

2011

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

**ROAD TRANSPORT LEGISLATION AMENDMENT REGULATION 2011
(No 1)**

SUBORDINATE LAW SL2011-2

EXPLANATORY STATEMENT

Presented by
Mr Jon Stanhope
Minister for Transport

OVERVIEW

This Regulation is made under sections 16, 44 and 126 of the *Road Transport (Public Passenger Services) Act 2001* - for the amendments in Part 2 of the Regulation; section 24 and 33 of the *Road Transport (Safety and Traffic Management) Act 1999* - for the amendments in Part 3 of the Regulation; and section 14 of the *Road Transport (Vehicle Registration) Act 1999* - for the amendments in Part 4 of the Regulation.

The regulation makes miscellaneous amendments to the *Road Transport (Public Passenger Services) Regulation 2002*, the *Road Transport (Safety and Traffic Management) Regulation 2000* and the *Road Transport (Vehicle Registration) Regulation 2000*.

The amendments to the *Road Transport (Public Passenger Services) Regulation 2002* deal with the mandatory grounds for refusing an application for accreditation and the length of time a taxi ballot reserve list remains in force after a ballot.

The amendments to the *Road Transport (Safety and Traffic Management) Regulation 2000* amend the schedule of location codes for mobile speed cameras. New sites are added to the list in Schedule 1, table 1.1, to expand the network of mobile speed camera sites. These sites were selected following the assessment of Territory roads that had been the subject of complaints by the community or concerns by road transport and law enforcement agencies. As a result of that assessment, a total of 61 new sections of road have been assessed as appropriate for mobile speed camera operations.

The amendments to the *Road Transport (Vehicle Registration) Regulation 2000* adds two new options for statements by a person regarding the destruction of a registration label when the person is surrendering a vehicle's registration to the road transport authority.

The amendments in the Regulation are considered to be consistent with human rights. They are aimed at protecting the interests of road users by providing for public passenger services to be consistent with immigration laws and more efficiently regulated; to enable speeding vehicles to be detected and speed limits on busy roads to be enforced; and to make processes for the surrender of registration more efficient and fairer for clients of the road transport authority.

Notes on Clauses

Part 1 Preliminary

Clause 1 Name of Regulation

This is a formal provision that sets out the name of the Regulation.

Clause 2 Commencement

This is a formal provision that provides for the commencement of the Regulation. The Regulation commences on the day after its notification day.

Clause 3 Legislation amended

This clause lists the legislation to be amended by the Regulation.

Part 2 Road Transport (Public Passenger Services) Regulation 2002

Clause 4 Section 8 (1)

This clause makes a minor amendment to section 8 of the *Road Transport (Public Passenger Services) Regulation 2002* to include in new section 8 (1) (a) a mandatory ground for refusing an application for accreditation as a public passenger service provider, if the applicant for accreditation is not a permanent resident or citizen. The purpose of the amendment is to prevent people who are not permitted by Australian immigration law to work or otherwise generate income from a business in Australia from operating a public passenger service. The amendment is also consistent with promoting more effective regulation of the public passenger transport sector, as it is difficult for regulators to take appropriate enforcement action in relation to accredited operators who obtain accreditation while holding a temporary residence visa and subsequently return overseas.

New section 8 (1) (b) (i) through to new section 8 (1) (b) (iv), inclusive, remakes the mandatory grounds for refusal in existing section 8 (1) (a) to (d). There are no changes to the substance of those grounds, which are relocated to accommodate the insertion of the new ground dealing with residency requirements.

Clause 5 Section 84J (3) (a)

This clause amends section 84J, which allows the road transport authority to establish a ballot reserve list if all the defined rights available for a taxi ballot have been allocated and there are still ballot entrants who have not been allocated a defined right. If a taxi licence is subsequently not taken up or is surrendered while the reserve list is in effect, a defined right to the foregone or surrendered taxi licence is offered to the person who is at the top of the reserve list. Currently, section 84J (3) (a) provides for the reserve list to remain in effect for a period of 1 year after the ballot is held. This means that if a taxi licence is surrendered more than a year after the last taxi ballot, it is not possible to offer the defined right to the surrendered licence to anyone remaining on the reserve list. The licence is, in effect, ‘on the shelf’ until it is made available in a subsequent taxi licence ballot.

The amendment would allow the reserve list to remain in effect for 2 years. By making it possible to offer a defined right for a surrendered taxi licence, utilising the reserve list for up to two years after the ballot, the amendment will help to avoid delays in having a new taxi operator take up a surrendered taxi licence. The amendment will be of value in maintaining the level of taxi supply pending the introduction of an annual taxi licence ballot from 2012.

Part 3 Road Transport (Safety and Traffic Management) Regulation 2000

Clause 6 Schedule 1, table 1.1, item 53

This amendment amends table 1.1 so that mobile speed cameras can be used along the whole of Goyder Street; previously, they could be used on that street only between Dalrymple Street and Jerrabomberra Avenue.

Clause 7 Schedule 1, table 1.1, item 70

This amendment amends the table so that mobile speed cameras can be used along the whole of Kuringa Drive; previously, they could be used on that street only between Owen Dixon Drive and the Barton Highway.

Clause 8 Schedule 1, table 1.1, item 87

This amendment amends the table so that mobile speed cameras can be used along the whole of Clift Crescent; previously, they could be used on that street only between Hemmings Crescent and Rohan Street.

Clause 9 Schedule 1, table 1.1, item 96

This amendment amends the table so that mobile speed cameras can be used along the whole of Coulter Drive; previously, they could be used on that street only between Belconnen Way and Lachlan Street.

Clause 10 Schedule 1, table 1.1, new items 121 to 177

This clause adds new locations and location codes to table 1.1 in Schedule 1, which considerably expands the network of sites in which mobile speed cameras may be used to detect speeding offences. As noted in the Overview, the locations for the mobile speed camera operations were identified following complaints by the community and concerns by road transport and law enforcement agencies. They include locations in which speeding-related fatalities and serious traffic accidents have occurred.

Part 4 Road Transport (Vehicle Registration) Regulation 2000

Clause 11 Section 83 (3)

This clause amends section 83, which deals with the surrender of a vehicle's registration by the registered operator of that vehicle. Currently, section 83 (3) requires the operator who makes an application to surrender a vehicle's registration to give the road transport authority a signed statement, together with the application, that the registration label for the vehicle has been destroyed. If the applicant does not give the authority such a statement with the application, for the road transport authority cannot process the application and refund the balance of the registration fee. The applicant must go away, destroy the label and then return with the statement and recommence the process. This process is time consuming and frustrating for applicants, and resource intensive for the authority. In some cases, it may not be possible for the applicant to destroy the label, for example, because the vehicle has already been towed to a wrecking yard - leaving the registered operator with no prospect of recovering the balance of the registration fee.

To address these situations, new section 83 (3) (b) is included to streamline the processing of applications, by allowing an applicant who has not already destroyed a label when applying for a surrender of registration to make a statement that he or she will destroy the label as soon as practicable, but no later than 2 days after giving the authority the statement. New section 83 (3) (c) deals with the situation where it is no longer possible for the applicant to destroy the label. It requires the applicant instead to make a statement that the person is unable to destroy the label, and the reason for that inability.