

South Australia

# **Motor Vehicles (National Transport Commission) Amendment Act 2007**

An Act to amend the *Motor Vehicles Act 1959*; and to make a related amendment to the *National Environment Protection Council (South Australia) Act 1995*.

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

This Act may be cited as the *Motor Vehicles (National Transport Commission) Amendment Act 2007*.

### **2—Commencement**

This Act will come into operation on a day to be fixed by proclamation.

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### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## Part 2—Amendment of *Motor Vehicles Act 1959*

### 4—Amendment of section 5—Interpretation

- (1) Section 5(1), definitions of *the Commonwealth Road Transport Charges Act* and *configuration*—delete the definitions and substitute:

*configuration*, in relation to a heavy vehicle, has the meaning assigned to it by the regulations;

- (2) Section 5(1), definition of *prescribed registration fee*—delete the definition and substitute:

*prescribed registration fee* means the amount of the fee payable in respect of the registration of a motor vehicle that is fixed by, or determined in accordance with, the regulations as the registration fee (rather than, for example, an administration fee);

### 5—Amendment of section 43A—Temporary configuration certificate for heavy vehicle

Section 43A(16)(a), definition of *current configuration*—delete "Commonwealth Road Transport Charges Act" and substitute:

regulations

### 6—Amendment of section 145—Regulations

Section 145(2) to (7)—delete subsections (2) to (7) inclusive and substitute:

- (2) Regulations under this Act may—
- (a) be of general application or limited application;
  - (b) make different provision according to the matters or circumstances to which they are expressed to apply;
  - (c) provide that a matter or thing in respect of which regulations may be made is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Registrar, an inspector or any other person or body prescribed by the regulations;
  - (d) include evidentiary provisions to facilitate proof of contraventions of the regulations for the purposes of proceedings for offences;
  - (e) refer to or incorporate, wholly or partially and with or without modification—
    - (i) the text of model legislation or road transport legislation set out in regulations made for the purposes of section 7 of the *National Transport Commission Act 2003* of the Commonwealth; or

- (ii) a document published by the National Transport Commission and approved by the Australian Transport Council; or
  - (iii) a specified standard, code or other document prepared or published by a prescribed body,  
as in force at the time the regulations are made or as in force from time to time.
- (3) If regulations refer to or incorporate a standard, code or other document—
  - (a) a copy of the standard, code or other document must be kept available for inspection by members of the public, without charge and during normal office hours, at an office or offices determined by the Minister; and
  - (b) evidence of the contents of the standard, code or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.

## **7—Repeal of section 146**

Section 146—delete the section

## **Schedule 1—Related amendments**

### **Part 1—Preliminary**

#### **1—Amendment provisions**

In this Schedule, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### **Part 2—Amendment of *National Environment Protection Council (South Australia) Act 1995***

#### **2—Amendment of section 14—Council may make national environment protection measures**

- (1) Section 14(2)(a)—delete "Road"
- (2) Section 14(2)(b)—delete "*National Road Transport Commission Act 1991*" and substitute:

*National Transport Commission Act 2003*