



Australian Capital Territory

# Road Transport Legislation Amendment Act 2009

A2009-5

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Australian Capital Territory

# Road Transport Legislation Amendment Act 2009

A2009-5

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An Act to amend legislation about road transport

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

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Road Transport Legislation Amendment Act 2009*.

### 2 Commencement

This Act commences on a day fixed by the Minister by written notice.

*Note 1* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

## Part 2 Road Transport (Driver Licensing) Act 1999

### 3 Legislation amended—pt 2

This part amends the *Road Transport (Driver Licensing) Act 1999*.

### 4 Consequences of incurring demerit points—holder of licence New section 16 (2A) and (2B)

*insert*

- (2A) If the person's licence is already suspended (the *current suspension*) under a territory law, before serving a notice of licence suspension the road transport authority must serve a notice on the person stating that—
- (a) the person has incurred the demerit points; and
  - (b) the licence suspension under section 18 is additional to, not concurrent with, the current suspension; and
  - (c) the person will be served with a notice of licence suspension under section 18.
- (2B) Failure to comply with subsection (2A) does not affect the validity of anything done by the road transport authority or a court.

### 5 Demerit points not affected by licence suspension etc under another law Section 24 (1) and (2)

*substitute*

- (1) A period of licence suspension under this division is additional to, not concurrent with, any period of licence suspension otherwise imposed under this division or another territory law.

- (2) A period of disqualification from holding or obtaining a driver licence under this division is additional to, not concurrent with, any period of disqualification or licence suspension otherwise imposed under this division or another territory law.

## Part 3 Road Transport (Driver Licensing) Regulation 2000

### 6 Legislation amended—pt 3

This part amends the *Road Transport (Driver Licensing) Regulation 2000*.

### 7 Demerit points incurred by learner and provisional licence holders New section 124 (2A) and (2B)

*insert*

- (2A) If the person's licence is already suspended (the ***current suspension***) under a territory law, before serving a notice of licence suspension the road transport authority must serve a notice on the person stating that—
- (a) the person has incurred the demerit points; and
  - (b) the licence suspension under section 125 is additional to, not concurrent with, the current suspension; and
  - (c) the person will be served with a notice of licence suspension under section 125.
- (2B) Failure to comply with subsection (2A) does not affect the validity of anything done by the road transport authority or a court.

**8 Demerit points incurred by holders of licences with additional provisional class  
New section 127 (4) and (5)**

*insert*

- (4) If the person's additional provisional class is already suspended (the *current suspension*) under a territory law, before serving a notice of additional provisional class suspension the road transport authority must serve a notice on the person stating that—
- (a) the person has incurred the demerit points; and
  - (b) the additional provisional class suspension under section 128 is additional to, not concurrent with, the current suspension; and
  - (c) the person will be served with a notice of additional provisional class suspension under section 128.
- (5) Failure to comply with subsection (4) does not affect the validity of anything done by the road transport authority or a court.

**9 Demerit points incurred by restricted licence holders  
New section 130 (2A) and (2B)**

*insert*

- (2A) If the person's licence is suspended (the *current suspension*) under a territory law, before serving a notice of licence cancellation the road transport authority must serve a notice on the person stating that—
- (a) the person has incurred the demerit points; and
  - (b) the licence cancellation under this section is additional to, not concurrent with, the current suspension; and
  - (c) the person will be served with a notice of licence cancellation under this section.



- (2B) Failure to comply with subsection (2A) does not affect the validity of anything done by the road transport authority or a court.

**10 Demerit points incurred by probationary licence holders  
New section 132 (3) and (4)**

*insert*

- (3) If the person's licence is suspended (the *current suspension*) under a territory law, before serving a notice of licence cancellation the road transport authority must serve a notice on the person stating that—
- (a) the person has incurred the demerit points; and
  - (b) the licence cancellation under section 133 is additional to, not concurrent with, the current suspension; and
  - (c) the person will be served with a notice of licence cancellation under section 133.
- (4) Failure to comply with subsection (3) does not affect the validity of anything done by the road transport authority or a court.

**11 Demerit points—pt 8 not affected by suspension etc  
under another law  
Section 135 (1) and (2)**

*substitute*

- (1) A period of licence suspension under this part is additional to, not concurrent with, any period of licence suspension otherwise imposed under this division or another territory law.
- (2) A period of disqualification from holding or obtaining a driver licence under this part is additional to, not concurrent with, any period of disqualification or licence suspension otherwise imposed under this division or another territory law.



**15 Evidentiary certificates etc**  
**Section 25 (5) (e)**

*substitute*

- (e) if the information indicates the length of time a red traffic light or red traffic arrow facing the driver of the vehicle had been showing—that the light or arrow shown in the image had been showing for the stated time before the driver contravened a regulation about traffic lights.

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**Endnotes****1 Presentation speech**

Presentation speech made in the Legislative Assembly on 11 December 2008.

**2 Notification**

Notified under the Legislation Act on 4 March 2009.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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I certify that the above is a true copy of the Road Transport Legislation Amendment Bill 2009, which originated in the Legislative Assembly as the Road Transport Legislation Amendment Bill 2008 (No 2) and was passed by the Assembly on 24 February 2009.

Clerk of the Legislative Assembly

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