



Australian Capital Territory

# Road Transport Legislation Amendment Act 2022 (No 2)

A2022-5

## Contents

---

	Page
<b>Part 1</b>	<b>Preliminary</b>
1	Name of Act 2
2	Commencement 2
3	Legislation amended 3
<b>Part 2</b>	<b>Heavy Vehicle National Law (ACT) Act 2013</b>
4	Modification—Heavy Vehicle National Law (ACT) Schedule 1, modifications 1.2 and 1.11 4

---

J2021-869

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

<b>Part 3</b>	<b>Road Transport (Alcohol and Drugs) Act 1977</b>	
5	Offences against Act—application of Criminal Code etc Section 4, note 1, new dot point	5
6	Taking blood samples from people in hospital Section 15AA (6), new definition of <i>drive</i>	5
7	Section 15AA (6), definition of <i>involved in an accident</i> , paragraphs (b) to (d)	5
8	Section 15AA (6), definition of <i>vehicle other than a motor vehicle</i>	5
9	Section 24A	6
<b>Part 4</b>	<b>Road Transport (Driver Licensing) Act 1999</b>	
10	Objects of Act Section 3 (a)	9
11	Section 3, note 2	9
12	Section 27	9
13	Dictionary, note 3	9
<b>Part 5</b>	<b>Road Transport (General) Act 1999</b>	
14	Application orders and emergency orders Section 14 (3)	10
15	New section 14 (6)	10
16	Definitions—pt 3 Section 21A (1), definition of <i>heavy vehicle infringement notice offence</i>	10
17	Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider Section 58 (1), note	11
18	Section 229	11
19	Dictionary, definition of <i>Australian Design Rule</i>	11
20	Dictionary, definition of <i>Australian Transport Council</i>	11
21	Dictionary, definition of <i>bicycle</i> , new paragraph (c) (iv)	11
22	Dictionary, definition of <i>heavy vehicle infringement notice offence</i>	12
23	Dictionary, new definitions	12
<b>Part 6</b>	<b>Road Transport (Road Rules) Regulation 2017</b>	
24	New sections 203B and 203C	13

	Page	
25	Time extension for people with disabilities Section 206 (2)	15
26	Wearing motorbike helmet Section 270 (3), definition of <i>relevant standard</i> , paragraph (c)	15
27	Parking control sign applying to length of road in area to which other parking control sign applies etc Section 333 (2)	16
28	Symbols and traffic-related items Schedule 4	16
29	Dictionary, new definitions	17
<b>Part 7</b>	<b>Road Transport (Safety and Traffic Management) Act 1999</b>	
30	Section 3	18
31	Section 34	18
32	Dictionary, note 3	19
<b>Part 8</b>	<b>Road Transport (Vehicle Registration) Act 1999</b>	
33	Objects of Act Section 2 (a)	20
34	Section 2, note	20
35	Regulations to establish system for vehicle standards and inspections Section 15 (3) (a) and (e) (ii)	20
36	Section 15 (3) (g) and (h)	21
37	Section 16	21
38	Dictionary, note 3	21
39	Dictionary, definition of <i>identification plate</i>	22
<b>Part 9</b>	<b>Road Transport (Vehicle Registration) Regulation 2000</b>	
40	Suspension of exemptions Section 7 (1)	23
41	Section 14	23
42	Definitions for pt 6.3 Section 115, definition of <i>certificate of appointment</i>	25
<hr/>		
A2022-5	Road Transport Legislation Amendment Act 2022 (No 2)	contents 3

## Contents

---

		Page
43	Section 115, new definition of <i>certificate of authorisation</i>	26
44	Sections 119, 126 and 152 headings	26
45	Dictionary, note 3	26
46	Dictionary, note 4	26
47	Dictionary, definition of <i>certificate of appointment</i>	26
48	Dictionary, new definition of <i>certificate of authorisation</i>	26
49	Dictionary, definition of <i>identification plate</i>	27
50	Further amendments, mentions of <i>certificate of appointment</i>	27
<b>Schedule 1</b>	<b>Other amendments</b>	<b>28</b>
<b>Part 1.1</b>	<b>Motor Accident Injuries Act 2019</b>	<b>28</b>
<b>Part 1.2</b>	<b>Road Transport (General) Regulation 2000</b>	<b>30</b>
<b>Part 1.3</b>	<b>Road Transport (Offences) Regulation 2005</b>	<b>31</b>
<b>Part 1.4</b>	<b>Victims of Crime Regulation 2000</b>	<b>34</b>



Australian Capital Territory

# Road Transport Legislation Amendment Act 2022 (No 2)

A2022-5

---

An Act to amend legislation about road transport, and for other purposes

---

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 2022 (No 2)*.

### 2 Commencement

- (1) This Act (other than the following provisions) commences on the 14th day after its notification day:
- part 3
  - sections 24 and 25
  - sections 27 to 29
  - sections 35 and 36
  - sections 42 to 44
  - sections 47 and 48
  - section 50
  - schedule 1, part 1.1
  - schedule 1, amendments 1.5 and 1.6
  - schedule 1, amendment 1.9
  - schedule 1, amendments 1.13 to 1.15
  - schedule 1, amendment 1.18.

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

- (2) The provisions mentioned in subsection (1) commence on the 28th day after this Act's notification day.

**3 Legislation amended**

This Act amends the following legislation:

- *Heavy Vehicle National Law (ACT) Act 2013*
- *Road Transport (Alcohol and Drugs) Act 1977*
- *Road Transport (Driver Licensing) Act 1999*
- *Road Transport (General) Act 1999*
- *Road Transport (Road Rules) Regulation 2017*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Road Transport (Vehicle Registration) Act 1999*
- *Road Transport (Vehicle Registration) Regulation 2000.*

*Note* This Act also amends other legislation (see sch 1).

## Part 2 Heavy Vehicle National Law (ACT) Act 2013

### 4 Modification—Heavy Vehicle National Law (ACT) Schedule 1, modifications 1.2 and 1.11

*omit*



## Part 3 Road Transport (Alcohol and Drugs) Act 1977

### 5 Offences against Act—application of Criminal Code etc Section 4, note 1, new dot point

*insert*

- s 24A (Use vehicle or animal on road or road related area under influence of alcohol or drug)

### 6 Taking blood samples from people in hospital Section 15AA (6), new definition of *drive*

*insert*

*drive*, a vehicle—see section 24A (5).

### 7 Section 15AA (6), definition of *involved in an accident*, paragraphs (b) to (d)

*substitute*

- (b) was driving, or attempting to drive, a vehicle involved in an accident; or
- (c) was riding, or attempting to ride, an animal involved in an accident; or
- (d) was a pedestrian involved in an accident that involved a vehicle or motor vehicle.

### 8 Section 15AA (6), definition of *vehicle other than a motor vehicle*

*substitute*

*vehicle*—see section 24A (5).

**9 Section 24A***substitute***24A Use vehicle or animal on road or road related area under influence of alcohol or drug**

- (1) A person commits an offence if—
- (a) the person—
    - (i) drives a vehicle on a road; or
    - (ii) rides an animal on a road; or
    - (iii) is in charge of an animal, including an animal being used for an animal-drawn vehicle, on a road; and
  - (b) the person is under the influence of alcohol or a drug to such an extent that the person is incapable of having proper control of the vehicle or animal.

Maximum penalty:

- (a) for a first offender—30 penalty units, imprisonment for 6 months or both; or
  - (b) for a repeat offender—30 penalty units, imprisonment for 12 months or both.
- (2) A person commits an offence if—
- (a) the person—
    - (i) drives a vehicle on a road related area; or
    - (ii) rides an animal on a road related area; or
    - (iii) is in charge of an animal, including an animal being used for an animal-drawn vehicle, on a road related area; and

- (b) the person is under the influence of alcohol or a drug to such an extent that the person is incapable of having proper control of the vehicle or animal.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) If a charge for an offence against this section states that the person was under the influence of ‘alcohol or a drug’, in a proceeding for the offence—
  - (a) evidence that the person was under the influence of alcohol, or a drug, or both, is admissible; and
  - (b) if the evidence establishes that the person was under the influence of alcohol, or a drug, or both, the person may be convicted of the offence.
- (5) In this section:

***animal*** means a horse, cattle or sheep.

***drive***, a vehicle—

- (a) includes—
  - (i) be in control of the steering, movement or propulsion of the vehicle; and
  - (ii) if the vehicle can be ridden—ride the vehicle; but
- (b) does not include pushing, carrying or otherwise controlling the vehicle while dismounted.

***first offender***, in relation to an offence against subsection (1), means a person who—

- (a) is convicted or found guilty of an offence against subsection (1); and
- (b) is not a repeat offender in relation to the offence.

***repeat offender***, in relation to an offence against subsection (1), means a person who—

- (a) is convicted or found guilty of an offence against subsection (1) (the ***current offence***); and
- (b) has been convicted or found guilty of another offence against subsection (1) committed within 5 years before the current offence regardless of whether the person—
  - (i) has been convicted or found guilty of the earlier offence before the person committed the current offence; or
  - (ii) is convicted or found guilty concurrently with the current offence.

***vehicle*** means—

- (a) a bicycle; or
- (b) a personal mobility device; or
- (c) an animal-drawn vehicle.

## Part 4 Road Transport (Driver Licensing) Act 1999

### 10 Objects of Act Section 3 (a)

*substitute*

- (a) to provide for a driver licensing system in the ACT that is part of a uniform national approach to driver licensing (including uniform driver licence classes and licence eligibility criteria); and

### 11 Section 3, note 2

*omit*

### 12 Section 27

*substitute*

### 27 Regulations may apply certain documents

A regulation may apply a publication of the National Transport Commission or any other instrument as in force from time to time.

*Note* The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

### 13 Dictionary, note 3

*omit*

- Australian Transport Council

## Part 5 Road Transport (General) Act 1999

### 14 Application orders and emergency orders Section 14 (3)

*omit*

Australian Transport Council

*substitute*

Ministerial Council

### 15 New section 14 (6)

*after the note, insert*

(6) In this section:

***Ministerial Council*** means a body (however described) that consists of the Minister of the Commonwealth, and the Minister of each State and Territory, who is responsible, or principally responsible, for matters relating to transport.

### 16 Definitions—pt 3 Section 21A (1), definition of *heavy vehicle infringement notice offence*

*substitute*

***heavy vehicle infringement notice offence*** (or ***HVINO***) means an infringement notice offence against the [Heavy Vehicle National Law \(ACT\)](#).

**17** **Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider**  
**Section 58 (1), note**

*omit*

s 567A

*substitute*

s 568

**18** **Section 229**

*substitute*

**229** **Regulations may apply certain documents**

A regulation may apply a publication of the National Transport Commission or any other instrument as in force from time to time.

*Note* The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

**19** **Dictionary, definition of *Australian Design Rule***

*substitute*

*Australian Design Rule*—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), schedule 1 (Light vehicle standards), section 1.10.

**20** **Dictionary, definition of *Australian Transport Council***

*omit*

**21** **Dictionary, definition of *bicycle*, new paragraph (c) (iv)**

*insert*

(iv) a personal mobility device.

**22 Dictionary, definition of *heavy vehicle infringement notice offence***

*substitute*

*heavy vehicle infringement notice offence* (or *HVINO*), for part 3 (Infringement notices for certain offences)—see section 21A.

**23 Dictionary, new definitions**

*insert*

*HVINO*—see *heavy vehicle infringement notice offence*.

*MAI policy*—see the [Motor Accident Injuries Act 2019](#), section 286.



## Part 6 Road Transport (Road Rules) Regulation 2017

### 24 New sections 203B and 203C

*in division 12.6, insert*

#### 203B Stopping in parking area for electric-powered vehicles

- (1) A driver of a vehicle that is not an electric-powered vehicle must not stop in a parking area for electric-powered vehicles.

Maximum penalty: 20 penalty units.

- (2) In this section:

*electric-powered vehicle* means a vehicle that—

- (a) is powered by 1 or more electric motors or traction motors, regardless of whether the vehicle is also powered by another form of propulsion; and
- (b) can be recharged from an external source of electricity.

*electric-powered vehicle parking sign* means a sign displaying an electric-powered vehicle symbol.

*electric-powered vehicle symbol* means a picture of a vehicle with an adjacent charging plug as shown in the diagram in schedule 4.

*parking area for electric-powered vehicles* means a length or area of a road—

- (a) to which a permissive parking sign displaying an electric-powered vehicle symbol applies; or
- (b) to which an electric-powered vehicle parking sign applies; or
- (c) indicated by a road marking (an *electric-powered vehicle road marking*) that consists of, or includes, an electric-powered vehicle symbol.

**203C Stopping in parking area for charging of electric-powered vehicles**

- (1) A driver must not stop in a parking area for the charging of electric-powered vehicles unless—
- (a) the driver's vehicle is an electric-powered vehicle; and
  - (b) the electric-powered vehicle is plugged in to an external source of electricity.

Maximum penalty: 20 penalty units.

- (2) In this section:

*electric-powered vehicle*—see section 203B (2).

*electric-powered vehicle charging parking sign* means a sign displaying an electric-powered vehicle charging symbol.

*electric-powered vehicle charging symbol* means a picture of a vehicle with a charging plug as shown in the diagram in schedule 4.

*parking area for charging of electric-powered vehicles* means a length or area of a road—

- (a) to which a permissive parking sign displaying an electric-powered vehicle charging symbol applies; or
- (b) to which an electric-powered vehicle charging parking sign applies; or
- (c) indicated by a road marking (an *electric-powered vehicle charging road marking*) that consists of, or includes, an electric-powered vehicle charging symbol.

**25 Time extension for people with disabilities  
Section 206 (2)**

*substitute*

- (2) The driver may park continuously on a length of road, or in an area, to which a permissive parking sign applies—
- (a) in a parking area for electric-powered vehicles or a parking area for charging of electric-powered vehicles—for 30 minutes longer than the period indicated on the permissive parking sign; or
- (b) in any other case, for the longer of—
- (i) if the time limit on the sign is 30 minutes or less—2 hours; or
- (ii) if the time limit on the sign is longer than 30 minutes—an unlimited period.
- (3) Subsection (2) (b) does not apply if the driver parks in a parking area for people with disabilities.
- (4) In this section:

*parking area for charging of electric-powered vehicles*—see section 203C (2).

*parking area for electric-powered vehicles*—see section 203B (2).

**26 Wearing motorbike helmet  
Section 270 (3), definition of *relevant standard*,  
paragraph (c)**

*substitute*

- (c) in any case—the United Nations Economic Commission for Europe standard 22.05 (or any later version of standard 22), whether in force at the time the helmet is manufactured or at any later time;

## 27 Parking control sign applying to length of road in area to which other parking control sign applies etc Section 333 (2)

*substitute*



- (2) If the area indicated by any of the following road markings is in an area to which a parking control sign applies in accordance with section 335, the road marking applies in the same way as it would apply if it were not in that area, and the parking control sign does not apply to the area indicated by the road marking:
- people with disabilities road marking;
  - electric-powered vehicle road marking;
  - electric-powered vehicle charging road marking.
- (3) In this section:

*electric-powered vehicle charging road marking*—see section 203C (2), definition of *parking area for charging of electric-powered vehicles*.

*electric-powered vehicle road marking*—see section 203B (2), definition of *parking area for electric-powered vehicles*.

## 28 Symbols and traffic-related items Schedule 4

*insert*

<p>Electric-powered vehicle symbol (s 203B)</p> 	<p>Electric-powered vehicle charging symbol (s 203C)</p> 
---	---

**29 Dictionary, new definitions**

*insert*

*electric-powered vehicle charging parking sign*—see section 203C (2).

*electric-powered vehicle parking sign*—see section 203B (2).

*electric vehicle parking sign* includes—

- (a) an electric-powered vehicle charging parking sign; and
- (b) an electric-powered vehicle parking sign.

## Part 7 Road Transport (Safety and Traffic Management) Act 1999

### 30 Section 3

*substitute*

#### 3 Objects of Act

The objects of this Act are—

- (a) to provide for road safety and traffic management in the ACT; and
- (b) to improve road safety and transport efficiency, and reduce the costs of administering road transport; and
- (c) to provide for safe, efficient and equitable road use; and
- (d) to provide for the installation, use and maintenance of traffic control devices and traffic offence detection devices; and
- (e) to provide for the closing of roads for traffic management and other purposes.

### 31 Section 34

*substitute*

#### 34 Regulations may apply certain documents

A regulation may apply a publication of the National Transport Commission or any other instrument as in force from time to time.

*Note* The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

**32 Dictionary, note 3**

*omit*

- Australian Transport Council

## Part 8                      Road Transport (Vehicle Registration) Act 1999

### **33            Objects of Act Section 2 (a)**

*substitute*

- (a) to provide for a vehicle registration system in the ACT that is part of a uniform national approach to vehicle registration and vehicle standards; and

### **34            Section 2, note**

*omit*

### **35            Regulations to establish system for vehicle standards and inspections Section 15 (3) (a) and (e) (ii)**

*omit*

appointment

*substitute*

authorisation



**36 Section 15 (3) (g) and (h)**

*omit*

inspectors

*substitute*

authorised examiners

**37 Section 16**

*substitute*

**16 Regulations may apply certain documents**

A regulation may apply a publication of the National Transport Commission or any other instrument as in force from time to time.

*Note* The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disappplied (see s 47 (7)).

**38 Dictionary, note 3**

*omit*

- Australian Transport Council

**39 Dictionary, definition of *identification plate***

*substitute*

***identification plate*** means a plate approved to be placed on a vehicle, or taken to have been placed on a vehicle, under the *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), section 10A.

*Note 1* Identification plates were approved for vehicles that complied with the national standards. Identification plates were also approved for vehicles that failed to comply, but either the noncompliance was minor and inconsequential, or the vehicle complied to an extent that made it suitable for supply to the market (see *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), s 10A).

*Note 2* Despite the repeal of the *Motor Vehicle Standards Act 1989* (Cwlth) on 1 July 2021—

- (a) approvals in force immediately before the repeal continue in force until 1 July 2022; and
- (b) new approvals may be given between 1 July 2021 to 1 July 2022, and remain in force until 1 July 2022.

(See *Road Vehicle Standards (Consequential and Transitional Provisions) Act 2018* (Cwlth), sch 3, s 4 and s 6.)

*Note 3* Identification plates include compliance plates placed, or taken to be placed, on vehicles as early as 1972 (see *Motor Vehicle Standards Act 1989* (Cwlth) (repealed), s 42 (d)).

## Part 9 Road Transport (Vehicle Registration) Regulation 2000

### 40 Suspension of exemptions Section 7 (1)

*substitute*

- (1) The road transport authority may suspend the operation of any of the following sections in relation to a registrable vehicle if the authority, having regard to any matter mentioned in section 84 (Suspension or cancellation of registration), decides that the suspension is in the public interest:
  - (a) section 14 (Vehicles temporarily in the ACT);
  - (b) section 15 (Vehicles registered in another jurisdiction by transferred defence force member or eligible family member);
  - (c) section 16 (Trailers exempt from registration in another jurisdiction).

### 41 Section 14

*substitute*

### 14 Vehicles temporarily in the ACT

- (1) The registration provisions do not apply to a registrable vehicle if—
  - (a) the vehicle is—
    - (i) kept at a garage address in the ACT for 3 months or less; or
    - (ii) otherwise temporarily in the ACT; and
  - (b) the vehicle is—
    - (i) registered under the law of another jurisdiction, external territory or foreign country; or

- (ii) permitted under a relevant law of another jurisdiction to be used on a road or road related area in that jurisdiction, even though it is unregistered; and
  - (c) the vehicle has the numberplates and labels required under that law; and
  - (d) the numberplates and labels comply with that law; and
  - (e) the vehicle complies with, and is being used in accordance with, any conditions of registration applying to the vehicle under that law, so far as they can be applied to the vehicle, or use of the vehicle, in the ACT; and
  - (f) if the vehicle is unregistered—the vehicle is being used in accordance with any conditions of the permit or other authority applying to the vehicle under that law, so far as they can be applied to the use of the vehicle in the ACT; and
  - (g) an MAI policy or compulsory third-party insurance policy under a law of another jurisdiction is in force for the vehicle.
- (2) In this section:

*relevant law*, of another jurisdiction, external territory or foreign country, means a law of the other jurisdiction, territory or country that substantially corresponds to the provisions of this regulation about trader's plates or unregistered vehicle permits.

## **15 Vehicles registered in another jurisdiction by transferred defence force member or eligible family member**

- (1) The registration provisions do not apply to a registrable vehicle if—
- (a) a registered operator of the vehicle is a transferred defence force member or eligible family member; and
  - (b) the vehicle is registered under the law of another jurisdiction; and

- (c) the vehicle has the numberplates and labels required under that law; and
- (d) the numberplates and labels comply with that law; and
- (e) the vehicle complies with, and is being used in accordance with, any conditions of registration applying to the vehicle under that law, so far as they can be applied to the vehicle, or use of the vehicle, in the ACT; and
- (f) an MAI policy or compulsory third-party insurance policy under a law of another jurisdiction is in force for the vehicle.

(2) In this section:

***eligible family member***, of a transferred defence force member, means a person who—

- (a) usually lives with the defence force member; and
- (b) is entitled to be transferred with the defence force member at the expense of the Australian Defence Force.

***transferred defence force member*** means a person who is living in the ACT because of a transfer arranged by the Australian Defence Force and is—

- (a) on full-time permanent service with the Australian Defence Force; or
- (b) on full-time duty with the Australian Defence Force Reserve.

42

**Definitions for pt 6.3**  
**Section 115, definition of *certificate of appointment***

*omit*

**43 Section 115, new definition of *certificate of authorisation***

*insert*

*certificate of authorisation* means a certificate of authorisation given under section 119.

**44 Sections 119, 126 and 152 headings**

*substitute*

**119 Authorisation of examiners and certificates of authorisation****126 Return of certificate of authorisation on cancellation or suspension****152 Issue of replacement certificates of authorisation and approval****45 Dictionary, note 3**

*insert*

- identification plate

**46 Dictionary, note 4**

*insert*

- MAI policy

**47 Dictionary, definition of *certificate of appointment***

*omit*

**48 Dictionary, new definition of *certificate of authorisation***

*insert*

*certificate of authorisation*, for part 6.3 (Inspections)—see section 115.

**49 Dictionary, definition of *identification plate***

*omit*

**50 Further amendments, mentions of *certificate of appointment***

*omit*

certificate of appointment

*substitute*

certificate of authorisation

*in*

- sections 119 and 120
- section 122 (1) (b)
- section 123 (3)
- sections 126 and 145
- section 147 (b) (ii)
- section 148 (2) (c) (i)
- section 152 (1)

## Schedule 1 Other amendments

(see s 3)

### Part 1.1 Motor Accident Injuries Act 2019

#### [1.1] Section 41, definition of *driving offence*, paragraph (c) (ii) (B)

*omit*

section 41AB (Evidentiary certificate—analysis of oral fluid sample)

*substitute*

section 41AD (Evidentiary certificate—analysis of sample for prescribed drug etc)

#### [1.2] Section 41, definition of *driving offence*, paragraph (c) (iii)

*substitute*

- (iii) section 24A (1) (Use vehicle or animal on road or road related area under influence of alcohol or drug), if a copy of a certificate under that [Act](#), section 41 (1) (g) or section 41AD that is admitted in evidence in a proceeding in relation to the offence shows that the concentration of alcohol in the person's blood was equivalent to level 3; or
- (iv) section 24A (2) if—
  - (A) a copy of a certificate under that [Act](#), section 41 (1) (g) or section 41AD that is admitted in evidence in a proceeding in relation to the offence shows that the concentration of alcohol in the person's blood was equivalent to level 3 or level 4; or
  - (B) the offence relates to the person being under the influence of a drug;



**[1.3] Section 48 (7), definition of *serious offence*, paragraph (b) (vii) (B)**

*omit*

section 41AB (Evidentiary certificate—analysis of oral fluid sample)

*substitute*

section 41AD (Evidentiary certificate—analysis of sample for prescribed drug etc)

**[1.4] Section 48 (7), definition of *serious offence*, paragraph (b) (ix) and (x)**

*substitute*

- (ix) section 24A (1) (Use vehicle or animal on road or road related area under influence of alcohol or drug) if—
  - (A) a copy of a certificate under that [Act](#), section 41 (1) (g) or section 41AD that is admitted in evidence in a proceeding in relation to the offence shows that the concentration of alcohol in the person's blood was equivalent to level 4; or
  - (B) the offence relates to the person being under the influence of a drug;

## Part 1.2 Road Transport (General) Regulation 2000

### [1.5] Section 16 (1) (f)

*omit*

appointment

*substitute*

authorisation

### [1.6] Section 17 (1), definition of *relevant thing*, paragraph (d)

*omit*

appointment

*substitute*

authorisation

### [1.7] Schedule 1, part 1.11, item 1, column 3

*after*

section 14 (Vehicles temporarily in the ACT)

*insert*

, section 15 (Vehicles registered in another jurisdiction by transferred defence force member or eligible family member)

### [1.8] Schedule 1, part 1.11, item 2, column 3

*after*

section 14

*insert*

, section 15

**[1.9] Schedule 1, part 1.11, item 58, column 3**

*omit*

certificate of appointment

*substitute*

certificate of authorisation

**[1.10] Dictionary, note 3**

*insert*

- MAI policy

## **Part 1.3 Road Transport (Offences) Regulation 2005**

**[1.11] Schedule 1, part 1.2A, note**

*omit*

(other than penalties for s 567A and s 567B)

**[1.12] Schedule 1, part 1.2A, items 274 and 275**

*omit*

**[1.13] Schedule 1, part 1.3, item 17**

*substitute*

17	24A (1)				
17.1	<ul style="list-style-type: none"> <li>first offender</li> </ul>	drive vehicle/ride animal/be in charge of animal on road under influence of alcohol/drug, incapable of proper control of vehicle/animal—first offender	30pu/ 6 months prison/both	-	-
17.2	<ul style="list-style-type: none"> <li>repeat offender</li> </ul>	drive vehicle/ride animal/be in charge of animal on road under influence of alcohol/drug, incapable of proper control of vehicle/animal—repeat offender	30pu/ 12 months prison/both	-	-
17A	24A (2)	drive vehicle/ride animal/be in charge of animal on road related area under influence of alcohol/drug, incapable of proper control of vehicle/animal	20	-	-

**[1.14] Schedule 1, part 1.12A, new items 276A and 276B**

*insert*

276A	203B (1)	stop in parking area for electric-powered vehicles	20	125	-
276B	203C (1)	stop in parking area for charging of electric-powered vehicles	20	125	-

**[1.15] Schedule 1, part 1.15, items 73, 76 and 89, column 3**

*omit*

appointment

*substitute*

authorisation

**[1.16] Dictionary, note 3**

*insert*

- MAI policy

## **Part 1.4 Victims of Crime Regulation 2000**

**[1.17] Section 49A (b)**

*omit*

, except section 567A and section 567B

**[1.18] Schedule 2, part 2.1, new items 52A and 52B**

*insert*

52A	203B (1)	stop in parking area for electric-powered vehicles
52B	203C (1)	stop in parking area for charging of electric-powered vehicles

---

## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 1 December 2021.

**2 Notification**

Notified under the [Legislation Act](#) on 13 April 2022.

**3 Republications of amended laws**

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

---

I certify that the above is a true copy of the Road Transport Legislation Amendment Bill 2022 (No 2), which originated in the Legislative Assembly as the Road Transport Legislation Amendment Bill 2021 (No 2) and was passed by the Assembly on 5 April 2022.

Acting Clerk of the Legislative Assembly

© Australian Capital Territory 2022