



AUSTRALIAN CAPITAL TERRITORY

Road Transport Legislation Amendment Act 1999

No. 79 of 1999

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AUSTRALIAN CAPITAL TERRITORY

Road Transport Legislation Amendment Act 1999

No. 79 of 1999

An Act to amend various Acts and repeal certain Acts because of the enactment of the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999*, the *Road Transport (Safety and Traffic Management) Act 1999* and the *Road Transport (Vehicle Registration) Act 1999*, and for other purposes

[Notified in ACT Gazette S65: 23 December 1999]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Road Transport Legislation Amendment Act 1999*.

2 Commencement

This Act commences on the commencement of the *Road Transport (General) Act 1999*.

3 Acts repealed—Schedule 1

The Acts mentioned in Schedule 1 are repealed.

4 Regulations repealed—Schedule 2

The regulations mentioned in Schedule 2 are repealed.

5 Acts amended—Schedule 3

This Act amends the Acts mentioned in Schedule 3.

6 Regulations amended—Schedule 4

This Act amends the regulations mentioned in Schedule 4.

SCHEDULE 1

(See s 3)

ACTS REPEALED

Fees and Charges (Validation) Act 1997 No 64
Motor Traffic Act 1936 No 45
Motor Traffic Act 1938 No 41
Motor Traffic Act 1941 No 16
Motor Traffic Act 1942 No 14
Motor Traffic Act 1943 No 2
Motor Traffic Act (No. 2) 1943 No 13
Motor Traffic Act 1945 No 3
Motor Traffic Act 1947 No 6
Motor Traffic Act (No. 2) 1947 No 13
Motor Traffic Act 1950 No 7
Motor Traffic Act 1951 No 17
Motor Traffic Act 1955 No 1
Motor Traffic Act (No. 2) 1955 No 7
Motor Traffic Act 1956 No 6
Motor Traffic Act 1957 No 19
Motor Traffic Act 1958 No 10
Motor Traffic Act (No. 2) 1958 No 15
Motor Traffic Act 1959 No 7
Motor Traffic Act 1960 No 11
Motor Traffic Act 1962 No 16
Motor Traffic Act (No. 2) 1962 No 17
Motor Traffic Act 1963 No 21
Motor Traffic Act 1964 No 8
Motor Traffic Act 1965 No 9
Motor Traffic Act (No. 2) 1965 No 13
Motor Traffic Act 1968 No 2
Motor Traffic Act 1969 No 27
Motor Traffic Act (No. 2) 1969 No 29

SCHEDULE 1—continued

Motor Traffic Act 1970 No 27
Motor Traffic Act 1971 No 13
Motor Traffic Act (No. 2) 1971 No 17
Motor Traffic Act (No. 3) 1971 No 37
Motor Traffic Act (No. 4) 1971 No 39
Motor Traffic Act 1972 No 3
Motor Traffic Act (No. 2) 1972 No 10
Motor Traffic Act 1973 No 1
Motor Traffic Act (No. 2) 1973 No 32
Motor Traffic Act (No. 3) 1973 No 38
Motor Traffic Act (No. 4) 1973 No 41
Motor Traffic Act (No. 5) 1973 No 42
Motor Traffic Act (No. 6) 1973 No 57
Motor Traffic Act 1974 No 4
Motor Traffic Act (No. 2) 1974 No 12
Motor Traffic Act (No. 3) 1974 No 23
Motor Traffic Act (No. 4) 1974 No 37
Motor Traffic Act (No. 5) 1974 No 48
Motor Traffic Act (No. 6) 1974 No 49
Motor Traffic Act 1976 No 3
Motor Traffic Act (No. 2) 1976 No 16
Motor Traffic Act (No. 3) 1976 No 23
Motor Traffic Act (No. 4) 1976 No 31
Motor Traffic Act (No. 5) 1976 No 52
Motor Traffic (Amendment) Act 1976 No 54
Motor Traffic (Amendment) Act 1977 No 16
Motor Traffic (Amendment) Act (No. 2) 1977 No 23
Motor Traffic (Amendment) Act (No. 3) 1977 No 30
Motor Traffic (Amendment) Act (No. 4) 1977 No 37
Motor Traffic (Amendment) Act (No. 5) 1977 No 51

SCHEDULE 1—continued

Motor Traffic (Amendment) Act (No. 6) 1977 No 59
Motor Traffic (Amendment) Act 1978 No 2
Motor Traffic (Amendment) Act (No. 2) 1978 No 31
Motor Traffic (Amendment) Act 1979 No 32
Motor Traffic (Amendment) Act 1980 No 33
Motor Traffic (Amendment) Act 1981 No 3
Motor Traffic (Amendment) Act (No. 2) 1981 No 8
Motor Traffic (Amendment) Act (No. 3) 1981 No 30
Motor Traffic (Amendment) Act (No. 4) 1981 No 31
Motor Traffic (Amendment) Act (No. 5) 1981 No 33
Motor Traffic (Amendment) Act (No. 6) 1981 No 40
Motor Traffic (Amendment) Act (No. 7) 1981 No 43
Motor Traffic (Amendment) Act 1982 No 6
Motor Traffic (Amendment) Act (No. 2) 1982 No 49
Motor Traffic (Amendment) Act (No. 3) 1982 No 50
Motor Traffic (Amendment) Act (No. 4) 1982 No 64
Motor Traffic (Amendment) Act (No. 5) 1982 No 96
Motor Traffic (Amendment) Act 1983 No 14
Motor Traffic (Amendment) Act (No. 2) 1983 No 18
Motor Traffic (Amendment) Act (No. 3) 1983 No 21
Motor Traffic (Amendment) Act 1984 No 1
Motor Traffic (Amendment) Act (No. 2) 1984 No 15
Motor Traffic (Amendment) Act (No. 3) 1984 No 44
Motor Traffic (Amendment) Act (No. 4) 1984 No 45
Motor Traffic (Amendment) Act (No. 5) 1984 No 54
Motor Traffic (Amendment) Act 1985 No 2
Motor Traffic (Amendment) Act (No. 2) 1985 No 30
Motor Traffic (Amendment) Act (No. 3) 1985 No 31
Motor Traffic (Amendment) Act (No. 4) 1985 No 35
Motor Traffic (Amendment) Act (No. 5) 1985 No 49

SCHEDULE 1—continued

Motor Traffic (Amendment) Act (No. 6) 1985 No 50
Motor Traffic (Amendment) Act (No. 7) 1985 No 63
Motor Traffic (Amendment) Act (No. 8) 1985 No 73
Motor Traffic (Amendment) Act 1986 No 3
Motor Traffic (Amendment) Act (No. 2) 1986 No 6
Motor Traffic (Amendment) Act (No. 3) 1986 No 34
Motor Traffic (Amendment) Act (No. 4) 1986 No 58
Motor Traffic (Amendment) Act (No. 5) 1986 No 77
Motor Traffic (Amendment) Act (No. 6) 1986 No 78
Motor Traffic (Amendment) Act (No. 7) 1986 No 81
Motor Traffic (Amendment) Act (No. 8) 1986 No 87
Motor Traffic (Amendment) Act 1987 No 50
Motor Traffic (Amendment) Act (No. 2) 1987 No 63
Motor Traffic (Amendment) Act 1988 No 9
Motor Traffic (Amendment) Act (No. 2) 1988 No 10
Motor Traffic (Amendment) Act (No. 3) 1988 No 11
Motor Traffic (Amendment) Act (No. 4) 1988 No 15
Motor Traffic (Amendment) Act (No. 5) 1988 No 16
Motor Traffic (Amendment) Act (No. 6) 1988 No 20
Motor Traffic (Amendment) Act (No. 7) 1988 No 70
Motor Traffic (Amendment) Act 1989 No 6
Motor Traffic (Amendment) Act (No. 2) 1989 No 8
Motor Traffic (Amendment) Act (No. 3) 1989 No 20
Motor Traffic (Amendment) Act (No. 4) 1989 No 21
Motor Traffic (Amendment) Act 1990 No 4
Motor Traffic (Amendment) Act (No. 2) 1990 No 14
Motor Traffic (Amendment) Act (No. 3) 1990 No 37
Motor Traffic (Amendment) Act (No. 4) 1990 No 38
Motor Traffic (Amendment) Act (No. 5) 1990 No 40
Motor Traffic (Amendment) Act (No. 6) 1990 No 41

SCHEDULE 1—continued

Motor Traffic (Amendment) Act (No. 7) 1990 No 42
Motor Traffic (Amendment) Act (No. 8) 1990 No 51
Motor Traffic (Amendment) Act 1991 No 42
Motor Traffic (Amendment) Act (No. 2) 1991 No 88
Motor Traffic (Amendment) Act (No. 3) 1991 No 109
Motor Traffic (Amendment) Act 1992 No 44
Motor Traffic (Amendment) Act (No. 2) 1992 No 46
Motor Traffic (Amendment) Act 1993 No 47
Motor Traffic (Amendment) Act (No. 2) 1993 No 57
Motor Traffic (Amendment) Act (No. 3) 1993 No 84
Motor Traffic (Amendment) Act 1995 No 8
Motor Traffic (Amendment) Act (No. 2) 1995 No 17
Motor Traffic (Consequential Provisions) Act 1996 No 7
Motor Traffic (Amendment) Act 1996 No 47
Motor Traffic (Amendment) Act (No. 2) 1996 No 76
Motor Traffic (Amendment) Act (No. 3) 1996 No 83
Motor Traffic (Amendment) Act 1997 No 8
Motor Traffic (Amendment) Act (No. 2) 1997 No 52
Motor Traffic (Amendment) Act (No. 3) 1997 No 55
Motor Traffic (Amendment) Act (No. 4) 1997 No 59
Motor Traffic (Amendment) Act (No. 5) 1997 No 123
Motor Traffic (Amendment) Act 1998 No 26
Motor Traffic (Amendment) Act 1999 No 16
Motor Traffic (Amendment) Act (No 2) 1999 No 50
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1977 No 52
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1980 No 37
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1981 No 16
Motor Traffic (Alcohol and Drugs) (Amendment) Act (No. 2) 1981 No 29
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1982 No 94
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1984 No 63

SCHEDULE 1—continued

Motor Traffic (Alcohol and Drugs) (Amendment) Act 1985 No 51
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1987 No 9
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1989 No 24
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1990 No 64
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1992 No 63
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1993 No 22
Motor Traffic (Alcohol and Drugs) (Amendment) Act (No. 2) 1993 No 50
Motor Traffic (Alcohol and Drugs) (Amendment) Act (No. 3) 1993 No 58
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1996 No 48
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1997 No 51
Motor Traffic (Alcohol and Drugs) (Amendment) Act (No. 2) 1997 No 53
Motor Traffic (Alcohol and Drugs) (Amendment) Act 1999 No 11
Motor Traffic (Alcohol and Drugs) (Amendment) Act (No. 2) 1999 No 18
Motor Vehicles (Dimensions and Mass) (Amendment) Act 1996 No 5
Traffic Act 1937 No 32
Traffic Act 1944 No 3
Traffic Act 1955 No 2
Traffic Act 1960 No 12
Traffic Act 1964 No 9
Traffic Act 1974 No 39
Traffic (Amendment) Act 1978 No 3
Traffic (Amendment) Act 1981 No 9
Traffic (Amendment) Act 1982 No 12
Traffic (Amendment) Act 1984 No 2
Traffic (Amendment) Act (No. 2) 1984 No 43
Traffic (Amendment) Act 1987 No 19
Traffic (Amendment) Act 1988 No 68
Traffic (Amendment) Act 1989 No 22
Traffic (Amendment) Act 1992 No 20
Traffic (Amendment) Act 1993 No 49

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SCHEDULE 1—continued

Traffic (Amendment) Act 1997 No 54

Traffic (Amendment) Act 1999 No 17

SCHEDULE 2

(See s 4)

REGULATIONS REPEALED

Motor Traffic Regulations 1934

- 19 March 1934
- 1941 No 9
- 1942 No 12
- 1943 No 8
- 1947 No 5
- 1953 Nos 6 and 14
- 1955 No 3
- 1956 No 1
- 1959 No 8
- 1960 No 2
- 1961 No 1
- 1963 No 8
- 1965 No 5
- 1968 No 2
- 1974 Nos 3 and 17
- 1975 No 18
- 1976 No 3
- 1977 Nos 18 and 27
- 1979 No 26
- 1981 No 23
- 1982 No 38
- 1983 Nos 6 and 9
- 1984 No 20
- 1985 No 10
- 1991 No 34
- 1992 Nos 1 and 17
- 1993 Nos 34, 37 and 48
- 1994 No 24

SCHEDULE 2—continued

- 1995 Nos 26 and 40
- 1996 No 13
- 1997 Nos 15, 17, 26, 27, 35 and 42
- 1998 Nos 9, 16, 27 and 28
- 1999 Nos 13, 16 and 22

Motor Vehicle (Third Party Insurance) Regulations 1947

- 1947 No 4
- 1951 No 3
- 1952 No 14
- 1953 No 1
- 1954 No 11
- 1955 No 11
- 1956 No 3
- 1957 No 8
- 1959 Nos 7 and 14
- 1961 No 14
- 1962 No 12
- 1963 No 9
- 1964 No 6
- 1968 No 7
- 1971 No 12
- 1974 Nos 2 and 18
- 1975 Nos 5, 6 and 23
- 1977 No 5
- 1978 No 9
- 1979 No 8
- 1980 No 6
- 1981 No 9
- 1982 No 6
- 1983 Nos 1 and 25

SCHEDULE 2—continued

- 1984 Nos 6 and 12
- 1985 No 11
- 1986 No 6
- 1987 No 5
- 1988 No 6
- 1989 No 13
- 1990 No 6
- 1992 No 12
- 1993 No 25
- 1994 Nos 27 and 35
- 1995 No 21
- 1996 No 9
- 1997 No 18
- 1998 No 22
- 1999 Nos 2, 6 and 22

Regulations amending Motor Traffic (Alcohol and Drugs) Regulations

- 1980 No 15
- 1984 No 23
- 1985 No 26
- 1991 No 12
- 1992 No 28

Taxi and Private Hire Car Regulations

- 1956 Nos 2 and 12
- 1958 No 12
- 1965 No 6
- 1966 No 7
- 1970 No 5
- 1972 No 4
- 1974 No 11

SCHEDULE 2—continued

- 1975 Nos 24 and 29
- 1977 No 3
- 1978 No 1
- 1979 No 2
- 1980 Nos 1 and 4
- 1981 No 24
- 1982 Nos 3 and 50
- 1983 No 21
- 1984 No 21
- 1985 No 17
- 1986 No 23
- 1987 No 17
- 1989 No 18
- 1990 Nos 7 and 16
- 1991 No 8

SCHEDULE 3

(See s 5)

ACTS AMENDED

Ambulance Service Levy Act 1990

Paragraph 12 (2) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) Part 10 (Compulsory vehicle insurance) of the *Road Transport (General) Act 1999*.”.

Bail Act 1992

Subsection 3 (1) (definition of *domestic violence offence*, paragraph (c))—

Omit the paragraph, substitute the following paragraphs:

“(c) any of the following provisions of the *Road Transport (Safety and Traffic Management) Act 1999*:

- (i) subsection 6 (1) (which is about negligent driving);
 - (ii) subsection 7 (1) (which is about furious, reckless or dangerous driving);
 - (iii) subsection 8 (1) or (2) (which are about menacing driving);
- or

“(ca) an offence against section 129 of the *Motor Traffic Act 1936* (which is about reckless, dangerous or negligent driving);”.

New Part 8—

After section 58 insert the following Part:

“PART 8—TRANSITIONAL

“39 Expiry—Motor Traffic Act reference

Paragraph (ca) of the definition of *domestic violence offence* in subsection 3 (1) and this section cease to have effect on 1 January 2002.”.

Children’s Services Act 1986

Paragraph 29 (4) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) a police officer for a screening, breath or blood test under the *Road Transport (Alcohol and Drugs) Act 1977*; or”.

SCHEDULE 3—continued

Credit Act 1985

Subsection 5 (1) (definition of *commercial vehicle*, paragraph (a))—

Omit “*Motor Traffic Act 1936*”, substitute “*Road Transport (Vehicle Registration) Act 1999*”.

Crimes Act 1900

Subsection 4 (1) (definition of *domestic violence offence*, paragraph (c))—

Omit the paragraph, substitute the following paragraphs:

“(c) any of the following provisions of the *Road Transport (Safety and Traffic Management) Act 1999*:

- (i) subsection 6 (1) (which is about negligent driving);
 - (ii) subsection 7 (1) (which is about furious, reckless or dangerous driving);
 - (iii) subsection 8 (1) or (2) (which are about menacing driving);
- or

“(ca) an offence against section 129 of the *Motor Traffic Act 1936* (which is about reckless, dangerous or negligent driving);”.

Subsection 4 (1) (definition of *motor vehicle*)—

Omit the definition, substitute the following definition:

“***motor vehicle***—see *Road Transport (Safety and Traffic Management) Act 1999*, dictionary.”.

Paragraph 27 (3) (g)—

Omit “harm;”, substitute “harm; or”.

Subsection 27 (3)—

After paragraph (g) insert the following paragraph:

“(h) interferes with a prescribed traffic control device (within the meaning of the *Road Transport (Safety and Traffic Management) Act 1999* in circumstances likely to endanger life or cause a person grievous bodily harm;”.

SCHEDULE 3—continued

Subsection 29 (1)—

Omit the subsection, substitute the following subsection:

“(1) In this section—

drug—see *Road Transport (Alcohol and Drugs) Act 1977*, dictionary.

Subsection 29 (8)—

Add at the end the following note:

“*Note* Under section 62 (Automatic disqualification for culpable driving) of the *Road Transport (General) Act 1999*, if a person is convicted, or found guilty, of an offence against this section, the person is automatically disqualified from holding or obtaining a driver licence.”.

Paragraph 354 (4) (a)—

Omit the paragraph, substitute the following paragraph:

“(a) against the *Road Transport (Alcohol and Drugs) Act 1977*; or”.

Paragraph 354 (4) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) that is an infringement notice offence for the *Road Transport (General) Act 1999*, if the police officer questioning the relevant person for the offence—

- (i) intends to serve an infringement notice under that Act on the person for the offence; or
- (ii) intends to take no further action against the person for the offence.”.

Paragraphs 432 (1) (d) and (e)—

Omit the paragraphs, substitute the following paragraphs:

“(d) if the person holds a driver licence under the *Road Transport (Driver Licensing) Act 1999*—disqualify the person from holding or obtaining a driver licence for the period the court considers appropriate; or

(e) if the person does not hold a driver licence under that Act—disqualify the person from obtaining a driver licence for the period the court considers appropriate.

“*Note* The effect of disqualification is set out in the *Road Transport (General) Act 1999*, s 66.”.

SCHEDULE 3—continued

Subsection 432 (2)—

Omit the subsection, substitute the following subsection:

“(2) If the court makes an order under this section, the court must give particulars of the order to the road transport authority.”.

Paragraph 556G (2) (d)—

Omit the paragraph, substitute the following paragraph:

“(d) disqualify the person from holding or obtaining a driver licence under the *Road Transport (Driver Licensing) Act 1999* for the period the court considers appropriate; or”.

Subsection 556G (2)—

Add at the end the following note:

“*Note* The effect of disqualification (mentioned in paragraph (d)) is set out in the *Road Transport (General) Act 1999*, s 66.”.

Section 556G—

After subsection (2) insert the following subsection:

“(3) If the court makes an order mentioned in paragraph (2) (d), the court must give particulars of the order to the road transport authority.”.

New Part 17—

After section 578 insert the following Part:

“PART 17—TRANSITIONAL

“578 Expiry—Motor Traffic Act

Paragraph (ca) of the definition of *domestic violence offence* in subsection 4 (1) and this section cease to have effect on 1 January 2002.”.

Criminal Injuries Compensation Act 1983

Subsection 34B (3) (definition of *infringement notice*, paragraph (d))—

Omit “*Motor Vehicles (Dimensions and Mass) Act 1990*”, substitute “*Road Transport (General) Act 1999*”.

SCHEDULE 3—continued

Dog Control Act 1975

Paragraph 35B (b)—

Omit the paragraph, substitute the following paragraph:

“(b) a public vehicle within the meaning of section 100 of the *Road Transport (General) Act 1999*.”.

Domestic Violence Act 1986

Subparagraph 4A (1) (c) (iii)—

Omit the subparagraph, substitute the following subparagraphs:

“(iii) any of the following provisions of the *Road Transport (Safety and Traffic Management) Act 1999*:

- (A) subsection 6 (1) (which is about negligent driving);
- (B) subsection 7 (1) (which is about furious, reckless or dangerous driving);
- (C) subsection 8 (1) or (2) (which are about menacing driving); or

(iv) section 129 of the *Motor Traffic Act 1936* (which is about reckless, dangerous or negligent driving);”.

Section 4A—

Add at the end the following subsection:

“(3) Subparagraph 4A (1) (c) (iv) and this subsection cease to have effect on 1 January 2002.”.

Duties Act 1999

Section 4 (definition of *application to register a motor vehicle*)—

Omit the definition, substitute the following definition:

“*application to register a motor vehicle* means—

- (a) an application under the Vehicle Registration Act to register a motor vehicle; or
- (b) an application under the Vehicle Registration Act to transfer the registration of a motor vehicle.”.

Section 4 (definition of *Motor Traffic Act*)—

Omit the definition.

SCHEDULE 3—continued

Section 4 (definition of *motor vehicle*, paragraph (a))—

Omit “Motor Traffic Act”, substitute “Vehicle Registration Act”.

Section 4 (definition of *new motor vehicle*)—

Omit the definition, substitute the following definition:

“*new motor vehicle* means a motor vehicle that has not previously been registered under—

- (a) the Vehicle Registration Act or another ACT law; or
- (b) a law of the Commonwealth, a State or another Territory.”.

Section 4—

Insert the following definition:

“*Vehicle Registration Act* means the *Road Transport (Vehicle Registration) Act 1999*, and includes the regulations under the Act.”.

Section 204—

Omit “Motor Traffic Act”, substitute “Vehicle Registration Act”.

Paragraph 204 (a)—

Omit “that Act”, substitute “that Act or any other ACT law”.

Paragraph 204 (b)—

Omit “the persons”, substitute “the people, or any of the people.”.

Section 205—

Omit “Motor Traffic Act”, substitute “Vehicle Registration Act”.

Paragraphs 217 (1) (a) and (2) (a)—

Omit “Motor Traffic Act”, substitute “Vehicle Registration Act”.

Subsection 217 (3)—

Omit the subsection, substitute the following subsections:

“(3) For this section, a vehicle is a veteran, vintage or historic vehicle if it is such a vehicle within the meaning of the regulations under the Vehicle Registration Act.

“(4) The reference in paragraph (1) (a) to the Vehicle Registration Act includes a reference to the *Motor Traffic Act 1936*.

SCHEDULE 3—continued

“(5) Subsection (4) and this subsection cease to have effect 2 years after the commencement of the *Road Transport (General) Act 1999*.”.

Paragraph 218 (a)—

Omit the paragraph, substitute the following paragraph:

“(a) at the time the application was made, the applicant was recorded as the registered operator of the vehicle in the register of an Australian jurisdiction corresponding to the registrable vehicles register within the meaning of the *Road Transport (Vehicle Registration) Act 1999*; and”.

Section 220 (definition of Registrar)—

Omit the definition.

Subsection 221 (1)—

Omit the words before paragraph (a), substitute the following words:

“(1) Despite anything in the Vehicle Registration Act, the road transport authority may register a motor vehicle under that Act only if—”.

Paragraph 221 (1) (a)—

Omit “that Act”, substitute “the Vehicle Registration Act, the *Motor Traffic Act 1936*”.

Subparagraph 221 (1) (d) (ii)—

Omit “Motor Traffic Act”, substitute “Vehicle Registration Act”.

Subsection 221 (2)—

Omit “Registrar”, substitute “road transport authority”.

Subsection 221 (3)—

Omit the subsection, substitute the following subsections:

“(3) A person claiming exemption of an application for the registration of a vehicle from duty because of section 217 must give the road transport authority any relevant information the authority requires.

“(4) The reference in subparagraph 221 (1) (d) (ii) to the Vehicle Registration Act includes a reference to the *Motor Traffic Act 1936*.

“(5) Subsection (4) and this subsection cease to have effect 2 years after the commencement of the *Road Transport (General) Act 1999*.”.

SCHEDULE 3—continued

Section 223—

Repeal the section, substitute the following section:

“223 Returns by road transport authority

As soon as practicable after the end of each month, the road transport authority must give the commissioner particulars of all certificates given for section 221 during the month.”.

Section 226—

Omit “Registrar”, substitute “road transport authority”.

Emergency Management Act 1999

Paragraph 67 (4) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) Part 10 (Compulsory vehicle insurance) of the *Road Transport (General) Act 1999*.”.

Environment Protection Act 1997

Section 4 (definition of motor vehicle)—

Omit the definition, substitute the following definition:

“**motor vehicle**—see *Road Transport (General) Act 1999*, dictionary.”.

Paragraph 8 (1) (e)—

Omit the paragraph, substitute the following paragraph:

“(e) a motor vehicle being driven on a road, unless the motor vehicle—

- (i) is being driven on the road for the purpose of conducting reliability trials or speed tests; and
- (ii) has been exempted under the road transport legislation from the provisions of that legislation about attaching silencers to the exhaust pipes of motor vehicles, rules of the road and speed limits during the trials or tests.”.

Subsection 8 (3)—

Omit the subsection, substitute the following subsection:

“(3) In this section—

road—see *Road Transport (Vehicle Registration) Act 1999*.

SCHEDULE 3—continued

road transport legislation—see *Road Transport (General) Act 1999*, section 6.”.

Schedule 1, clause 1 (definition of *motor racing event*, paragraph (b))—

Omit the paragraph, substitute the following paragraph:

“(b) a motor vehicle reliability trial or speed test, including a trial or test for which the vehicles have been exempted under the road transport legislation from the provisions of that legislation about attaching silencers to the exhaust pipes of motor vehicles, rules of the road and speed limits during the trial or test.”.

Schedule 1, clause 1—

Insert the following definition:

“*road transport legislation*—see *Road Transport (General) Act 1999*, section 6.”.

Schedule 2, subclause 12 (2)—

Omit the subclause, substitute the following subclause:

“(2) A reference in this clause to a motor vehicle that is designed to operate on unleaded petrol is a reference to an *unleaded petrol motor vehicle* within the meaning of the regulations under the *Road Transport (Vehicle Registration) Act 1999*.”.

Food Act 1992

Section 3 (definition of *land*)—

Omit the definition, substitute the following definition:

“*land* includes any area that is a road or road related area for section 18 (Prohibition on using unregistered registrable vehicles or vehicles with suspended registration) of the *Road Transport (Vehicle Registration) Act 1999*.”.

SCHEDULE 3—continued

Interpretation Act 1967

Dictionary—

Insert the following definition and note:

“***road transport authority*** means the Australian Capital Territory Road Transport Authority.

Note The chief executive of the department responsible for the *Road Transport (General) Act 1999* is the road transport authority (see *Road Transport (General) Act 1999*, s 16).”.

Land (Planning and Environment) Act 1991

Section 4 (definition of *public street*)—

Omit the definition.

Subsection 159 (1) (definition of *public carpark*)—

Omit the definition, substitute the following definition:

“***public car park*** means a road related area within the meaning of section 42 (Regulations about parking) of the *Road Transport (Safety and Traffic Management) Act 1999* that is available for use by the public for parking without the payment of money.”.

Section 216—

Repeal the section, substitute the following section:

“216 Access to leased land from roads and road related areas

“(1) If the Executive grants a lease of Territory land on behalf of the Commonwealth, it must during the term of the lease give the lessee—

- (a) direct access to the leased land from a road or road related area; or
- (b) access to the leased land from a road or road related area by way of an access road or track, or in another way, that the lessee may use without charge and for all purposes at any hour of the day or night.

“(2) A way of access to leased land provided by the Executive because of paragraph (1) (b)—

- (a) must not interfere with a building, garden or stockyard on the land at the time the way of access is provided; and
- (b) must be located in a way that causes as little damage or inconvenience to the lessee as possible.

SCHEDULE 3—continued

“(3) In this section—

road—see the *Road Transport (General) Act 1999*, dictionary.

road related area—see the *Road Transport (General) Act 1999*, dictionary.”.

Paragraph 256 (3) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) for an application relating to the parking of heavy vehicles on residential land under the regulations under the *Road Transport (Safety and Traffic Management) Act 1999*—to the Minister administering that Act.”.

Paragraph 256 (4A) (b)—

Omit the paragraph, substitute the following paragraph:

“(b) for an application for an order relating to the parking of heavy vehicles on residential land under the regulations under the *Road Transport (Safety and Traffic Management) Act 1999*—by the Minister administering that Act.”.

Subsection 256 (4C)—

Omit the subsection, substitute the following subsection:

“(4C) If the Minister makes an order under subsection (4B) that relates to the parking of a heavy vehicle on residential land under the *Road Transport (Safety and Traffic Management) Act 1999*, the Minister must, as soon as practicable after the order is made, give a copy of the order to the Minister administering that Act.”.

Schedule 5—

After item 11, insert the following item:

- | | | |
|----|--|------------------|
| 12 | Parking a heavy vehicle on residential land in contravention of a code of practice in relation to the parking of heavy vehicles under the <i>Road Transport (Safety and Traffic Management) Regulations 1999</i> | 20 penalty units |
|----|--|------------------|

SCHEDULE 3—continued

Law Reform (Miscellaneous Provisions) Act 1955

Subsection 8 (2)—

Omit “by or under Part V of the *Motor Traffic Act 1936*”, substitute “under Part 10 (Compulsory vehicle insurance) of the *Road Transport (General) Act 1999*”.

Section 28—

Omit “Part V of the *Motor Traffic Act 1936*”, substitute “Part 10 (Compulsory vehicle insurance) of the *Road Transport (General) Act 1999*”.

Liquor Act 1975

Section 93D (definition of *driver licence*)—

Omit the definition, substitute the following definition:

“*driver licence* means—

- (a) an Australian driver licence within the meaning of the *Road Transport (Driver Licensing) Act 1999*; or
- (b) an external driver licence within the meaning of that Act.”.

Subsection 104AA (1)—

Omit “registrar”, substitute “road transport authority”.

Paragraph 104AA (2) (b)—

Omit “registrar”, substitute “road transport authority”.

Litter Act 1977

Section 2 (definition of *public place*)—

Omit the definition, substitute the following definition:

“*public place* means a road or road related area within the meaning given by the *Road Transport (General) Act 1999*, dictionary”.

Magistrates Court Act 1930

Subsection 5 (1) (definitions of *Motor Traffic Act* and *police officer*)—

Omit the definitions.

Subsection 116A (1) (definition of *prescribed offence*)—

Omit the definition.

SCHEDULE 3—continued

Subsection 116A (3)—

Omit the subsection.

New section 116AA—

After section 116A insert the following section:

“116AA Meaning of *prescribed offence* for Pt 7A

“(1) For this Part, an offence against a law in force in the Territory is a ***prescribed offence*** in relation to a person if—

- (a) for an offence against the road transport legislation—the maximum fine that can be imposed on the person for the offence is—
 - (i) if the person is an individual—30 penalty units; or
 - (ii) if the person is a corporation—150 penalty units; or
- (b) for any other offence—the maximum fine that can be imposed on the person for the offence is—
 - (i) if the person is an individual—10 penalty units; or
 - (ii) if the person is a corporation—50 penalty units.

“(2) In subsection (1)—

road transport legislation means the following:

- (a) the *Road Transport (Dimensions and Mass) Act 1990*;
- (b) the *Road Transport (Driver Licensing) Act 1990*;
- (c) the *Road Transport (General) Act 1990*;
- (d) the *Road Transport (Safety and Traffic Management) Act 1999*;
- (e) the *Road Transport (Vehicle Registration) Act 1999*;
- (f) any other Act or any regulations (or provision of an Act or regulations) prescribed under the regulations;
- (g) any regulations made under an Act mentioned in paragraphs (a) to (f) or any provisions of such an Act.”.

Subsection 150 (2)—

Omit the subsection, substitute the following subsection:

“(2) If a person to whom a default notice has been given subsequently defaults in payment of the fine, the registrar must give notice of the default to the road transport authority under section 153.”.

SCHEDULE 3—continued

Section 153—

Omit the section, substitute the following section:

“153 Notice for suspension of driver licence etc

“(1) The registrar must notify the road transport authority of the name, address and date of birth of each person who, after being given a default notice for a fine, defaults in payment of the outstanding fine.

“(2) If notice is given under subsection (1) and the registrar subsequently approves an arrangement under section 152, the registrar must notify the road transport authority of the approval.

“(3) If notice has been given under subsection (1) and no later notice has been given under subsection (2), the registrar must notify the road transport authority if—

- (a) the outstanding fine is paid; or
- (b) the outstanding fine is remitted under section 159; or
- (c) the person has completed serving a period of imprisonment under a committal under section 154D; or
- (d) the conviction or order that gave rise to the liability to pay the fine is quashed or set aside.”.

Section 160—

Omit “Registrar of Motor Vehicles”, substitute “road transport authority”.

Magistrates Court (Civil Jurisdiction) Act 1982

Paragraph 85 (1) (a)—

Omit “within the meaning of Part V of the *Motor Traffic Act 1936*”, substitute “under Part 10 (Compulsory vehicle insurance) of the *Road Transport (General) Act 1999*”.

Schedule 1, form 30—

Omit “Motor Traffic Act 1936”, substitute “Road Transport (General) Act 1999”.

SCHEDULE 3—continued

Motor Traffic (Alcohol and Drugs) Act 1977

Section 1—

Repeal the section, substitute the following note and section:

Note This Act and the regulations made under it form part of the road transport legislation. Other road transport legislation includes the *Road Transport (Dimensions and Mass) Act 1990*, the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999*, the *Road Transport (Safety and Traffic Management) Act 1999*, the *Road Transport (Vehicle Registration) Act 1999* and the regulations made under those Acts. As part of the road transport legislation, this Act is subject to various provisions in the *Road Transport (General) Act 1999* about the administration and enforcement of the road transport legislation generally.

“1 Name of Act

This Act is the *Road Transport (Alcohol and Drugs) Act 1977*.”.

Section 3—

Repeal the section, substitute the following section:

“3 Definitions—the dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary defines certain words and expressions, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or elsewhere in the road transport legislation.

For example, the signpost definition ‘*driver licence*—see the *Road Transport (Driver Licensing) Act 1999*, dictionary’ means the expression ‘driver licence’ is defined in the dictionary to that Act and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).”.

Subsection 4 (1) (definitions of *accident, breath analysis, Court, driver involved in an accident, drug, nurse, one-way box, prescribed concentration, public street and screening test*)—

Relocate the definitions to the dictionary.

Remainder of section 4—

Repeal the remainder of the section.

SCHEDULE 3—continued

Insertion—

Before section 5, insert the following sections:

“4 **Notes**

A note in this Act is explanatory and is not part of this Act.

“4A **Meaning of *public place***

“(1) For this Act—

public place means—

- (a) an off-street parking area; or
- (b) an area for the parking of motor vehicles on, or in the vicinity of, licensed premises; or
- (c) an area for the parking of motor vehicles by people attending a drive-in or other open-air theatre or cinema; or
- (d) a loading area; or
- (e) a wharf, pier or jetty; or
- (f) the foreshores of a lake; or
- (g) a park, reserve, recreational or sporting ground, racecourse or other open place, that is used by the public or to which the public has access, whether with or without payment for admission; or
- (h) the entrances to and the exits from, and the passages and driveways in, an area or place mentioned in paragraphs (a) to (g).

“(2) In this section—

foreshores, of a lake—see *Lakes Act 1976*, subsection 4 (1).

lake—see *Lakes Act 1976*, subsection 4 (1).

licensed premises—see *Liquor Act 1975*, subsection 4 (1).

loading area means any part of the area, other than an area on which a building is erected, bounded by the public streets known as—

- (a) Petrie Street, Alinga Street, East Row and London Circuit;
or
- (b) Petrie Street, Bunda Street, Garema Place and Alinga Street; or

SCHEDULE 3—continued

- (c) East Row, Alinga Street, Northbourne Avenue and London Circuit; or
- (d) Northbourne Avenue, Alinga Street, West Row and London Circuit.

off-street parking area means an area available for use by the public, whether with or without the payment of money, for the parking of motor vehicles, and includes an area—

- (a) situated between the entrances to and exits from the area and a public street; and
- (b) used for access to the area.

“4B Meaning of *special driver*

“(1) For this Act, a person is a ***special driver*** if—

- (a) the person is not the holder of an Australian driver licence or external driver licence; or
- (b) the person’s Australian driver licence or external driver licence is suspended; or
- (c) the person is disqualified from holding or obtaining an Australian driver licence by a court in Australia or under the law of any jurisdiction; or
- (d) the person holds a learner licence, provisional licence, probationary licence or restricted licence within the meaning given by the *Road Transport (Driver Licensing) Act 1999*, dictionary; or
- (e) the person is the holder of an Australian driver licence and is driving a motor vehicle of a kind that the person is not authorised to drive by the licence; or
- (f) the person is the driver of—
 - (i) a Commonwealth vehicle; or
 - (ii) a dangerous goods vehicle; or
 - (iii) a heavy vehicle; or
 - (iv) a public vehicle under the *Road Transport (General) Act 1999*.

“(2) However, paragraph (1) (a) does not apply to a person who is exempted from holding a driver licence under the *Road Transport (Driver Licensing) Act 1999*.

SCHEDULE 3—continued

“(3) In this section—

Commonwealth vehicle means a motor vehicle that is owned by the Commonwealth and—

- (a) bears a label attached to the windscreen that displays the letter ‘C’ followed by a 7-pointed star, both in white on a blue background, and the word ‘COMCAR’ in blue on a white background; or
- (b) is a motor vehicle that is declared by the Minister, by notice in the Gazette, to be a Commonwealth vehicle for this Act.

dangerous goods vehicle means a vehicle on which a sign or marking is or is required to be exhibited under, or under a code prescribed under, the *Dangerous Goods Regulations 1978*.

heavy motor vehicle means—

- (a) a motor vehicle that has a GVM over 15 tonnes; or
- (b) a motor vehicle and trailer combination, or a combination of semitrailer coupled to a motor vehicle, that has a GCM over 15 tonnes.

“4C **Meaning of level of alcohol concentration**

A reference in this Act to a concentration of alcohol in blood at a level that is mentioned in column 2 of an item in the following table is a reference to a concentration of alcohol in 100 millilitres of blood that is mentioned in column 3 of that item of the table:

column 1 item	column 2 level	column 3 blood alcohol concentration
1	level 1	.02 grams or more but less than .05 grams
2	level 2	.05 grams or more but less than .08 grams
3	level 3	.08 grams or more but less than .15 grams
4	level 4	.15 grams or more

“4D **Meaning of repeat offender and first offender**

“(1) A person who is convicted, or found guilty, of a disqualifying offence is a **repeat offender** in relation to the offence if the person has been convicted, or found guilty, of a relevant offence within 5 years before being convicted or found guilty of the disqualifying offence.

SCHEDULE 3—continued

“(2) A person who is convicted, or found guilty, of a disqualifying offence is a *first offender* in relation to the offence if the person is not a repeat offender in relation to the offence.

“(3) In this section—

relevant offence means—

- (a) a disqualifying offence; or
- (b) a corresponding offence; or
- (c) an offence of culpable driving; or
- (d) an offence against subsection 6 (1) of the *Road Transport (Safety and Traffic Management) Act 1999* (which is about negligent driving) that occasions death or grievous bodily harm (within the meaning of that subsection); or
- (e) an offence against any of the following provisions of the *Road Transport (Safety and Traffic Management) Act 1999*:
 - (i) subsection 7 (1) (which is about furious, reckless or dangerous driving);
 - (ii) subsection 8 (1) or (2) (which are about menacing driving); or
- (f) an offence against any of the following provisions of the *Road Transport (Driver Licensing) Act 1999*:
 - (i) subsection 32 (1), (2) or (3) (which are about driving or fraudulently applying for a driver licence while disqualified or after licence suspension, cancellation or refusal);
 - (ii) subsection 33 (1) (which is about contravention of conditions of a restricted licence); or
- (g) an offence about any of the following provisions of the *Motor Traffic Act 1936*:
 - (i) section 11D (which is about contravention of conditions of a special probationary licence);
 - (ii) subsection 121 (1) (which is about reckless driving or driving in a dangerous manner);
 - (iii) subsection 121 (1A) (which is about negligent driving);

SCHEDULE 3—continued

- (iv) subsection 147A (1) (which is about driving at a dangerous speed);
- (v) subsection 191 (2) (which is about driving or obtaining a driver licence) while disqualified or after licence suspension).”.

Subsection 5 (1) and (2)—

Omit “by notice in the *Gazette*”, substitute “by written notice”.

Subsection 6 (1)—

- (a) Omit “Commissioner of Police”, substitute “chief police officer”.
- (b) Omit “notice in writing”, substitute “written notice”.
- (c) Omit “before or after the commencement of this Act” and “, before or after that commencement,”.

Subsection 6 (3)—

- (a) Omit “notice in writing”, substitute “written notice”.
- (b) Renumber the subsection (as amended) as subsection (2).

Section 7—

Repeal the section, substitute the following section:

“7 Notices to be published in the Gazette

A notice made under section 5 or 6 must be published in the *Gazette* as soon as practicable after it is made.”.

Paragraph 8 (b)—

Omit the paragraph, substitute the following paragraph:

- “(b) the police officer has reasonable cause to suspect that, shortly before the requirement is made, the person was the driver of a motor vehicle on a public street or in a public place.”.

Paragraph 14 (2) (b)—

Omit “medical practitioner”, substitute “doctor”.

Paragraph 14 (2) (c)—

Omit “his or her place of abode”, substitute “the place where the person usually lives”.

SCHEDULE 3—continued

Subparagraph 14 (2) (c) (iii)—

Omit “the person’s place of abode”, substitute “the place where the person usually lives”.

Subsections 15 (1), (4), (5) and (6)—

Omit “medical practitioner”, substitute “doctor”.

Paragraph 15 (4) (b)—

Omit “practitioner”, substitute “doctor”.

Section 15AA (1)—

Omit “medical practitioner” (wherever occurring), substitute “doctor”.

Subsections 16 (4), (5) and (6)—

Omit “medical practitioner”, substitute “doctor”.

Subsection 17 (2)—

Omit “medical practitioner” (wherever occurring), substitute “doctor”.

Subsection 18 (5)—

Omit “medical practitioner”, substitute “doctor”.

Part 2—

Add at the end the following section:

“18A Taking blood samples from people involved in accidents

“(1) In this section—

accident means an accident on a public street or in a public place, whether within or outside the Territory.

animal means a horse, cattle or sheep.

bicycle includes a tricycle and any vehicle of a similar nature, but does not include a toy carriage.

person involved in an accident is a person who appears to be at least 15 years old and attends, or is admitted to, a hospital for examination or treatment because of an accident—

(a) involving a vehicle the person was driving or attempting to drive; or

SCHEDULE 3—continued

- (b) involving an animal the person was riding or driving or attempting to ride or drive; or
- (c) in which the person was involved as a pedestrian.

vehicle means—

- (a) a bicycle; or
- (b) an animal-drawn vehicle.

“(2) Sections 15AA, 15A, 15B, 16, 16A, 17, 23 and 41A apply in relation to a person involved in an accident, or a sample taken from the body of such a person, as if the person were a driver involved in an accident.”.

Paragraph 23 (2) (b)—

Omit “medical practitioner”, substitute “doctor”.

Part 3—

Add at the end the following section:

“24A Driver etc intoxicated

“(1) A person must not drive or ride a vehicle or animal on a public street, or be in charge of a vehicle or animal on a public street, while under the influence of alcohol.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

“(2) A person arrested for an offence against this section is entitled, on request, to be examined by a doctor.

“(3) If a request for examination is made, the person making the arrest must provide reasonable facilities for the examination.

“(4) In this section—

animal means a horse, cattle or sheep.

bicycle includes a tricycle and any vehicle of a similar nature, but does not include a toy carriage.

vehicle means—

- (a) a bicycle; or
- (b) an animal-drawn vehicle.”.

Section 25—

Repeal the section.

SCHEDULE 3—continued

Paragraph 27 (b)—

Omit “this Act”, substitute “the road transport legislation”.

Section 29—

Add at the end the following subsection:

“(5) In this section—

approved rehabilitation program means—

- (a) in relation to alcohol dependence—a program that is approved by the Minister under subsection 44 (1); or
- (b) in relation to drug dependence within the meaning of the *Drugs of Dependence Act 1989*—treatment at an approved treatment centre under that Act.”.

Section 31—

Repeal the section.

Sections 32 to 34—

Repeal the sections, substitute the following sections:

“32 **Automatic driver licence disqualification—first offenders, s 19**

“(1) This section applies only to first offenders.

“(2) If a court convicts a special driver, or finds a special driver guilty, of an offence against subsection 19 (1) and finds that the concentration of alcohol in the person’s blood was at a level mentioned in column 2 of an item of the table in this section, the person is automatically disqualified from holding or obtaining a driver licence for—

- (a) the period mentioned in column 4 of that item; or
- (b) if the court orders a shorter period of disqualification that is not less than the period mentioned in column 3 of that item—the shorter period.

“(3) If a court convicts a person other than a special driver, or finds a person other than a special driver guilty, of an offence against subsection 19 (1) and finds that the concentration of alcohol in the person’s blood was at level 2, 3 or 4, the person is automatically disqualified from holding or obtaining a driver licence for—

- (a) the period mentioned in column 4 of the item applying to that level in the table in this section; or

SCHEDULE 3—continued

- (b) if the court orders a shorter period of disqualification that is not less than the period mentioned in column 3 of that item—the shorter period.

column 1 item	column 2 blood alcohol concentration level	column 3 minimum disqualification	column 4 default disqualification
1	level 1	1 month	3 months
2	level 2	2 months	6 months
3	level 3	3 months	12 months
4	level 4	6 months	3 years

Note The effect of disqualification is set out in the *Road Transport (General) Act 1999*, s 66.

“33 Automatic driver licence disqualification—repeat offenders, s 19

“(1) This section applies only to repeat offenders.

“(2) If a court convicts a special driver, or finds a special driver guilty, of an offence against subsection 19 (1) and finds that the concentration of alcohol in the person’s blood was at a level mentioned in column 2 of an item of the table in this section, the person is automatically disqualified from holding and obtaining a driver licence for—

- (a) the period mentioned in column 4 of that item; or
- (b) if the court orders a shorter period of disqualification that is not less than the period mentioned in column 3 of that item—the shorter period.

“(3) If a court convicts a person other than a special driver, or finds a person other than a special driver guilty, of an offence against subsection 19 (1) and finds that the concentration of alcohol in the person’s blood was at level 2, 3 or 4, the person is automatically disqualified from holding or obtaining a driver licence for—

- (a) the period mentioned in column 4 of the item applying to that level in the table in this section; or
- (b) if the court orders a shorter period of disqualification that is not less than the period mentioned in column 3 of that item—the shorter period.

SCHEDULE 3—continued

column 1 item	column 2 blood alcohol concentration level	column 3 minimum disqualification	column 4 default disqualification
1	level 1	3 months	12 months
2	level 2	3 months	12 months
3	level 3	6 months	3 years
4	level 4	12 months	5 years

Note The effect of disqualification is set out in the *Road Transport (General) Act 1999*, s 66.

“34 Automatic driver licence disqualification—offences other than s 19

“(1) If a court convicts a first offender, or finds a first offender guilty, of a disqualifying offence, other than an offence against subsection 19 (1), the person is automatically disqualified from holding or obtaining a driver licence for—

- (a) 3 years; or
- (b) if the court orders a shorter period of disqualification that is at least 6 months—the shorter period.

“(2) If a court convicts a repeat offender, or finds a repeat offender guilty, of a disqualifying offence, other than an offence against subsection 19 (1), the person is automatically disqualified from holding or obtaining a driver licence for—

- (a) 5 years; or
- (b) if the court orders a shorter period of disqualification that is at least 12 months—the shorter period.

Note The effect of disqualification is set out in the *Road Transport (General) Act 1999*, s 66.”.

Sections 35 to 37—

Repeal the sections.

Section 39—

Repeal the section.

SCHEDULE 3—continued

Subparagraph 41 (1) (a) (i)—

Omit the subparagraph, substitute the following subparagraph:

“(i) that he or she was on a specified date an approved operator; and”.

Subparagraph 41 (1) (b) (i)—

Omit the subparagraph, substitute the following subparagraph:

“(i) that he or she was on a specified date an approved operator; and”.

Paragraphs 41 (1) (bb)—

Omit the paragraph.

Paragraphs 41 (1) (c), (ca) and (cb)—

Omit “medical practitioner” (wherever occurring), substitute “doctor”.

Subparagraph 41 (1) (cc)—

Omit the paragraph, substitute the following paragraph:

“(cc) a certificate that appears to be a certificate mentioned in subsection 33 (4), (5) or (6) of the *Road Transport (Safety and Traffic Management) Act 1999* (NSW) is evidence of the matters stated in the certificate; and”.

Paragraph 41A (1) (b)—

Omit “medical practitioner”, substitute “doctor”.

Paragraph 41A (3)—

Omit “or the driver of a motor vehicle is convicted”, substitute “, registered operator or driver of a motor vehicle is convicted or found guilty”.

Subsection 43 (1)—

Omit “Commissioner of Police”, substitute “chief police officer”.

Subsection 43 (2)—

Omit “Commissioner of Police at Police Headquarters, Canberra”, substitute “chief police officer at his or her office”.

SCHEDULE 3—continued

Subsections 44 (2)—

Omit the subsection, substitute the following subsection:

“(2) An approval given under subsection (1) must be published in the Gazette as soon as practicable after it is given.”.

Section 44B—

Repeal the section.

Subsection 47 (1)—

Omit “medical practitioner”, substitute “doctor”.

Insertion—

After section 47, insert the following section:

“48 When police officer may move a person’s motor vehicle

“(1) This section applies to a motor vehicle driven by a person—

- (a) arrested for an offence against this Act; or
- (b) taken into custody under section 11, 15 or 16.

“(2) A police officer may take charge of, enter and drive the vehicle to a retention area.

“(3) As soon as practicable after moving the vehicle to a retention area, the police officer must report the action to the police officer in charge of the closest police station and ask that the responsible person for the vehicle (or someone else entitled to possession of the vehicle), and the person who was driving the vehicle before being arrested or taken into custody, be told where it has been moved to.

“(4) A vehicle moved to a retention area is taken to be uncollected goods under the *Uncollected Goods Act 1996* and—

- (a) the road transport authority is taken to be the possessor of the vehicle under that Act; and
- (b) the responsible person for the vehicle is taken to be the owner of the vehicle; and
- (c) the road transport authority may dispose of the vehicle in accordance with Part 3 of that Act; and
- (d) reasonable costs of the possessor in complying with that Act are taken to include the cost of moving the vehicle to the retention area.

SCHEDULE 3—continued

“(5) The possessor is not required to release the vehicle from the retention area in accordance with the *Uncollected Goods Act 1996*—

- (a) to the person who has been arrested or taken into custody, unless satisfied, on reasonable grounds, that the person can drive the vehicle without committing an offence against this Act; or
- (b) to a person who appears to be authorised for the purpose by the responsible person or the person arrested or in custody, unless satisfied, on reasonable grounds, that the person appears to understand the nature of the authority.

“(6) However, the responsible person for the vehicle is not required to pay costs under paragraph 26 (2) (a) or (b) of the *Uncollected Goods Act 1996* if the responsible person satisfies the road transport authority that the vehicle was stolen or illegally taken or used at the relevant time.

Note Paragraphs 26 (2) (a) and (b) of the *Uncollected Goods Act 1996* require the owner to pay the reasonable costs incurred by the possessor in complying with that Act and the possessor’s reasonable costs in storing and maintaining the goods before they are collected.”.

Sections 50, 51 and 52—

Repeal the sections, substitute the following sections and Part:

“50 References to Motor Vehicles (Alcohol and Drugs) Act etc

In any Act, instrument made under an Act or document—

- (a) a reference to the *Motor Traffic (Alcohol and Drugs) Act 1977* is, in relation to anything to which this Act applies after the commencement of this section, a reference to this Act; and
- (b) a reference to the *Motor Traffic (Alcohol and Drugs) Regulations* is a reference to the *Road Transport (Alcohol and Drugs) Regulations 1977*.

“51 Regulation-making power

The Executive may make regulations for this Act.

SCHEDULE 3—continued

“PART 10—TRANSITIONAL

“52 Expiry of paragraph (g) of definition of *relevant offence* in s 4D (3)

Paragraph (g) of the definition of *relevant offence* in subsection 4D (3) and this section cease to have effect 5 years after the commencement of the *Road Transport (General) Act 1999*.

“53 Approved operator

“(1) A police officer who was an approved operator under this Act immediately before the commencement of this section is taken to be, on and after that commencement, a police officer authorised by the chief police officer under subsection 6 (1) to carry out breath analysis.

“(2) This section ceases to have effect 2 years after the commencement of the *Road Transport (General) Act 1999*.”.

Dictionary—

Add at the end the following dictionary:

“DICTIONARY

(See s 3)

another jurisdiction means a jurisdiction other than the ACT.

approved analyst means a person who is appointed by the Minister under subsection 6 (2).

approved breath analysis instrument means an instrument of a type that is approved by the Minister under subsection 5 (1).

approved operator means a police officer who is authorised by the chief police officer under subsection 6 (1).

approved screening device means a device of a type that is approved by the Minister under subsection 5 (2).

Australian driver licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

corresponding offence means an offence against a law of another jurisdiction that corresponds to a disqualifying offence, and includes any offence against the law of another jurisdiction arising out of the driving of a motor vehicle by a person who is or may be affected by alcohol, a drug or both.

SCHEDULE 3—continued

disqualifying offence means an offence against—

- (a) section 19 (Prescribed blood alcohol concentration exceeded); or
- (b) section 22 (Refusing to provide breath sample); or
- (c) section 23 (Refusing blood test etc); or
- (d) section 24 (Driving under the influence of intoxicating liquor or a drug); or
- (e) another provision of this Act prescribed under the regulations.

doctor—see the *Interpretation Act 1967*, dictionary.

drive a motor vehicle includes—

- (a) start or attempt to start the engine of the vehicle; and
- (b) put or attempt to put the vehicle in motion; and
- (c) be in, and in charge of, the vehicle; and
- (d) be in control of the steering, movement or propulsion of the vehicle; and
- (e) if the vehicle can be ridden—ride the vehicle.

driver, of a motor vehicle, means the person who is driving the vehicle.

driver licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

external driver licence—see *Road Transport (Driver Licensing) Act 1999*, dictionary.

Note An external driver licence is a foreign driver licence or an external Territory driver licence.

first offender—see section 4D.

GCM—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

GVM—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

jurisdiction—means a State, the Commonwealth or an internal Territory, including the ACT.

level, for a concentration of alcohol in blood—see section 4C.

motor vehicle means a vehicle built to be propelled by a motor that forms a part of the vehicle.

SCHEDULE 3—continued

offence of culpable driving, for a person, means—

- (a) an offence against section 29 (Culpable driving) of the *Crimes Act 1900*; or
- (b) any other offence against the *Crimes Act 1900* where a necessary fact to constitute the offence is that someone dies or is injured because of, or as a result of, the way a person drove a motor vehicle.

public place—see section 4A.

registered operator—see *Road Transport (Vehicle Registration) Act 1999*, dictionary.

repeat offender—see section 4D.

responsible person, for a vehicle—see the *Road Transport (General) Act 1999*, section 10.

restricted licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

road transport authority (or ***authority***) means the Australian Capital Territory Road Transport Authority.

Note The chief executive of the department responsible for the *Road Transport (General) Act 1999*, is the road transport authority (see *Road Transport (General) Act 1999*, s 16)

road transport legislation—see the *Road Transport (General) Act 1999*, section 6.

special driver—see section 4B.”.

Motor Vehicles (Dimensions and Mass) Act 1990

Section 1—

Repeal the section, substitute the following note and section:

Note This Act and the regulations made under it form part of the road transport legislation. Other road transport legislation includes the *Road Transport (Alcohol and Drugs) Act 1977*, the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999*, the *Road Transport (Safety and Traffic Management) Act 1999* and the *Road Transport (Vehicle Registration) Act 1999*. As part of the road transport legislation, this Act is subject to various provisions of the *Road Transport (General) Act 1999* about the administration and enforcement of the road transport legislation generally.

SCHEDULE 3—continued

“1 Name of Act

This Act is the *Road Transport (Dimensions and Mass) Act 1990*.”.

Subsection 3 (1) (definitions of *approved portable weighing device, articulated vehicle, axle group centre, axle group load, axle load, B-double, corresponding law, determined, drawbar length, exemption notice, forward projection, load sharing system, pig trailer, prime mover, quad axle group, rear axle centre, retractable axle, twin-steer axle group, wheel and wide profile tyre*)—

Relocate the definitions to the dictionary.

Remainder of section 3—

Repeal the remainder of the section.

New section 3—

Before section 4 insert the following section:

“3 Definitions—the dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary defines certain words and expressions, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in this Act or elsewhere in the road transport legislation.

For example, the signpost definition ‘*Australian driver licence*—see the *Road Transport (Driver Licensing) Act 1999, dictionary*’ means the expression ‘Australian driver licence’ is defined in the dictionary to that Act and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967, s 11F and s 11G*).”.

Paragraph 4 (e)—

Omit the paragraph, substitute the following paragraph:

“(e) a motor vehicle to which a trailer (other than a semitrailer) is coupled, if the gross mass of the combination is 4.5 tonnes or more;”.

Sections 6, 7 and 8—

Repeal the sections, substitute the following sections:

“5 Notes

A note included in this Act is explanatory and is not part of this Act.

SCHEDULE 3—continued

“6 Meaning of *mass carried by a wheel and journey*

“(1) In this Act, a reference to the *mass carried by a wheel* includes a reference to the mass of the wheel.

“(2) In this Act, a reference to a *journey* is a reference to the route over which the journey is made.

“7 Provisions for definitions of *forward projection* and *rear overhang*

For the definitions of *forward projection* and *rear overhang* in the dictionary—

- (a) the following axles are taken not to be axles:
 - (i) a steerable axle that is not connected to a steering mechanism; or
 - (ii) a retractable axle; and
- (b) any equipment permanently attached to a vehicle is taken to be part of the vehicle.”.

Subsection 24 (2)—

Omit the subsection, substitute the following subsection:

“(2) The gross mass of a combination must not be heavier than the lightest of the following:

- (a) the GCM of the combination;
- (b) the total of the maximum amounts of mass allowed by section 25 to be carried by the wheels of the combination;
- (c) the mass determined in relation to the class of combination to which the combination belongs.

Section 27—

Repeal the section, substitute the following section:

“27 Permits

“(1) If a vehicle or combination together with any equipment or load does not, would not, or may not, comply with Part 2 or 3 or an exemption notice, the road transport authority may issue a permit for the vehicle or combination to be used, or to carry any equipment or load, on a road or road related area.

SCHEDULE 3—continued

“(2) The permit must state the provisions with which the vehicle or combination is not required to comply.

“(3) The road transport authority may issue to a person a permit for a stated articulated vehicle to be driven on a road or road related area with a trailer coupled to the vehicle.

“(4) A permit under this section remains in force—

- (a) for the period (not longer than 12 months) stated in the permit; or
- (b) for a journey stated in the permit; or
- (c) for a journey stated in the permit that is undertaken within the period (not longer than 12 months) stated in the permit.”.

Section 28—

Repeal the section, substitute the following section:

“28 Permits to be issued for certain vehicles

“(1) This section applies to a vehicle that does not comply with Part 2 if—

- (a) the vehicle was registered under the *Motor Traffic Act 1936* on 21 December 1990 and has since been continuously registered under that Act and the *Road Transport (Vehicle Registration) Act 1999*; or
- (b) a permit is in force in relation to the vehicle permitting the vehicle to be used for a stated period (other than for a journey stated in the permit) and the permit applies to the provisions of Part 2 with which the vehicle does not comply.

“(2) If—

- (a) a vehicle to which this section applies has not undergone any structural change or had any equipment fitted to it (other than replacement equipment identical to the equipment replaced) since—
 - (i) for a vehicle to which paragraph (1) (a) applies—the registration of the vehicle was last renewed; or
 - (ii) for a vehicle to which paragraph (1) (b) applies—a permit of the kind mentioned in the paragraph was last issued for the vehicle; and
- (b) the vehicle is eligible for registration under the *Road Transport (Vehicle Registration) Act 1999*; and

SCHEDULE 3—continued

- (c) the registered operator for the vehicle applies to the road transport authority for a permit to use the vehicle on a road or road related area;

the road transport authority must issue a permit under subsection 27 (1) for the vehicle and must state in the permit, as the provisions with which the vehicle is not required to comply, provisions of Part 2 with which the vehicle does not comply.”.

Section 29—

Repeal the section, substitute the following section:

“29 Applications for permits

“(1) An application for a permit for a vehicle must—

- (a) be in the approved form; and
- (b) be given to the road transport authority at least 28 days before—
 - (i) for a vehicle to which section 28 applies—the day when the current registration of the vehicle under the *Road Transport (Vehicle Registration) Act 1999* expires or the current permit issued for the vehicle expires; or
 - (ii) for any other vehicle—the day when the vehicle is to be used, or is first to be used, in circumstances for which a permit will be required.

“(2) However, the road transport authority may allow the application to be made at any other time within that 28 days.”.

Subsection 30 (1)—

Omit all the words before paragraph (a), substitute the following:

“(1) The road transport authority may issue a permit, subject to conditions stated in the permit, relating to any of the following matters:”.

Paragraph 30 (1) (h)—

Omit the paragraph, substitute the following paragraph:

- “(h) the giving of an indemnity by the responsible person for the vehicle for any damage that may be caused to a road, road related area, bridge, culvert, structure or installation by the vehicle while on a journey for which the permit is required;”.

SCHEDULE 3—continued

Subsection 30 (2)—

Omit “, inclusive”.

Section 31—

Repeal the section, substitute the following section:

“31 Factors related to issue of permit

In deciding whether to issue a permit for a vehicle, the road transport authority must have regard to—

- (a) the extent to which use of the vehicle on a road or road related area in accordance with any conditions that may be stated in the permit is likely to cause—
 - (i) danger or the death of, or injury to, anyone; or
 - (ii) damage to the road or road related area or any bridge, culvert, structure or installation; or
 - (iii) damage to any other property; and
- (b) if the vehicle is required for a special purpose—the availability of another vehicle that would comply with Part 2 and sections 24, 25, 26 and 37 when being used for the purpose; and
- (c) if the vehicle is required to carry a particular load—the practicability of dividing the load; and
- (d) the extent to which the use of the vehicle on a road or road related area is in the public interest.”.

Subsection 33 (1)—

Omit all the words before paragraph (a), substitute the following:

“(1) A person must not drive a vehicle on a road or road related area if—”.

Subsections 33 (2) and (3)—

Omit the subsections, substitute the following subsections:

“(2) A person must not drive a motor vehicle to which a trailer or semitrailer is coupled on a road or road related area if the gross mass of the combination is heavier than the gross mass allowed by subsection 24 (2).

Maximum penalty: 30 penalty units.

SCHEDULE 3—continued

“(3) A person must not drive a vehicle for which a permit or exemption notice is in force on a road or road related area—

- (a) during a time, or in the course of a journey, during which the driving of the vehicle on the road or road related area would be an offence against this Act if the permit or exemption notice were not in force; and
- (b) otherwise than in accordance with a condition of the permit or exemption notice of the kind mentioned in paragraph 30 (1) (b), (c) or (d).

Maximum penalty: 30 penalty units.”.

Subsection 34 (1)—

Omit “shall not drive a vehicle on a public street or in a public place”, substitute “must not drive a vehicle on a road or road related area”.

Subsection 34 (2)—

Omit the subsection, substitute the following subsection:

“(2) A person must not drive a vehicle for which a permit or exemption notice is in force on a road or road related area—

- (a) during a time, or in the course of a journey, during which the driving of the vehicle on the road or road related area would be an offence against this Act if the permit or exemption notice were not in force; and
- (b) otherwise than in accordance with a condition of the permit or exemption notice of the kind mentioned in paragraph 30 (1) (e).

Maximum penalty: 20 penalty units.”.

Subsection 35 (1)—

Omit “shall not drive a vehicle on a public street or in a public place”, substitute “must not drive a vehicle on a road or road related area”.

SCHEDULE 3—continued

Subsection 35 (2)—

Omit the subsection, substitute the following subsection:

“(2) A person must not drive a vehicle for which a permit or exemption notice is in force on a road or road related area—

- (a) during a time, or in the course of a journey, during which the driving of the vehicle on the road or road related area would be an offence against this Act if the permit or exemption notice were not in force; and
- (b) otherwise than in accordance with a condition of the permit or exemption notice of the kind mentioned in paragraph 30 (1) (ea).

Maximum penalty: 10 penalty units.”.

Subsections 36 (1) and (2)—

Omit “shall not drive a vehicle on a public street or in a public place”, substitute “must not drive a vehicle on a road or road related area”.

Subsection 36 (3)—

Omit the subsection, substitute the following subsection:

“(3) A person must not drive a vehicle for which a permit or exemption notice is in force on a road or road related area—

- (a) during a time, or in the course of a journey, during which the driving of the vehicle on the road or road related area would be an offence against this Act if the permit or exemption notice were not in force; and
- (b) otherwise than in accordance with a condition of the permit or exemption notice of the kind mentioned in paragraph 30 (1) (a), (eb), (ec), (ed), (f), (g), (h), or (j).

Maximum penalty: 10 penalty units.”.

Section 37—

Repeal the section, substitute the following section:

“37 Use of trailer with articulated vehicle

“(1) A person must not drive an articulated vehicle on a road or road related area if a trailer is coupled to the vehicle.

Maximum penalty: 10 penalty units.

SCHEDULE 3—continued

“(2) A person must not drive a B-double or road train on a road or road related area.

Maximum penalty: 10 penalty units.”.

Section 38—

Repeal the section, substitute the following section:

“38 **Production of permit**

The driver of a vehicle for which a permit is in force must produce the permit, or a copy of the permit, to a police officer or authorised person if asked to do so by the police officer or authorised person.

Maximum penalty: 5 penalty units.”.

Sections 39 and 40—

Repeal the sections, substitute the following section:

“39 **Offences by people other than drivers**

“(1) In this section—

relevant offence means an offence against any of the following subsections:

- (a) subsection 33 (1), (2) or (3);
- (b) subsection 34 (1) or (2);
- (c) subsection 35 (1) or (2);
- (d) subsection 36 (1), (2) or (3);
- (e) subsection 37 (1) or (2).

“(2) If a relevant offence is committed by the driver of a vehicle and the driver is not the responsible person for the vehicle, the responsible person also commits the relevant offence.

Maximum penalty:

- (a) for an offence against subsection 33 (1), (2) or (3)—30 penalty units; or
- (b) for an offence against subsection 34 (1) or (2)—20 penalty units; or
- (c) for any other relevant offence—10 penalty units.

SCHEDULE 3—continued

“(3) If a person other than the driver of, or responsible person for, a vehicle loads the vehicle in a way that results in the commission of a relevant offence when the vehicle is driven on a road or road related area, the person also commits the relevant offence.

Maximum penalty: 30 penalty units.”.

Section 40A—

Omit “is not guilty of”, substitute “does not commit”.

Section 40B—

Repeal the section, substitute the following section:

40B Other defences

“(1) It is a defence to an offence against section 33, 34, 35, 36, 37 or 39 if—

- (a) the conduct constituting the offence was caused by—
 - (i) a reasonable mistake; or
 - (ii) reasonable reliance on information supplied by someone else; or
 - (iii) an act or omission of someone else or something else beyond the defendant’s control; and
- (b) the defendant took reasonable precautions and exercised appropriate diligence to avoid the offence being committed.

“(2) In this section—

executive officer—see *Road Transport (General) Act 1999*, dictionary.

someone else does not include an employee, agent or executive officer of the defendant.”.

Subsection 41 (1)—

Omit the subsection, substitute the following subsection:

“(1) If a police officer or authorised person has reasonable grounds for believing that a vehicle on a road or road related area is a vehicle to which this Act applies, the police officer or authorised person may inspect and test the vehicle, or its equipment or load, to find out whether they comply with this Act.”.

SCHEDULE 3—continued

Subsection 41 (2)—

Omit all words before paragraph (a), substitute the following:

“(2) Without limiting subsection (1), a police officer or authorised person may, for that subsection, direct the driver of a vehicle to—”.

Paragraphs 41 (2) (b) to (de)—

Omit the paragraphs, substitute the following paragraphs:

- “(b) state the name and business address of the responsible person for the vehicle; or
- (c) produce for inspection any document or other record relating to the vehicle, or its equipment or load, that is carried by the driver; or
- (d) give the police officer or authorised person copies of, or permit the police officer or authorised person to take extracts from, any such document or other record carried by the driver; or
- (da) answer reasonable questions about any entries in any such document or record carried by the driver; or
- (db) give the police officer or authorised person any reasonable assistance so the officer or person can examine any identification plate on the vehicle; or”.

Paragraphs 41 (2) (f), (g) and (h)—

Omit the paragraphs, substitute the following paragraphs:

- “(f) move the vehicle to the nearest safe place for inspecting the vehicle; or
- (g) give the police officer or authorised person any reasonable assistance so the officer or person can work out the dimensions of the vehicle or its equipment or load; or
- (h) take the vehicle to the nearest place where the mass of the vehicle together with its equipment and load can be worked out; or”.

Paragraph 41 (2) (i)—

Omit all words before subparagraph (i), substitute the following:

- “(i) give the police officer or authorised person any reasonable assistance so the officer or person can work out any of the following:”.

SCHEDULE 3—continued

Subparagraph 41 (2) (i) (iv)—

Omit “or”.

Subparagraph 41 (2) (i) (v)—

Omit the subparagraph.

Subsection 41 (3)—

Omit “An inspector shall not”, substitute “A police officer or authorised person must not”.

Paragraphs 41 (3) (b) and (c)—

Omit “inspector”, substitute “police officer or authorised person”.

Section 42—

(a) Omit “Where an inspector”, substitute “If a police officer or authorised person”.

(b) Omit “the inspector shall”, substitute “the police officer or authorised person must”.

Paragraph 42 (b)—

Omit the paragraph, substitute the following paragraph:

“(b) the particulars that are the identifying particulars for the police officer or authorised person under the regulations; and”.

Section 43—

Repeal the section, substitute the following section:

“43 **Unattended vehicles**

“(1) If—

(a) a vehicle is standing unattended on a road or road related area;
and

(b) a police officer or authorised person has reasonable grounds for believing that the vehicle, or the vehicle with its equipment and load, does not comply with this Act;

the police officer or authorised person may serve a notice under this section on the driver of the vehicle.

“(2) The notice must—

(a) state the time and day when, and the place where, the notice was served; and

SCHEDULE 3—continued

- (b) state the particulars that are the identifying particulars for the police officer or authorised person under the regulations; and
- (c) direct that, while the notice remains in force, the vehicle must not be moved except to take it directly to the weighbridge or weighing station stated in the notice.

“(3) The notice remains in force until the vehicle has been taken to the stated weighbridge or weighing station and an authorised person has inspected the vehicle and worked out the mass of the vehicle together with its equipment and load (if any).

“(4) The notice may be served on the driver of the vehicle by—

- (a) securely placing or attaching the notice, addressed to the driver (without further description), on or to the vehicle in a conspicuous position; and
- (b) securely attaching to the windscreen of the vehicle a label stating—
 - (i) the registration number of the vehicle; and
 - (ii) that a notice under this section has been served in relation to the vehicle; and
 - (iii) the date and time when, and the place where, the notice was served; and
 - (iv) the particulars that are the identifying particulars for the police officer or authorised person under the regulations.

“(5) A person must not remove, deface or interfere with a notice placed on, or attached to, a vehicle under this section unless the person is the driver of the vehicle or the responsible person (or a responsible person) for the vehicle.

Maximum penalty: 20 penalty units.

“(6) For this section, a vehicle is *unattended* if there is not in, on or near the vehicle a person apparently in charge of the vehicle who holds an Australian driver licence authorising the person to drive the vehicle.”.

SCHEDULE 3—continued

Section 44—

Omit all words before paragraph (c), substitute the following:

“While a notice under section 43 is in force in relation to a vehicle, a person must not, without reasonable excuse—

- (a) remove, deface or interfere with a label attached to the vehicle under that section; or
- (b) move the vehicle from the place where the notice was served, except to take it directly to the weighbridge or weighing station stated in the notice; or”.

Subsections 45 (1) and (2)—

- (a) Omit “an inspector”, substitute “a police officer or authorised person”.
- (b) Omit “the inspector”, substitute “the police officer or authorised person”.

Sections 47 and 48—

Repeal the sections, substitute the following section:

“47 Contravention of directions under Part

A person must not contravene a direction given by a police officer or authorised person under this Part.

Maximum penalty: 50 penalty units.”.

Part 6A—

Repeal the Part.

Subsection 49 (1)—

- (a) Omit “Minister”, substitute “road transport authority”.
- (b) Omit “the form in Schedule 1”, substitute “the approved form”.

Paragraph 49 (2) (a)—

Omit “Minister”, substitute “road transport authority”.

Subsection 50 (1)—

Omit the subsection, substitute the following subsection:

“(1) For proceedings in a court—

- (a) the mass carried by a wheel of a vehicle; or
- (b) the axle load of an axle of a vehicle; or

SCHEDULE 3—continued

- (c) the axle group load of an axle group of a vehicle; or
- (d) the gross mass of a vehicle or combination;

at a time and place worked out with an approved portable weighing device in accordance with section 51 is, unless the contrary is proved, taken to be the mass carried by the wheel, axle load, axle group load or gross mass at that time and place.”

Paragraph 50 (3) (a)—

Omit “Minister”, substitute “road transport authority”.

Paragraph 51 (3) (c)—

Omit the paragraph, substitute the following paragraph:

- “(c) the gross mass of a combination is the total of the axle loads of the axles of the combination.”.

Paragraph 52 (a)—

Omit “Minister”, substitute “road transport authority”.

Sections 54, 55 and 56—

Repeal the sections, substitute the following sections:

“54 Evidence

“(1) In a proceeding before a court, a certificate purporting to be signed by a police officer or authorised person, stating that on a day and at a time and place stated in the notice he or she served a stated notice under section 43 on the driver of a stated vehicle, is evidence of the matters stated in the certificate.

“(2) In a proceeding before a court, a certificate signed by or on behalf of the road transport authority, stating that a stated permit was, or was not, in force for a stated vehicle on a stated day, is evidence of the matters stated in the certificate.”.

“55 References to Motor Vehicles (Dimensions and Mass) Act

In any Act, instrument made under an Act or document, a reference to the *Motor Vehicles (Dimensions and Mass) Act 1990* is, in relation to anything to which this Act applies after the commencement of this section, a reference to this Act.”.

SCHEDULE 3—continued

Subsection 57 (1)—

Omit the subsection.

New section 58 and Part 9—

After section 57 insert the following section and Part:

“58 Regulation-making power

The Executive may make regulations for this Act.

“PART 9—TRANSITIONAL

“59 Existing permits

“(1) This section applies to a permit that was in force under subsection 27 (1) or (1A) immediately before the commencement of this section.

“(2) The permit is taken, after the commencement of this section, to be a permit issued by the road transport authority under this Act for the period of the permit that remains unexpired immediately before the commencement.

“60 Existing applications

“(1) This section applies to an application for a permit made to the registrar for motor vehicles before the commencement of this section that had not been finally dealt with before the commencement.

“(2) The application is taken, after the commencement of this section, to be an application for a permit made to the road transport authority.

“61 Evidentiary certificates

“(1) Subsection 54 (1) applies to a certificate purporting to be signed by an inspector, within the meaning of this Act as in force immediately before the commencement of this section, in the same way as it applies to a certificate purporting to be signed by an authorised person.

“(2) Subsection 54 (2) applies to a certificate signed before the commencement of this section by the registrar of motor vehicles or the deputy registrar of motor vehicles in the same way as it applies to a certificate signed after the commencement by or on behalf of the road transport authority.”.

SCHEDULE 3—continued

Schedules 1 and 2—

Repeal the Schedules, substitute the following dictionary:

“DICTIONARY

(See s 3)

another jurisdiction means a jurisdiction other than the ACT.

approved form means the relevant form approved by the road transport authority under the *Road Transport (General) Act 1999*.

articulated bus means a bus with at least 2 rigid sections that allow passengers access between the sections and are connected to allow rotary movement between the sections.

Australian driver licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

authorised person, for a provision of this Act, means—

- (a) a person who is appointed as an authorised person under the *Road Transport (General) Act 1999* for the provision; or
- (b) a person who, under the regulations made under this Act or the *Road Transport (General) Act 1999*, is an authorised person for the provision.

authority—see road transport authority.

axle means 1 or more shafts, positioned in a line across a vehicle, on which 1 or more wheels intended to support the vehicle turn.

axle group means a single, tandem, twinsteer, tri, or quad axle group.

bus means a motor vehicle built mainly to carry people that seats over 9 adults (including the driver).

centre line, of an axle group, means—

- (a) if the group consists of 2 axles, 1 of which is fitted with twice the number of tyres as the other axle—a line located one-third of the way from the centre line of the axle with more tyres towards the centre line of the axle with fewer tyres; and
- (b) in any other case—a line located midway between the centre lines of the outermost axles of the group.

combination means a group of vehicles consisting of a motor vehicle connected to 1 or more vehicles.

SCHEDULE 3—continued

converter dolly means a trailer with 1 axle group or single axle, and a fifth wheel coupling, designed to convert a semitrailer into a dog trailer.

court means the Magistrates Court.

dog trailer means a trailer (including a trailer consisting of a semitrailer and converter dolly) with—

- (a) an axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar; and
- (b) an axle group or single axle at the rear.

drawbar means a part of a trailer (except a semitrailer) connecting the trailer body to a coupling for towing purposes.

drive a vehicle includes—

- (a) be in control of the steering, movement or propulsion of the vehicle; and
- (b) if the vehicle is a trailer—draw or tow the vehicle; and
- (c) if the vehicle can be ridden—ride the vehicle.

driver of a vehicle, means the person who is driving the vehicle.

function includes an authority, duty and power.

GCM (or **gross combination mass**), of a motor vehicle, means the greatest possible sum of the loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at the same time—

- (a) specified by the manufacturer on an identification plate on the motor vehicle; or
- (b) if there is no specification by the manufacturer on an identification plate on the motor vehicle or if the specification is not appropriate because the motor vehicle has been modified—certified by the road transport authority.

gross mass means—

- (a) for a vehicle—the total of—
 - (i) the mass of the vehicle; and
 - (ii) the mass of any equipment being carried on the vehicle; and

SCHEDULE 3—continued

- (iii) the mass of any load being carried on the vehicle; or
- (b) for a combination—the total of the gross mass of each vehicle in the combination.

GVM (or **gross vehicle mass**), of a vehicle, means the maximum loaded mass of the vehicle—

- (a) specified by the manufacturer on an identification plate on the vehicle; or
- (b) if there is no specification on an identification plate on the motor vehicle or if the specification is not appropriate because the vehicle has been modified—certified by the road transport authority.

jurisdiction means a State, the Commonwealth or an internal Territory, including the ACT.

motor vehicle means a vehicle built to be propelled by a motor that forms part of the vehicle.

permit means a permit issued under subsection 27 (1) or (3).

pole-type trailer means a trailer that—

- (a) is attached to a towing vehicle by a pole, or an attachment fitted to the pole; and
- (b) is ordinarily used for transporting loads, such as logs, pipes, structural members, or other long objects, that can generally support themselves like beams between supports.

rear overhang, of a vehicle, means the distance between the rear overhang line and the rear of the vehicle.

rear overhang line, of a vehicle, means—

- (a) if there is a single axle at the rear of the vehicle—the centre line of the axle; or
- (b) if there is an axle group at the rear of the vehicle—the centre line of the axle group, decided without regard to the presence of any steerable axle unless all axles in the group are steerable.

registration authority, for a vehicle registered under the law of another jurisdiction, means the entity that has functions under the law of the other jurisdiction corresponding to the functions of the road transport authority under this Act.

SCHEDULE 3—continued

registered operator—see *Road Transport (Vehicle Registration) Act 1999*, dictionary.

responsible person, for a vehicle—see the *Road Transport (General) Act 1999*, section 10.

road means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, but does not include an area that would otherwise be a road so far as an order under section 12 (Power to include or exclude areas in road transport legislation) of the *Road Transport (General) Act 1999* declares that this Act does not apply to the area.

road related area means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) a shoulder of a road; or
- (f) any other area that is open to or used by the public so far as an order under section 12 (Power to include or exclude areas in road transport legislation) of the *Road Transport (General) Act 1999* declares that this Act applies to the area;

but does not include an area that would otherwise be a road related area so far as an order under that section declares that this Act does not apply to the area.

road train means a combination, except a B-double, consisting of a motor vehicle towing at least 2 trailers (counting a converter dolly supporting a semitrailer as a single trailer).

road transport authority (or **authority**) means the Australian Capital Territory Road Transport Authority.

Note The chief executive of the department responsible for the *Road Transport (General) Act 1999* is the road transport authority (see *Road Transport (General) Act 1999*, s 6).

SCHEDULE 3—continued

road transport legislation—see *Road Transport (General) Act 1999*, s 6.

semitrailer means a trailer (including a pole-type trailer) that has—

- (a) 1 axle group or single axle to the rear; and
- (b) a means of attachment to a prime mover that results in some of the load being imposed on the prime mover.

single axle group means a group of at least 2 axles in which the horizontal distance between the centre lines of the outermost axles is under 1 metre.

tandem axle group means a group of at least 2 axles in which the horizontal distance between the centre lines of the outermost axles is at least 1 metre, but not over 2 metres.

the regulations made under this Act includes any publication applied, adopted or incorporated under the regulations whether entirely or in part and with or without changes.

this Act (or **the Act**) includes the regulations under this Act.

trader's plate—

- (a) see *Road Transport (Vehicle Registration) Act 1999*, dictionary; and
- (b) includes a corresponding numberplate issued under the law of another jurisdiction.

trailer means a vehicle being towed, or built to be towed, by a motor vehicle, but does not include a motor vehicle being towed.

tri axle group means a group of at least 3 axles in which the horizontal distance between the centre lines of the outermost axles is over 2 metres, but not over 3.2 metres.

twinsteer axle group means a group of 2 axles—

- (a) with single tyres; and
- (b) fitted to a motor vehicle and connected to the same steering mechanism; and
- (c) the horizontal distance between the centre lines of which is at least 1 metre, but not over 2 metres.

vehicle means—

- (a) any description of vehicle on wheels, other than a vehicle used on railways or tramways; or

SCHEDULE 3—continued

(b) any other vehicle prescribed under the regulations.”.

Nature Conservation Act 1980

Section 5 (definition of *motor vehicle*)—

Omit the definition, substitute the following definition:

“***motor vehicle***—see *Road Transport (General) Act 1999*, dictionary.”.

Periodic Detention Act 1995

Section 12 (definition of *drug*)—

Omit “*Motor Traffic*”, substitute “*Road Transport*”.

Protection of Lands Act 1937

Section 2 (definitions of *carriageway*, *Motor Traffic Act*, *off-street parking area* and *public street*)—

Omit the definitions.

Section 2 (definition of *vehicle*)—

Omit the definition, substitute the following definition:

“***vehicle***—see *Road Transport (Vehicle Registration) Act 1999*, dictionary.”.

Sale of Motor Vehicles Act 1977

Subsection 27 (7)—

Omit “of Motor Vehicles”.

Subsidies (Liquor and Diesel) Act 1998

Subsection 3 (1) (definition of *motor vehicle*)—

Omit the definition, substitute the following definition:

“***motor vehicle***—see *Road Transport (General) Act 1999*, dictionary.”.

Trespass on Territory Land Act 1932

Section 3 (definitions of *carriageway*, *off-street parking area*, *public street*)—

Omit the definitions.

SCHEDULE 3—continued

Section 3 (definition of road)—

Omit the definition, substitute the following definition:

“*road* means road within the meaning of section 42 (Regulations about parking) of the *Road Transport (Safety and Traffic Management) Act 1999*.”.

Section 3—

Insert the following definitions:

“*road related area* means a road related area within the meaning of section 42 of the *Road Transport (Safety and Traffic Management) Act 1999*.”.

vehicle—see *Road Transport (Vehicle Registration) Act 1999*, dictionary.”.

Paragraph 8A (3) (b)—

Omit “part of the carriageway of a public street or in an off-street parking area”, substitute “a road or road related area”.

Uncollected Goods Act 1996

Paragraph 14 (2) (c)—

Omit the paragraph, substitute the following paragraph:

- “(c) a vehicle that is parked on a road or road related area (within the meaning of section 42 (Regulations about parking) of the *Road Transport (Safety and Traffic Management) Act 1999*) unless the authorised officer has reasonable grounds for believing that the vehicle—
- (i) has been abandoned; or
 - (ii) is an obstruction or hazard to people on, or who might come on, the land; or
 - (iii) is placed in a way that contravenes the regulations made under the *Road Transport (Safety and Traffic Management) Act 1999*.”.

SCHEDULE 4

(See s 6)

REGULATIONS AMENDED

Dangerous Goods Regulation 1978

Paragraph 15A (8) (b)—

Omit the paragraph, substitute the following paragraph:

- “(b) who has committed an offence against—
- (i) the Act; or
 - (ii) these regulations; or
 - (iii) the *Road Transport (Alcohol and Drugs) Act 1977*; or
 - (iv) the *Road Transport (Dimensions and Mass) Act 1990*; or
 - (v) the *Road Transport (Driver Licensing) Act 1999*; or
 - (vi) the *Road Transport (General) Act 1999*; or
 - (vii) the *Road Transport (Safety and Traffic Management) Act 1999*; or
 - (viii) the *Road Transport (Vehicle Registration) Act 1999*; or
 - (ix) the regulations made under the Acts mentioned in subparagraphs (iii) to (viii); or”.

Environment Protection Regulations

Paragraph 8 (b)—

Omit the paragraph, substitute the following paragraph:

- “(b) the vehicle complies with the *Road Transport (Vehicle Registration) Act 1999* and the regulations under that Act.”.

Schedule 2, table 2, item 9, clause (2)—

Omit “*Motor Traffic Act 1936*”, substitute “*Road Transport (Vehicle Registration) Act 1999* and the regulations under that Act”.

Interactive Gambling Regulations

Subparagraph 5 (b) (i)—

Omit the subparagraph, substitute the following subparagraph:

- “(i) a current Australian driver licence, or external driver licence, within the meaning of the *Road Transport (Driver Licensing) Act 1999*”.

SCHEDULE 4—continued

Land (Planning and Environment) Regulations 1992

Subregulation 2 (1) (definition of *public street*)—

Omit the definition, substitute the following definition:

“***public street*** has the same meaning as ***road*** as defined in the *Road Transport (Safety and Traffic Management) Act 1999*, dictionary.”.

Regulation 11AB—

Omit the regulation, substitute the following regulation:

“11AB Heavy vehicle parking (lease purposes)—s 175 (3) (b)

“(1) For paragraph 175 (3) (b) of the Act, the parking of a heavy vehicle on residential land in accordance with the parking regulations is a prescribed activity.

“(2) In subregulation (1)—

heavy vehicle has the same meaning as in the parking regulations.

parking regulations means the regulations about parking on residential land under the *Road Transport (Safety and Traffic Management) Act 1999*.”.

Motor Traffic (Alcohol and Drugs) Regulations

Regulations 1 and 2—

Repeal the regulations, substitute the following regulations:

“1 Name of regulations

These regulations are the *Road Transport (Alcohol and Drugs) Regulations 1977*.

“2 Definition

In these regulations—

the Act means the *Road Transport (Alcohol and Drugs) Act 1977*.”.

Regulation 10—

Omit “paragraph 41 (e)” (wherever occurring), substitute “paragraph 41 (1) (e)”.

SCHEDULE 4—continued

Schedule 4, heading—

Omit “MOTOR TRAFFIC (ALCOHOL AND DRUGS) ACT 1977”, substitute
“ROAD TRANSPORT (ALCOHOL AND DRUGS) ACT 1977”.

[Presentation speech made in Assembly on 21 October 1999]