

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**ROAD TRANSPORT LEGISLATION AMENDMENT
BILL 2000 (NO.2)**

EXPLANATORY MEMORANDUM

**Circulated by authority of the
Minister of Urban Services**

EXPLANATORY MEMORANDUM

Outline

This Act is to amend various Acts and repeal certain Acts because of:

- The *Road Transport (Public Passenger Services) Bill*
- Various amendments to the road transport legislation including clarification of the meaning of “found guilty” and amendments in relation to speed cameras.

So that when a court takes into account an offence under section 448 of *Crimes Act 1900* or makes an order in relation to an offence under section 556A of the same act or section 96 of the *Children and Young People Act 1999* then that decision will not be of consequence to this section.

Formal Clauses

1. The name of the Bill is the *Road Transport Legislation Amendment Act 2000*.
2. This Act will commence when *the Road Transport (Public Passenger Services) Act 2000* commences.
3. Schedule 1 to the Bill provides for the repeal of the *Motor Omnibus Services Act 1955*.
4. Schedule 2 to the Bill provides for the repeal of the *Motor Omnibus Services Regulations* and the *Road Transport (Bus Services) Regulations 2000*.

Schedule 3

ACTS AMENDED

Common Boundaries Act 1981

- 3.1 Subparagraph 2(2)(c)(ii) amended as a result of the new *Road Transport (Public Passenger Service) Act 2000*.

Dog Control Act 1975

- 3.2 Paragraph 35B(b) is amended to reflect the amendments about public vehicles to the *Road Transport (General) Act 1999*.

Education Act 1937

- 3.3 Subsection 10(2) amended as a result of the new *Road Transport (Public Passenger Service) Act 2000*.

Interpretation Act 1967

- 3.4 The *Interpretation Act 1967* is amended to clarify the meaning of “found guilty”. A number of offences and the determination of matters under the road transport legislation have contained in them the words “found guilty”. It is the intention when a court deals with these offences and determinations under sections 448 and 556A of the *Crimes Act 1900* and section 96 of the *Children and Young People Act 1999* that by doing so they will be taken into consideration when the words “found guilty” are used.

Road Transport (Alcohol and Drugs) Act 1977

- 3.5 New Act title inserted into the notes.
- 3.6 Section 2 repealed as no longer required.
- 3.7 Subparagraph 4B(1)(f)(iv) is amended to reflect the amendments about public vehicle in the *Road Transport (General) Act 1999*.
- 3.8 Subsection 4D(1) is amended by deleting the words “found guilty” where they are mentioned first and last.
- 3.9 Subsection 4D(2) is amended by deleting the words “found guilty”.
- 3.10 Subsection 4D(3)(g) amended to correct typographical errors where the sections under the *Motor Traffic Act 1936* have been incorrectly referenced.
- 3.11 Subsection 32(2) is amended by deleting the words “or finds a special driver guilty”.
- 3.12 Subsection 32(3) is amended by deleting the words “or finds a person other than a special driver guilty”.
- 3.13 Subsection 33(2) is amended by deleting the words “or finds a special driver guilty”.
- 3.14 Subsection 33(3) is amended by deleting the words “or finds a person other than a special driver guilty”.
- 3.15 Subsection 34(1) is amended by deleting the words “or finds a first offender guilty”.
- 3.16 Subsection 34(2) is amended by deleting the words “or finds a repeat offender guilty”.

- 3.17 Section 52 amended to reflect the actual date of cessation.
- 3.18 Subsection 53(2) amended to reflect the actual date of cessation.
- 3.19 Schedule renumbered.
- 3.20 Definition of drug amended to reflect schedule number.

Road Transport (Dimensions and Mass) Act 1990

- 3.21 New Act title inserted into the notes.
- 3.22 Section 2 repealed as no longer required.
- 3.23 Subsection 29(1) replaced for clarity.
- 3.24 Section 32 replaced to clarify that driving a vehicle includes driving a vehicle towing a trailer.
- 3.25 Section 49 has been rewritten to clarify the requirements in regards to a portable weighing device.
- 3.26 Paragraph 50(3)(a) has been amended as requirement to publish notice of approval of duly qualified engineer by the Authority is not needed.
- 3.27 Word "inspector" replaced with words "authorised person" to bring it into line with other road transport legislation.
- 3.28 Subsections 57(2) and (2A) amended as requirement for Minister to publish determination of mass and dimensions not needed.
- 3.29 Subsection 57(2B) amended to reflect renumbering.
- 3.30 Subsections 57(2) to (2B) renumbered.
- 3.31 Subsection 57(3) renumbered to 57(4) and words amended to reflect current drafting practice.
- 3.32 Part 9 repealed as transitional provisions no longer required.
- 3.33 Definition of approved form deleted.

Road Transport (Driver Licensing) Act 1999

- 3.34 New Act title inserted into the notes.
- 3.35 Section 2 repealed as no longer required.

- 3.36 Note amended to reflect amendments about public vehicles in section 158 of *Road Transport (General) Act 1999*.
- 3.37 Subsection 12(2) amended to clarify process.
- 3.38 Paragraph 31(3)(a) is amended by deleting the words “or finds a person guilty”.
- 3.39 Paragraph 31(6)(a) is amended by deleting the words “ or found guilty” where they are mentioned first and last.
- 3.40 Paragraph 31(6)(a) is amended by deleting the words “or found guilty”.
- 3.41 Subsection 32(6) is amended by deleting the words “or finds a person guilty”.
- 3.42 Paragraph 32(9)(a) is amended by deleting the words “ or found guilty” where they are mentioned first and last.
- 3.43 Paragraph 32(9)(b) is amended by deleting the words “ or found guilty”.
- 3.44 Section 42 amended to reflect date of cessation.
- 3.45 Section 49 amended to reflect date of cessation.
- 3.46 Amendments to reflect amendments about public vehicle in section 158 of *Road Transport (General) Act 1999*.

Road Transport (General) Act 1999

- 3.47 New Act title inserted into the notes.
- 3.48 Section 2 repealed as no longer required.
- 3.49 Paragraphs 6 (e) to (h) renumbered to allow for new Act.
- 3.50 New Act inserted as part of the road transport legislation.
- 3.51 Paragraphs of Section 6 amended to allow for new Act.
- 3.52 Subsection 9(4) amended to reflect date of cessation.
- 3.53 Subsection 62(1) is amended by deleting the words “, or finds a person guilty,”
- 3.54 Paragraph 62(5)(a) is amended by deleting the words “, or found guilty,” where they appear firstly and thirdly.
- 3.55 Paragraph 62(5)(b) is amended by deleting the words “, or found guilty,”.
- 3.56 Paragraphs 63(1)(aa) to (c) renumbered.

- 3.57 Subsection 63(2) is amended by deleting the words “, or finds a person guilty,”.
- 3.58 Paragraph 63(5)(a) is amended by deleting the words “, or found guilty,” where they appear firstly and thirdly.
- 3.59 Paragraph 63(5)(b) is amended by deleting the words “, or found guilty,”.
- 3.60 Subsection 67(2) is amended by deleting the words “, or found guilty,”.
- 3.61 Paragraph 69(a) is amended by replacing the words “a driver licence” with “an Australian driver licence” for consistency.
- 3.62 Section 100 is amended by replacing the words “bus” with “public bus” in the definitions of private hire car and restricted hire car.
- 3.63 Section 100 is amended by omitting the word “bus” from the definition of public vehicle.
- 3.64 Section 100 is amended by replacing the word “bus” with “public bus” in the definition of taxi.
- 3.65 The definitions of bus, bus operator’s licence, bus service licence, visiting bus and visiting bus operator’s bus licence are deleted.
- 3.66 The divisions concerning buses, bus services and visiting buses are deleted as a result of the new *Road Transport (Public Passenger Services) Act 2000*.
- 3.67 Section 155 is amended by identifying that this section does not apply to a public bus.
- 3.68 Subsections 156(1) and (2) amended by deleting the words “bus operator’s licence”.
- 3.69 Section 158 is amended by an alteration to the definition of public vehicle to be consistent with the new *Road Transport (Public Passenger Services) Act 2000*.
- 3.70 Transitional sections 246, 271 to 279 deleted as a result of the new *Road Transport (Public Passenger Services) Act 2000*.
- 3.71 Subsection 296(1) amended to reflect date of cessation.
- 3.72 Definitions for bus, bus operator’s licence, bus service licence, sightseeing vehicle operator’s licence, visiting bus and visiting bus operator’s bus licence are deleted as a result of the new *Road Transport (Public Passenger Services) Act 2000*.
- 3.73 Definition of public bus amended as a result of the new *Road Transport (Public Passenger Services) Act 2000*.

Road Transport (Safety and Traffic Management) Act 1999

- 3.74 The new *Road Transport (Public Passenger Services) Act 2000* inserted into notes.
- 3.75 Section 2 repealed as no longer required.
- 3.76 Paragraph 23(2)(a) is amended to allow other types of recording mediums to be prescribed apart from photographs and electronic images recorded on magneto-optical write once read many (WORM) disk.
- 3.77 Sub-subparagraph 23(2)(b)(i)(A) is amended to better identify the speed measuring device component on an image.
- 3.78 Section 50 amended to reflect date of cessation.

Road Transport (Vehicle Registration) Act 1999

- 3.79 The new *Road Transport (Public Passenger Services) Act 2000* inserted into notes.
- 3.80 Section 2 repealed as no longer required.
- 3.81 Paragraph 15(3)(a) amended by deleting the word “inspectors” and replacing with the words “authorised examiners” to better reflect regulations.
- 3.82 Paragraph 15(3)(c) and subparagraph 15(3)(c)(ii) amended by deleting the word “inspectors” and replacing with the words “authorised examiners” to better reflect regulations.
- 3.83 Subparagraph 15(3)(e)(ii) amended by deleting the word “inspector” and replacing with the words “authorised examiner” to better reflect regulations.
- 3.84 Subsection 21(1) amended by deleting the words “a registered operator” and replacing with the words “the registered operator” to clarify that the obligations fall upon all registered operators for a particular registered vehicle.
- 3.85 Subsection 21(2) amended by deleting the words “a registered operator” and replacing with the words “the registered operator” to clarify that the obligations fall upon all registered operators for a particular registered vehicle.
- 3.86 Subsection 29(3) amended by deleting the words “, liabilities and obligations” and replacing with the words “and liabilities”.
- 3.87 Section 42 is amended to reflect cessation date.
- 3.88 Definition of “registered” is amended.

- 3.89 Definition of “registered operator” is amended.

Victims of Crime (Financial Assistance) Act 1983

- 3.90 Subsection 66(3) amended to reflect repeal of the *Motor Omnibus Services Act 1955*.

Schedule 4

REGULATIONS AMENDED

Dangerous Goods Regulations 1978

- 4.1 — Subregulation 185(1) amended to reflect change from omnibus to bus.

Road Transport (Alcohol and Drugs) Regulations 2000

- 4.2 Regulation 2 repealed as no longer required.
4.3 Regulation 4 amended to renamed schedule.
4.4 Schedule renamed.

Road Transport (Dimensions and Mass) Regulations 2000

- 4.5 Regulation 2 repealed as no longer required.

Road Transport (Driver Licensing) Regulations 2000

- 4.6 Regulation 2 repealed as no longer required.
4.7 Subparagraph 15(1)(d)(iii) is amended to better clarify the offence of supply of drugs.
4.8 Subregulation 123(7) is amended by amending the definition of “relevant number” to account for the recent amendments to the regulations in relation to demerit points for provisional licence holders and the requirements under regulations 36 and 37.
4.9 Subregulation 124(3) is amended by amending the definition of “relevant number” to account for the recent amendments to the regulations in relation to demerit points for provisional licence holders and the requirements under regulations 36 and 37.
4.10 Definitions of public bus and public vehicle amended to reflect the new *Road Transport (Public Passenger Services) Act 2000*.
4.11 Definition of public vehicle regulations amended to reflect the new *Road Transport (Public Passenger Services) Act 2000*.

Road Transport (General) Regulations 2000

- 4.12 Regulation 2 repealed as no longer required.
- 4.13 Paragraphs 14(1)(e) and (f) amended to incorporate new accreditation to operate a bus under the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.14 Paragraph 14(3)(d) amended to incorporate new accreditation to operate a bus under the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.15 Paragraphs 16(1)(b) to (g) renumbered to (c) to (h).
- 4.16 New paragraph 16(1)(b) to incorporate new accreditation to operate a bus under the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.17 Subregulation 17(1) definition of “relevant thing” amended due to new accreditation to operate a bus under the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.18 Items omitted due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.19 Word “bus” omitted due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.20 Part omitted due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.21 Parts renumbered.
- 4.22 New Part inserted in the Schedule due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.23 Definition of “bus” inserted.

Road Transport (Hire Vehicles Services) Regulations 2000

- 4.24 Regulation 2 repealed as no longer required.

Road Transport (Offences) Regulations 2000

- 4.25 Regulation 2 repealed as no longer required.
- 4.26 Note to Regulation 3 amended as schedule is renumbered.
- 4.27 Regulations 5 and 6 amended as schedule is renumbered.

- 4.28 Paragraph 8(1)(d) deleted due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.29 Renumber of Parts due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.30 Renumber of Parts due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.31 Renumber of Parts due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.32 Renumber of paragraphs due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.33 New paragraph due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.34 Regulations 8,16,17 and 20 amended as schedule is renumbered.
- 4.35 Subregulation 24(2) amended to reflect cessation date.
- 4.36 Schedule amended to reflect renumbering.
- 4.37 Reference to regulations amended to reflect amendments.
- 4.38 Items 34 to 42 of Part 7 of Schedule 1 deleted to reflect the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.39 Part 8 of Schedule 1 deleted to reflect the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.40 4.40 Parts in schedule renumbered to reflect the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.41 New Part 11 inserted to reflect the new *Road Transport (Public Passenger Services) Act 2000*.

Road Transport (Safety and Traffic Management) Regulations 2000

- 4.42 Regulation 2 repealed as no longer required.
- 4.43 Subregulation 33(1) amended by amending definition of public bus due to the new *Road Transport (Public Passenger Services) Act 2000*.
- 4.44 Regulation 57A, which is in relation permitting buses to stop at a bus zone or stop, is amended to allow buses to stop that are stopping for a regular route service.

- 4.45 Regulation 57A, which is in relation permitting buses to stop at a bus zone or stop, is amended to allow buses to stop that are stopping for a regular route service.
- 4.46 Subregulation 128(2) amended to reflect cessation date.
- 4.47 Definition of "public bus" amended.
- 4.48 Definition of "regular route service" inserted into dictionary.

Road Transport (Taxi Services) Regulations 2000

- 4.49 Regulation 2 repealed as no longer required.

Road Transport (Third-Party Insurance) Regulations 2000

- 4.50 Regulation 2 repealed as no longer required.
- 4.51 Definition of public bus amended due to the new *Road Transport (Public Passenger Services) Act 2000*.

Road Transport (Vehicle Registration) Regulations 2000

- 4.52 Regulation 2 repealed as no longer required.
- 4.53 Regulation 118 amended to clarify requirements for an authorised examiner.
- 4.54 Definition of public bus deleted due to the new *Road Transport (Public Passenger Services) Act 2000*.