

Australian Capital Territory

# Road Transport (Offences) Amendment Regulation 2018 (No 1)

Subordinate law SL2018–6

made under the

Road Transport (General) Act 1999, s 233 (General regulation-making power)

## EXPLANATORY STATEMENT

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### Introduction

This explanatory statement relates to the *Road Transport (Offences) Amendment Regulation 2018 (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

During national public holiday weekends, the ACT applies double demerit points to offences for speeding, seatbelt, motorcycle helmet and mobile phone offences, and one additional demerit point to other traffic offences. This aligns the ACT with double demerits applied in other jurisdictions, particularly NSW.

Where an ACT holiday period has not aligned with a holiday period in NSW, such as the Canberra Day weekend period, double demerit points have not been applied.

The *Holidays (Reconciliation Day) Amendment Act 2017*, passed by the Legislative Assembly in September 2017, amended the *Holidays Act 1958* to make Reconciliation Day a public holiday in the ACT and removed Family and Community Day as a public holiday.

To reflect the changes to the *Holidays Act 1958* this Regulation removes Family and Community Day and includes Reconciliation Day as an excluded public holiday for the purpose of applying double demerit points.

It is not considered that any provision of this Regulation engages or unreasonably limits an individual's human rights as set out in the *Human Rights Act 2004*.

The measures contained in this Regulation have no climate change effects.

## Notes on clauses

### **Clause 1**                    **Name of regulation**

This clause specifies the name of the regulation as the *Road Transport (Offences) Amendment Regulation 2018 (No 1)*.

### **Clause 2**                    **Commencement**

This clause provides that the Regulation will commence on the day after its notification day.

### **Clause 3**                    **Legislation amended**

This clause names the legislation amended by this Regulation, being the *Road Transport (Offences) Regulation 2005*.

### **Clause 4**                    **Section 22 (4), definition of *excluded public holiday*, paragraph (b)**

This clause has been amended to include Reconciliation Day in the meaning of an *excluded public holiday*.

### **Clause 5**                    **Section 22 (4), definition of *Family and Community Day***

This clause removes the definition of *Family and Community Day* as it is no longer a public holiday in the ACT. This is in line with the *Holidays Act 1958*.

### **Clause 6**                    **Section 22 (4), new definition of *Reconciliation Day***

This clause provides the meaning of *Reconciliation Day* for this section, by referring the reader to the *Holidays Act 1958*.