



Australian Capital Territory

# Road Transport (General) Act 1999

A1999-77

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Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Road Transport (General) Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 15 May 2014. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 15 May 2014.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$140 for an individual and \$700 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Road Transport (General) Act 1999

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Australian Capital Territory

## Road Transport (General) Act 1999

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An Act to provide for the administration and enforcement of road transport legislation, to provide for the review of decisions made under road transport legislation, to make further provision about the use of vehicles on roads and road related areas, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Road Transport (General) Act 1999*.

*Note 1* This Act is part of the road transport legislation. It provides for the administration and enforcement of the road transport legislation generally.

*Note 2* Other road transport legislation includes the following:

- *Road Transport (Alcohol and Drugs) Act 1977*
- *Road Transport (Driver Licensing) Act 1999*
- *Road Transport (Public Passenger Services) Act 2001*
- *Road Transport (Safety and Traffic Management) Act 1999*
- *Road Transport (Third-Party Insurance) Act 2008*
- *Road Transport (Vehicle Registration) Act 1999*.

*Note 3* Other laws dealing with road transport include the *Dangerous Goods (Road Transport) Act 2009* and the *Heavy Vehicle National Law (ACT)*.

*Note 4* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

### 3 Objects of Act

The objects of this Act are—

(a) to provide for—

- (i) the administration and enforcement of the road transport legislation; and
- (ii) the review of certain decisions made under the road transport legislation; and

- (iii) the determining of fees, charges and other amounts payable under the road transport legislation;  
in a way that is consistent with the agreements scheduled to the *National Road Transport Commission Act 1991* (Cwlth); and
- (b) to make further provision about vehicles, roads and road related areas; and
- (c) to re-enact with some changes certain provisions of the *Motor Traffic Act 1936*; and
- (d) to improve road safety and transport efficiency, and reduce the costs of administering road transport.

*Note* The Commonwealth Act mentioned in s 3 (a) has been repealed and replaced by the *National Transport Commission Act 2003* (Cwlth), and the agreements scheduled to the repealed Act have been independently terminated and replaced by the *Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport*.

## 4 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary defines certain terms, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act or elsewhere in the road transport legislation.

For example, the signpost definition '*driver licence*—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.' means the term 'driver licence' is defined in that dictionary and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act*, s 155 and s 156 (1)).

## 5 Notes

A note in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

## 5A Offences against this Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*

The [Criminal Code](#), ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 43B (Offence—driving interstate corporate vehicle)
- s 58 (Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider)
- s 58A (Police officer or authorised person may require name, date of birth, address and driver licence—supervisor, instructor or assessor)
- s 58B (Police officer or authorised person may direct removal of thing covering person’s face)
- s 61C (Drive while suspension notice in effect)
- s 61D (Failure to surrender suspended licence).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.

## **Part 2**                      **Administration of road transport legislation**

### **Division 2.1**              **Road transport legislation**

#### **6**                      **What is the *road transport legislation*?**

In this Act, the *road transport legislation* means the following:

- (a) this Act;
- (b) the *Road Transport (Alcohol and Drugs) Act 1977*;
- (c) the *Road Transport (Driver Licensing) Act 1999*;
- (d) the *Road Transport (Public Passenger Services) Act 2001*;
- (e) the *Road Transport (Safety and Traffic Management) Act 1999*;
- (f) the *Road Transport (Third-Party Insurance) Act 2008*;
- (g) the *Road Transport (Vehicle Registration) Act 1999*;
- (h) any other Act or any regulation prescribed by regulation.

*Note*              A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

#### **8**                      **Application of definitions in other road transport legislation**

If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears.

## Division 2.2 Relationship between road transport legislation and other laws

### 9 General relationship with other laws

The road transport legislation does not—

- (a) affect any other Act or subordinate law, or take away powers vested in an entity under any other Act or subordinate law; or
- (b) affect any liability of anyone at common law, except to the extent that the road transport legislation provides otherwise expressly or by necessary intention.

## Division 2.3 Responsible persons for vehicles under road transport legislation

### 10 Who is a *responsible person* for a vehicle?

For the road transport legislation, each of the following is a *responsible person* for a vehicle:

- (a) for a registered vehicle—a registered operator of the vehicle, unless the vehicle has been disposed of by the operator;
- (b) for an unregistered vehicle to which a trader's plate is attached—the person to whom the trader's plate is issued under the *Road Transport (Vehicle Registration) Act 1999*;
- (c) for an unregistered vehicle to which no trader's plate is attached—a person who was last recorded as a registered operator of the vehicle;
- (d) anyone else prescribed by regulation.

*Note* A statutory instrument may make different provisions about different matters and apply the provisions differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).



**11 Rights, liabilities and obligations of multiple responsible persons**

- (1) This section applies if there is more than 1 responsible person for a vehicle at any time.
- (2) In a provision of the road transport legislation, or another Act or regulation concerned with the responsible person for a vehicle, a reference to the *responsible person* for a vehicle includes each responsible person for the vehicle.

**Division 2.4 Alteration of scope of operation of road transport legislation**

**12 Power to include or exclude areas in road transport legislation**

- (1) The Minister may declare that the road transport legislation, or a provision of the road transport legislation—
  - (a) applies to an area that is open to or used by the public; or
  - (b) does not apply to a road or road related area.
- (2) The declaration has effect until it is revoked or, if a period is stated in the declaration, for that period.
- (3) A declaration under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

**13 Power to exclude vehicles, persons or animals from road transport legislation**

- (1) The Minister may declare that the road transport legislation, or a provision of the road transport legislation, does not apply to a vehicle, person or animal in a place or circumstance stated in the declaration.

- (2) The declaration has effect until it is revoked or, if a period is stated in the declaration, for that period.
- (3) A declaration under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## 14 Application orders and emergency orders

- (1) The Minister may order that the operation of regulations made under the road transport legislation, or a provision of such regulations—
  - (a) is suspended for a stated period; or
  - (b) is varied in the way stated in the order.
- (2) An order must be consistent with the provisions about application orders and emergency orders in the agreements scheduled to the [National Road Transport Commission Act 1991](#) (Cwlth).
- (3) An order may have effect for all or part of the ACT.
- (4) If the Australian Transport Council terminates an emergency order, the Minister must declare that the order has been terminated with effect from the time when the council terminated the order.
- (5) A declaration under subsection (4) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

- (6) An order under subsection (1) is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

## Division 2.5 Administration

### 16 Road transport authority

- (1) There is to be an Australian Capital Territory Road Transport Authority (the *road transport authority*).

- (2) The director-general is the road transport authority.
- (3) For this section, in relation to the exercise of a function under a provision of the road transport legislation, the *director-general* is the director-general of the administrative unit responsible for the provision.

*Note* **Function** includes authority, duty and power (see [Legislation Act](#), dict, pt 1).

- (4) Anything done in the name of, or for, the road transport authority by the director-general in exercising the functions of the authority is taken to have been done for, and binds, the Territory.

## **17 Delegation of road transport authority's functions**

- (1) The road transport authority may delegate the authority's functions under the road transport legislation to—
  - (a) the chief police officer; or
  - (b) a public employee; or
  - (c) a person prescribed by regulation.

*Note* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

- (2) The chief police officer may delegate functions delegated to the chief police officer under subsection (1) to—
  - (a) a police officer; or
  - (b) a public employee; or
  - (c) a person prescribed by regulation.
- (3) A person mentioned in subsection (1) (c) may delegate a function delegated to the person under subsection (1) to—
  - (a) a public employee; or
  - (b) a person prescribed by regulation.

- (4) However, a delegation under subsection (1) may provide that a stated function must not be delegated.

## 18 Delegation of chief police officer's functions

The chief police officer may delegate the chief police officer's functions under the road transport legislation to—

- (a) a police officer; or
- (b) a public employee; or
- (c) a person prescribed by regulation.

*Note 1* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

*Note 2* For the chief police officer's power to delegate functions delegated by the road transport authority, see s 17 (2).

## 19 Authorised people

- (1) The road transport authority may appoint a person to be an authorised person for the road transport legislation.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (2) A regulation may prescribe a person to be an authorised person for the road transport legislation or a provision of the road transport legislation.
- (3) A person must not be appointed under subsection (1) unless—
- (a) the person is an Australian citizen or a permanent resident of Australia; and

- (b) the road transport authority is satisfied that the person is a suitable person to be authorised, having regard in particular to—
    - (i) whether the person has any criminal convictions; and
    - (ii) the person's employment record; and
  - (c) the person has satisfactorily completed adequate training to exercise the powers of an authorised person proposed to be given to the person.
- (4) However, this section does not authorise the road transport authority to appoint a person to be an authorised person for part 3 (Infringement notices for certain offences).

## **20 Identity cards**

- (1) The road transport authority must issue an authorised person with an identity card that states the person is an authorised person for the road transport legislation, or stated provisions of the road transport legislation, and shows—
- (a) a recent photograph of the person; and
  - (b) the name of the person or the particulars that are identifying particulars for the person (or both); and
  - (c) the date of issue of the card; and
  - (d) a date of expiry for the card; and
  - (e) the name and signature of the person who issued the card; and
  - (f) anything else prescribed by regulation.
- (2) A person who ceases to be an authorised person must return his or her identity card to the road transport authority as soon as practicable, but within 21 days, after ceasing to be an authorised person.

Maximum penalty (subsection (2)): 1 penalty unit.

(3) In this section:

*identifying particulars*, for a person, means:

- (a) for a person authorised by the administering authority for an infringement notice offence to serve infringement or reminder notices—the unique number given to the person by the administering authority under the *Road Transport (Offences) Regulation 2005*, section 11; and
- (b) for any other authorised person—the unique number given to the person by the road transport authority; and
- (c) any other particulars prescribed by regulation.

## **21 Power not to be exercised before identity card shown**

An authorised person may exercise a power under the road transport legislation in relation to a person only if the authorised person first shows the person his or her identity card.

## **Part 3**                      **Infringement notices for certain offences**

### **Division 3.1**              **Preliminary**

#### **21A**              **Definitions—pt 3**

In this part:

*approved community work or social development program* means a community work or social development program approved under section 31D (Approval of community work or social development program).

*heavy vehicle infringement notice offence* means an infringement notice offence against the *Heavy Vehicle National Law (ACT)*.

*illegal user declaration* means a statutory declaration made by a responsible person for a registrable vehicle in relation to an infringement notice offence involving the vehicle that includes—

- (a) a statement that, at the time of the offence, another person was in possession or control of the vehicle without the consent of an owner of the vehicle; and
- (b) any information prescribed by regulation.

*infringement notice*—see section 24 (2).

*infringement notice declaration* means any of the following:

- (a) an illegal user declaration;
- (b) a known user declaration;
- (c) a sold vehicle declaration;
- (d) an unknown user declaration.

*infringement notice management plan*—see section 31A.

***known user declaration*** means a statutory declaration made by a person in relation to an infringement notice offence involving a registrable vehicle that includes—

- (a) a statement that, at the time of the offence, the person was not in possession or control of the vehicle; and
- (b) sufficient information to identify and locate the person last known to be in possession or control of the vehicle; and
- (c) any information prescribed by regulation.

***relevant circumstances***, of a person, means any of the following circumstances that relate to the person and significantly affect the person's ability to pay an infringement notice penalty:

- (a) mental or intellectual disability or mental disorder;
- (b) physical disability, disease or illness;
- (c) addiction to drugs, alcohol or another substance;
- (d) being subjected to domestic violence;
- (e) homelessness, or living in crisis, transitional or supported accommodation;
- (f) anything else prescribed by regulation.

***reminder notice***—see section 27 (2).

***responsible director-general*** means the director-general responsible for the *Crimes (Sentence Administration) Act 2005*, part 6.2 (Good behaviour—community service work).



***sold vehicle declaration*** means a statutory declaration made by a person in relation to an infringement notice offence involving a registrable vehicle that includes—

- (a) a statement that the person had sold or otherwise disposed of the vehicle or any interest in the vehicle before the time of the offence and was not in possession or control of the vehicle at the time of the offence; and
- (b) sufficient information to identify and locate the person to whom the vehicle was sold or disposed of or in whom an interest otherwise vested; and
- (c) any information prescribed by regulation.

***unknown user declaration*** means a statutory declaration made by a person in relation to an infringement notice offence involving a registrable vehicle that includes—

- (a) a statement that the person—
  - (i) was not in possession or control of the vehicle at the time of the offence; and
  - (ii) does not know the identity of the person who was in possession or control of the vehicle at that time, despite genuine efforts to identify that person; and
- (b) a statement about the efforts made by the person to identify the person in possession or control of the vehicle at the time of the offence; and
- (c) any information prescribed by regulation.

## **22 Purpose and effect of pt 3**

- (1) The purpose of this part is to create a system of infringement notices for certain offences against the road transport legislation and other legislation as an alternative to prosecution.

- (2) This part does not—
- (a) require an infringement or reminder notice to be served on a person; or
  - (b) affect the liability of a person to be prosecuted for an offence if—
    - (i) an infringement or reminder notice is not served on the person for the offence; or
    - (ii) the person does not comply with an infringement notice or reminder notice served on the person for the offence, or an infringement notice management plan entered into in relation to the offence; or
    - (iii) an infringement notice served on the person for the offence is withdrawn; or
  - (c) prevent the service of 2 or more infringement notices on a person for an offence; or
  - (d) limit or otherwise affect the penalty that may be imposed by a court on a person for an offence.

## **23 Regulations about infringement notice offences**

- (1) A regulation may prescribe an offence, other than an offence for which a penalty of imprisonment may be imposed, for the dictionary, definition of *infringement notice offence* by—
- (a) stating the offence; or
  - (b) referring to the provision creating the offence; or
  - (c) providing that all offences, or all offences except for stated offences, against an Act or subordinate law are infringement notice offences.
- (2) Subsection (1) does not limit the ways that a regulation may prescribe an offence for that definition.

- (3) A regulation may, for the dictionary, definition of *infringement notice penalty*, prescribe—
- (a) an amount as the penalty payable by anyone for an offence if it is dealt with under this part; or
  - (b) different amounts as the penalties payable for different offences if they are dealt with under this part; or
  - (c) different amounts as the penalties payable for the same kind of offence committed by different people or in different circumstances if the offence is dealt with under this part.
- (4) However, an infringement notice penalty prescribed for a person for an offence must not exceed the maximum fine that could be imposed by a court on the person for the offence.
- (5) Subsection (3) does not limit the ways that a regulation may prescribe an amount for that definition.

## **Division 3.2            Infringement and reminder notices**

### **24            Infringement notices**

- (1) Subsection (2) applies if an authorised person reasonably believes that a person has committed an infringement notice offence (other than a heavy vehicle infringement notice offence).
- (2) A notice for the offence may be served on the person.

*Note*        An authorised officer under the *Heavy Vehicle National Law (ACT)* may serve a person with a notice if the officer reasonably believes the person has committed a heavy vehicle infringement notice offence (see *Heavy Vehicle National Law (ACT)*, s 591 (1)).

- (3) An infringement notice must be served in the way prescribed by regulation.

*Note* The *Heavy Vehicle National Law (ACT)*, s 591 (2) provides that the procedures to be followed in connection with a heavy vehicle infringement notice are to be the procedures prescribed under the Infringement Notice Offences Law for the territory (see also s 5, def *Infringement Notice Offences Law* and *Heavy Vehicle National Law (ACT) Act 2013*, s 13).

- (4) An infringement notice must not be served—
- (a) if a regulation prescribes a period within which an infringement notice must be served—after the end of the prescribed period; or
  - (b) in any other case—later than 1 year after the day the infringement notice offence to which the notice relates was committed.
- (5) For subsection (4) (b), if the infringement notice offence is an ongoing offence, the day the infringement notice offence was committed is the last day of the ongoing offence.

*Note* See s 31 for the time within which a prosecution for an infringement notice must be begun.

- (6) In this section:

*infringement notice* means—

- (a) a notice mentioned in subsection (2); and
- (b) a notice mentioned in the *Heavy Vehicle National Law (ACT)*, section 591 (1) (Infringement Notices).

## **25 Infringement notices—contents**

An infringement notice must include the information prescribed by regulation.

## **26 Infringement notice—payment of penalty etc**

- (1) This section applies if—
- (a) an infringement notice for an infringement notice offence is served on a person; and
  - (b) the infringement notice has not been withdrawn.

*Note* See s 36 for withdrawal of infringement notices.

- (2) The person must do 1 of the following within 28 days after the date the infringement notice is served:
- (a) pay the infringement notice penalty stated in the notice;
  - (b) apply to the administering authority to—
    - (i) enter into an infringement notice management plan; or
    - (ii) if the person has an infringement notice management plan—add the infringement notice penalty for the offence to the plan; or
    - (iii) waive the infringement notice penalty;

*Note* See s 31A for applications to enter into infringement notice management plans and applications to add infringement notice penalties to plans.

See s 31F for applications for waiver of infringement notice penalties.

- (c) apply for withdrawal of the infringement notice;

*Note* See s 34 for applications for withdrawal of infringement notices.

- (d) if the person asserts he or she was not the person who committed the offence—give the administering authority an infringement notice declaration;

(e) if the person disputes liability for the offence—give the administering authority written notice disputing liability.

*Note 1* For when a notice sent by post is taken to be given, see the *Road Transport (General) Regulation 2000*, s 9B.

*Note 2* See s 51 for disputing liability for an infringement notice offence.

*Note 3* If a person disputes liability for an infringement notice offence (other than a heavy vehicle infringement notice offence), the administering authority may lay an information in the Magistrates Court against the person for the offence (see s 53). For proceedings for heavy vehicle infringement notice offences, see the *Heavy Vehicle National Law (ACT)*, s 707.

*Note 4* A person served with an infringement notice may apply for an extension of time to do something mentioned in s (2) (see s 29).

*Note 5* If a person served with an infringement notice does nothing under s (2) within 28 days or any extension of time allowed under s 29, a reminder notice will be served on the person (see s 27).

*Note 6* A corporation served with an infringement notice for an infringement notice offence involving a registrable vehicle has obligations under div 3.3A.

## **27 Reminder notice—service and contents**

- (1) This section applies if—
- (a) an infringement notice for an infringement notice offence is served on a person; and
  - (b) the infringement notice has not been withdrawn; and
  - (c) the person—
    - (i) has not done anything mentioned in section 26 (2) in relation to the infringement notice, has not been granted an extension of time to do something mentioned in section 26 (2), and at least 28 days have passed since the date the infringement notice was served; or

- (ii) if the person has been granted an extension of time to do something mentioned in section 26 (2)—has not done anything mentioned in that subsection within the extended time.

*Note* For when a notice sent by post is taken to be given, see the [Road Transport \(General\) Regulation 2000](#), s 9B.

- (2) The administering authority must arrange for service of a notice (a **reminder notice**) on the person.

*Note* If a reminder notice has been served on a person for an infringement notice offence, the total amount payable by the person for the infringement notice penalty for the offence is the prescribed amount of the penalty payable for the offence plus the prescribed amount payable for the cost of serving the reminder notice (see dict, def **infringement notice penalty**).

- (3) The reminder notice must include the information prescribed by regulation.

## **28 Action on service of reminder notice—payment of penalty etc**

- (1) This section applies if—
  - (a) a reminder notice is served on a person; and
  - (b) the infringement notice to which the reminder notice relates has not been withdrawn.

*Note* See s 36 for withdrawal of infringement notices.

- (2) The person must do 1 of the following within 28 days after the date the reminder notice is served:
  - (a) pay the infringement notice penalty stated in the reminder notice;
  - (b) apply to the administering authority to—
    - (i) enter into an infringement notice management plan; or

(ii) if the person has an infringement notice management plan—add the infringement notice penalty for the offence to the plan; or

(iii) waive the infringement notice penalty;

*Note* See s 31A for applications to enter into infringement notice management plans and applications to add infringement notice penalties to plans.

See s 31F for applications for waiver of infringement notice penalties.

(c) apply for withdrawal of the infringement notice;

*Note* See s 34 for applications for withdrawal of infringement notices.

(d) if the person asserts he or she was not the person who committed the infringement notice offence to which the infringement notice relates—give the administering authority an infringement notice declaration;

(e) if the person disputes liability for the infringement notice offence—give the administering authority written notice disputing liability.

*Note 1* See s 51 for disputing liability for an infringement notice offence.

*Note 2* If a person disputes liability for an infringement notice offence (other than a heavy vehicle infringement notice offence), the administering authority may lay an information in the Magistrates Court against the person for the offence (see s 53). For proceedings for heavy vehicle infringement notice offences, see the *Heavy Vehicle National Law (ACT)*, s 707.

*Note 3* A person served with an infringement notice may apply for an extension of time to do something mentioned in s (2) (see s 29).

*Note 4* A corporation served with a reminder notice for an infringement notice offence involving a registrable vehicle has obligations under div 3.3A.



## **29 Extension of time to do things**

- (1) A person may apply for an extension of the time for doing something mentioned in section 26 (2) (Infringement notice—payment of penalty etc) or section 28 (2) (Action on service of reminder notice—payment of penalty etc).
- (2) The administering authority for the infringement notice offence must—
  - (a) allow the application; or
  - (b) refuse the application.
- (3) The administering authority must tell the person—
  - (a) the date of the authority’s decision; and
  - (b) if the authority allows the application—when the additional time begins and ends; and
  - (c) if the authority refuses the application—the reason for the decision.
- (4) If the administering authority refuses an application, the person must do the thing not later than the time prescribed by regulation.
- (5) A regulation may make provision in relation to the following:
  - (a) the making of an application to extend the time to do something mentioned in section 26 (2) or section 28 (2);
  - (b) any conditions in relation to an application;
  - (c) any matters to be taken into account by the administering authority when deciding an application;
  - (d) any conditions applying to a grant of an extension of time;
  - (e) the maximum amount by which the time for doing something mentioned in section 26 (2) or section 28 (2) may be extended.

### 30 Extension of time—guidelines

- (1) The Minister may issue guidelines for deciding applications for extensions of time, including applications for extensions of time made after the time for doing something in section 26 (2) or section 28 (2) has ended.
- (2) The administering authority for an infringement notice offence must comply with any guidelines for deciding an application for an extension of time.
- (3) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

### 31 Time for beginning prosecution for infringement notice offence

A prosecution for an infringement notice offence (other than a heavy vehicle infringement notice offence) must be begun not later than 1 year after the earlier of—

- (a) the day the person served with the notice disputes liability for the offence; and
- (b) the last day the person served with the notice may dispute liability for the offence.

*Note* For proceedings for heavy vehicle infringement notice offences, see the [Heavy Vehicle National Law \(ACT\)](#), s 707.

## Division 3.2A Infringement notice management plans

### 31A Application for infringement notice management plan or addition to plan

- (1) This section applies if a person is served with an infringement notice or reminder notice for an infringement notice offence.

- (2) If the person is an individual, the individual may apply to the administering authority—
- (a) to enter into an arrangement (an *infringement notice management plan*) with the authority for discharge of the penalty for the offence by—
    - (i) payment by instalment; or
    - (ii) participating in an approved community work or social development program; or
  - (b) if the individual has an infringement notice management plan—to add the infringement notice penalty for the offence to the individual’s plan.
- Note* If a form is approved under s 225 for this provision, the form must be used.
- (3) If the person is a corporation, the corporation may apply to the administering authority—
- (a) to enter into an arrangement (also an *infringement notice management plan*) with the authority for discharge of the penalty for the offence by payment by instalment; or
  - (b) if the corporation has an infringement notice management plan—to add the infringement notice penalty for the offence to the corporation’s plan.
- (4) The application must include—
- (a) information about the person’s financial circumstances; and
  - (b) if the person is the holder of a card prescribed by regulation that is current—that information; and
  - (c) if the application is to participate in an approved community work or social development program—information about any relevant circumstances of the person; and
  - (d) anything else prescribed by regulation.

**31B Application for infringement notice management plan or addition to plan—decision**

- (1) On application by a person under section 31A, the administering authority must—
  - (a) allow the application; or
  - (b) refuse the application.
- (2) The administering authority may, in writing, ask the applicant or a person mentioned in the application for more information to assist the authority to make a decision under this section.
- (3) If the person is applying for an infringement notice management plan that allows payment by instalments, the administering authority—
  - (a) must allow the application if the person is the holder of a card mentioned in section 31A (4) (b); and
  - (b) in any other case—may allow the application if satisfied on reasonable grounds that it is justified because of the person's financial circumstances.
- (4) If the person is applying for an infringement notice management plan that allows participation in an approved community work or social development program, the administering authority must allow the application if the responsible director-general agrees to the person participating in an approved community work or social development program under section 31C.
- (5) If the administering authority allows an application for an infringement notice management plan that allows payment by instalments, the authority may decide the amount of the instalments that must be paid.

- (6) The administering authority must—
- (a) if the application is allowed, tell the person in writing—
    - (i) about the arrangements for entering into the infringement notice management plan or that the penalty has been added to the person's infringement notice management plan; and
    - (ii) if the person is paying instalments under the plan—that the authority may decide the amount of the instalments that must be paid; or
  - (b) if the application is refused—tell the person in writing about the refusal and the reasons for the refusal.
- (7) A regulation may make provision in relation to the following:
- (a) any conditions applying to allowing an application under section 31A;
  - (b) conditions applying to infringement notice management plans, including the minimum amount that may be paid as an instalment under a plan;
  - (c) the payment of amounts under an infringement notice management plan, including the consequences of a payment not being honoured;
  - (d) the arrangements for participating in an approved community work or social development program, including when participation in an approved community work or social development program is taken to be finished and evidence of participation.

**31C Approved community work or social development program—responsible director-general’s agreement**

- (1) On receiving an application for an infringement notice management plan that allows a person to participate in an approved community work or social development program, the administering authority must ask the responsible director-general if the director-general agrees to the applicant participating in an approved community work or social development program.
- (2) The responsible director-general must—
  - (a) agree to the applicant participating in an approved community work or social development program; or
  - (b) refuse to agree.
- (3) The responsible director-general may, in writing, ask the applicant or a person mentioned in the application for more information to assist the director-general to make a decision under this section.
- (4) The responsible director-general may agree to the applicant’s participation in an approved community work or social development program if satisfied on reasonable grounds that—
  - (a) it is justified because of either or both of the following:
    - (i) the financial circumstances of the applicant;
    - (ii) any relevant circumstances of the applicant; and
  - (b) the applicant is suitable to participate in the program.
- (5) The responsible director-general may make guidelines about the exercise of the director-general’s functions under subsection (4).
- (6) A guideline is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

**31D Approval of community work or social development program**

- (1) The responsible director-general may approve a community work or social development program for this division.
- (2) An approval is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

**31E Effect of refusal of application for infringement notice management plan**

- (1) If the administering authority refuses an application under section 31B (Application for infringement notice management plan or addition to plan—decision), the applicant must—
  - (a) if a reminder notice has not been served on the applicant—do something mentioned in section 26 (2) (a), (aa) (iii), (b), (c) or (d); or
  - (b) if a reminder notice has been served on the applicant—do something mentioned in section 28 (2) (a), (aa) (iii), (b), (c) or (d).
- (2) The applicant must do something under this section not later than the later of—
  - (a) 7 days after the applicant is given notice of the refusal; and
  - (b) 28 days after the infringement notice or reminder notice was served (or any extension of time allowed under section 29).

*Note* For the recording of demerit points against the person, see the [Road Transport \(Driver Licensing\) Act 1999](#), s 13A.

## Division 3.2B Waiver of infringement notice penalties

### 31F Application for waiver of penalty

- (1) A person served with an infringement notice or reminder notice for an infringement notice offence may apply to the administering authority for waiver of the infringement notice penalty for the infringement notice offence.

*Note* If a form is approved under s 225 for this provision, the form must be used.

- (2) The application must set out—
  - (a) the person's financial circumstances; and
  - (b) the person's relevant circumstances; and
  - (c) anything else prescribed by regulation.

### 31G Application for waiver of penalty—decision

- (1) On application by a person under section 31F, the administering authority must—
  - (a) allow the application; or
  - (b) refuse the application.
- (2) The administering authority may, in writing, ask the applicant or a person mentioned in the application for more information to assist the authority to make a decision under this section.
- (3) The administering authority must allow an application if satisfied on reasonable grounds that—
  - (a) the applicant does not have, and is unlikely to have, the financial ability to pay the infringement notice penalty; and
  - (b) relevant circumstances exist in relation to the applicant; and



- (c) enforcement action has not resulted in, or is unlikely to result in, the payment of the infringement notice penalty; and
  - (d) the applicant is not a suitable person to discharge the penalty by completing an approved community work or social development program.
- (4) For subsection (3) (d), the administering authority may consult with the director-general responsible for the *Crimes (Sentence Administration) Act 2005*, part 6.2 (Good behaviour—community service work).
- (5) The administering authority must—
- (a) if the application is allowed—tell the person in writing about the waiver of the infringement notice penalty; and
  - (b) if the application is refused—tell the person in writing about the refusal and the reasons for the refusal.

### **31H Effect of refusal of application for waiver of penalty**

- (1) If the administering authority refuses an application under section 31G (Application for waiver of penalty—decision), the applicant must—
- (a) if a reminder notice has not been served on the applicant—do something mentioned in section 26 (2) (a), (b) (i) or (ii), (c), (d) or (e); or
  - (b) if a reminder notice has been served on the applicant—do something mentioned in section 28 (2) (a), (b) (i) or (ii), (c), (d) or (e).
- (2) The applicant must do something under this section not later than the later of—
- (a) 7 days after the applicant is given notice of the refusal; and

- (b) 28 days after the infringement notice or reminder notice was served (or any extension of time allowed under section 29).

*Note* For the recording of demerit points against the person, see the [Road Transport \(Driver Licensing\) Act 1999](#), s 13A.

### **Division 3.3 Infringement notice offences involving registrable vehicles—responsible person's liability**

#### **32 Meaning of *all reasonable steps*—div 3.3**

- (1) In this division:

*all reasonable steps*—a responsible person for a registrable vehicle takes *all reasonable steps* to assist the administering authority to identify and locate the individual who was in possession or control of the vehicle at the time of an infringement notice offence involving the vehicle—

- (a) if—
- (i) the person gives the administering authority an infringement notice declaration for the offence within the time required under division 3.2 (Infringement and reminder notices) (including any additional time allowed under that division); and
  - (ii) the administering authority accepts the infringement notice declaration for this division; and
- (b) if the administering authority requires an approved form to be completed in relation to the offence—if the person completes the form properly; and

- (c) if the person responds to any correspondence from the administering authority within 14 days after the correspondence is served on the person.

*Note 1* For when a notice sent by post is taken to be given, see the [Road Transport \(General\) Regulation 2000](#), s 9B.

*Note 2* The [Legislation Act](#), s 250 (1) does not apply to a notice given under the road transport legislation (see [Road Transport \(General\) Regulation 2000](#), s 9B (4)).

*Note 3* **Infringement notice declaration**—see s 21A.

- (2) For subsection (1), definition of **all reasonable steps**, paragraph (b), an approved form is properly completed by a responsible person only if—
- (a) if the approved form requires particular information to be included in the form—the responsible person complies with the requirement; and
- (b) the information the responsible person includes in the form is accurate; and
- (c) the responsible person completes the form in a way that can be understood by a reasonable person.

*Note 1* Under the [Legislation Act](#), s 255 (5), if a form requires any of the following, substantial compliance with the form is not sufficient and the form is properly completed only if the requirement is complied with:

- (a) the form to be signed;
- (b) the form to be prepared in a particular way (for example, on paper of a particular size or quality or in a particular electronic form);
- (c) the form to be completed in a particular way;
- (d) particular information to be included in the form, or a particular document to be attached to or given with the form;

- (e) the form, information in the form, or a document attached to or given with the form, to be verified in a particular way (for example, by statutory declaration).

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

### **33 Responsible person's obligations**

- (1) This section applies if—
  - (a) an infringement notice for an infringement notice offence is served on a responsible person for a registrable vehicle; and
  - (b) the responsible person is an individual; and
  - (c) the responsible person was not in possession or control of the vehicle at the time of the offence.
- (2) The responsible person for the registrable vehicle must take all reasonable steps to give the administering authority sufficient information to identify and locate the individual who was in possession or control of the vehicle at the time of the offence.

*Note* The responsible person for a registrable vehicle involved in an infringement notice offence is taken to be the individual in possession or control of the vehicle at the time of the offence unless the responsible person proves, on the balance of probabilities, that the person was not in possession or control of the vehicle at the time of the offence (see s 53AA).

### **34 Infringement notice—application for withdrawal**

- (1) A person served with an infringement notice or reminder notice for an infringement notice offence may apply to the administering authority for the withdrawal of the infringement notice.
- (2) An application must—
  - (a) be in writing; and

- (b) state the grounds relied on for the infringement notice to be withdrawn.
- (3) For this section, an infringement notice declaration made and given by the person to the administering authority in relation to the offence is taken to be an application by the person under subsection (1).

### **35 Application for withdrawal—decision**

- (1) On application by a person under section 34, the administering authority must—
  - (a) withdraw the infringement notice; or
  - (b) refuse to withdraw the infringement notice; or
  - (c) in writing, ask the applicant or a person mentioned in the application for further information to assist the authority to make a decision under this section.
- (2) If the administering authority asks for further information, the information must be given in the form of a statutory declaration.

*Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of statutory declarations under ACT laws.

*Note 2* It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

- (3) If the application is in the form of an infringement notice declaration, the administering authority may refuse to withdraw the infringement notice if it is satisfied on reasonable grounds that the applicant has not taken all reasonable steps to assist the authority to identify and locate the individual who was in possession or control of the vehicle at the time of the offence.

*Note* The guidelines may include other grounds for refusing to withdraw an infringement notice declaration.

- (4) The administering authority must give the applicant written notice of its decision under this section and, if the decision is to refuse to withdraw the infringement notice, reasons for the refusal.

### **36 Infringement notice—withdrawal**

- (1) If an infringement notice is served on a person for an infringement notice offence, the administering authority may withdraw the infringement notice, whether or not—
- (a) the person has applied, or is taken to have applied, for withdrawal of the infringement notice under section 34; or
  - (b) the infringement notice penalty (or part of it) has been paid for the offence; or
  - (c) the person has disputed liability for the infringement notice offence.
- (2) If the administering authority decides to withdraw an infringement notice, the authority must do so by written notice (a *withdrawal notice*) served on the person.
- (3) The withdrawal notice must—
- (a) include the infringement notice number and the date the infringement notice was served; and
  - (b) tell the person that the infringement notice is withdrawn and, in general terms, about subsection (4).
- (4) The effect of the service of a withdrawal notice is as follows:
- (a) this part, other than this section, ceases to apply to the infringement notice;
  - (b) if the infringement notice penalty (or part of it) has been paid—the administering authority must repay the amount paid, unless the person has an infringement notice management plan for the penalty.

- (5) However, nothing in this section prevents the administering authority—
- (a) serving an infringement notice, or commencing a proceeding, for the offence against another person; or
  - (b) if the administering authority is satisfied that a withdrawal notice was served on a person in error, or as a result of misrepresentation or a false declaration—serving an infringement notice, or commencing a proceeding, for the offence against the person.

**36A Infringement notice—effect of withdrawal on infringement notice management plan**

- (1) This section applies if—
- (a) a person has an infringement notice management plan for an infringement notice penalty for an infringement notice offence; and
  - (b) the administering authority withdraws the infringement notice for the infringement notice offence.
- (2) The administering authority must—
- (a) if the total amount owing under the plan is less than the amount of the penalty—cancel the plan and refund the difference between the amount owing and the penalty; or
  - (b) if the total amount owing under the plan is the same as the amount of the penalty—cancel the plan; or
  - (c) if the total amount owing under the plan is more than the amount of the penalty—remove the penalty from the plan and reduce the amount owing by the amount of the penalty.

### **37 Infringement notice—effect of refusal to withdraw**

- (1) If the administering authority for an infringement notice offence refuses to withdraw an infringement notice for the offence, the applicant for the withdrawal must—
  - (a) if a reminder notice has not been served on the applicant—do something mentioned in section 26 (2) (a), (b), (d) or (e); or
  - (b) if a reminder notice has been served on the applicant—do something mentioned in section 28 (2) (a), (b), (d) or (e).

*Note* For the recording of demerit points for the offence against the person, see the [Road Transport \(Driver Licensing\) Act 1999](#), s 13A.

- (2) The applicant must do something under subsection (1) not later than the later of—
  - (a) 7 days after the applicant is given notice of the refusal; and
  - (b) 28 days after the infringement notice or reminder notice was served (or any extension of time allowed under section 29).

### **38 Infringement notice—guidelines for withdrawal**

- (1) The Minister may issue guidelines for the withdrawal of infringement notices.
- (2) The administering authority for an infringement notice offence must comply with the guidelines.
- (3) A guideline is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).



### **39 Infringement notice—effect of penalty payment etc**

- (1) This section applies—
- (a) if—
- (i) a person has been served with an infringement notice for an offence; and
  - (ii) 1 of the following things happens:
    - (A) the person pays the infringement notice penalty for the offence in accordance with this part;
    - (B) the person enters into an infringement notice management plan for the infringement notice penalty for the offence or the penalty is added to the person's infringement notice management plan;
    - (C) the administering authority waives the infringement notice penalty for the offence; and
  - (iii) when the thing happened—
    - (A) the infringement notice had not been withdrawn; and
    - (B) a proceeding had not been brought against the person for the offence; or
- (b) if—
- (i) more than 1 infringement notice for the same infringement notice offence has been served on a person and none of the infringement notices have been withdrawn; and
  - (ii) 1 of the following things happens:
    - (A) the person pays the infringement notice penalty for the offence, in accordance with this part, in relation to 1 notice;

- (B) the person enters into an infringement notice management plan for the infringement notice penalty for the offence, or the penalty is added to the person's infringement notice management plan, in relation to 1 notice;
  - (C) the administering authority waives the infringement notice penalty for the offence in relation to 1 notice; or
- (c) if—
- (i) an infringement notice for an infringement notice offence involving a registrable vehicle has been served; and
  - (ii) 1 of the following things happens:
    - (A) a responsible person for the vehicle at the time of the offence pays the infringement notice penalty for the offence in accordance with this part;
    - (B) a responsible person for the vehicle at the time of the offence enters into an infringement notice management plan for the infringement notice penalty for the offence, or the penalty is added to the person's infringement notice management plan;
    - (C) the administering authority waives the infringement notice penalty for the offence; and
  - (iii) when the thing happened—
    - (A) the infringement notice had not been withdrawn; and
    - (B) a proceeding had not been brought against a responsible person for the vehicle for the offence.
- (2) The person—
- (a) is no longer liable for the offence; and
  - (b) must not be prosecuted for the offence; and

(c) is not taken to have been convicted of the offence.

- (3) This section is subject to section 36 (Infringement notice—withdrawal).

### **Division 3.3A      Demerit points offences— corporation's liability**

#### **40      Definitions—div 3.3A**

In this division:

*corporation's vehicle* means a vehicle for which a corporation is the registered owner.

#### **41      Meaning of *all reasonable steps*—div 3.3A**

- (1) In this division:

*all reasonable steps*—a corporation that is the registered owner of a vehicle takes *all reasonable steps* to assist the administering authority to identify and locate the individual who was in possession or control of the vehicle at the time of a demerit points offence involving the vehicle—

- (a) if the corporation gives the administering authority an infringement notice declaration for the offence within the time required under division 3.2 (Infringement and reminder notices) (including any additional time allowed under that division); and
- (b) if the administering authority requires an approved form to be completed in relation to the offence—if the corporation completes the form properly; and

- (c) if the person responds to any correspondence from the administering authority within 14 days after the correspondence is served on the person.

*Note 1* For when a notice sent by post is taken to be given, see the *Road Transport (General) Regulation 2000*, s 9B.

*Note 2* ***Infringement notice declaration***—see s 21A.

*Note 3* See s 55 for statutory declarations by corporations.

- (2) For subsection (1), definition of ***all reasonable steps***, paragraph (b), an approved form is properly completed by a corporation only if—
- (a) if the approved form requires particular information to be included in the form—the corporation complies with the requirement; and
- (b) the information the corporation includes in the form is accurate; and
- (c) the corporation completes the form in a way that can be understood by a reasonable person.

*Note* Under the Legislation Act, s 255 (5), if a form requires any of the following, substantial compliance with the form is not sufficient and the form is properly completed only if the requirement is complied with:

- (a) the form to be signed;
- (b) the form to be prepared in a particular way (for example, on paper of a particular size or quality or in a particular electronic form);
- (c) the form to be completed in a particular way;
- (d) particular information to be included in the form, or a particular document to be attached to or given with the form;
- (e) the form, information in the form, or a document attached to or given with the form, to be verified in a particular way (for example, by statutory declaration).

## 42 Demerit points offences—suspension of registration etc

- (1) This section applies if—
  - (a) a corporation is the registered owner of a vehicle; and
  - (b) an infringement notice has been served on the corporation by an authorised person for a demerit points offence involving the vehicle; and
  - (c) the infringement notice has not been withdrawn; and
  - (d) the corporation has failed to take all reasonable steps to assist the administering authority to identify and locate the individual who was in possession or control of the vehicle at the time of the demerit points offence; and
  - (e) in relation to at least 1 previous demerit points offence involving a corporation's vehicle, the corporation failed to take all reasonable steps to assist the administering authority to identify and locate the individual who was in possession or control of the vehicle at the time of that demerit points offence.
- (2) The road transport authority must—
  - (a) send the corporation a written notice (a *suspension warning notice*) containing the following information:
    - (i) the particulars of the demerit points offence, including the infringement notice penalty for the offence and the additional penalty stated in the reminder notice (if any), and the infringement notice and reminder notice (if any) for the offence, to which the suspension warning notice relates;

- (ii) a statement to the effect that if the corporation continues to fail to take all reasonable steps to assist the administering authority to identify and locate the individual who was in possession or control of the corporation's vehicle involved in the offence by a stated date (the *suspension date*), the authority will take suspension action on the suspension date;
  - (iii) any information prescribed by regulation;
  - (iv) any other information the road transport authority considers appropriate; and
- (b) if in response to the suspension warning notice, the corporation fails to take all reasonable steps to assist the administering authority to identify and locate the individual who was in possession or control of the corporation's vehicle involved in the offence, before the suspension date—take the following action (the *suspension action*) on the suspension date:
- (i) if the vehicle involved in the offence is registered in the ACT—suspend the vehicle's registration;
  - (ii) if the vehicle involved in the offence is registered in another jurisdiction—suspend the right of everyone to drive the vehicle in the ACT;
  - (iii) if the corporation has sold, transferred or otherwise disposed of its interest in the vehicle involved in the offence—
    - (A) suspend the registration of another of the corporation's vehicles (the *other vehicle*); or
    - (B) if the other vehicle is registered in another jurisdiction—suspend the right of everyone to drive the other vehicle in the ACT.

- (3) The suspension date must be at least 10 days after the suspension warning notice is sent to the corporation.
- (4) If the road transport authority takes suspension action, the authority must send the corporation a notice (a ***suspension confirmation notice***) including statements about the following:
  - (a) the suspension date;
  - (b) the action taken on the suspension date;
  - (c) when the suspension ends;
  - (d) any information prescribed by regulation;
  - (e) any other information the road transport authority considers appropriate.
- (5) The suspension action takes effect—
  - (a) on the suspension date; or
  - (b) if any other suspension action has been taken against the corporation under another provision of the road transport legislation—when that other suspension action ends.
- (6) A suspension ends on the earliest of the following:
  - (a) 6 months after the day the suspension action takes effect;
  - (b) the day the corporation gives the administering authority the information it needs to identify and locate the individual who was in possession or control of the corporation's vehicle at the time of the demerit points offence;
  - (c) the day the registration of the corporation's vehicle is transferred under the *Road Transport (Vehicle Registration) Act 1999* to another person and the corporation no longer has any interest in the vehicle.

**43 Demerit points offence—effect of suspension**

- (1) If the registration of a corporation's vehicle is suspended under section 42, the road transport authority must not renew the registration until after the suspension ends.
- (2) The road transport authority must not register a corporation's vehicle if the right of everyone to drive the vehicle in the ACT is suspended under section 42.

**43A Demerit points offence—review of suspension**

- (1) If the registration of a corporation's vehicle is suspended under section 42, the corporation may apply to the Magistrates Court for a review of the suspension.
- (2) The Magistrates Court may hear and decide the application and may make an order—
  - (a) confirming the suspension; or
  - (b) revoking the suspension.
- (3) The court may make an order under subsection (2) (b) only if the court is satisfied that the corporation has taken all reasonable steps to assist the administering authority to identify and locate the person who was in possession or control of the vehicle involved in the demerit points offence to which the suspension relates.

**43B Offence—driving interstate corporate vehicle**

- (1) A person commits an offence if—
  - (a) the right of everyone to drive an interstate corporate vehicle in the ACT is suspended under section 42; and
  - (b) the person drives the vehicle in the ACT.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.



(3) In this section:

*interstate corporate vehicle* means a corporation's vehicle that is registered in another jurisdiction.

## **Division 3.4            Enforcement procedures**

### **44            Suspension for nonpayment of infringement notice penalties**

(1) This section applies if—

(a) an infringement notice and a reminder notice have been served on a person by an authorised person under this part or the *Heavy Vehicle National Law (ACT)* for an infringement notice offence; and

*Note*     A notice may be served on a person by an authorised officer for a heavy vehicle infringement notice offence (see *Heavy Vehicle National Law (ACT)*, s 591 (1)).

(b) the offence involved a registrable vehicle; and

(c) the infringement notice has not been withdrawn or the infringement notice penalty for the offence has not been waived; and

(d) the person does not have an infringement notice management plan for the infringement notice penalty for the offence; and

(e) the penalty has not been paid to the administering authority within the time for payment under this part; and

(f) notice disputing liability has not been given to the administering authority in accordance with this part.

(2) The road transport authority must—

(a) send the person a written notice (a *suspension notice*) that contains the information required by subsection (3); and

- (b) if the infringement notice penalty is not paid before the suspension date in the suspension notice—take action under subsection (5), (6) or (7) (the *suspension action*) on the suspension date.
- (3) A suspension notice must state—
- (a) particulars of the infringement notice and the reminder notice to which the suspension notice relates; and
  - (b) that if the person does not pay the infringement notice penalty before a stated date (the *suspension date*), the authority will take suspension action on the suspension date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.
- (4) However, the suspension date must not be earlier than 10 days after the day the suspension notice is sent to the person.
- (5) If the person is the holder of a driver licence, the road transport authority must suspend the licence.
- (6) If the person is not the holder of a driver licence, or the person's driver licence is suspended, but the vehicle involved in the offence is registered under the *Road Transport (Vehicle Registration) Act 1999* and the person is the responsible person (or a responsible person) for the vehicle, the road transport authority must suspend the vehicle's registration.
- (7) In any other case, the road transport authority must do 1 of the following:
- (a) suspend the person's right to drive the vehicle involved in the offence in the ACT;
  - (b) suspend the person's right to drive any vehicle in the ACT;

- (c) suspend the right of everyone to drive the vehicle involved in the offence in the ACT.
- (8) A suspension under this section takes effect on the suspension date.
- (9) If the road transport authority takes suspension action, the authority must send a suspension confirmation notice to the person that states—
  - (a) the suspension date; and
  - (b) the action that was taken on the suspension date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.
- (10) In this section:  
*time for payment*, of an infringement notice penalty, includes any extension of time allowed for payment under section 29 (Extension of time to do things).

#### **44A Suspension for non-compliance with infringement notice management plan**

- (1) This section applies if—
  - (a) a person has an infringement notice management plan; and
  - (b) the administering authority is satisfied on reasonable grounds that the person has failed to comply with the plan; and
  - (c) notice disputing liability for the infringement notice penalty or penalties covered by the plan has not been given to the administering authority in accordance with this part.

- (2) The administering authority must tell the road transport authority about the non-compliance and the road transport authority must—
  - (a) send the person a written notice (a *suspension notice*) that contains the information required by subsection (3); and
  - (b) if the person does not resume complying with the plan before the suspension date in the suspension notice—take action under subsection (5) or (6) (the *suspension action*) on the suspension date.
- (3) A suspension notice must state—
  - (a) the identifying number (however described) for the person’s infringement notice management plan; and
  - (b) that if the person does not resume complying with the plan before a stated date (the *suspension date*), the road transport authority will take suspension action on the suspension date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.
- (4) However, the suspension date must not be earlier than 10 days after the day the suspension notice is sent to the person.
- (5) If the person is the holder of a driver licence, the road transport authority must suspend the licence.
- (6) If the person is not the holder of a driver licence, the road transport authority must suspend the person’s right to drive any vehicle in the ACT.
- (7) A suspension under this section takes effect on the suspension date.

- (8) If the road transport authority takes suspension action, the authority must send a suspension confirmation notice to the person that states—
- (a) the suspension date; and
  - (b) the action that was taken on the suspension date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.
- (9) A regulation may make provision in relation to—
- (a) how the administering authority becomes satisfied that a person has failed to comply with the person's infringement notice management plan; and
  - (b) information to be given to the administering authority by the person or anyone else in relation to the person's compliance with the plan.

#### **45 Effect of suspension**

- (1) The road transport authority must not issue a driver licence to a person (or renew a driver licence issued to the person) if the person's driver licence or right to drive any vehicle in the ACT is suspended under this division.
- (2) The period for which a person's driver licence is suspended under this division is concurrent with any uncompleted period of driver licence suspension or disqualification applying to the person under another part or any other territory law, subject to any order by a court in relation to the lastmentioned suspension or disqualification.
- (3) A person whose driver licence or right to drive any vehicle in the ACT is suspended under this division is not entitled to apply for, or be issued with, a restricted licence during the suspension period.

- (4) The road transport authority must not register a vehicle in the name of a person if the person's right to drive any vehicle in the ACT is suspended under this division.
- (5) The road transport authority must not register a vehicle if the right of everyone to drive the vehicle in the ACT is suspended under this division.

**46 Transfer of registration while suspended**

- (1) This section applies if a vehicle's registration is suspended under this division because of an infringement notice offence for which an infringement notice has been served on a person.
- (2) The road transport authority must revoke the suspension if the vehicle's registration is transferred under the *Road Transport (Vehicle Registration) Act 1999* to someone else and the person no longer has any interest in the vehicle.

**47 Revocation of suspension—penalty paid, discharged or waived**

- (1) This section applies if—
  - (a) a suspension is in force under this division because of an infringement notice offence for which an infringement notice has been served on a person; and
  - (b) the infringement notice penalty payable by the person for the offence—
    - (i) is paid to the administering authority; or
    - (ii) if the person has an infringement notice management plan for the penalty—is discharged by the person doing all of the things that the person is required to do under the plan; or
    - (iii) is waived under section 31G (Application for waiver of penalty—decision).

- (2) If this section applies, the road transport authority must revoke the suspension and tell the person, in writing, that the suspension has been revoked.
- (3) However, the road transport authority must not revoke the suspension if the authority would then be required to take action under this division in relation to the person for another infringement notice offence and the action would or could result in a suspension having the same effect.

**47A      Revocation of suspension—management plan being complied with**

- (1) This section applies if—
  - (a) a suspension is in force under this division because of an infringement notice offence for which an infringement notice has been served on a person; and
  - (b) either—
    - (i) the person enters into, or has the penalty added to, an infringement notice management plan for the infringement notice penalty for the offence; or
    - (ii) if the suspension was for non-compliance with the person's infringement notice management plan for the penalty—the administering authority is satisfied on reasonable grounds that the person has resumed complying with the plan.
- (2) The administering authority must tell the road transport authority about the plan or compliance and the road transport authority must—
  - (a) revoke the suspension; and
  - (b) tell the person in writing that the suspension has been revoked.

- (3) A regulation may make provision in relation to—
- (a) how the administering authority becomes satisfied that a person has resumed complying with the person's infringement notice management plan; and
  - (b) information to be given to the administering authority by the person or anyone else in relation to the person's compliance with the plan.

#### **48 Review of suspension**

- (1) A person in relation to whom a suspension is in force under this division may apply to the Magistrates Court for a review of the suspension.
- (2) The Magistrates Court may hear and decide an application and may make an order—
- (a) confirming the suspension; or
  - (b) revoking the suspension.
- (3) For suspension action mentioned in section 44 (2) (b) (Suspension for nonpayment of infringement notice penalties), the court may make an order under subsection (2) (b) only if it is satisfied that 1 or more of the conditions mentioned in section 44 (1)—
- (a) did not exist when the suspension action was taken; or
  - (b) no longer exists.
- (4) For suspension action mentioned in section 44A (2) (b) (Suspension for non-compliance with infringement notice management plan), the court may make an order under subsection (2) (b) only if it is satisfied that 1 or more of the conditions mentioned in section 44A (1)—
- (a) did not exist when the suspension action was taken; or
  - (b) no longer exists.



## **Division 3.5            Disputing liability**

### **51            Disputing liability for infringement notice offence**

- (1) A person on whom an infringement notice or reminder notice has been served for an infringement notice offence may dispute liability for the offence by written notice given to the administering authority.

*Note*        For how documents may be given, see the [Legislation Act](#), pt 19.5.

- (2) The notice must set out the grounds on which the person relies.

*Note*        For the time within which liability must be disputed after a person is served with an infringement notice or reminder notice, see s 26 and s 28.

### **53            Procedure if liability disputed**

- (1) This section applies if a person disputes liability for an infringement notice offence by giving the administering authority a notice in accordance with section 51 (Disputing liability for infringement notice offence).

- (2) The administering authority may—

- (a) for a heavy vehicle infringement notice offence—bring a proceeding against the person under the [Heavy Vehicle National Law \(ACT\)](#) within 60 days after being given the notice; or

*Note*        For proceedings for heavy vehicle infringement notice offences, see the [Heavy Vehicle National Law \(ACT\)](#), s 707.

- (b) in any other case—lay an information in the Magistrates Court against the person for the offence within 60 days after being given the notice.

- (3) The administering authority must discontinue a proceeding brought against the person for the offence if, before the hearing of the proceeding, the person pays the total of—
  - (a) the infringement notice penalty; and
  - (b) the costs (if any) prescribed by regulation for beginning the proceeding; and
  - (c) the disbursements (if any) incurred by the administering authority up to the day payment is made.
- (4) If subsection (3) applies, section 39 (Infringement notice—effect of penalty payment etc) also applies to the person in relation to the offence, even though the person paid the infringement notice penalty for the offence after a proceeding or information mentioned in subsection (2) had been brought or laid against the person for the offence.
- (5) If the administering authority does not bring a proceeding or lay an information mentioned in subsection (2) against the person for the offence within 60 days after being given the notice, the administering authority must—
  - (a) tell the person, in writing, that no further action will be taken against the person for the offence; and
  - (b) take no further action against the person for the offence.
- (6) To remove any doubt, subsection (2) does not permit the administering authority to bring a proceeding or lay an information against a person for an offence after the end of the time within which, apart from this section, a prosecution may be brought against the person for the offence.

*Note* For the time within which a prosecution for an infringement notice offence other than a heavy vehicle infringement notice offence must be begun, see s 31. For proceedings for heavy vehicle infringement notice offences, see the *Heavy Vehicle National Law (ACT)*, s 707.

### **53AA Presumption against responsible person**

If the responsible person for a registrable vehicle involved in an infringement notice offence is served with an infringement notice for the offence, it is presumed in any proceeding against the person for the offence, unless the contrary is proved, that the responsible person was the individual in possession or control of the vehicle at the time of the offence.

*Note* The responsible person for a registrable vehicle bears a legal burden of proving that the responsible person was not the individual in possession or control of the vehicle at the time of the offence (see [Criminal Code](#), s 59 (c)).

## **Division 3.6 Miscellaneous**

### **53A Authorised people for infringement notice offences**

- (1) The administering authority for an infringement notice offence (other than a heavy vehicle infringement notice offence) may appoint a person to be an authorised person to serve infringement notices or reminder notices for infringement notice offences or particular infringement notice offences.

*Note 1* For the making of appointments (including acting appointments), see the [Legislation Act](#), pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see [Legislation Act](#), s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

*Note 3* Infringement notices for heavy vehicle infringement notice offences are served by authorised officers within the meaning of the [Heavy Vehicle National Law \(ACT\)](#) (see Law, s 591 (1)).

- (2) The regulations may prescribe a person to be an authorised person for the service of infringement notices or reminder notices for infringement notice offences, other than a heavy vehicle infringement notice offence or particular infringement notice offences.

(3) In this part:

**authorised person** means—

- (a) for an infringement notice or a reminder notice for a heavy vehicle infringement notice offence—an authorised officer under the *Heavy Vehicle National Law (ACT)*; or

*Note* An **authorised officer** for the *Heavy Vehicle National Law (ACT)* means a police officer or any other person appointed under the Law, s 481 (see also Law, s 5, def **authorised officer**).

(b) in any other case—

- (i) for an infringement notice for an infringement notice offence—

(A) the administering authority; or

(B) a person who is appointed under subsection (1) by the administering authority to serve an infringement notice for the offence; or

(C) anyone else who, under the regulations, may serve an infringement notice for the offence; or

- (ii) for a reminder notice for an infringement notice offence—

(A) the administering authority; or

(B) a person who is appointed under subsection (1) by the administering authority to serve a reminder notice for the offence; or

(C) anyone else who, under the regulations, may serve a reminder notice for the offence.

## **54 Delegation of administering authority's functions**

- (1) The administering authority for an infringement notice offence may delegate the authority's functions under this part to—
  - (a) the road transport authority; or
  - (b) a person prescribed by regulation; or
  - (c) a person who is an authorised person under section 19; or
  - (d) an authorised officer under the *Heavy Vehicle National Law (ACT)*.

*Note* For the making of delegations and the exercise of delegated functions, see the [Legislation Act](#), pt 19.4.

- (2) A person mentioned in subsection (1) (a) or (b) may delegate functions delegated to the person under subsection (1) to anyone else.

## **55 Declarations by corporations**

A statutory declaration is made by a corporation for this part only if the statutory declaration is made by an executive officer of the corporation.

## **56 Evidentiary certificates**

- (1) This section applies to a proceeding for an infringement notice offence.
- (2) A certificate that appears to be signed by or on behalf of the administering authority, and states any matter relevant to anything done or not done under this part in relation to the offence, is evidence of the matter.

- (3) Without limiting subsection (2), a certificate given under that subsection may state any of the following:
- (a) a stated infringement notice or reminder notice was served by a stated authorised person in a stated way on a stated person on a stated date for a stated infringement notice offence;
  - (b) the administering authority did not allow additional time, or allowed stated additional time, for payment of the infringement notice penalty or to dispute liability for the offence;
  - (c) the infringement notice penalty was not paid within the time in which it was required to be paid under this part;
  - (d) a stated person entered into an infringement notice management plan on a stated date;
  - (e) a stated person agreed to take stated steps under the person's infringement notice management plan;
  - (f) a stated person took stated steps to comply with the person's infringement notice management plan;
  - (g) a stated person did not take stated steps to comply with the person's infringement notice management plan;
  - (h) the administering authority gave a notice to a stated person about—
    - (i) the person's failure to take stated steps to comply with the person's infringement notice management plan; and
    - (ii) how the noncompliance was to be dealt with as agreed under the plan;
  - (i) the administering authority took or did not take other stated steps to get a stated person to comply with the person's infringement notice management plan;
  - (j) the infringement notice has not been withdrawn or was withdrawn on a stated date;

- (k) the offence involved a stated vehicle or animal;
  - (l) a stated person was the responsible person (or a responsible person) for a vehicle, or the owner (or an owner) of an animal, on a stated date (and, if relevant, at a stated time on that date);
  - (m) a stated address was, on a stated date, the last home or business address of a stated person known to the administering authority;
  - (n) a stated address or number was, on a stated date, the latest business, home or email address, or fax number, of a stated person recorded in a register or other record kept under a law of another jurisdiction corresponding to the *Road Transport (Vehicle Registration) Act 1999*;
  - (o) a stated person has not given the administering authority an illegal user declaration, a known user declaration, a sold vehicle declaration or an unknown user declaration;
  - (p) a stated person gave the administering authority a stated statutory declaration mentioned in paragraph (o) on a stated date;
  - (q) a copy of a stated statutory declaration mentioned in paragraph (o) was served by a stated authorised person in a stated way on a stated person on a stated date;
  - (r) an infringement notice penalty has not been paid by, or a penalty has not been imposed on, a stated person or anyone for the offence.
- (4) A court must accept a certificate given under this section as proof of the matters stated in it if there is no evidence to the contrary.
- (5) This section is additional to, and does not limit, section 72 (Certificate evidence and other evidentiary provisions).

## Part 4 Enforcement of road transport legislation

### Division 4.1 Production of licences and identification of people

#### 58 Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider

- (1) A police officer or authorised person may, in the execution of any of his or her functions under the road transport legislation, require the driver of a vehicle, or the rider of an animal, to do any or all of the following:
- (a) for the driver of a motor vehicle—produce the person’s Australian driver licence or external driver licence;
  - (b) state the person’s name;
  - (c) state the person’s date of birth;
  - (d) state the person’s home address.

*Note* An authorised officer (within the meaning of the [Heavy Vehicle National Law \(ACT\)](#)) may require a driver of a heavy vehicle to produce the driver’s driver licence (see Law, s 567A).

- (2) A person commits an offence if the person fails to comply with a request made by a police officer or authorised person under subsection (1).

Maximum penalty: 20 penalty units.

*Note* It is an offence to produce false or misleading documents (see [Criminal Code](#), s 339).

- (3) An offence against this section is a strict liability offence.



- (4) It is a defence to a prosecution for an offence against subsection (1) (a) if the defendant proves that the defendant—
- (a) was not the driver of a heavy vehicle, or heavy combination, when required to produce the licence; and
  - (b) has a reasonable excuse for failing to produce the licence when required to do so; and
  - (c) within 3 days after being required to produce the licence, produces the licence at a place prescribed by regulation or as directed by the police officer or authorised person.

*Note* A defendant has a legal burden in relation to the matters mentioned in s (3) (see [Criminal Code](#), s 59).

**58A Police officer or authorised person may require name, date of birth, address and driver licence—supervisor, instructor or assessor**

- (1) This section applies to a person if—
- (a) the person is a driving instructor who is with a driver for the purposes of—
    - (i) driver instruction; or
    - (ii) driver assessment; or
  - (b) the person is a heavy vehicle driver assessor who is with a driver for the purposes of driver assessment; or
  - (c) the person is a driving supervisor who is with a person who holds a learner licence (a *learner driver*) while the learner driver drives a motor vehicle that displays, or ought to display, L-plates on a road or road related area.
- (2) A police officer or authorised person may require the person to do any or all of the following:
- (a) produce the person’s Australian driver licence;

- (b) state the person's name;
  - (c) state the person's date of birth;
  - (d) state the person's home address.
- (3) A person commits an offence if the person fails to comply with a request made by a police officer or authorised person under subsection (2).

Maximum penalty: 20 penalty units.

*Note* It is an offence to produce false or misleading documents (see [Criminal Code](#), s 339).

- (4) An offence against this section is a strict liability offence.
- (5) It is a defence to a prosecution for an offence against subsection (2) (a) if the defendant proves that the defendant—
- (a) was a driving supervisor, driving instructor or heavy vehicle driver assessor when required to produce the licence; and
  - (b) has a reasonable excuse for failing to produce the licence when required to do so; and
  - (c) within 3 days after being required to produce the licence, produced the licence at a place prescribed by regulation or as directed by the police officer or authorised person.

*Note* A defendant has a legal burden in relation to the matters mentioned in s (4) (see [Criminal Code](#), s 59).

- (6) In this section:
- driver assessment***—see the [Road Transport \(Driver Licensing\) Regulation 2000](#), dictionary.
- driver instruction***—see the [Road Transport \(Driver Licensing\) Regulation 2000](#), dictionary.
- driving instructor***—see the [Road Transport \(Driver Licensing\) Regulation 2000](#), dictionary.

*driving supervisor*—see the *Road Transport (Driver Licensing) Regulation 2000*, section 21 (1).

*heavy vehicle driver assessor*—see the *Road Transport (Driver Licensing) Regulation 2000*, dictionary.

**58B Police officer or authorised person may direct removal of thing covering person's face**

- (1) A police officer or authorised person may direct a person (the *directed person*) to remove anything that covers all or part of the person's face to allow the officer or authorised person to—
  - (a) identify the directed person in the execution of the officer's or authorised person's functions under the road transport legislation; or
  - (b) carry out a test or analysis under the *Road Transport (Alcohol and Drugs) Act 1977*, part 2 (Examination of people for alcohol or drugs).
- (2) Subsection (3) applies if a thing a person is directed to remove is worn by the person for genuine religious or cultural reasons.
- (3) The directed person may ask the officer or authorised person to allow the person to remove the thing in either or both of the following ways:
  - (a) in front of a police officer or an authorised person who is the same sex as the directed person;
  - (b) at a place or in a way (or both) that gives the directed person reasonable privacy to remove the thing.
- (4) If a request is made under subsection (3), the police officer or authorised person must take reasonable steps to comply with the request.

- (5) A failure to comply with subsection (4) does not affect—
- (a) the validity of a thing done or not done by a police officer or authorised person under this section; or
  - (b) the liability of a person under subsection (6).
- (6) A person commits an offence if the person—
- (a) is given a direction under subsection (1); and
  - (b) fails to comply with the direction.
- Maximum penalty: 30 penalty units.
- (7) Strict liability applies to subsection (6) (b).
- (8) It is a defence to a prosecution for an offence against subsection (6) if the defendant proves that the defendant had a medical reason for not removing the thing covering all or part of the person's face.

*Note* A defendant has a legal burden in relation to the matters mentioned in s (8) (see [Criminal Code](#), s 59).

## **59 Seizure of licences**

- (1) A police officer or authorised person may, with no authority other than this section, seize an Australian driver licence, public vehicle driver authority card or external driver licence, or anything resembling an Australian driver licence, public vehicle driver authority card or external driver licence, if—
- (a) it is produced to the police officer or authorised person by someone representing it to be the person's Australian driver licence, public vehicle driver authority card or external driver licence; and

- (b) the police officer or authorised person suspects on reasonable grounds—
- (i) that it has been obtained in contravention of the *Road Transport (Driver Licensing) Act 1999*, section 29 (Obtaining licence by false statements etc), a corresponding law (within the meaning of that Act) or the law of an external territory or foreign country; or
  - (ii) that it is unlawfully in the person's possession; or
  - (iii) that it is required to be returned or surrendered to the road transport authority under the road transport legislation; or
  - (iv) that it is defaced or altered.
- (2) If a person produces an Australian driver licence or external driver licence, or anything resembling an Australian driver licence or external driver licence, to a police officer or authorised person and represents it to be the person's Australian driver licence or external driver licence, the police officer or authorised person may provide the person with adequate writing materials and require the person to provide a specimen of his or her signature on the form approved under section 225 for this subsection or in a way prescribed by regulation.
- (3) A person must not, without reasonable excuse, fail to comply with a request under subsection (2).

Maximum penalty: 20 penalty units.

- (4) The grounds on which a suspicion may be formed, sufficient to authorise the seizure of an Australian driver licence, public vehicle driver authority card or external driver licence or anything else (the *licence or article*) under this section, include (but are not limited to) any 1 or more of the following:
- (a) a lack of resemblance between the person shown in a photograph attached to or forming part of the licence, card or article, purporting to be a photograph of the holder, and the person who produced it;
  - (b) a lack of resemblance between a signature on the licence or article, purporting to be the signature of the holder, and a specimen signature provided by the person who produced the licence or article;
  - (c) a refusal by the person, after producing the licence or article, to comply with a requirement under subsection (2).
- (5) An Australian driver licence, public vehicle driver authority card, external driver licence or anything else seized under this section must be given to the road transport authority as soon as practicable (but within 14 days) after the seizure.
- (6) If the road transport authority is satisfied that an Australian driver licence, public vehicle driver authority card or external driver licence given to the authority was lawfully in the possession of the person who produced it, the authority must return it to the person.
- (7) The road transport authority may deal with anything else given to the authority under this section in the way the authority considers appropriate.

(8) In this section:

*public vehicle driver authority card*—see the *Road Transport (Driver Licensing) Regulation 2000*, dictionary.

**60 Police officer or authorised person may require people to disclose identity of driver**

(1) If the driver of a motor vehicle is alleged to have committed an offence against the road transport legislation—

- (a) the responsible person for the vehicle, or the person in possession of the vehicle, must, when required to do so by a police officer or authorised person, give information (which must, if so required, be given in the form of a written statement signed by the person) about the name and home address of the driver at the time of the offence; and
- (b) anyone else must, when required to do so by a police officer or authorised person, give any information that the person can give that may lead to the identification of the driver.

Maximum penalty: 20 penalty units.

*Note* The responsible person for, or possessor of, a heavy vehicle must disclose the identity of the driver of the heavy vehicle if required under the *Heavy Vehicle National Law (ACT)*, s 567B.

(2) It is a defence to a prosecution for an offence against subsection (1) (a) if the defendant establishes that the defendant did not know and could not with reasonable diligence have found out the driver's name and home address.

(3) If—

- (a) a written statement purporting to be given under subsection (1) (a) is produced in court in a prosecution of the person named in the statement as the driver of a vehicle at the time of an alleged offence against the road transport legislation; and

- (b) the person does not appear before the court; and
- (c) a copy of the statement was served on the person before the proceeding was begun;

the statement is evidence without proof of signature that the named person was the driver of the vehicle at that time.

#### **61 Production of driver licence to court**

- (1) A person who is the holder of a driver licence and is charged with an offence against the road transport legislation must produce his or her driver licence to the court at the hearing of the charge.
- (2) A person must not, without reasonable excuse, fail to comply with subsection (1).

Maximum penalty (subsection (2)): 20 penalty units.

### **Division 4.2 Licence suspension, disqualification and related matters**

#### **61A Definitions—div 4.2**

In this division:

*automatic disqualification provision* means any of the following provisions:

- (a) section 62 (Automatic disqualification for culpable driving);
- (b) section 63 (Automatic disqualification for certain other driving offences);
- (c) *Road Transport (Alcohol and Drugs) Act 1977*, section 32 (which is about automatic disqualification of first offender drivers for exceeding the prescribed blood alcohol concentration);



- (d) *Road Transport (Alcohol and Drugs) Act 1977*, section 33 (which is about automatic disqualification of repeat offender drivers for exceeding the prescribed blood alcohol concentration);
- (e) *Road Transport (Alcohol and Drugs) Act 1977*, section 34 (which is about automatic disqualification for other offences against that Act);
- (f) *Road Transport (Driver Licensing) Act 1999*, section 31 (3) (which is about automatic disqualification for repeat offenders for driving while not holding (and never having held) an Australian driver licence);
- (g) *Road Transport (Driver Licensing) Act 1999*, section 32 (5) (which is about automatic disqualification for an offence of driving or fraudulently applying for a driver licence while disqualified, or after licence suspension, cancellation or refusal).

**driver trainer**—see the *Road Transport (Alcohol and Drugs) Act 1977*, dictionary.

**immediate suspension notice** (or **suspension notice**) means a notice under section 61B given to a person for an immediate suspension offence.

**immediate suspension offence** (or **suspension offence**) means an offence against any of the following provisions of the *Road Transport (Alcohol and Drugs) Act 1977* in the circumstances (if any) mentioned for the provision:

- (a) section 19 (Prescribed concentration of alcohol in blood or breath), if the person to whom the offence relates is—
  - (i) a special driver, other than a driver trainer, with a concentration of alcohol in the person's blood or breath that is 0.05g or more per 100mL of blood or 210L of breath; or

- (ii) a driver, other than a special driver, with a concentration of alcohol in the person's blood or breath that is 0.1g or more per 100mL of blood or 210L of breath;
- (b) section 22 (Refusing to provide breath sample);
- (c) section 23 (Refusing blood test etc);
- (d) section 24 (Driving under the influence of intoxicating liquor or a drug);
- (e) an offence prescribed for the *Road Transport (Alcohol and Drugs) Act 1977*, dictionary definition of *disqualifying offence*, paragraph (e) by regulation under that Act.

*interstate driver licence* means a licence (including a conditional licence, learner licence, probationary licence, provisional licence or restricted licence or a driver licence receipt) issued under the law of another State authorising the holder to drive a motor vehicle on a road or road related area.

*special driver*—see the *Road Transport (Alcohol and Drugs) Act 1977*, dictionary.

*suspension notice*—see *immediate suspension notice*.

*suspension offence*—see *immediate suspension offence*.

#### **61AA Meaning of *first offender* and *repeat offender*—div 4.2**

- (1) A person who is convicted or found guilty of a disqualifying offence is a *first offender* in relation to the offence if the person is not a repeat offender in relation to the offence.

- (2) A person who is convicted or found guilty of a disqualifying offence is a *repeat offender* in relation to the offence if—
- (a) the person has been convicted or found guilty of a relevant offence committed at any time before the disqualifying offence was committed (whether or not the person had been convicted or found guilty of the relevant offence when the person committed the disqualifying offence); or
  - (b) the person is convicted or found guilty of 1 or more relevant offences concurrently with being convicted or found guilty of the disqualifying offence, and 1 or more of the relevant offences were committed before the disqualifying offence.
- (3) However, a person who is convicted or found guilty of a disqualifying offence that was committed before the commencement of the *Road Transport (General) Amendment Act 2012*, section 6 is a *repeat offender* in relation to the offence only if—
- (a) the person has been convicted or found guilty of a relevant offence within 5 years before being convicted or found guilty of the disqualifying offence; or
  - (b) the person is convicted or found guilty of 1 or more relevant offences concurrently with being convicted or found guilty of the disqualifying offence, and 1 or more of the relevant offences were committed before the disqualifying offence.
- (4) Subsection (3) and this subsection expire 5 years after the day this section commences.
- (5) In this section:
- disqualifying offence* means—
- (a) for section 62 (Automatic disqualification for culpable driving)—an offence of culpable driving; or
  - (b) for section 63 (Automatic disqualification for certain other driving offences)—an offence mentioned in section 63 (1).

**relevant offence** means any of the following:

- (a) an offence of culpable driving;
- (b) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 5A (1) or (5) (which are about races, attempts on speed records, speed trials etc);
- (c) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 5B (2) or (4) (which are about burnouts and other prohibited conduct);
- (d) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 6 (1) (which is about negligent driving) that occasions death or grievous bodily harm (within the meaning of that section);
- (e) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 7 (1) (which is about furious, reckless or dangerous driving);
- (f) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 8 (1) or (2) (which are about menacing driving).

*Note* **Found guilty**, of an offence, includes having the offence taken into account under the *Crimes (Sentencing) Act 2005*, s 57 (Outstanding additional offences taken into account in sentencing) (see [Legislation Act](#), dict, pt 1).

## **61B Immediate suspension of licence**

- (1) If a police officer believes on reasonable grounds that a person has committed an immediate suspension offence, the police officer must give the person an immediate suspension notice for the offence.
- (2) A suspension notice must include the following information:
  - (a) a unique identifying number;
  - (b) the date and time the notice is given;

- (c) the full name, or surname and initials, and home address of the person;
- (d) particulars of the suspension offence to which the notice relates and, if the offence is against the *Road Transport (Alcohol and Drugs) Act 1977*, section 19 (Prescribed concentration of alcohol in blood or breath), the concentration of alcohol alleged to be present in the person's blood or breath;
- (e) the service number of the police officer who gave the suspension notice;
- (f) a statement telling the person that while the notice is in effect—
  - (i) if the person is the holder of a driver licence—the person's licence is suspended; and
  - (ii) if the person is the holder of an interstate driver licence or an external driver licence—the person's right to drive in the ACT is suspended; and
  - (iii) the person's driver licence must be surrendered to a police officer in accordance with the requirements of the notice; and
  - (iv) if the person is the holder of a driver licence—the person must not drive a vehicle; and
  - (v) if the person is the holder of an interstate driver licence or an external driver licence—the person must not drive a vehicle in the ACT; and
  - (vi) the person is not eligible to apply for a driver licence; and
  - (vii) the person has a right to apply to the Magistrates Court for a stay of the suspension notice;
- (g) a statement telling the person that the notice ceases to have effect if any of the circumstances mentioned in subsection (5) apply;

- (h) anything else prescribed by regulation.
- (3) A suspension notice takes effect as soon as it is served on the person.
- (4) The following provisions apply if a person is served with a suspension notice:
  - (a) if the person is the holder of a driver licence—the person’s licence is suspended;
  - (b) if the person is the holder of an interstate driver licence or an external driver licence—the person’s right to drive in the ACT is suspended;
  - (c) the person must surrender to a police officer the person’s driver licence or, if the person is unable to do so at the time, the person must surrender the licence as soon as practicable in accordance with the requirements of the suspension notice;
  - (d) if the person is the holder of a driver licence—the person must not drive a vehicle;
  - (e) if the person is the holder of an interstate driver licence or an external driver licence—the person must not drive a vehicle in the ACT;
  - (f) the person is not entitled to apply for, or be issued with, a restricted licence during the suspension period.

*Note* A person served with a suspension notice may apply to the Magistrates Court for a stay of the operation of the suspension notice (see s 61F).

- (5) A suspension notice ceases to have effect if—
  - (a) the Magistrates Court orders a stay of the notice; or
  - (b) the chief police officer, or the DPP, gives written notice to the person served with the suspension notice that states that the proceeding for the suspension offence for which the suspension notice was issued is to be withdrawn or discontinued; or

- (c) the proceeding for the suspension offence for which the notice was issued is withdrawn or discontinued; or
  - (d) the suspension offence for which the notice was issued is found proved, dismissed or taken into account by a court; or
  - (e) 90 days have elapsed since the day the notice was served and an event mentioned in paragraph (a), (c) or (d) has not happened in relation to the notice.
- (6) If a person has surrendered their driver licence under a suspension notice and the suspension notice ceases to have effect under subsection (5) the road transport authority must return the driver licence to the person as soon as practicable.

#### **61C Drive while suspension notice in effect**

- (1) A person commits an offence if—
- (a) the person has been served with an immediate suspension notice; and
  - (b) the notice has not ceased to have effect; and
  - (c) the person contravenes section 61B (4) (d) or section 61B (4) (e), whichever applies.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

#### **61D Failure to surrender suspended licence**

- (1) A person commits an offence if the person fails to surrender the person's driver licence when required to do so under section 61B (4) (c).

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.

**61E Surrendered licences**

- (1) This section applies if a driver licence is surrendered to a police officer under section 61B.
- (2) The police officer must give the licence to the road transport authority as soon as practicable (but within 14 days) after the licence is surrendered to the police officer.

**61F Application for stay of suspension notice**

- (1) A person served with a suspension notice under section 61B (Immediate suspension of licence) may apply to the Magistrates Court for a stay of the operation of the suspension notice.
- (2) The application may be made by filing the following documents not later than 28 days after the day the applicant was served with the suspension notice:
  - (a) a notice setting out the grounds of the application;
  - (b) an affidavit in support of the application.
- (3) The registrar must, as soon as practicable after the application is filed—
  - (a) set a hearing date for the application; and
  - (b) give the applicant and the chief police officer written notice of the time and place of the hearing of the application.
- (4) The chief police officer must file any relevant material that the chief police officer proposes to rely on at the hearing of the application, not later than 10 days after the day the chief police officer was given the documents mentioned in subsection (2).
- (5) The registrar must, as soon as practicable after the chief police officer has filed any documents under subsection (4), give the applicant a copy of the documents.



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- (6) Despite any error in a notice under subsection (3) or a failure to give notice under that subsection, the court may hear and decide the application if it is satisfied that the parties—
- (a) knew about the time and place of the hearing; and
  - (b) were not prejudiced by the error or failure.

### **61G Deciding application**

- (1) The Magistrates Court may hear and decide an application under section 61F and may make—
- (a) an order confirming the decision to give the applicant an immediate suspension notice; or
  - (b) an order staying the operation of the suspension notice; or
  - (c) any other order the court considers appropriate.
- (2) However, the court must not make an order under subsection (1) (b) unless satisfied that exceptional circumstances justify making the order.
- (3) The court must take into account the following matters when deciding if exceptional circumstances justify making an order under subsection (1) (b):
- (a) the risk to the safety of other road users;
  - (b) the applicant's need for a licence;
  - (c) the matters contained in the suspension notice;
  - (d) any other matter the court considers relevant.
- (4) In deciding a person's application under section 61F, the court must not decide—
- (a) the guilt or innocence of the person for the offence to which the suspension notice relates; or
  - (b) the imposition or level of a penalty for the offence.

## **62 Automatic disqualification for culpable driving**

- (1) If a court convicts a person, or finds a person guilty, of an offence of culpable driving, the person is automatically disqualified from holding or obtaining a driver licence—
  - (a) for a first offender—for 6 months or, if the court orders a longer period, the longer period; or
  - (b) for a repeat offender—for 24 months or, if the court orders a longer period, the longer period.
- (2) If the Magistrates Court commits the person to the Supreme Court for sentence under the *Magistrates Court Act 1930*, section 92A, subsection (1) applies as if the Supreme Court had convicted the person.
- (3) If the person is already disqualified from holding or obtaining a driver licence, or the person's driver licence is suspended, the disqualification under this section takes effect at the end of the existing disqualification or suspension.
- (4) A disqualification under this section is in addition to any penalty imposed for the offence.

## **63 Automatic disqualification for certain other driving offences**

- (1) This section applies to the following offences:
  - (a) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 5A (1) or (5) (which are about races, attempts on speed records, speed trials etc);
  - (b) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 5B (2) or (4) (which are about burnouts and other prohibited conduct);

- (c) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 6 (1) (which is about negligent driving) that occasions death or grievous bodily harm (within the meaning of that section);
  - (d) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 7 (1) (which is about furious, reckless or dangerous driving);
  - (e) an offence against the *Road Transport (Safety and Traffic Management) Act 1999*, section 8 (1) or (2) (which are about menacing driving).
- (2) If a court convicts a person, or finds a person guilty, of an offence to which this section applies, the person is automatically disqualified from holding or obtaining a driver licence—
- (a) for a first offender—for 3 months or, if the court orders a longer period, the longer period; or
  - (b) for a repeat offender—for 12 months or, if the court orders a longer period, the longer period.
- (3) If the person is already disqualified from holding or obtaining a driver licence, or the person's driver licence is suspended, the disqualification under this section takes effect at the end of the existing disqualification or suspension.
- (4) A disqualification under this section is in addition to any penalty imposed for the offence.

## **64 Court may order disqualification for other offences**

- (1) A court that convicts a person, or finds a person guilty, of an offence against the road transport legislation may disqualify the person from holding or obtaining a driver licence for the period the court considers appropriate.

- (2) However, if the offence is an offence against an automatic disqualification provision, any order under subsection (1) is subject to the automatic disqualification period for the offence.
- (3) If the court disqualifies the person, the person is disqualified from holding or obtaining a driver licence for the period ordered by the court.
- (4) A disqualification under this section is in addition to any penalty imposed for the offence.

*Note* A court may also order that a driver is disqualified from obtaining or holding an Australian driver licence under the *Heavy Vehicle National Law (ACT)*, s 598A.

## 65 Disqualification until court order

- (1) This section applies if—
  - (a) a person is disqualified (whether or not by court order) from holding or obtaining a driver licence because of being convicted, or found guilty, of an offence, or offences, against the road transport legislation or any other territory law; and
  - (b) the total period of disqualification (the ***compulsory disqualification period***) is 12 months or more.
- (2) If the court that convicts the person, or finds the person guilty, of an offence mentioned in subsection (1) is satisfied, after considering the matters mentioned in subsection (7) and any other matters the court considers relevant, that it is necessary in the public interest to do so, the court may disqualify the person from holding or obtaining a driver licence from the end of the compulsory disqualification period until the disqualification is set aside under subsection (3).
- (3) If a court is satisfied, on application by a person who is disqualified under subsection (2) and after considering the matters mentioned in subsection (7) and any other matters the court considers relevant, that the disqualification is no longer necessary in the public interest, it may set the disqualification aside.

- (4) An application under subsection (3) must be given to the registrar of the court with an affidavit of the applicant setting out the grounds of the application.
- (5) The respondents to an application are the road transport authority and the chief police officer.
- (6) If the Magistrates Court commits a person mentioned in subsection (1) to the Supreme Court for sentence under the *Magistrates Court Act 1930*, section 92A, subsection (2) applies as if the Supreme Court had convicted the person.
- (7) For subsection (2) or (3), the court must consider the following matters:
  - (a) the total period for which the person concerned is, or has been, disqualified from holding or obtaining a driver licence;
  - (b) the person's history of offences (including offences for which infringement notices were served on the person)—
    - (i) against the road transport legislation or a law of another jurisdiction corresponding to it (or to part of it); or
    - (ii) against another law of any jurisdiction in relation to the use of motor vehicles;
  - (c) any relevant rehabilitation or remedial action undertaken, or to be undertaken, by the person;
  - (d) the risk to the safety of other road users.
- (8) In this section:

*infringement notice* includes a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

**66 Effect of disqualification**

- (1) If a person is disqualified (whether or not by court order) from holding or obtaining a driver licence because of being convicted, or found guilty, by a court of an offence against a territory law, the disqualification operates to cancel any driver licence held by the person at the time of his or her disqualification.
- (2) The cancellation takes effect at the same time as the disqualification.
- (3) If a person is disqualified from holding or obtaining an Australian driver licence in another jurisdiction because of being convicted, or found guilty, by a court of that jurisdiction for an offence against the law of that jurisdiction, the disqualification has effect in the ACT as if it were a disqualification from holding or obtaining a driver licence made under a territory law because the person had been convicted by an ACT court of an offence against a territory law.
- (4) If the holder of a driver licence is disqualified as mentioned in subsection (1) or (3), the person must surrender the licence—
  - (a) if the person is present at the court, the court is an ACT court and the person is in possession of his or her driver licence—to the registrar immediately after being disqualified; or
  - (b) in any other case—to the road transport authority as soon as practicable (but within 14 days) after being disqualified.

Maximum penalty: 20 penalty units.

- (5) If a driver licence is surrendered to the registrar of a court, the registrar must give the licence to the road transport authority.
- (6) Subject to any other provision of this division, a person who is disqualified from holding or obtaining a driver licence is not eligible to apply for, or be issued with, another driver licence, other than a restricted licence, during the period of disqualification.

*Note 1* Sections 66A to 67C affect the eligibility of a person to apply for or be issued with a restricted licence.

*Note 2* The following provisions of the road transport legislation also contain limitations on the issue of restricted licences:

- s 45 (3) (which is about suspension in relation to an infringement notice)
- s 88 (4) (which is about suspension or disqualification for default in payment of an outstanding fine)
- the *Road Transport (Driver Licensing) Act 1999*, s 18 (4), s 19 (7), s 20 (3) and s 21 (7) (which are about suspension or licence ineligibility under the demerit points system)
- the *Road Transport (Driver Licensing) Act 1999*, s 33 (5) (which is about cancellation of a restricted licence because of contravention of its conditions)
- the *Road Transport (Driver Licensing) Regulation 2000*.

**66A Person disqualified in another jurisdiction not eligible for restricted licence**

- (1) This section applies to a person if the person is disqualified from holding or obtaining an Australian driver licence in another jurisdiction.
- (2) The person is not eligible to apply for, or be issued with, a restricted licence during the period of disqualification.

**67 Disqualified repeat offender not eligible for restricted licence—automatic disqualification provisions**

- (1) This section applies to a person if the person is—
  - (a) disqualified from holding or obtaining a driver licence under an automatic disqualification provision; and
  - (b) a repeat offender for the offence to which the disqualification relates.
- (2) The person is not eligible to apply for, or be issued with, a restricted driver licence during the period of disqualification.

**67A Eligibility of disqualified first offender for restricted licence—automatic disqualification provisions**

- (1) This section applies to a person if the person is—
  - (a) disqualified from holding or obtaining a driver licence under an automatic disqualification provision; and
  - (b) a first offender for the offence to which the disqualification relates.
- (2) Subsection (3) applies to the person if—
  - (a) the person is disqualified from holding or obtaining a driver licence under the *Road Transport (Alcohol and Drugs) Act 1977*, section 32 (Automatic driver licence disqualification—first offenders, s 19) because the person was convicted or found guilty of an offence against that Act, section 19; and
  - (b) when the person committed the offence the person was either—
    - (i) a special driver with a concentration of alcohol of 0.05g or more in 100mL of the person’s blood or 210L of the person’s breath; or
    - (ii) a driver other than a special driver with a concentration of alcohol of 0.1g or more in 100mL of the person’s blood or 210L of the person’s breath when the person committed the offence.
- (3) The person is not eligible to apply for, or be issued with, a restricted licence during the period of disqualification.
- (4) Subsection (5) applies to the person if the person is disqualified from holding or obtaining a driver licence under an automatic disqualification provision, other than the *Road Transport (Alcohol and Drugs) Act 1977*, section 32.



- (5) The person is not eligible to apply for, or be issued with, a restricted licence until the end of the minimum period of disqualification applying to the person under the automatic disqualification provision in relation to the offence (whether or not the period is expressed to be such a minimum period).

**Examples—minimum periods of disqualification**

- 1 For s 62, the minimum period of disqualification is 6 months (see s 62 (1) (a)).
- 2 For the *Road Transport (Alcohol and Drugs) Act 1977*, s 34, the minimum period of disqualification is 6 months (see that Act, s 34 (1) (b)).
- 3 For the *Road Transport (Driver Licensing) Act 1999*, s 32 (1), (2) or (3), the minimum period of disqualification is 12 months (see that Act, s 32 (5) (a)).

*Note 1* The *Road Transport (Alcohol and Drugs) Act 1977*, s 32 applies to first offenders and only applies for this section if the offender has a limited concentration of alcohol in his or her blood or breath. That Act, s 33, applies to repeat offenders.

*Note 2* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see *Legislation Act*, s 126 and s 132).

- (6) In this section:

*special driver*—see the *Road Transport (Alcohol and Drugs) Act 1977*, *dictionary*.

**67B Person disqualified until court order not eligible for restricted licence**

- (1) This section applies to a person if the person is disqualified from holding or obtaining a driver licence under section 65 (Disqualification until court order).
- (2) The person is not eligible to apply for, or be issued with, a restricted licence during the period of disqualification.

**67C Disqualification while holder of restricted licence**

- (1) This section applies to a person who is the holder of a restricted licence and is disqualified (whether or not by court order) from holding or obtaining a driver licence because of being convicted or found guilty by a court in Australia of an offence against the law of any jurisdiction.
- (2) The person is not eligible to apply for, or be issued with, another restricted licence for the remainder of the period for which the person was originally disqualified from holding or obtaining a driver licence.

**68 When licence disqualification takes effect**

If a person is disqualified (whether or not by court order) from holding or obtaining a driver licence because of being convicted or found guilty by a court in Australia of an offence against the law of any jurisdiction, the disqualification takes effect from the time of the conviction or finding or, if the court orders a later date, on the later date.

**69 Multiple disqualifications cumulative unless court orders otherwise**

If—

- (a) a person is disqualified (whether or not by court order) from holding or obtaining an Australian driver licence because of being convicted or found guilty by a court in Australia of an offence against the law of any jurisdiction; and
- (b) before the period of disqualification has ended, the person is again so disqualified;

the periods of disqualification are cumulative unless a court in Australia orders otherwise.

**70 Additional powers of court**

The powers of a court under this division are additional to the other powers of the court.

**71 Effect on disqualification of quashing of conviction etc**

- (1) This section applies if—
  - (a) a person is disqualified (whether or not by court order) from holding or obtaining a driver licence because of being convicted or found guilty by a court in Australia of an offence against the law of any jurisdiction; and
  - (b) the conviction or finding is quashed or set aside.
- (2) The disqualification ceases to have effect, and any driver licence cancelled because of the disqualification is taken not to have been so cancelled.

**Division 4.3 Evidentiary provisions in relation to road transport legislation**

**72 Certificate evidence and other evidentiary provisions**

- (1) A certificate that appears to be signed by or on behalf of the road transport authority or the CTP regulator, and states any of the following matters, is evidence of:
  - (a) a matter that appears in or can be worked out from the demerit points register or driver licence register kept under the *Road Transport (Driver Licensing) Act 1999*;
  - (b) a matter that appears in or can be worked out from (or does not appear in or cannot be worked out from) the registrable vehicles register kept under the *Road Transport (Vehicle Registration) Act 1999*;

- (c) a matter that appears in, or can be worked out from, the CTP insurer licence register kept under the *Road Transport (Third-Party Insurance) Act 2008*;
  - (d) a matter that appears in or can be worked out from any other record kept by the authority under the road transport legislation.
- (2) A certificate mentioned in subsection (1) may state a matter by reference to a date or period.
  - (3) A certificate that appears to be signed by or on behalf of the road transport authority or the CTP regulator, and states any matter prescribed by regulation for this section, is evidence of the matter.
  - (4) A court may admit as evidence a document issued under the law of another jurisdiction, an external territory or foreign country that relates to—
    - (a) whether a person has or does not have an Australian driver licence or external driver licence, the extent of the authority given by such a licence and any conditions of such a licence; or
    - (b) whether a person is or was disqualified from holding or obtaining an Australian driver licence or external driver licence and the circumstances of any such disqualification; or
    - (c) any offence against a law of that other jurisdiction corresponding to the road transport legislation (or a provision of it), or against another law of that jurisdiction in relation to the use of a motor vehicle or driver licensing, of which a person has been convicted or found guilty, or for which an infringement notice has been served on a person, including any penalty imposed or other order made in relation to the offence and any disqualification from holding or obtaining an Australian driver licence applying to the person because of the offence; or

- (d) demerit points incurred by a person; or
  - (e) anything else prescribed by regulation.
- (5) A court may admit as evidence a document that is issued under a law of another jurisdiction corresponding to this section and that relates to—
- (a) the registration or non-registration of a registrable vehicle; or
  - (b) a person recorded on a register of registrable vehicles, kept under the law of that jurisdiction that corresponds to the *Road Transport (Vehicle Registration) Act 1999*, as a registered operator of a registrable vehicle; or
  - (c) the GCM, GVM, load capacity or identification of a motor vehicle; or
  - (d) anything else about the use of registrable vehicles on roads or road related areas.
- (6) A court must accept a certificate or other document mentioned in this section as proof of the matters stated in it if there is no evidence to the contrary.
- (7) A court may or must admit into evidence other documents prescribed by regulation in the circumstances prescribed by regulation.
- (8) In a proceeding in a court, proof that a registrable vehicle does not have a numberplate on it issued under the *Road Transport (Vehicle Registration) Act 1999* is evidence that the vehicle is not registered if there is no evidence to the contrary.
- (9) In this section:
- GCM**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.
- GVM**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

*infringement notice* means a notice (however described) served on a person under the law of another jurisdiction that gives the person the option of paying an amount for an offence instead of being charged with the offence.

### 73 Acts and omissions of representatives

- (1) In this section:

*representative* means—

- (a) for a corporation—an executive officer, employee or agent of the corporation; or
- (b) for an individual—an employee or agent of the individual.

*state of mind*, of a person, includes—

- (a) the person's knowledge, intention, opinion, belief or purpose; and
  - (b) the person's reasons for the intention, opinion, belief or purpose.
- (2) This section applies to a prosecution for any offence against the road transport legislation.
- (3) If it is relevant to prove a person's state of mind about an act or omission, it is enough to show—
- (a) the act was done or omission made by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.

- (4) An act done or omitted to be done on behalf of a person by a representative of the person within the scope of the representative's actual or apparent authority is taken to have been done or omitted to be done also by the person, unless the person establishes that reasonable precautions were taken and appropriate diligence was exercised to avoid the act or omission.
- (5) An individual who is convicted of an offence cannot be punished by imprisonment for the offence if the individual would not have been convicted of the offence without subsection (3) or (4).

## **Division 4.4                      Proceedings for offences under road transport legislation**

### **74                      Proceedings for offences**

An offence against the road transport legislation may be prosecuted summarily before the Magistrates Court.

### **75                      Short descriptions of offences**

- (1) An offence against the road transport legislation is sufficiently stated or described in an information, summons, subpoena, warrant, notice, order or other document, if it is stated or described using—
  - (a) the short description prescribed by regulation for the offence;  
or
  - (b) an expression substantially the same as the short description.
- (2) This section does not affect any other way of stating or describing an offence.

## Division 4.5 Miscellaneous

### 76 Speed inhibitor conditions

- (1) A regulation may—
  - (a) provide that any driver licence held by a person who has been convicted, or found guilty, of an offence against the *Road Transport (Safety and Traffic Management) Act 1999* prescribed by regulation for this section is automatically subject, or may be ordered by a court to be subject, to a speed inhibitor condition; and
  - (b) provide a penalty for breach of a speed inhibitor condition; and
  - (c) prescribe any matter necessary or convenient to be prescribed in relation to devices mentioned in subsection (2), definition of *speed inhibitor condition*.
- (2) In this section:

*speed inhibitor condition* means a condition limiting a driver licence to the driving of a motor vehicle to which is fitted a sealed device preventing the engine from propelling the vehicle at more than the speed prescribed by regulation for this definition.

### 77 Compensation for loss of time etc

- (1) If an information is laid by anyone (except a police officer, an authorised person or the road transport authority) for an offence against the road transport legislation and the proceeding is dismissed or withdrawn, the court may order the person to pay to the defendant, as well as any costs or disbursements, compensation for loss of time or anything else.
- (2) Subsection (1) extends to a court hearing an appeal in the proceeding.



**78 Effect on certain cancellations of quashing of conviction etc**

- (1) This section applies if—
  - (a) a person's driver licence is cancelled (whether or not by court order) because the person is convicted or found guilty by a court in Australia of an offence against a law of any jurisdiction; and
  - (b) the conviction or finding is quashed or set aside; and
  - (c) section 71 (Effect on disqualification of quashing of conviction etc) does not apply to the cancellation.
- (2) From the time the conviction or finding is quashed or set aside, the driver licence is taken not to have been so cancelled.

**79 Registrar to provide particulars of convictions, orders etc**

- (1) This section applies if a court—
  - (a) convicts a person, or finds a person guilty, of an offence—
    - (i) against the road transport legislation; or
    - (ii) of culpable driving; or
  - (b) makes an order against a person under the road transport legislation.
- (2) The registrar must give particulars of the conviction, finding or order to the road transport authority.

## Part 5 Further provisions about vehicles, roads and road related areas

### Division 5.1 Police powers

#### 80 Power of entry for tracing stolen motor vehicles or trailers or their parts

A police officer authorised by the chief police officer may—

- (a) at any reasonable time, enter any premises or place where the business of carrying out repairs, resulting from accidents, to damaged motor vehicles or trailers is ordinarily carried on; and
- (b) inspect any motor vehicle or trailer, or part of a motor vehicle or trailer, in or on the premises or place to find out whether it is a stolen motor vehicle, trailer or part.

#### 81 Use of tyre deflation devices

- (1) The chief police officer may authorise police officers to use tyre deflation devices.
- (2) Subsection (1) applies despite any other territory law that would prohibit or restrict the use of tyre deflation devices by police officers.
- (3) In this section:

*tyre deflation devices* means any device or substance designed to cause the deflation of vehicle tyres.

## **Division 5.2 Unauthorised use of vehicles**

### **82 Motor vehicles or trailers not to be used without owner's consent**

- (1) A person must not use a motor vehicle or trailer without the owner's consent and without a reasonable excuse.

Maximum penalty: 20 penalty units.

- (2) This section does not apply to—
- (a) a police officer acting in the exercise of his or her functions under a territory law; or
  - (b) anyone else acting with the authority, or under the direction of, a police officer acting in the exercise of his or her functions under a territory law.

### **83 Procuring use or hire of motor vehicle or trailer by fraud etc**

A person must not procure the use or hire of a motor vehicle or trailer by fraud or misrepresentation.

Maximum penalty: 20 penalty units.

## **Division 5.3 Written-off vehicles register**

### **83A Purposes of div 5.3**

The purposes of this division are—

- (a) to curtail trade in stolen vehicles by preventing vehicle information about written-off vehicles, particularly vehicle identifiers, being used to register stolen vehicles; and
- (b) to facilitate inspection of written-off vehicles that have been repaired; and

- (c) to make information available to prospective purchasers about whether a vehicle has previously been written-off.

### **83B Definitions for div 5.3**

In this division:

*total loss*—see section 83C.

*vehicle identifier* means—

- (a) for a vehicle manufactured before 1 January 1989—
  - (i) if the vehicle has a chassis or engine number—the number; or
  - (ii) in any other case—any number permanently marked by the vehicle’s manufacturer on the vehicle for its identification; or
- (b) for a vehicle manufactured after 31 December 1988—
  - (i) if the vehicle has a vehicle identification number allocated in accordance with an Australian Design Rule—the number; or
  - (ii) in any other case—any number permanently marked by the vehicle’s manufacturer on the vehicle for its identification; or
- (c) if a number mentioned in paragraph (a) or (b) has been replaced by the road transport authority or an entity of another jurisdiction that corresponds to the authority—the replacement number.

*written-off* vehicle means—

- (a) a vehicle that is assessed by a person prescribed by regulation to be a total loss; or
- (b) a vehicle that a person prescribed by regulation begins to demolish or dismantle.

*written-off vehicles register* means the written-off vehicles register under section 83D.

### **83C When a vehicle is a *total loss***

For this division, a vehicle is a *total loss* if the vehicle has been damaged by any event to the extent that its fair salvage value plus the cost of repairing the vehicle for use on a road or road related area would be more than its fair market value immediately before the event that caused the damage.

#### **Examples of events that may damage a vehicle**

collision, fire, flood, accident, trespass, dismantling and demolition

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

### **83D Written-off vehicles register**

- (1) The road transport authority must keep a written-off vehicles register.
- (2) The register may include information given to the road transport authority under this Act and any other information the authority considers appropriate.
- (3) The register may be kept in the form of, or as part of, 1 or more computer databases or in any other form the road transport authority considers appropriate.
- (4) The road transport authority may correct any mistake, error or omission in the register subject to the requirements (if any) of the regulations.
- (5) The road transport authority may authorise a person to make entries in the register.
- (6) This section does not limit the functions of the road transport authority in relation to the register.

### **83E Security and disclosure of information in register**

The road transport authority must ensure that information in the written-off vehicles register is kept securely and disclosed only in accordance with this Act or another law in force in the ACT.

*Note 1* The Information Privacy Principles apply to the road transport authority. Principle 4 states requirements about the storage and security of personal information and principle 11 states when personal information may be disclosed by an agency (see [Privacy Act 1988](#) (Cwlth), s 14).

*Note 2* Access to the register may be sought under the [Freedom of Information Act 1989](#) (which also provides that certain information is exempt from disclosure).

### **83F Regulations about written-off vehicles**

- (1) A regulation may make provision in relation to written-off vehicles and the written-off vehicles register, including—
  - (a) the vehicles to which this division applies; and
  - (b) when a prescribed person must give information to the road transport authority about a written-off vehicle, the kind of information that must be given, and how the information is to be given; and
  - (c) the disclosure of information in the register.
- (2) In particular, a regulation may make provision in relation to—
  - (a) vehicles recorded as written-off vehicles under the law of another jurisdiction; and
  - (b) matters relating to notices for, and the placement of notices on, written-off vehicles; and
  - (c) matters relating to the removal, defacement or destruction of vehicle identifiers on written-off vehicles; and

- (d) the keeping of records by prescribed people or the doing of anything else by prescribed people in relation to written-off vehicles; and
- (e) the entry of information into the written-off vehicles register by a person or the doing of anything else in relation to the register.

## Part 6 Fine defaulters

### 84A Meaning of *revocation notice*—pt 6

In this part:

*revocation notice* means a notice under the *Crimes (Sentence Administration) Act 2005*, section 116M (2) that—

- (a) an arrangement for the payment of an outstanding fine has been approved; or
- (b) an outstanding fine has been paid; or
- (c) a fine has been remitted; or
- (d) a person has completed serving a period of imprisonment in relation to an outstanding fine; or
- (e) the conviction or order that gave rise to a person's liability to pay a fine has been quashed or set aside.

### 84 Suspension of driver licence, registration etc for default of court imposed fine

- (1) This section applies if the road transport authority is notified under the *Crimes (Sentence Administration) Act 2005*, section 116M (1) that a person has defaulted in payment of an outstanding fine.

*Note* The *Crimes (Sentence Administration) Act 2005*, s 116M (1) requires the director-general mentioned in that Act to notify the road transport authority if a person has defaulted on a court imposed fine.

- (2) The road transport authority must—
  - (a) send the person a written notice (a *fine enforcement notice*) that contains the information required by subsection (3); and



- (b) if the outstanding fine is not paid before the enforcement date in the fine enforcement notice—take action under subsection (5) (the *fine enforcement action*) on the enforcement date.
- (3) A fine enforcement notice must state—
- (a) particulars of the default notice and the reminder notice for the outstanding fine to which the fine enforcement notice relates; and
- Note* The *Crimes (Sentence Administration) Act 2005*, deals with default notices (see s 116H (1)) and reminder notices (see s 116J (1)).
- (b) that if the person does not pay the outstanding fine before a stated date (the *enforcement date*), the authority will take fine enforcement action on the enforcement date; and
- (c) any information prescribed by regulation; and
- (d) any other information that the road transport authority considers appropriate.
- (4) However, the enforcement date must not be earlier than 10 days after the day the fine enforcement notice is sent to the person.
- (5) If the road transport authority is required to take fine enforcement action, the authority must—
- (a) suspend the person’s driver licence; or
- (b) if the person is not the holder of a driver licence but is the sole registered operator of—
- (i) 1 motor vehicle—suspend the registration of the vehicle; or
- (ii) 2 or more motor vehicles—suspend the registration of 1 vehicle for each outstanding fine, starting with the vehicle with the shortest period of registration left; or

- (c) if the person is not the holder of a driver licence and is not the sole registered operator of a motor vehicle—disqualify the person from obtaining a driver licence; or
- (d) if the person is the holder of an interstate driver licence or an external driver licence—suspend the person’s right to drive a vehicle in the ACT.

**85 Notification and duration of suspension of driver licence, registration etc**

- (1) Fine enforcement action under this part takes effect on the enforcement date stated in the notice sent to the person under section 84 (2).
- (2) If the road transport authority takes fine enforcement action under section 84 (5), the authority must send a fine enforcement confirmation notice to the person that states—
  - (a) the enforcement date; and
  - (b) the action that was taken on the enforcement date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.
- (3) A suspension of a driver licence under this part remains in force until:
  - (a) the suspension is revoked under this part; or
  - (b) the licence expires or is cancelled under the road transport legislation.
- (4) A suspension of a motor vehicle registration under this part remains in force until—
  - (a) the suspension is revoked under this part; or

- (b) the registration expires or is cancelled under the *Road Transport (Vehicle Registration) Act 1999*.
- (5) The disqualification of a person from obtaining a driver licence under this part remains in force until revoked under this part.

**86 Revocation of suspension of driver licence, registration etc**

- (1) If the road transport authority is given a revocation notice for a person, the road transport authority must revoke the relevant suspension or disqualification under this part and give the person written notice of the revocation.
- (2) The revocation does not affect—
  - (a) a suspension of a driver licence; or
  - (b) a suspension of a motor vehicle registration; or
  - (c) a disqualification from holding or obtaining a driver licence;in relation to the person under another part or any other territory law.

**87 Revocation of suspension on transfer of registration**

The road transport authority must revoke the suspension under this part of a motor vehicle registration if the registration is transferred under the *Road Transport (Vehicle Registration) Act 1999* and the fine defaulter is no longer the registered operator (or a registered operator) of the vehicle.

**88 Renewal etc of driver licence or registration prohibited**

- (1) If a person's driver licence is suspended under this part, the road transport authority may renew the licence, or issue another driver licence to the person, only if the road transport authority has been given a revocation notice for the person.

- (2) If a motor vehicle registration in a person's name is suspended under this part, the road transport authority may renew the registration of the vehicle in the person's name only if the road transport authority has been given a revocation notice for the person.
- (3) If a person is disqualified from obtaining a driver licence under this part, the road transport authority may issue a driver licence to the person, or register a motor vehicle in the person's name, only if the road transport authority has been given a revocation notice for the person.
- (4) A person who is not entitled to the renewal or issue of a driver licence because of subsection (1) or (3) is not entitled to apply for, or be issued with, a restricted licence.

**89 Suspension to be concurrent**

- (1) The period for which a person's driver licence is suspended under this part is concurrent with any uncompleted period of a driver licence suspension applying to the person under another part or any other territory law, subject to any order by a court in relation to the lastmentioned suspension.
- (2) The period for which a motor vehicle registration is suspended under this part is concurrent with any uncompleted period for which the motor vehicle registration is suspended under another part or any other territory law, subject to any order by a court in relation to the lastmentioned suspension.
- (3) The period for which a person is disqualified from obtaining a driver licence under this part is concurrent with any uncompleted period for which the person is so disqualified under another part or any other territory law, subject to any order by a court in relation to the lastmentioned disqualification.

## Part 7 Notification and review of decisions

### 90 Definitions—pt 7

In this part:

**CTP arbitrator** means an arbitrator under the *Road Transport (Third-Party Insurance) Act 2008*, section 45.

**decision-maker** means—

- (a) the Minister; or
- (b) the road transport authority; or
- (c) the chief police officer; or
- (d) the CTP regulator; or
- (e) a CTP arbitrator.

*Note* **CTP regulator**—see the *Road Transport (Third-Party Insurance) Act 2008*, s 273 (see this Act, s 8).

**internally reviewable decision** means a decision prescribed by regulation, other than a decision made personally by—

- (a) the Minister; or
- (b) the chief police officer; or
- (c) the CTP regulator; or
- (d) a CTP arbitrator.

**internal reviewer**—see section 92A.

**internal review notice**—see the *ACT Civil and Administrative Tribunal Act 2008*, section 67B (1).

**reviewable decision**—see section 90A.

**90A Meaning of *reviewable decision* etc—pt 7**

- (1) For this part, a *reviewable decision* is—
  - (a) an internal reviewer’s decision in relation to an internally reviewable decision; or
  - (b) a decision-maker’s decision (other than an internally reviewable decision) prescribed by regulation.
- (2) For the *ACT Civil and Administrative Tribunal Act 2008*, section 9 (Applications under authorising laws), the road transport legislation is taken to be a single authorising law.

**91 Internal review notices**

If a decision-maker makes an internally reviewable decision, the decision-maker must give an internal review notice to each person affected by the decision.

*Note 1* The decision-maker must also take reasonable steps to give an internal review notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67B).

*Note 2* The requirements for internal review notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

**91A Applications for internal review**

- (1) A person whose interests are affected by an internally reviewable decision may apply to the decision-maker for review of the decision.
- (2) The application must—
  - (a) be in writing; and
  - (b) state the applicant’s name and address; and
  - (c) set out the applicant’s reasons for making the application.

*Note* If a form is approved under s 225 for the application, the form must be used.

- (3) The application must be given to the decision-maker within—
- (a) 28 days after the day the applicant is given the internal review notice for the decision; or
  - (b) any longer period allowed by the decision-maker before or after the end of the 28-day period.

*Note* Section 95 provides for ACAT review of reviewable decisions that are not internally reviewable decisions.

## **92 Applications not stay internally reviewable decisions**

The making of an application for review of an internally reviewable decision does not affect the operation of the decision.

### **92A Internal reviewer**

The decision-maker must arrange for a person (the *internal reviewer*) who did not make the internally reviewable decision to review the decision.

## **93 Review by internal reviewer**

- (1) The internal reviewer for an internally reviewable decision must review the decision.
- (2) The review must happen within 28 days (the *28-day period*) after the day the decision-maker receives the application for review of the internally reviewable decision.
- (3) The internal reviewer must—
  - (a) confirm the decision; or
  - (b) vary the decision; or
  - (c) set aside the decision and substitute the reviewer's own decision.
- (4) If the decision is not varied or set aside within the 28-day period, the decision is taken to have been confirmed by the internal reviewer.

## 94 Reviewable decision notices

If an internal reviewer or decision-maker makes a reviewable decision, the reviewer or decision-maker must give a reviewable decision notice to each person affected by the decision.

*Note 1* The internal reviewer or decision-maker must also take reasonable steps to give a reviewable decision notice to any other person whose interests are affected by the decision (see *ACT Civil and Administrative Tribunal Act 2008*, s 67A).

*Note 2* The requirements for reviewable decision notices are prescribed under the *ACT Civil and Administrative Tribunal Act 2008*.

## 95 Applications for review

The following may apply to the ACAT for review of a reviewable decision:

- (a) for an internal reviewer's decision in relation to an internally reviewable decision—a person to whom an internal review notice is required to be given in relation to the decision;
- (b) any other person whose interests are affected by the decision.

*Note* If a form is approved under the *ACT Civil and Administrative Tribunal Act 2008* for the application, the form must be used.



## Part 8 Fees, charges and other amounts payable under road transport legislation

### 96 Determination of fees, charges and other amounts

- (1) The Minister may determine fees, charges and other amounts payable under the road transport legislation.

*Note* The [Legislation Act](#) contains provisions about the making of determinations and regulations relating to fees (see pt 6.3)

- (2) Without limiting subsection (1), a fee, charge or other amount may be determined in relation to—

- (a) a service or facility provided under the road transport legislation; or
- (b) any other service or facility provided for road users or particular road users, including, for example, a service or facility for, or to improve, road safety or transport efficiency; or
- (c) the grant, issue, revocation, renewal or variation of, or the doing of anything else in relation to, an approval, authority, certificate, exemption, licence, permission, permit or registration or anything else under the road transport legislation.

- (3) A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (4) A reference in this part to a *fee, charge or other amount* includes a reference to a fee, charge or other amount that is a tax.

(5) In this section:

***Minister*** means the Minister for the time being administering the provision of the road transport legislation for which the fee, charge or other amount is determined.

***road transport legislation*** includes the *Heavy Vehicle National Law (ACT)*.

## **Part 11**                      **Miscellaneous**

### **Division 11.1**              **Documents**

#### **225**              **Approved forms**

- (1) The road transport authority may approve forms for the road transport legislation.
- (2) If the road transport authority approves a form for a particular purpose, the approved form must be used for that purpose.

*Note*        For other provisions about forms, see the [Legislation Act](#), s 255

- (3) An approved form is a notifiable instrument.

*Note*        A notifiable instrument must be notified under the [Legislation Act](#).

#### **229**              **Regulations may apply certain documents etc**

- (1) A regulation may apply a publication of the National Transport Commission approved, or of matters approved, by the Australian Transport Council or any other instrument as in force from time to time.

*Note 1*      The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the [Legislation Act](#), s 47 (5) or (6) is not disapplied (see s 47 (7)).

*Note 2*      A notifiable instrument must be notified under the [Legislation Act](#).

- (2) For a regulation, a regulation may define a term defined by this Act (or apply the definition of a term in an instrument mentioned in subsection (1))—
  - (a) in the same (or in substantially the same) way as it is defined by this Act; or
  - (b) by reference to a matter included in the term as defined by this Act; or

- (c) by reference to a combination of matters included in the term as defined by this Act and in any other term defined by this Act; or
  - (d) for applying a publication of the National Transport Commission approved, or of matters approved, by the Australian Transport Council—in the same way as it is defined in the publication despite anything in this Act or other road transport legislation.
- (3) In this section:
- publication of the National Transport Commission* includes—
- (a) a document published by or for the National Road Transport Commission under the *National Road Transport Commission Act 1991* (Cwlth); and
  - (b) a document published for the National Transport Commission.

*Note*     The Commonwealth Act mentioned in par (a) has been repealed and replaced by the *National Transport Commission Act 2003* (Cwlth).

## Division 11.2            Other matters

### 230            Indemnity from personal liability for honest and good faith carrying out of duties

- (1) An individual is not civilly liable for an act or omission done honestly and in good faith in the exercise of a function under the road transport legislation.
- (2) A liability that would, apart from subsection (1), attach to an individual attaches instead to the Territory.
- (3) An individual is not civilly or criminally liable for carrying out a test or examination under the *Road Transport (Driver Licensing) Act 1999* and expressing to the road transport authority, in good faith, an opinion formed because of having carried out the test or examination.

- (4) An individual is not civilly or criminally liable for reporting to the road transport authority, in good faith, information that discloses or suggests that—
- (a) someone else is or may be unfit to drive; or
  - (b) it may be dangerous to allow someone else to hold, to be issued or to have renewed, a driver licence or a variation of a driver licence.

**231 Person not to hinder or obstruct**

- (1) A person must not, without reasonable excuse, hinder or obstruct a police officer, an authorised person or anyone else in the exercise of a function under the road transport legislation.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) In this section:

*hinder or obstruct*, a person mentioned in subsection (1), includes fail to give the person information requested by the person.

**232 False or misleading statements**

A person must not, for or in relation to the road transport legislation—

- (a) state anything to the road transport authority, a police officer or an authorised person that the person knows is false or misleading in a material particular; or
- (b) omit from a statement made to the road transport authority, a police officer or an authorised person anything without which the statement is, to the person's knowledge, misleading in a material particular.

Maximum penalty: 20 penalty units.

### **233            General regulation-making power**

- (1) The Executive may make regulations for this Act.

*Note*     A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) The Executive may also make regulations under this Act, not inconsistent with another road transport Act, prescribing matters—

- (a) required or permitted by the other road transport Act to be prescribed (whether or not the other road transport Act expressly provides for the matters to be prescribed under this Act or that Act); or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to the other road transport Act.

- (3) A regulation may also prescribe offences for contraventions of a regulation and prescribe maximum penalties of not more than 20 penalty units for offences against a regulation.

- (4) In this section:

***another road transport Act*** means an Act (other than this Act) mentioned in section 6 (What is the road transport legislation?).

*Note*     A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

### **234            Regulations may exclude vehicles, people and animals from Act**

- (1) A regulation may—
- (a) exempt a vehicle, person or animal prescribed under the regulation from this Act (or a stated provision of this Act); or
- (b) authorise the road transport authority to exempt a vehicle, person or animal prescribed under the regulation from this Act (or a stated provision of this Act).

- (2) An exemption granted under a regulation mentioned in subsection (1) may be subject to conditions.
- (3) A regulation may provide for the road transport authority to—
  - (a) suspend the operation of any regulation mentioned in subsection (1) (a) in the way and circumstances prescribed by regulation; or
  - (b) suspend the operation of an exemption given by the authority to a vehicle, person or animal in the way and circumstances prescribed by regulation.

### **235 References to Motor Traffic Act, Traffic Act etc**

- (1) In any Act, instrument made under an Act or document, a reference to an earlier law is, in relation to anything to which this Act applies, a reference to this Act.
- (2) In this section:

*earlier law* means any of the following:

  - (a) *Motor Traffic Act 1936*;
  - (b) *Motor Traffic Regulations 1934*;
  - (c) *Motor Vehicle (Third Party Insurance) Regulations 1947*;
  - (d) *Traffic Act 1937*.

## Part 13

# Transitional—Road Transport (General) Amendment Act 2012 (No 2)

### 300 Meaning of *commencement day*—pt 13

In this part:

*commencement day* means the day this part commences.

### 301 Existing infringement notice declaration

- (1) This section applies if, immediately before the commencement day, an existing infringement notice declaration had not been finally dealt with.
- (2) This Act, as in force immediately before the commencement day, continues to apply to the existing infringement notice declaration.
- (3) In this section:

*existing infringement notice declaration* means any of the following:

- (a) an illegal user declaration mentioned in section 38 (Illegal user declarations), as in force immediately before the commencement day;
- (b) a known user declaration mentioned in section 39 (Known user declarations), as in force immediately before the commencement day;
- (c) a sold vehicle declaration mentioned in section 40 (Sold vehicle declarations), as in force immediately before the commencement day;
- (d) an unknown user declaration mentioned in section 41 (Unknown user declarations), as in force immediately before the commencement day.



*finally dealt with*—an infringement notice declaration is *finally dealt with* if—

- (a) the time for any appeal or review in relation to the declaration has ended; or
- (b) any appeal or review in relation to the declaration has been decided or withdrawn.

### **302 Transitional regulations**

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the [Road Transport \(General\) Amendment Act 2012 \(No 2\)](#).
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.
- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act.

### **303 Expiry—pt 13**

This part expires 3 years after the commencement day.

*Note* Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

## Dictionary

(see s 4)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACAT
- ACT
- administrative unit
- Australian citizen
- chief police officer
- Commonwealth
- director-general (see s 163)
- entity
- exercise
- found guilty (of an offence)
- function
- home address
- instrument
- internal territory
- public employee
- registrar
- reviewable decision notice
- State
- statutory declaration
- the Territory.

*Note 3* This dictionary defines some key words and expressions that may not be used in this Act but are used in other road transport legislation.

*Note 4* If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see s 8).

**administering authority**, for an infringement notice offence, means the entity that, under the regulations, is the administering authority for the offence.

**alcohol awareness course**—see the [Road Transport \(Driver Licensing\) Regulation 2000](#), section 73I.

**all reasonable steps**—

- (a) for division 3.3 (Infringement notice offences involving registrable vehicles—responsible person’s liability)—see section 32; and
- (b) for division 3.3A (Demerit points offences—corporation’s liability)—see section 41.

**another jurisdiction** means a jurisdiction other than the ACT.

**approved average speed detection system**—see the [Road Transport \(Safety and Traffic Management\) Act 1999](#), dictionary.

**approved camera detection device**—see the [Road Transport \(Safety and Traffic Management\) Act 1999](#), dictionary.

**approved community work or social development program**, for part 3 (Infringement notices for certain offences)—see section 21A.

**Australian Design Rule**—see the [Road Transport \(Vehicle Registration\) Regulation 2000](#), schedule 1, section 1.11 and section 1.13.

**Australian driver licence**—see the [Road Transport \(Driver Licensing\) Act 1999](#), dictionary.

**Australian Road Rules**—see the [Road Transport \(Safety and Traffic Management\) Regulation 2000](#), section 5.

*Note* The Australian Road Rules are applied in the ACT under the [Road Transport \(Safety and Traffic Management\) Regulation 2000](#). They are to be read with, and as if they formed part of, that regulation (see s 6 (1)).

**Australian Transport Council**—see the [National Transport Commission Act 2003](#) (Cwlth), section 4.

**authorised person** means—

- (a) for part 3 (Infringement notices for certain offences)—see section 53A (3); and
- (b) in any other case—
  - (i) a person who is appointed as an authorised person under section 19 for the provision; or
  - (ii) a person who, under the regulations, is an authorised person for the provision.

**automatic disqualification provision**, for division 4.2 (Licence suspension, disqualification and related matters)—see section 61A.

**bicycle** means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor) and—

- (a) includes a pedicab, penny-farthing and tricycle; and
- (b) includes a power-assisted pedal cycle within the meaning of vehicle standards determined under the [Motor Vehicle Standards Act 1989](#) (Cwlth), section 7; but
- (c) does not include a wheelchair, wheeled recreational device, wheeled toy, or any vehicle (other than a vehicle mentioned in paragraph (b)) with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating).

*Note 1* **Power-assisted pedal cycle** is defined in the [Vehicle Standard \(Australian Design Rule—Definitions and Vehicle Categories\) 2005](#) which are vehicle standards determined under the [Motor Vehicles Standards Act 1989](#) (Cwlth), s 7. The definition includes a vehicle referred to as a pedalec.

*Note 2* **Wheelchair, wheeled recreational device** and **wheeled toy**—see the [Australian Road Rules](#), dictionary.

**camera-detected offence** means an offence detected by an approved camera detection device or an approved average speed detection system.

**combination** means a group consisting of a motor vehicle connected to 1 or more other vehicles.

**conditional licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**corporation's vehicle**, for division 3.3A (Demerit points offences—corporation's liability)—see section 40.

**credit card** includes a debit card.

**CTP arbitrator**, for part 7 (Notification and review of decisions)—see section 90.

**date of service**, of an infringement notice or reminder notice that has been, or is to be, served on a person, means the date the notice is served on the person.

**decision-maker**, for part 7 (Notification and review of decisions)—see section 90.

**demerit points offence**—see the *Road Transport (Driver Licensing) Act 1999*, section 13.

**drive**, a vehicle, includes—

- (a) be in control of the steering, movement or propulsion of the vehicle; and
- (b) if the vehicle is a trailer—draw or tow the vehicle; and
- (c) if the vehicle can be ridden—ride the vehicle.

**driver**, of a vehicle, means the person driving the vehicle.

**driver licence**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

**driver licence receipt**—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

***driver trainer***, for division 4.2 (Licence suspension, disqualification and related matters)—see section 61A.

***drug awareness course***—see the [Road Transport \(Driver Licensing\) Regulation 2000](#), section 73R.

***executive officer***, of a corporation, means a person, however described and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management.

***external driver licence***—see the [Road Transport \(Driver Licensing\) Act 1999](#), dictionary.

*Note* An external driver licence is a foreign driver licence or an external territory driver licence.

***first offender***, for division 4.2 (Licence suspension, disqualification and related matters)—see section 61AA.

***heavy vehicle infringement notice offence***, for part 3 (Infringement notices for certain offences)—see section 21A.

***illegal user declaration***, for part 3 (Infringement notices for certain offences)—see section 21A.

***immediate suspension notice*** (or ***suspension notice***), for division 4.2 (Licence suspension, disqualification and related matters)—see section 61A.

***immediate suspension offence*** (or ***suspension offence***), for division 4.2 (Licence suspension, disqualification and related matters)—see section 61A.

***infringement notice***—see section 24 (6) (Infringement notices).

***infringement notice declaration***, for part 3 (Infringement notices for certain offences)—see section 21A.

***infringement notice management plan***, for part 3 (Infringement notices for certain offences)—see section 31A.

***infringement notice offence*** means an offence prescribed by regulation as an infringement notice offence.

***infringement notice penalty***, for a person for an infringement notice offence, means—

- (a) the amount prescribed by regulation as the penalty payable by the person for the offence under an infringement notice for the offence; or
- (b) if a reminder notice has also been served on the person for the offence—the total of the amount mentioned in paragraph (a) and the amount prescribed by regulation as the amount payable by the person for the cost of serving the reminder notice.

***internally reviewable decision***, for part 7 (Notification and review of decisions)—see section 90.

***internal reviewer***, for part 7 (Notification and review of decisions)—see section 92A.

***internal review notice*** for part 7 (Notification and review of decisions)—see the [ACT Civil and Administrative Tribunal Act 2008](#), section 67B (1).

***jurisdiction*** means a State, the Commonwealth or an internal territory, including the ACT.

***known user declaration***, for part 3 (Infringement notices for certain offences)—see section 21A.

***learner licence***—see the [Road Transport \(Driver Licensing\) Act 1999](#), dictionary.

***motor vehicle*** means a vehicle built to be propelled by a motor that forms part of the vehicle.

***National Transport Commission***—see the [National Transport Commission Act 2003](#) (Cwlth), section 5.

***offence of culpable driving***, for a person, means—

- (a) an offence against the [Crimes Act 1900](#), section 29 (Culpable driving); or
- (b) any other offence against the [Crimes Act 1900](#) if a necessary fact to constitute the offence is that someone dies or is injured because of, or as a result of, the way a person drove a motor vehicle.

***probationary licence***—see the [Road Transport \(Driver Licensing\) Act 1999](#), dictionary.

***provisional licence***—see the [Road Transport \(Driver Licensing\) Act 1999](#), dictionary.

***registered***, for a vehicle, means registered under the [Road Transport \(Vehicle Registration\) Act 1999](#).

***registered operator***—see the [Road Transport \(Vehicle Registration\) Act 1999](#), dictionary.

***registrable vehicle***—see the [Road Transport \(Vehicle Registration\) Act 1999](#), dictionary.

***relevant circumstances***, of a person, for part 3 (Infringement notices for certain offences)—see section 21A.

***reminder notice***—see section 27 (2) (Reminder notice—service and contents).

***repeat offender***, for division 4.2 (Licence suspension, disqualification and related matters)—see section 61AA.

***responsible director-general***, for part 3 (Infringement notices for certain offences)—see section 21A.

***responsible person***, for a vehicle—see section 10 and section 11.

***restricted licence***—see the [Road Transport \(Driver Licensing\) Act 1999](#), dictionary.



**reviewable decision**, for part 7 (Notification and review of decisions)—see section 90A (1).

**revocation notice**, for part 6 (Fine defaulters)—see section 84A.

**ride**, for the rider of a motorbike or an animal-drawn vehicle, includes be in control of the vehicle.

**rider**, of a vehicle that can be ridden, means the person who is riding the vehicle.

**road** means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, but does not include an area that would otherwise be a road so far as a declaration under section 12 (Power to include or exclude areas in road transport legislation) declares that this Act does not apply to the area.

**road related area** means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) a shoulder of a road; or
- (f) any other area that is open to or used by the public so far as a declaration under section 12 (Power to include or exclude areas in road transport legislation) declares that this Act applies to the area;

but does not include an area that would otherwise be a road related area so far as a declaration under that section declares that this Act does not apply to the area.

**road transport authority** (or **authority**)—see section 16.

**road transport legislation**—see section 6.

**sold vehicle declaration**, for part 3 (Infringement notices for certain offences)—see section 21A.

**special driver**, for division 4.2 (Licence suspension, disqualification and related matters)—see section 61A.

**suspension notice**—see *immediate suspension notice*.

**suspension offence**—see *immediate suspension offence*.

**taxi**—see the *Road Transport (Public Passenger Services) Act 2001*, section 45.

**total loss**, in relation to a vehicle for division 5.3 (Written-off vehicles register)—see section 83C.

**tracked vehicle** means a vehicle that moves on wheels inside endless tracks.

**Example—tracked vehicle**

bulldozer

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

**trader's plate**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

**traffic** includes vehicle and pedestrian traffic.

**trailer** means a vehicle being towed, or built to be towed, by a motor vehicle, but does not include a motor vehicle being towed.

**unknown user declaration**, for part 3 (Infringement notices for certain offences)—see section 21A.

**use** a vehicle includes drive, park or stop the vehicle on a road or road related area.

**vehicle** means—

- (a) any vehicle, including a tracked vehicle, other than a vehicle that is used exclusively on railways or tramways; or
- (b) anything else prescribed as a vehicle by regulation.

**vehicle identifier**, for division 5.3 (Written-off vehicles register)—see section 83B.

**written-off vehicle**, for division 5.3 (Written-off vehicles register)—see section 83B.

**written-off vehicles register**, for division 5.3 (Written-off vehicles register)—see section 83B.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

**Road Transport (General) Act 1999 A1999-77**

notified 23 December 1999 ([Gaz 1999 No S65](#))

s 1, s 2 commenced 23 December 1999 (IA s 10B)

remainder commenced 1 March 2000 ([Gaz 2000 No S5](#))

as modified by

**Road Transport (Offences) Regulations 2000 SL2000-11 pt 5 (as amended by SL2000-22, SL2000-57)**

notified 29 February 2000 ([Gaz 2000 No S6](#))

s 1, s 2 commenced 29 February 2000 (IA s 10B)

pt 5 commenced 1 March 2000 (s 2 and [Gaz 2000 No S5](#))

as amended by

**Road Transport Legislation Amendment Act 2000 A2000-4 pt 2**

notified 1 March 2000 ([Gaz 2000 No S8](#))

commenced 1 March 2000 (s 2)

**Road Transport Legislation Amendment Regulations SL2000-22 pt 2**

notified 18 May 2000

commenced 18 May 2000 (reg 2)

*Note* This regulation only amends the [Road Transport \(Offences\) Regulations 2000 SL2000-11](#).

**Road Transport (Offences) Regulations Amendment SL2000-57 s 6**

notified 21 December 2000 ([Gaz 2000 No S69](#))

s 1, s 2 commenced 21 December 2000 (IA s 10B)

s 6 commenced 28 December 2000 (s 2)

*Note* This regulation only amends the [Road Transport \(Offences\) Regulations 2000 SL2000-11](#).

**Road Transport Legislation Amendment Act 2001 A2001-27 sch 3**

notified 24 May 2001 ([Gaz 2001 No 21](#))

s 1, s 2 commenced 24 May 2001 (IA s 10B)

sch 3 commenced 24 May 2001 (s 2)

## Endnotes

3 Legislation history

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**Legislation (Consequential Amendments) Act 2001 A2001-44 pt 340**

notified 26 July 2001 ([Gaz 2001 No 30](#))

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 340 commenced 12 September 2001 (s 2 and see [Gaz 2001 No S65](#))

**Road Transport (Public Passenger Services) Act 2001 A2001-62 pt 1.5**

notified 10 September 2001 ([Gaz 2001 No S66](#))

s 1, s 2 commenced 10 September 2001 (IA s 10B)

pt 1.5 commenced 1 December 2001 (s 2 and [CN2001-2](#))

**Road Transport (Public Passenger Services) Amendment Act 2001 A2001-94 sch 1**

notified LR 27 September 2001

s 1, s 2 commenced 27 September 2001 (LA s 75 (1))

sch 1 commences 1 March 2002 (s 2 and [CN2002-2](#))

**Road Transport Legislation Amendment Act 2002 A2002-23 pt 3**

notified LR 9 September 2002

s 1, s 2 commenced 9 September 2002 (LA s 75 (1))

ss 10-12 commenced 10 September 2002 (s 2 (1))

s 13, s 14 commenced 28 January 2003 (s 2 (3) and [CN2002-16](#))

**Statute Law Amendment Act 2002 A2002-30 pt 3.68**

notified LR 16 September 2002

s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))

pt 3.68 commenced 17 September 2002 (s 2 (1))

**Civil Law (Wrongs) Act 2002 A2002-40 div 3.2.11**

notified LR 10 October 2002

s 1, s 2 commenced 10 October 2002 (LA s 75 (1))

div 3.2.11 commenced 1 November 2002 (s 2 (2) and [CN2002-13](#))

**Statute Law Amendment Act 2002 (No 2) A2002-49 pt 3.22**

notified LR 20 December 2002

s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))

pt 3.22 commenced 17 January 2003 (s 2 (1))

**Criminal Code 2002 No 51 pt 1.18**

notified LR 20 December 2002  
s 1, s 2 commenced 20 December 2002 (LA s 75 (1))  
pt 1.18 commenced 1 January 2003 (s 2 (1))

**Civil Law (Wrongs) Amendment Act 2003 A2003-6 pt 3**

notified LR 27 March 2003  
s 1, s 2 commenced 27 March 2003 (LA s 75 (1))  
pt 3 commenced 28 March 2003 (s 2)

**Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.81**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 2 pt 2.81 commenced 9 April 2004 (s 2 (1))

**Road Transport (General) Amendment Act 2004 A2004-24**

notified LR 19 May 2004  
s 1, s 2 commenced 19 May 2004 (LA s 75 (1))  
remainder commenced 20 May 2004 (s 2)

**Court Procedures (Consequential Amendments) Act 2004 A2004-60 sch 1 pt 1.67**

notified LR 2 September 2004  
s 1, s 2 commenced 2 September 2004 (LA s 75 (1))  
sch 1 pt 1.67 commenced 10 January 2005 (s 2 and see [Court Procedures Act 2004 A2004-59](#), s 2 and [CN2004-29](#))

**Road Transport (Public Passenger Services) (Hire Cars) Amendment Act 2004 A2004-69 pt 5**

notified LR 9 September 2004  
s 1, s 2 commenced 9 September 2004 (LA s 75 (1))  
pt 5 commenced 9 March 2005 (s 2 and LA s 79)

**Road Transport (General) Amendment Act 2004 A2004-73**

notified LR 15 December 2004  
s 1, s 2 commenced 15 December 2004 (LA s 75 (1))  
remainder commenced 16 December 2004 (s 2)

## Endnotes

3 Legislation history

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**Statute Law Amendment Act 2005 A2005-20 sch 1 pt 1.4, sch 3 pt 3.56**

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

sch 1 pt 1.4, sch 3 pt 3.56 commenced 2 June 2005 (s 2 (1))

**Road Transport (Third-Party Insurance) Act 2008 A2008-1 sch 1 pt 1.6  
(as am by A2008-39 s 4)**

notified LR 26 February 2008

s 1, s 2 commenced 26 February 2008 (LA s 75 (1))

sch 1 pt 1.6 commenced 1 October 2008 (s 2 as am by A2008-39 s 4)

**ACT Civil and Administrative Tribunal Legislation Amendment  
Act 2008 (No 2) A2008-37 sch 1 pt 1.91**

notified LR 4 September 2008

s 1, s 2 commenced 4 September 2008 (LA s 75 (1))

sch 1 pt 1.91 commenced 2 February 2009 (s 2 (1) and see [ACT Civil and Administrative Tribunal Act 2008 A2008-35](#), s 2 (1) and [CN2009-2](#))

**Road Transport (Third-Party Insurance) Amendment Act 2008  
A2008-39**

notified LR 22 August 2008

s 1, s 2 commenced 22 August 2008 (LA s 75 (1))

remainder commenced 23 August 2008 (s 2)

*Note* This Act only amends the [Road Transport \(Third-Party Insurance\) Act 2008 A2008-1](#).

**Road Transport (Mass, Dimensions and Loading) Act 2009 A2009-22  
sch 1 pt 1.5**

notified LR 3 September 2009

s 1, s 2 commenced 3 September 2009 (LA s 75 (1))

sch 1 pt 1.5 commenced 3 March 2010 (s 2 and LA s 79)

**Statute Law Amendment Act 2009 (No 2) A2009-49 sch 3 pt 3.62**

notified LR 26 November 2009

s 1, s 2 commenced 26 November 2009 (LA s 75 (1))

sch 3 pt 3.62 commenced 17 December 2009 (s 2)

**Statute Law Amendment Act 2010 A2010-18 sch 3 pt 3.14**

notified LR 13 May 2010

s 1, s 2 commenced 13 May 2010 (LA s 75 (1))

sch 3 pt 3.14 commenced 3 June 2010 (s 2)



**Crimes (Sentence Administration) Amendment Act 2010 A2010-21 sch 1 pt 1.8**

notified LR 30 June 2010  
s 1, s 2 commenced 30 June 2010 (LA s 75 (1))  
sch 1 pt 1.8 commenced 1 July 2010 (s 2)

**Road Transport (General) Amendment Act 2010 A2010-39 pt 2**

notified LR 5 October 2010  
s 1, s 2 commenced 5 October 2010 (LA s 75 (1))  
ss 3-5 commenced 1 December 2010 (s 2 and [CN2010-16](#))  
pt 2 remainder commenced 5 April 2011 (s 2 and LA s 79)

**Road Transport (Alcohol and Drugs) Legislation Amendment Act 2010 A2010-47 pt 5**

notified LR 25 November 2010  
s 1, s 2 commenced 25 November 2010 (LA s 75 (1))  
pt 5 commenced 1 December 2010 (s 2 (2) and see [Road Transport \(Alcohol and Drugs\) \(Random Drug Testing\) Amendment Act 2010 A2010-27](#), s 2 and [CN2010-15](#))

**Road Transport Legislation Amendment Act 2011 A2011-14 pt 3**

notified LR 11 May 2011  
s 1, s 2 commenced 1 May 2011 (LA s 75 (1))  
pt 3 commenced 3 June 2011 (s 2 and [CN2011-7](#))

**Road Transport (Alcohol and Drugs) Legislation Amendment Act 2011 A2011-15 pt 5**

notified LR 12 May 2011  
s 1, s 2 commenced 12 May 2011 (LA s 75 (1))  
pt 5 commenced 13 May 2011 (s 2)

**Administrative (One ACT Public Service Miscellaneous Amendments) Act 2011 A2011-22 sch 1 pt 1.135**

notified LR 30 June 2011  
s 1, s 2 commenced 30 June 2011 (LA s 75 (1))  
sch 1 pt 1.135 commenced 1 July 2011 (s 2 (1))

**Road Transport (Safety and Traffic Management) Amendment Act 2011 A2011-38 sch 1**

notified LR 28 September 2011  
s 1, s 2 commenced 28 September 2011 (LA s 75 (1))  
sch 1 commenced 15 January 2012 (s 2 and [CN2011-15](#))

## Endnotes

3 Legislation history

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**Justice and Community Safety Legislation Amendment Act 2011 (No 3) A2011-49 sch 1 pt 1.9**

notified LR 22 November 2011  
s 1, s 2 commenced 22 November 2011 (LA s 75 (1))  
sch 1 pt 1.9 commenced 23 November 2011 (s 2 (1))

**Statute Law Amendment Act 2011 (No 3) A2011-52 sch 3 pt 3.48**

notified LR 28 November 2011  
s 1, s 2 commenced 28 November 2011 (LA s 75 (1))  
sch 3 pt 3.48 commenced 12 December 2011 (s 2)

**Road Transport (General) Amendment Act 2012 A2012-7**

notified LR 3 April 2012  
s 1, s 2 commenced 3 April 2012 (LA s 75 (1))  
remainder commenced 4 April 2012 (s 2)

**Road Transport (General) Amendment Act 2012 (No 2) A2012-16**

notified LR 15 May 2012  
s 1, s 2 commenced 15 May 2012 (LA s 75 (1))  
s 4, ss 9-12, s 29, s 30 commenced 15 May 2014 (s 2 (2))  
remainder commenced 15 November 2012 (s 2 and LA s 79)

**Statute Law Amendment Act 2012 A2012-21 sch 3 pt 3.39**

notified LR 22 May 2012  
s 1, s 2 commenced 22 May 2012 (LA s 75 (1))  
sch 3 pt 3.39 commenced 5 June 2012 (s 2 (1))

**Road Transport (General) (Infringement Notices) Amendment Act 2012 A2012-24**

notified LR 24 May 2012  
s 1, s 2 commenced 24 May 2012 (LA s 75 (1))  
remainder commenced 24 May 2013 (s 2 (2))

**Road Transport Legislation Amendment Act 2013 A2013-13 pt 3**

notified LR 17 April 2013  
s 1, s 2 commenced 17 April 2013 (LA s 75 (1))  
pt 3 commenced 24 May 2013 (s 2 (2) and see [Road Transport \(General\) \(Infringement Notices\) Amendment Act 2012 A2012-24](#) s 2 (2))

**Road Transport (General) Amendment Act 2013 A2013-16**

notified LR 22 May 2013  
s 1, s 2 commenced 22 May 2013 (LA s 75 (1))  
remainder commenced 23 May 2013 (s 2)

**Statute Law Amendment Act 2013 A2013-19 sch 3 pt 3.38**

notified LR 24 May 2013  
s 1, s 2 commenced 24 May 2013 (LA s 75 (1))  
sch 3 pt 3.38 commenced 14 June 2013 (s 2)

**Road Transport Legislation Amendment Act 2013 (No 2) A2013-24 pt 5**

notified LR 17 June 2013  
s 1, s 2 commenced 17 June 2013 (LA s 75 (1))  
pt 5 awaiting commencement (s 2)

*Note* default commencement under s 2 (2): 17 June 2014 (default commencement under LA s 79 does not apply to this Act)

**Justice and Community Safety Legislation Amendment Act 2013 (No 4) A2013-45 sch 1 pt 1.4**

notified LR 11 November 2013  
s 1, s 2 commenced 11 November 2013 (LA s 75 (1))  
sch 1 pt 1.4 commenced 12 November 2013 (s 2)

**Heavy Vehicle National Law (Consequential Amendments) Act 2013 A2013-52 pt 8**

notified LR 9 December 2013  
s 1, s 2 commenced 9 December 2013 (LA s 75 (1))  
pt 8 commenced 10 February 2014 (s 2 and see [Heavy Vehicle National Law \(ACT\) Act 2013 A2013-51](#), s 2 (1) and [CN2014-2](#))

## Endnotes

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### 4 Amendment history

#### Preliminary

pt 1 hdg note am [A2001-44](#) amdt 1.3733; [A2001-62](#) amdt 1.10  
om [A2005-20](#) amdt 3.358

#### Name of Act

s 1 am [A2005-20](#) amdt 3.359; [A2008-1](#) amdt 1.15; [A2009-22](#)  
amdt 1.8; [A2013-52](#) s 18, s 19

#### Commencement

s 2 om [A2001-27](#) amdt 3.34

#### Objects of Act

s 3 am [A2005-20](#) amdt 3.360

#### Dictionary

s 4 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### Notes

s 5 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 5 am [A2001-44](#) amdt 1.3734; [A2002-30](#) amdt 3.717  
(2), (3) exp 17 September 2002 (s 5 (3))

#### Offences against this Act—application of Criminal Code etc

s 5A ins [A2010-47](#) s 129  
am [A2012-7](#) s 4; [A2012-16](#) s 4

#### What is the road transport legislation?

s 6 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 6 am [A2001-44](#) amdt 1.3735, amdt 1.3736 [A2001-62](#) amdt 1.11;  
R4 LA (see [A2001-62](#) amdt 1.12); [A2008-1](#) amdt 1.16;  
pars renum R21 LA  
sub [A2009-22](#) amdt 1.9  
am [A2013-52](#) s 20; pars renum R42 LA

#### References to Acts and regulations included in road transport legislation

s 7 om [A2001-44](#) amdt 1.3737

#### Application of definitions in other road transport legislation

s 8 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### General relationship with other laws

s 9 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 9 am [A2001-27](#) amdt 3.35; [A2001-44](#) amdt 1.3738  
(2)-(4) exp 1 March 2002 (s 9 (4))

#### Who is a responsible person for a vehicle

s 10 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 10 pars renum R7 LA  
am [A2005-20](#) amdts 3.361-3.363; [A2009-22](#) amdt 1.10  
sub [A2012-16](#) s 5

**Rights, liabilities and obligations of multiple responsible persons**

s 11 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 11 am [A2002-49](#) amdt 3.226; [A2012-16](#) s 6

**Power to include or exclude areas in road transport legislation**

s 12 am [A2001-44](#) amdt 1.3739; [A2012-21](#) amdt 3.155

**Power to exclude vehicles, persons or animals from road transport legislation**

s 13 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 13 am [A2001-44](#) amdt 1.3740; [A2012-21](#) amdt 3.155

**Application orders and emergency orders**

s 14 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 14 am [A2001-44](#) amdt 1.3741; [A2012-21](#) amdt 3.155

**Database of declarations and orders made under div 2.4**

s 15 om [A2001-44](#) amdt 1.3742

**Road transport authority**

s 16 am [A2002-30](#) amdt 3.718; [A2011-22](#) amdt 1.388; [A2011-49](#)  
 amdt 1.17; ss renum R32 LA

**Delegation of road transport authority's functions**

s 17 sub [A2002-30](#) amdt 3.719

**Delegation of chief police officer's functions**

s 18 sub [A2002-30](#) amdt 3.719

**Authorised people**

s 19 hdg sub [A2010-18](#) amdt 3.31  
 s 19 am [A2001-27](#) amdt 3.36, amdt 3.37; [A2002-23](#) s 11; [A2002-30](#)  
 amdt 3.720, amdt 3.721

**Identity cards**

s 20 am [A2002-23](#) s 12; [A2009-22](#) amdt 1.11, amdt 1.12; [A2013-52](#)  
 s 21

**Power not to be exercised before identity card shown**

s 21 am [A2009-22](#) amdt 1.13; [A2013-52](#) s 21

**Definitions—pt 3**

s 21A ins [A2012-16](#) s 7  
 def **approved community work or social development program** ins [A2013-13](#) s 6  
 def **heavy vehicle infringement notice offence** ins [A2013-52](#)  
 s 22  
 def **illegal user declaration** ins [A2012-16](#) s 7  
 def **infringement notice** ins [A2012-16](#) s 7  
 def **infringement notice declaration** ins [A2012-16](#) s 7  
 def **infringement notice management plan** ins [A2013-13](#) s 6  
 def **known user declaration** ins [A2012-16](#) s 7

## Endnotes

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def **relevant circumstances** ins [A2013-13](#) s 6  
def **reminder notice** ins [A2012-16](#) s 7  
def **responsible director-general** ins [A2013-13](#) s 6  
def **sold vehicle declaration** ins [A2012-16](#) s 7  
def **unknown user declaration** ins [A2012-16](#) s 7

### **Purpose and effect of pt 3**

s 22 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 22 am [A2013-13](#) s 7

### **Regulations about infringement notice offences**

s 23 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 23 am [A2002-30](#) amdt 3.722

### **Infringement and reminder notices**

div 3.2 hdg sub [A2012-16](#) s 8

### **Infringement notices**

s 24 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 24 am [A2002-30](#) amdt 3.723; [A2005-20](#) amdt 1.19; ss renum  
R20 LA (see [A2005-20](#) amdt 1.20)  
sub [A2012-16](#) s 8  
am [A2013-52](#) s 23, s 24; ss renum R42 LA

### **Infringement notices—contents**

s 25 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 25 sub [A2012-16](#) s 8

### **Infringement notice—payment of penalty etc**

s 26 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 26 am [A2002-30](#) amdt 3.724; [A2011-38](#) amdt 1.1  
sub [A2012-16](#) s 8  
am [A2012-24](#) s 4; [A2013-13](#) s 8; pars renum R39 LA;  
[A2013-52](#) s 25; [A2012-16](#) s 9

### **Reminder notice—service and contents**

s 27 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 27 am [A2002-30](#) amdt 3.725  
sub [A2012-16](#) s 8

### **Action on service of reminder notice—payment of penalty etc**

s 28 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 28 am [A2002-30](#) amdt 3.725  
sub [A2012-16](#) s 8  
am [A2012-24](#) s 5; [A2013-13](#) s 9; pars renum R39 LA;  
[A2013-52](#) s 26; [A2012-16](#) s 10

### **Extension of time to do things**

s 29 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 29 sub [A2012-16](#) s 8

**Extension of time—guidelines**

s 30 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 30 sub [A2012-16](#) s 8

**Application for payment of penalty by instalments**

s 30A ins [A2012-24](#) s 6  
om [A2013-13](#) s 10

**Application for payment of penalty by instalments—decision**

s 30B ins [A2012-24](#) s 6  
om [A2013-13](#) s 10

**Application to discharge penalty by community work or social development program**

s 30C ins [A2012-24](#) s 6  
om [A2013-13](#) s 10

**Application to discharge penalty by community work or social development program—decision**

s 30D ins [A2012-24](#) s 6  
om [A2013-13](#) s 10

**Approval of community work or social development program**

s 30E ins [A2012-24](#) s 6  
om [A2013-13](#) s 10

**Application for waiver of penalty**

s 30F ins [A2012-24](#) s 6  
om [A2013-13](#) s 11

**Application for waiver of penalty—decision**

s 30G renum as s 31G

**Time for beginning prosecution for infringement notice offence**

s 31 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 31 am [A2002-30](#) amdt 3.726  
sub [A2012-16](#) s 8  
reloc to div 3.2 [A2013-13](#) s 15  
am [A2013-52](#) s 27, s 28

**Infringement notice management plans**

div 3.2A hdg ins [A2013-13](#) s 10

**Application for infringement notice management plan or addition to plan**

s 31A ins [A2013-13](#) s 10

**Application for infringement notice management plan or addition to plan—decision**

s 31B ins [A2013-13](#) s 10

## Endnotes

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**Approved community work or social development program—responsible director-general’s agreement**

s 31C ins [A2013-13](#) s 10

**Approval of community work or social development program**

s 31D ins [A2013-13](#) s 10

**Effect of refusal of application for infringement notice management plan**

s 31E ins [A2013-13](#) s 10

**Waiver of infringement notice penalties**

div 3.2B hdg ins [A2013-13](#) s 11

**Application for waiver of penalty**

s 31F ins [A2013-13](#) s 11

**Application for waiver of penalty—decision**

s 31G (prev s 30G) ins [A2012-24](#) s 6  
am [A2013-13](#) s 12, s 13  
renum as s 31G [A2013-13](#) s 14

**Effect of refusal of application for waiver of penalty**

s 31H ins [A2013-13](#) s 16

**Infringement notice offences involving registrable vehicles—responsible person’s liability**

div 3.3 hdg sub [A2012-16](#) s 8

**Meaning of *all reasonable steps*—div 3.3**

s 32 am [A2001-44](#) amdt 1.3743; [A2002-30](#) amdt 3.727  
sub [A2012-16](#) s 8

**Responsible person’s obligations**

s 33 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 33 sub [A2012-16](#) s 8  
am [A2012-16](#) s 11; pars renum R43 LA

**Infringement notice—application for withdrawal**

s 34 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 34 sub [A2012-16](#) s 8

**Application for withdrawal—decision**

s 35 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 35 am [A2011-38](#) amdt 1.2  
sub [A2012-16](#) s 8

**Infringement notice—withdrawal**

s 36 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 36 am [A2002-30](#) amdt 3.728; [A2005-20](#) amdt 1.21; ss renum R20  
LA (see [A2005-20](#) amdt 1.22); [A2011-52](#) amdt 3.182  
sub [A2012-16](#) s 8  
am [A2013-13](#) s 17



**Infringement notice—effect of withdrawal on infringement notice management plan**

s 36A ins [A2013-13](#) s 18

**Infringement notice—effect of refusal to withdraw**

s 37 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 37 sub [A2012-16](#) s 8

am [A2013-13](#) ss 19-21

**Infringement notice—guidelines for withdrawal**

s 38 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 38 sub [A2012-16](#) s 8

**Infringement notice—effect of penalty payment etc**

s 39 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 39 sub [A2012-16](#) s 8; [A2013-13](#) s 22

am [A2013-52](#) s 29, s 30

**Demerit points offences—corporation's liability**

div 3.3A hdg ins [A2012-16](#) s 12

**Definitions—div 3.3A**

s 40 hdg bracketed note exp 17 September 2002 (s 5 (3))

om [A2012-16](#) s 8

ins [A2012-16](#) s 12

def *corporation's vehicle* ins [A2012-16](#) s 12

**Meaning of *all reasonable steps*—div 3.3A**

s 41 hdg bracketed note exp 17 September 2002 (s 5 (3))

om [A2012-16](#) s 8

ins [A2012-16](#) s 12

**Demerit points offences—suspension of registration etc**

s 42 hdg bracketed note exp 17 September 2002 (s 5 (3))

om [A2012-16](#) s 8

ins [A2012-16](#) s 12

**Demerit points offence—effect of suspension**

s 43 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 43 om [A2004-15](#) amdt 2.171

ins [A2012-16](#) s 12

**Demerit points offence—review of suspension**

s 43A ins [A2012-16](#) s 12

**Offence—driving interstate corporate vehicle**

s 43B ins [A2012-16](#) s 12

## Endnotes

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### **Suspension for nonpayment of infringement notice penalties**

s 44 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 44 am [A2010-39](#) s 4, s 5; ss renum R27 LA; [A2011-14](#) s 10;  
ss renum R30 LA; [A2012-16](#) s 13, s 14; [A2013-13](#) s 23, s 24;  
pars renum R39 LA; [A2013-45](#) amdt 1.12; [A2013-52](#) s 31,  
s 32

### **Suspension for non-compliance with infringement notice management plan**

s 44A ins [A2013-13](#) s 25  
am [A2013-45](#) amdt 1.13

### **Effect of suspension**

s 45 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Transfer of registration while suspended**

s 46 hdg bracketed note exp 17 September 2002 (s 5 (3))

### **Revocation of suspension—penalty paid, discharged or waived**

s 47 hdg bracketed note exp 17 September 2002 (s 5 (3))  
sub [A2013-13](#) s 26  
s 47 am [A2012-24](#) s 7; [A2013-13](#) s 27

### **Revocation of suspension—management plan being complied with**

s 47A ins [A2012-24](#) s 8  
sub [A2013-13](#) s 28

### **Review of suspension**

s 48 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 48 am [A2004-24](#) ss 4-6; ss renum R15 LA (see [A2004-24](#) s 7)  
sub [A2012-16](#) s 15  
am [A2013-13](#) s 29

### **Effect of revocation of suspension on court order**

s 49 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 49 om [A2012-16](#) s 15

### **Failure to revoke suspension on court order**

s 50 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 50 am [A2004-60](#) amdt 1.629  
om [A2012-16](#) s 15

### **Disputing liability for infringement notice offence**

s 51 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 51 am [A2002-30](#) amdt 3.729, amdt 3.730; [A2012-16](#) s 16

### **Extension of time to dispute liability**

s 52 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 52 om [A2012-16](#) s 17

**Procedure if liability disputed**

s 53 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 53 am [A2005-20](#) amdt 1.23; [A2012-16](#) s 18, s 19; [A2013-13](#) s 30;  
[A2013-52](#) ss 33-36

**Presumption against responsible person**

s 53AA ins [A2012-16](#) s 20

**Authorised people for infringement notice offences**

s 53A hdg sub [A2010-18](#) amdt 3.32  
s 53A ins [A2002-30](#) amdt 3.731  
am [A2013-52](#) ss 37-40

**Delegation of administering authority's functions**

s 54 sub [A2002-30](#) amdt 3.731  
am [A2013-52](#) s 41

**Declarations by corporations**

s 55 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Evidentiary certificates**

s 56 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 56 am [A2002-30](#) amdt 3.732; [A2013-13](#) s 31; pars renum R39 LA

**Costs of application for declaration**

s 57 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 57 om [A2012-16](#) s 21

**Police officer or authorised person may require name, date of birth, address and driver licence—driver or rider**

s 58 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 58 am [A2009-22](#) amdt 1.14  
sub [A2010-47](#) s 130  
am [A2013-52](#) s 42

**Police officer or authorised person may require name, date of birth, address and driver licence—supervisor, instructor or assessor**

s 58A ins [A2009-22](#) amdt 1.15  
am [A2010-18](#) amdt 3.33  
sub [A2010-47](#) s 130

**Police officer or authorised person may direct removal of thing covering person's face**

s 58B ins [A2012-7](#) s 5

**Seizure of licences**

s 59 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 59 am [A2001-44](#) amdt 1.3744; [A2011-14](#) ss 11-15

## Endnotes

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#### **Police officer or authorised person may require people to disclose identity of driver**

s 60 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 60 am [A2013-52](#) s 43

#### **Production of driver licence to court**

s 61 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 61 am [A2002-30](#) amdt 3.733

#### **Licence suspension, disqualification and related matters**

div 4.2 hdg sub [A2010-47](#) s 131

#### **Definitions—div 4.2**

s 61A ins [A2010-47](#) s 131  
def **automatic disqualification provision** ins [A2010-47](#) s 131  
def **driver training** ins [A2011-15](#) s 82  
def **immediate suspension notice** ins [A2010-47](#) s 131  
def **immediate suspension offence** ins [A2010-47](#) s 131  
am [A2011-15](#) s 83  
def **interstate driver licence** ins [A2010-47](#) s 131  
def **special driver** ins [A2010-47](#) s 131  
def **suspension notice** ins [A2010-47](#) s 131  
def **suspension offence** ins [A2010-47](#) s 131

#### **Meaning of first offender and repeat offender—div 4.2**

s 61AA ins [A2012-7](#) s 6  
(3), (4) exp 4 April 2017 (s 61AA (4))

#### **Immediate suspension of licence**

s 61B ins [A2010-47](#) s 131  
am [A2011-14](#) s 16, s 17; pars renum R30 LA

#### **Drive while suspension notice in effect**

s 61C ins [A2010-47](#) s 131

#### **Failure to surrender suspended licence**

s 61D ins [A2010-47](#) s 131

#### **Surrendered licences**

s 61E ins [A2010-47](#) s 131

#### **Application for stay of suspension notice**

s 61F ins [A2010-47](#) s 131

#### **Deciding application**

s 61G ins [A2010-47](#) s 131

#### **Automatic disqualification for culpable driving**

s 62 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 62 am [A2001-27](#) amdts 3.38-3.40; [A2012-7](#) s 7, s 8

**Automatic disqualification for certain other driving offences**

s 63 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 63 am [A2000-4](#) s 4; [A2001-27](#) amdts 3.41-3.44; [A2012-7](#) s 9, s 10

**Court may order disqualification for other offences**

s 64 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 64 am [A2009-22](#) amdt 1.16  
sub [A2010-47](#) s 132  
am [A2013-52](#) s 44

**Disqualification until court order**

s 65 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Effect of disqualification**

s 66 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 66 am [A2010-47](#) s 133; [A2012-16](#) s 22, s 23; [A2013-13](#) s 32

**Person disqualified in another jurisdiction not eligible for restricted licence**

s 66A ins [A2010-47](#) s 133

**Disqualified repeat offender not eligible for restricted licence—automatic disqualification provisions**

s 67 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 67 am [A2001-27](#) amdt 3.45; [A2002-30](#) amdt 3.734  
sub [A2010-47](#) s 134

**Eligibility of disqualified first offender for restricted licence—automatic disqualification provisions**

s 67A ins [A2010-47](#) s 134

**Person disqualified until court order not eligible for restricted licence**

s 67B ins [A2010-47](#) s 134

**Disqualification while holder of restricted licence**

s 67C ins [A2010-47](#) s 134

**When licence disqualification takes effect**

s 68 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Multiple disqualifications cumulative unless court orders otherwise**

s 69 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 69 am [A2001-27](#) amdt 3.46

**Additional powers of court**

s 70 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Effect on disqualification of quashing of conviction etc**

s 71 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Certificate evidence and other evidentiary provisions**

s 72 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 72 am [A2008-1](#) amdts 1.17-1.19

## Endnotes

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#### **Proceedings for offences**

s 74 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Short descriptions of offences**

s 75 am [A2004-60](#) amdt 1.630

#### **Speed inhibitor conditions**

s 76 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Compensation for loss of time etc**

s 77 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Registrar to provide particulars of convictions, orders etc**

s 79 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 79 sub [A2012-16](#) s 24

#### **Power of entry for tracing stolen motor vehicles or trailers or their parts**

s 80 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Use of tyre deflation devices**

s 81 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Motor vehicles or trailers not to be used without owner's consent**

s 82 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Procuring use or hire of motor vehicle or trailer by fraud etc**

s 83 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Written-off vehicles register**

div 5.3 hdg ins [A2002-23](#) s 13

#### **Purposes of div 5.3**

s 83A ins [A2002-23](#) s 13

#### **Definitions for div 5.3**

s 83B ins [A2002-23](#) s 13

#### **When a vehicle is a *total loss***

s 83C ins [A2002-23](#) s 13

#### **Written-off vehicles register**

s 83D ins [A2002-23](#) s 13

#### **Security and disclosure of information in register**

s 83E ins [A2002-23](#) s 13

#### **Regulations about written-off vehicles**

s 83F ins [A2002-23](#) s 13

#### **Meaning of *revocation notice*—pt 6**

s 84A ins [A2010-39](#) s 6

**Suspension of driver licence, registration etc for default of court imposed fine**

s 84 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 84 am [A2010-21](#) amdt 1.21  
 sub [A2010-39](#) s 7  
 am [A2011-14](#) s 18; [A2011-22](#) amdt 1.389; [A2013-45](#) amdt 1.14

**Notification and duration of suspension of driver licence, registration etc**

s 85 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 sub [A2010-39](#) s 8  
 s 85 am [A2010-39](#) s 9; ss renum R28 LA

**Revocation of suspension of driver licence, registration etc**

s 86 hdg bracketed note exp 17 September 2002 (s 5 (3))  
 s 86 am [A2010-21](#) amdt 1.22, amdt 1.23; [A2010-39](#) s 10; ss renum R28 LA

**Revocation of suspension on transfer of registration**

s 87 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Renewal etc of driver licence or registration prohibited**

s 88 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Suspension to be concurrent**

s 89 hdg bracketed note exp 17 September 2002 (s 5 (3))

**Notification and review of decisions**

pt 7 hdg sub [A2008-37](#) amdt 1.430

**Definitions—pt 7**

s 90 am [A2008-1](#) amdt 1.20  
 sub [A2008-37](#) amdt 1.430  
 def **CTP arbitrator** ins [A2008-37](#) amdt 1.430  
 def **decision-maker** ins [A2008-37](#) amdt 1.430  
 def **internally reviewable decision** ins [A2008-37](#) amdt 1.430  
 def **internal reviewer** ins [A2008-37](#) amdt 1.430  
 def **internal review notice** ins [A2008-37](#) amdt 1.430  
 def **reviewable decision** ins [A2008-37](#) amdt 1.430

**Meaning of reviewable decision etc—pt 7**

s 90A ins [A2008-37](#) amdt 1.430

**Internal review notices**

s 91 sub [A2008-37](#) amdt 1.430

**Applications for internal review**

s 91A ins [A2008-37](#) amdt 1.430

**Applications not stay internally reviewable decisions**

s 92 sub [A2008-37](#) amdt 1.430

## Endnotes

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#### **Internal reviewer**

s 92A ins [A2008-37](#) amdt 1.430

#### **Review by internal reviewer**

s 93 sub [A2008-37](#) amdt 1.430

#### **Reviewable decision notices**

s 94 sub [A2008-37](#) amdt 1.430

#### **Applications for review**

s 95 sub [A2008-37](#) amdt 1.430

#### **Determination of fees, charges and other amounts**

s 96 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 96 am [A2001-44](#) amdts 1.3745-1.3747; [A2002-49](#) amdt 3.226;  
[A2008-1](#) amdt 1.21; [A2012-21](#) amdt 3.155; [A2013-52](#) s 45

#### **Fees, charges and other amounts payable to Territory in accordance with determinations etc**

s 97 om [A2001-44](#) amdt 1.3748

#### **Recovery of unpaid fees, charges and other amounts**

s 98 om [A2001-44](#) amdt 1.3748

#### **Regulations may make provision about fees, charges and other amounts**

s 99 om [A2001-44](#) amdt 1.3748

#### **Public vehicles**

pt 9 hdg om [A2004-69](#) s 31

#### **Definitions**

div 9.1 hdg om [A2004-69](#) s 31

#### **Definitions for pt 9**

s 100 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 100 om [A2004-69](#) s 31  
def **bus** om [A2001-62](#) amdt 1.17  
def **bus operator's licence** om [A2001-62](#) amdt 1.17  
def **bus service licence** om [A2001-62](#) amdt 1.17  
def **defined right** om [A2001-94](#) amdt 1.1  
def **private hire car** am [A2001-62](#) amdt 1.13; [A2001-94](#)  
amdt 1.3  
om [A2004-69](#) s 31  
def **private hire car operator's licence** om [A2004-69](#) s 31  
def **public vehicle** am [A2001-62](#) amdt 1.14  
sub [A2001-94](#) amdt 1.2  
om [A2004-69](#) s 31  
def **restricted hire vehicle** am [A2001-62](#) amdt 1.15;  
[A2001-94](#) amdt 1.3  
om [A2004-69](#) s 31  
def **restricted hire vehicle operator's licence** om [A2004-69](#)  
s 31



def **restricted taxi** om [A2001-94](#) amdt 1.1  
def **restricted taxi operator's licence** om [A2001-94](#) amdt 1.1  
def **sightseeing vehicle operator's licence** om [A2004-69](#)  
s 31  
def **taxi** am [A2001-62](#) amdt 1.16  
sub [A2001-94](#) amdt 1.2  
om [A2002-49](#) amdt 3.227  
def **taxi operator's licence** om [A2001-94](#) amdt 1.1  
def **taxi zone** om [A2001-94](#) amdt 1.1  
def **visiting bus** om [A2001-62](#) amdt 1.17  
def **visiting bus operator's licence** om [A2001-62](#) amdt 1.17

**Taxis and restricted taxis**

div 9.2 hdg om [A2001-94](#) amdt 1.4

**Use of motor vehicles as taxis**

s 101 om [A2001-94](#) amdt 1.4

**Defined rights for taxi operator's licences**

s 102 am [A2001-44](#) amdt 1.3749  
om [A2001-94](#) amdt 1.4

**Duration of defined rights**

s 103 om [A2001-94](#) amdt 1.4

**Transfer of defined rights**

s 104 om [A2001-94](#) amdt 1.4

**Holder of defined right to be issued licence**

s 105 om [A2001-94](#) amdt 1.4

**Taxi operator's licences**

s 106 am [A2001-44](#) amdt 1.3750, amdt 1.3751  
om [A2001-94](#) amdt 1.4

**Limitation on number of restricted taxi operator's licences**

s 107 sub [A2001-44](#) amdt 1.3752  
om [A2001-94](#) amdt 1.4

**Restricted taxi operator's licences**

s 108 om [A2001-94](#) amdt 1.4

**Transfer of taxi operator's licence**

s 109 om [A2001-94](#) amdt 1.4

**Variation of restricted taxi operator's licence initiated by licence holder**

s 110 om [A2001-94](#) amdt 1.4

**Variation of restricted taxi operator's licence initiated by road transport authority**

s 111 om [A2001-94](#) amdt 1.4

## Endnotes

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### **Suspension or cancellation of licence**

s 112 om [A2001-94](#) amdt 1.4

### **Offence to carry more than licensed number of passengers**

s 113 om [A2001-94](#) amdt 1.4

### **Offence to not display information about maximum number of passengers**

s 114 om [A2001-94](#) amdt 1.4

### **Taxi fares**

s 115 am [A2001-44](#) amdt 1.3753  
om [A2001-94](#) amdt 1.4

### **Offence to park taxis on road for longer than 30 minutes**

s 116 om [A2001-94](#) amdt 1.4

### **Offence to contravene condition of restricted taxi operator's licence**

s 117 om [A2001-94](#) amdt 1.4

### **Display of restricted taxi operator's licence**

s 118 om [A2001-94](#) amdt 1.4

### **Private hire cars**

div 9.3 hdg om [A2004-69](#) s 31

### **Use of motor vehicles as private hire cars**

s 119 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 119 om [A2004-69](#) s 31

### **Private hire car operator's licences**

s 120 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 120 am [A2001-44](#) amdt 1.3754, amdt 1.3755; [A2001-94](#) amdt 1.5  
om [A2004-69](#) s 31

### **Transfer of private hire car operator's licence**

s 121 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 121 am [A2001-94](#) amdt 1.5  
om [A2004-69](#) s 31

### **Suspension or cancellation of private hire car operator's licence**

s 122 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 122 om [A2004-69](#) s 31

### **Offence to carry more than licensed number of passengers in private hire car**

s 123 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 123 om [A2004-69](#) s 31

### **Offence to park private hire cars on road for longer than 30 minutes**

s 124 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 124 om [A2004-69](#) s 31

### **Restricted hire vehicles**

div 9.4 hdg om [A2004-69](#) s 31

**Use of motor vehicles as restricted hire vehicles**

s 125 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 125 om [A2004-69](#) s 31

**Restricted hire vehicle operator's licences**

s 126 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 126 om [A2004-69](#) s 31

**Offence to contravene condition of restricted hire vehicle operator's licence**

s 127 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 127 om [A2004-69](#) s 31

**Variation of restricted hire vehicle operator's licence initiated by licence holder**

s 128 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 128 am [A2001-94](#) amdt 1.6  
om [A2004-69](#) s 31

**Variation of restricted hire vehicle operator's licences initiated by road transport authority**

s 129 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 129 am [A2001-94](#) amdt 1.7  
om [A2004-69](#) s 31

**Restricted hire vehicles used as private hire cars**

s 130 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 130 om [A2004-69](#) s 31

**Display of restricted hire vehicle operator's licence**

s 131 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 131 om [A2004-69](#) s 31

**Suspension or cancellation of restricted hire vehicle operator's licence**

s 132 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 132 om [A2004-69](#) s 31

**Offence to carry more than licensed number of passengers in restricted hire vehicle**

s 133 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 133 om [A2004-69](#) s 31

**Offence to park restricted hire vehicles on road for longer than 30 minutes**

s 134 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 134 om [A2004-69](#) s 31

**Sightseeing vehicles**

div 9.5 hdg om [A2004-69](#) s 31

**Sightseeing vehicle operator's licences**

s 135 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 135 om [A2004-69](#) s 31

## Endnotes

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### **Sightseeing vehicle must only carry sightseers**

s 136 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 136 om [A2004-69](#) s 31

### **Buses**

div 9.6 hdg om [A2001-62](#) amdt 1.18

### **Use of motor vehicles as buses**

s 137 om [A2001-62](#) amdt 1.18

### **Bus operator's licences**

s 138 om [A2001-62](#) amdt 1.18

### **Transfer of bus operator's licence**

s 139 om [A2001-62](#) amdt 1.18

### **Offence to carry more than licensed number of passengers**

s 140 om [A2001-62](#) amdt 1.18

### **Offence not to display information about maximum number of passengers**

s 141 om [A2001-62](#) amdt 1.18

### **Bus Services**

div 9.7 hdg om [A2001-62](#) amdt 1.18

### **Bus service licences**

s 142 om [A2001-62](#) amdt 1.18

### **Variation of bus service licence initiated by licence holder**

s 143 om [A2001-62](#) amdt 1.18

### **Transfer of bus service licences**

s 144 om [A2001-62](#) amdt 1.18

### **Licence holder must tell road transport authority when stopping service etc**

s 145 om [A2001-62](#) amdt 1.18

### **Bus fares**

s 146 om [A2001-62](#) amdt 1.18

### **Bus fares must be displayed**

s 147 om [A2001-62](#) amdt 1.18

### **Offence to contravene condition of bus service licence**

s 148 om [A2001-62](#) amdt 1.18

### **Visiting buses**

div 9.8 hdg om [A2001-62](#) amdt 1.18

### **Visiting bus operator's licence**

s 149 om [A2001-62](#) amdt 1.18

### **Offence to carry more than licensed number of passengers**

s 150 om [A2001-62](#) amdt 1.18

**Offence to contravene condition of visiting bus operator's licence**s 151 om [A2001-62](#) amdt 1.18**Certain people to have use, control and management of vehicles**div 9.9 hdg om [A2004-69](#) s 31**Certain people to have use, control and management of vehicles**

s 152 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 152 am [A2001-94](#) amdt 1.8, amdt 1.9om [A2004-69](#) s 31**Other matters**div 9.10 hdg om [A2004-69](#) s 31**Fire extinguisher to be carried**

s 153 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 153 om [A2004-69](#) s 31**Dangerous or offensive articles**

s 154 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 154 om [A2004-69](#) s 31**Unauthorised use of motor vehicles**

s 155 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 155 am [A2001-62](#) amdt 1.19, amdt 1.20; [A2001-94](#) amdt 1.10om [A2004-69](#) s 31**Refusal, cancellation or suspension of licences or registration etc**

s 156 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 156 am [A2001-62](#) amdt 1.21; [A2001-94](#) amdt 1.11, amdt 1.12om [A2004-69](#) s 31**Regulations about public vehicles**

s 157 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 157 am [A2002-49](#) amdt 3.228om [A2004-69](#) s 31**Preliminary**div 10.1 hdg om [A2008-1](#) amdt 1.22**Definitions for pt 10**

s 158 hdg bracketed note exp 17 September 2002 (s 5 (3))

s 158 om [A2008-1](#) amdt 1.22def **issue** am [A2001-27](#) amdt 3.47om [A2008-1](#) amdt 1.22def **public vehicle** am [A2001-62](#) amdt 1.22; [A2001-94](#)

amdt 1.13

sub [A2004-69](#) s 32om [A2008-1](#) amdt 1.22def **public vehicle policy** sub [A2001-27](#) amdt 3.48om [A2008-1](#) amdt 1.22

## Endnotes

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#### **Meaning of *owner* for pt 10**

s 159 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 159 om [A2008-1](#) amdt 1.22

#### **Application of pt 10 to motor vehicles with trader's plate**

s 160 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 160 om [A2008-1](#) amdt 1.22

#### **Application of pt 10 to Territory and Commonwealth motor vehicles**

s 161 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 161 am [A2001-27](#) amdt 3.49  
om [A2008-1](#) amdt 1.22

#### **Compulsory insurance**

div 10.2 hdg om [A2008-1](#) amdt 1.22

#### **Third-party insurance compulsory**

s 162 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 162 om [A2008-1](#) amdt 1.22

#### **Third-party policies**

s 163 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 163 om [A2008-1](#) amdt 1.22

#### **Taking out and duration of third-party insurance**

div 10.3 hdg om [A2008-1](#) amdt 1.22

#### **Issue of certificates of third-party insurance**

s 164 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 164 om [A2008-1](#) amdt 1.22

#### **Third-party insurance required for registration of motor vehicle**

s 165 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 165 om [A2008-1](#) amdt 1.22

#### **Third-party insurance required for issue of trader's plate**

s 166 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 166 om [A2008-1](#) amdt 1.22

#### **Beginning and duration of third-party policy**

s 167 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 167 am [A2001-27](#) amdt 3.50  
om [A2008-1](#) amdt 1.22

#### **Cancellation of third-party policies etc**

s 168 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 168 om [A2008-1](#) amdt 1.22

#### **Indemnity under third-party policy**

div 10.4 hdg om [A2008-1](#) amdt 1.22

**Indemnification of insured people**

s 169 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 169 om [A2008-1](#) amdt 1.22

**Extension of indemnity provided**

s 170 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 170 am [A2002-40](#) amdt 3.35  
om [A2008-1](#) amdt 1.22

**Risks not insured under third-party policies**

s 171 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 171 am [A2003-6](#) s 6; [A2004-73](#) s 4, s 5  
note exp 31 December 2004 (s 236)  
om [A2008-1](#) amdt 1.22

**Effect of nonpayment of correct premium**

s 172 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 172 om [A2008-1](#) amdt 1.22

**Other matters relating to third-party policies**

div 10.5 hdg om [A2008-1](#) amdt 1.22

**Effect of change of ownership of motor vehicle or trader's business**

s 173 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 173 om [A2008-1](#) amdt 1.22

**Notice of change of registered particulars about motor vehicles etc**

s 174 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 174 om [A2008-1](#) amdt 1.22

**Rights of authorised insurer against unauthorised drivers**

s 175 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 175 om [A2008-1](#) amdt 1.22

**Trader's policy to apply to insured motor vehicles**

s 176 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 176 om [A2008-1](#) amdt 1.22

**Obtaining third-party policy by false statements**

s 177 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 177 om [A2008-1](#) amdt 1.22

**Proceedings by or against nominal defendant**

s 178 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 178 om [A2008-1](#) amdt 1.22

**Nominal defendant scheme for uninsured and unidentified motor vehicles**

div 10.6 hdg om [A2008-1](#) amdt 1.22

**Action against nominal defendant if vehicle uninsured**

s 179 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 179 om [A2008-1](#) amdt 1.22

## Endnotes

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#### **Action against nominal defendant if vehicle not identified**

s 180 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 180 am [A2003-6](#) s 6  
(1) note exp 31 December 2004 (s 236)  
om [A2008-1](#) amdt 1.22

#### **Notice of claims against nominal defendant**

s 181 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 181 om [A2008-1](#) amdt 1.22

#### **Nominal defendant not personally liable**

s 182 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 182 om [A2008-1](#) amdt 1.22

#### **Payments of amounts for nominal defendant**

s 183 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 183 om [A2008-1](#) amdt 1.22

#### **Recovery by nominal defendant from owner or driver**

s 184 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 184 om [A2008-1](#) amdt 1.22

#### **Payment of recovered amounts by nominal defendant**

s 185 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 185 om [A2008-1](#) amdt 1.22

#### **Costs of medical, surgical and hospital treatment**

div 10.7 hdg om [A2008-1](#) amdt 1.22

#### **Liability of authorised insurer and nominal defendant for costs of treatment**

s 186 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 186 om [A2008-1](#) amdt 1.22

#### **Apportionment of costs of treatment**

s 187 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 187 om [A2008-1](#) amdt 1.22

#### **Reduction of liability for treatment**

s 188 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 188 om [A2008-1](#) amdt 1.22

#### **Third-party claims**

div 10.8 hdg om [A2008-1](#) amdt 1.22

#### **Notice of accidents**

s 189 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 189 om [A2008-1](#) amdt 1.22

#### **Notice of claims against authorised insurer**

s 190 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 190 om [A2008-1](#) amdt 1.22



**Admission of liability by owner or driver etc**

s 191 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 191 om [A2008-1](#) amdt 1.22

**Owner and driver to notify authorised insurer of claims etc**

s 192 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 192 om [A2008-1](#) amdt 1.22

**Copy of originating process to be served on authorised insurer**

s 193 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 193 om [A2008-1](#) amdt 1.22

**Failure to allow examination by doctor**

s 194 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 194 om [A2008-1](#) amdt 1.22

**Power of authorised insurer to act for insured person**

s 195 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 195 om [A2008-1](#) amdt 1.22

**Presumption of agency**

s 196 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 196 am [A2002-40](#) amdt 3.36, amdt 3.37  
om [A2008-1](#) amdt 1.22

**Action against authorised insurer if insured dead or unable to be served**

s 197 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 197 om [A2008-1](#) amdt 1.22

**Proof of inability to serve process etc**

s 198 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 198 om [A2008-1](#) amdt 1.22

**Recovery by authorised insurer from owner or driver**

s 199 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 199 om [A2008-1](#) amdt 1.22

**Entry of judgment against authorised insurer**

s 200 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 200 om [A2008-1](#) amdt 1.22

**Effect of payment by authorised insurer**

s 201 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 201 om [A2008-1](#) amdt 1.22

**Actions to be tried without jury**

s 202 om [A2002-40](#) amdt 3.38

**Other matters relating to third-party claims**

div 10.9 hdg om [A2008-1](#) amdt 1.22

## Endnotes

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### **Court to apportion damages**

s 203 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 203 om [A2008-1](#) amdt 1.22

### **Conviction etc not to affect civil remedy**

s 204 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 204 om [A2008-1](#) amdt 1.22

### **Authorised insurers**

div 10.10 hdg om [A2008-1](#) amdt 1.22

### **Offence—unapproved insurer**

s 205 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 205 sub [A2001-27](#) amdt 3.51  
om [A2008-1](#) amdt 1.22

### **Application for approval as authorised insurer**

s 206 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 206 om [A2008-1](#) amdt 1.22

### **Decision on application for approval**

s 207 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 207 om [A2008-1](#) amdt 1.22

### **Duration of approval**

s 208 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 208 om [A2008-1](#) amdt 1.22

### **Cancellation of approval**

s 209 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 209 om [A2008-1](#) amdt 1.22

### **Surrender of approval**

s 210 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 210 om [A2008-1](#) amdt 1.22

### **Effect of cancellation of approval on existing policies etc**

s 211 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 211 om [A2008-1](#) amdt 1.22

### **Information to be supplied by authorised insurers**

s 212 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 212 am [A2001-27](#) amdt 3.52  
om [A2008-1](#) amdt 1.22

### **Guidelines about Minister's powers under div 10.10**

s 213 am [A2001-44](#) amdt 1.3756, amdt 1.3757  
om [A2008-1](#) amdt 1.22

**Maximum rates of premiums that may be charged**

s 214 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 214 am [A2005-20](#) amdt 3.364, amdt 3.365  
om [A2008-1](#) amdt 1.22

**Nominal defendant**

div 10.11 hdg om [A2008-1](#) amdt 1.22

**Appointment of nominal defendant**

s 215 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 215 am [A2002-30](#) amdt 3.735  
om [A2008-1](#) amdt 1.22

**Annual report**

s 216 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 216 om [A2008-1](#) amdt 1.22

**Additional insurance for public vehicles**

div 10.12 hdg sub [A2001-27](#) amdt 3.53  
om [A2008-1](#) amdt 1.22

**Meaning of *accredited operator***

s 216A ins [A2004-69](#) s 33  
om [A2008-1](#) amdt 1.22

**Public vehicle insurance compulsory**

s 217 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 217 sub [A2001-27](#) amdt 3.53  
am [A2004-69](#) s 34  
om [A2008-1](#) amdt 1.22

**Public vehicle policies**

s 218 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 218 sub [A2001-27](#) amdt 3.53  
am [A2004-69](#) s 35  
om [A2008-1](#) amdt 1.22

**Issue of public vehicle insurance certificates and policies**

s 219 om [A2001-27](#) amdt 3.53

**Public vehicle insurance required for registration of public vehicles**

s 220 om [A2001-27](#) amdt 3.53

**Commencement and duration of public vehicle policy**

s 221 om [A2001-27](#) amdt 3.53

**Miscellaneous**

div 10.13 hdg om [A2008-1](#) amdt 1.22

**No contracting out of pt 10**

s 222 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 222 om [A2008-1](#) amdt 1.22

## Endnotes

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#### **Certificate evidence**

s 223 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 223 am [A2001-27](#) amdt 3.54, amdt 3.55  
om [A2008-1](#) amdt 1.22

#### **Police officer or authorised person may require evidence of insurance**

s 224 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 224 om [A2008-1](#) amdt 1.22

#### **Approved forms**

s 225 am [A2001-44](#) amdt 1.3758, amdt 1.3759; [A2002-30](#)  
amdt 3.736; [A2012-21](#) amdt 3.155

#### **Service of documents etc on people generally**

s 226 om [A2002-30](#) amdt 3.737

#### **Serving documents etc on road transport authority**

s 227 om [A2002-30](#) amdt 3.737

#### **False, misleading or incomplete documents**

s 228 om [A2004-15](#) amdt 2.171

#### **Regulations may apply certain documents etc**

s 229 sub [A2002-30](#) amdt 3.738  
am [A2004-15](#) amdt 1.36  
sub [A2005-20](#) amdt 3.366

#### **Indemnity from personal liability for honest and good faith carrying out of duties**

s 230 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **Person not to hinder or obstruct**

s 231 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 231 am [A2012-16](#) s 25

#### **General regulation-making power**

s 233 hdg bracketed note exp 17 September 2002 (s 5 (3))  
s 233 am [A2001-44](#) amdt 1.3760, amdt 1.3761; [A2002-30](#)  
amdt 3.739

#### **Regulations may exclude vehicles, people and animals from Act**

s 234 hdg bracketed note exp 17 September 2002 (s 5 (3))

#### **References to Motor Traffic Act, Traffic Act etc**

s 235 sub [A2004-69](#) s 36

#### **Transitional**

pt 12 hdg exp 1 June 2001 (s 296)

#### **General**

div 12.1 hdg exp 1 June 2001 (s 296)

**Expiry of certain notes**

s 236 orig s 236 exp 1 June 2001 (s 296)  
ins [A2003-6](#) s 7  
exp 31 December 2004 (s 236)

**Transitional regulations**

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s 254 exp 1 June 2001 (s 296)

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s 256 exp 1 June 2001 (s 296)

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### Dictionary

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am [A2002-30](#) amdt 3.740; [A2008-37](#) amdt 1.431; [A2009-49](#) amdt 3.151; [A2010-18](#) amdt 3.34, amdt 3.35; [A2011-22](#) amdt 1.390; [A2011-49](#) amdt 1.18; [A2011-52](#) amdt 3.183; [A2012-21](#) amdt 3.154; [A2012-16](#) s 27

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def **administering authority** sub [A2002-30](#) amdt 3.741

def **alcohol awareness course** ins [A2013-19](#) amdt 3.419

def **all reasonable steps** ins [A2012-16](#) s 28  
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def **approved average speed detection system** ins [A2011-38](#) amdt 1.3

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def **authorised person** sub [A2002-30](#) amdt 3.742

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- def **exercise** om [A2002-30](#) amdt 3.743
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- def **illegal user declaration** sub [A2012-16](#) s 31
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- def **infringement notice** am [A2002-30](#) amdt 3.744  
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- def **medical and surgical treatment** om [A2008-1](#) amdt 1.23
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- def **nominal defendant** om [A2008-1](#) amdt 1.23
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- def **private hire car** om [A2004-69](#) s 38
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- def **probationary licence** ins [A2010-47](#) s 135
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## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 1 Mar 2000	1 Mar 2000– 17 May 2000	<a href="#">A2000-4</a>	new Act, amendments by <a href="#">A2000-4</a> and modifications by <a href="#">SL2000-11</a>
R1 (RI) 28 Aug 2003	1 Mar 2000– 17 May 2000	<a href="#">A2000-4</a>	reissue of printed version
R2 28 Aug 2003	18 May 2000– 11 Sept 2001	<a href="#">A2001-27</a>	amendments to modifications by <a href="#">A2000-11</a> , amendments by <a href="#">A2001-27</a> and commenced expiry
R3 12 Sept 2001	12 Sept 2001– 30 Nov 2001	<a href="#">A2001-44</a>	amendments by <a href="#">A2001-44</a>
R4 3 Dec 2001	1 Dec 2001– 28 Feb 2002	<a href="#">A2001-94</a>	amendments by <a href="#">A2001-62</a>
R5 1 Mar 2002	1 Mar 2002– 1 Mar 2002	<a href="#">A2001-94</a>	amendments by <a href="#">A2001-94</a>
R6* 2 Mar 2002	2 Mar 2002– 9 Sept 2002	<a href="#">A2001-94</a>	commenced expiry
R7 10 Sept 2002	10 Sept 2002– 16 Sept 2002	<a href="#">A2002-23</a>	amendments by <a href="#">A2002-23</a>
R8 9 Oct 2002	17 Sept 2002– 31 Oct 2002	<a href="#">A2002-30</a>	amendments by <a href="#">A2002-30</a> and commenced expiry

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R9 1 Nov 2002	1 Nov 2002– 31 Dec 2002	<a href="#">A2002-40</a>	amendments by <a href="#">A2002-40</a>
R10 1 Jan 2003	1 Jan 2003– 16 Jan 2003	<a href="#">A2002-51</a>	amendments by <a href="#">A2002-51</a>
R11 17 Jan 2003	17 Jan 2003– 27 Jan 2003	<a href="#">A2002-51</a>	amendments by <a href="#">A2002-49</a>
R12 28 Jan 2003	28 Jan 2003– 27 Mar 2003	<a href="#">A2002-51</a>	amendments by <a href="#">A2002-23</a>
R13* 28 Mar 2003	28 Mar 2003– 8 Apr 2004	<a href="#">A2003-6</a>	amendments by <a href="#">A2003-6</a>
R14 9 Apr 2004	9 Apr 2004– 19 May 2004	<a href="#">A2004-15</a>	amendments by <a href="#">A2004-15</a>
R15 20 May 2004	20 May 2004– 15 Dec 2004	<a href="#">A2004-24</a>	amendments by <a href="#">A2004-24</a>
R16 16 Dec 2004	16 Dec 2004– 31 Dec 2004	<a href="#">A2004-73</a>	amendments by <a href="#">A2004-73</a>
R17 1 Jan 2005	1 Jan 2005– 9 Jan 2005	<a href="#">A2004-73</a>	commenced expiry
R18 10 Jan 2005	10 Jan 2005– 8 Mar 2005	<a href="#">A2004-73</a>	amendments by <a href="#">A2004-60</a>
R19* 9 Mar 2005	9 Mar 2005– 1 June 2005	<a href="#">A2004-73</a>	amendments by <a href="#">A2004-69</a>
R20 2 June 2005	2 June 2005– 30 Sept 2008	<a href="#">A2005-20</a>	amendments by <a href="#">A2005-20</a>
R21 1 Oct 2008	1 Oct 2008– 1 Feb 2009	<a href="#">A2008-37</a>	amendments by <a href="#">A2008-1</a> as amended by <a href="#">A2008-39</a>
R22* 2 Feb 2009	2 Feb 2009– 16 Dec 2009	<a href="#">A2008-39</a>	amendments by <a href="#">A2008-37</a>
R23 17 Dec 2009	17 Dec 2009– 2 Mar 2010	<a href="#">A2009-49</a>	amendments by <a href="#">A2009-49</a>
R24 3 Mar 2010	3 Mar 2010– 2 June 2010	<a href="#">A2009-49</a>	amendments by <a href="#">A2009-22</a>

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R25 3 June 2010	3 June 2010– 30 June 2010	<a href="#">A2010-18</a>	amendments by <a href="#">A2010-18</a>
R26 1 July 2010	1 July 2010– 30 Nov 2010	<a href="#">A2010-21</a>	amendments by <a href="#">A2010-21</a>
R27 1 Dec 2010	1 Dec 2010– 4 Apr 2011	<a href="#">A2010-47</a>	amendments by <a href="#">A2010-39</a> and <a href="#">A2010-47</a>
R28 5 Apr 2011	5 Apr 2011– 12 May 2011	<a href="#">A2010-47</a>	amendments by <a href="#">A2010-39</a>
R29 13 May 2011	13 May 2011– 2 June 2011	<a href="#">A2011-15</a>	amendments by <a href="#">A2011-15</a>
R30 3 June 2011	3 June 2011– 30 June 2011	<a href="#">A2011-15</a>	amendments by <a href="#">A2011-14</a>
R31 1 July 2011	1 July 2011– 22 Nov 2011	<a href="#">A2011-22</a>	amendments by <a href="#">A2011-22</a>
R32 23 Nov 2011	23 Nov 2011– 11 Dec 2011	<a href="#">A2011-49</a>	amendments by <a href="#">A2011-49</a>
R33 12 Dec 2011	12 Dec 2011– 14 Jan 2012	<a href="#">A2011-52</a>	amendments by <a href="#">A2011-52</a>
R34 15 Jan 2012	15 Jan 2012– 3 Apr 2012	<a href="#">A2011-52</a>	amendments by <a href="#">A2011-38</a>
R35 4 Apr 2012	4 Apr 2012– 4 June 2012	<a href="#">A2012-7</a>	amendments by <a href="#">A2012-7</a>
R36 5 June 2012	5 June 2012– 14 Nov 2012	<a href="#">A2012-21</a>	amendments by <a href="#">A2012-21</a>
R37 15 Nov 2012	15 Nov 2012– 22 May 2013	<a href="#">A2012-21</a>	amendments by <a href="#">A2012-16</a>
R38 23 May 2013	23 May 2013– 23 May 2013	<a href="#">A2013-16</a>	amendments by <a href="#">A2013-16</a>
R39 24 May 2013	24 May 2013– 13 June 2013	<a href="#">A2013-16</a>	amendments by <a href="#">A2012-24</a> and <a href="#">A2013-13</a>
R40 14 June 2013	14 June 2013– 11 Nov 2013	<a href="#">A2013-19</a>	amendments by <a href="#">A2013-19</a>

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<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R41 12 Nov 2013	12 Nov 2013– 9 Feb 2014	<a href="#">A2013-45</a>	amendments by <a href="#">A2013-45</a>
R42 10 Feb 2014	10 Feb 2014– 14 May 2014	<a href="#">A2013-52</a>	amendments by <a href="#">A2013-52</a>

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