



Australian Capital Territory

Road Transport (Driver Licensing) Amendment Regulation 2011 (No 1)

Subordinate Law SL2011-31

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (Driver Licensing) Act 1999* and the *Road Transport (General) Act 1999*.

Dated 11 November 2011.

SIMON CORBELL
Minister

ANDREW BARR
Minister



Australian Capital Territory

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Act 1999**

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1 Name of regulation

This regulation is the *Road Transport (Driver Licensing) Amendment Regulation 2011 (No 1)*.

2 Commencement

This regulation commences immediately after the commencement of the *Road Transport (Alcohol and Drugs) Legislation Amendment Act 2010*, section 126.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

This regulation amends the *Road Transport (Driver Licensing) Regulation 2000*.

Note This regulation also amends the *Road Transport (General) Regulation 2000* (see s 46 and s 47).

4 Section 73C (2)

after

course

insert

specified for the person by the road transport authority

5 Section 73C (3)

omit

an alcohol awareness course

substitute

the alcohol awareness course

6 Section 73C (3), new note

insert

Note Subsections (2) and (3) do not apply if an exemption is granted under s 73H (see s 73HA (2) (a)).

7 Section 73C (4)

omit

an alcohol awareness course

substitute

the alcohol awareness course

8 Section 73D (2)

after

course

insert

specified for the person by the road transport authority

9 Section 73D (3)

omit

an alcohol awareness course

substitute

the alcohol awareness course

10 Section 73D (3), new note

insert

Note Subsection (3) does not apply if an exemption is granted under s 73H (see s 73HA (2) (b)).

11 Section 73D (4)

omit

an alcohol awareness course

substitute

the alcohol awareness course

12 Section 73D (4), examples 1 and 2

before

alcohol

insert

relevant

13 Section 73D (6)

omit

an alcohol awareness course

substitute

the alcohol awareness course

14 Section 73E (2)

omit

course and given the road transport

substitute

course specified for the person by the authority and given the

15 Section 73E (2), new note

insert

Note Subsection (2) does not apply if an exemption is granted under s 73H (see s 73HA (2) (c)).

16 Section 73F (2)

omit

course and given the road transport

substitute

course specified for the person by the authority and given the

17 Section 73F (2), new note

insert

Note Subsection (2) does not apply if an exemption is granted under s 73H (see s 73HA (2) (b)).

18 Section 73G (1)

substitute

- (1) A person may apply to the road transport authority for an exemption from the requirement to complete an alcohol awareness course specified for the person by the authority because of exceptional circumstances.

19 Section 73H (1)

omit

course, the road transport

substitute

course specified for the person by the road transport authority, the

20 New section 73H (3)

insert

- (3) The road transport authority is taken to have refused to grant the exemption if the applicant does not comply with a requirement under section 73G (2).

21 New section 73HA

insert

73HA Exemption from alcohol awareness course—issue of restricted or probationary licence

- (1) This section applies if a person is granted an exemption under section 73H from the requirement to attend an alcohol awareness course specified for the person by the road transport authority.
- (2) The road transport authority must—
 - (a) if the person is not disqualified from holding or obtaining a driver licence—not suspend the person’s driver licence under section 73C (3); or
 - (b) if the person is eligible to apply for, or be issued with, a probationary licence because the person is no longer disqualified from holding or obtaining a probationary driver licence—despite section 73D (3) or section 73F (2), issue the probationary licence; or
 - (c) if the Magistrates Court has made an order authorising the road transport authority to issue a restricted licence to the person—despite section 73E (2), issue the restricted licence.

22 New section 73I (1A)

insert

- (1A) Without limiting subsection (1), the road transport authority may approve—
- (a) an alcohol awareness course for first offenders whose level of alcohol concentration is level 1 or level 2; and
 - (b) an alcohol awareness course for—
 - (i) first offenders whose level of alcohol concentration is level 3 or level 4; and
 - (ii) repeat offenders.

23 New section 73I (3)

insert

- (3) In this section:

first offender—see the *Road Transport (Alcohol and Drugs) Act 1977*, section 4F.

level—see the *Road Transport (Alcohol and Drugs) Act 1977*, section 4E.

repeat offender—see the *Road Transport (Alcohol and Drugs) Act 1977*, section 4F.

24 Section 73L (2)

after

course

insert

specified for the person by the road transport authority

25 Section 73L (3)

omit

a drug awareness course

substitute

the drug awareness course

26 Section 73L (3), new note

insert

Note Subsections (2) and (3) do not apply if an exemption is granted under s 73Q (see s 73QA (2) (a)).

27 Section 73L (4)

omit

a drug awareness course

substitute

the drug awareness course

28 Section 73M (2)

after

course

insert

specified for the person by the road transport authority

29 Section 73M (3)

omit

a drug awareness course

substitute

the drug awareness course

30 Section 73M (3), new note

insert

Note Subsection (3) does not apply if an exemption is granted under s 73Q (see s 73QA (2) (b)).

31 Section 73M (4)

omit

a drug awareness course

substitute

the drug awareness course

32 Section 73M (4), examples 1 and 2

before

drug

insert

relevant

33 Section 73M (6)

omit

a drug awareness course

substitute

the drug awareness course

34 Section 73N (2)

omit

course and given the road transport

substitute

course specified for the person by the authority and given the

35 Section 73N (2), new note

insert

Note Subsection (2) does not apply if an exemption is granted under s 73Q (see s 73QA (2) (c)).

36 Section 73O (2)

omit

course and given the road transport

substitute

course specified for the person by the authority and given the

37 Section 73O (2), new note

insert

Note Subsection (2) does not apply if an exemption is granted under s 73Q (see s 73QA (2) (b)).

38 Section 73P (1)

substitute

- (1) A person may apply to the road transport authority for an exemption from the requirement to complete a drug awareness course specified for the person by the authority because of exceptional circumstances.

39 Section 73Q (1)

omit

course, the road transport

substitute

course specified for the person by the road transport authority, the

40 New section 73Q (3)

insert

- (3) The road transport authority is taken to have refused to grant the exemption if the applicant does not comply with a requirement under section 73P (2).

41 New section 73QA

insert

73QA Exemption from drug awareness course—issue of restricted or probationary licence

- (1) This section applies if a person is granted an exemption under section 73Q from the requirement to attend a drug awareness course specified for the person by the road transport authority.
- (2) The road transport authority must—

- (a) if the person is not disqualified from holding or obtaining a driver licence—not suspend the person’s driver licence under section 73L (3); or
- (b) if the person is eligible to apply for, or be issued with, a probationary licence because the person is no longer disqualified from holding or obtaining a probationary driver licence—despite section 73M (3) or section 73O (2), issue the probationary licence; or
- (c) if the Magistrates Court has made an order authorising the road transport authority to issue a restricted licence to the person—despite section 73N (2), issue the restricted licence.

42 New section 73R (1A)

insert

- (1A) Without limiting subsection (1), the road transport authority may approve—
- (a) a drug awareness course for first offenders; and
 - (b) a drug awareness course for repeat offenders.

43 New section 73R (3)

insert

- (3) In this section:

first offender—see the *Road Transport (Alcohol and Drugs) Act 1977*, section 4F.

repeat offender—see the *Road Transport (Alcohol and Drugs) Act 1977*, section 4F.

44 Section 87 (1) (p)

omit

45 New section 88AA

before section 88A, insert

88AA Mandatory suspension of driver licence for failing to complete alcohol or drug awareness course

- (1) This section applies if the road transport authority is required to suspend a person's driver licence under the following sections:
 - (a) section 73C (3);
 - (b) section 73D (5);
 - (c) section 73L (3);
 - (d) section 73M (5).
- (2) The road transport authority must give the person a written notice that states—
 - (a) the date of the notice; and
 - (b) that the person's licence is suspended, and
 - (c) the reason for the suspension; and
 - (d) the date when the suspension takes effect (the *date of effect*); and
 - (d) that the licence is suspended until the authority receives written evidence that the person has completed an alcohol awareness course or a drug awareness course specified for the person by the authority.
- (3) The notice must also state that the person must not drive a motor vehicle on a road or road related area for the period of the suspension stated in the notice.
- (4) The date of effect must not be earlier than 14 days after the date of the notice.

46 Road Transport (General) Regulation 2000, schedule 1, part 1.4, new item 24AA

before item 24A, insert

24AA	73D (4) (b)	road transport authority—refuse to issue probationary licence to person because not satisfied genuine attempt made to enrol in alcohol awareness course and person enrolled in course to be completed after disqualification period
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47 Road Transport (General) Regulation 2000, schedule 1, part 1.4, new item 24AB

before item 24B, insert

24AB	73M(4) (b)	road transport authority—refuse to issue probationary licence to person because not satisfied genuine attempt made to enrol in drug awareness course and person enrolled in course to be completed after disqualification period
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Endnotes

1 Notification

Notified under the Legislation Act on 17 November 2011.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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