

1999

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT LEGISLATION AMENDMENT
BILL 1999**

EXPLANATORY MEMORANDUM

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Minister for Urban Services

**ROAD TRANSPORT LEGISLATION AMENDMENT
BILL 1999**

Explanatory memorandum

This explanatory note relates to this Bill as introduced into the Assembly.

This Bill is cognate with the Road Transport (General) Bill 1999.

Overview of the Bill

The objects of the Bill are:

- (a) to repeal the Motor Traffic Act 1936 and Traffic Act 1937 (and the Regulations made under those Acts) and various other Acts that amend those Acts, and
- (b) to make amendments to various other Acts and Regulations consequent on those repeals and the enactment of the proposed Road Transport (General) Act 1999, Road Transport (Safety and Traffic Management) Act 1999, Road Transport (Driver Licensing) Act 1999, and Road Transport (Vehicle Registration) Act 1999.

Outline of Provisions

Section 1 sets out the name (also called the short title) of the proposed Act.

Section 2 provides for the Act to commence on the 1st of December 1999.

Section 3 is a formal provision that repeals the Acts set out in **Schedule 1**.

Section 4 is a formal provision that repeals the Regulations set out in **Schedule 2**.

Section 5 is a formal provision giving effect to the amendments to the Acts set out in **Schedule 3**.

Section 6 is a formal provision giving effect to the amendments to the Regulations set out in **Schedule 4**.

SCHEDULE 1 – ACTS REPEALED.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

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
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
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
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 (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
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
Traffic (Amendment) Act 1997 No 54
Traffic (Amendment) Act 1999 No 17

SCHEDULE 2 -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

- 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 and 16

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 Nos 3, 6 and 14
- 1981 No 9
- 1982 No 6
- 1983 Nos 1 and 25
- 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 No 7, 27 and 35
- 1995 No 21
- 1996 No 9
- 1997 No 18
- 1998 No 22
- 1999 Nos 2 and 6

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
- 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 – ACTS AMENDED

Schedule 3 makes amendments to various Acts consequent on the repeal of the Acts and Regulations set out in Schedule 1 and 2 and the enactment of the proposed Road Transport (General) Act 1999, Road Transport (Safety and Traffic Management) Act 1999, Road Transport (Driver Licensing) Act 1999, and Road Transport (Vehicle Registration) Act 1999.

In particular, the following amendments should be noted:

1. Motor Traffic (Alcohol and Drugs) Act 1977.

The Act has been renamed the Road Transport (Alcohol and Drugs) Act 1977 to bring into line with other transport legislation.

The Act has been amended to include proposals contained in Motor Traffic Amendment Bill (No 3) 1999 and Motor Traffic (Alcohol and Drugs) Amendment Bill 1999, Private Member's Bills on drink driving and special licences put forward by Mr Osborne. The Road Transport Legislation Amendment Bill provides minimum, and therefore mandatory, licence disqualification periods for first and repeat drink driving offenders. A consequential amendment as a result of this Private Member's Bill which was to be made to the Motor Traffic Act 1936 but as this is being repealed, the amendments have been made to the proposed Road Transport (General) Bill. The changes specify that repeat drink drivers are not eligible for a restricted (currently known as 'special') licence during the disqualification period. The General Bill also prevents the holder of a restricted licence who commits another offence and is again disqualified from driving, from applying for a further restricted licence. These changes mirror Mr Osborne's Bills and provisions put forward by the Government in 1997. The General Bill also provides that people disqualified from driving following convictions for other types of serious driving offences (eg culpable, dangerous, or menacing driving) are similarly ineligible for restricted licences.

A number of sections have been repealed and now appear in other sections of the road transport legislation.

Section 48 is a new section which allows a police officer to take charge of a motor vehicle and not release it until the police officer is unless satisfied that the person arrested is capable of driving the vehicle without committing an offence against the Act.

The dictionary has been moved to the end of the Act.

2. Motor Vehicles (Dimensions and Mass) Act 1990.

The Act has been renamed the Road Transport (Dimensions and Mass) Act 1990 to bring into line with other transport legislation.

SCHEDULE 4 – REGULATIONS AMENDED

Schedule 4 makes amendments to various Regulations consequent on the repeal of the Acts and Regulations set out in Schedule 1 and 2 and the enactment of the proposed Road Transport (General) Act 1999, Road Transport (Safety and Traffic Management) Act 1999, Road Transport (Driver Licensing) Act 1999, and Road Transport (Vehicle Registration) Act 1999.