



Australian Capital Territory

Road Transport (Offences) Regulations Amendment

Subordinate Law 2000 No 57

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

Dated 19 December 2000.

BRENDAN SMYTH
Minister

MICHAEL MOORE
Minister



Australian Capital Territory

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1 Commencement

(1) Regulation 7 commences on the day these regulations are notified in the Gazette.

(2) The remaining provisions commence on 28 December 2000.

Note Those provisions of regulations that provide for the name and commencement of the regulations automatically commence on the date of notification of the regulations (see *Interpretation Act 1967*, s 10B, as applied by the *Subordinate Laws Act 1989*, s 9).

2 Regulations amended

These regulations amend the *Road Transport (Offences) Regulations 2000*.

3 Substitution

Regulation 3 is amended—

- (a) by relocating all the definitions to the dictionary; and
- (b) by omitting the remainder of the regulation and substituting the following regulation:

“3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or in other legislation.

For example, the signpost definition ‘*school zone*—see the Australian Road Rules, rule 23.’ means that the expression ‘school zone’ is defined in that rule and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G, as applied by the *Subordinate Laws Act 1989*, s 9).”.

4 Offences for which demerit points are prescribed etc

Regulation 17 is amended—

- (a) by omitting the heading and substituting the following heading:
“17 Offences for which demerit points are prescribed etc (NSW(DL) cl 36 (1)-(2))”; and

- (b) by omitting subregulation (4) and substituting the following subregulation:

“(4) Subregulation (3) is subject to regulation 20 (Additional demerit points for offences committed during holiday periods).”.

5 Substitution

Regulation 20 is omitted and the following regulations substituted:

“20 Additional demerit points for offences committed during holiday periods (NSW(DL) cl 36 (3), (5))

“(1) This regulation applies to an offence against a Territory law for which demerit points are prescribed that is committed during a holiday period.

Note This regulation applies despite reg 17 (see reg 17 (4)).

“(2) The number of demerit points prescribed for the offence is—

- (a) for an offence mentioned in the schedule, part 2, item 1—double the number of demerit points mentioned in the item, column 6; or
- (b) for any other offence mentioned in an item in the schedule for which demerit points are provided—1 more than the number mentioned in the item, column 6.

“(3) The Minister may declare that this regulation does not apply to all or part of a holiday period.

“(4) A declaration under subregulation (3) is a disallowable instrument.

“21 Meaning of *holiday period*

“(1) For these regulations, a *holiday period* is any of the following periods:

- (a) if a Thursday is a public holiday—the period beginning on the Wednesday before the public holiday and ending at the end of the following Sunday;
- (b) if a Friday is a public holiday—the period beginning on the Thursday before the public holiday and ending at the end of the following Sunday;
- (c) if a Monday is a public holiday—the period beginning on the Friday before the public holiday and ending at the end of the Monday;

- (d) if a Tuesday is a public holiday—the period beginning on the Friday before the public holiday and ending at the end of the Tuesday;
- (e) a period declared by the Minister to be a holiday period for this regulation.

“(2) However, if 2 or more holiday periods mentioned in subregulation (1) coincide, the period beginning on the 1st day of the 1st holiday period, and ending at the end of the last day of the 2nd or later holiday period, is a holiday period.

Example of coinciding holiday periods

Good Friday, and the Saturday and Monday after Good Friday, are each public holidays. The holiday period begins on the Thursday before Good Friday and ends at the end of Easter Monday.

“(3) For subregulation (2), 2 or more holiday periods *coincide* if holiday periods mentioned in subregulation (1) overlap or create consecutive holiday periods without any days in between those periods that are not part of a holiday period.

“(4) In this regulation, a *public holiday* is a day that is a public holiday under the *Holidays Act 1958*, section 3 (1) (a), other than—

- (a) the 3rd Monday in March (Canberra Day); and
- (b) a public holiday declared under the *Holidays Act 1958*, section 3 (2) not to be a public holiday; and
- (c) 12 March 2001 (Canberra Day in 2001).

“(5) A declaration under subregulation (1) (e) is a disallowable instrument.

“(6) Subregulation (4) (c) and this subregulation expire on 31 March 2001.”.

6 Renumbering

Regulation 21 (Modification of pt 12 of the Act) is renumbered as regulation 22.

7 Schedule

The schedule, part 2, column 3 is amended—

- (a) by omitting all the words from item 40 and substituting “proceed when traffic light red”; and

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- (b) by omitting all the words from item 41 and substituting “proceed when traffic arrow red”; and
- (c) by omitting all the words from item 43 and substituting “not leave intersection safely after light/arrow goes yellow/red”.

8 Dictionary

The following dictionary is inserted after the schedule:

“DICTIONARY

(See reg 3)

holiday period—see regulation 21 (Meaning of ***holiday period***).

Note See the schedule, cl 1 for additional definitions applying to the schedule.”.

Endnotes

Regulations amended

- 1 Republished as in force on 1 March 2000. (Republication No 1). See also SL 2000 Nos 21, 22, 28, 32 and 33.

Notification

- 2 Notified in Gazette 2000 No S69 on 21 December 2000.