



AUSTRALIAN CAPITAL TERRITORY

# Road Transport Legislation Amendment Act 2001

No 27 of 2001

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AUSTRALIAN CAPITAL TERRITORY

# Road Transport Legislation Amendment Act 2001

No 27 of 2001

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## An Act to amend various Acts relating to road transport, and for other purposes

*[Notified in ACT Gazette No. 21: 24 May 2001]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

### **1 Name of Act**

This Act is the *Road Transport Legislation Amendment Act 2001*.

### **2 Commencement**

(1) Section 8 and schedule 6 commence on the commencement of the *Legislation Act 2001*, section 18 (ACT legislation register).

(2) The remaining provisions of this Act commence on the day this Act is notified in the Gazette.

### **3 Acts repealed—Schedule 1**

The Acts mentioned in Schedule 1 are repealed.

**4 Regulations repealed—Schedule 2**

The regulations mentioned in Schedule 2 are repealed.

**5 Acts amended—Schedule 3**

This Act amends the Acts mentioned in Schedule 3.

**6 Regulations amended—Schedule 4**

This Act amends the regulations mentioned in Schedule 4.

**7 Road Transport (Safety and Traffic Management) Act—sch 5**

Schedule 5 amends the *Road Transport (Safety and Traffic Management) Act 1999*.

**8 Motor Omnibus Services legislation—sch 6**

Schedule 6 amends the Act and regulations mentioned in the schedule.

**SCHEDULE 1**

(See s 3)

**ACTS REPEALED**

*Commonwealth Motor Omnibus Services Act 1964* No 21

*Commonwealth Motor Omnibus Services Act 1970* No 42

*Commonwealth Motor Omnibus Services Act 1972* No 32

*Motor Omnibus Services Act 1973* No 52

*Motor Omnibus Services Act 1974* No 11

*Motor Omnibus Services Act 1975* No 42

*Motor Omnibus Services (Amendment) Act 1976* No 41

*Motor Omnibus Services (Amendment) Act 1977* No 2

*Motor Omnibus Services (Amendment) Act (No. 2) 1977* No 25

*Motor Omnibus Services (Amendment) Act 1978* No 22

*Motor Omnibus Services (Amendment) Act 1981* No 17

*Motor Omnibus Services (Amendment) Act (No. 2) 1981* No 25

*Motor Omnibus Services (Amendment) Act (No. 3) 1981* No 44

*Motor Omnibus Services (Amendment) Act 1983* No 13

*Motor Omnibus Services (Amendment) Act 1985* No 53

*Motor Omnibus Services (Amendment) Act (No. 2) 1985* No 54

*Motor Omnibus Services (Amendment) Act 1986* No 48

*Motor Omnibus Services (Amendment) Act 1988* No 12

*Motor Omnibus Services (Amendment) Act 1994* No 93

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**SCHEDULE 2**

(See s 4)

**REGULATIONS REPEALED**

*Motor Omnibus Services Regulations*

- 1967 No 10
- 1970 No 10
- 1972 No 9
- 1974 No 6
- 1975 Nos 2 and 28
- 1976 No 15
- 1977 No 1
- 1978 No 13
- 1981 No 27
- 1983 No 4
- 1986 Nos 7 and 13
- 1988 No 27
- 1995 No 31
- 1999 No 14

**SCHEDULE 3**

(See s 5)

**ACTS AMENDED**

***Interpretation Act 1967***

**[3.1] Dictionary—**

Insert the following definition:

“*found guilty*, of an offence, includes—

- (a) having the offence taken into account under section 448 of the *Crimes Act 1900*; and
- (b) having an order made in relation to the offence under section 556A of the *Crimes Act 1900* or section 96 of the *Children and Young People Act 1999*.”.

***Road Transport (Alcohol and Drugs) Act 1977***

**[3.2] Section 2—**

Repeal the section.

**[3.3] Subsection 4D (1)—**

- (a) Omit “, or found guilty,” (first mention).
- (b) Omit “or found guilty” (third mention).

**[3.4] Subsection 4D (2)—**

Omit “, or found guilty,”.

**[3.5] Subsection 4D (3) (definition of *relevant offence*, paragraph (g))—**

Omit the paragraph, substitute the following paragraph:

- “(g) an offence against any of the following provisions of the *Motor Traffic Act 1936*:

**SCHEDULE 3**—continued

- (i) section 11D (which was about contravention of the conditions of a special probationary licence);
- (ii) subsection 129 (1) (which was about reckless driving or driving in a dangerous manner);
- (iii) subsection 129 (1A) (which was about negligent driving);
- (iv) subsection 147A (1) (which was about driving at a dangerous speed);
- (v) section 191P (which was about driving or obtaining a driver licence while disqualified or after licence suspension).”.

**[3.6] Subsection 32 (2)**—

Omit “, or finds a special driver guilty,”.

**[3.7] Subsection 32 (3)**—

Omit “, or finds a person other than a special driver guilty,”.

**[3.8] Subsection 33 (2)**—

Omit “, or finds a special driver guilty,”.

**[3.9] Subsection 33 (3)**—

Omit “, or finds a person other than a special driver guilty,”.

**[3.10] Subsection 34 (1)**—

Omit “, or finds a first offender guilty,”.

**[3.11] Subsection 34 (2)**—

Omit “, or finds a repeat offender guilty,”.

**[3.12] Section 52**—

Omit “cease to have effect 5 years after the commencement of the *Road Transport (General) Act 1999*”, substitute “expire on 1 March 2005”.



**SCHEDULE 3**—continued

**[3.13] Section 53 (2)**—

Omit “ceases to have effect 2 years after the commencement of the *Road Transport (General) Act 1999*”, substitute “expires on 1 March 2002”.

**[3.14] Schedule**—

Re-number as Schedule 1.

**[3.15] Dictionary (definition of *drug*, paragraph (a))**—

Omit “Schedule”, substitute “Schedule 1”.

***Road Transport (Dimensions and Mass) Act 1990***

**[3.16] Section 2**—

Repeal the section.

**[3.17] Subsection 29 (1)**—

Omit the subsection, substitute the following subsection:

“(1) An application for a permit for a vehicle must be given to the road transport authority at least 28 days before—

- (a) for a vehicle to which section 28 applies—the day when the current registration of the vehicle under the *Road Transport (Vehicle Registration) Act 1999* expires or the current permit issued for the vehicle expires; or
- (b) for any other vehicle—the day when the vehicle is to be used, or is first to be used, in circumstances for which a permit will be required.”.

**[3.18] Section 32**—

Repeal the section, substitute the following section:

**“32 Driving vehicle with trailer attached**

A reference in this Part to *driving a vehicle* is, if a trailer is attached to a vehicle, a reference to the driving of the vehicle towing the trailer.”.

**SCHEDULE 3**—continued

**[3.19] Section 49—**

Repeal the section, substitute the following section:

**“49 Approval of portable weighing devices**

**“(1)** The road transport authority may, by notice attached to a portable weighing device, approve the device for this Act if the authority is of the opinion that the device is suitable for use in determining—

- (a) the mass carried by a wheel of a vehicle; and
- (b) the axle load of an axle of a vehicle.

**“(2)** A notice that is attached to a device, and appears to be a notice mentioned in subsection (1), is evidence of the matters stated in the notice.”.

**[3.20] Paragraph 52 (b)—**

Omit “inspector”, substitute “authorised person”.

**[3.21] Part 9—**

Repeal the Part.

**[3.22] Dictionary (definition of *approved form*)—**

Omit the definition.

***Road Transport (Driver Licensing) Act 1999***

**[3.23] Section 2—**

Repeal the section.

**[3.24] Subsection 12 (2)—**

After “about the offence to”, insert “the licensing authority of”.

**[3.25] Paragraph 31 (3) (a)—**

Omit “, or finds a person guilty,”.

**SCHEDULE 3**—continued

**[3.26] Paragraph 31 (6) (a)**—

- (a) Omit “, or found guilty,” (first mention).
- (b) Omit “or found guilty” (third mention).

**[3.27] Paragraph 31 (6) (b)**—

Omit “, or found guilty,”.

**[3.28] Subsection 32 (6)**—

Omit “, or finds a person guilty,”.

**[3.29] Paragraph 32 (9) (a)**—

- (a) Omit “, or found guilty,” (first mention).
- (b) Omit “or found guilty” (third mention).

**[3.30] Paragraph 32 (9) (b)**—

Omit “, or found guilty,”.

**[3.31] Section 42**—

Omit “ceases to have effect 6 years after it commences”, substitute “expires on 1 March 2006”.

**[3.32] Section 49**—

Omit “ceases to have effect 15 months after it commences”, substitute “ expires on 1 June 2001”.

**[3.33] Dictionary (definition of *public vehicle*)**—

Omit the definition, substitute the following definition:

“***public vehicle***—see the *Road Transport (General) Act 1999*, section 158.”.

**SCHEDULE 3**—continued

***Road Transport (General) Act 1999***

**[3.34] Section 2—**

Repeal the section.

**[3.35] Subsection 9 (4)—**

Omit “2 years after they commence”, substitute “on 1 March 2002”.

**[3.36] Section 19 (1)—**

Omit “authorise”, substitute “appoint”.

**[3.37] Section 19 (3)—**

Omit “authorised”, substitute “appointed”.

**[3.38] Subsection 62 (1)—**

Omit “, or finds a person guilty,”.

**[3.39] Paragraph 62 (5) (a)—**

Omit “, or found guilty,” (first and third mentions).

**[3.40] Paragraph 62 (5) (b)—**

Omit “, or found guilty,”.

**[3.41] Section 63 (1) (aa) to (c)—**

Re-number as section 63 (1) (a) to (e).

**[3.42] Subsection 63 (2)—**

Omit “, or finds a person guilty,”.

**[3.43] Paragraph 63 (5) (a)—**

Omit “, or found guilty,” (first and third mentions).

**SCHEDULE 3**—continued

**[3.44] Paragraph 63 (5) (b)**—

Omit “, or found guilty,”.

**[3.45] Subsection 67 (2)**—

Omit “, or found guilty,”.

**[3.46] Paragraph 69 (a)**—

Omit “a driver licence”, substitute “an Australian driver licence”.

**[3.47] Section 158, definition of *issue***—

Omit “or public vehicle policy”.

**[3.48] Section 158, definition of *public vehicle policy***—

Omit the definition, substitute the following definition:

“*public vehicle policy*—see section 218.”.

**[3.49] Section 161 (2)**—

Omit the subsection, substitute the following subsection:

“(2) However, the Territory, the Commonwealth or a Territory or Commonwealth authority is—

- (a) in relation to a motor vehicle for which a third-party policy is not in force—under the same liabilities, and has the same rights, as an authorised insurer would be under, or have, if the insurer had issued a third-party policy for the vehicle; and
- (b) in relation to a public vehicle for which a public vehicle policy is not in force—under the same liabilities, and has the same rights, as an insurer would be under, or have, if the insurer had issued a public vehicle policy for the vehicle.”.

**[3.50] Section 167 (2) (c)**—

Omit “is taken”, substitute “is taken not”.

**SCHEDULE 3**—continued

**[3.51] Section 205—**

Omit the section, substitute the following section:

**“205 Offence—unapproved insurer** (MAA s 100, MACA s 157)

**“(1)** A person other than an authorised insurer must not issue a certificate or policy of insurance under section 164 (Issue of certificates of third-party insurance).

Maximum penalty: 100 penalty units.

**“(2)** If a certificate or policy of insurance is issued by a person in contravention of this section—

- (a) the policy of insurance or indemnity issued by the person is not annulled or affected by the contravention; and
- (b) the person is liable to anyone who would be an insured person if the certificate or policy had been issued by an authorised insurer.”.

**[3.52] Section 212 (1)—**

Omit the subsection, substitute the following subsection:

**“(1)** The regulations may require an authorised insurer to provide returns to the road transport authority about—

- (a) premiums received for insurance under third-party policies; and
- (b) claims paid in relation to third-party policies; and
- (c) the persons insured under third-party policies; and
- (d) any other matters relevant to third-party policies or this part.”.

**[3.53] Division 10.12—**

Omit the division, substitute the following division:

**SCHEDULE 3**—continued

*“Division 10.12—Additional insurance for public vehicles*

**217 Public vehicle insurance compulsory** (MTA s 83 (1), (3))

The owner of a public vehicle must, at all times, maintain for the vehicle a public vehicle policy for at least \$5 000 000.

Maximum penalty: 50 penalty units.

*Note* The Territory, the Commonwealth or a Territory or Commonwealth authority is not required to hold a public vehicle policy (see s 161 (1)).

**218 Public vehicle policies** (MTA s 83 (1), (1A))

“(1) A public vehicle policy is a policy—

- (a) that is issued (or renewed) by a corporation authorised under the *Insurance Act 1973* (Cwlth); and
- (b) that insures the owner of the public vehicle to which the policy applies against liability in relation to damage to property caused by, or arising out of the use of, the vehicle anywhere in Australia (whether or not on a road or road related area).

“(2) It is irrelevant that the policy also insures the owner against other risks.”.

**[3. 54] Section 223 (3) and (4)**—

Omit the subsections.

**[3. 55] Section 223 (5) and (6)**—

Renumber as section 223 (3) and (4).

**[3. 56] New section 293A**—

Insert after section 293 the following section:

**“293A Appointment of authorised persons**

An authorisation of a person under section 19 (1) (Authorised persons) in force immediately before the commencement of this section is

**SCHEDULE 3**—continued

taken, after the commencement, to be an appointment of the person as an authorised person under the section.”.

**[3.57] Subsection 296 (1)**—

Omit “15 months after it commences”, substitute “on 1 June 2001”.

**[3.58] Dictionary, definition of *issue***—

Omit “or public vehicle policy”.

**[3.59] Dictionary, definition of *public vehicle policy***—

Omit the definition, substitute the following definition:

“*public vehicle policy*—see section 218.”.

***Road Transport (Vehicle Registration) Act 1999***

**[3.60] Section 2**—

Repeal the section.

**[3.61] Paragraph 15 (3) (a)**—

Omit “(*inspectors*)”, substitute “(*authorised examiners*)”.

**[3.62] Paragraph 15 (3) (c)**—

Omit “inspectors”, substitute “authorised examiners”.

**[3.63] Subparagraph 15 (3) (e) (ii)**—

(a) Omit “inspectors”, substitute “authorised examiners”.

(b) Omit “inspector”, substitute “authorised examiner”.

**[3.64] Subsection 21 (1)**—

Omit “a registered operator”, substitute “the registered operator”.

**[3.65] Subsection 21 (2)**—

Omit “A registered operator”, substitute “The registered operator”.



**SCHEDULE 3**—continued

**[3.66] Subsection 29 (3)**—

Omit “, liabilities and obligations”, substitute “and liabilities”.

**[3.67] Section 42**—

Omit “ceases to have effect 15 months after it commences”, substitute “expires on 1 June 2001”.

**[3.68] Dictionary (definition of *registered*)**—

Omit “registrable”.

**[3.69] Dictionary (definition of *registered operator*)**—

Omit “a registrable vehicle”, substitute “a vehicle”.

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**SCHEDULE 4**—continued

**SCHEDULE 4**

(See s 6)

REGULATIONS AMENDED

*Road Transport (Alcohol and Drugs) Regulations 2000*

**[4.1] Regulation 2—**

Repeal the regulation.

**[4.2] Regulation 4—**

Omit “the Schedule”, substitute “Schedule 1”.

**[4.3] Schedule—**

Renumber as Schedule 1.

*Road Transport (Dimensions and Mass) Regulations 2000*

**[4.4] Regulation 2—**

Repeal the regulation.

*Road Transport (Driver Licensing) Regulations 2000*

**[4.5] Regulation 2—**

Repeal the regulation.

**[4.6] Subparagraph 15 (1) (d) (iii)—**

Omit “another person”, substitute “someone else”.

**[4.7] Subregulation 123 (7) (definition of *relevant number*, subparagraph (b) (i))—**

After “evidence”, insert “(under paragraph 36 (3) (c) or 37 (3) (c))”.

**[4.8] Subregulation 124 (3) (definition of *relevant number*, subparagraph (b) (i))—**

After “evidence”, insert “(under paragraph 36 (3) (c) or 37 (3) (c))”.

**SCHEDULE 4—continued**

***Road Transport (General) Regulations 2000***

**[4.9] Regulation 2—**

Repeal the regulation.

**[4.10] Regulation 4, note—**

Omit the note, substitute the following note:

*Note* For comparison, a number of regulations contain bracketed notes in their headings drawing attention to equivalent or comparable (though not necessarily identical) provisions of other legislation. The notes include the following abbreviations:

- MTA: *Motor Traffic Act 1936*, as in force immediately before the commencement of this Act
- MTR: *Motor Traffic Regulations 1934*, as in force immediately before the commencement of this Act
- NSW (DL): *Road Transport (Driver Licensing) Regulation 1999* (NSW)
- NSW (Gen): *Road Transport (General) Regulation 1999* (NSW)
- NSW (SD): *Road Transport (Short Descriptions and Penalty Notice Offences) Regulation 1999* (NSW)
- NSW (VR): *Road Transport (Vehicle Registration) Regulation 1999* (NSW).”.

**[4.11] Paragraphs 16 (1) (b) to (g)—**

Re-number as paragraphs (c) to (h).

**[4.12] New section 16 (1) (b)—**

Insert after section 16 (1) (a) the following paragraph:

“(b) a fee, charge or other amount payable in relation to a driving instructor’s accreditation;”.

**[4.13] Subregulation 17 (1) (definition of *relevant thing*)—**

Omit the definition, substitute the following definition:

“*relevant thing* means—

**SCHEDULE 4—continued**

- (a) for a fee, charge or other amount mentioned in paragraph 16 (1) (a)—the driver licence; or
- (b) for a fee, charge or other amount mentioned in paragraph 16 (1) (b)—the accreditation; or
- (c) for a fee, charge or other amount mentioned in paragraph 16 (1) (c) or (d)—the vehicle registration; or
- (d) for a fee, charge or other amount mentioned in paragraph 16 (1) (e)—the appointment; or
- (e) for a fee, charge or other amount mentioned in paragraph 16 (1) (f)—the approval; or
- (f) for a fee, charge or other amount mentioned in paragraph 16 (1) (g)—the trader’s plates; or
- (g) for a fee, charge or other amount mentioned in paragraph 16 (1) (h)—the licence.”.

***Road Transport (Hire Vehicle Services) Regulations 2000***

**[4.14] Regulation 2—**

Repeal the regulation.

***Road Transport (Offences) Regulations 2000***

**[4.15] Regulation 2—**

Repeal the regulation.

**[4.16] Regulations 5 and 6—**

Omit “the Schedule”, substitute “Schedule 1”.

**[4.17] Regulations 8, 16 and 17—**

Omit “the Schedule”, substitute “schedule 1”.

**[4.18] Regulation 20—**

Omit “the schedule”, substitute “schedule 1”.

**SCHEDULE 4—continued**

**[4.19] Regulation 24 (1) and (2)—**

Omit the subregulations, substitute the following subregulations:

“(1) This part expires on 1 June 2001.

“(2) To remove any doubt, regulation 22 (as renumbered by Subordinate Law 2000 No 57) is taken not to have ceased to have effect on 1 June 2000.”.

**[4.20] Dictionary, note—**

Omit “the schedule”, substitute “schedule 1”.

**[4.21] Schedule—**

Renumber as schedule 1.

**[4.22] Schedule, part 7, item 62, col 3—**

Omit “/public vehicle policies”.

**[4.23] Schedule, part 7, item 64, col 2—**

Omit “217 (1)”, substitute “217”.

***Road Transport (Safety and Traffic Management) Regulations 2000***

**[4.24] Regulation 2—**

Repeal the regulation.

**[4.25] Subregulation 128 (2)—**

Omit “2 years after it commences”, substitute “on 1 March 2002”.

***Road Transport (Taxi Services) Regulations 2000***

**[4.26] Regulation 2—**

Repeal the regulation.

**SCHEDULE 4**—continued

**[4.27] Regulation 13 (4)**—

Omit the subregulation, substitute the following subregulation:

“(4) In this regulation:

*public vehicle policy*—see the Act, section 218.”.

*Road Transport (Third-Party Insurance) Regulations 2000*

**[4.28] Regulation 2**—

Repeal the regulation.

**[4.29] Regulation 6**—

Omit the regulation.

**[4.30] Regulation 8**—

Omit the regulation, substitute the following regulation:

“**8 Lost, stolen etc certificates of insurance**  
(TPI reg 9, 10)

If the insurer that issued a certificate of insurance to a person is satisfied that the certificate has been lost, stolen, damaged or destroyed, the insurer must, on application by the person, give the person a replacement certificate.”.

**[4.31] Dictionary, definition of *issue***—

Omit “or public vehicle policy”.

**[4.32] Dictionary, definitions of *public vehicle* and *public vehicle policy***—

Omit the definitions.

*Road Transport (Vehicle Registration) Regulations 2000*

**[4.33] Regulation 2**—

Repeal the regulation.

**SCHEDULE 4**—continued

**[4.34] Regulation 118—**

Omit “the person is not eligible to apply for authorisation as an examiner for that class of vehicles”, substitute the following paragraphs:

- “(a) the person is not eligible to apply for authorisation as an examiner for that class of vehicles; or
- (b) the person has not complied with a requirement made by the authority in relation to the application or a requirement of the Act relating to the application.”.

**[4.35] Dictionary (definition of *public vehicle*)—**

Omit the definition.

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**SCHEDULE 5**

(See s 7)

**AMENDMENTS OF ROAD TRANSPORT  
(SAFETY AND TRAFFIC MANAGEMENT) ACT**

**[5.1] Section 2—**

Omit the section.

**[5.2] Section 23—**

Omit the section, substitute the following sections:

**“22A Meaning of *relevant information* for pt 6**

**“(1)** In this part, *relevant information*, for an image of a vehicle taken by a camera detection device, is—

- (a) the date and time when, and place where, the image was taken; and
- (b) the person responsible for the use of the device when the image was taken; and
- (c) if the vehicle is being driven in contravention of a provision of the regulations about traffic lights at an intersection—
  - (i) the general direction and lane in which the vehicle is being driven; and
  - (ii) the time a red traffic light or red traffic arrow facing the driver of the vehicle at the intersection had been showing before the driver entered the intersection; and
- (d) if the vehicle is being driven in contravention of a provision of the regulations about obeying the speed limit—
  - (i) the speed measuring device component of the camera detection device; and
  - (ii) the speed limit applying to the driver of the vehicle for the length of road where the driver was driving when the image is taken; and
  - (iii) the speed at which the driver of the vehicle was driving



**SCHEDULE 5**—continued

when the image is taken.

**23 Use of camera detection devices (MTA s 180ZE)**

“(1) A *camera detection device* is a device designed to do either or both of the following:

- (a) take complying images of vehicles being driven in contravention of the regulations about traffic lights at intersections;
- (b) measure the speed at which vehicles are being driven and take complying images of vehicles being driven in contravention of a provision of the regulations about obeying the speed limit.

“(2) A photographic or electronic image of a vehicle taken by an approved camera detection device is a complying image if—

- (a) the image shows the vehicle and its numberplate; and
- (b) the relevant information for the image is indicated on the image; and
- (c) for an electronic image—
  - (i) the device creates an electronic file that contains the image and the relevant information for the image; and
  - (ii) the file is recorded in accordance with the regulations; and
  - (iii) if the regulations require the accuracy of the file to be verified—the file is verified in accordance with the regulations.

“(3) This section does not—

- (a) limit the matters that may be indicated on or shown by an image taken by an approved camera detection device; or
- (b) limit the information included in an electronic file created by an approved camera detection device; or
- (c) require an approved camera detection device to be operated by a person.

**SCHEDULE 5**—continued

*Note* Information etc that is indicated on an image includes information etc accompanying or reasonably associated with the image (see the dict, def of *indicated on*).”.

**[5.3] Section 24 (2)**—

Omit “produced”, substitute “taken”.

**[5.4] Section 25 (2)**—

Omit the subsection, substitute the following subsection:

“(2) A certificate that appears to be signed by a police officer or the road transport authority, and states a matter relevant to any of the following, is evidence of the matter:

- (a) the use of a traffic offence detection device in relation to the vehicle;
- (b) anything done or not done in relation to a traffic offence detection device under the regulations made for this part;
- (c) the recording or verification of an electronic file created by an approved camera detection device.”.

**[5.5] Section 25 (3) (a) (ii)**—

Omit “or”.

**[5.6] Section 25 (3) (a) (iii)**—

Omit the paragraph.

**[5.7] Section 25 (4) and (5)**—

Omit the subsections, substitute the following subsections:

“(4) An image stated by a certificate given under subsection (2) to be an accurate copy of an image taken by an approved camera detection device is evidence of everything indicated on or shown by the image.

*Note* Information etc that is indicated on an image includes information etc accompanying or reasonably associated with the image (see the dict, def of *indicated on*).

**SCHEDULE 5**—continued

“(5) Without limiting subsection (4), the information indicated on or shown by the image is evidence of the following matters:

- (a) that the vehicle shown in the image was being driven when and the place where (the *relevant time and place*) the image was taken by the device;
- (b) if the information indicates a speed limit—that the speed limit applied to the driver of the vehicle for the length of road where the driver was driving at the relevant time and place;
- (c) if the information indicates the speed of the vehicle—that the driver was driving the vehicle at that speed at the relevant time and place;
- (d) if the information indicates the lane and the general direction in which the vehicle was travelling—that the vehicle was travelling in that lane in the general direction indicated;
- (e) if the information indicates the length of time a red traffic light or red traffic arrow facing the driver of the vehicle at the intersection concerned had been showing—that the light or arrow shown in the image had been showing for the stated time before the driver entered the intersection.”.

**[5.8] Section 26 (c)**—

Omit “produced by”, substitute “taken or created by”.

**[5.9] Section 27 (heading)**—

Omit the heading, substitute the following heading:

**“27 Inspection and purchase of images taken by camera detection devices (MTA s 180ZI)”**

**[5.10] Section 27 (2)**—

Omit the subsection, substitute the following subsection:

“(2) The road transport authority must—

- (a) make a copy of the image (including the information indicated on the image) available for inspection by the person; and

**SCHEDULE 5**—continued

(b) give a copy to the person if the person asks for a copy.

*Note* A fee may be determined under the *Road Transport (General) Act 1999*, s 96 (Determination of fees, charges and other amounts) for this section.”.

**[5.11] Section 50—**

Omit “ceases to have effect 15 months after it commences”, substitute “expires on 1 June 2001”.

**[5.12] Dictionary—**

Insert the following definitions in the dictionary:

“*indicated on*, an image of a vehicle taken by an approved camera detection device, includes accompanying or reasonably associated with the image.

*red traffic arrow* includes a flashing red traffic arrow.

*red traffic light* includes a flashing red traffic light.

*relevant information*, for an image of a vehicle, for part 6 (Traffic offence detection devices)—see section 22A (Meaning of *relevant information* for pt 6).

*traffic lights* includes any traffic arrows installed with or near the lights.”.

**SCHEDULE 6**

(See s 8)

**AMENDMENTS OF MOTOR OMNIBUS SERVICES  
LEGISLATION**

**PART 6.1— MOTOR OMNIBUS SERVICES ACT 1955**

**[6.1] Section 2 (1)—**

Omit “(1) In this Act, unless the contrary intention appears—”, substitute “In this Act:”.

**[6.2] Section 2 (1), definitions of *bus stop sign* and *child*—**

Omit the definitions.

**[6.3] Section 2 (1), definition of *fare*—**

Omit the definition, substitute the following definition:

“*fare* means the amount payable by a person for travel on an omnibus.”.

**[6.4] Section 2 (1), definition of *motor omnibus service*—**

Omit the definition, substitute the following definition:

“*motor omnibus service* means a motor omnibus service under this Act.”.

**[6.5] Section 2 (1), definitions of *section sign*, *stopping place*, *ticket* and *zone sign*—**

Omit the definitions.

**[6.6] Section 2 (2)—**

Omit the subsection, substitute the following section:

**“3 Purchase of tickets for someone else**

For this Act, a ticket purchased by a person for someone else is taken to have been purchased by the other person.

**SCHEDULE 6—continued**

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations and a determination made by the Minister under s 23 (see *Legislation Act 2001*, s 104).”.

**[6.7] Section 3—**

Omit the section, substitute the following section:

**“4 Establishment etc of motor omnibus services**

The Minister may establish, maintain and conduct such motor omnibus services within the ACT as the Minister considers appropriate.”.

**[6.8] Sections 4 and 4A—**

Omit the sections.

**[6.9] Section 4BA (2) —**

Omit “he or she shall, by notice published in the *Gazette*”, substitute “the Minister must, in writing”.

**[6.10] New section 4BA (5) —**

Insert after section 4BA (4) the following subsection:

**“(5)** A notification or determination under subsection (2) is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.”.

**[6.11] Section 4D—**

Omit the section.

**[6.12] Section 6 (3) —**

Omit “or the regulations”.

**[6.13] Section 6 (3), new note—**

Insert the following note:

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).”.

**SCHEDULE 6**—continued

**[6.14] Sections 8 (1), 9 (1) and 11—**

Omit “or the regulations”.

**[6.15] Section 12 (2)—**

Omit “shall be in a form approved by the Chief Executive and”.

**[6.16] Section 12 (2), new note—**

Insert the following note:

*Note* If a form is approved under s 24 (Approved forms) for a notice, the form must be used.”.

**[6.17] Section 22—**

Omit “or the regulations”.

**[6.18] Sections 23 and 24—**

Omit the sections, substitute the following sections:

**“23 Determination of fees and charges**

**“(1)** The Minister may, in writing, determine fees and charges for this Act.

*Note* The *Legislation Act 2001* contains provisions about the making of determinations and regulations relating to fees (which includes charges and other amounts) (see pt 6.3).

**“(2)** A determination is a disallowable instrument.

*Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.”.

**24 Approved forms**

**“(1)** The Minister may, in writing, approve forms for this Act.

**“(2)** If the Minister approves a form for a particular purpose, the approved form must be used for that purpose.

**“(3)** An approved form is a notifiable instrument.

*Note* A notifiable instrument must be notified under the *Legislation Act 2001*.

**SCHEDULE 6—continued**

**25 Regulation-making power**

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

*Note* Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

“(2) The regulations may make provision in relation to—

- (a) the conduct of drivers employed on a motor omnibus service; and
- (b) the conditions under which passengers are carried on a motor omnibus service; and
- (c) the behaviour of people intending to enter, and passengers in, an omnibus.

“(3) The regulations may also prescribe offences for contraventions of the regulations and prescribe maximum penalties of not more than 10 penalty units for offences against the regulations.”.

**PART 6.2—MOTOR OMNIBUS SERVICES REGULATIONS 1955**

**[6.19] Regulation 3, definition of *charges determination*—**

Omit the definition, substitute the following definition:

“*charges determination* means the determination of fares in force from time to time under section 23 (Determination of fees and charges) of the Act.”.

**[6.20] Regulation 3, definitions of *smoking offence* and *the Act*—**

Omit the definitions.

**[6.21] Regulation 3, new note—**

Insert the following note:

“*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).”.



**SCHEDULE 6—continued**

**[6.22] Regulation 17 (3)—**

Omit the subregulation.

**[6.23] Regulation 25A—**

Omit the regulation.

**[6.24] Regulation 28, new note—**

Insert the following note:

*“Note A person may not smoke in an omnibus (see *Smoke-free Areas (Enclosed Public Places) Act 1994*).”.*

**[6.25] Regulation 36A—**

Omit the regulation.

**[6.26] Schedule, part 2, items for regulations 25A and 36A—**

Omit the items.

*[Presentation speech made in Assembly on 7 September 2000]*