—

(a) omitting the words "Chief Inspector of Machinery appointed under "*The Inspection of Machinery Acts, 1915 to 1946,*"'" and substituting the words "Commissioner for Transport,";

(b) omitting the words "said Chief Inspector" and substituting the words "said Commissioner";

(c) omitting the words " "*The Inspection of Machinery Acts, 1915 to 1946,*"'" and substituting the words "the *Motor Vehicles Safety Act 1980-1985*";

(d) omitting the words "Chief Inspector of Machinery" and substituting the words "Commissioner for Transport".