



Australian Capital Territory

Road Transport (Police Driver and Rider Exemptions) Amendment Regulation 2013 (No 1)

Subordinate Law SL2013-9

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

Dated 3 May 2013.

SIMON CORBELL
Minister

JOY BURCH
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Road Transport (Police Driver and Rider Exemptions) Amendment Regulation 2013 (No 1)*.

2 Commencement

This regulation commences on the day after its notification day.

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* and the *Road Transport (Safety and Traffic Management) Regulation 2000*.

Part 2 Road Transport (Driver Licensing) Regulation 2000

4 Section 39, new note

insert

Note A police officer is eligible to apply for the issue of a full motorcycle licence if the officer has successfully completed police motorcycle rider training (see s 99A(1)).

5 Part 6 heading

substitute

Part 6 Interstate drivers, overseas drivers and other drivers

6 New section 99A

insert

99A Police motorcycle riders—licence eligibility requirement and exemptions—Act, s 28 (2)

- (1) A police officer is eligible to apply to the road transport authority for the issue of a full motorcycle licence if the police officer has successfully completed police motorcycle rider training.

Note If the road transport authority approves the application, the authority must issue a full motorcycle licence (see s 40).

- (2) A police officer is exempt, when doing police motorcycle rider training or police motorcycle rider assessment, from—
- (a) holding an Australian driver licence that authorises the police officer to ride a motorbike; and

(b) the following provisions:

- (i) division 3.2 (Learner licences and heavy vehicle learners);
- (ii) division 3.3 (Licence class eligibility requirements and provisional licence requirements);
- (iii) division 3.4 (Provisional licences, additional provisional classes and provisional licence restrictions).

(3) In this section:

AFP means the Australian Federal Police.

police motorcycle rider assessment means an assessment conducted by an AFP employee or contractor of a police officer's ability to ride a motorbike in the exercise of the police officer's functions as a police officer.

police motorcycle rider training means training provided by the AFP, or an AFP contractor, that teaches a police officer how to ride a motorbike for the purpose of the exercise of the police officer's functions as a police officer.

7 Dictionary, note 2

insert

- police officer

Part 3 Road Transport (Safety and Traffic Management) Regulation 2000

8 Section 69

substitute

69 Exemption for driver of police vehicle—generally—Act, s 35

- (1) An exemption provision does not apply to the driver of a police vehicle if—
 - (a) in the circumstances—
 - (i) the driver is taking reasonable care; and
 - (ii) it is reasonable that the provision should not apply, having regard to the road and traffic conditions at the time; and
 - (b) if the vehicle is a motor vehicle that is moving—the vehicle is displaying a blue or red flashing light or sounding an alarm.

Note This section also applies to a rider of a police motorbike (see [Road Transport \(General\) Act 1999](#), dict defs *drive*, *driver*, *ride* and *vehicle*).

- (2) Subsection (1) (b) does not apply to the driver if, in the circumstances, it is reasonable—
 - (a) not to display the light or sound the alarm; or
 - (b) for the vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.

(3) In this section:

exemption provision means—

- (a) the [Act](#), section 5B (Burnouts and other prohibited conduct); or
- (b) the [Act](#), section 7 (Furious, reckless or dangerous driving), to the extent the section relates to furious or dangerous driving; or
- (c) part 2.1 (Incorporation into ACT law); or
- (d) part 2.2 (How the [Australian Road Rules](#) are incorporated); or
- (e) part 2.3 (Additional ACT road rules).

9 New section 69A

insert

69A Exemption for driver of police vehicle—training and assessment

- (1) An exemption provision does not apply to the driver of a police vehicle if—
 - (a) the driver is doing police driver training or police driver assessment; and
 - (b) in the circumstances—
 - (i) the driver is taking reasonable care; and
 - (ii) it is reasonable that the provision should not apply, having regard to the road and traffic conditions at the time; and
 - (c) if the vehicle is a motor vehicle that is moving—the vehicle is displaying a blue or red flashing light or sounding an alarm.

Note This section also applies to a rider of a police motorbike (see [Road Transport \(General\) Act 1999](#), dict defs *drive*, *driver*, *ride* and *vehicle*).

- (2) Subsection (1)(c) does not apply to the driver if, in the circumstances, it is reasonable—
- (a) not to display the light or sound the alarm; or
 - (b) for the vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.
- (3) In this section:

AFP means the Australian Federal Police.

exemption provision means—

- (a) the [Act](#), section 5B (Burnouts and other prohibited conduct); or
- (b) the [Act](#), section 7 (Furious, reckless or dangerous driving), to the extent the section relates to furious or dangerous driving; or
- (c) part 2.1 (Incorporation into ACT law); or
- (d) part 2.2 (How the [Australian Road Rules](#) are incorporated); or
- (e) part 2.3 (Additional ACT road rules).

police driver assessment means an assessment conducted by an AFP employee or contractor of a police officer's ability to drive a police vehicle in the exercise of the police officer's functions as a police officer.

police driver training means training provided by the AFP, or an AFP contractor, that teaches a police officer how to drive a police vehicle for the purpose of the exercise of the police officer's functions as a police officer.

10 Dictionary, note 2

insert

- police officer

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 6 May 2013.

2 Republications of amended laws

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

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