

Australian Capital Territory

# Road Transport Legislation Amendment Regulation 2018 (No 1)

Subordinate law SL2018–11

made under the

*Road Transport (General) Act 1999, Road Transport (Safety and Traffic Management) Act 1999, Road Transport (Vehicle Registration) Act 1999*

## EXPLANATORY STATEMENT

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### Introduction

This explanatory statement relates to the *Road Transport Legislation Amendment Regulation 2018 (No 1)* (the regulation) as presented to the Legislative Assembly. It has been prepared in order to assist the reader of the regulation. It does not form part of the legislation and has not been endorsed by the Assembly.

This explanatory statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

### Overview

This regulation amends the:

- *Road Transport (General) Regulation 2000*
- *Road Transport (Offences) Regulation 2005*
- *Road Transport (Safety and Traffic Management) Regulation 2017*
- *Road Transport (Vehicle Registration) Regulation 2000*

The amendments in this regulation:

- (a) Implement updated national guidelines relating to load restraints for vehicles.
- (b) Implement a decision of the Transport and Infrastructure Council to no longer issue or require heavy vehicles to display registration labels. These amendments constitute a red-tape reduction measure for the Government and the community.

The authority to make this regulation is contained in:

- Sections 23 and 233 of the *Road Transport (General) Act 1999*
- sections 33 and 37 of the *Road Transport (Safety and Traffic Management) Act 1999*
- sections 13 and 14 of the *Road Transport (Vehicle Registration) Act 1999*

### **Human rights implications**

It is not considered that any provision of this regulation limits an individual's human rights.

### **Climate change implications**

There are no climate change implications associated with this regulation.

## CLAUSE NOTES

### **Part 1**                      **Preliminary**

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

This clause specifies the name of the regulation. This clause provides that the regulation may be cited as the *Road Transport Legislation Amendment Regulation 2018 (No 1)*.

#### **Clause 2**                      **Commencement**

This clause provides for the commencement of the regulation. This regulation commences on 1 July 2018, except section 11 which commences on 1 July 2019.

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

This clause names the regulations that are being amended by this regulation. This regulation amends the:

- *Road Transport (General) Regulation 2000*
- *Road Transport (Offences) Regulation 2005*
- *Road Transport (Safety and Traffic Management) Regulation 2017*
- *Road Transport (Vehicle Registration) Regulation 2000*

### **Part 2**                      **Road Transport (General) Regulation 2000**

This part amends the *Road Transport (General) Regulation 2000* to make minor and technical amendments.

Section 233 of the *Road Transport (General) Act 1999* gives the Executive the power to make regulations for the *Road Transport (General) Act 1999*. Regulations issued can prescribe matters that are necessary or convenient for the carrying out or giving effect to the *Road Transport (General) Act 1999* or other road transport law and prescribe offences for contravention of a regulation.

#### **Clause 4**                      **Schedule 1, part 1.4, items 2 and 3**

Part 1.4 lists the provisions of the *Road Transport (Driver Licensing) Regulation 2000* under which a decision made is an internally reviewable decision. This clause amends this part to address minor technical errors in references to decisions under section 26 of the *Road Transport (Driver Licensing) Regulation 2000*. Section 26 gives the road transport the authority to approve training courses for people who wish to apply for a learner licence, learner motorcycle licence or provisional motorcycle licence or who hold a multi-combination vehicle licence.

**Clause 5**                              **Schedule 1, part 1.11, item 18**

This clause omits item 18 and is consequential on changes made by clause 12.

**Part 3**                                      **Road Transport (Offences) Regulation 2005**

This part amends the *Road Transport (Offences) Regulation 2005* consequential on changes relating to the registration of heavy vehicles.

Section 23 of the *Road Transport (General) Act 1999* gives the power for a regulation to be made that prescribes an offence as an infringement notice offence and the amount of the penalty payable, including different amounts payable for different offences and different amounts payable for the same offence committed by different people.

**Clause 6**                                      **Section 4C (1) (c)**

This clause omits the reference to registration label and is consequential on changes made by Part 5 of this regulation.

**Clause 7**                                      **Schedule 1, part 1.15, items 8 to 11, 13 and 40**

This clause removes these items consequential on changes made by Part 5 of this regulation relating to registration labels for heavy vehicles.

**Clause 8**                                      **Schedule 1, part 1.15, item 41, column 2**

This clause amends the offence provision reference and is consequential on changes made by clause 18.

**Part 4**    **Road Transport (Safety and  
Traffic Management)  
Regulation 2017**

This part amends the *Road Transport (Safety and Traffic Management) Regulation 2017* to address changes in the national load restraint guidelines published by the National Transport Commission.

Section 33 of the *Road Transport (Safety and Traffic Management) Act 1999* gives the Executive the power to make regulations for the *Road Transport (Safety and Traffic Management) Act 1999*. Section 37 of the *Road Transport (Safety and Traffic Management) Act 1999* gives the power for a regulation to make provision about the safe operation of vehicles on roads and road related areas include the loading and unloading of vehicles and securing of loads.

## **Clause 9**

### **Section 10 (3)**

This clause amends the reference in section 10 (3) to the load restraint guidelines published by the National Transport Commission (NTC). Section 10 (3) currently prescribes standards for the safe carriage of loads by reference to the *Load Restraint Guide-Guidelines and Performance Standards for the Safe Carriage of Loads on Road Vehicles*, 2nd ed (2004), published by the NTC.

On 3 November 2017, in an out-of-session Transport and Infrastructure Council vote, Transport Ministers approved a new load restraint guide called *Load Restraint Guide for Light Vehicles 2018*. This new load restraint guide was developed specifically for light vehicles and updates and replaces the *Load Restraint Guide-Guidelines and Performance Standards for the Safe Carriage of Loads on Road Vehicles*, 2nd ed (2004). The new restraint guide has been published by the NTC and is publicly available on the NTC website at [www.ntc.gov.au](http://www.ntc.gov.au).

Section 47 of the *Legislation Act 2001* which would otherwise require notification of instruments applied by reference does not apply to section 10. The guide referenced is accessible by members of the public, free of charge, from the NTC website.

## **Part 5**

### **Road Transport (Vehicle Registration) Regulation 2000**

This part of the regulation amends the *Road Transport (Vehicle Registration) Regulation 2000* to remove the requirements for a heavy vehicle to have a registration label. These amendments are consequential to the agreement by the Transport and Infrastructure Council at its meeting on 19 May 2017 to amendments to the Heavy Vehicle National Law. The amendments remove the requirement for road transport authorities to issue or require registration labels to be displayed on heavy vehicles. Registration labels will cease to be issued for heavy vehicles from 1 July 2018.

Section 13 of the *Road Transport (Vehicle Registration) Act 1999* gives the Executive the power to make regulations for the *Road Transport (Vehicle Registration) Act 1999* and section 14 provides for regulations to establish a system of registration of registrable vehicles which includes identification of a registrable vehicle when used on a road or road related area.

## **Clause 10**

### **Section 6**

This clause removes the reference to registration labels in the definition of what constitutes a registration provision in the *Road Transport (Vehicle Registration) Regulation 2000*. Registration labels have not been required in the ACT for light vehicles (including trailers) since 1 July 2013. Registration labels will cease to be issued for heavy vehicles from 1 July 2018. As such, registration labels are no longer issued to any registered vehicle and thus any regulation about registration labels is no longer necessary.

**Clause 11****Section 15**

This clause omits section 15. This repeal will be effective from 1 July 2019. Section 15 relates to vehicles registered under the *Interstate Road Transport Act 1985* (Cth). The Commonwealth has passed legislation repealing the *Interstate Road Transport Act 1985* (Cth) effective 1 July 2019.

**Clause 12****Sections 44 and 45**

Section 44 relates to the requirement for the road transport authority to issue a registration label for a heavy vehicle and sets out what information must be included on a registration label.

Section 45 makes it an offence for a person to use a heavy vehicle on a road or road related area without a current registration label attached.

This clause omits sections 44 and 45 in consequence of heavy vehicles ceasing to be issued with or required to display registration labels from 1 July 2018.

**Clause 13****Section 45A (1) (a)**

This clause removes the reference to a registration label.

**Clause 14****Section 45A (2) and note**

This clause remakes section 45A (2) and the associated note as a consequence of heavy vehicles ceasing to be issued with or required to display registration labels from 1 July 2018.

**Clause 15****Section 45A (4) and (5)**

This clause remakes current section 45A (5) as section 45A (4) as a consequence of current section 45A (4) being omitted. Section 45A (4) is no longer required due to registration labels ceasing to be issued for all light and heavy vehicles. In remaking current section 45A (5) as section 45A (4) references to registration label have been removed.

**Clause 16****Section 83 (3)**

This clause omits section 83 (3) as a consequence of registration labels ceasing to be issued for all light and heavy vehicles.

**Clause 17****Section 85 (1) (f)**

This clause omits section 85 (1) (f) as a consequence of registration labels ceasing to be issued for heavy vehicles from 1 July 2018.

**Clause 18****Section 85 (6) (c)**

Section 85 (6) makes it an offence if a person does not destroy a heavy vehicle's registration label as soon as practicable after the registration of a heavy vehicle is cancelled. This clause amends section 85 (6) to remove this element as a consequence of registration labels ceasing to be issued for heavy vehicles from 1 July 2018 and renumbers the provision as a consequence.

**Clause 19****Section 164 (2)**

This clause amends the definitions of *attached item* and *attaching provision* to remove references to registration label as a consequence of registration labels ceasing to be issued for all light and heavy vehicles.

**Clause 20****Dictionary, definition of *registration label***

This clause omits the definition of *registration label* and is consequential on registration labels ceasing to be issued for all light and heavy vehicles.