



Australian Capital Territory

Road Transport Legislation Amendment Regulation 2019 (No 1)

Subordinate Law SL2019-31

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (General) Act 1999*, the *Road Transport (Safety and Traffic Management) Act 1999* and the *Road Transport (Vehicle Registration) Act 1999*.

Dated 18 December 2019.

SHANE RATTENBURY
Minister

CHRIS STEEL
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Road Transport Legislation Amendment Regulation 2019 (No 1)*.

2 Commencement

- (1) This regulation (other than part 4) commences on 20 December 2019.

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

- (2) Part 4 (Road Transport (Vehicle Registration) Regulation 2000) commences on 13 January 2020.

3 Legislation amended

This regulation amends the following legislation:

- [Road Transport \(Road Rules\) Regulation 2017](#)
- [Road Transport \(Safety and Traffic Management\) Regulation 2017](#)
- [Road Transport \(Vehicle Registration\) Regulation 2000](#).

Note This regulation also amends the [Road Transport \(Offences\) Regulation 2005](#) (see sch 1).

5 Section 203 (1) (a) and (b)

substitute

- (a) the driver displays in or on the vehicle a current mobility parking scheme authority; and
- (b) the driver complies with the conditions (if any) of the authority.

6 Section 206 (1) (a) and (b)

substitute

- (a) the driver displays in or on the vehicle a current mobility parking scheme authority; and
- (b) the driver complies with the conditions (if any) of the authority.

7 Section 213U (a)

omit

, changes, damages, defaces

8 New section 213U (2)

insert

- (2) A person commits an offence if the person displays in or on a vehicle—
 - (a) a copy of a parking permit or mobility parking scheme authority; or
 - (b) a parking permit or mobility parking scheme authority that has been changed, damaged or defaced.

Maximum penalty: 20 penalty units.

9 Section 215 (1) (a)

omit

number plate

substitute

numberplate

10 Section 217 (2), definition of *rear fog light*

omit

number plate

substitute

numberplate

11 Section 236 (4)

after

A pedestrian

insert

(other than a person travelling in or on a personal mobility device, wheeled recreational device or wheeled toy)

12 Section 236 (6), definition of *pedestrian*

omit

13 Sections 244A and 244C

omit

14 New sections 244FA and 244FB

insert

244FA Travelling in or on personal mobility device on bicycle path or separated footpath

- (1) A person travelling in or on a personal mobility device must not be on a part of a separated footpath designated for the use of pedestrians unless the person—
- (a) is crossing the separated footpath by the shortest safe route; and
 - (b) does not stay on the separated footpath for longer than necessary to cross the separated footpath safely.

Maximum penalty: 20 penalty units.

- (2) A person travelling in or on a personal mobility device on a bicycle path, or a part of a separated footpath designated for the use of bicycles, must keep out of the path of any bicycle.

Maximum penalty: 20 penalty units.

244FB Speed limit travelling in or on personal mobility device

A person travelling in or on a personal mobility device commits an offence if the person travels faster than—

- (a) if the person is travelling on a footpath—15km/h; or
- (b) in any other case—25km/h.

Maximum penalty: 20 penalty units.

15 New section 244GA*insert***244GA Use of mobile device in or on personal mobility device**

- (1) A person commits an offence if the person uses a mobile device while travelling in or on a personal mobility device.

Maximum penalty: 20 penalty units.

- (2) Subsection (1) does not apply if—
- (a) the mobile device is being used as a driver's aid and, while being used for that purpose, both of the following apply:
- (i) the body of the mobile device is secured in a mounting affixed to the personal mobility device;
- (ii) the use of the device does not require the person to press anything on the body of the mobile device or otherwise manipulate any part of the body of the mobile device;

Examples—driver's aids

- dispatch systems
 - navigational or intelligent highway and vehicle system equipment
 - rear-view screens
- (b) the mobile device is being used to stream or play music or audio files and, while being used for that purpose, both of the following apply:
- (i) the body of the mobile device is not being held by the person;

- (ii) the use of the mobile device does not require the person to press anything on the body of the mobile device or otherwise manipulate any part of the body of the mobile device.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

- (3) For this section, a person does not use a mobile device to receive a text message, video message, email or similar communication if—
 - (a) the communication is received automatically by the mobile device; and
 - (b) on and after receipt, the communication itself (rather than any indication that the communication has been received) does not become automatically visible on the screen of the mobile device.

- (4) In this section:

body, in relation to a mobile device—see section 300 (4).

held—

- (a) includes held by, or resting on, any part of the person's body; but
- (b) does not include—
 - (i) held in a pocket of the person's clothing or in a pouch worn by the person; or
 - (ii) for a mobile device that is a wearable device—worn by the person in the manner intended by the manufacturer.

mobile device—see section 300 (4).

use, in relation to a mobile device—section 300 (4).

16 New section 244H (2)

insert

- (2) This section does not apply if—
- (a) the person is a member of a religious group; and
 - (b) the person is wearing a type of headdress customarily worn by members of the group; and
 - (c) the wearing of the headdress makes it impractical for the person to wear an approved bicycle helmet.

Note The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

17 New sections 244HA and 244HB

insert

244HA Carrying passenger in or on personal mobility device

A person commits an offence if the person—

- (a) travels in or on a personal mobility device; and
- (b) another person is in or on the device.

Maximum penalty: 20 penalty units.

244HB Child using personal mobility device

A child under 12 years old may only use a personal mobility device with adult supervision.

18 Section 244I

substitute

244I Warning device—personal mobility device

A person travelling in or on a personal mobility device commits an offence if—

- (a) a bell, horn or similar warning device in working order is not fitted to the personal mobility device; or
- (b) if it is not reasonably practicable for a bell, horn or similar warning device to be fitted to the personal mobility device—the person does not have ready access to a bell, horn or similar warning device in working order.

Maximum penalty: 20 penalty units.

19 New section 256 (4)

insert

- (4) This section does not apply if—
 - (a) the person required to wear the helmet is a member of a religious group; and
 - (b) the person is wearing a type of headdress customarily worn by members of the group; and
 - (c) the wearing of the headdress makes it impractical for the person to wear an approved bicycle helmet.

Note The defendant has an evidential burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 58).

20 New section 257 (1A)

insert

- (1A) Subsection (1) (d) does not apply if—
- (a) the person is a member of a religious group; and
 - (b) the person is wearing a type of headdress customarily worn by members of the group; and
 - (c) the wearing of the headdress makes it impractical for the person to wear an approved bicycle helmet.

Note The defendant has an evidential burden in relation to the matters mentioned in s (1A) (see [Criminal Code](#), s 58).

21 Section 287 (4), definition of *required particulars*, paragraph (a) (i) and (ii)

substitute

- (i) the driver's name and 1 or more of the following:
 - (A) the driver's address;
 - (B) the driver's phone number;
 - (C) the driver's email address; and
- (ii) if the driver is not the owner of the vehicle—the owner's name and 1 or more of the following:
 - (A) the owner's address;
 - (B) the owner's phone number;
 - (C) the owner's email address; and

22 Section 299 (2) (c), examples

substitute

Example—par (bb)

rideshare driver's mobile device showing passenger information

Example—par (c)

taxi driver's visual display unit showing passenger information

Examples—driver's aids

- closed-circuit television security cameras
- dispatch systems
- navigational or intelligent highway and vehicle system equipment
- rear-view screens
- ticket-issuing machines
- vehicle monitoring devices

23 Section 300 (1) (a)

omit

audio device call

substitute

audio call

24 New section 300 (1) (ac)

insert

- (ac) the driver is driving a taxi, rideshare vehicle or hire car and—
- (i) the device is being used as a driver's aid in relation to the transport of passengers; and
 - (ii) the body of the device is secured in a mounting affixed to the vehicle while being used; or

25 Section 300 (4), new definition of *audio call*

insert

audio call does not include an email, text message, video call, video message or other similar communication.

26 Section 300 (4), definition of *audio phone call*

omit

27 Dictionary, definition of *mobility parking scheme authority*

substitute

mobility parking scheme authority—

- (a) has the same meaning as in the *Road Transport (Safety and Traffic Management) Regulation 2017*; and
- (b) includes a permit (however described) issued under the law of another jurisdiction that includes a people with disabilities symbol.

28 Dictionary, definition of *motorised scooter*

omit

29 Dictionary, definition of *motor vehicle*

omit

(other than a motorised scooter)

30 Dictionary, definition of *motor vehicle*, new note

insert

Note **Vehicle** does not include a personal mobility device (see s 15).

31 Dictionary, definition of *parking permit for people with disabilities*

omit

32 Dictionary, definition of *scooter*

omit

33 Dictionary, definition of *wheeled recreational device*, paragraph (a)

omit

(including a motorised scooter, whether or not the motor is operating)

34 Dictionary, definition of *wheeled recreational device*, paragraph (b)

omit

(other than a motorised scooter, whether or not the motor is operating)

35 Dictionary, definition of *wheeled toy*

substitute

wheeled toy means a child's pedal car, scooter or tricycle or a similar toy (other than a motorised toy), but only when it is being used by a child who is under 12 years old.

Part 3 **Road Transport (Safety and
Traffic Management)
Regulation 2017**

36 **Section 26 (3) (e)**

omit

number plate

substitute

numberplate

37 **Section 65 (4), definition of scooter**

omit

Part 4 Road Transport (Vehicle Registration) Regulation 2000

38 New section 32 (1) (c) (v) and (vi)

insert

- (v) words or images that a reasonable adult would consider indecent, insulting or offensive are displayed on an area of the vehicle greater than 297mm x 105mm; or
- (vi) the vehicle is subject to a compulsory recall notice or voluntary recall notice; or

39 New section 32 (4)

insert

- (4) For subsection (1)—
 - (a) a vehicle is ***subject to a compulsory recall notice*** if a recall notice has been issued under the *Australian Consumer Law (ACT)*, section 122 (Compulsory recall of consumer goods) in relation to the vehicle or a part of the vehicle; and
 - (b) a vehicle is ***subject to a voluntary recall notice*** if—
 - (i) a person has voluntarily recalled the vehicle or a part of the vehicle; and
 - (ii) the recall has been published on a website under the *Australian Consumer Law (ACT)*, section 128 (Notification requirements for a voluntary recall of consumer goods); and
 - (iii) the road transport authority is satisfied the recall relates to a significant road safety risk; and
 - (iv) reasonable steps have not been taken in relation to the vehicle or part to address the road safety risk.

40 New section 84 (1) (da) and (db)

insert

- (da) words or images that a reasonable adult would consider indecent, insulting or offensive are displayed on an area of the vehicle greater than 297mm x 105mm; or
- (db) the vehicle is subject to a compulsory recall notice or voluntary recall notice; or

41 Section 84 (2), new definitions

insert

subject to a compulsory recall notice—see section 32 (4) (a).

subject to a voluntary recall notice—see section 32 (4) (b).

42 Section 85 (5) (d)

omit

section 84 (f)

substitute

section 84 (1) (g)

43 Section 146 (2)

substitute

- (2) The proprietor of the approved premises where the vehicle is tested or inspected must—
 - (a) give the certificate to the road transport authority; and
 - (b) if the driver of the vehicle requests a copy of the certificate—give a copy to the driver.

44 Section 146 (4)

substitute

- (4) The proprietor must keep a copy of the certificate and the brake test results for the vehicle—
- (a) for at least 12 months; and
 - (b) in a way that can be made available for the road transport authority to inspect on request.

45 Schedule 1, part 1.5, section 1.43 examples, new dot point

after 4th dot point, insert

- taxi driver's visual display unit showing passenger information

46 Schedule 1, part 1.11, section 1.151 (2) and (3)

omit

number plates

substitute

numberplates

Schedule 1 Consequential amendments—Road Transport (Offences) Regulation 2005

(see s 3)

[1.1] Schedule 1, part 1.12A, item 323

substitute

323	213U (1)	remove/interfere with parking permit/mobility parking scheme authority	20	615	
323A	213U (2) (a)	display copy of parking permit/mobility parking scheme authority	20	615	
323B	213U (2) (b)	display changed/damaged/defaced parking permit/mobility parking scheme authority	20	615	

[1.2] Schedule 1, part 1.12A, item 324, column 3*omit*

number plate

substitute

numberplate

[1.3] Schedule 1, part 1.12A, item 400*omit***[1.4] Schedule 1, part 1.12A, new items 406A to 406C***insert*

406A	244FA (1)	use personal mobility device on pedestrian part of separated path	20	153	
406B	244FA (2)	person on personal mobility device obstruct bicycle on bicycle path/bicycle part of separated path	20	153	

Schedule 1 Consequential amendments—Road Transport (Offences) Regulation 2005

Amendment [1.5]

406C	244FB	person on personal mobility device exceed speed limit	20	153	
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[1.5] Schedule 1, part 1.12A, new item 411A

insert

411A	244GA (1)	person on personal mobility device use mobile device	20	480	
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[1.6] Schedule 1, part 1.12A, item 413

substitute

413	244HA	person on personal mobility device with another person	20	153	
413A	244I	personal mobility device not fitted with working warning device/person not carry working warning device	20	153	

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 19 December 2019.

2 Republications of amended laws

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

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