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

**ROAD TRANSPORT LEGISLATION AMENDMENT REGULATION 2014 (NO 2)**

**EXPLANATORY STATEMENT  
SL2014-8**

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# ROAD TRANSPORT LEGISLATION AMENDMENT REGULATION 2014 (NO 2)

## Overview of the Regulation

The Road Transport Legislation Amendment Regulation 2014 (No 2) (the amending regulation) makes amendments to road transport legislation – primarily the Road Transport (Driver Licensing) Regulation 2000 (the driver licensing regulation) - to support the introduction of an effective ACT alcohol interlock program.

The *Road Transport Legislation Amendment Act 2013 (No 2)* made amendments to road transport legislation, including the introduction of Part 3A of the driver licensing regulation to provide the framework for an alcohol interlock program. Part 3A will commence on 17 June 2014.

Work undertaken within agencies which will implement the program has identified a number of changes to the driver licensing regulation as necessary or desirable to support the interlock program. A number of these changes have been identified following examination of interstate interlock programs and more detailed information being provided about the technical features of interlocks.

The key changes made by the amending regulation:

- reduce, from two to one, the number of positive breath samples an interlock driver may provide in the last three months of their interlock period (the demonstration period), provided that no breath sample in the demonstration period is for a blood alcohol concentration of 0.02 grams or more of alcohol in 210L of breath;
- clarify that if an interlock driver fails to provide a breath sample in accordance with the requirements for random breath samples, this will constitute a program breach in the demonstration period;
- clarify that a person can only nominate a vehicle to be fitted with an interlock if the person is the registered operator of the vehicle or has the agreement of any other registered operator of the vehicle;
- restrict the requirement for approval of an interlock device to compliance with the relevant Australian standard for such devices;
- remove provisions that allow New South Wales (NSW) interlock providers to fit and maintain interlocks for the ACT program without further approval from the Road Transport Authority (RTA);
- make a driver convicted or found guilty of refusing a breath or blood alcohol screening test or analysis, who is not a habitual offender, subject to the mandatory interlock licence condition provisions;

- amend the offences relating to fitting interlocks without approval so that they do not apply to interlocks fitted for private or commercial purposes;
- remove offence provisions relating to interlock installers or service providers providing interlock data and information about removal of interlocks and complying with conditions of approval;
- provide that a person who is subject to the mandatory interlock licence provisions who has not been assessed by the court alcohol and drug assessment service (CADAS), can be ordered by the Magistrates Court to undergo such an assessment and that the court can order the person's driver licence be suspended pending the person complying with the order;
- enable a person with an interlock condition on an interstate licence, who moves to the ACT, to be issued with an ACT probationary licence with an interlock condition.

### **Human rights implications**

Most of these changes are fine tuning of the practical operation of the interlock scheme which is already set out in Part 3A of the driver licensing regulation. The human rights implications of the provisions of the scheme were discussed in the Explanatory Statement for the *Road Transport Legislation Amendment Act 2013 (No 2)*.

Some of the changes made by this amending regulation modify offences in, or remove offences from, the driver licensing regulation and, in doing so, reduce or remove the potential human rights limitations of the relevant offence provisions.

The two more substantial amendments which could be regarded as extending limitations on human rights are the amendments relating to:

- making a driver who is convicted or found guilty of an offence of refusing a screening test or breath analysis, but who does not meet the definition of 'habitual offender' liable to participate in the mandatory interlock program; and
- giving the court the power to order a person to undergo a CADAS assessment and to order the suspension of the person's driver licence pending compliance with the order.

#### *Inclusion of drivers who are convicted of 'refusal' offences within the mandatory scheme*

Section 73T of the driver licensing regulation establishes which drink driving offenders are subject to having a mandatory interlock condition placed on their probationary licence following a period of licence disqualification. This includes drivers who are high range (level 4 blood alcohol concentration - 1.5 grams or more of alcohol per 210L of breath) and repeat offenders for alcohol-related disqualifying offences.

"Alcohol-related disqualifying offence" is defined to include a range of drink driving offences – exceeding the prescribed concentration of alcohol, driving under the influence of intoxicating liquor or a drug, refusing to provide a breath sample and refusing to provide a blood sample. As a result of recent amendments to the *Road Transport (Alcohol and Drugs) Act 1977*, introducing the offence of refusing to undertake a screening test, this offence has also been included as an "alcohol-related disqualifying offence".

The concept of “alcohol-related disqualifying offence” is used to cover offences as a result of an offender either being tested and found to be driving with excessive alcohol in the person’s body or refusing to be tested.

As it is important that a driver is not able to avoid the consequences of drink driving by refusing to be tested, the road transport legislation provides for those consequences to be applied to drivers who refuse to be tested. For example, the driver licence disqualification periods that apply where a person is convicted of refusing a screening or breath analysis test are the disqualification periods that apply for a level 4 offence (ie the highest BAC level offence).

Applying this principle to the interlock scheme in the regulation, a driver should not be able to avoid the requirement to participate in an interlock program by refusing to provide a sample which will enable their BAC to be determined.

Other interlock program jurisdictions also require drivers convicted of refusal offences to enter a mandatory interlock program. The basis for this position is that drivers should not gain an advantage (that is, avoiding mandatory interlock requirements) by refusing to provide a sample that will indicate whether they have committed a drink driving offence.

While the effect of this amendment will be to, potentially, expand the number of drivers who are within the scope of the mandatory interlock program, it is entirely consistent with the principle that drivers should not be able to avoid the consequences of drink driving by deliberately avoiding detection.

The Explanatory Statement for the *Road Transport Legislation Amendment Act 2013 (No 2)* addressed the rationale for the limitations to be applied to those drink drivers who will be subject to the mandatory interlock program.

*Power for court to suspend a driver licence pending compliance with assessment order*  
The power for the court to order that a person, to whom section 73T of the driver licensing regulation applies, undergo a CADAS assessment is implied by existing section 73U of the driving licensing regulation. This provides that the court can only sentence the person once the court has considered a report prepared by CADAS making any recommendations about treatment or a program that may be appropriate for the person.

While it is anticipated that, in most cases, defendants to whom section 73T applies will be engaged early to arrange an assessment, it is possible that some defendants may delay or refuse to undergo an assessment. This amending regulation, therefore, provides the court with an express power to order the person to undergo the assessment.

As some defendants may be motivated to delay the assessment, in order to delay sentencing and the imposition of a disqualification period, the amendments also provide that the court may order that a defendant’s driver licence be suspended until the defendant has complied with the order.

To the extent that the power to order suspension of a licence, pending compliance with an order to undergo an assessment by CADAS, is a new provision potentially limiting human rights, the following analysis against section 28 of the *Human Rights Act 2004* is provided.

*The nature of the right being limited*

The provision may engage the right to freedom of movement.

*The importance of the purpose of the limitation*

The key purpose of the limitation is to ensure that a defendant is not able to thwart the intended operation of the mandatory interlock program – in particular the requirement for high risk offenders to participate in appropriate therapeutic programs or treatments to address their drinking and driving. The limitation is intended to give the court the power to remove the possible incentive for a defendant to refuse to comply with an order to have a CADAS assessment which will enable the court to proceed to sentence the defendant. The limitation also supports the efficient management of court business, by providing a court power to remove the incentive for a defendant to delay sentencing.

*The nature and extent of the limitation*

The licence suspension ends when the defendant complies with the court order to undergo an assessment. Once CADAS has advised the court that the assessment has been undertaken the RTA will be advised and lift the suspension on the defendant's licence.

The limitation is not extensive, and it is expected that it will only be used where a defendant has not effectively engaged with CADAS prior to the sentencing hearing. Defendants will be strongly encouraged to have an assessment well before that time, to avoid a delay in sentencing by the court.

Whether a licence suspension is ordered will be a matter for the court in the particular circumstances.

*The relationship between the limitation and its purpose*

The limitation is on access to a driver licence for a period of time to remove the incentive to delay sentencing for a drink driving charge and the imposition of a licence disqualification period.

*Less restrictive means reasonably available to achieve the purpose*

Defendants will be encouraged to engage early with CADAS to enable an assessment to be undertaken and a report provided to the court to consider prior to sentencing. However, there is a need for the court to have an effective power to require a defendant who has not engaged and, indeed, may be strongly motivated to avoid engagement in order to delay the imposition of a licence disqualification, to undergo an assessment. Where the motivation for refusing to undergo the assessment is retention of access to a driver licence the means to achieve the purpose is removal of that incentive by suspension of the licence. It is not considered that there are any less restrictive means available to achieve the purpose of the amendment.

For these reasons it is considered that the any limitation arising from these amendments is reasonable and proportionate.

## CLAUSE NOTES

### **Part 1 Preliminary**

#### **Clause 1 Name of Regulation**

This clause specifies the name of the Regulation, once made, as the *Road Transport Legislation Amendment Regulation 2014 (No 2)*.

#### **Clause 2 Commencement**

This clause provides that the formal amendments made by the Regulation will commence on the Regulation's notification day. The amendments in Parts 2, 3 and 4, amending the provisions establishing the alcohol interlock scheme, will commence at the same time as the parts of the *Road Transport Legislation Amendment Act 2013 (No 2)*, establishing that scheme, commence.

#### **Clause 3 Legislation amended**

This clause states that the Regulation will amend the *Road Transport (Driver Licensing) Regulation 2000*, *Road Transport (General) Regulation 2000* and the *Road Transport (Offences) Regulation 2005*.

### **Part 2 Road Transport (Driver Licensing) Regulation 2000**

#### **Clause 4 When probationary licence must be issued Section 52 (2A) (b) (i)**

Section 52 of the driver licensing regulation sets out when a probationary licence must be issued by the Road Transport Authority (RTA).

This clause amends section 52 (2A) (b) (i) to the effect that section 52 applies, in addition to where a person is eligible for a probationary licence under sections 73T or 73V of the driver licensing regulation, where a person is eligible for a probationary licence with an interlock condition under new section 73VA, inserted by clause 11 of the Regulation.

#### **Clause 5 Section 73A, application, div 3.13**

Section 73A provides that Division 3.13, relating to alcohol awareness courses, applies to particular persons, other than a person who is subject to an order under section 73U (Court-ordered therapeutic program).

This clause amends the reference to section 73U to section 73U(3), consequentially on the insertion of new section 73U(2A).

**Clause 6**            **Definitions of approved interlock installer and approved interlock service provider**

**Section 73S**

This clause amends the definitions of approved interlock installer and approved interlock service provider to limit approved installers and providers to those approved under the driver licensing regulation.

The deletion of references to installers or providers approved under New South Wales interlock legislation will ensure that only those installers or providers who meet ACT requirements for approval will be approved for the purposes of the ACT interlock program. This does not preclude installers or providers already approved in NSW or other jurisdictions from applying to be approved to provide services for the ACT program.

**Clause 7**            **Definition of “fitted interlock”**  
**Section 73S**

Section 73S defines terms used in Part 3A of the driver licensing regulation relating to the ACT’s alcohol ignition interlock scheme.

This clause substitutes the term “nominated vehicle” for “motor vehicle” in the definition of “fitted interlock”. This change is to the effect that the provisions of Part 3A are only applicable in relation to an interlock installed in a nominated vehicle under section 73X.

The provisions have no application to interlocks that may be fitted in motor vehicles outside the scheme established by Part 3A, eg interlocks installed in private vehicle fleets.

**Clause 8**            **New definition of interstate interlock condition**  
**Section 73S**

This is a consequential amendment arising from insertion of new section 73VA by clause 11 of the Regulation.

**Clause 9**            **Mandatory interlock condition**  
**Section 73T (1) (a) (i)**

Section 73T of the driver licensing regulation sets out which drink driving offenders are subject to having a mandatory interlock condition placed on their probationary licence following a period of licence disqualification.

Section 73T(1)(a)(i) provides that section 73T applies to a person who is convicted or found guilty of a level 4 offence under section 19(1) of the *Road Transport (Alcohol and Drugs) Act 1977*. A level 4 offence (the highest range under that Act) involves a person having a blood alcohol concentration of 1.5 grams or more of alcohol, per 100mL of blood or 210L of breath.



This clause amends section 73T(1)(a)(i) to provide that, in addition to a person who is found guilty or convicted of a level 4 BAC offence, a person convicted or found guilty of a number of refusal offences, is also subject to the operation of section 73T. These refusal offences are: refusing to provide a breath sample; refusing to undergo an alcohol screening test; and refusing a blood test related to alcohol.

This amendment is to ensure that a driver is not able to avoid the consequences of drink driving, including a requirement to participate in an interlock program, by refusing to be able their BAC to be determined.

**Clause 10**                      **Court-ordered therapeutic program**  
**New section 73U (2A)**

Section 73U provides that in relation to a person to whom section 73T applies, before the person is sentenced, the court must consider a report prepared by CADAS, including any recommendations about whether any form of therapeutic treatment or program might assist the person. In sentencing the person the court must consider the report and may order that the person undergo treatment or a program recommended in the report.

While it is anticipated that, in most cases, defendants to whom section 73T applies will be engaged early to arrange an assessment, it is possible that some defendants may delay or refuse to undergo an assessment. New section 73U(2A) (a) provides the court with an express power to order the person to undergo the assessment.

As some defendants may be motivated to delay the assessment, in order to delay sentencing and the imposition of a disqualification period, new section 73U(2A)(b) provides that the court may order the RTA to suspend a defendant's licence until the person has complied with the court's order to undergo an assessment. It will be a matter for the court whether, in the circumstances, an order suspending a driver licence is appropriate.

**Clause 11**                      **Interstate driver licences with interlock condition**  
**New section 73VA**

New section 73VA provides for a person who is on an interstate licence with an interlock condition to be eligible to apply for a probationary licence in the ACT. Such a licence must be issued with an interlock condition.

A person seeking to obtain any ACT driver licence must demonstrate they meet residency requirements to be eligible for an ACT licence. In a cross-border region such as the ACT it is particularly important to accommodate individuals moving inter-state within an interlock scheme.

Clause 15 sets out amendments to section 73Y about the Interlock Period, to address how this will be dealt with for people transferring from interstate with an interlock condition.

**Clause 12**                      **Nomination of vehicle**  
**Section 73X**

This clause makes a change reflecting drafting practice.

**Clause 13**                    **Nomination of vehicle**  
**New section 73X(2)(aa)**

Section 73X provides for a person whose licence is subject to an interlock condition under section 73W to nominate one or more vehicles, which will be fitted with an interlock. The nomination is provided to the RTA. Under section 73W the person can only drive a nominated vehicle fitted with an interlock.

Clause 13 inserts new section 73X(2)(aa) to make clear that when a person nominates a vehicle, unless the person is the sole registered operator of the vehicle, the person must have the written agreement of any other registered operators of the vehicle.

**Clause 14**                    **Nomination of vehicle**  
**New section 73X(3)**

This clause is consequential on the amendment made by clause 13 and inserts new section 73X(3) referencing the definition of “registered operator” in the *Road Transport (Vehicle Registration) Act 1999*.

**Clause 15**                    **Interlock period**  
**New section 73Y (3A)**

Section 73Y sets out the provisions to determine the period that a person is required to have and interlock condition on their probationary licence – “the interlock period”.

New section 73Y(3A) sets out the interlock period for a person who has transferred from an interstate licence with an interlock condition to an ACT probationary licence with an interlock condition.

The interlock period will be the later of:

- (a) the day the interlock period would have ended if the person had remained on the interstate licence subject to an interlock condition;
- (b) six months after the day the interstate interlock licence condition was imposed; or
- (c) three months after the day the ACT probationary licence is issued.

The compliance demonstration requirements of the ACT interlock program will also apply for the final three months of the interlock period. If these requirements are not met, the interlock period will be extended until they are met.

**Clause 16**                    **Interlock period**  
**Section 73Y(4)**

Clause 16 is consequential on the insertion of new section 73Y(3A).

**Clause 17**                      **Interlock period**  
**Section 73Y(4)(b) and example**

This amendment made by this clause is consequential on the amendment to section 73YA made by clause 20, in relation to actions which constitute a breach during the interlock period.

**Clause 18**                      **Interlock period**  
**Section 73Y(5)**

This clause amends the reference to section 73U to section 73U(3), consequentially on the insertion of new section 73U(2A).

**Clause 19**                      **Interlock period**  
**Section 73Y(6), new definition of interlock period breach**

This clause inserts a definition of the term “interlock period breach” consequential on the amendments made by clause 20.

**Clause 20**                      **Interlock period breach**  
**New section 73YA**

In the last three months’ of a driver’s interlock period the driver must demonstrate separation of drinking and driving, in order for the interlock condition to be removed from the driver’s licence. Section 73Y(4) provides that the RTA must be satisfied that during that 3 month period the person has not:

- driven a nominated vehicle for the person without first providing a sample of breath;
- driven a nominated vehicle for the person when the person knew or ought reasonably have known the interlock was not operating properly or had been interfered with;
- committed more than one interlock period breach; or
- failed to comply with the interlock condition under section 73W (ie that the person only drive the nominated vehicle for the person, fitted with an interlock).

Clause 20 inserts new section 73YA setting out what constitutes an interlock period breach, being:

- (a) providing a sample of breath containing a BAC of 0.02g or more of alcohol in 210L of breath as registered by the interlock;
- (b) providing more than one sample of breath containing more than 0.0g but less than 0.02g of alcohol in 210L of breath as registered by the interlock; or
- (c) failing to provide a sample of breath when required by the interlock.

The amendments in sections 73YA (1) (a) and (b), allow an interlock condition to be removed from a driver licence even if the driver has one low level BAC interlock reading within the final three months of the interlock period. However a BAC reading of 0.02grams

or more of alcohol in 210L of breath or two BAC readings of any amount over zero grams will constitute an interlock period breach and the RTA will not remove the driver's interlock condition until the driver has demonstrated 3 months of driving without a breach.

These changes, effectively, replace section 73Y(4)(b), which is amended by clause 17. That section allowed up to two BAC readings, of any level, in the final three months of the interlock period. There is not a consistent approach, or identified best practice approach, in existing interlock schemes, in relation what is required to demonstrate clean driving and how many breaches are permitted. However, allowing removal of an interlock where a driver has had two, potentially, high BAC readings in the last three months of the interlock period is not consistent with the requirement to demonstrate separation of drinking and driving.

The amendment in section 73YA(1)(c) also makes it a breach for a driver to fail to supply a sample of breath when required by the interlock. Once a driver has provided an alcohol free breath sample and started their car, the interlock will require, at random intervals, the provision of further samples of breath. This "rolling re-test" feature of interlocks is intended to limit the scope for drivers to have another person provide the initial clean breath sample, allowing the driver to proceed to drive the vehicle while they have alcohol in their system. The interlock will signal the driver by emitting an audible tone that they need to provide a breath sample. The interlock is programmed to require the sample within 5 minutes of the signal. Drivers should pull over safely to provide a sample. If the driver fails to provide a sample within the time required the interlock device records this.

Failure to provide the sample within the time required should be an interlock period breach as the driver failing to provide the sample could indicate that the driver is attempting to avoid detection after having consumed alcohol and driving.

New section 73YA(2) makes it clear that the RTA must, when issuing a probationary licence with an interlock condition, tell the person to whom the licence is issued what constitutes an interlock period breach. Relevant documentation and publicly available information will clearly set out details of what is required for a driver to meet the clean driving requirements to exit the interlock scheme.

A person will also have a right of review of a decision of the RTA in relation to whether the RTA is satisfied that during the last three months' of the person's interlock period the person has met the requirements to maintain a clean driving record and exit the program.

**Clause 21**                      **When interlock condition ends**  
**Section 73Z(1)**

The amendment made by this clause reflects drafting practice.

**Clause 22**                      **Producing interlock data record**  
**Section 73ZA(2)**

Section 73ZA(2) requires an approved interlock installer or approved interlock service provider to provide a person's interlock data record to the RTA. It is an offence for the installer or service provider to fail to comply with this requirement.

This clause omits the section as the obligations of interlock installers and service providers, in relation to the provision of interlock driver data, will be addressed through the approval process and the establishment of agreements with interlock suppliers under section 73ZZC.

**Clause 23                    Producing interlock data record**  
**Section 73ZA(3)**

This amendment is consequential on the amendment made by clause 22.

**Clause 24                    When interlock exemption ends**  
**Section 73ZH(3)(a)(i)**

This clause amends the reference to section 73U to section 73U(3), consequentially on the insertion of new section 73U(2A) by clause 10.

**Clause 25                    Alcohol ignition interlock devices - approval**  
**Section 73ZL (2) and examples**

Section 73ZL sets out the requirements for a device to be approved by the RTA as an interlock device for the purposes of the ACT interlock scheme.

This clause amends the section to remove the requirement that the interlock has the technical capability to identify the driver of the vehicle at a particular time. This will mean that the only requirement for approval of an interlock is that the device meets the relevant Australian standard for such devices.

The requirement for devices to be capable of identifying the driver of a vehicle at a particular time is removed as this capability may not be required by all drivers subject to an interlock condition on their licence and may, therefore, add to the cost of participation in the interlock program unnecessarily.

A number of suppliers of interlock devices for other Australian interlock programs are able to supply interlocks to which cameras are connected, which enable identification of a driver at the time an incident is recorded by the interlock (such as failure to start a vehicle due to a breath sample containing alcohol). It is not a requirement of interstate interlock programs that such features be included with interlocks used for those programs. However, interlock program participants are able to choose to add a camera to the equipment provided by their interlock supplier, at an additional cost.

Such a device may be of value where there are expected to be multiple users of a vehicle fitted with an interlock, to assist in establishing who was driving the vehicle at the time an incident amounting to a program breach is recorded on the interlock device.

**Clause 26                    Application for approval as interlock installer or interlock service provider**  
**Section 73ZM (1)(a)**

As with the amendment made by clause 7, this clause substitutes the term “nominated vehicle” for “motor vehicle” as approvals under section 73ZM of installers and service

providers are only intended to apply in relation to interlocks fitted for the purpose of the scheme established by Part 3A.

**Clause 27**                    **Failure to comply with condition of approval**  
**Section 73ZW**

This section, making it an offence for an approved interlock installer or interlock service provider to fail to comply with a condition of approval, is omitted.

It is intended that compliance of approved interlock installers and interlock service providers will be addressed through conditions of approval, the power to revoke approvals and the establishment of agreements with interlock suppliers under section 73ZZC.

**Clause 28**                    **Installation or removal of interlock without approval**  
**Section 73ZX (1)(a)**

As with the amendment made by clause 7, this clause substitutes the term “nominated vehicle” for “motor vehicle” as the regulation of who may install or remove interlocks is only intended to apply in relation to interlocks fitted for the purpose of the scheme established by Part 3A.

**Clause 29**                    **Maintenance of inspection of interlock without approval**  
**Section 73ZY (1)(a)**

This clause inserts the term “fitted” before for “interlock” as the regulation of who may inspect and maintain interlocks is only intended to apply in relation to interlocks fitted for the purpose of the scheme established by Part 3A.

**Clause 30**                    **Notification of removal of fitted interlock**  
**Section 73ZZ**

This section, making it an offence for an approved interlock installer to fail to notify the RTA about the removal of a fitted interlock, is omitted.

It is intended that compliance of approved interlock installers with notification requirements will be addressed through conditions of approval, the power to revoke approvals and the establishment of agreements with interlock suppliers under section 73ZZC.

**Clause 31**                    **Tampering or otherwise interfering with fitted interlocks**  
**Section 73ZZA**

This clause makes an amendment reflecting drafting practice.

**Clause 32**                    **Dictionary, definition of alcohol-related disqualifying offence**  
**New subparagraph (a)(ia)**

This clause amends the definition of “alcohol-related disqualifying offence” by inserting a reference to the new offence of refusing to undergo a screening test in section 22C of the *Road Transport (Alcohol and Drugs) Act 1977*. The new offence was inserted in that Act by the *Road Transport (Alcohol and Drugs) Amendment Act 2014*.

The amendment ensures that a conviction for this additional refusal offence will be relevant to whether a person meets the definition of an habitual offender for the purpose of section 73T of the driver licensing regulation.

**Clause 33                      Dictionary, new definition of interstate interlock condition**

This clause inserts a new definition for the term “interstate interlock condition” consequential on the amendments made by clause 11.

**Part 3                              Road Transport (General) Regulation 2000**

**Clause 34                      Schedule 1, part 1.4, items 4A and 28A, column 3**

Schedule 1, part 1.4 of the Road Transport (General) Regulation 2000 provides for review of decisions made under the driver licensing regulation.

This clause amends references to section 73U to section 73U(3), consequentially on the insertion of new section 73U(2A) by clause 10.

**Clause 35                      Schedule 1, part 1.4, item 28C, column 3**

This clause amends a reference to section 73U to section 73U(3), consequentially on the insertion of new section 73U(2A) by clause 10.

**Clause 36                      Schedule 1, part 1.4, new item 28CA**

This clause amends the Schedule to make a decision by the RTA to refuse to end a person’s interlock period reviewable (where the person was subject to an interstate interlock condition).

**Part 4                              Road Transport (Offences) Regulation 2005**

**Clause 37                      Schedule 1, part 1.6, items 24B and 24J**

Schedule 1, part 1.6 of the Road Transport (Offences) Regulation 2005 sets out the penalties and demerit points that apply in relation to offences under the driver licensing regulation.

This clause amends the Schedule to remove the items relating to offences against sections 73ZA(2) and 73ZW, consequential on the omission of these sections by clauses 22 and 27.

**Clause 38                      Schedule 1, part 1.6, item 24L, column 3**

This clause makes an amendment consequential on the amendment made by clause 29.

**Clause 39                      Schedule 1, part 1.6, item 24M**

This clause amends the Schedule to remove the item relating to the offence against section 73ZZ, consequential on the omission of this section by clause 30.

**Clause 40**                      **Schedule 1, part 1.6, item 24N, column 3**

This clause makes an amendment reflecting drafting practice.