

Road Transport (Road Rules) (Consequential Amendments) Regulation 2017 (No 1)

Subordinate law SL2017–44

made under the

Dangerous Goods (Road Transport) Act 2009, s 196 (Regulation-making power)
Road Transport (Driver Licensing) Act 1999, s 26 (Regulation-making power)
Road Transport (General) Act 1999, s 233 (General regulation-making power)
Road Transport (Public Passenger Services) Act 2001, s 126 (Regulation-making power)
Road Transport (Vehicle Registration) Act 1999, s 13 (General regulation-making power)
Victims of Crime Act 1994, s 30 (Regulation-making power)

EXPLANATORY STATEMENT

Introduction

This explanatory statement relates to the *Road Transport (Road Rules) (Consequential Amendments) Regulation 2017 (No 1)* (the regulation). It has been prepared in order to assist the reader of the regulation. This explanatory statement must be read in conjunction with the regulation. It is not, and is not meant to be, a comprehensive description of the regulation. What is said about a provision is not taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

Overview

The Regulation amends the below listed legislation as a consequence to the commencement of the *Road Transport (Road Rules) Regulation 2017* and *Road Transport (Safety and Traffic Management) Regulation 2017*:

- a) *Dangerous Goods (Road Transport) Regulation 2010*
- a) *Road Transport (Driver Licensing) Regulation 2000*
- b) *Road Transport (General) Regulation 2000*
- c) *Road Transport (Offences) Regulation 2005*
- d) *Road Transport (Public Passenger Services) Regulation 2002*
- e) *Road Transport (Vehicle Registration) Regulation 2000*
- f) *Victims of Crime Regulation 2000*.

These amendments are set out in Schedule 1 of the regulation and primarily removes references to the Australian Road Rules (ARRs) and *Road Transport (Safety and Traffic Management) Regulation 2000*, and where necessary, replaces them respectively with references to the *Road Transport (Road Rules) Regulation 2017* and *Road Transport (Safety and Traffic Management) Regulation 2017*.

This regulation also repeals the:

- b) *Road Transport (Safety and Traffic Management) Regulation 2000* (SL2000-10)
- c) *Road Transport (Safety and Traffic Management) Australian Road Rules Incorporation 2013 (No 1)* (NI2013-329)
- d) *Road Transport (General) (Australian Road Rules – Heavy Motorised Wheelchairs) Exemption 2007 (No 1)* (DI2007-207)
- e) *Road Transport (General) (Motorcycle Lane Filtering Trial) Exemption 2015 (No 1)* (DI2015-2).

The provisions of these regulations and instruments have been incorporated into the *Road Transport (Road Rules) Regulation 2017*.

There are no human rights implications associated with this regulation.

There are no climate change implications associated with this regulation.

Notes on clauses

Clause 1 Name of regulation

This clause specifies the name of the regulation as the *Road Transport (Road Rules) (Consequential Amendments) Regulation 2017 (No 1)*.

Clause 2 Commencement

This clause provides that the regulation will commence on the commencement of the *Road Transport (Road Rules) Regulation 2017*.

Clause 3 Legislation amended-sch 1

This clause specifies that the legislation amended by this regulation is mentioned in schedule 1 of the regulation.

Clause 4 Legislation repealed

This clause specifies that the legislation repealed by this regulation is the:

- *Road Transport (Safety and Traffic Management) Regulation 2000* (SL2000-10)
- *Road Transport (Safety and Traffic Management) Australian Road Rules Incorporation 2013 (No 1)* (NI2013-329).

It also specifies that the instruments repealed by this regulation are the:

- *Road Transport (General) (Australian Road Rules – Heavy Motorised Wheelchairs) Exemption 2007 (No 1)* (DI2007-207)

- *Road Transport (General) (Motorcycle Lane Filtering Trial) Exemption 2015 (No 1)* (DI2015-2).

Schedule 1 Legislation amended

Part 1.1 Dangerous Goods (Road Transport) Regulation 2010

This part of the regulation makes consequential amendments to the *Dangerous Goods (Road Transport) Regulation 2010*.

Section 1.1 Dictionary, note 3

This section removes the dot point reference to the Australian Road Rules.

Part 1.2 Road Transport (Driver Licensing) Regulation 2000

This part of the regulation makes consequential amendments to the *Road Transport (Driver Licensing) Regulation 2000*.

Section 1.2 Section 99 (2), note, par (a)

This section removes the reference to the Australian Road Rules. This is a consequential amendment as the definition of *bicycle* has not been carried over to the *Road Transport (Road Rules) Regulation 2017* from the Australian Road Rules as the term is defined in the *Road Transport (General) Act 1999*, dictionary.

Section 1.3 Dictionary, note 4

This section removes the dot point reference to the Australian Road Rules.

Part 1.3 Road Transport (General) Regulation 2000

This part of the regulation makes consequential amendments to the *Road Transport (General) Regulation 2000*.

Section 1.4 Section 6 (3)

This section removes the reference Australian Road Rules, rule 304 and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, section 304 (Direction by police officer or authorised person).

Section 1.5 Section 6 (3), note 2

This section removes the reference ARR, rule 304 and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, section 304.

Section 1.6 Section 6 (4), definition of *authorised*

This section removes the reference Australian Road Rules, rule 304 and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, section 304.

Section 1.7 Section 7 (1)

This section removes the reference Australian Road Rules, rule 304 (Direction by police officer or authorised person) and replaces it with a reference to the *Road*

Transport (Road Rules) Regulation 2017, section 304 (Direction by police officer or authorised person).

Section 1.8 **Section 7 (3)**

This section removes the reference Australian Road Rules, rule 304 and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, section 304.

Section 1.9 **Section 7 (3), note 2**

This section removes the reference ARR, rule 304 and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, section 304.

Section 1.10 **Section 7 (4)**

This section removes the reference Australian Road Rules, rule 304 and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, section 304.

Section 1.11 **Section 8**

This section removes the reference *Road Transport (Safety and Traffic Management) Regulation 2000*, section 100 (2) (g) and replaces it with a reference to the *Road Transport (Safety and Traffic Management) Regulation 2017*, section 64 (2) (g).

Section 1.12 **Schedule 1, part 1.9**

Schedule 1 of the *Road Transport (General) Regulation 2000* identifies the responsible body who may conduct an internal review of a decision and which provisions under the road transport law may be reviewed internally. The amendment inserts new Part 1.8A (*Road Transport (Road Rules) Regulation 2017*) which lists the responsible body and provisions under the new *Road Transport (Road Rules) Regulation 2017* that may be reviewed internally.

The amendment also substitutes a new Part 1.9 (*Road Transport (Safety and Traffic Management) Regulation 2017*) which lists the responsible body and provisions under the new *Road Transport (Safety and Traffic Management) Regulation 2017* that may be reviewed internally.

Section 1.13 **Schedule 2, part 2.1**

Schedule 2 of the *Road Transport (General) Regulation 2000* identifies the responsible body who may conduct a reviewable decision and which provisions under the road transport law may be reviewed. The amendment substitutes a new Part 2.1 (*Road Transport (Safety and Traffic Management) Regulation 2017*) which lists the responsible body and provisions under the new *Road Transport (Safety and Traffic Management) Regulation 2017* that may be a reviewed decision.

Section 1.14 **Schedule 3, part 3.2, item 9, column 2**

This section removes the reference to the old *Road Transport (Safety and Traffic Management) Regulation 2000* and replaces it with a reference to the new *Road Transport (Safety and Traffic Management) Regulation 2017*.

Section 1.15 Dictionary, note 3

This section removes the reference made to the Australian Road Rules.

Section 1.16 Dictionary, definition of *parking permit*

This section identifies that the definition of *parking permit* is located in the new *Road Transport (Safety and Traffic Management) Regulation 2017*, section 64.

Part 1.4 Road Transport (Offences) Regulation 2005

This part of the regulation makes consequential amendments to the *Road Transport (Offences) Regulation 2005*.

Section 1.17 Section 3, note 1

In the example of note 1, this section has been amended to reference the *Road Transport (Road Rules) Regulation 2017*, section 23 (2) for the definition of *school zone*.

Section 1.18 Section 8 (1) (a) and (b)

Section 8 of the *Road Transport (Offences) Regulation 2005* identifies the administering authority for infringement notice offences. This amendment substitutes references to the Australian Road Rules with reference to the new *Road Transport (Road Rules) Regulation 2017*, reflects the new relevant part and section numbering and includes infringement notice offence provisions that were in the old *Road Transport (Safety and Traffic Management) Regulation 2000* and are now in the new *Road Transport (Road Rules) Regulation 2017*. This amendment does not change the administering authority for any of the infringement notice offences.

Section 1.19 Section 21 (2) (a)

This section substitutes references to the Australian Road Rules with references to the *Road Transport (Road Rules) Regulation 2017* and reflects the new numbering of the relevant part and section.

Section 1.20 Schedule 1, part 1.2

Schedule 1 of the *Road Transport (Offences) Regulation 2005*, provides the short descriptions, penalty amounts and the number of demerit points that apply to the offences under the relevant road transport laws. This amendment removes part 1.2 (Australian Road Rules) which refers to offence provisions under the Australian Road Rules.

Section 1.21 Schedule 1, part 1.12, item 6

Schedule 1, part 1.12 (Road Transport (Safety and Traffic Management) Act 1999) provides the short descriptions, penalty amounts and the number of demerit points that apply to the offences under the *Road Transport (Safety and Traffic Management) Act 1999*. This section amends the short description of item 6.1 and 6.2 to bring the wording into line with the offence provision under section 5B (2) of the *Road Transport (Safety and Traffic Management) Act 1999*.

Section 1.22 **Schedule 1, part 1.13**

As a consequential amendment to the making of the new *Road Transport (Road Rules) Regulation 2017* and the adoption of the 10th and 11th ARR amendment packages, this section inserts new part 1.12A (Road Transport (Road Rules) Regulation 2017), which provides the short descriptions, penalty amounts and the number of demerit points that apply to the offences now under that regulation.

This section also amends part 1.13 (Road Transport (Safety and Traffic Management) Regulation 2017) which provides short descriptions, penalty amounts and the number of demerit points that apply to the remaining offences under the new *Road Transport (Safety and Traffic Management) Regulation 2017*. These amendments include the new section numbering of offence provisions and some minor grammatical amendments.

Section 1.23 **Dictionary, note 3**

This section removes the dot point reference to the Australian Road Rules.

Section 1.24 **Dictionary, definition of *school zone***

This section removes the reference Australian Road Rules, rule 23 and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, section 23.

Part 1.5 **Road Transport (Public Passenger Services) Regulation 2002**

This part of the regulation makes consequential amendments to the *Road Transport (Public Passenger Services) Regulation 2002*.

Section 1.25 **Section 52 (2) (e)**

This section amends section 52 (2) (e) by removing the unnecessary reference to the Australian Road Rules.

Section 1.26 **Section 132 (3), note 1**

This section removes the reference Australian Road Rules, r 265 and r 266, and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, s 265 and s 266.

Section 1.27 **Section 132 (3), note 2**

This section removes the reference to Australian Road Rules, r 267, and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, s 267.

Section 1.28 **Section 132 (3), note 3**

Section 132 (3), note 3 refers the reader to Australian Road Rule, r 267 (1) which provides that a person is exempt from wearing a seatbelt if the person is exempt under another law of this jurisdiction. As there is no Territory law to exempt a person from wearing a seatbelt, Australian Road Rule, r 267 (1) is not carried over to the new

Road Transport (Road Rules) Regulation 2017. As a consequence this section removes note 3 from section 132 (3) of the regulation.

Section 1.29 Section 138 (2), note 1

This section removes the reference to Australian Road Rules, r 265 and r 266, and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, s 265 and s 266.

Section 1.30 Section 138 (2), note 2

This section removes the reference Australian Road Rules, r 267, and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, s 267.

Section 1.31 Section 138 (2), note 3

Section 138 (2), note 3 refers the reader to Australian Road Rule, r 267 (1) which provides that a person is exempt from wearing a seatbelt if the person is exempt under another law of this jurisdiction. As there is no Territory law to exempt a person from wearing a seatbelt, Australian Road Rule, r 267 (1) is not carried over to the new *Road Transport (Road Rules) Regulation 2017*. As a consequence this section removes note 3 from section 138 (2) of the regulation.

Section 1.32 Section 270 (5), note 1

This section removes the reference Australian Road Rules, r 265 and r 266, and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, s 265 and s 266.

Section 1.33 Section 270 (5), note 2

This section removes the reference Australian Road Rules, r 267, and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, s 267.

Section 1.34 Section 270 (5), note 3

Section 270 (5), note 3 refers the reader to Australian Road Rule, r 267 (1) which provides that a person is exempt from wearing a seatbelt if the person is exempt under another law of this jurisdiction. As there is no Territory law to exempt a person from wearing a seatbelt, Australian Road Rule, r 267 (1) is not carried over to the new *Road Transport (Road Rules) Regulation 2017*. As a consequence this section removes note 3 from section 270 (5) of the regulation.

Section 1.35 Section 286 (2) (e)

This section amends section 286 (2) (e) by removing the unnecessary reference to the meaning of the Australian Road Rules, dictionary for a wheeled recreational device.

Section 1.36 Dictionary, note 4

This section removes the dot point reference to the Australian Road Rules.

Section 1.37 Dictionary, definition of *taxi zone*, paragraph (a)

This section removes the reference Australian Road Rule, rule 182 and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*, section 182.

Section 1.38 **Dictionary, definition of *wheelchair***

This section removes the reference Australian Road Rules and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*.

Section 1.39 **Dictionary, new definition of *wheeled recreational device***

This amendment inserts in the dictionary the definition of *wheeled recreational device*, by a signpost to the definition in the *Road Transport (Road Rules) Regulation 2017*, dictionary.

Part 1.6 **Road Transport (Vehicle Registration) Regulation 2000**

This part of the regulation makes consequential amendments to the *Road Transport (Vehicle Registration) Regulation 2000*.

Section 1.40 **Section 20, note, paragraph (a)**

This section removes the reference to the Australian Road Rules. This is a consequential amendment as the definition of *bicycle* has not been carried over to the *Road Transport (Road Rules) Regulation 2017* from the Australian Road Rules as the term is defined in the *Road Transport (General) Act 1999*, dictionary.

Section 1.41 **Schedule 1, part 1.7 heading, note**

This amendment removes the reference Australian Road Rules and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*.

Section 1.42 **Schedule 1, part 1.8 heading, note**

This amendment removes the reference Australian Road Rules and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*.

Section 1.43 **Dictionary, note 4**

This section removes the dot point reference to the Australian Road Rules.

Section 1.44 **Dictionary, definition of *emergency worker***

This section removes the reference *Road Transport (Safety and Traffic Management) Regulation 2000* and replaces it with a reference to the *Road Transport (Road Rules) Regulation 2017*.

Section 1.45 **Dictionary, definition of *road train***

This amendment inserts in the dictionary the definition of *road train*, by a signpost to the definition in the *Heavy Vehicle National Law (ACT)*, section 5.

Part 1.7 **Victims of Crime Regulation 2000**

This part of the regulation makes consequential amendments to the *Victims of Crime Regulation 2000*.

Section 1.46 Schedule 2, parts 2.1 and 2.2

Schedule 2 of the *Victims of Crime Regulation 2000* provides a list of offences that are excluded from the victims services levy. This amendment substitutes part 2.1 (Australian Road Rules) with the new part 2.1 (Road Transport (Road Rules) Regulation 2017). Part 2.1 contains offences that are excluded from the victims services levy. Part 2.1 has been amended to reflect the consequential amendments as a result of the new *Road Transport (Road Rules) Regulation 2017*.

The amendment also substitutes part 2.2 (Road Transport (Safety and Traffic Management) Regulation 2000) with the new part 2.2 (Road Transport (Safety and Traffic Management) Regulation 2017). Part 2.2 contains the offences that are excluded from the victims services levy. Part 2.2 has been amended to reflect the consequential amendments as a result of the new *Road Transport (Safety and Traffic Management) Regulation 2017*.