

2013

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Road Transport Legislation Amendment Bill 2013 (No 2)

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(As presented)

(Attorney-General)

Road Transport Legislation Amendment Bill 2013 (No 2)

A Bill for

An Act to amend road transport legislation

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Road Transport Legislation Amendment Act 2013*
4 (*No 2*).

5 **2 Commencement**

6 (1) This Act commences on a day fixed by the Minister by written
7 notice.

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

10 *Note 2* A single day or time may be fixed, or different days or times may be
11 fixed, for the commencement of different provisions (see [Legislation](#)
12 [Act](#), s 77 (1)).

13 (2) If this Act has not commenced within 12 months beginning on its
14 notification day, it automatically commences on the first day after
15 that period.

16 (3) The [Legislation Act](#), section 79 (Automatic commencement of
17 postponed law) does not apply to this Act.

18 **3 Legislation amended**

19 This Act amends the following legislation:

- 20 • [Road Transport \(Alcohol and Drugs\) Act 1977](#)
- 21 • [Road Transport \(Driver Licensing\) Act 1999](#)
- 22 • [Road Transport \(Driver Licensing\) Regulation 2000](#)
- 23 • [Road Transport \(General\) Act 1999](#)
- 24 • [Road Transport \(General\) Regulation 2000](#)
- 25 • [Road Transport \(Offences\) Regulation 2005](#).

1 **Part 2** **Road Transport (Alcohol and**
2 **Drugs) Act 1977**

3 **4** **Meaning of *special driver***
4 **New section 4B (1) (ea)**

5 *insert*

6 (ea) the person is the holder of an Australian driver licence with an
7 interlock condition or an equivalent condition under a
8 corresponding law; or

9 **5** **Section 4B (3), new definitions**

10 *insert*

11 *corresponding law*—see the *Road Transport (Driver Licensing)*
12 *Act 1999*, dictionary.

13 *interlock condition*—see the *Road Transport (Driver Licensing)*
14 *Regulation 2000*, section 73W.

1 **Part 3** **Road Transport (Driver**
2 **Licensing) Act 1999**

3 **6** **Offence against this Act—application of Criminal Code**
4 **etc**
5 **Section 5A, note 1**

6 *insert*

- 7
 - s 33A (Contravening interlock condition).

8 **7** **When road transport authority may issue or renew driver**
9 **licences**
10 **Section 10 (5)**

11 *substitute*

12 (5) Subsections (1) and (4), as far as they require a person to be a
13 resident of the ACT, do not apply to—

14 (a) a person who lives temporarily outside the ACT; or

15 (b) a person who is the holder of a foreign driver licence who is
16 eligible to apply for, or be issued with, a probationary licence
17 because of the regulation, section 103AA (Overseas drivers—
18 eligibility criteria).

19 **8** **Driver licensing system**
20 **New section 28 (2) (u) to (x)**

21 *insert*

22 (u) make provision in relation to the imposition of a condition on a
23 person's driver licence requiring an alcohol ignition interlock
24 device to be fitted to a motor vehicle driven by the person; and

25 (v) make provision in relation to court-ordered therapeutic
26 programs for people convicted or found guilty of a
27 disqualifying offence, that relates to alcohol, against the *Road*
28 *Transport (Alcohol and Drugs) Act 1977*; and

- 1 (w) make provision in relation to—
- 2 (i) the approval by the road transport authority of alcohol
- 3 ignition interlock devices; and
- 4 (ii) the provision, installation, testing and maintenance of
- 5 alcohol ignition interlock devices; and
- 6 (iii) the approval by the road transport authority of people to
- 7 provide, install, test and maintain alcohol ignition
- 8 interlock devices; and
- 9 (x) make provision about matters to be dealt with by agreement
- 10 between the road transport authority and people who provide,
- 11 install, test and maintain alcohol ignition interlock devices.

12 **9 New section 33A**

13 *in part 3, insert*

14 **33A Contravening interlock condition**

- 15 (1) A person commits an offence if the person—
- 16 (a) holds a driver licence with an interlock condition; and
- 17 (b) engages in conduct that contravenes the interlock condition;
- 18 and
- 19 (c) is reckless about whether the conduct contravenes the interlock
- 20 condition.
- 21 Maximum penalty: 50 penalty units, imprisonment for 6 months or
- 22 both.
- 23 (2) If the person is convicted, or found guilty, by a court of an offence
- 24 against subsection (1), the licence is automatically cancelled unless
- 25 the court orders otherwise.

1 (3) If the licence is cancelled under subsection (2), the cancellation
2 takes effect from the time of the conviction or finding or, if the court
3 orders a later date, on the later date.

4 (4) Subsection (2) does not apply if the licence is cancelled under
5 another provision of the road transport legislation.

6 *Note* Under the *Road Transport (General) Act 1999*, s 66 (1) the
7 disqualification of a person from holding or obtaining a driver licence
8 (whether or not by order of a court) operates to cancel any driver licence
9 held by the person.

10 (5) If the person's licence is cancelled under subsection (2), the person
11 is disqualified from applying for, or being issued with, another
12 driver licence with an interlock condition for the remainder of the
13 disqualification period.

14 (6) In this section:

15 *disqualification period*—see the *Road Transport (Driver Licensing)*
16 *Regulation 2000*, section 73S.

17 *interlock condition*—see the *Road Transport (Driver Licensing)*
18 *Regulation 2000*, section 73W.

19 **10 Dictionary, definition of *probationary licence*, new**
20 **paragraph (aa)**

21 *insert*

22 (aa) a driver licence issued with an interlock condition under the
23 *Road Transport (Driver Licensing) Regulation 2000*,
24 section 73W; or

1 **Part 4** **Road Transport (Driver**
2 **Licensing) Regulation 2000**

3 **11 Offences against regulation—application of Criminal**
4 **Code etc**
5 **Section 4, note 1**

6 *insert*

- 7 • offences against pt 3A (Alcohol ignition interlock devices)

8 **12 Basic kinds of driver licence**
9 **Section 5 (2), note, definition of *probationary licence*, new**
10 **paragraph (ab)**

11 *insert*

- 12 (ab) a driver licence issued with an interlock condition under the
13 *Road Transport (Driver Licensing) Regulation 2000*, s 73W; or

14 **13 Driver licence condition codes**
15 **Table 10, item 4, column 2**

16 *substitute*

17 The licence holder must drive only a motor vehicle with an alcohol interlock ignition
18 device.

19 **14 When probationary licence must be issued**
20 **New section 52 (2A)**

21 *insert*

22 (2A) This section also applies to a person if—

- 23 (a) the road transport authority approves an application by the
24 person for the issue of a driver licence (other than a learner
25 licence) of a particular class; and

- 1 (b) the person—
- 2 (i) is eligible for a probationary licence with an interlock
- 3 condition under section 73T (Mandatory interlock
- 4 condition) or section 73V (Voluntary interlock
- 5 condition); or
- 6 (ii) has an interlock exemption under section 73ZE.

7 **15 Section 52 (3) and note**

8 *substitute*

- 9 (3) Subject to subsection (4), if this section applies to the person, the
- 10 road transport authority must issue a probationary licence of the
- 11 class approved by the authority to the person.

12 *Note* The road transport authority must not issue a probationary licence to a

13 person if s 73D (3) or s 73M (3) applies.

- 14 (4) If a court has made an order under section 73U (Court-ordered
- 15 therapeutic program) that a person comply with any treatment,
- 16 referral or monitoring before being eligible to apply for, or be issued
- 17 with a licence, the road transport authority must be satisfied that the
- 18 person has complied with the order before issuing a probationary
- 19 licence to the person.

20 **16 Driver licence condition codes and explanatory notices**

21 **Section 57 (3)**

22 *after*

23 code E,

24 *insert*

25 I,

1 **17 Duties of holders of conditional licences**
2 **Section 59 (3) and (5)**

3 *after*

4 code E,

5 *insert*

6 I,

7 **18 Conditional licence holders to comply with conditions**
8 **Section 60 (2) and note**

9 *substitute*

10 (2) Subsection (1) does not apply to the holder of—

11 (a) a restricted licence; or

12 (b) a driver licence with an interlock condition under section 73W.

13 *Note 1* It is an offence against the Act, s 33 for the holder of a restricted licence
14 to contravene, without reasonable excuse, a condition to which the
15 licence is subject.

16 *Note 2* It is an offence against the Act, s 33A for a person who holds a driver
17 licence with an interlock condition to contravene the interlock
18 condition.

19 **19 Eligibility to apply for licence if disqualified or licence**
20 **suspended**
21 **Section 66 (4) and note**

22 *substitute*

23 (4) This section is subject to—

24 (a) section 49 (Issue of restricted licence by road transport
25 authority); and

26 *Note* Section 45 deals with the circumstances in which a person may
27 apply to the Magistrates Court for an order authorising the road
28 transport authority to issue a restricted licence to a person.

1 (b) section 73T (Mandatory interlock condition); and

2 *Note* A person to whom s 73T applies is eligible for a probationary
3 licence with an interlock condition after completing half the
4 period of disqualification.

5 (c) section 73V (Voluntary interlock condition).

6 *Note* A person to whom s 73V applies is eligible for a probationary
7 licence with an interlock condition at any time during the period
8 of disqualification if the person is not otherwise disqualified from
9 holding or obtaining a driver licence.

10 **20 Application—div 3.13**
11 **Section 73A**

12 *after*

13 person

14 *insert*

15 (other than a person who is subject to an order under section 73U
16 (Court-ordered therapeutic program))

17 **21 Section 73B heading**

18 *substitute*

19 **73B Meaning of *alcohol awareness course***

20 **22 Section 73B, definition of *alcohol-related disqualifying***
21 ***offence***

22 *omit*

23 New part 3A*insert***Part 3A Alcohol ignition interlock devices****Division 3A.1 General****73S Definitions—pt 3A**

In this part:

alcohol ignition interlock device means a device approved under section 73ZL (Alcohol ignition interlock devices—approval).

approved interlock installer means a person approved as an interlock installer under—

(a) section 73ZN (Issue of approval); or

(b) the *Road Transport (Driver Licensing) Regulation 2008* (NSW), part 10.

approved interlock service provider means a person approved as an interlock service provider under—

(a) section 73ZN (Issue of approval); or

(b) the *Road Transport (Driver Licensing) Regulation 2008* (NSW), part 10.

disqualification period—

(a) for a person whose licence is subject to a mandatory interlock condition—see section 73T; or

(b) for a person whose licence is subject to a voluntary interlock condition—see section 73V.

exemption certificate—see section 73ZG.

1 ***fitted interlock*** means an interlock provided and installed in a motor
2 vehicle by an approved interlock installer and maintained by an
3 approved interlock service provider.

4 ***interlock*** means an alcohol ignition interlock device.

5 ***interlock condition***—see section 73W.

6 ***interlock data record*** is the database of information recorded by a
7 fitted interlock in relation to a driver.

8 ***interlock driver*** means a person whose driver licence is subject to an
9 interlock condition.

10 ***interlock exemption***—see section 73ZE.

11 ***interlock period***, for a person, means the period applying to the
12 person under section 73Y.

13 ***mandatory interlock condition*** means a condition imposed under
14 section 73T (3) or (4).

15 ***nominated vehicle***, for a person, means a motor vehicle nominated
16 by the person under section 73X.

17 ***voluntary interlock condition*** means a condition imposed under
18 section 73V (3).

1 **Division 3A.2 Conditional licences—alcohol ignition**
2 **interlock devices**

3 **73T Mandatory interlock condition**

- 4 (1) This section applies to a person who is—
- 5 (a) either—
- 6 (i) convicted or found guilty of an offence against the *Road*
7 *Transport (Alcohol and Drugs) Act 1977*, section 19 (1)
8 (Prescribed concentration of alcohol in blood or breath) if
9 the court finds that the concentration of alcohol in the
10 person’s blood or breath was at level 4; or
- 11 (ii) a habitual offender; and
- 12 (b) disqualified for a period (the *disqualification period*) from
13 holding or obtaining a driver licence.
- 14 (2) The person is eligible to apply for, or be issued with, a probationary
15 licence if the person—
- 16 (a) has completed at least half of the disqualification period; and
- 17 (b) is not otherwise disqualified from holding or obtaining a driver
18 licence.
- 19 (3) The probationary licence must be issued with an interlock condition
20 imposed by the road transport authority.

- 1 (4) If the person is not issued with a probationary licence before the end
2 of the disqualification period, any probationary licence issued after
3 the disqualification period must, unless the person has an interlock
4 exemption, be issued with an interlock condition imposed by the
5 road transport authority.

6 *Note* A person whose licence is subject to an interlock condition is a *special*
7 *driver* under the *Road Transport (Alcohol and Drugs) Act 1977*.
8 A special driver must not drive a motor vehicle if the driver has a
9 concentration of alcohol of more than 0g in 100mL of blood or 210L of
10 breath.

- 11 (5) In this section:

12 *habitual offender*, means a person who—

- 13 (a) is convicted or found guilty of an alcohol-related disqualifying
14 offence; and
15 (b) has, within 5 years before the conviction or finding of guilt,
16 also been convicted or found guilty of 2 or more other
17 alcohol-related disqualifying offences.

18 **73U Court-ordered therapeutic program**

- 19 (1) This section applies to a person mentioned in section 73T (1)
20 (Mandatory interlock condition).
21 (2) Before the person is sentenced, a report must be prepared for the
22 court by the court alcohol and drug assessment service (*CADAS*)
23 that assesses whether any form of therapeutic treatment or program
24 might assist the person and, if so, makes recommendations about an
25 appropriate treatment or program.
26 (3) In sentencing the person, the court must consider the report and may
27 order that the person have treatment or undergo a program
28 recommended in the assessment.

1 **73V Voluntary interlock condition**

- 2 (1) This section applies to a person (other than a person to whom
3 section 73T applies) who is—
- 4 (a) convicted or found guilty of an alcohol-related disqualifying
5 offence; and
- 6 (b) disqualified for a period (the *disqualification period*) from
7 holding or obtaining a driver licence.
- 8 (2) The person is eligible to apply for, or be issued with, a probationary
9 licence at any time during the disqualification period if the person is
10 not otherwise disqualified from holding or obtaining a driver
11 licence.
- 12 (3) The probationary licence must be issued with an interlock condition
13 imposed by the road transport authority.

14 *Note* A person whose licence is subject to an interlock condition is a *special*
15 *driver* under the *Road Transport (Alcohol and Drugs) Act 1977*. A
16 special driver must not drive a motor vehicle if the driver has a
17 concentration of alcohol of more than 0g in 100mL of blood or 210L of
18 breath.

19 **73W Interlock condition**

- 20 (1) An *interlock condition* is a condition of a person's driver licence
21 that, during the interlock period applying to the person, the person
22 may drive only—
- 23 (a) a motor vehicle that is a nominated vehicle for the person and
24 has a fitted interlock; or
- 25 (b) if the person is receiving driver training from a driver trainer—
- 26 (i) a motor vehicle mentioned in paragraph (a); or
- 27 (ii) a motor vehicle provided by the driver trainer; or

1 (c) if the person is taking a practical driving test required by the
2 road transport authority under section 78 (Tests and medical
3 examinations of drivers etc)—any motor vehicle.

4 (2) In this section:

5 *driver trainer*—see the *Road Transport (Alcohol and Drugs)*
6 *Act 1977*, section 4BA.

7 **73X Nomination of vehicle**

8 (1) For section 73W (1) (a), a nomination of a motor vehicle must be
9 made to the road transport authority.

10 *Note* If a form is approved under the *Road Transport (General) Act 1999*,
11 s 225 for this provision, the form must be used.

12 (2) A person may—

13 (a) only nominate a motor vehicle of a class shown on the person's
14 driver licence; and

15 (b) nominate more than 1 motor vehicle.

16 **Examples**

17 1 the person's own motor vehicle

18 2 a motor vehicle owned by the person's spouse, friend or employer

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

22 **73Y Interlock period**

23 (1) The interlock period applying to a person whose licence is subject to
24 a mandatory interlock condition is the period—

25 (a) starting on the day the interlock condition is imposed on the
26 licence; and

- 1 (b) ending—
- 2 (i) at the later of—
- 3 (A) 6 months after that day; and
- 4 (B) the end of the person's disqualification period
- 5 mentioned in section 73T; or
- 6 (ii) if, at that time, the road transport authority is not satisfied
- 7 under subsections (4) and (5)—when the road transport
- 8 authority is satisfied under subsections (4) and (5).
- 9 (2) The interlock period applying to a person whose licence is subject to
- 10 a voluntary interlock condition is the period—
- 11 (a) starting on the day the interlock condition is imposed on the
- 12 licence; and
- 13 (b) ending—
- 14 (i) at the later of—
- 15 (A) 6 months after that day; and
- 16 (B) the end of the person's disqualification period
- 17 mentioned in section 73V; or
- 18 (ii) if, at that time, the road transport authority is not satisfied
- 19 under subsection (4)—when the road transport authority
- 20 is satisfied under subsection (4).
- 21 (3) The interlock period applying to a person whose licence is subject to
- 22 an interlock condition under section 73ZH (2) (When interlock
- 23 exemption ends) is the period—
- 24 (a) starting on the day the interlock condition is imposed on the
- 25 licence; and

- 1 (b) ending—
- 2 (i) 6 months after that day; or
- 3 (ii) if, at that time, the road transport authority is not satisfied
- 4 under subsections (4) and (5)—when the road transport
- 5 authority is satisfied under subsections (4) and (5).
- 6 (4) For subsections (1) (b) (ii), (2) (b) (ii) and (3) (b) (ii), the road
- 7 transport authority must be satisfied that in the immediately
- 8 preceding 3-month period, the person has not—
- 9 (a) driven a nominated vehicle for the person—
- 10 (i) without first providing the vehicle’s fitted interlock with
- 11 a specimen of the person’s breath; or
- 12 (ii) when the person knew, or ought reasonably to have
- 13 known, that the vehicle’s fitted interlock was not
- 14 operating properly or had been interfered with; or
- 15 (b) recorded more than 2 failed attempts to start a nominated
- 16 vehicle for the person as demonstrated by the interlock data
- 17 record; or
- 18 **Example—failed attempt**
- 19 providing a sample of breath containing alcohol to the interlock
- 20 *Note* An example is part of the regulation, is not exhaustive and may
- 21 extend, but does not limit, the meaning of the provision in which
- 22 it appears (see [Legislation Act](#), s 126 and s 132).
- 23 (c) failed to comply with the interlock condition under
- 24 section 73W.
- 25 (5) For subsections (1) (b) (ii) and (3) (b) (ii), the road transport
- 26 authority must also be satisfied that the person has complied with
- 27 any order made for the person under section 73U (Court-ordered
- 28 therapeutic program).

- 1 (6) In this section:
2 *interfered with* includes tampered with, damaged, destroyed and
3 removed.

4 **73Z When interlock condition ends**

- 5 (1) The interlock condition of a person's licence ends when the
6 interlock period applying to the person ends.
- 7 (2) If a person's probationary licence period ends before the person's
8 interlock period ends, the person—
- 9 (a) is not eligible for a driver licence other than a probationary
10 licence; and
- 11 (b) may apply to the road transport authority to renew the person's
12 probationary licence.
- 13 (3) The road transport authority must issue any subsequent probationary
14 licence with an interlock condition imposed for the remainder of the
15 interlock period.

16 **73ZA Producing interlock data record**

- 17 (1) During an interlock driver's interlock period, the road transport
18 authority may, by written notice, require the driver to give the
19 authority, not later than 7 days after the day the notice is given, the
20 driver's interlock data record for the period stated in the notice.
- 21 (2) The road transport authority may, by written notice, require an
22 approved interlock installer or an approved interlock service
23 provider to produce to the authority, not later than 7 days after the
24 day the notice is given, a person's interlock data record for the
25 period stated in the notice.

1 (3) A person must not fail to comply with a notice given to the person
2 under subsection (1) or (2).

3 Maximum penalty: 20 penalty units.

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

5 **73ZB Destruction of interlock data record prohibited**

6 (1) A person commits an offence if the person destroys an interlock data
7 record before the end of the interlock period for the person to whom
8 the record relates.

9 Maximum penalty: 20 penalty units.

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

11 **73ZC Interlock data record destroyed, lost or stolen**

12 (1) This section applies if an interlock driver becomes aware, or
13 reasonably suspects, that the driver's interlock data record has been
14 destroyed, lost or stolen during the driver's interlock period.

15 (2) The driver must tell the road transport authority as soon as
16 practicable, but not later than 7 days after the day the driver
17 becomes aware, or reasonably suspects, that the interlock data
18 record has been destroyed, lost or stolen.

19 Maximum penalty: 20 penalty units.

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

21 **73ZD Offences relating to use of another person's means of
22 identification**

23 (1) A person commits an offence if—

24 (a) the person drives a motor vehicle with a fitted interlock; and

25 (b) the vehicle is also driven by another person; and

- 1 (c) the person—
- 2 (i) uses the other person's means of identification to operate
- 3 the vehicle; or
- 4 (ii) allows the other person to use the person's means of
- 5 identification to operate the vehicle.

6 Maximum penalty: 20 penalty units.

7 **Examples—means of identification**

8 a PIN, password or swipe card

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

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

13 **Division 3A.3 Interlock exemptions**

14 **73ZE Exemption from interlock condition—application**

- 15 (1) This section applies to a person to whom section 73T (4)
- 16 (Mandatory interlock condition) applies.

17 *Note* Section 73T (4) applies to a person who chooses to complete the
18 disqualification period, rather than apply for a probationary licence after
19 completing half the disqualification period under s 73T (2).
20 Section 73T (4) provides that any probationary licence issued to the
21 person after the disqualification period must, unless the person has an
22 interlock exemption, be issued with an interlock condition.

- 1 (2) The person may apply to the road transport authority for an
2 exemption from the mandatory imposition of an interlock condition
3 on the person's probationary licence (an *interlock exemption*)
4 because of special circumstances.

5 **Example—special circumstances**

6 a medical condition that prevents the applicant from providing a sufficient breath
7 sample to operate an interlock

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

- 11 (3) The road transport authority may, in writing, require the applicant to
12 give the authority additional information or documents that the
13 authority reasonably needs to decide the application.

14 *Note* Giving false or misleading information and producing false or
15 misleading documents are offences against the [Criminal Code](#), s 338
16 and s 339.

- 17 (4) If the applicant does not comply with a requirement under
18 subsection (3), the road transport authority may refuse to consider
19 the application.

20 **73ZF Exemption from interlock condition—decision on**
21 **application**

- 22 (1) On application by a person for an interlock exemption under
23 section 73ZE, the road transport authority must—

- 24 (a) grant the exemption; or
25 (b) refuse to grant the exemption.

- 26 (2) If the road transport authority grants the exemption, the authority
27 may impose conditions applying to the exemption.

- 28 (3) The road transport authority may grant the exemption only if
29 satisfied on reasonable grounds that special circumstances exist for
30 granting the exemption.

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

4 **73ZG Exemption certificate**

- 5 (1) This section applies if the road transport authority grants an
6 interlock exemption under section 73ZF.
- 7 (2) The authority must, by written notice, inform the applicant of—
- 8 (a) the special circumstances the authority was satisfied of under
9 section 73ZF (3); and
- 10 (b) the matters about which the person must notify the authority,
11 under section 73ZK, of any change.
- 12 (3) The authority must also give the applicant a certificate about the
13 exemption (an *exemption certificate*).
- 14 (4) The exemption certificate must state—
- 15 (a) the expiry date of the exemption; and
- 16 (b) any conditions applying to the exemption.

17 *Note* If a form is approved under the *Road Transport (General) Act 1999*,
18 s 225 for this provision, the form must be used.

19 **73ZH When interlock exemption ends**

- 20 (1) A person's interlock exemption ends on the earliest of the
21 following:
- 22 (a) the expiry date stated on the exemption certificate;
- 23 (b) 14 days after the day the person gives the road transport
24 authority a notice under section 73ZK (Person with interlock
25 exemption must give notice of change of circumstances);
- 26 (c) when the probationary licence period ends.

27 *Note* A probationary licence is generally issued for 1 year (see s 53).

- 1 (2) If a person's interlock exemption ends under subsection (1) (a)
2 or (b), the road transport authority may impose an interlock
3 condition on the probationary licence.
- 4 (3) In deciding whether to impose an interlock condition under
5 subsection (2), the road transport authority—
- 6 (a) must consider—
- 7 (i) whether the person is complying with any order under
8 section 73U (Court-ordered therapeutic program); and
- 9 (ii) for a person whose interlock exemption ended under
10 subsection (1) (b)—the extent to which the person's
11 circumstances have changed based on the information
12 provided by the person in the notice under section 73ZK;
13 and
- 14 (iii) the period of time remaining on the person's probationary
15 licence; and
- 16 (b) may consider any other relevant matter.

17 **73ZI Production of exemption certificate to police officer or**
18 **authorised person**

- 19 (1) This section applies to a person who has an interlock exemption.
- 20 (2) The person must, if required by a police officer or authorised
21 person, produce for inspection the person's exemption certificate, at
22 a place directed by the police officer or authorised person, not more
23 than 3 days after the request is made.
- 24 Maximum penalty: 20 penalty units.
- 25 (3) An offence against this section is a strict liability offence.

1 **73ZJ Failing to comply with condition of interlock exemption**

- 2 (1) A person who has an interlock exemption commits an offence if—
- 3 (a) the person's interlock exemption is subject to a condition under
- 4 section 73ZF (2); and
- 5 (b) the person fails to comply with the condition.
- 6 Maximum penalty: 20 penalty units.
- 7 (2) An offence against this section is a strict liability offence.

8 **73ZK Person with interlock exemption must give notice of**

9 **change of circumstances**

- 10 (1) This section applies to a person who has an interlock exemption and
- 11 a relevant change of circumstances happens.
- 12 (2) The person must give written notice of the change to the road
- 13 transport authority as soon as practicable, but not later than 7 days
- 14 after the day the circumstances change.
- 15 Maximum penalty: 20 penalty units.
- 16 (3) An offence against this section is a strict liability offence.
- 17 (4) In this section:
- 18 *relevant change of circumstances* means a change in any of the
- 19 matters stated, as required under section 73ZG (2) (b) (Exemption
- 20 certificate), in a written notice given to the person.

21 **Division 3A.4 Approval**

22 **73ZL Alcohol ignition interlock devices—approval**

- 23 (1) The road transport authority may approve a device (an *alcohol*
- 24 *ignition interlock device*) that prevents a motor vehicle from being
- 25 started, or continuing to be driven, unless the device is provided
- 26 with a sample of a person's breath containing no alcohol.

- 1 (2) The road transport authority must not approve an alcohol ignition
2 interlock device unless the device—
- 3 (a) complies with AS 3547-1997 (Breath Alcohol Testing Devices
4 for Personal Use), as in force from time to time; and
- 5 (b) has the technical capability to identify the driver of the vehicle
6 at a particular time.
- 7 **Examples**
- 8 1 the driver's use of a PIN, password or swipe card issued by an
9 approved interlock provider
- 10 2 a camera installed by an approved interlock provider
- 11 *Note* An example is part of the regulation, is not exhaustive and may
12 extend, but does not limit, the meaning of the provision in which
13 it appears (see [Legislation Act](#), s 126 and s 132).
- 14 (3) The [Legislation Act](#), section 47 (6) does not apply to AS 3547-1997.
- 15 *Note* AS 3547-1997 does not need to be notified under the [Legislation Act](#)
16 because s 47 (6) does not apply (see [Legislation Act](#), s 47 (7)). The
17 standard may be purchased at www.standards.org.au.
- 18 (4) An approval is a notifiable instrument
- 19 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

20 **Division 3A.5 Interlock installers and service** 21 **providers**

22 **73ZM Application for approval as interlock installer or interlock** 23 **service provider**

- 24 (1) A person may apply to the road transport authority for approval as
25 either or both of the following:
- 26 (a) a person who may provide, install and remove an interlock in a
27 motor vehicle (an ***approved interlock installer***);

- 1 (b) a person who may carry out maintenance to ensure the proper
2 operation of an interlock or conduct inspections of an interlock
3 (an ***approved interlock service provider***).
- 4 (2) The road transport authority may, in writing, require the applicant to
5 give the authority additional information or documents that the
6 authority reasonably needs to decide the application.
- 7 *Note* Giving false or misleading information and producing false or
8 misleading documents are offences against the [Criminal Code](#), s 338
9 and s 339.
- 10 (3) If the applicant does not comply with a requirement under
11 subsection (2), the road transport authority may refuse to consider
12 the application.
- 13 *Note 1* If a form is approved under the [Road Transport \(General\) Act 1999](#),
14 s 225 for this provision, the form must be used.
- 15 *Note 2* A fee may be determined under the [Road Transport \(General\) Act 1999](#),
16 s 96 for this provision.

17 **73ZN Issue of approval**

- 18 (1) If a person applies for approval under section 73ZM the road
19 transport authority must—
- 20 (a) issue the approval; or
21 (b) refuse to issue the approval.
- 22 (2) The road transport authority must not issue the approval unless the
23 applicant is eligible for approval under section 73ZO.
- 24 *Note* An approval may be subject to conditions imposed by the road transport
25 authority (see s 73ZQ).
- 26 (3) However, the authority may refuse to issue the approval only if—
- 27 (a) the authority has given the applicant written notice of the
28 proposed refusal; and

- 1 (b) the notice states—
- 2 (i) the reasons for the proposed refusal; and
- 3 (ii) that written comments on the proposed refusal may be
- 4 made to the authority before the end of a stated period of
- 5 at least 14 days after the day the notice is given to the
- 6 applicant; and
- 7 (c) the authority has considered any comments made by the
- 8 applicant before the end of the stated period.
- 9 (4) The road transport authority is taken to have refused to issue the
- 10 approval if the applicant does not comply with a requirement under
- 11 section 73ZM (2).

12 **73ZO Eligibility for approval**

- 13 (1) A person is eligible to be an approved interlock installer or an
- 14 approved interlock service provider if the road transport authority is
- 15 satisfied on reasonable grounds that the person—
- 16 (a) is at least 18 years old; and
- 17 (b) is a suitable person to hold an approval having regard to the
- 18 matters mentioned in section 73ZP; and
- 19 (c) for an approved interlock installer—
- 20 (i) is suitably qualified and has the abilities, skills,
- 21 knowledge and experience to perform the functions of an
- 22 approved interlock installer; and
- 23 (ii) has access to equipment and facilities necessary to enable
- 24 the person to provide, install and remove interlocks in
- 25 motor vehicles; and

- 1 (d) for an approved interlock service provider—
- 2 (i) is suitably qualified and has the abilities, skills,
- 3 knowledge and experience to perform the functions of an
- 4 approved interlock service provider; and
- 5 (ii) has access to equipment and facilities necessary to enable
- 6 the person to carry out maintenance to ensure the proper
- 7 operation of interlocks in motor vehicles and to inspect
- 8 interlocks.
- 9 (2) A person is not eligible to be an approved interlock installer or an
- 10 approved interlock service provider if the road transport authority is
- 11 satisfied on reasonable grounds that the person—
- 12 (a) is unable to perform the functions of an approved interlock
- 13 installer or an approved interlock service provider because of
- 14 illness or mental or physical incapacity; or
- 15 (b) has at any time had an approval as an approved interlock
- 16 installer or an approved interlock service provider revoked; or
- 17 (c) has failed to properly perform the functions of an approved
- 18 interlock installer or an approved interlock service provider.

19 **73ZP Suitable person**

- 20 (1) In deciding whether an applicant is a suitable person to be an
- 21 approved interlock installer or approved interlock service provider,
- 22 the road transport authority must have regard to the following
- 23 matters:
- 24 (a) whether the person has been convicted or found guilty of a
- 25 relevant offence within 5 years before the person applies for
- 26 the approval;
- 27 (b) whether the person is, or at any time in the last 5 years has
- 28 been, bankrupt or personally insolvent;

29 *Note* **Bankrupt or personally insolvent**—see the [Legislation Act](#),

30 dictionary, pt 1.

- 1 (c) whether the person has at any time had a driver licence with an
2 interlock condition suspended or cancelled.
- 3 (2) In this section:
- 4 ***corresponding jurisdiction*** means the Commonwealth, a State or
5 New Zealand.
- 6 *Note* ***State*** includes the Northern Territory (see [Legislation Act](#), dict, pt 1).
- 7 ***relevant offence***, means any of the following offences:
- 8 (a) an offence involving dishonesty;
- 9 (b) a relevant offence under the [Road Transport \(Alcohol and](#)
10 [Drugs\) Act 1977](#), section 4F;
- 11 (c) an offence in a corresponding jurisdiction that would have
12 been an offence under paragraph (a) or (b) if committed in the
13 ACT.

14 **73ZQ Approval conditions**

- 15 (1) The road transport authority may issue an approval under
16 section 73ZN, or a renewal under section 73ZT, with conditions.
- 17 (2) The road transport authority may impose additional conditions or
18 vary or revoke a condition after the approval is issued.
- 19 (3) Conditions may include but are not limited to the following:
- 20 (a) conditions relating to the provision, installation, removal,
21 inspection or carrying out of maintenance on interlocks;
- 22 (b) conditions relating to the interlock data record and the
23 provision of the data to the road transport authority, people
24 nominated by the authority and interlock drivers.

- 1 (4) However, the authority may impose an additional condition, or vary
2 or revoke a condition under subsection (2), only if—
- 3 (a) the authority has given the approval holder written notice of
4 the proposed additional condition, variation or revocation of a
5 condition; and
- 6 (b) the notice states—
- 7 (i) the reasons for the proposed additional condition,
8 variation or revocation of a condition; and
- 9 (ii) that written comments on the proposed additional
10 condition, variation or revocation of a condition may be
11 made to the authority before the end of a stated period of
12 at least 14 days after the day the notice is given to the
13 approval holder; and
- 14 (c) the authority has considered any comments made by the
15 approval holder before the end of the stated period.

16 **73ZR Term of approval**

- 17 (1) An approval issued under section 73ZN—
- 18 (a) is issued for a period of not more than 3 years; and
- 19 (b) starts on the day the approval is issued or, if a start date is
20 stated in the approval, on the date stated.
- 21 (2) An approval may be renewed under section 73ZT.

22 **73ZS Form of approval**

- 23 An approval issued under section 73ZN must include the following:
- 24 (a) the name and business address of the approved interlock
25 installer or approved interlock service provider;
- 26 (b) the date of issue of the approval;
- 27 (c) the start date of the approval (if it is not the date of issue);

- 1 (d) the end date of the approval;
2 (e) any condition imposed on the approval under section 73ZQ;
3 (f) an identifying number for the approval.

4 **73ZT Renewal of approval**

- 5 (1) An approved interlock installer or an approved interlock service
6 provider may apply, in writing, to the road transport authority to
7 renew an approval before the approval term ends.

8 *Note 1* If a form is approved under the *Road Transport (General) Act 1999*,
9 s 225 for this provision, the form must be used.

10 *Note 2* A fee may be determined under the *Road Transport (General) Act 1999*,
11 s 96 for this provision.

- 12 (2) If a person applies to renew an approval under this section, the
13 approval remains in force until the application is decided.

- 14 (3) The road transport authority may, in writing, require the applicant to
15 give the authority additional information or documents that the
16 authority reasonably needs to decide the application.

17 *Note* Giving false or misleading information and producing false or
18 misleading documents are offences against the *Criminal Code*, s 338
19 and s 339.

- 20 (4) If the applicant does not comply with a requirement under
21 subsection (3), the road transport authority may refuse to consider
22 the application.

23 **73ZU Issue of renewed approval**

- 24 (1) If an approved interlock installer or an approved interlock service
25 provider applies under section 73ZT to renew an approval, the road
26 transport authority must—

- 27 (a) renew the approval; or
28 (b) refuse to renew the approval.

- 1 (2) The authority must not renew the approval unless satisfied that the
2 applicant—
- 3 (a) is eligible for approval under section 73ZO; and
- 4 (b) is complying with any condition of the approval.
- 5 (3) However, the authority may refuse to renew the approval only if—
- 6 (a) the authority has given the approval holder written notice of
7 the proposed refusal; and
- 8 (b) the notice states—
- 9 (i) the reasons for the proposed refusal; and
- 10 (ii) that written comments on the proposed refusal may be
11 made to the authority before the end of a stated period of
12 at least 14 days after the day the notice is given to the
13 approval holder; and
- 14 (c) the authority has considered any comments made by the
15 approval holder before the end of the stated period.
- 16 (4) A renewed approval is effective from the end date of the approval
17 held immediately before renewal.

18 **73ZV Revocation of approval**

- 19 (1) The road transport authority may revoke the approval of an
20 approved interlock installer or an approved interlock service
21 provider if the approval holder—
- 22 (a) fails to comply with a condition of the approval; or
- 23 (b) is no longer eligible for approval under section 73ZO; or
- 24 (c) contravenes a provision of this part.

- 1 (2) However, the road transport authority may revoke the approval only
2 if—
- 3 (a) the authority has given the approval holder written notice of
4 the proposed revocation; and
- 5 (b) the notice states—
- 6 (i) the reasons for the proposed revocation; and
- 7 (ii) that written comments on the proposed revocation may
8 be made to the authority before the end of a stated period
9 of at least 14 days after the day the notice is given to the
10 approval holder; and
- 11 (c) the authority has considered any comments made by the
12 approval holder before the end of the stated period.

13 **73ZW Failure to comply with condition of approval**

- 14 (1) A person commits an offence if the person—
- 15 (a) is an approved interlock installer or an approved interlock
16 service provider; and
- 17 (b) fails to comply with a condition of the approval.
- 18 Maximum penalty: 20 penalty units.
- 19 (2) An offence against this section is a strict liability offence.

20 **73ZX Installation or removal of interlock without approval**

- 21 (1) A person commits an offence if the person—
- 22 (a) installs an interlock in, or removes an interlock from, a motor
23 vehicle; and
- 24 (b) is not an approved interlock installer.
- 25 Maximum penalty: 20 penalty units.
- 26 (2) An offence against this section is a strict liability offence.

1 **73ZY Maintenance or inspection of interlock without approval**

- 2 (1) A person commits an offence if the person—
- 3 (a) carries out maintenance on, or conducts an inspection of, an
- 4 interlock; and
- 5 (b) is not an approved interlock service provider.

6 Maximum penalty: 20 penalty units.

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

8 **73ZZ Notification of removal of fitted interlocks**

- 9 (1) An approved interlock installer commits an offence if the person—
- 10 (a) removes a fitted interlock from a motor vehicle; and
- 11 (b) fails to give the road transport authority written notice of the
- 12 removal not later than 7 days after the day of its removal.

13 Maximum penalty: 20 penalty units.

14 *Note* Giving false or misleading information and producing false or

15 misleading documents are offences against the [Criminal Code](#), s 338

16 and s 339.

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

18 **73ZZA Tampering or otherwise interfering with fitted interlocks**

- 19 (1) A person commits an offence if the person tampers or otherwise
- 20 interferes with a fitted interlock in a motor vehicle.

21 Maximum penalty: 20 penalty units.

22 **Example—tampering**

23 removing or interfering with a tamper-evident seal on the fitted interlock

24 *Note* An example is part of the regulation, is not exhaustive and may extend,

25 but does not limit, the meaning of the provision in which it appears (see

26 [Legislation Act](#), s 126 and s 132).

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

1 **73ZZB Suspected tampering or otherwise interfering with fitted**
2 **interlocks**

3 (1) An approved interlock installer or approved interlock service
4 provider commits an offence if the person—

5 (a) becomes aware that a fitted interlock has been tampered or
6 otherwise interfered with; and

7 (b) fails to give the road transport authority written notice of the
8 tampering or interference not later than 7 days after the day the
9 person becomes aware of it.

10 Maximum penalty: 20 penalty units.

11 *Note* Giving false or misleading information and producing false or
12 misleading documents are offences against the [Criminal Code](#), s 338
13 and s 339.

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

15 **Division 3A.6 Other matters**

16 **73ZZC Agreements relating to interlocks**

17 (1) The road transport authority may enter into an agreement with a
18 person (not inconsistent with the Act or this regulation) about the
19 supply, or provision of services relating to the installation, removal,
20 maintenance and inspection of interlocks under this regulation.

21 (2) An agreement may make provision about the following matters:

22 (a) pricing arrangements for the supply, installation, maintenance
23 and inspection of interlocks;

24 (b) setting and maintaining service standards under the agreement;

25 (c) compliance with standards;

26 (d) the provision, sharing and protection of data recorded on
27 interlocks;

- 1 (e) the records (including accounts) to be made and kept, how they
2 are to be made and kept, and their inspection;
- 3 (f) evaluation and reporting requirements in relation to interlocks.
- 4 (3) Subsection (2) does not limit the matters about which an agreement
5 may make provision.

6 **73ZZD Security and disclosure of interlock-related information**

- 7 (1) The road transport authority must ensure that interlock-related
8 information is kept securely and disclosed only in accordance with
9 this regulation or another law in force in the ACT.

10 *Note* The Information Privacy Principles apply to the road transport
11 authority. The Principles deal with the collection, storage, security and
12 exchange of personal information (see [Privacy Act 1988](#) (Cwlth), s 14
13 to s 16).

- 14 (2) In exercising its functions under this part, the road transport
15 authority may disclose interlock-related information to the following
16 people:

- 17 (a) an approved interlock installer or an approved interlock service
18 provider;
- 19 (b) a person who has entered into an agreement with the authority
20 under section 73ZZC;
- 21 (c) a person who provides any services to a person mentioned in
22 paragraph (a) or (b) in connection with interlocks;
- 23 (d) a police officer or prosecutor in connection with the
24 enforcement of the road transport legislation.

- 25 (3) In this section:

26 *interlock-related information* means interlock data records,
27 photographic images from an interlock and information entered in
28 the driver licence register in relation to interlocks.

1 **24 Exemption of overseas drivers—Act, s 31 (1) (b)**
2 **New section 94 (4) (c)**

3 *insert*

4 (c) the person is convicted or found guilty of an offence in the
5 ACT, that would, if committed by the holder of a driver
6 licence, result in the holder being subject to section 73T
7 (Mandatory interlock condition).

8 *Note* Section 73T provides for a mandatory interlock licence condition
9 for certain high-risk drink driving offenders.

10 **25 New division 6.5**

11 *insert*

12 **Division 6.5 Overseas driver licence holders –**
13 **eligibility for probationary licence**

14 **103AA Overseas drivers—eligibility criteria**

- 15 (1) This section applies to a person who ceases to be exempt from
16 holding an Australian driver licence under section 94 (4) (c)
17 (Exemption of overseas drivers—Act, section 31 (1) (b)).
- 18 (2) Part 3A (Alcohol ignition interlock devices) applies to the person as
19 if the person were subject to section 73T (Mandatory interlock
20 condition).
- 21 (3) However, for the person to be eligible to apply for, or be issued
22 with, a probationary licence, the road transport authority must, in
23 addition to section 73T (2), be satisfied of the following matters:
- 24 (a) that the person has undertaken tests or assessments, or
25 provided other evidence, of the person's driving ability or
26 knowledge of safe driving practices or road law to hold a
27 driver licence or a driver licence of the class or kind applied
28 for;

- 1 (b) that the person provided other evidence of the person's
2 suitability to hold a driver licence or a driver licence of the
3 class or kind applied for;
- 4 (c) that the person has undergone, at the person's own cost, a
5 medical examination by a doctor or allied professional
6 practitioner (or a stated doctor or allied professional
7 practitioner) in accordance with the required medical
8 standards;
- 9 (d) that the person provided a report of the examination or other
10 evidence of compliance with the required medical standards;
- 11 (e) that the person provided information about—
- 12 (i) an illness, injury or incapacity suffered by the person; or
13 (ii) the effects on the person of treatment (including the
14 taking of a drug) for any illness, injury or incapacity
15 suffered by the person;
- 16 (f) that the person provided any documents in the person's
17 possession or control relevant to the person's medical fitness to
18 hold a driver licence or a driver licence of the class or kind
19 applied for.

20 *Note* Under s 73T (2), a person is eligible for a probationary licence if the
21 person has completed at least half of the disqualification period and is
22 not otherwise disqualified from holding or obtaining a driver licence.

23 **26 Dictionary, note 2**

24 *insert*

- 25 • AS (see s 164 (1))

1 **27 Dictionary, new definition of *alcohol ignition interlock***
2 ***device***

3 *insert*

4 *alcohol ignition interlock device*, for part 3A (Alcohol ignition
5 interlock devices)—see section 73ZL.

6 **28 Dictionary, definition of *alcohol-related disqualifying***
7 ***offence***

8 *substitute*

9 *alcohol-related disqualifying offence* means—

10 (a) an alcohol-related offence against—

11 (i) the *Road Transport (Alcohol and Drugs) Act 1977*,
12 section 19 (Prescribed concentration of alcohol in blood
13 or breath); or

14 (ii) the *Road Transport (Alcohol and Drugs) Act 1977*,
15 section 22 (Refusing to provide breath sample); or

16 (iii) the *Road Transport (Alcohol and Drugs) Act 1977*,
17 section 23 (Refusing blood test etc); or

18 (iv) the *Road Transport (Alcohol and Drugs) Act 1977*,
19 section 24 (Driving under the influence of intoxicating
20 liquor or a drug); or

21 (b) an equivalent offence against a law of another jurisdiction that
22 corresponds to an offence mentioned in paragraph (a).

29 Dictionary, new definitions

- 1 **29** **Dictionary, new definitions**
- 2 *insert*
- 3 *approved interlock installer*, for part 3A (Alcohol ignition interlock
4 devices)—see section 73S.
- 5 *approved interlock service provider*, for part 3A (Alcohol ignition
6 interlock devices)—see section 73S.
- 7 *disqualification period*, for part 3A (Alcohol ignition interlock
8 devices)—see section 73S.
- 9 *exemption certificate*, for part 3A (Alcohol ignition interlock
10 devices)—see section 73ZG.
- 11 *fitted interlock*, for part 3A (Alcohol ignition interlock devices)—
12 see section 73S.
- 13 *interlock*, for part 3A (Alcohol ignition interlock devices)—see
14 section 73S.
- 15 *interlock condition*, for part 3A (Alcohol ignition interlock
16 devices)—see section 73W.
- 17 *interlock data record*, for part 3A (Alcohol ignition interlock
18 devices)—see section 73S.
- 19 *interlock driver*, for part 3A (Alcohol ignition interlock devices)—
20 see section 73S.
- 21 *interlock exemption*, for part 3A (Alcohol ignition interlock
22 devices)—see section 73ZE.
- 23 *interlock period*, for a person, for part 3A (Alcohol ignition
24 interlock devices)—see section 73S.
- 25 *level*, for a concentration of alcohol in blood or breath—see the
26 [Road Transport \(Alcohol and Drugs\) Act 1977](#), section 4E.
- 27 *mandatory interlock condition*, for part 3A (Alcohol ignition
28 interlock devices)—see section 73T (3) or (4).

1 ***nominated vehicle***, for a person, for part 3A (Alcohol ignition
2 interlock devices)—see section 73S.

3 ***voluntary interlock condition***, for part 3A (Alcohol ignition
4 interlock devices)—see section 73V (3).

1 **Part 5** **Road Transport (General) Act**
2 **1999**

3 **30** **Effect of disqualification**
4 **Section 66 (6)**

5 *after*

6 restricted licence,

7 *insert*

8 or a driver licence with an interlock condition,

9 **31** **Section 66 (6), new note**

10 *insert*

11 *Note 3* The *Road Transport (Driver Licensing) Regulation 2000*, pt 3A
12 (Alcohol ignition interlock devices) and s 103AA (Overseas drivers—
13 eligibility criteria) set out the circumstances in which a person may be
14 eligible for a driver licence with an interlock condition.

15 **32** **New section 66 (7)**

16 *after the notes, insert*

17 (7) In this section:

18 *interlock condition*—see the *Road Transport (Driver Licensing)*
19 *Regulation 2000*, section 73W.

20 **33** **Certificate evidence and other evidentiary provisions**
21 **New section 72 (1) (ba) to (bd)**

22 *insert*

23 (ba) a matter that appears in, or can be worked out from a person's
24 interlock data record under the *Road Transport (Driver*
25 *Licensing) Regulation 2000*;

- 1 (bb) whether a stated vehicle was or was not the nominated vehicle
2 for a stated person under the *Road Transport (Driver*
3 *Licensing) Regulation 2000*, section 73X (Nomination of
4 vehicle);
- 5 (bc) whether a stated nominated vehicle for a stated person under
6 the *Road Transport (Driver Licensing) Regulation 2000*,
7 section 73X (Nomination of vehicle) had or did not have a
8 fitted interlock;
- 9 (bd) whether a stated person had or did not have an interlock
10 exemption with or without conditions, under the *Road*
11 *Transport (Driver Licensing) Regulation 2000*, division 3A.3
12 (Interlock exemptions);

13 **34 New section 72 (1A)**

14 *insert*

- 15 (1A) A certificate that appears to be signed by or on behalf of an
16 approved interlock installer or an approved interlock service
17 provider under the *Road Transport (Driver Licensing)*
18 *Regulation 2000* and states that a matter that appears in, or can be
19 worked out from, a person's interlock data record under that
20 regulation is evidence of the matter.

21 **35 Section 72 (2)**

22 *after*

23 subsection (1)

24 *insert*

25 or (1A)

36 Division 5.1 heading*substitute***Division 5.1 Other powers****37 New section 81A***in division 5.1, insert***81A Power to inspect interlocks in motor vehicle**

(1) This section applies if a police officer or authorised person suspects on reasonable grounds that—

(a) a person is driving a motor vehicle on a road or road related area; and

(b) the person is an interlock driver.

(2) The police officer or authorised person may—

(a) stop and detain the motor vehicle; and

(b) enter the vehicle to inspect and test any interlock that is installed in the vehicle to find out whether the interlock—

(i) is a fitted interlock; and

(ii) is operating correctly or has been tampered with.

Example—tampering

removing or interfering with a tamper-evident seal on the fitted interlock

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).

(3) In exercising a power under subsection (2) in relation to a vehicle, a police officer or authorised person—

(a) may use the assistance that is necessary; and

- 1 (b) must search the vehicle in a public place or somewhere else to
2 which members of the public have ready access; and
- 3 (c) must not detain the vehicle for longer than is necessary and
4 reasonable to search it; and
- 5 (d) may use the force that is necessary and reasonable in the
6 circumstances, but must not damage the vehicle by forcing
7 open a part of the vehicle unless—
- 8 (i) someone apparently in charge of the vehicle has been
9 given a reasonable opportunity to open that part; or
- 10 (ii) it is not possible to give anyone apparently in charge of
11 the vehicle a reasonable opportunity to open that part.
- 12 (4) In this section:
- 13 *fitted interlock*—see the *Road Transport (Driver Licensing)*
14 *Regulation 2000*, section 73S.
- 15 *interlock*—see the *Road Transport (Driver Licensing)*
16 *Regulation 2000*, section 73S.
- 17 *interlock driver*—see the *Road Transport (Driver Licensing)*
18 *Regulation 2000*, section 73S.

1 **Part 6** **Road Transport (General)**
 2 **Regulation 2000**

3 **38 Internally reviewable decisions**
 4 **Schedule 1, part 1.4, new item 4A**

5 *insert*

4A	52 (4)	road transport authority—refuse to issue probationary licence with interlock condition because not satisfied person has complied with court order under section 73U (Court-ordered therapeutic program)
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6 **39 Schedule 1, part 1.4, new items 28A to 28M**

7 *insert*

28A	73Y (1) (b) (ii)	road transport authority—refuse to end person’s interlock period because not satisfied person has complied with section 73Y (4) and (5) (which is about maintaining clean driving record in previous 3 months and complying with any court order under section 73U (Court-ordered therapeutic program))
28B	73Y (2) (b) (ii)	road transport authority—refuse to end person’s interlock period because not satisfied person has complied with section 73Y (4) (which is about maintaining clean driving record in previous 3 months)

28C	73Y (3) (b) (ii)	road transport authority—refuse to end person’s interlock period because not satisfied person has complied with section 73Y (4) and (5) (which is about maintaining clean driving record in previous 3 months and complying with any court order under section 73U (Court-ordered therapeutic program))
28D	73ZF (1) (b)	road transport authority—refuse to grant exemption from interlock condition
28E	73ZF (2)	road transport authority—impose condition on exemption from interlock condition
28F	73ZH (2)	road transport authority—impose interlock condition on probationary licence when interlock exemption ends
28G	73ZL (1)	road transport authority—refuse to approve alcohol ignition interlock device
28H	73ZN (1) (b)	road transport authority—refuse to issue approval as approved interlock installer or approved interlock service provider
28I	73ZQ (1)	road transport authority—impose condition on approval of interlock installer or interlock service provider under section 73ZN, or renewal of approval under section 73ZT
28J	73ZQ (2)	road transport authority—impose additional conditions or vary or revoke condition after approval issued
28K	73ZR (1) (a)	road transport authority—issue approval as approved interlock installer or approved interlock service provider for a period less than 3 years

28L	73ZU (1) (b)	road transport authority—refuse to renew approval of approved interlock installer or approved interlock service provider
28M	73ZV (1)	road transport authority—revoke approval of approved interlock installer or approved interlock service provider

40 Schedule 1, part 1.4, new item 45A

insert

45A	103AA (3)	road transport authority—refuse to issue probationary licence with interlock condition to overseas driver because not satisfied person is eligible
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41 Dictionary, new definitions

insert

alcohol ignition interlock device—see the *Road Transport (Driver Licensing) Regulation 2000*, section 73ZL.

approved interlock installer—see the *Road Transport (Driver Licensing) Regulation 2000*, section 73S.

approved interlock service provider—see the *Road Transport (Driver Licensing) Regulation 2000*, section 73S.

interlock condition—see the *Road Transport (Driver Licensing) Regulation 2000*, section 73W.

interlock exemption—see the *Road Transport (Driver Licensing) Regulation 2000*, section 73ZE.

interlock period, for a person—see the *Road Transport (Driver Licensing) Regulation 2000*, section 73S.

1 **Part 7 Road Transport (Offences) Regulation 2005**

2 **42 Short descriptions, penalties and demerit points**
3 **Schedule 1, part 1.5, new item 19A**

4 *insert*

19A	33A (1)	contravene interlock condition	50 pu/6 months prison/both	550	
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5 **43 Schedule 1, part 1.6, item 23, column 3**

6 *after*
7 restricted licence
8 *insert*
9 or driver licence with interlock condition

44 Schedule 1, part 1.6, new items 24A to 24O
insert

24A	73ZA (1)	interlock driver failing to produce interlock data record as required by authority	20	220	
24B	73ZA (2)	approved interlock installer or approved interlock service provider failing to produce a person's interlock data record as required by authority	20	220	
24C	73ZB (1)	destroy interlock data record before end of interlock period for person	20	440	
24D	73ZC (2)	not tell authority within 7 days after becoming aware or suspecting that interlock data record destroyed, lost or stolen	20	440	
24E	73ZD (1) (c) (i)	use another person's means of identification to operate vehicle with fitted interlock	20	440	

Part 7

Road Transport (Offences) Regulation 2005

Section 44

24F	73ZD (1) (c) (ii)	allow another person to use person's means of identification to operate vehicle with fitted interlock	20	440	
24G	73ZI (2)	fail to produce exemption certificate for interlock exemption to police officer or authorised person as required	20	220	
24H	73ZJ (1)	fail to comply with condition applying to interlock exemption	20	440	
24I	73ZK (2)	person with interlock exemption failing to give written notice of change of circumstances within 7 days	20	220	
24J	73ZW (1)	approved interlock installer or approved interlock service provider failing to comply with condition of approval	20	220	
24K	73ZX (1)	install or remove interlock if person not approved interlock installer	20	220	

24L	73ZY (1)	carry out maintenance on, or inspect, interlock if person not approved interlock service provider	20	220	
24M	73ZZ (1)	approved interlock installer failing to notify authority within 7 days after removing fitted interlock from vehicle	20	220	
24N	73ZZA (1)	tamper or otherwise interfere with fitted interlock in vehicle	20	440	
24O	73ZZB (1)	approved interlock installer or approved interlock service provider failing to notify authority within 7 days after becoming aware fitted interlock has been tampered or otherwise interfered with	20	330	

45 Dictionary, new definitions

- 1 **45 Dictionary, new definitions**
- 2 *insert*
- 3 *approved interlock installer*—see the *Road Transport (Driver*
4 *Licensing) Regulation 2000*, section 73S.
- 5 *approved interlock service provider*—see the *Road Transport*
6 *(Driver Licensing) Regulation 2000*, section 73S.
- 7 *exemption certificate*—see the *Road Transport (Driver Licensing)*
8 *Regulation 2000*, section 73ZG.
- 9 *fitted interlock*—see the *Road Transport (Driver Licensing)*
10 *Regulation 2000*, section 73S.
- 11 *interlock*—see the *Road Transport (Driver Licensing)*
12 *Regulation 2000*, section 73S.
- 13 *interlock condition*—see the *Road Transport (Driver Licensing)*
14 *Regulation 2000*, section 73W.
- 15 *interlock data record*—see the *Road Transport (Driver Licensing)*
16 *Regulation 2000*, section 73S.
- 17 *interlock driver*—see the *Road Transport (Driver Licensing)*
18 *Regulation 2000*, section 73S.
- 19 *interlock exemption*—see the *Road Transport (Driver Licensing)*
20 *Regulation 2000*, section 73ZE.
- 21 *interlock period*, for a person—see the *Road Transport (Driver*
22 *Licensing) Regulation 2000*, section 73S.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 9 May 2013.

2 Notification

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

3 Republications of amended laws

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