

Queensland



STATE TRANSPORT ACT 1960

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(includes amendments up to Act No. 37 of 1996)**

Reprint No. 1A

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Information about this reprint

This Act is reprinted as at 10 January 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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STATE TRANSPORT ACT 1960

[as amended by all amendments that commenced on or before 10 January 1997]

An Act to consolidate and amend the law relating to transport

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the *State Transport Act 1960*.

Interpretation

5. In this Act—

“**aircraft**” means a machine that can derive support in the atmosphere from the reactions of the air.

“**ambulance**” means any vehicle equipped as an ambulance and used by an ambulance service, a board or committee of a hospital to which the *Hospitals Act 1936* apply, or a body approved by the chief executive, solely as a transport wagon in connection with the transport of sick or injured persons.

“**authorised officer**” means the chief executive, any police officer and any other person acting under the authority of the chief executive.

“**caravan trailer**” means any vehicle without motive power attached to a motor vehicle and equipped as a caravan for camping or for use as a dwelling.

“**licence**” means a licence, (including any renewal thereof under this Act) granted or continued in force by or under this Act and in force at the material time, and, with reference to any particular provision of this Act, a licence of the description appropriate according to that provision.

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However, to the extent to which any licence under the repealed Acts mentioned in section 4(2) or (3) relates to the carriage by road of goods, the term does not include such licence.

“licensee” means the holder of a licence and any person upon, to or in whom the license devolves or is assigned by operation of law.

“load capacity” means, in relation to a motor vehicle, including a trailer—

- (a) the load capacity thereof as shown in the certificate of registration issued in respect thereof under the regulations under the *Main Roads Act 1920* or under any corresponding legislation, ordinance or law of any State or Territory; or
- (b) where in such certificate there is shown the maximum permissible gross weight of the vehicle or trailer together with the load which may be carried thereon and also the tare weight of the vehicle or trailer—the difference between such gross weight and tare weight; or
- (c) where no such load capacity or weights are shown in such certificate or no such certificate exists or is in force—the load capacity aforesaid of a similar vehicle or trailer registered under the regulations under the *Main Roads Act 1920* or, if in the opinion of the chief executive there is no such similar vehicle or trailer, the load capacity thereof as determined by the chief executive.

“motor car” means any motor vehicle constructed, fitted, or equipped principally for the carriage of persons and which is not a motor cycle, motor omnibus, or service omnibus.

“motor cycle” means any motor vehicle having less than 4 wheels and having the motive power transmitted to not more than 1 wheel, and the weight of which when unladen does not exceed 400 kg.

“motor omnibus” means any motor vehicle constructed, fitted, or equipped principally for the carriage of 8 or more adult persons and which is used for the carriage of passengers at separate and distinct fares or of charter parties for any distance not exceeding 30 km.

“motor truck” means any motor vehicle constructed, fitted, equipped, or used principally for the carriage of goods.

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“motor vehicle” means any vehicle used on a road and propelled by gas, motor spirit, oil, electricity, steam, or any other mechanical power, and includes a motor cycle and a trailer or caravan trailer attached to a motor vehicle, but does not include a railway or tramway locomotive, tram motor, tram car, fire engine, fire reel, traction engine, or any machinery especially designed for roadmaking.

“operator” means a person who drives a vehicle or who rides a motor cycle or velocipede.

“overhang” means that portion of a motor vehicle measured from the centre of the back axle to the rearmost portion of the vehicle.

“owner” includes every person who is the owner, joint owner, or part owner of any vehicle, and any person who has the use of the same under a hiring agreement or hire-purchase agreement.

“passenger” means any person carried or about to be carried on a vehicle other than the operator or conductor and, as respects a motor truck, 1 additional person carried as a relief operator or loader.

“passenger service licence” means a licence under this Act to undertake and carry on a service for the carriage of passengers by road, and which licence is in force at any material time.

“percentage overhang” means the proportion which the overhang bears to the wheel base of a motor vehicle.

“permit” means a permit under part 5 or a permit under part 6 of the repealed Acts issued or continued in force by or under this Act, and in force at the material time.

However, to the extent to which any permit under part 6 of the repealed Acts mentioned in section 4(4) or (5) relates to the carriage by road of goods, the term does not include such permit.

“primary producer” means any person engaged solely or substantially in agricultural, horticultural, viticultural, dairying, pastoral or other like pursuits.

“rental vehicle” means a vehicle kept or let for hire (otherwise than under a hire-purchase agreement) without the services of a driver.

“rental vehicle operator’s licence” means a licence (including any renewal of a licence) granted under part 3A and in force at any material time.

“repealed Acts” means the Acts repealed by this Act or any of those Acts.¹

“road” means any road or street which the public are entitled to use, and includes any road or street dedicated or proclaimed under any Act or law as a public road or street, and all bridges and ferries and the approaches thereto upon any such road or street.

“service omnibus” means any motor vehicle used for the carriage of passengers at separate and distinct fares for any distance exceeding 30 km.

“tare” means the weight of the motor vehicle fully equipped as prescribed for travelling but not including any load.

“total weight” means the weight of the motor vehicle together with the weight of the load contained therein or thereon.

“tractor” or **“traction engine”** means a power-driven vehicle used or intended to be used for hauling trailing vehicles (including a trailing vehicle partially superimposed thereon), but not built or equipped to carry passengers or goods (other than fuel or water for its own consumption).

“trailer” means any vehicle without motive power attached or designed for attachment to a motor vehicle.

“vehicle” includes any vehicle whatsoever propelled or drawn by motive power, and expressly includes a motor vehicle, motor cycle, trailer or tractor, or traction engine, but does not include a tram, train or aircraft.

PART 2—ADMINISTRATION

Minister

6.(1) The chief executive and other officers administering this Act shall have regard to any directions which the Minister may give from time to time as respects policy.

¹ This Act repealed the *State Transport Acts 1946 to 1959*.

(2) No person shall have any right or remedy in law on the ground that any such ministerial direction has not been followed or applied by the chief executive or any such officer.

(3) Neither the Supreme Court nor any other court or judicial tribunal whatsoever shall have jurisdiction to entertain any suit, action or other proceeding whatsoever for enforcing a right, remedy or claim alleged to be had by any person by virtue of any such ministerial direction.

Inspectors and other officers employed under Public Service Act

11. The inspectors and officers necessary for this Act are to be employed under the *Public Service Act 1996*.

Power of delegation

12.(1) The chief executive may from time to time, in relation to any matters or class of matters, or in relation to a particular part of the State, by writing under the chief executive's hand delegate all or any of the chief executive's powers, authorities, functions and duties under this Act as may be specified in the writing (other than this power of delegation) so that any delegated power, authority, function or duty may be exercised or, as the case may be, shall be performed by the delegate with respect to the matters or class of matters or in relation to the particular part of the State specified in the writing.

(1A) Any delegation under this section may, if the chief executive deems it so desirable, be made by the delegation of all or any of the chief executive's powers, authorities, functions and duties under this Act as may be specified in the delegation to the holder of an office specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies or performs the duties of that office may exercise or, as the case may be, shall perform without further or other authority and while the person holds or occupies or performs the duties of that office every delegated power, authority, function or duty with respect to the matters or class of matters or in relation to the particular part of the State specified in the writing.

(2) Where, by or under this Act, the exercise of a power, authority, or

function or performance of a duty of the chief executive is dependant upon the opinion, belief or state of mind of the chief executive in relation to any matter, that power, authority, function or duty may be exercised or performed upon the opinion, belief or state of mind of the person to whom it is delegated under this section.

(3) The chief executive may, at the chief executive's will, revoke a delegation made by the chief executive under this section.

(3A) No delegation shall prevent the exercise of any power, authority, function or duty by the chief executive.

(4) The chief executive may make such and so many delegations under this section and to such number of persons and either at any one and the same time or from time to time as the chief executive may consider necessary or desirable.

(5) Any delegation may be published in the gazette and upon such publication shall be judicially noticed and presumed in force until the contrary is proved.

Powers etc. of officer

13.(1) An officer shall exercise and perform such of the powers, authorities, functions and duties of the chief executive as may be prescribed or directed by the chief executive.

(2) The exercise and performance by an officer of any of the powers, authorities, functions or duties of the chief executive may be prescribed or directed by the chief executive by specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies or performs the duties of that office may exercise or, as the case may be, shall perform without further or other authority and while the person holds or occupies or performs the duties of that office the prescribed or directed powers, authorities, functions or duties.

(3) Where, by or under this Act, the exercise of a power, authority, function or performance of a duty of the chief executive is dependant upon the opinion, belief or state of mind of the chief executive in relation to any matter, that power, authority or function may be exercised, or the duty performed upon the opinion, belief or state of mind of the person authorised

or required by prescription or direction to exercise or perform it.

(4) Any direction under this section may be published in the gazette and upon such publication shall be judicially noticed and presumed in force until the contrary is proved.

(5) Any instrument, document or writing whatsoever which purports—

- (a) to be signed by an officer; and
- (b) to be a licence, permit, approval, document or writing under or for any purpose of this Act (including the exercise or performance by the chief executive of any power, authority, function or duty conferred or imposed upon the chief executive by this Act);

shall be presumed to have been granted, issued, made, given or done by such officer by due prescription or direction and, until the contrary is proved, shall accordingly be as valid and effectual as if it had been granted, issued, made, given or done by the chief executive.

Signature of chief executive and other officers

14. All courts, judges, justices and persons acting judicially shall take judicial notice of the signature of the chief executive or of any officer affixed to any document or notice, and, until the contrary is proved, shall presume that it is the signature it purports to be and that it was duly affixed.

PART 5—PERMITS

Issue of permits

37.(1) Subject to this Act the chief executive may issue permits with respect to the carrying on vehicles in or on any district or road of passengers or goods.

(2) One and the same permit may be issued in respect of more vehicles than 1.

(3) A permit may be issued in respect of passengers or goods but not

jointly in respect of both.

(4) A permit with respect to passengers and a permit with respect to goods may be issued in respect of one and the same vehicle.

(5) A permit with respect to goods may be issued in respect of a vehicle approved for carrying on a service authorised by a passenger service licence.

(6) Every permit shall specify, in a manner reasonable sufficient to identify it or them, the vehicle or vehicles to which the permit relates.

(7) A permit may be issued—

- (a) in respect of a specified period of time; or
- (b) in respect of a specified occasion.

(8) Where the payment of a fee is a condition of a permit issued under this section the chief executive may, before issuing that permit, require the applicant to provide as prescribed, security for the due payment of that fee.

(9) In considering whether the chief executive will issue or refuse to issue a permit under this part (the chief executive, except as otherwise provided in this part, being hereby authorised to issue or refuse to issue any such permit at his or her discretion) the chief executive may have regard to any factors which the chief executive thinks should be taken into account, including the state and condition of the vehicle concerned.

(10) The chief executive may require an applicant for a permit under this section to satisfy the chief executive that any and every vehicle to which the application relates is appropriately insured under and in accordance with the provisions of the *Motor Accident Insurance Act 1994* and, in the case of a vehicle required to be registered under and in accordance with the provisions of the *Main Roads Act 1920* relating to the registration of motor vehicles, that such vehicle is appropriately so registered.

(11) A permit under this part shall not be transferable, assignable or renewable.

(12) A person shall not be entitled to apply for or obtain a permit under this part as of right, or have any right or remedy whatsoever in law in respect of the refusal of the chief executive to grant or the cancellation or suspension by the chief executive of such a permit.

Classes of permits

39. With respect to goods, the chief executive may issue to following classes of permits—

- (a) class 1, that is a permit permitting a person to carry on a vehicle in respect of which a licence to hire is in force any goods other than restricted goods in or on the district or road specified in the permit;
- (b) class 2, that is a permit permitting a person to carry on a vehicle in respect of which a licence to hire is in force goods of the class specified in the permit in or on the district or road specified in the permit;
- (c) class 3, that is a permit permitting the owner of a vehicle to carry on such vehicle goods the property of such owner, being either goods other than restricted goods or the class of goods specified in the permit, in or on the district or road specified in the permit.

Restricted goods

40. In relation to any permit under this part—

“**restricted goods**” means goods which the chief executive specifies in the permit to be—

- (a) not permitted thereby to be carried in terms thereof; or
- (b) excepted from the goods thereby permitted to be carried in terms thereof.

Terms and conditions of permits

41.(1) The chief executive may issue any permit upon and subject to such terms and conditions as the chief executive deems fit including, but without limit to the generality of the chief executive’s power to determine the terms and conditions of any permit, with respect to the documents to be carried on any and every vehicle in respect of which the permit is issued, the keeping of records and the making to the chief executive of periodical returns by the permittee, the amount or rate of the fee to be paid in respect of the permit, and the periodical payment of amounts of such fee.

Returns and information to be verified

(2) Returns or information furnished by permittees to the chief executive, pursuant to the chief executive's requirements, with respect to passengers or goods carried or fares or freights charged, and other matters specified by the chief executive shall be verified as prescribed or, in so far as not prescribed, directed by the chief executive.

(3) The chief executive may at any time and from time to time amend, alter, add to, vary or revoke the terms and conditions of a permit, or any of them.

Cancellation and suspension of permits

43.(1) The chief executive, if the chief executive considers such action necessary or desirable in the public interest, or in any case where the chief executive is satisfied that the permittee has contravened or failed to comply with any provision of this Act or any term or condition of the permittee's permit (and notwithstanding that the permittee has not been convicted of such contravention or failure) may—

(a) cancel; or

(b) suspend for such period as the chief executive shall determine;

any permit under this part.

(2) Suspension shall for the period for which the permit is suspended have the same effect as a cancellation of a permit.

Permit fees

44.(1) Where so determined by the chief executive as a condition of, or a condition precedent to the issue of, a permit under this part a permit fee of the amount or at the rate (not exceeding the prescribed maximum) determined by the chief executive shall be payable by the permittee in respect of a permit under this part.

(1A) Where payment of a fee is a condition of a permit such fee and any instalment thereof shall become due and payable and shall be paid, to the chief executive at the time and in the manner stated in the permit, and any unpaid amount may be recovered by the chief executive as a debt.

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(1B) Where payment of a fee is a condition precedent to the issue of a permit, the amount of such fee shall be paid in full to the chief executive before the issue of the permit.

(2) In respect of a permit, the fee payable—

(a) with respect to the carriage of passengers, may, in the discretion of the chief executive, be—

- (i) a fixed amount; or
- (ii) the sum of the amounts fixed by the chief executive for each and every vehicle in respect of which the permit is issued; or
- (iii) an amount per centum of the gross revenue derived from such carriage; or
- (iv) an amount calculated at a rate per passenger per road kilometre for each and every passenger carried;

but shall not in any event exceed the rate of 0.621 cent per passenger per road kilometre;

(b) with respect to the carriage of goods, may in the discretion of the chief executive, be—

- (i) a fixed amount; or
- (ii) the sum of the amounts fixed by the chief executive for each and every vehicle in respect of which the permit is issued; or
- (iii) an amount calculated at a rate not exceeding the sum of the products obtained by multiplying, in respect of each and every vehicle in respect of which the permit is issued—

(A) 1.835 cents; by

(B) the load capacity of the vehicle expressed in tonnes (including fractions of tonnes to the nearest kilogram); and by

(C) the number of road kilometres on which goods are carried on the vehicle pursuant to the permit;

but shall not in any event exceed an amount calculated as prescribed by subparagraph (iii).

(3) The provisions of subsection (2) limiting the amount of the fee in

respect of a permit shall apply so as not to invalidate any determination by the chief executive with respect to such fee except as to any part of such fee which is in excess of—

- (a) with respect to passengers—the rate of 0.621 cent per passenger per road kilometre; or
- (b) with respect to goods—the amount calculated as prescribed by subsection (2)(b)(iii);

but otherwise the amount of such fee and any instalment thereof shall become due and payable and be paid under and in accordance with the terms and conditions of the permit.

PART 6—OFFENCES

Application of part

45. This part does not apply to the use upon any road of any vehicle hereinafter in this section specified at any time when such vehicle is being used solely for a purpose hereinafter in this section specified in relation to such vehicle, that is to say—

Nearest station

- (a) Any vehicle carrying any goods to or from the nearest railway, or local government tramway, station or the nearest such station which the chief executive has determined is the most suitable having regard to the loading facilities, convenience of transport, and any other factors which the chief executive deems relevant;

Standard distance

- (b) Any vehicle carrying goods other than raw sugar for a distance not greater than the standard distance.

Save as varied by the chief executive the standard distance shall be 40 km.

The chief executive may from time to time by notification published in the gazette vary the standard distance in respect of—

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- (i) roads generally or a particular road or roads;
 - (ii) goods generally or a particular class or classes of goods;
 - (iii) vehicles generally or a particular class or classes of vehicles;
- or all or any of the aforesaid.

While the notification continues in force the distance specified therein shall become and be the standard distance in respect of any road, or goods, or vehicles in respect of which the notification applies such specified distance.

The chief executive may by a further notification in the gazette revoke any variation of a standard distance, and thereupon the standard distance of 40 km shall again apply in respect of any road, or goods, or vehicles in respect of which the revoked variation applied when in force.

Where goods are carried or are being carried for a distance exceeding the standard distance then this paragraph (b) shall apply so as not to authorise those goods to be carried for so much of that excessive distance as does not exceed the standard distance, either upon one and the same vehicle or, by transshipment from one to another, upon 2 or more vehicles;

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

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 1 place to the other wholly or partly by rail over a distance greater than 40 km by any route that is reasonably adequate to meet the convenience and requirements of the public for the carriage of goods between those places;

Certificate of authorisation

- (d) Any vehicle in respect of which the chief executive has issued a certificate of authorisation while such vehicle is being used under and in accordance with the terms and conditions of such certificate (the chief executive being hereby authorised to grant any such certificate under and subject to such terms and

conditions as the chief executive shall specify in such certificate);

Local governments

- (e) Any vehicle owned by any local government which such vehicle is being used within that area of that local government (or if the vehicle is being used for a purpose of or connected with a work of that local government situated outside its area, upon the road ordinarily used in travelling the shortest route between its area and the site of that work) for any purpose of such local government, but not including any vehicle owned by a local government which is carrying passengers, or goods, or both passengers and goods, for hire or reward, or for any other consideration whatsoever;
- (f) Any prescribed vehicle at any time when the vehicle is being used for a prescribed purpose.

A prescription for the purposes of this paragraph (f) may include, but is not limited to, a reference to ownership of the vehicle, the persons or class or classes of persons using the vehicle, the manner in which and the purpose for which the vehicle is equipped, any licence, permit or other authority in force in respect of the vehicle whether under this Act or any other Act or law, the persons or things or class or classes of persons or things being carried on or upon the vehicle, the distance travelled by the vehicle and a determination of the chief executive being the standard in any particular case.

Use of vehicle for 2 or more purposes at any and the same time

46.(1) Where a vehicle referred to in section 45 is being used upon any road at any and the same time for 2 or more of the purposes specified in the section in relation to such vehicle, this part—

- (a) does not apply to such use, if such vehicle is, as respects each such purpose, being used at the time under and in accordance with such of the provisions of section 45 as prescribe that this Act does not apply to its use for that purpose;
- (b) applies to such use, if such vehicle is, as respects any such purpose, being used at that time otherwise than under and in accordance with such of the provisions of section 45 as prescribe

that this Act does not apply to its use for that purpose.

(2) Where a vehicle referred to in section 45 is being used upon any road at any and the same time for 2 or more purposes any of which is not specified in the section in relation to such vehicle, this part applies to such use.

Passenger's luggage

(3) At any time when this part does not apply to the use of a vehicle on a road for the carriage of passengers, this part does not apply to the carriage on that vehicle of—

- (a) luggage consisting of wearing apparel and other personal effects of the passengers then being carried on that vehicle; or
- (b) food or drink for consumption by those passengers on or in connection with their journey.

(3A) However, subsection (3) shall apply so as not to exempt from the application of this part the carriage as aforesaid of luggage, food or drink for hire or reward or for any consideration whatsoever excepting a charge which may be lawfully made under this Act in respect of the luggage of a passenger carried for hire or reward.

(4) References in this section to section 45 include that section and any regulations made for the purpose of section 45(f).

Presumption that this part applies

47. Upon proof of the use of any vehicle upon a road alleged in a complaint for an offence against section 49, the adjudicating court shall presume that this part applies to such use unless the contrary is proved to its satisfaction.

Offence with respect to carriage of goods

49. A person who at any time uses or causes or permits to be used on any road a vehicle for the carriage of goods shall, unless such goods are being at that time carried upon that vehicle under and in accordance with a permit under this Act issued in respect of such vehicle, be guilty of an offence against this Act and liable—

- (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.

Further offences with respect to carriage of goods

49A.(1) Without limiting or prejudicing the application of any other section of this Act, a person who in any character or capacity whatever carries or causes or in any way whatever arranges for, brings about, consents to or allows the carriage of goods by vehicle by road from any place in Queensland to any other place in Queensland except by a vehicle or vehicles in respect of which a permit issued under this Act shall be in force at the time of such carriage authorising such carriage shall be guilty of an offence against this Act and liable—

- (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 and subsequent offence—to a penalty not exceeding \$3 000.

(2) Upon proof of the carriage of any goods by vehicle by road alleged in a complaint for an offence against this section, the adjudicating court shall presume that this part applies to such carriage of goods unless the contrary is proved to its satisfaction.

(3) In any proceedings under this Act for or in respect of an offence alleged against this section—

- (a) the burden of proof that at any material time there was in force an appropriate permit authorising the particular carriage of goods shall be on the defendant;
- (b) the burden of proof that an act or omission occurred independently of the exercise of the will of the defendant, or that any event occurred by accident, or that the defendant did or omitted to do any act under an honest and reasonable, but mistaken, belief in the existence of any state of things, shall be on the defendant.

Previous offences

50. Convictions of offences against the provisions of the repealed Acts corresponding to sections 48 and 49 shall be offences for the purpose of the provisions of those sections relating to penalties for a second, third or subsequent offence and be taken into account accordingly.

Fee in respect of illegal use

51.(1) The chief executive may require a person who at any time uses or causes or permits to be used on a road any vehicle contrary to section 49 to pay in respect of that use a fee of an amount determined by the chief executive, but not exceeding double the amount of the maximum fee payable in respect of the use in question were that use permitted by the chief executive under this Act.

(2) In any proceedings for an offence against section 49, or for the recovery of the amount or any part of the amount of a fee determined by the chief executive under this section, a certificate purporting to be signed by the chief executive and stating that the chief executive requires payment of a fee determined by the chief executive at a specified amount in respect of any specified use of a vehicle, and that the amount or any specified part of the amount of that fee has not been paid, shall be evidence of the matters certified to therein and, in the absence of evidence in rebuttal, shall be conclusive evidence of those matters.

(3) Upon convicting a person of an offence against section 49 the court in addition to any penalty imposed for the offence, shall order the offender to pay the amount (if any) of the fee required in the case by the chief executive.

(4) Subsection (3) applies so as not to limit or prejudice howsoever the right of the chief executive to recover in any manner prescribed by this Act any unpaid amount of any fee required by the chief executive under this section to be paid, it being hereby declared that such fee shall be recoverable from any person who used or caused or permitted the use in question of the vehicle, notwithstanding that proceedings for an offence under this Act in respect of that use have not been instituted or that, upon conviction for an offence under this Act, the offender has not been ordered to pay the amount of such fee.

Liability of consignors and consignees in respect of goods unlawfully carried by road

52.(1) Where any goods have been carried by road in contravention of section 49—

- (a) the consignor of the goods; and
- (b) if the consignee takes delivery thereof—the consignee of those goods;

shall be jointly and severally liable to pay to the chief executive in respect of that carriage a fee of such amount as the chief executive shall determine, but not exceeding double the amount of the maximum fee payable in respect of that carriage were it permitted by the chief executive under this Act.

(2) Any amount of any fee fixed by the chief executive under this section not paid to the chief executive upon demand made by the chief executive may be recovered by the chief executive as a debt or in a summary way by complaint under the *Justices Act 1886* and notwithstanding that a person has not been convicted of an offence under this Act in relation to the carriage by road of the goods in respect of which that fee was so determined.

Execution against vehicle

53.(1) Any warrant of execution for the amount of any penalty for an offence against section 49 may be executed by seizure and sale of the goods and chattels of the offender and, where the vehicle in respect of which the offence was committed is not the sole and absolute property of the offender, by seizure and sale of such vehicle as if it were the sole and absolute property of the offender.

(1A) Where the vehicle in respect of which the offence was committed comprised a trailer attached to a vehicle the warrant may be executed by seizure and sale of either the trailer, or the vehicle to which it was attached, or both of them.

(2) If it appears to the person to whom the warrant is directed that the vehicle is not, at the time of its seizure, the sole and absolute property of the offender, such person shall pay the whole of the proceeds of the sale of the vehicle to the clerk of the court to whom the warrant orders the person to pay the amount to be levied thereunder.

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(2A) So much of such proceeds as exceeds the amount ordered to be levied and the costs and charges of the execution shall be deemed to have come into the custody of the clerk of the court in connection with the proceedings in respect of the offence.

(3) Any justice or justices shall, upon the application of the chief executive, or a person acting under the general or particular authority of the chief executive, issue a warrant of execution for any amount which has not been paid of any penalty for an offence against section 49.

(3A) Notwithstanding the provisions of the *Justices Act 1886* a justice or justices—

- (a) shall not postpone the issue of the warrant of execution;
- (b) shall issue the warrant of execution notwithstanding that the decision adjudging the penalty made no provision for the levy thereof by distress or execution, or directed that in default of payment thereof forthwith or within a time allowed the offender should be imprisoned for a certain time.

(4) This section does not authorise the execution of a warrant for recovery of any amount of penalty for an offence against section 49—

- (a) before the expiration of the time (if any) for the payment of the penalty allowed by the justices adjudging the penalty as part of their decision; or
- (b) after the offender has been imprisoned for default in paying the penalty.

(5) In this section—

“**penalty**” includes any costs or fees which the justices adjudging the penalty ordered, as part of their decision, to be paid.

PART 10—GENERAL

Offences

67.(1) Any person who contravenes or fails to comply with any

provision of this Act or with any term, condition or other provision of any licence, permit or authorisation under this Act shall be guilty of an offence against this Act.

(2) Where any person under the authority of this Act directs anything to be done or forbids anything to be done by another person then if that other person fails to do the thing directed to be done or, as the case may be, does the thing forbidden to be done, that other person shall be guilty of an offence against this Act.

(3) Any person guilty of an offence against this Act shall, if no specific penalty is provided for that offence, be liable to a penalty not exceeding \$400.

(4) All offences against this Act may be prosecuted, and all fees and other moneys payable under this Act and not paid may be recovered in a summary way under the *Justices Act 1886*.

(4A) However, the chief executive may recover any unpaid amount of any such fee or other moneys by action as for a debt in any court of competent jurisdiction.

(5) A prosecution for any offence against this Act may be instituted at any time within 12 months after the offence was committed or within 6 months after the commission of the offence comes to the knowledge of the complainant, whichever is the later period.

Liability for offence by corporations

(6) Where a body corporate offends against this Act each and every one of the following persons shall be deemed to have committed the offence, and shall be liable to be proceeded against and punished accordingly—

- (a) the managing director, manager, or other governing officer, by whatever name called, and every member of the governing body, by whatever name called thereof; and
- (b) every person who in Queensland manages, or acts or takes part in the management, administration, or government of the business in Queensland of the body corporate.

(6A) Subsection (6) applies so as not to limit or affect howsoever the liability of a body corporate to be proceeded against and punished for an offence against this Act committed by it.

(7) In any proceedings on a complaint any order which the court is empowered to make may be made without an application or complaint being made in respect thereof, notwithstanding anything to the contrary in this or any other Act.

Forgery of licence etc.

68.(1) A person shall not—

- (a) forge or counterfeit any licence, permit, certificate, or other authority under this Act, or any record, document or other writing whatsoever which the person or any other person is required by or under this Act to make or keep or which relates to the carriage of passengers or goods; or
- (b) utter, or make use of any such licence, permit, certificate, or other authority or record, document or other writing so forged or counterfeited; or
- (c) personate any person named in any licence, permit, certificate, or other authority granted under this Act; or
- (d) falsely pretend to be an authorised officer; or
- (e) connive at any such forging, counterfeiting, uttering, making use, personating, or pretending as aforesaid.

Maximum penalty—\$600 or 6 months imprisonment.

(2) With respect to any goods being or which have been carried, any record, document or other writing whatsoever produced to an authorised officer shall be deemed to be counterfeit if it contains information or particulars which by omission or commission is or are false or misleading in respect of any of the following—

- (a) the consignor or consignee of the goods;
- (b) the place or time of the dispatch or delivery or of the loading or unloading of the goods;
- (c) any vehicle (including any trailer attached to a vehicle) or any aircraft used in the carriage;
- (d) the route or any part of the route of the carriage;
- (e) the description or quantity of the goods;

(f) any other matter appertaining to such carriage.

(2A) The person by whom such record, document or other writing was produced to the authorised officer, and the person using or who used for the carriage thereof the vehicle or aircraft by which the goods in question are being or were carried, or by whom such user is being or was caused or permitted, shall respectively be deemed to have counterfeited it and may be proceeded against and punished for an offence under this section accordingly.

(2B) Subsections (2) and (2A) apply so as not to limit or affect howsoever the liability of the person who actually counterfeited the record, document or other writing in question.

(3) Any terms used in this section to which meanings are assigned by the Criminal Code shall have those meanings.

General powers of authorised officers

70.(1) Any authorised officer may—

(a) subject to subsection (2), enter, search and inspect—

- (i) any place, including any vehicle or aircraft in or on any place, where, or where the authorised officer has reason to believe, any person carries on the business of a carrier of goods or of passengers, or which, or which the authorised officer has reason to believe, any person uses in or in connection with the business of a carrier of goods or of passengers; or
- (ii) any place, including any vehicle or aircraft in or on any place, where, or where the authorised officer has reason to believe, goods are, in the course of the business carried on in such place, loaded or dispatched for carriage or unloaded or delivered after carriage; or
- (iii) any place, including any vehicle, in or in connection with which the authorised officer suspects on reasonable grounds that an offence against section 24C has been or is being committed and may inspect and examine any records or other documents found in or on the place and, if the authorised officer believes that such records or other

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documents may afford evidence of the commission of the offence, seize and take away the records or other documents or take extracts from or make copies of the same;

- (b) stop, enter on or in, search and inspect any vehicle or aircraft which, or which the authorised officer has reason to believe, is carrying or has carried or is about to carry goods or passengers;
- (c) inspect and examine any goods found by the authorised officer upon such entry, the containers thereof, and the labels, brands or marks upon or attached to such containers;
- (d) call to the authorised officer's aid any person the authorised officer may think competent to assist him or her in such examination and inquiry;
- (e) make such investigation and inquiry as may be necessary to ascertain whether the provisions of this Act have been, or are being, complied with in respect of any passengers or goods by any person using or who has used any vehicle or aircraft to carry the passengers or goods, any person causing or permitting or who has caused or permitted such use, or any person operating or who has operated any vehicle or aircraft in the course of the carriage of the passengers or goods;
- (f) question with respect to matters under this Act or appertaining to passengers or goods who or which, or who or which the authorised officer has reason to suspect, have been or are intended to be carried, any person whom the authorised officer finds in any place, and require any person to answer the questions and to make and subscribe a statutory declaration of the truth of the person's answers;
- (g) search for or require the production of any licence, permit, certificate or authority in writing under this Act, or of any record, book, document or other writing which by this Act is required to be made or kept in respect of any passengers or goods carried, or the vehicle used in such carriage, or the operator thereof, or which in the authorised officer's opinion would be made or kept according to good business practice in relation to the carriage, or the loading or dispatch for carriage of passenger or goods, or the unloading or delivery after carriage, of any goods found by the

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authorised officer in any place which, or which the authorised officer has reason to believe, have been or are intended to be carried, and inspect, examine and make copies of or extracts from the same or seize any such record, book, document or other writing;

- (h) upon the failure to produce to the authorised officer forthwith upon the authorised officer's requisition any record, book, document or other writing referred to in paragraph (g), search the place in question and examine and make copies of or extracts from or seize all records, books, documents or writings of any kind whatsoever wherein any entry or memorandum appears in any way relating to any such passengers or goods;
- (i) exercise such other powers as may be prescribed.

(2) In the case of any place or any part of any place which is used both for residential purposes and in connection with the carrying on of any business, an authorised officer may enter such place or part under the authority of this section at any time between 8 a.m. and 5 p.m. of any day except Christmas Day, Good Friday or a Sunday.

(2A) In any other case the entry may be made at any time.

(3) A person thereunto required by an authorised officer shall not fail to answer any question put to the person by such authorised officer under the authority of this Act, but if the question tends to criminate the person, and the person answers it after objection on that ground, the answer shall not be used against the person in any proceedings under this Act for the recovery of a penalty except for that the answer was false or misleading.

(4) Where any record, book, document or other writing is seized by an authorised officer, the chief executive, if thereunto required by the person whose property it is, shall as soon as reasonably may be after the seizure give to such person a copy thereof.

Authorised officer may require name and address

71.(1) Any authorised officer who—

- (a) finds any person committing or who reasonably suspects any person of having committed an offence against this Act; or

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- (b) is making inquiries or investigations with a view to establishing whether or not an offence against this Act has been committed by any person; or
- (c) is of the opinion that the name and address of any person is required for the purpose of giving effect to any provision of this Act, or for the purpose of enabling the authorised officer to carry out the authorised officer's powers and duties under this Act;

may require such person to state the person's name and address, or name or address, and, if the authorised officer has reasonable ground to suppose that the name and address, or name or address given is false, may require evidence of the correctness thereof.

(2) Any person required under this section to state his or her name and address or name or address who—

- (a) refuses or otherwise fails to state his or her name and address or, as the case may be, name or address; or
- (b) states a false name and address or, as the case may be, a false name or a false address;

shall be guilty of an offence against this Act.

(3) Any person required under this section to give evidence of the correctness of his or her name and address, or name or address, who fails to give that evidence, or who gives false evidence with respect to his or her name and address or, as the case may be, name or address, shall be guilty of an offence against this Act.

Assaulting etc. authorised officers

72. A person shall not—

- (a) assault, resist, or obstruct an authorised officer in the exercise of the authorised officer's powers or in the discharge of the authorised officer's duties under this Act, or attempt so to do; or
- (b) fail to facilitate by all reasonable means the entry into or on any place or vehicle or aircraft by an authorised officer; or
- (c) fail to answer any question put to the person in pursuance of this Act by an authorised officer or give to any such question an

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- answer which is in any respect false or misleading; or
- (d) fail to comply with the lawful requisition or any part of the lawful requisition of an authorised officer; or
 - (e) when required by or under this Act to furnish any assistance or to furnish any information to an authorised officer, fail to furnish that assistance or information, as the case may be, or, in the latter case, furnish information which is in any respect false or misleading; or
 - (f) fail, without reasonable excuse, the proof whereof shall lie upon the person, to produce any licence, permit, certificate of approval, authority, or other certificate, or book, notice, record, document, or writing which the person is required under this Act by an authorised officer to produce, or fail to allow an authorised officer to take a copy of or extract from any such licence, permit, certificate, book, notice, record, document, or writing; or
 - (g) directly or indirectly prevent any person from appearing before or being questioned by an authorised officer, or attempt so to do; or
 - (h) use any threat or any abusive or insulting language to any authorised officer or to any other person with respect to any inspection or examination or questioning.

Maximum penalty—\$500.

Service of determinations, notices, order, and directions of the chief executive

73.(1) Every determination, notice, order or direction made or given by the chief executive under this Act, or notice of rescission by the chief executive of any such determination, notice, order or direction, may be published in the gazette, and upon such publication shall be judicially noticed and shall be and be deemed to be sufficiently served upon or notified to all persons affected by such determination, notice, order or direction, or rescission thereof.

(2) Every determination, notice, order or direction made or given under this Act not published in the gazette, affecting a person or persons individually, or notice of the rescission of such determination, notice, order or direction, shall be sufficiently served if a copy of such determination,

notice, order or direction or notice of such rescission is delivered to such person or, if more persons than 1 are affected, to each such person.

(3) The foregoing provisions of this section shall not apply with respect to determinations by the chief executive of any provision, term or condition of a licence or permit, where such provision, term or condition is set out in that licence or permit.

(4) The chief executive may rescind any determination, notice, order or direction made or given by the chief executive under this Act, or may by a further determination, notice, order or direction modify any such determination, notice, order or direction.

Regulations

74.(1) The Governor in Council may from time to time make regulations, not inconsistent with this Act, prescribing all matters or things which by this Act are required or permitted to be prescribed (except any matter or thing required by this Act to be prescribed otherwise than by regulation) or which are in the Governor in Council's opinion necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act, and in particular for all or any of the purposes set out in the schedule.

(2) A regulation may impose a penalty for any breach thereof and may also impose different penalties in case of successive breaches, but no such penalty shall exceed \$200.

(2A) A regulation may also impose a daily penalty for any breach thereof—that is to say, a penalty for each day on which the offence is continued after notice has been given to the offender of the commission of the offence, or after a conviction or order by any court, as the case may be—but no such penalty shall exceed \$20 per day.

(3) The power to make any regulation under this Act shall include power to make that regulation so that it shall be limited in its application—

- (a) to, or to any part of, any prescribed district or road; or
- (b) to persons included in any prescribed class of persons; or
- (c) to all persons save persons included in any prescribed class of persons; or

- (d) to vehicles included in any prescribed class or description of vehicles; or
- (e) to all vehicles save vehicles included in any prescribed class or description thereof; or
- (f) otherwise as to time, place or circumstance as is prescribed.

(4) The power to make regulations hereunder shall include power to make different regulations in respect of different districts or roads or different parts thereof.

(5) The power to make a regulation controlling or regulating any act, matter or thing shall include power to make a regulation prohibiting that act, matter or thing either absolutely or in respect of any prescribed locality or road, or part thereof, or any prescribed time or circumstance.

(6) The power to make regulations under this Act shall include power to repeal, amend or otherwise modify any regulation in force at the commencement of this Act and continued in force by virtue of any provision of this Act.

(7) Regulations may be made under this Act at any time after the passing hereof.

Inaccurate descriptions etc.

76. No misnomer, inaccurate description, or omission in or from any proclamation, order in council, regulation, licence, permit, order, notice, or other act of authority under this Act shall in any wise prevent or abridge the operation of this Act with respect to the subject matter of that misnomer, inaccurate description, or omission provided the same is designated so as to be understood.

Indemnity

77. No action or legal proceedings whatsoever shall be brought by any person against the Crown, the Minister, the chief executive, or any officer or employee of the chief executive on account of the chief executive issuing or granting or refusing to issue or grant or cancelling or suspending, or renewing or refusing to renew, or consenting or refusing to consent to the transfer of any licence, approval, permit, authority, or certificate whatsoever

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under any provision of this Act or on account of the chief executive imposing any term or condition in respect of the issue or renewal of any such document, or varying any term or condition of any such document upon its renewal or at any time during its currency; and any court in which such proceedings may be commenced shall have no power or authority to hear or determine any such matter, and shall forthwith dismiss such proceedings.

SCHEDULE

SUBJECT MATTERS FOR REGULATIONS

section 74

Classification of approved vehicles

1. The classification of vehicles to which this Act applies; prescribing conditions (including conditions designed to secure the safety of the public), to which vehicles must conform before being approved for use in carrying on any licensed passenger service or specified in a permit, including amongst any other matters deemed desirable or convenient the construction of the vehicle, its weight, its maximum load or carrying capacity, its height, its length, width, and overhang, the description of its wheels and its motive power; prohibition of the issue of certificates of approval or permits in respect of and the cancellation of certificates of approval or permits in respect of vehicles which do not conform to the prescribed conditions.

Safety and maintenance of vehicles

3.(1) Prescribing conditions (including conditions designed to secure the safety of the public) to which vehicles approved for use in carrying on any licensed passenger service or specified in a permit must conform.

(2) However, licensees or permittees shall at all times maintain such vehicles in good mechanical order, safe condition, and reasonably good appearance, shall provide for the safety and comfort of passengers carried in or on such vehicles, and providing that the chief executive may issue orders directing licensees or permittees to effect repairs to or recondition such vehicles, and where it is considered expedient so to do directing that such vehicles be not used until such repairs or reconditioning are or is effected, and providing that licensees or permittees shall obey such orders.

Motor vehicle driving hours and rest periods

12.(1) Providing for the control of drivers of motor vehicles in relation to

SCHEDULE (continued)

matters necessary to ensure that drivers are in a fit state of health and wellbeing to drive motor vehicles safely, including, for example, requirements for resting.

(2) Imposing obligations on employers, consignors and other persons for the purpose of ensuring or encouraging drivers to comply with the requirements of regulations made under this section.

(3) Conferring the following powers on authorised officers—

- (a) to stop a motor vehicle;
- (b) to require the production of documents relating to a motor vehicle, its load or its journey and the driver's or passenger's driver's licence and log book;
- (c) on reasonable suspicion or knowledge of an offence against this Act, to search a motor vehicle and seize documents mentioned in paragraph (b);
- (d) to make reasonable arrangements for the removal of motor vehicles stopped by an authorised officer to a safe place, including, for example, by requiring reasonable assistance from persons in carrying out the arrangements or by requiring the driver to drive the vehicle to a specified place.

(4) Providing for the liability, or immunity from liability, of persons mentioned in subsection (3)(d) for loss or damage caused by, or arising out of, the giving of assistance by them.

(5) Providing for the keeping, carrying and retaining of records and documents in relation to compliance with regulations made under this section and for their production to, and inspection by, an authorised officer.

(6) In this section—

“motor vehicle” means a motor vehicle that—

- (a) has a gross vehicle mass of 4.5 t or more; and
- (b) is prescribed by regulation.

SCHEDULE (continued)

Forms

14. Providing that the prescribed and other forms that are to be used for the purposes of this Act are the forms approved by the chief executive of the department.

Permits etc.

16. Applications for and issue of permits, the terms and conditions thereof; the cancellation and suspension of permits and the procedure in relation thereto; restricted goods; returns and information to be furnished by permittees; the time and mode of payment of fees for permits and security for such payment.

Penalty notices**16A.(1) Prescribing—**

- (a) any offences under this Act to be offences in respect of which a notice may be given to an offender or affixed to a vehicle advising that a prescribed penalty may be paid for any such offences within a prescribed period without involving court proceedings; and
- (b) the monetary penalty that shall be payable in respect of offences so prescribed which penalty may be prescribed differently in relation to different offences or differently in relation to an offence according to previous like offences committed by the offender or the time, place or circumstance related to the commission of the offence; and
- (c) the form of and the particulars to be contained in the notice; and
- (d) the manner in which and the persons by whom the notice may be given to an offender or affixed to a vehicle.

(2) The notice may make provision for cautioning a person that the person has committed an offence prescribed for the purposes of this section.

SCHEDULE (continued)

Stop signs

16C. Providing for the use of signs showing the word ‘STOP’ by authorised officers in the exercise of their power under this Act to stop a vehicle and the consequences of a failure by the driver of the vehicle to comply with the direction given by means of the sign.

Proof

17. The mode and onus of proof of matters required to be proved under and for the purposes of this Act and for facilitating such proof; the admissibility of evidence in proceedings under this Act for the recovery of penalties; for the purpose of any proceedings under this Act dispensing with proof of any formal matters as of handwriting or of documents or of authority.

Penalties

18. Penalties for offences against the regulations but not exceeding \$200 or in the case of a daily penalty \$20 per day.

ENDNOTES**1 Index to endnotes**

	Page
2 Date to which amendments incorporated	38
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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 10 January 1997. Future amendments of the State Transport Act 1960 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key**Key to abbreviations in list of legislation and annotations**

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 43 of 1994	27 May 1996

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Corrected minor errors	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

State Transport Act 1960 9 Eliz 2 No. 48

date of assent 30 December 1960

commenced 27 February 1961 (proc pubd gaz 23 February 1961 p 1265)

- Note**— (1) To be repealed by the Transport Operations (Road Use Management) Act 1995 No. 9 s 93 sch 2 pt 1
- (2) A proclamation under the Transport Operations (Road Use Management) Act 1995 No. 9 s 93(1) may fix a single day or time for the repeal of the whole or of part of this Act or may fix different times for the repeal of different provisions of this Act (see 1995 No. 9 s 93(2))
- (3) If the whole of this Act has not been repealed before 1 July 1997 it is repealed on the next day (see 1995 No. 9 s 93(2))

as amended by—

Decimal Currency Act 1965 No. 61 s 11 sch 2

date of assent 23 December 1965

commenced 14 February 1966 (see s 1(2))

State Transport Act Amendment Act 1965 No. 63

date of assent 23 December 1965
commenced on date of assent

Metric Conversion Act 1972 No. 31 pt 2 sch 1

date of assent 21 December 1972
commenced 1 July 1974 (proc pubd gaz 15 June 1974 p 997)

Transport (Water) Laws Validation Act 1980 No. 45 pt 3

date of assent 7 August 1980
never proclaimed into force and om 1993 No. 76 s 4(1) sch 3

State Transport Acts Amendment Act 1981 No. 93 pt 2

date of assent 11 December 1981
commenced on date of assent

Motor Vehicles Safety Act and Other Acts Amendment Act 1985 No. 30 pt 6

date of assent 17 April 1985
commenced 1 March 1986 (proc pubd gaz 18 January 1986 p 126)

State Transport Act and Another Act Amendment Act 1990 No. 16 pt 2

date of assent 25 May 1990
ss 4(a), (b), 5(a), (f), 8–15, 19(a)(iv), 22(e) and 23 commenced 15 June 1991
(proc pubd gaz 15 June 1991 p 830)
remaining provisions commenced on date of assent

Public Service (Administrative Arrangements) Act 1990 No. 73 s 3 sch 5

date of assent 10 October 1990
commenced 22 June 1991 (proc pubd gaz 22 June 1991 p 976)

Traffic Act and Another Act Amendment Act 1990 No. 103 pt 3

date of assent 12 December 1990
never proclaimed into force and om 1993 No. 61 s 5

Statute Law (Miscellaneous Provisions) Act 1991 No. 97 ss 1–3 sch 2

date of assent 17 December 1991
commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1992 No. 36 ss 1–2 sch 2

date of assent 2 July 1992
commenced on date of assent

Transport Legislation Amendment Act (No. 2) 1993 No. 61 pts 1, 3

date of assent 23 November 1993
ss 1–2 commenced on date of assent
remaining provisions commenced 1 March 1994 (1993 SL No. 469)

Transport Operations (Passenger Transport) Act 1994 No. 43 ss 1–2, 143 sch 3

date of assent 14 September 1994
ss 1–2 commenced on date of assent
remaining provisions commenced 7 November 1994 (1994 SL No. 378)

Public Service Act 1996 No. 37 ss 1–2, 147 sch 2

date of assent 22 October 1996

ss 1–2 commenced on date of assent

remaining provisions commenced 1 December 1996 (1996 SL No. 361)

7 List of annotations**Short title**

s 1 amd R1 (see RA s 37)

Construction of Act

s 2 amd 1990 No. 73 s 3 sch 5

om 1991 No. 97 s 3 sch 2

Parts of Acts 3 amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 4
om 1991 No. 97 s 3 sch 2**Repeals**

s 4 om 1991 No. 97 s 3 sch 2

Interpretations 5 amd 1991 No. 97 s 3 sch 2
def “**aircraft**” ins 1990 No. 16 s 5(a)
def “**Air cushion vehicle**” ins 1980 No. 45 s 6(a) (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3)
def “**ambulance**” amd 1990 No. 73 s 3 sch 5
def “**authorised officer**” sub 1990 No. 73 s 3 sch 5
def “**Coastal waters of this State**” ins 1980 No. 45 s 6(b) (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3)
def “**Commissioner**” om 1990 No. 73 s 3 sch 5
def “**Deputy Commissioner**” om 1990 No. 73 s 3 sch 5
def “**Director-General**” ins 1990 No. 73 s 3 sch 5
om R1 (see RA s 39)
def “**load capacity**” amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 5(b); 1990 No. 73 s 3 sch 5
def “**local authority**” om R1 (see RA s 39)
def “**Minister**” om 1991 No. 97 s 3 sch 2
def “**motor cycle**” amd 1972 No. 31 s 6 sch 1
def “**motor omnibus**” amd 1972 No. 31 s 6 sch 1
def “**motor vehicle**” amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 5(c)
def “**overhang**” amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 5(d)
def “**Part**” om 1991 No. 97 s 3 sch 2
def “**passenger service licence**” amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3)

def “**percentage overhang**” amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 5(e)
 def “**permit**” amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3)
 def “**Person**” om 1991 No. 97 s 3 sch 2
 def “**rental vehicle**” ins 1990 No. 16 s 5(f)
 def “**rental vehicle operator’s licence**” ins 1990 No. 16 s 5(f)
 def “**Secretary**” om 1990 No. 73 s 3 sch 5
 def “**service omnibus**” amd 1972 No. 31 s 6 sch 1
 def “**tare**” amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 5(g)
 def “**total weight**” amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 5(h)
 def “**tractor**” or “**traction engine**” amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3)
 def “**trailer**” amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 5(i)
 def “**vehicle**” amd 1980 No. 45 s 6(c) (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 5(j)
 def “**Vessel**” ins 1980 No. 45 s 6(d) (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3)

Minister

s 6 amd 1990 No. 73 s 3 sch 5

Continuance in office of Commissioner and Deputy Commissioner

s 7 om 1990 No. 73 s 3 sch 5

Powers of Deputy Commissioner

s 8 om 1990 No. 73 s 3 sch 5

Salary of Commissioner and Deputy Commissioner

s 9 om 1990 No. 73 s 3 sch 5

Disqualifications from office of Commissioner and Deputy Commissioner

s 10 om 1990 No. 73 s 3 sch 5

Inspectors and other officers employed under Public Service Act

prov hdg amd 1990 No. 73 s 3 sch 5

s 11 amd 1990 No. 73 s 3 sch 5
 sub 1996 No. 37 s 147 sch 2

Power of delegation

s 12 amd 1990 No. 73 s 3 sch 5

Powers etc. of officer

s 13 and 1990 No. 73 s 3 sch 5

Signature of chief executive and other officers

prov hdg amd 1990 No. 73 s 3 sch 5

s 14 amd 1990 No. 73 s 3 sch 5

PART 3—VEHICLES FOR HIRE

pt hdg om 1994 No. 43 s 143 sch 3

Application of this Part

- s 15** amd 1990 No. 16 s 6; 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Interpretation

- s 16** amd 1990 No. 16 s 7
om 1994 No. 43 s 143 sch 3

Issue, renewal and transfer of licenses to hire

- s 17** amd 1985 No. 30 s 67; 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Director-General may invite applications

- prov hdg** amd 1990 No. 73 s 3 sch 5
s 18 amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Damage done by licensed vehicles

- s 19** om 1994 No. 43 s 143 sch 3

Offences

- s 20** om 1994 No. 43 s 143 sch 3

Placing distinguishing sign, etc., on unlicensed vehicle

- s 21** om 1994 No. 43 s 143 sch 3

Facilitation of proof

- s 22** om 1994 No. 43 s 143 sch 3

Power of Courts to disqualify convicted persons from holding or obtaining licenses

- s 23** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Effect of disqualification

- s 24** om 1994 No. 43 s 143 sch 3

PART 3A—RENTAL VEHICLES

- pt hdg** ins 1990 No. 16 s 8
om 1994 No. 43 s 143 sch 3

Issue, etc., of license

- s 24A** ins 1990 No. 16 s 8
amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Fees

- s 24B** ins 1990 No. 16 s 8
amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Offences

- s 24C** ins 1990 No. 16 s 8
om 1994 No. 43 s 143 sch 3

PART 4—ROAD PASSENGER SERVICES**pt hdg** om 1994 No. 43 s 143 sch 3**Passenger service licenses****s 25** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Co-ordinated rail and road services****s 26** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Application for license****s 27** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Director-General may invite applications****prov hdg** amd 1992 No. 36 s 2 sch 2
s 28 amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Sale of licensed passenger service****s 29** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Transfer of passenger service license****s 30** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Extension of licensed passenger service****s 31** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Cancellation and suspension****s 32** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Surrender of license****s 33** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Form and terms and conditions of passenger service license****s 34** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Fees for licenses****s 35** amd 1965 No. 61 s 11 sch 2; 1972 No. 31 s 6 sch 1; 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Approval of vehicles****s 36** amd 1985 No. 30 s 68; 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3**Issue of permits****s 37** amd 1990 No. 73 s 3 sch 5

Passengers

s 38 amd 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

Classes of permits

s 39 amd 1965 No. 63 s 2; 1990 No. 73 s 3 sch 5

Restricted goods

s 40 amd 1990 No. 73 s 3 sch 5

Terms and conditions of permits

s 41 amd 1990 No. 73 s 3 sch 5

When director-general may require carriage of passengers

prov hdg amd 1990 No. 73 s 3 sch 5

s 42 amd 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

Cancellation and suspension of permits

s 43 amd 1990 No. 73 s 3 sch 5

Permit fees

s 44 amd 1965 No. 61 s 11 sch 2; 1972 No. 31 s 6 sch 1; 1990 No. 73 s 3 sch 5

Application of part

s 45 amd 1972 No. 31 s 6 sch 1; 1981 No. 93 s 4; 1990 No. 16 s 9; 1990 No. 73
 s 3 sch 5

Use of vehicle for 2 or more purposes at any and the same time

s 46 amd 1990 No. 16 s 10

Presumption that this part applies

s 47 amd R1 (see RA s 5(d))

Offence with respect to carriage of passengers

s 48 amd 1981 No. 93 s 5
 om 1994 No. 43 s 143 sch 3

Offence with respect to carriage of goods

s 49 amd 1965 No. 63 s 3; 1981 No. 93 s 6

Further offences with respect to carriage of goods

s 49A ins 1965 No. 63 s 4
 amd 1981 No. 93 s 7

Fee in respect of illegal use

s 51 amd 1990 No. 73 s 3 sch 5; R1 (see RA s 5(d))

Liability of consignors and consignees in respect of goods unlawfully carried by road

s 52 amd 1990 No. 73 s 3 sch 5

Execution against vehicle

s 53 amd 1990 No. 73 s 3 sch 5

PART 7—ACQUISITION OF ROAD PASSENGER SERVICES

pt hdg om 1994 No. 43 s 143 sch 3

Acquisition of private service by Crown instrumentality or Local Authority

s 54 amd 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

Compensation

s 55 amd 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

PART 8—AIR TRANSPORT

pt hdg sub 1990 No. 16 s 11
 om 1994 No. 43 s 143 sch 3

Division 1—Water Transport

div hdg om 1990 No. 16 s 11

Owner of aircraft not to carry passengers, etc., for hire or reward

s 56 amd 1980 No. 45 s 7 (never proclaimed into force and om 1993 No. 76
 s 4(1) sch 3)
 sub 1990 No. 16 s 11
 om 1994 No. 43 s 143 sch 3

Licensing of air transport

s 57 amd 1980 No. 45 s 8 (never proclaimed into force and om 1993 No. 76
 s 4(1) sch 3)
 sub 1990 No. 16 s 11
 amd 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

Division 2—Air transport

div hdg om 1990 No. 16 s 11

Director-General to invite applications

prov hdg amd 1990 No. 73 s 3 sch 5
s 58 sub 1990 No. 16 s 11
 amd 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

Application

s 59 sub 1990 No. 16 s 12
 amd 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

Division 3—When transport by water or air unlawful

div hdg om 1990 No. 16 s 11

Fees for licenses

s 60 amd 1980 No. 45 s 9 (never proclaimed into force and om 1993 No. 76
 s 4(1) sch 3)
 sub 1990 No. 16 s 12
 amd 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

Division 4—Licensing

div hdg sub 1980 No. 45 s 10 (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3)
om 1993 No. 16 s 11

Form and terms and conditions of license

s 61 sub 1980 No. 45 s 10 (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 12
amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Division 5—Regulations

div hdg ins 1980 No. 45 s 11 (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3)

Period of license

s 61A ins 1980 No. 45 s 11 (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 16 s 13
om 1994 No. 43 s 143 sch 3

Renewal of license

s 61B ins 1990 No. 16 s 13
amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Transfer of license

s 61C ins 1990 No. 16 s 13
amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Extension of license

s 61D ins 1990 No. 16 s 14
amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Cancellation and suspension of license

s 61E ins 1990 No. 16 s 14
amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Surrender of license

s 61F ins 1990 No. 16 s 14
amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Regulations for air transport

s 61G ins 1990 No. 16 s 15
amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Limits of continuous driving hours

s 62 amd 1972 No. 31 s 6 sch 1; 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1990 No. 73 s 3 sch 5

om 1990 No. 103 s 3.2 (never proclaimed into force and om 1993 No. 61 s 5); 1993 No. 61 s 7

Licenses and permittees to comply with other laws

s 63 amd 1985 No. 30 s 69
om 1994 No. 43 s 143 sch 3

PART 9A—TRANSPORTATION OF PUPILS

pt hdg ins 1990 No. 16 s 16
om 1994 No. 43 s 143 sch 3

Interpretation

s 65A ins 1990 No. 16 s 16
sub 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Constitution of Corporation

s 65B ins 1990 No. 16 s 16
amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Corporation represents Crown

s 65C ins 1990 No. 16 s 16
om 1994 No. 43 s 143 sch 3

Provision of transport facilities for pupils

s 65D ins 1990 No. 16 s 17
om 1994 No. 43 s 143 sch 3

Death or bankruptcy of licensee

s 66 amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Offences

s 67 amd 1981 No. 93 s 8; 1990 No. 73 s 3 sch 5

Forgery of licence etc.

s 68 amd 1980 No. 45 s 12 sch (never proclaimed into force and om 1993 No. 76 s 4(1) sch 3); 1981 No. 93 s 8; 1990 No. 16 s 18

False number plate

s 69 amd 1981 No. 93 s 8
om 1994 No. 43 s 143 sch 3

General powers of authorised officers

s 70 amd 1990 No. 16 s 19; 1990 No. 73 s 3 sch 5

Assaulting etc. authorised officers

s 72 amd 1981 No. 93 s 8; 1990 No. 16 s 20

Service of determinations, notices, order, and directions of the chief executive

prov hdg amd 1990 No. 73 s 3 sch 5
s 73 amd 1990 No. 73 s 3 sch 5

Regulations

s 74 amd 1981 No. 93 s 8

Tabling of Orders in Council

- s 75** sub 1990 No. 16 s 21
om 1994 No. 43 s 143 sch 3

Indemnity

- s 77** amd 1990 No. 73 s 3 sch 5

Revenue and expenditure

- s 78** om 1994 No. 43 s 143 sch 3

Annual report

- s 79** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

SCHEDULE—SUBJECT MATTERS FOR REGULATIONS**Classification of approved vehicles**

- s 1** amd 1990 No. 16 s 22(a)

Identification of approved vehicles

- s 2** amd 1990 No. 16 s 22(b)
om 1994 No. 43 s 143 sch 3

Safety and maintenance of vehicles

- s 3** amd 1990 No. 16 s 22(c); 1990 No. 73 s 3 sch 5

Illumination

- s 4** om 1994 No. 43 s 143 sch 3

Dangerous goods

- s 5** om 1994 No. 43 s 143 sch 3

Transshipment

- s 6** om 1994 No. 43 s 143 sch 3

Weighing

- s 7** om 1994 No. 43 s 143 sch 3

Manner of loading

- s 8** om 1994 No. 43 s 143 sch 3

Inspection and obtaining of tickets, etc.

- s 9** om 1994 No. 43 s 143 sch 3

Tickets, stamps, etc.

- s 10** om 1994 No. 43 s 143 sch 3

Returns

- s 11** amd 1990 No. 73 s 3 sch 5
om 1994 No. 43 s 143 sch 3

Motor vehicle driving hours and rest periods

- prov hdg** amd 1972 No. 31 s 6 sch 1
- s 12** amd 1972 No. 31 s 6 sch 1
om 1990 No. 103 s 3.3 (never proclaimed into force and om 1993 No. 61
s 5)
sub 1993 No. 61 s 8(1)

Payment for plates, etc.

- s 13** amd 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

Forms

- s 14** sub 1993 No. 61 s 8(2)

Licenses to hire

- s 15** amd 1990 No. 16 s 22(d); 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

Rental vehicle operator's licenses

- s 15A** ins 1990 No. 16 s 22(e)
 amd 1990 No. 73 s 3 sch 5
 om 1994 No. 43 s 143 sch 3

Penalty notices

- s 16A** ins 1990 No. 16 s 22(f)

Smoking

- s 16B** ins 1990 No. 16 s 22(f)
 om 1994 No. 43 s 143 sch 3

Stop signs

- s 16C** ins 1990 No. 16 s 22(f)

Conveyance of pupils

- s 16D** ins 1990 No. 16 s 22(f)
 om 1994 No. 43 s 143 sch 3

Penalties

- s 18** amd 1981 No. 93 s 8