



Australian Capital Territory

Road Transport (General) Regulations 2000 No 13

made under the

Road Transport (General) Act 1999

Republication No 8

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Last amendment made by SL2002-31

Not all amendments are in force: see last endnote

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Road Transport (General) Regulations 2000*, made under the *Road Transport (General) Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 November 2002. It also includes any amendment, repeal or expiry affecting the republished law to 1 November 2002.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

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Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Australian Capital Territory

Road Transport (General) Regulations 2000

made under the

Road Transport (General) Act 1999

Part 1 Preliminary

1 Name of regulations

These regulations are the *Road Transport (General) Regulations 2000*.

3 Definitions—the dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary at the end of these regulations defines certain words and expressions used in these regulations, and includes references (*signpost definitions*) to other words and expressions defined elsewhere in these regulations or elsewhere in the road transport legislation.

For example, the signpost definition '*driver licence*—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.' means that the expression 'driver licence' is defined in that dictionary and the definition applies to these regulations.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of these regulations, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

4 Notes

A note in these regulations is explanatory and is not part of the regulations.

Note See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Administration of road transport legislation

5 Responsible persons for vehicle

- (1) If 2 or more people are responsible persons for a vehicle—
- (a) any right or liability conferred or imposed on the responsible person for the vehicle under the relevant legislation is taken to be conferred or imposed on each of them; and
 - (b) each of them is taken to have complied with an obligation imposed under the relevant legislation if either of them (whether personally or through an agent) complies with the obligation; and
 - (c) the road transport authority is taken to have complied with an obligation under the relevant legislation to give notice to the responsible person for the vehicle if the authority gives notice to at least 1 of them.
- (2) In this regulation:
- relevant legislation** means—
- (a) a provision of the road transport legislation; or
 - (b) a provision of any other Act (or a provision of a regulation made under any other Act) concerned with the responsible person for a vehicle within the meaning of the *Road Transport (General) Act 1999*.

U 6 Information to be maintained on databases of declarations and orders

For the database mentioned in the Act, section 15 (1), the authority must—

- (a) include in the database—
 - (i) a copy of the complete text of each declaration or order made under the Act, division 2.4 as soon as reasonably practicable after it is made; and
 - (ii) information about the dates when the declaration or order has effect or ceases to have effect; and
- (b) incorporate any amendment to the declaration or order as soon as reasonably practicable after the amendment has effect.

U 7 Access to database

For the Act, section 15 (3), the road transport authority must give access to information on the database to a member of the public if asked to do so.

8 Delegation of road transport authority's functions

For the Act, section 17 (1) (c), the road transport authority may delegate the authority's functions to issue permits under the *Road Transport (Safety and Traffic Management) Regulations 2000*, regulation 100 (2) (g) (Parking permits) to the Secretary of the Commonwealth Department of Foreign Affairs and Trade.

**8A Identifying particulars for authorised people—
Act, s 20 (1) (b)**

The identifying particulars for an authorised person are—

- (a) if the person is authorised by the administering authority for an infringement notice offence to serve infringement or reminder notices—the unique number given to the person by the

administering authority under the *Road Transport (Offences) Regulations 2001*, regulation 11; and

- (b) in any other case—the unique number given to the person by the road transport authority.

Note An identity card must show the name or identifying particulars (or both) of the person to whom it is issued (see the Act, s 20 (1) (b)).

9 Identity cards—Act, s 20 (1) (e)

An identity card must show the name and signature of the person who issued the card.

Part 3 Enforcement of road transport legislation

10 Certificate evidence about authorised examiners and approved premises

In proceedings before a court, a certificate signed by the road transport authority stating that—

- (a) the person named in the certificate was or was not an authorised examiner on a date or dates or during the period mentioned in the certificate; or
- (b) the premises mentioned in the certificate were or were not approved premises on a date or dates or during the period mentioned in the certificate.

Part 4 Review of decisions

11 Reviewable decisions

For the Act, section 90 (1) (b) (Application of pt 7 etc), the decisions of the Minister, road transport authority or chief police officer mentioned in schedule 1 are reviewable decisions.

12 Decisions exempt from internal review

For the Act, section 92 (3) (b) (Who may apply for internal review of decisions), the decisions mentioned in schedule 2 are exempt from internal review.

Part 5 Fees, charges and other amounts payable under road transport legislation

13 Remission of fees, charges and other amounts

The Minister may remit any fee, charge or other amount, or part of any fee, charge or other amount, payable under the road transport legislation.

14 Refund of fees, charges and other amounts

- (1) The road transport authority must refund the following fees, charges or other amounts paid to the road transport authority:
 - (a) an amount remitted by the Minister under regulation 13;
 - (b) an excess payment;
 - (c) a fee, charge or other amount paid in relation to an application for the issue, renewal or variation of a driver licence if the application is refused;
 - (d) a fee, charge or other amount paid in relation to the issue, renewal or variation of a driver licence if the licence is issued, renewed or varied in error, is then cancelled and the holder of the licence surrenders the licence;
 - (e) a fee, charge or other amount paid in relation to an application for a driving instructor's accreditation if the application is refused;
 - (f) a fee, charge or other amount paid in relation to a driving instructor's accreditation or an accreditation under the *Road Transport (Public Passenger Services) Act 2001* if the

accreditation is issued in error, is then cancelled and the holder of the accreditation surrenders the accreditation;

- (g) a fee, charge or other amount paid in relation to an application for the registration or renewal of registration of a vehicle if the application is refused;
- (h) a fee, charge or other amount paid in relation to the registration or renewal of registration of a vehicle if the vehicle is registered or the registration is renewed in error, is then cancelled and the registered operator surrenders the certificate of registration and numberplates;
- (i) a fee, charge or other amount paid in relation to an application for the approval of premises for the inspection and testing of a class of vehicles if the application is refused;
- (j) a fee, charge or other amount paid in relation to the approval of premises for the inspection and testing of a class of vehicles if the approval is issued in error, is then cancelled and the proprietor of the premises surrenders the approval;
- (k) a fee, charge or other amount paid in relation to an application for the issue or transfer of a taxi licence under the *Road Transport (Public Passenger Services) Act 2001*, part 4, or a licence under the *Road Transport (General) Act 1999*, part 9 (Public vehicles), if the application is refused;
- (l) a fee, charge or other amount paid in relation to an application for an accreditation (other than an application for an accreditation under the *Road Transport (Public Passenger Services) Act 2001*), approval, authority, certificate, exemption, permit or anything else not mentioned in paragraphs (c) to (k) if the application is refused;
- (m) a fee, charge or other amount paid by a person in relation to an application to which paragraph (l) applies if the accreditation, approval, authority, certificate, exemption, permit or other

thing is given, issued or done in error, is then cancelled and anything given to the person by the road transport authority because of the authority's decision on the application is surrendered to the authority.

- (2) However, something mentioned in subregulation (1) need not be surrendered as required by the subregulation if the road transport authority is satisfied that it has been lost, stolen or destroyed or the authority directs that it need not be surrendered.
- (3) The road transport authority must refund part, calculated in accordance with the refund formula in regulation 15, of the following fees, charges or other amounts (other than non-refundable amounts) paid to the road transport authority:
 - (a) a fee, charge or other amount in relation to the issue or renewal of a driver licence if the holder of the licence surrenders the licence;
 - (b) a fee, charge or other amount in relation to a test or assessment of the person's driving ability by an authorised person if the authorised person cancels the test or assessment;
 - (c) a fee, charge or other amount in relation to a test or assessment of the person's driving ability by an authorised person if the person cancels the test or assessment more than 48 hours before the time agreed for test or assessment;
 - (d) a fee, charge or other amount in relation to a driving instructor's accreditation or an accreditation under the *Road Transport (Public Passenger Services) Act 2001* if the accreditation is surrendered;
 - (e) a fee, charge or other amount in relation to the registration or renewal of registration of a vehicle if the registered operator surrenders the registration;

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- (f) a fee, charge or other amount in relation to the authorisation of an examiner if the examiner surrenders the authorisation;
 - (g) a fee, charge or other amount in relation to the approval of premises for the inspection and testing of a class of vehicles if the proprietor of the premises surrenders the approval;
 - (h) a fee, charge or other amount in relation to the registration or renewal of registration of a vehicle if the vehicle is changed so that a fee, charge or other amount is payable before it can be used;
 - (i) a fee, charge or other amount in relation to the issue of trader's plates if the holder of the plates surrenders the plates;
 - (j) a fee, charge or other amount paid in relation to the issue of a parking permit that is a loading zone permit if the holder of the permit surrenders the permit.

Note For the conditions of surrender for driver licences see the *Road Transport (Driver Licensing) Regulations 2000*, reg 73, reg 81 and reg 82; for driving instructor's accreditation see the *Road Transport (Driver Licensing) Regulations 2000*, reg 109; for accreditation to operate a public passenger service see the *Road Transport (Public Passenger Services) Regulations 2002*, reg 18; for registration see the *Road Transport (Vehicle Registration) Regulations 2000*, reg 83; for examiner's authorisation see the *Road Transport (Vehicle Registration) Regulations 2000*, reg 123; for approvals for premises see the *Road Transport (Vehicle Registration) Regulations 2000*, reg 133; for trader's plates see the *Road Transport (Vehicle Registration) Regulations 2000*, reg 102; and for parking permits see the *Road Transport (Safety and Traffic Management) Regulations 2000*, reg 100.

- (4) The road transport authority may deduct from the refund any unpaid fees, charges or other amounts payable by the person to the authority in relation to the driver licence, accreditation, registration, permit, trader's plate, licence or other thing in relation to which the refund is payable (the subject of the refund).

- (5) If the amount of the refund is not a whole number of dollars, the amount must be rounded down to the next whole number of dollars.

15 Refund formula

- (1) The refund formula is—

$$\text{refund} = \frac{\text{days remaining}}{\text{days paid for}} \times \text{fee paid}$$

- (2) In this regulation:

days paid for means the total number of days the subject of the refund was to be in force.

days remaining means the number of whole days remaining of the days paid for.

fee paid means the relevant amount paid in relation to the subject of the refund, less any non-refundable amount paid in relation to the subject of the refund or payable in relation to the refund.

16 Dishonour notices

- (1) This regulation applies to the following amounts payable under the road transport legislation:
- (a) a fee, charge or other amount payable in relation to the issue, variation or renewal of a driver licence;
 - (b) a fee, charge or other amount in relation to a driving instructor's accreditation or an accreditation under the *Road Transport (Public Passenger Services) Act 2001*;
 - (c) a fee, charge or other amount payable in relation to the registration or renewal of registration of a vehicle;
 - (d) a fee, charge or other amount payable in relation to the inspection or examination of a vehicle;

- (e) a fee, charge or other amount payable in relation to the appointment or renewal of the appointment of an authorised examiner;
 - (f) a fee, charge or other amount payable in relation to the approval or renewal of the approval of premises for the inspection or testing of vehicles;
 - (g) a fee, charge or other amount payable in relation to the issue of trader's plates;
 - (h) a fee, charge or other amount paid in relation to an application for the issue or transfer of a taxi licence under the *Road Transport (Public Passenger Services) Act 2001*, part 4, or a licence under the *Road Transport (General) Act 1999*, part 9 (Public vehicles).
- (2) If a person pays all or part of an amount to which this regulation applies by cheque and the cheque is not met on presentation, or by credit card and the credit card transaction is not honoured, the road transport authority must give a written dishonour notice to the person.
- (3) The dishonour notice must—
- (a) contain a statement to the effect that the cheque was not met on presentation or the credit card transaction was not honoured; and
 - (b) indicate the consequences under regulation 17 if the amount of the cheque or credit card transaction is not paid to the road transport authority within 14 days after the dishonour notice is given to the person.

17 Suspension notices

- (1) In this regulation and regulations 18 and 19:

relevant thing means—

Regulation 17

- (a) for a fee, charge or other amount mentioned in regulation 16 (1) (a)—the driver licence; or
 - (b) for a fee, charge or other amount mentioned in regulation 16 (1) (b)—the accreditation; or
 - (c) for a fee, charge or other amount mentioned in regulation 16 (1) (c) or (d)—the vehicle registration; or
 - (d) for a fee, charge or other amount mentioned in regulation 16 (1) (e)—the appointment; or
 - (e) for a fee, charge or other amount mentioned in regulation 16 (1) (f)—the approval; or
 - (f) for a fee, charge or other amount mentioned in regulation 16 (1) (g)—the trader's plates; or
 - (g) for a fee, charge or other amount mentioned in regulation 16 (1) (h)—the licence.
- (2) If the person mentioned in regulation 16 does not pay the amount of the cheque or credit card transaction within 14 days after the dishonour notice is given to the person, the road transport authority must—
- (a) give the person a written suspension notice suspending the relevant thing; and
 - (b) take the action (if any) that the authority considers necessary or desirable to give effect to the suspension of the relevant thing.
- (3) The suspension notice must—
- (a) contain a statement to the effect that payment has not been received in accordance with the dishonour notice; and
 - (b) contain a statement to the effect that the relevant thing is suspended by the notice and explaining briefly the effects of the suspension; and

- (c) indicate the consequences under regulation 19 if the amount of the cheque or credit card transaction is not paid within 14 days after the suspension notice is given to the person.

18 Revocation of suspension

If the person mentioned in regulation 16 pays the amount of the cheque or credit card transaction within 14 days after the suspension notice is given to the person, the road transport authority must—

- (a) give the person a written revocation notice revoking the suspension of the relevant thing; and
- (b) take any action necessary to give effect to the revocation of the suspension of the relevant thing.

19 Cancellation notices

- (1) If the person mentioned in regulation 16 does not pay the amount of the cheque or credit card transaction within 14 days after the suspension notice is given to the person, the road transport authority must—
 - (a) give the person a written cancellation notice cancelling the relevant thing; and
 - (b) take the action (if any) that the authority considers necessary or desirable to give effect to the cancellation of the relevant thing.
- (2) The cancellation notice must contain a statement to the effect that—
 - (a) payment has not been received in accordance with the suspension notice; and
 - (b) the relevant thing is cancelled by the notice and explaining briefly the effects of the cancellation.

Part 6 Written-off vehicles register

Regulation

U **Part 6** **Written-off vehicles register**

Schedule 1 Reviewable decisions

(see reg 11)

Part 1.1 Road Transport (Alcohol and Drugs) Act 1977

column 1 item	column 2 provision	column 3 decision
1	44	Minister—refuse to approve therapy or education program
2	44	Minister—impose condition on approval of therapy or education program
3	44	Minister—vary/revoke approval of therapy or education program
4	44	Minister—vary/revoke condition on approval of therapy or education program
5	44	Minister—refuse to revoke condition on approval of therapy or education program

Part 1.2 Road Transport (Dimensions and Mass) Act 1990

column 1 item	column 2 provision	column 3 decision
1	27 (1)	road transport authority—refuse to issue permit for vehicle/combination
2	27 (1)	road transport authority—statement of provisions of part 2 or 3 vehicle/combination not required to comply with

Schedule 1
Part 1.3

Reviewable decisions
Road Transport (Driver Licensing) Act 1999

column 1 item	column 2 provision	column 3 decision
3	27 (1)	road transport authority—period/journey permit is in force
4	27 (3)	road transport authority—refuse to issue permit for articulated vehicle with trailer
5	27 (3)	road transport authority—period/journey permit is in force
6	28 (2)	road transport authority—refusal to treat vehicle as eligible for registration under the <i>Road Transport (Vehicle Registration) Act 1999</i>
7	29 (2)	road transport authority—refuse to allow application for permit to be made within the 28 days mentioned in the <i>Road Transport (Dimensions and Mass) Act 1990</i> , section 29 (1)
8	30 (1)	road transport authority—impose condition on permit

Part 1.3

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

column 1 item	column 2 provision	column 3 decision
1	10 (2)	road transport authority—refuse to issue driver licence because not satisfied that person's Australian driver licence or external driver licence has been stolen, lost or destroyed
2	34 (1) (b)	road transport authority—refuse issue/renew driver licence because it is practical for applicant to have suitable photograph taken at designated place

column 1 item	column 2 provision	column 3 decision
3	34 (1) (b)	road transport authority—refuse to accept photograph is suitable for use on driver licence

Part 1.4 **Road Transport (Driver Licensing) Regulations 2000**

column 1 item	column 2 provision	column 3 decision
1	26 (1) (a)	road transport authority—refuse to approve road ready training course
1A	26 (1) (b)	road transport authority—refuse to approve approved pre-learner rider training course
2	26 (1) (c)	road transport authority—refuse to approve multi-combination vehicle licence driver training course
2A	38A	road transport authority—refuse to approve provisional driver training course
3	55 (1)	road transport authority—issue/renew, or refuse to issue/renew on application, driver licence subject to conditions imposed by authority
4	55 (2)	road transport authority—vary/revoke, or refuse to vary/revoke on application, condition imposed on driver licence by authority
5	55 (2)	road transport authority—vary driver licence to impose conditions to which the licence is subject (other than a condition mentioned in regulation 50 (Conditions of restricted licences) or regulation 54 (Conditions of probationary licences))

Schedule 1
Part 1.4

Reviewable decisions
Road Transport (Driver Licensing) Regulations 2000

column 1 item	column 2 provision	column 3 decision
6	65	road transport authority—refuse to approve course for training people to hold public vehicle licences and for public vehicle licensees (a <i>public vehicle training course</i>)
7	67 (1)	road transport authority—refuse exemption from driver licence eligibility requirement
8	67 (2)	road transport authority—imposition of condition on driver licence issued because of exemption from eligibility requirement
9	67 (4)	road transport authority—refuse exemption from requirement to successfully complete public vehicle training course
10	67 (5)	road transport authority—imposition of condition on exemption from the requirement to successfully complete public vehicle training course
11	69 (3)	road transport authority—refuse to dispense with requirement for completed application form for issue and certain variations of driver licences
12	69 (5)	road transport authority—require applicant for issue and certain variations of driver licences to provide evidence, information or documents or undergo tests, assessments or examinations in accordance with notice
13	69 (6)	road transport authority—refuse to accept test, assessment or evidence obtained in another jurisdiction by applicant for issue and certain variations of driver licences

column 1 item	column 2 provision	column 3 decision
14	69 (7)	road transport authority—require applicant for issue and certain variations of driver licences to comply with requirements equivalent to regulation 69 (5) (h) (which is about treatment of alcohol or drug offenders in another jurisdiction)
15	70 (1)	road transport authority—refuse application for issue of driver licence of the class or kind applied for
16	70 (1)	road transport authority—refuse application for certain variations of driver licences
17	71 (a)	road transport authority—refuse to accept application for issue/certain variations of driver licence and issue licence when applicant is eligible
18	71 (b)	road transport authority—refuse to deal with application for issue/certain variations of driver licence as application for class or kind of driver licence for which person is eligible
19	73 (2)	road transport authority—refuse permission to keep current external driver licence
20	78 (2)	road transport authority—require person to provide evidence, information or documents or undergo tests, assessments or examinations in accordance with notice
21	78 (3)	road transport authority—refuse to accept certificate of medical examination conducted in another jurisdiction

Schedule 1
Part 1.4

Reviewable decisions
Road Transport (Driver Licensing) Regulations 2000

column 1 item	column 2 provision	column 3 decision
22	78 (4)	road transport authority—refuse to accept test, assessment or evidence obtained in another jurisdiction
23	78 (5)	road transport authority—require compliance with requirements equivalent to regulation 69 (5) (h) (which is about treatment of alcohol or drug offenders in another jurisdiction)
24	79 (a)	road transport authority—require public vehicle licensee to undertake training
25	85 (2)	road transport authority—refuse to dispense with requirement for completed application form for driver licence renewal
26	85 (4)	road transport authority—require applicant for renewal of driver licence to provide evidence, information or documents or undergo tests, assessments or examinations in accordance with notice
27	85 (5)	road transport authority—refuse to accept evidence, test or assessment obtained by applicant for renewal of driver licence in another jurisdiction
28	85 (5)	road transport authority—require applicant for renewal of driver licence to comply with requirements equivalent to regulation 69 (5) (h) (which is about treatment of alcohol or drug offenders in another jurisdiction)
29	85 (7)	road transport authority—refuse to renew driver licence

column 1 item	column 2 provision	column 3 decision
30	88 (1)	road transport authority—vary/suspend/cancel driver licence
31	93 (1)	road transport authority—refuse exemption from requirement to hold driver licence/particular class or kind of licence
32	93 (2)	road transport authority—impose conditions on exemption from requirement to hold driver licence/particular class or kind of licence
33	103 (1)	road transport authority—disqualify holder of Australian driver licence issued by another jurisdiction or of an external driver licence licensee from driving motor vehicle on road or road related area
34	104 (3)	road transport authority—refuse exemption from requirement to successfully complete approved driving instructors training course
35	104 (4)	road transport authority—impose conditions on exemption from requirement to successfully complete approved driving instructors training course
36	106 (1)	road transport authority—refuse to approve application for accreditation as a driving instructor or renewal of accreditation
37	107A	road transport authority—refuse to issue replacement for certificate of accreditation as a driving instructor that has been lost, stolen or destroyed

Schedule 1
Part 1.5

Reviewable decisions
Road Transport (General) Act 1999

column 1 item	column 2 provision	column 3 decision
38	112 (1)	road transport authority—cancel/suspend accreditation as a driving instructor/disqualify from applying for accreditation (including suspending or disqualifying for additional period)
39	120 (1)	road transport authority—require person to provide evidence, information or documents or undergo tests, assessments or examinations in accordance with notice
40	120 (2)	road transport authority—refuse to accept certificate of medical examination of person conducted in another jurisdiction
41	120 (3)	road transport authority—refuse to accept test, assessment or evidence obtained by person in another jurisdiction
42	121 (a)	road transport authority—require driving instructor to undertake training
43	122	road transport authority—refuse to approve course for training people to become driving instructors and for driving instructors

Part 1.5

**Road Transport (General) Act
1999**

column 1 item	column 2 provision	column 3 decision
1	120 (1)	road transport authority—refuse to issue private hire car operator's licence
2	120 (4)	road transport authority—maximum number of passengers private hire car may carry

column 1 item	column 2 provision	column 3 decision
3	120 (5)	road transport authority—refuse to renew private hire car operator’s licence
4	121 (2)	road transport authority—refuse to transfer private hire car operator’s licence to approved person
5	121 (2)	road transport authority—refuse to approve person for the transfer of hire car operator’s licence
6	122	road transport authority—suspend/cancel private hire car operator’s licence
7	126 (1)	road transport authority—refuse to issue restricted hire vehicle operator’s licence
8	126 (2)	road transport authority—impose condition on restricted hire vehicle operator’s licence
9	126 (3)	road transport authority—maximum number of passengers restricted hire vehicle may carry
10	126 (4)	road transport authority—refuse to renew restricted hire vehicle operator’s licence
11	128 (4) (b)	road transport authority—refuse vary/revoke/impose condition on restricted hire vehicle operator’s licence
12	129 (3)	road transport authority—vary/revoke condition on restricted hire vehicle operator’s licence
13	129 (3)	road transport authority—impose condition on restricted hire vehicle operator’s licence
14	130 (1)	road transport authority—refuse to publish notice stating that restricted hire vehicles may be operated as private hire cars

Schedule 1
Part 1.5

Reviewable decisions
Road Transport (General) Act 1999

column 1 item	column 2 provision	column 3 decision
15	130 (1)	road transport authority—the period that restricted hire vehicles may be operated as private hire cars
16	132	road transport authority—suspend/cancel restricted hire vehicle operator's licence
17	135 (1)	road transport authority—refuse to issue sightseeing vehicle operator's licence
18	135 (2)	Minister—impose condition on sightseeing vehicle operator's licence
19	135 (3)	road transport authority—refuse to renew sightseeing vehicle operator's licence
20	152 (1)	road transport authority—cancel/suspend, private hire car or restricted hire vehicle operator's licence because prescribed person does not have use, control and management of vehicle
21	152 (2)	road transport authority—refuse to issue/renew, private hire car or restricted hire vehicle operator's licence because prescribed person does not have use, control and management of vehicle
22	156 (1)	road transport authority—cancel/suspend restricted hire vehicle operator's licence for contravention of licence condition
23	156 (1)	road transport authority—period of suspension of restricted hire vehicle operator's licence for contravention of licence condition

column 1 item	column 2 provision	column 3 decision
24	156 (2)	road transport authority—cancel/suspend, private hire car or restricted hire vehicle operator's licence because vehicle is not being used as, or is not in fit condition to be used as, public vehicle
25	156 (2)	road transport authority—period of suspension of, private hire car or restricted hire vehicle operator's licence because vehicle is not being used as, or is not in fit condition to be used as, public vehicle
26	165 (5)	Minister—refuse to approve authorised insurer as an approved authorised insurer for section 165
27	207 (1) (a)	Minister—impose conditions on approval of corporation as authorised insurer
28	207 (1) (b)	Minister—refuse to approve corporation as authorised insurer
29	209 (1)	Minister—cancel insurer's approval as authorised insurer

U Part 1.5A

**Road Transport (General)
Regulations 2000**

Part 1.6 Road Transport (Hire Vehicle Services) Regulations 2000

column 1 item	column 2 provision	column 3 decision
1	32 (1)	police officer, authorised person or person inspecting vehicle—attaching noncompliance notice to vehicle
2	32 (3)	police officer or authorised person—refuse to remove noncompliance notice
3	32 (3)	police officer or authorised person—refuse to direct that noncompliance notice be taken to have been removed

Part 1.7 Road Transport (Public Passenger Services) Act 2001

column 1 item	column 2 provision	column 3 decision
1	64	Minister—refuse to exempt vehicle or person from Act or provision of Act

Part 1.8 **Road Transport (Public Passenger Services) Regulations 2002**

column 1 item	column 2 provision	column 3 decision
1	8 or 9	road transport authority—refuse to accredit/renew accreditation to operate public passenger service/taxi network
2	10 (1)	road transport authority—issue/renew accreditation to operate public passenger service/taxi network subject to conditions imposed by authority
3	10 (2)	road transport authority—amend/revoke, or refuse to amend/revoke, condition imposed on accreditation to operate public passenger service/taxi network by authority
4	10 (2)	road transport authority—amend/revoke, or refuse to amend/revoke, condition imposed on accreditation to operate public passenger service/taxi network on application by holder of accreditation
5	12 (4)	road transport authority—period of issue/renewal of accreditation to operate public passenger service/taxi network
6	13 (2)	road transport authority—refuse to amend accepted service standard for public passenger service/taxi network

Schedule 1
Part 1.8

Reviewable decisions
Road Transport (Public Passenger Services) Regulations 2002

column 1 item	column 2 provision	column 3 decision
7	16 (1)	road transport authority—refuse to issue replacement for certificate of accreditation to operate public passenger service/taxi network that has been lost, stolen or destroyed
8	20	road transport authority—direct accredited person to undertake training
9	37 (3) (a)	road transport authority—number of seated/standing passengers bus permitted to carry
10	70 (1) (a)	road transport authority—appointment of a bus stop by authority
11	70 (1) (b)	road transport authority—approve/refuse to approve accredited operator to appoint bus stops
12	84 (1)	road transport authority—refuse to issue taxi licence
13	85 (1)	road transport authority—issue/renew taxi licence subject to condition imposed by authority
14	85 (2)	road transport authority—amend/revoke, or refuse to amend/revoke, condition imposed on taxi licence by authority
15	85 (2)	road transport authority—amend/revoke, or refuse to amend/revoke, condition imposed on taxi licence on application by holder of accreditation
16	90 (1)	road transport authority—refuse to issue replacement taxi licence for licence that has been lost, stolen or destroyed
17	95 (2)	road transport authority—refuse to exempt taxi from being fitted with taximeter complying with standards for taximeters

column 1 item	column 2 provision	column 3 decision
18	101 (3)	road transport authority—refuse to exempt taxi service operator from requirement for arrangements with accredited taxi network provider for provision of a taxi booking service for taxi
19	101 (3)	road transport authority—refuse to exempt taxi from requirement to be fitted with equipment for driver to send messages to and receive messages from accredited taxi network provider
20	107 (1)	road transport authority—refuse to approve network decal signs for accredited taxi network provider
21	107 (2)	road transport authority—refuse to approve network colours for accredited taxi network provider
22	110	road transport authority—refuse to approve network uniform for accredited taxi network provider
23	160 (1)	road transport authority—refuse to exempt person from requirement to successfully complete wheelchair accessible taxi driver training course
24	160 (2)	road transport authority—exempt subject to conditions person from requirement to successfully complete wheelchair accessible taxi driver training course
25	161	road transport authority—require person to undertake wheelchair accessible taxi driver training course

Schedule 1
Part 1.8

Reviewable decisions
Road Transport (Public Passenger Services) Regulations 2002

column 1 item	column 2 provision	column 3 decision
26	162 (1)	road transport authority—refuse to approve wheelchair accessible taxi driver training course
27	166 (4)	road transport authority—suspend/cancel accreditation/disqualify from applying for accreditation (including suspending or disqualifying for additional period)/impose/vary condition on accreditation/impose financial penalty/reprimand
28	167 (3)	road transport authority—immediately suspend accreditation
29	166 (4)	road transport authority—suspend/cancel taxi licence/disqualify from applying for taxi licence (including suspending or disqualifying for additional period)/impose/vary condition on taxi licence /impose financial penalty/reprimand
30	167 (3)	road transport authority—immediately suspend taxi licence
31	175 (1)	police officer, authorised person or person inspecting vehicle—attach noncompliance notice to vehicle
32	175 (3)	police officer or authorised person—refuse to remove noncompliance notice
33	175 (3)	police officer or authorised person—refuse to direct that noncompliance notice be taken to have been removed

Part 1.9 Road Transport (Safety and Traffic Management) Regulations 2000

column 1 item	column 2 provision	column 3 decision
1	11	road transport authority—refuse to approve an event (which would permit a motorbike or bicycle rider to ride alongside more than 1 rider)
2	42 (3)	road transport authority—refuse to exempt vehicle or person from towing weights mentioned in regulation 42 (1)
3	56 (2)	road transport authority—revoke mobility parking scheme authority
4	67	road transport authority—refuse to exempt person from the Australian Road Rules, rule 271 (2) to the extent that it requires a person to face forward while being carried as a passenger on a motorbike
5	92 (1)	road transport authority—refuse to give exemption to holder of existing operator's certificate (in relation to the parking of heavy vehicles)
6	92 (1)	road transport authority—exempt/exempt subject to conditions holder of existing operator's certificate
7	92 (1)	road transport authority—period of exemption given to holder of existing operator's certificate
8	94 (2) (b)	road transport authority—refuse to vary exemption given to holder of existing operator's certificate

Schedule 1
Part 1.9

Reviewable decisions
Road Transport (Safety and Traffic Management) Regulations 2000

column 1 item	column 2 provision	column 3 decision
9	97 (3)	road transport authority—cancel existing operator's certificate
10	97 (3)	road transport authority—revoke exemption/variation of exemption given to holder of an existing operator's certificate
11	100 (1)	road transport authority—refuse to issue parking permit
12	100 (3)	road transport authority—impose condition on parking permit
13	100 (3)	road transport authority—refuse to vary/revoke condition on parking permit
14	101 (1)	road transport authority—refuse to issue mobility parking scheme authority
15	101 (2)	road transport authority—impose conditions on mobility parking scheme authority
16	101 (2)	road transport authority—refuse to vary/revoke conditions on mobility parking scheme authority
17	112 (5)	chief police officer—refuse to pay balance of proceeds of sale of impounded vehicle

Part 1.10 Road Transport (Vehicle Registration) Act 1999

column 1 item	column 2 provision	column 3 decision
1	25 (4) (a)	police officer or authorised person—issue defect notice
2	25 (4) (b)	police officer or authorised person—impose conditions on use of defective vehicle
3	25 (4) (c)	police officer or authorised person—prohibit use of defective vehicle
4	25 (5)	police officer or authorised person—refuse to withdraw or clear defect notice
4A	75A (2)	road transport authority—refuse to declare person to be parking authority for stated area applied for

U Part 1.11 Road Transport (Vehicle Registration) Regulations 2000

Note An exemption of a person or vehicle under the regulations from the Act or a particular provision of the Act may be conditional (see the Act, s 17 (1) and (2)).

column 1 item	column 2 provision	column 3 decision
1	7 (1)	road transport authority—suspend operation of regulation 14 (Vehicles temporarily in the ACT) or regulation 16 (Trailers exempt from registration in another jurisdiction)
2	7 (2)	road transport authority—period of suspension of operation of regulation 14 or 16
3	25 (2)	road transport authority—refuse to record person under required age as registered operator

Schedule 1
Part 1.11

Reviewable decisions
Road Transport (Vehicle Registration) Regulations 2000

column 1 item	column 2 provision	column 3 decision
4	26 (1)	road transport authority—impose condition on registration of vehicle
5	26 (2)	road transport authority—refuse to register registrable vehicle
6	31 (3)	road transport authority—refuse to approve different period of registration for vehicle
7	32 (1)	road transport authority—refuse to approve application for registration of registrable vehicle
8	33 (1)	road transport authority—impose condition on registration of registrable vehicle
9	33 (2)	road transport authority—refuse to conditionally register registrable vehicle
10	33 (4)	road transport authority—vary/cancel condition imposed on registration of registrable vehicle
11	36 (2) (a)	road transport authority—refuse to approve dealing in relation to registrable vehicle
12	36 (2) (b)	road transport authority—refuse to record details of dealing in register
13	36 (2) (c)	road transport authority—refuse to exercise any other function in relation to dealing
14	41 (2)	road transport authority—refuse to issue replacement for damaged registration certificate
15	42 (4)	road transport authority—refuse to issue replacement for registration certificate that has been lost, stolen or destroyed
16	44 (5)	road transport authority—refuse to give replacement for lost, stolen, damaged or destroyed registration label
17	50 (2)	road transport authority—refuse to issue bicycle rack numberplate
18	52 (1)	road transport authority—change registration number given to registered vehicle

column 1 item	column 2 provision	column 3 decision
19	57	road transport authority—cancel prescribed right to non-standard registration number
20	59 (5)	road transport authority—refuse to exempt vehicle or person from regulation 59 (which is about how numberplates are to be displayed)
21	59 (5)	road transport authority—impose condition on exemption from regulation 59
22	59 (5)	road transport authority—revoke exemption from regulation 59
23	61	road transport authority—refuse to approve swap of numberplates between registrable vehicles
24	62	road transport authority—refuse to transfer numberplates between registrable vehicles
25	63	road transport authority—refuse to issue different registration number for registrable vehicle
26	64 (2)	road transport authority—refuse to issue replacement numberplate with same number of numberplate as damaged
27	65 (5)	road transport authority—refuse to issue replacement numberplate with same or different number of lost, stolen or destroyed numberplate
28	65 (6)	road transport authority—refuse to issue replacement numberplate for lost, stolen or destroyed bicycle rack numberplate
29	68 (5)	road transport authority—refuse to renew registration for period nominated by registered operator
30	68 (9)	road transport authority—refuse to renew registration of vehicle
31	77 (2)	road transport authority—refuse to transfer registration of registrable vehicle if registered operator has died

Schedule 1
Part 1.11

Reviewable decisions
Road Transport (Vehicle Registration) Regulations 2000

column 1 item	column 2 provision	column 3 decision
32	77 (3)	road transport authority—refuse to transfer registration of registrable vehicle to second transferee
33	78 (1)	road transport authority—refuse application to transfer registration of registrable vehicle
34	78 (2)	road transport authority—refuse to transfer registration of registrable vehicle if 1 of the parties to the registration has not complied with regulations in relation to transfer
35	80 (1)	road transport authority—refuse to exempt person from provision of part 4.2 (Transfer of registration)
36	80 (1)	road transport authority—impose condition on exemption from provision of part 4.2
37	80 (1)	road transport authority—revoke exemption from provision of part 4.2
38	85	road transport authority—suspend/cancel registration of registered vehicle
39	86 (1)	road transport authority—refuse to issue unregistered vehicle permit
40	86 (1)	road transport authority—condition imposed on unregistered vehicle permit
41	86 (5)	road transport authority—vary/cancel unregistered vehicle permit
42	88 (1)	road transport authority—refuse to issue trader's plate
43	89 (3)	road transport authority—refuse to issue replacement plate for recalled trader's plate
44	92 (1)	road transport authority—refuse to issue replacement identification label for trader's plate

column 1 item	column 2 provision	column 3 decision
45	104 (1)	road transport authority—refuse to exempt vehicle, combination or person from provision of regulation 108 (which is about vehicle emission control systems) or schedule 1
46	104 (1)	road transport authority—condition imposed on exemption from provision of regulation 108 or schedule 1
47	104 (1)	road transport authority—revoke exemption from provision of regulation 108 or schedule 1
48	113	road transport authority—refuse to conditionally register vehicle not complying with applicable vehicle standards
49	114 (1)	road transport authority—refuse to authorise person to install operations plate on, or issue or accept certificate of approved operations for, registrable vehicle not complying with applicable vehicle standards
50	118	road transport authority—refuse to approve application for authorisation (including renewal) (as authorised examiner) for class of vehicles
51	125 (1)	road transport authority—suspend/cancel authorisation or authorisation for class of vehicles/disqualify from applying for authorisation/authorisation for class of vehicles (including suspending or disqualifying for additional period)
52	130	road transport authority—refuse to approve application for approval of premises (including renewal) for class of vehicles (for vehicle inspections)

Schedule 1
Part 1.11

Reviewable decisions
Road Transport (Vehicle Registration) Regulations 2000

column 1 item	column 2 provision	column 3 decision
53	136 (1)	road transport authority—suspend/cancel approval of premises or approval of premises for class of vehicles/disqualify from applying for approval of premises or approval of premises for class of vehicle (including suspending or disqualifying for additional period)
54	152 (1)	road transport authority—refuse to issue replacement for examiner’s certificate of appointment that has been lost, stolen or destroyed
55	152 (2)	road transport authority—refuse to issue replacement for certificate of approval that has been lost, stolen or destroyed
56	158	road transport authority—refuse to authorise person to change, deface, remove or otherwise interfere with a component identification number stamped on or attached to a vehicle part
57	158	road transport authority—revoke an authorisation
58	160 (3)	road transport authority, police officer or authorised person—refuse to clear defect notice
59	161	road transport authority—refuse to authorise use of vehicle with suspended registration on a road or road related area
60	161	road transport authority—the place and time of an authorisation for use of vehicle with suspended registration
61	161	road transport authority—conditions imposed on an authorisation for use of vehicle with suspended registration
62	161	road transport authority—revocation of an authorisation for use of vehicle with suspended registration

Schedule 2 **Decisions exempt from internal review**

(see reg 12)

Part 2.1 **Road Transport (Safety and Traffic Management) Regulations 2000**

column 1 item	column 2 provision	column 3 decision
1	100 (1)	Secretary of the Commonwealth Department of Foreign Affairs and Trade (as delegate of the road transport authority)—refuse to issue parking permit
2	100 (1)	Secretary of the Commonwealth Department of Foreign Affairs and Trade (as delegate of the road transport authority)—impose condition on parking permit
3	100 (1)	Secretary of the Commonwealth Department of Foreign Affairs and Trade (as delegate of the road transport authority)—refuse to vary/revoke condition on parking permit

Note Under reg 8 (1), the road transport authority delegates to the Secretary of the Commonwealth Department of Foreign Affairs and Trade its functions to issue certain parking permits.

U Dictionary

(see reg 3)

administering authority, for an infringement notice offence—see the Act, dictionary.

authorised examiner—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

authorised person—see the Act, dictionary.

bus service—see the *Road Transport (Public Passenger Services) Act 2001*, dictionary.

credit card—see the Act, dictionary.

driver licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

infringement notice—see the Act, dictionary.

infringement notice offence—see the Act, dictionary.

non-refundable amount means a fee, charge or other amount, or part of a fee, charge or other amount, declared by a determination under the Act, section 96 to be a non-refundable amount.

parking permit—see the *Road Transport (Safety and Traffic Management) Regulations 2000*, dictionary.

registration, of a vehicle, means the registration of the vehicle under the *Road Transport (Vehicle Registration) Act 1999*.

relevant thing—see regulation 17 (1).

reminder notice—see the Act, dictionary.

reviewable decision—see the Act, section 90 (1) and also regulation 11.

road transport authority—see the Act, dictionary.

road transport legislation—see the Act, section 6 (What is the road transport legislation?).

subject of the refund—see regulation 14 (4).

trader's plate—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	RI = reissue
LRA = Legislation (Republication) Act 1996	s = section/subsection
mod = modified / modification	sch = schedule
No = number	sdiv = subdivision
num = numbered	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Road Transport (General) Regulations SL 2000 No 13

notified 29 February 2000 (Gaz 2000 No S6)
reg 1, reg 2 commenced 29 February 2000 (IA s 10B)
remainder commenced 1 March 2000 (reg 2 and Gaz 2000 No S5)

as amended by

Road Transport Legislation Regulations Amendment SL 2000 No 32 sch 2

notified 1 August 2000 (Gaz 2000 No S40)
commenced 1 August 2000 (reg 1)

Road Transport Legislation Amendment Act 2001 No 27 sch 4

notified 24 May 2001 (Gaz 2001 No 21)
s 1, s 2 commenced 24 May 2001 (IA s 10B)
sch 4 commenced 24 May 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 342

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 342 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Road Transport (Public Passenger Services) Act 2001 No 62 pt 1.11

notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
commenced 1 December 2001 (s 2 and CN 2001 No 2)

Road Transport Amendment Regulations 2001 SL 2001 No 46 pt 2

notified LR 18 October 2001
reg 1, reg 2 commenced 18 October 2001 (LA s 75)
pt 2 commenced 1 December 2001 immediately after Act 2001 No 62 commenced (reg 2)

Road Transport Legislation Amendment Regulations 2002 SL No 2 pt 3

notified LR 27 February 2002
reg 1, reg 2 commenced 27 February 2002 (LA s 75)
pt 3 commenced 1 March 2002 (reg 2 and see CN 2002 No 2)

Endnotes

4 Amendment history

Road Transport (Safety and Traffic Management) Amendment Regulations 2002 SL No 7 pt 3

notified 15 April 2002
commenced 16 April 2002 (reg 2)

Statute Law Amendment Act 2002 No 30 pt 3.69

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.69 commenced 17 September 2002 (s 2 (1))

Road Transport Legislation Amendment Regulations 2002 (No 2) SL2002-31 pt 3

notified LR 31 October 2002
reg 1, reg 2 commenced 31 October 2002 (LA s 75 (1))
reg 9 and reg 11 commenced 1 November 2002 (reg 2 (1))
pt 3 remainder commences immediately after the commencement of the Road Transport Legislation Amendment Act 2002, s 13 (reg 2 (2))

4 Amendment history

Commencement

reg 2 om Act 2001 No 27 amdt 4.9

Definitions—the dictionary

reg 3 am Act 2001 No 44 amdt 1.3767

Notes

reg 4 am Act 2001 No 27 amdt 4.10; Act 2001 No 44 amdt 1.3768;
Act 2002 No 30 amdt 3.746
(2), (3) exp 17 September 2002 (reg 4 (3))

Exemptions for traffic marshals—appointment and identity cards

reg 6 hdg bracketed note exp 17 September 2002 (reg 4 (3))
reg 6 sub 2002 No 31 reg 10

Access to database

reg 7 hdg bracketed note exp 17 September 2002 (reg 4 (3))
reg 7 om 2002 No 31 reg 10

Delegation of road transport authority's functions

reg 8 reg (2), reg (3) exp 1 March 2002 (see reg 8 (3))

Identifying particulars for authorised people—Act, s 20 (1) (b)

reg 8A ins 2002 No 31 reg 11

Identity cards—Act, s 20 (1) (e)

reg 9 sub 2002 No 31 reg 11

Certificate evidence about authorised examiners and approved premises

reg 10 hdg bracketed note exp 17 September 2002 (reg 4 (3))

Remission of fees, charges and other amounts

reg 13 hdg bracketed note exp 17 September 2002 (reg 4 (3))

Refund of fees, charges and other amounts

reg 14 hdg bracketed note exp 17 September 2002 (reg 4 (3))
reg 14 am Act 2001 No 62 amdt 1.34, amdt 1.35; 2001 No 46 regs 4-7;
2002 No 2 reg 8, reg 9

Dishonour notices

reg 16 hdg bracketed note exp 17 September 2002 (reg 4 (3))
reg 16 am Act 2001 No 27 amdt 4.11, amdt 4.12; Act 2001 No 62 amdt
1.36; 2001 No 46 reg 8; 2002 No 2 reg 10

Suspension notices

reg 17 hdg bracketed note exp 17 September 2002 (reg 4 (3))
reg 17 def **relevant thing** sub Act 2001 No 27 amdt 4.13

Cancellation notices

reg 19 hdg bracketed note exp 17 September 2002 (reg 4 (3))

Written-off vehicles register

pt 6 hdg ins 2002 No 31 reg 12

Definitions for pt 6

reg 20 def **approved corresponding WOVR** ins 2002 No 31 reg 12
def **dealer** ins 2002 No 31 reg 12
def **designated person** ins 2002 No 31 reg 12
def **insurer** ins 2002 No 31 reg 12
def **motor wrecker** ins 2002 No 31 reg 12
def **notifiable vehicle** ins 2002 No 31 reg 12
def **relevant identification information** ins 2002 No 31 reg 12
def **repairable write-off** ins 2002 No 31 reg 12
def **statutory write-off** ins 2002 No 31 reg 12
def **statutory write-off notice** ins 2002 No 31 reg 12
def **total loss** ins 2002 No 31 reg 12
def **vehicle identifier** ins 2002 No 31 reg 12
def **written-off** ins 2002 No 31 reg 12
def **written-off vehicles register** ins 2002 No 31 reg 12

What is a notifiable vehicle

reg 21 ins 2002 No 31 reg 12

When vehicle is a statutory write-off

reg 22 ins 2002 No 31 reg 12

Who must give written-off vehicle information to road transport authority

reg 23 ins 2002 No 31 reg 12

Endnotes

4 Amendment history

Information about notifiable vehicles to be given to the road transport authority

reg 24 ins 2002 No 31 reg 12

Defence for failing to report write-offs

reg 25 ins 2002 No 31 reg 12

Statutory write-offs—duty to attach notice

reg 26 ins 2002 No 31 reg 12

Unauthorised interference with statutory write-off notices

reg 27 ins 2002 No 31 reg 12

Written-off vehicles—duty to deface vehicle identifier

reg 28 ins 2002 No 31 reg 12

Entry of vehicle information in written-off vehicles register

reg 29 ins 2002 No 31 reg 12
(3), (4) exp 1 December 2003 (reg 29 (4))

Statement of whether vehicle is written-off

reg 30 ins 2002 No 31 reg 12

Approvals for pt 6

reg 31 ins 2002 No 31 reg 12

Road Transport (Driver Licensing) Regulations 2000

sch 1 pt 1.4 am 2000 No 32 sch 2; 2001 No 46 reg 9, reg 10

Road Transport (General) Act 1999

sch 1 pt 1.5 am 2001 No 46 regs 11-14; 2002 No 2 regs 11-15

Road Transport (General) Regulations 2000

sch 1 pt 1.5A ins 2002 No 31 reg 14

Road Transport (Hire Vehicle Services) Regulations 2000

sch 1 pt 1.6 orig sch 1 pt 1.6 om 2001 No 46 reg 15
(prev sch 1 pt 1.7) renum 2001 No 46 reg 16

Road Transport (Public Passenger Services) Act 2001

sch 1 pt 1.7 orig sch 1 pt 1.7 renum as sch 1 pt 1.6
(prev sch 1 pt 1.8) renum 2001 No 46 reg 16
om 2002 No 2 reg 16
ins 2002 No 2 reg 18

Road Transport (Public Passenger Services) Regulations 2002

sch 1 pt 1.8 orig sch 1 pt 1.8 renum as sch 1 pt 1.7
ins 2001 No 46 reg 18
sub 2002 No 2 reg 18

Road Transport (Safety and Traffic Management) Regulations 2000

sch 1 pt 1.9 orig sch 1 pt 1.9 renum as sch 1 pt 1.10
 ins 2001 No 46 reg 18
 om 2002 No 2 reg 18
 (prev sch 1 pt 1.10) renum 2002 No 2 reg 17

Road Transport (Vehicle Registration) Act 1999

sch 1 pt 1.10 orig sch 1 pt 1.10 renum as sch 1 pt 1.11
 (prev sch 1 pt 1.9) renum 2001 No 46 reg 17
 renum as sch 1 pt 1.9
 (prev sch 1 pt 1.11) renum 2002 No 2 reg 17
 am 2002 No 7 reg 17; Act 2002 No 30 amdt 3.747

Road Transport (Vehicle Registration) Regulations 2000

sch 1 pt 1.11 orig sch 1 pt 1.11 renum as sch 1 pt 1.12
 (prev sch 1 pt 1.10) renum 2001 No 46 reg 17
 renum as sch 1 pt 1.10
 (prev sch 1 pt 1.12) renum 2002 No 2 reg 17
am 2002 No 31 reg 15, reg 16; renum items R8 LA

Road Transport (Vehicle Registration) Regulations 2000

sch 1 pt 1.12 (prev sch 1 pt 1.11) renum 2001 No 46 reg 17
 renum as sch 1 pt 1.11

Dictionary

dict def **approved corresponding WOV** ins 2002 No 31 reg 13
def **bus service** ins Act 2001 No 62 amdt 1.37
def **dealer** ins 2002 No 31 reg 13
def **designated person** ins 2002 No 31 reg 13
def **GVM** ins 2002 No 31 reg 13
def **insurer** ins 2002 No 31 reg 13
def **motorbike** ins 2002 No 31 reg 13
def **motor wrecker** ins 2002 No 31 reg 13
def **notifiable vehicle** ins 2002 No 31 reg 13
def **registered operator** ins 2002 No 31 reg 13
def **relevant identification information** ins 2002 No 31 reg 13
def **repairable write-off** ins 2002 No 31 reg 13
def **responsible person** ins 2002 No 31 reg 13
def **statutory write-off** ins 2002 No 31 reg 13
def **statutory write-off notice** ins 2002 No 31 reg 13
def **the Act** om Act 2001 No 44 amdt 1.3769
def **total loss** ins 2002 No 31 reg 13
def **trailer** ins 2002 No 31 reg 13
def **vehicle identifier** ins 2002 No 31 reg 13
def **written-off** ins 2002 No 31 reg 13
def **written-off vehicles register** ins 2002 No 31 reg 13

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	1 March 2000
2	Act 2001 No 44	12 September 2001
3	Act 2001 No 62	1 December 2001
4	SL 2002 No 2	1 March 2002
5	SL 2002 No 2	2 March 2002
6	SL 2002 No 7	16 April 2002
7	Act 2002 No 30	9 October 2002

6 Uncommenced amendments

The following amendments have not been included in this republication because they were uncommenced at the republication date:

Road Transport Legislation Amendment Regulations 2002 (No 2) SL2002-31, reg 10, regs 12-17

10 Regulations 6 and 7

substitute

6 Exemptions for traffic marshals—appointment and identity cards

- (1) The *Road Transport (General) Act 1999*, section 19 (3) (a) and (b) does not apply to the appointment of a traffic marshal as an authorised person.

Note 1 Section 19 (3) (a) requires an authorised person to be an Australian citizen or permanent resident and s 19 (3) (b) relates to a person's suitability for appointment.

Note 2 However, a traffic marshal must have satisfactorily completed adequate training before being appointed as an authorised person, see s 19 (3) (c).

- (2) The *Road Transport (General) Act 1999*, section 20 does not apply to a traffic marshal who is appointed as an authorised person.

Note Section 20 requires an authorised person to be issued with an identity card.

- (3) The *Road Transport (General) Act 1999*, section 21 does not apply to an authorised traffic marshal while the traffic marshal is giving a direction under the Australian Road Rules, rule 304 for the activity for which the person is appointed an authorised person.

Note 1 Section 21 requires an authorised person to show the person's identity card before exercising a function under the road transport legislation.

Note 2 ARR r 304 requires a person to obey any reasonable direction for the safe and efficient regulation of traffic given to the person by a police officer or authorised person.

- (4) In this regulation:

authorised, for a traffic marshal, means appointed as an authorised person for the Australian Road Rules, rule 304.

traffic marshal means a person who carries out traffic control functions for an activity.

12 New part 6

insert

Part 6 Written-off vehicles register

20 Definitions for pt 6

In this part:

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approved corresponding WOV means a register approved under regulation 31 (1).

dealer—see the *Sale of Motor Vehicles Act 1977*, section 6A.

designated person, for a notifiable vehicle—see regulation 23 (1).

insurer means a person who carries on the business of insuring vehicles.

motor wrecker means a person who carries on the business of—

- (a) demolishing or dismantling vehicles or parts of, or accessories for, vehicles; or
- (b) buying vehicles (including substantially demolished or dismantled vehicles) and selling substantially demolished or dismantled vehicles, whether or not the person also sells parts of, or accessories for, vehicles.

notifiable vehicle—see regulation 21.

relevant identification information, for a vehicle, means the following information:

- (a) the registration number (if any) of the vehicle;
- (b) the vehicle identifier for the vehicle;
- (c) the make, model and body type of the vehicle;
- (d) whether the vehicle is—
 - (i) a motor vehicle (other than a motorbike) with a GVM of 4.5t or less; or
 - (ii) a motorbike; or
 - (iii) a trailer with a GVM of 4.5t or less.

Note A trailer includes a vehicle built to be towed by a motor vehicle and includes a caravan (see the Act, dict, def **trailer**).

repairable write-off means a vehicle that is a total loss but is not a statutory write-off.

statutory write-off—see regulation 22.

statutory write-off notice means a notice approved under regulation 31 (2).

total loss—see the Act, section 83C.

vehicle identifier—see the Act, section 83B.

written-off vehicle—see the Act, section 83B.

written-off vehicles register—see the Act, section 83B.

21 What is a *notifiable vehicle*

For this part, a vehicle is a *notifiable vehicle* if—

- (a) the vehicle is written off; and

Note For when a vehicle is written off, see reg 23 (1).

- (b) the vehicle was manufactured less than 15 years before the date the vehicle was written off; and

- (c) the vehicle is—

- (i) a motor vehicle (other than a motorbike) with a GVM of 4.5t or less; or
- (ii) a motorbike; or
- (iii) a trailer with a GVM of 4.5t or less.

Note A trailer includes a vehicle built to be towed by a motor vehicle and includes a caravan (see the Act, dict, def *trailer*).

22 When vehicle is a *statutory write-off*

A vehicle is a *statutory write-off* if the vehicle is a total loss and—

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- (a) for a motor vehicle (other than a motorbike)—at least 3 of the following impact damage indicators apply to the vehicle:
 - (i) the vehicle has damage to an area of the roof of at least 300mm by 300mm;
 - (ii) the vehicle has damage to an area of the cabin floor pan of at least 300mm by 300mm;
 - (iii) the vehicle has damage to an area of the firewall of at least 300mm by 300mm;
 - (iv) the vehicle has damaged suspension;
 - (v) a major mechanical component of the vehicle (for example, the engine block or transmission casings) is cracked or broken; or
- (b) for a motorbike or trailer—the vehicle has impact damage (excluding scratching) to the suspension and at least 2 areas of structural frame damage; or
- (c) for a motor vehicle (other than a motorbike)—the vehicle has been—
 - (i) immersed in salt water above the doorsill level for any period; or
 - (ii) immersed in fresh water up to the dashboard or steering wheel for more than 48 hours; or
- (d) for a motorbike—the vehicle has been—
 - (i) fully immersed in salt water for any period; or
 - (ii) fully immersed in fresh water for more than 48 hours; or
- (e) the vehicle has been burnt to such an extent that it is fit only for wrecking or scrap; or
- (f) the vehicle has been stripped of all, or a combination of most, interior and exterior body parts, panels and components

(including, for example, for a motor vehicle, its engine, wheels, bonnet, guards, doors and boot lid).

23 Who must give written-off vehicle information to road transport authority

- (1) Each of the following entities (a *designated person*) must comply with regulation 24 in relation to a notifiable vehicle:
- (a) an insurer that assesses the vehicle to be a total loss and writes off the vehicle (anywhere in Australia) in the course of the business carried on by the insurer;
 - (b) a motor wrecker who begins to demolish or dismantle the vehicle (anywhere in Australia) in the course of the business carried on by the motor wrecker;
 - (c) a dealer who assesses the vehicle to be a total loss and write off the vehicle (anywhere in Australia) in the course of the business carried on by the dealer;
 - (d) any other responsible person for the vehicle who assesses the vehicle to be a total loss and writes off the vehicle (anywhere in Australia).

Examples of writing off of vehicles

- 1 An insurer that allows a claim for a vehicle for its full insured value.
- 2 An insurer that disposes of a vehicle to a person other than the vehicle's registered operator.
- 3 A dealer hands over a vehicle to the vehicle's insurer.
- 4 A person who sells an uninsured vehicle to a motor wrecker.

Note 1 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 2001*, s 126 and s 132).

Note 2 An entity includes a person, see *Legislation Act 2001*, dict, pt 1, def *entity*.

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- (2) However, a designated person for a vehicle is not required, or ceases to be required, to comply with regulation 24 in relation to the vehicle if—
- (a) another designated person for the vehicle complies with regulation 24 in relation to the vehicle; or
 - (b) information about the write-off of the vehicle is, in accordance with the law of the jurisdiction—
 - (i) entered by an authorised designated person in an approved corresponding WOVN for the jurisdiction; or
 - (ii) given by an authorised designated person to the entity in another jurisdiction that corresponds to the road transport authority for entry in the approved corresponding WOVN for the jurisdiction.
- (3) In this regulation:
- authorised designated person*** means—
- (a) an insurer; or
 - (b) any other designated person that is authorised in writing by the road transport authority for this definition.

24 Information about notifiable vehicles to be given to the road transport authority

- (1) A designated person for a notifiable vehicle must give the road transport authority, in accordance with subregulation (2), the information mentioned in subregulation (3) for the vehicle.

Maximum penalty: 20 penalty units.

Note See reg 23 (2) for when this requirement does not apply.

- (2) The information for the vehicle must be given to the road transport authority in accordance with any requirements approved by the authority under subregulation (4) and—

-
- (a) if the designated person is a motor wrecker—before the motor wrecker disposes of the part or parts of the vehicle on which the vehicle identifier is located but, in any event, within 7 days after the day the motor wrecker begins to demolish or dismantle the vehicle (or any later period approved by the authority); and
 - (b) in any other case—before the designated person disposes of the vehicle but, in any event, within 7 days after the day the person makes the decision to write-off the vehicle (or any later period approved by the authority).
- (3) For subregulation (1), the designated person must give the following information to the road transport authority:
- (a) the relevant identification information for the vehicle;
 - (b) the date the vehicle was written-off;
 - (c) if the person is an insurer or dealer—whether the vehicle is a repairable write-off or a statutory write-off;
 - (d) the event that resulted in the vehicle being a write-off;
 - (e) the location and severity of the damage to the vehicle;
 - (f) the person's name and postal address, telephone and fax numbers and email address (unless the information is given electronically to the authority by the person);
 - (g) if a person is providing the information on behalf of the designated person—the name and address of the person.
- (4) The road transport authority may approve, in writing, requirements for the giving of information to the authority under subregulation (2).

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Examples of requirements that may be approved

Codes and terms for describing whether a vehicle is a repairable or statutory write-off and the location and severity of damage to the vehicle.

Note If a form is approved under the Act, s 225 (Approved forms) for the giving of the information to the authority, the form must be used.

- (5) An approval under subregulation (4) is a notifiable instrument.

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

25 Defence for failing to report write-offs

In a prosecution for an offence against regulation 24 (1), it is a defence if the defendant proves that the defendant believed, on reasonable grounds, that—

- (a) the vehicle was not a notifiable vehicle; or
- (b) the defendant was not required to give the information to the authority.

26 Statutory write-offs—duty to attach notice

- (1) This regulation applies to a designated person for a notifiable vehicle that is a statutory write-off.
- (2) The person must, within the compliance period for the person, attach a complying statutory write-off notice to the vehicle if the vehicle does not already have a complying statutory write-off notice.

Maximum penalty: 20 penalty units.

- (3) In this regulation:

compliance period means—

- (a) for a motor wrecker—before the motor wrecker disposes of the part or parts of the vehicle on which the vehicle identifier is located but, in any event, within 7 days after the day the motor wrecker begins to demolish or dismantle the vehicle; or

- (b) in any other case—before the designated person disposes of the vehicle but, in any event, within 7 days after the day the person makes the decision to write off the vehicle.

complying statutory write-off notice means a statutory write-off notice that is—

- (a) for a motor vehicle (other than a motor cycle)—attached securely to the vehicle in a conspicuous position as close as practicable to the vehicle identifier for the vehicle; or
- (b) for a motorbike—attached securely to the motorbike’s frame in a conspicuous position as close as practicable to the vehicle identifier for the motorbike; or
- (c) for a trailer—attached securely to the trailer’s frame in a conspicuous position and, if the trailer has a vehicle identifier, as close as practicable to the identifier.

27 Unauthorised interference with statutory write-off notices

A person must not, without reasonable excuse, damage, destroy or remove a statutory write-off notice attached to a vehicle.

Maximum penalty: 20 penalty units.

28 Written-off vehicles—duty to deface vehicle identifier

- (1) A designated person for a notifiable vehicle that is a statutory write-off must, within the compliance period for the person, deface the vehicle identifier in accordance with an approved defacement method if the vehicle’s identifier is not already defaced in accordance with an approved method.

Maximum penalty: 20 penalty units.

- (2) A motor wrecker who begins to demolish or dismantle a notifiable vehicle (anywhere in Australia) that is a repairable write-off in the course of the business carried on by the motor wrecker must, within the compliance period, deface the vehicle identifier in accordance

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with an approved defacement method if the vehicle's identifier is not already defaced in accordance with an approved method.

Maximum penalty: 20 penalty units.

(3) In this regulation:

approved defacement method, for a vehicle identifier, means a method approved under regulation 31 (3).

compliance period—see regulation 26 (3).

29 Entry of vehicle information in written-off vehicles register

- (1) The road transport authority may enter in the written-off vehicles register information for a notifiable vehicle given to the authority under regulation 24 (Information about notifiable vehicles to be given to the road transport authority).
- (2) The road transport authority may, of its own initiative, enter in the register information about a vehicle that the authority reasonably believes is a notifiable vehicle.
- (3) The road transport authority may enter in the register information about a vehicle that is recorded as a written-off vehicle in the registrable vehicles register under the *Road Transport (Vehicle Registration) Act 1999*.
- (4) This subregulation and subregulation (3) expire on 1 December 2003.

30 Statement of whether vehicle is written-off

- (1) A person may apply to the road transport authority for a statement whether a vehicle is recorded in the written-off vehicles register or an approved corresponding WOVR as a written-off vehicle.

Note 1 A fee for the application may be determined under the Act, s 96.

Note 2 If a form is approved under the Act, s 225 (Approved forms) for an application, the form must be used.

- (2) If the vehicle is recorded in a register mentioned in subregulation (1), the statement must—
- (a) state the time and date of issue of the statement; and
 - (b) state the registers searched and the register in which the vehicle is recorded; and
 - (c) state the relevant identification information recorded in the register for the vehicle; and
 - (d) state the date recorded in the register that the vehicle was written-off; and
 - (e) if the vehicle is recorded as a repairable write-off or a statutory write-off—state whether the vehicle is recorded as a repairable write-off or a statutory write-off; and
 - (e) include information to the following effect:
 - (i) the register might not include a record of each time the vehicle has been written-off;
 - (ii) the road transport authority may refuse to register (or to renew the registration of) a vehicle that is recorded as a repairable write-off;
 - (iii) the road transport authority cannot register (or renew the registration of) a vehicle that is recorded as a statutory write-off.
- (3) If the vehicle is not recorded in a register mentioned in subregulation (1), the statement must—
- (a) state the time and date of issue of the statement; and
 - (b) state the registers searched; and
 - (c) state that the vehicle identifier mentioned in the statement is not recorded in the registers searched; and

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- (d) include information to the effect that the vehicle may have been written-off despite it not being recorded.
- (4) Subregulations (2) and (3) do not limit the matters the road transport authority may include in a statement under this regulation.

31 Approvals for pt 6

- (1) For this part, the Minister may, in writing, approve a register of written-off vehicles kept under the law of another jurisdiction (an ***approved corresponding WOV***R) as a register that corresponds to the written-off vehicles register kept under the Act.
- (2) The road transport authority may, in writing, approve a notice (a ***statutory write-off notice***) for attaching to a vehicle that is a statutory write-off.
- (3) For regulation 28 (3), definition of ***approved defacement method***, the road transport authority may, in writing, approve a method for defacing vehicle identifiers.
- (4) The following are a notifiable instrument:
 - (a) an approval under subregulation (1);
 - (b) a notice approved under subregulation (2);
 - (c) a statement of a method approved under subregulation (3).

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

13 Dictionary, new definitions

insert

approved corresponding WOVR, for part 6 (Written-off vehicles register)—see regulation 31 (1).

dealer, for part 6 (Written-off vehicles register)—see the *Sale of Motor Vehicles Act 1977*, section 6A.

designated person, for a notifiable vehicle, for part 6 (Written-off vehicles register)—see regulation 23 (1).

GVM—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

insurer, for part 6 (Written-off vehicles register)—see regulation 20.

motorbike—see the *Road Transport (Vehicle Registration) Regulations 2000*, dictionary.

motor wrecker, for part 6 (Written-off vehicles register)—see regulation 20.

notifiable vehicle, for part 6 (Written-off vehicles register)—see regulation 21.

registered operator—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

relevant identification information, for a vehicle, for part 6 (Written-off vehicles register)—see regulation 20.

repairable write-off, for part 6 (Written-off vehicles register)—see regulation 20.

responsible person, for a vehicle—see the Act, sections 10 and 11.

statutory write-off, for part 6 (Written-off vehicles register)—see regulation 22.

statutory write-off notice, for part 6 (Written-off vehicles register)—see regulation 31 (2).

total loss, for part 6 (Written-off vehicles register)—see the Act, section 83C.

trailer—see the Act, dictionary.

vehicle identifier, for part 6 (Written-off vehicles register)—see the Act, section 83B.

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written-off vehicle, for part 6 (Written-off vehicles register)—see the Act, section 83B.

written-off vehicles register, for part 6 (Written-off vehicles register)—see the Act, section 83B.

14 Schedule 1, new part 1.5A

insert

Part 1.5A Road Transport (General) Regulations 2000

column 1 item	column 2 provision	column 3 decision
1	29 (2)	road transport authority—recording a vehicle as written-off in written-off vehicles register on authority's own initiative

15 Schedule 1, part 1.11, new item 7A

insert

7A	32A (3)	road transport authority—refuse to approve application for registration of repairable write-off
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16 Schedule 1, part 1.11, item 30

substitute

30	68 (9) (a)	road transport authority—refuse to renew registration of vehicle
30A	68 (10)	road transport authority—refuse to renew registration of statutory write-off

17 Schedule 1, part 1.11

*renumber items when regulations next republished under
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