



Australian Capital Territory

Road Transport Legislation Amendment Regulations

Subordinate Law 2000 No 22

The Australian Capital Territory Executive makes the following regulations under the *Road Transport (General) Act 1999* and the *Road Transport (Vehicle Registration) Act 1999*.

Dated 5 May 2000.

BRENDAN SMYTH
Minister

BILL STEFANIAK
Minister



Australian Capital Territory

Road Transport Legislation Amendment Regulations

Subordinate Law 2000 No 22

made under the

Road Transport (General) Act 1999

and the

Road Transport (Vehicle Registration) Act 1999

CONTENTS

Regulation

PART 1—PRELIMINARY

1 Commencement

PART 2—AMENDMENT OF THE ROAD TRANSPORT (OFFENCES) REGULATIONS 2000

2 Regulations amended in pt 2

3 Insertion—

Road Transport Legislation No 22, 2000

CONTENTS—continued

Regulation	
	22A Modification of pt 12 of the Act
4	Schedule, pt 12
	PART 3—AMENDMENT OF THE ROAD TRANSPORT (VEHICLE REGISTRATION) REGULATIONS 2000
5	Regulations amended in pt 3
6	When authority may take action in relation to authorisation (MTA s 26AF (1))
7	Procedures for authority taking action in relation to authorisation (MTA s 26AF (2)-(8))
8	Procedures for authority taking action in relation to approval of premises (MTA s 26AK (2)-(8))
9	Insertion—
	151A Inspection of approved premises and equipment

PART 1—PRELIMINARY

1 Commencement

These regulations commence on the day they are notified in the Gazette.

**PART 2—AMENDMENT OF THE ROAD TRANSPORT
(OFFENCES) REGULATIONS 2000**

2 Regulations amended in pt 2

This Part amends the *Road Transport (Offences) Regulations 2000*.

3 Insertion

After regulation 22 the following regulation is inserted:

‘22A Modification of pt 12 of the Act

Part 12 of the Act is modified by inserting before section 239 the following section:

‘238A Service of infringement notices for parking infringements and offences under former Acts

‘(1) The road transport authority may serve an infringement notice (within the meaning of this Act) under section 24 (Service of infringement notices generally) or 36 (Service of infringement notices on responsible persons for vehicles) for—

- (a) an infringement notice offence within the meaning given by subsection 180A (1) of the Motor Traffic Act committed before the commencement; or
- (b) a parking infringement within the meaning given by subsection 149 (1) of the Motor Traffic Act committed before the commencement; or
- (c) a prescribed offence within the meaning given by section 48A of the Motor Vehicles (Dimension and Mass) Act committed before the commencement.

‘(2) This Act applies to an infringement notice offence, a parking infringement or a prescribed offence mention in subsection (1)—

- (a) as if a reference in Part 3 (Infringement notices for certain offences) of this Act to an infringement notice offence (however expressed) were a reference to the infringement notice offence, parking infringement or prescribed offence; and
- (b) all other necessary changes were made to apply this Act to the offence or infringement.

‘(3) In addition, in applying this Act to a parking infringement mentioned in paragraph (1) (b), the words ‘, and may be convicted of and punished for the offence’ in subsection 37 (1) are taken to be omitted.

‘(4) To remove any doubt, nothing in this section makes a person liable to be convicted of or punished for an offence in relation to a parking infringement committed before the commencement.

‘(5) Subsection (4) has effect despite anything else in this Act.’”.

4 Schedule, pt 12

Part 12 (Road Transport (Safety and Traffic Management) Act 1999) of the Schedule is amended by inserting in column 6 of item 8.3 “3 (NS)”.

PART 3—AMENDMENT OF THE ROAD TRANSPORT (VEHICLE REGISTRATION) REGULATIONS 2000

5 Regulations amended in pt 3

This Part amends the *Road Transport (Vehicle Registration) Regulations 2000*.

6 When authority may take action in relation to authorisation (MTA s 26AF (1))

Regulation 124 is amended—

- (a) by omitting from paragraph (d) “Part.” and substituting “Part; or”; and
- (b) by inserting after paragraph (d) the following paragraph:
 - “(e) contravenes either of the following regulations:
 - Regulation 145 (Duties of authorised examiners inspecting and testing vehicles)
 - Regulation 146 (Issue of certificates of inspection etc).”

7 Procedures for authority taking action in relation to authorisation (MTA s 26AF (2)-(8))

Regulation 125 is amended—

- (a) by omitting the note following subregulation (2); and
- (b) by inserting the following note after subregulation (4):

“*Note* The authority must tell the person in a way that complies with the code of practice for notification of reviewable decisions and review rights (see s 91 of the *Road Transport (General) Act 1999* and sch 1 to the *Road Transport (General) Regulations 2000*).”.

8 Procedures for authority taking action in relation to approval of premises (MTA s 26AK (2)-(8))

Regulation 136 is amended—

- (a) by omitting the note following subregulation (2); and
- (b) by inserting the following note after subregulation (4):

“*Note* The authority must tell the proprietor in a way that complies with the code of practice for notification of reviewable decisions and review rights (see s 91 of the *Road Transport (General) Act 1999* and sch 1 to the *Road Transport (General) Regulations 2000*).”.

9 Insertion

After regulation 151 the following regulation is inserted:

“151A Inspection of approved premises and equipment

A police officer or authorised person may, at any reasonable time, enter approved premises and inspect the premises, and any equipment on the premises used or proposed to be used in, or in relation to, the inspection and testing of vehicles, to find out whether the premises and equipment comply with the prescribed requirements for the class of vehicles to which the approval relates.”.

Endnotes

Regulations amended in pt 2

- 1 Republished as in force on 1 March 2000. (Republication No 1).

Regulations amended in pt 3

- 2 Republished as in force on 1 March 2000. (Republication No 1).

Notification

- 3 Notified in the Gazette on 18 May 2000.