



Australian Capital Territory

Road Transport (General) Regulation 2000

SL2000-13

made under the

Road Transport (General) Act 1999

Republication No 19

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Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Road Transport (General) Regulation 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 January 2007. It also includes any amendment, repeal or expiry affecting the republished law to 1 January 2007.

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.

The status of this republication appears on the bottom of each page.

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 includes 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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made under the

Road Transport (General) Act 1999

Part 1 Preliminary

1 Name of regulation

This regulation is the *Road Transport (General) Regulation 2000*.

3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

Note 1 The dictionary at the end of this regulation defines certain terms used in this regulation, and includes references (*signpost definitions*) to other terms defined elsewhere in this regulation 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 term 'driver licence' is defined in that dictionary and the definition applies to this regulation.

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

4 Notes

A note in this regulation is explanatory and is not part of the section.

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

4A Offences against regulation—application of Criminal Code etc

Other legislation applies in relation to offences against this regulation.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to an offence against this regulation (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Administration of road transport legislation

5 Responsible people for vehicle

- (1) If 2 or more people are responsible people for a vehicle—
 - (a) any right or liability given to or imposed on the responsible person for the vehicle under the relevant legislation is taken to be given to 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 section:
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*.

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 section:

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.

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) Regulation 2000*, section 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) Regulation 2001*, section 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 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 a proceeding 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 section 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 or hire car licence under the *Road Transport (Public Passenger Services) Act 2001* 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 subsection (1) need not be surrendered as required by the subsection 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, worked out in accordance with the refund formula in section 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 paid in relation to the issue of any of the following licences under the *Road Transport (Public Passenger Services) Act 2001* if the licence is surrendered in accordance with that Act:
 - (i) a leased hire car licence;
 - (ii) a transferable leased taxi licence;
 - (iii) a non-transferable leased taxi licence;
 - (iv) a wheelchair-accessible taxi licence;

- (f) 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;
- (g) a fee, charge or other amount in relation to the authorisation of an examiner if the examiner surrenders the authorisation;
- (h) 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;
- (i) 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;
- (j) a fee, charge or other amount in relation to the issue of trader's plates if the holder of the plates surrenders the plates;
- (k) a fee, charge or other amount paid in relation to the issue of a parking permit under the *Road Transport (Safety and Traffic Management) Regulation 2000* if the permit-holder surrenders the permit.

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

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 section 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 the issue or transfer of a taxi licence or hire car licence under the *Road Transport (Public Passenger Services) Act 2001*.
- (2) If a person pays all or part of an amount to which this section 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 section 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 section, section 18 and section 19:
relevant thing means—

- (a) for a fee, charge or other amount mentioned in section 16 (1) (a)—the driver licence; or
 - (b) for a fee, charge or other amount mentioned in section 16 (1) (b)—the accreditation; or
 - (c) for a fee, charge or other amount mentioned in section 16 (1) (c) or (d)—the vehicle registration; or
 - (d) for a fee, charge or other amount mentioned in section 16 (1) (e)—the appointment; or
 - (e) for a fee, charge or other amount mentioned in section 16 (1) (f)—the approval; or
 - (f) for a fee, charge or other amount mentioned in section 16 (1) (g)—the trader’s plates; or
 - (g) for a fee, charge or other amount mentioned in section 16 (1) (h)—the licence.
- (2) If the person mentioned in section 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 section 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 section 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 section 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

20 Definitions for pt 6

In this part:

approved corresponding WOVR means a register approved under section 31 (1).

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

designated person, for a notifiable vehicle—see section 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 section 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 section 22.

statutory write-off notice means a notice approved under section 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 s 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—

- (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).

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

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

- (1) Each of the following entities (a *designated person*) must comply with section 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 who allows a claim for a vehicle for its full insured value.
- 2 An insurer who 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 regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

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

- (2) However, a designated person for a vehicle is not required, or ceases to be required, to comply with section 24 in relation to the vehicle if—
- (a) another designated person for the vehicle complies with section 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 WOVV 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 WOVV for the jurisdiction.

- (3) In this section:

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 road transport authority

- (1) A designated person for a notifiable vehicle commits an offence if the person fails to give the road transport authority, in accordance with subsection (3), the information mentioned in subsection (4) for the vehicle.

Maximum penalty: 20 penalty units.

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

- (2) An offence against this section is a strict liability offence.
- (3) The information for the vehicle must be given to the road transport authority in accordance with any requirements approved by the authority under subsection (5) 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).
- (4) For subsection (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.
- (5) The road transport authority may approve, in writing, requirements for the giving of information to the authority under subsection (3).

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 1 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Note 2 If a form is approved under the Act, s 225 for the giving of the information to the authority, the form must be used.

- (6) An approval under subsection (5) is a notifiable instrument.

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

25 Statutory write-offs—duty to attach notice

- (1) A designated person for a notifiable vehicle commits an offence if—
- (a) the vehicle is a statutory write-off; and
 - (b) the vehicle does not have a complying statutory write-off notice; and

- (c) the person fails to attach a complying statutory write-off notice to the vehicle within the compliance period.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) In this section:

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 motorbike)—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.

26 Unauthorised interference with statutory write-off notices

- (1) A person commits an offence if the person damages, destroys or removes a statutory write-off notice attached to a vehicle.

Maximum penalty: 20 penalty units.

- (2) An offence against this section is a strict liability offence.
- (3) This section does not apply to a person who has a reasonable excuse for damaging, destroying or removing the notice.

Example of reasonable excuse

removing a notice from a vehicle to sell the part to which it is attached

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

27 Statutory write-off notice to remain with vehicle

- (1) This section applies if—
 - (a) a vehicle is a statutory write-off; and
 - (b) the vehicle has not been substantially demolished or dismantled since being written off; and
 - (c) a statutory write-off notice is attached to a part of the vehicle; and
 - (d) the part is removed from the vehicle.
- (2) The designated person for the vehicle commits an offence if a complying statutory write-off notice is not attached (or reattached) to the vehicle within 1 day after the day the part is removed from the vehicle.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) In this section:
complying statutory write-off notice—see section 25 (3).

28 Written-off vehicles—duty to deface vehicle identifier

- (1) A designated person for a notifiable vehicle commits an offence if—
 - (a) the vehicle is a statutory write-off; and

- (b) the vehicle identifier for the vehicle is not defaced in accordance with an approved defacement method; and
- (c) the person fails to deface the vehicle identifier in accordance with an approved defacement method within the compliance period for the person.

Maximum penalty: 20 penalty units.

- (2) A motor wrecker commits an offence if—
 - (a) the motor wrecker 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; and
 - (b) the vehicle identifier for the vehicle is not defaced in accordance with an approved defacement method; and
 - (c) the motor wrecker fails to deface the vehicle identifier in accordance with an approved defacement method within the compliance period for the person.

Maximum penalty: 20 penalty units.

- (3) An offence against this section is a strict liability offence.
- (4) In this section:

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

compliance period—see section 25 (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 section 24 (Information about notifiable vehicles to be given to 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.

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 WOVV 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 for an application, the form must be used.

- (2) If the vehicle is recorded in a register mentioned in subsection (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
 - (f) 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 subsection (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
 - (d) include information to the effect that the vehicle may have been written-off despite it not being recorded.
- (4) Subsections (2) and (3) do not limit the matters the road transport authority may include in a statement under this section.

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*) 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 section 28 (4), 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 subsection (1);
 - (b) a notice approved under subsection (2);

(c) a statement of a method approved under subsection (3).

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

Schedule 1 Reviewable decisions

(see s 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/combo
2	27 (1)	road transport authority—statement of provisions of part 2 or 3 vehicle/combo not required to comply with
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	40 (b)	road transport authority—refuse issue/renew driver licence because it is practical for applicant to have suitable photograph taken at designated place
3	40 (b)	road transport authority—refuse to accept photograph is suitable for use on driver licence

Part 1.4 Road Transport (Driver Licensing) Regulation 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 section 50 (Conditions of restricted licences) or section 54 (Conditions of probationary licences))
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>)

Schedule 1
Part 1.4

Reviewable decisions
Road Transport (Driver Licensing) Regulation 2000

column 1 item	column 2 provision	column 3 decision
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
14	69 (7)	road transport authority—require applicant for issue and certain variations of driver licences to comply with requirements equivalent to section 69 (5) (h) (which is about treatment of alcohol or drug offenders in another jurisdiction)

column 1 item	column 2 provision	column 3 decision
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
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 section 69 (5) (h) (which is about treatment of alcohol or drug offenders in another jurisdiction)

Schedule 1
Part 1.4

Reviewable decisions
Road Transport (Driver Licensing) Regulation 2000

column 1 item	column 2 provision	column 3 decision
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 section 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
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

column 1 item	column 2 provision	column 3 decision
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	104A (2)	road transport authority—refuse exemption from compliance with required training for accreditation as a driving instructor
35	104A (3)	road transport authority—impose conditions on exemption from compliance with required training for accreditation as a driving instructor
36	106 (1)	road transport authority—refuse to approve application for/renewal of accreditation as a driving instructor
37	107 (3)	road transport authority—period of issue of accreditation as a driving instructor
38	107A	road transport authority—refuse to issue replacement for certificate of accreditation as a driving instructor that has been lost, stolen or destroyed
39	112 (1)	road transport authority—cancel/suspend accreditation as a driving instructor/disqualify from applying for accreditation (including suspending or disqualifying for additional period)
40	120 (1)	road transport authority—require person to provide evidence, information or documents or undergo tests, assessments or examinations in accordance with notice

Schedule 1
Part 1.4

Reviewable decisions
Road Transport (Driver Licensing) Regulation 2000

column 1 item	column 2 provision	column 3 decision
41	120 (2)	road transport authority—refuse to accept certificate of medical examination of person conducted in another jurisdiction
42	120 (3)	road transport authority—refuse to accept test, assessment or evidence obtained by person in another jurisdiction
43	121 (a)	road transport authority—require driving instructor to undertake training
44	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	165 (5)	Minister—refuse to approve authorised insurer as an approved authorised insurer for section 165
2	207 (1) (a)	Minister—impose conditions on approval of corporation as authorised insurer
3	207 (1) (b)	Minister—refuse to approve corporation as authorised insurer
4	209 (1)	Minister—cancel insurer’s approval as authorised insurer

Part 1.6 Road Transport (General) Regulation 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

Part 1.7 Road Transport (Public Passenger Services) Act 2001

column 1 item	column 2 provision	column 3 decision
1	120 (3)	police officer or authorised person—refuse to remove noncompliance notice
2	120 (3)	police officer or authorised person—refuse to direct that noncompliance notice be taken to have been removed
3	127	Minister—refuse to exempt vehicle or person from Act or provision of Act

Part 1.8 **Road Transport (Public Passenger Services) Regulation 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) Regulation 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	83A (6)	road transport authority—issue transferable leased taxi licence subject to conditions
13	83C (6)	road transport authority—issue non-transferable leased taxi licence subject to conditions
14	83E (6)	road transport authority—issue wheelchair-accessible taxi licence subject to conditions
15	83G (6)	road transport authority—issue NSW cross-border taxi licence subject to conditions
16	84B (1)	road transport authority—refuse to renew restricted taxi licence
17	84B (5)	road transport authority—renew restricted taxi licence subject to conditions
18	85 (1)	road transport authority—amend/refuse to amend taxi licence to impose/amend/revoke condition

column 1 item	column 2 provision	column 3 decision
19	90 (1)	road transport authority—refuse to issue replacement taxi licence for licence that has been lost, stolen or destroyed
20	95A (1)	road transport authority—refuse to exempt taxi from being fitted with taximeter complying with standards for taximeters
21	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
22	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
23	107 (1)	road transport authority—refuse to approve network decal signs for accredited taxi network provider
24	107 (2)	road transport authority—refuse to approve network colours for accredited taxi network provider
25	110	road transport authority—refuse to approve network uniform for accredited taxi network provider
26	160 (1)	road transport authority—refuse to exempt person from requirement to successfully complete wheelchair-accessible taxi driver training course

Schedule 1
Part 1.8

Reviewable decisions
Road Transport (Public Passenger Services) Regulation 2002

column 1 item	column 2 provision	column 3 decision
27	160 (2)	road transport authority—exempt subject to conditions person from requirement to successfully complete wheelchair-accessible taxi driver training course
28	161	road transport authority—require person to undertake wheelchair-accessible taxi driver training course
29	162 (1)	road transport authority—refuse to approve wheelchair-accessible taxi driver training course
30	163 (1) (b)	road transport authority—refuse to approve use of bus as taxi
31	167	road transport authority—refuse to issue/renew hire car licence
32	169 (1)	road transport authority—issue/renew hire car licence subject to condition imposed by authority
33	169 (2)	road transport authority—amend/refuse to amend hire car licence to impose/amend/revoke condition
34	175 (1)	road transport authority—refuse to issue replacement hire car licence for licence that has been lost, stolen or destroyed
35	240 (1)	Minister—refuse to issue replacement demand responsive service authorisation for authorisation that has been lost, stolen or destroyed
36	269 (5) (a)	road transport authority—number of seated/standing passengers demand responsive service vehicle permitted to carry

column 1 item	column 2 provision	column 3 decision
37	323 (4)	road transport authority—suspend/cancel service authority/disqualify from applying for service authority (including suspending or disqualifying for additional period)/impose/vary condition on service authority/impose financial penalty/reprimand <i>Note</i> A service authority is an accreditation or a hire car or taxi licence under the <i>Road Transport (Public Passenger Services) Regulation 2002</i> .
38	324 (3)	road transport authority—immediately suspend service authority

Part 1.9 Road Transport (Safety and Traffic Management) Regulation 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 section 42 (1)
3	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
4	75A (2)	road transport authority—refuse to declare person to be parking authority for stated area applied for
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

column 1 item	column 2 provision	column 3 decision
8	94 (2) (b)	road transport authority—refuse to vary exemption given to holder of existing operator’s certificate
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	101A (1)	road transport authority—revoke parking permit/mobility parking scheme authority
18	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

Part 1.11 Road Transport (Vehicle Registration) Regulation 2000

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

column 1 item	column 2 provision	column 3 decision
1	7 (1)	road transport authority—suspend operation of section 14 (Vehicles temporarily in the ACT) or section 16 (Trailers exempt from registration in another jurisdiction)
2	7 (2)	road transport authority—period of suspension of operation of section 14 or section 16
3	25 (2)	road transport authority—refuse to record person under required age as registered operator
4	26 (1)	road transport authority—impose condition on registration of vehicle

column 1 item	column 2 provision	column 3 decision
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	32A (3)	road transport authority—refuse to approve application for registration of repairable write-off
9	33 (1)	road transport authority—impose condition on registration of registrable vehicle
10	33 (2)	road transport authority—refuse to conditionally register registrable vehicle
11	33 (4)	road transport authority—vary/cancel condition imposed on registration of registrable vehicle
12	36 (2) (a)	road transport authority—refuse to approve dealing in relation to registrable vehicle
13	36 (2) (b)	road transport authority—refuse to record details of dealing in register
14	36 (2) (c)	road transport authority—refuse to exercise any other function in relation to dealing
15	41 (2)	road transport authority—refuse to issue replacement for damaged registration certificate
16	42 (4)	road transport authority—refuse to issue replacement for registration certificate that has been lost, stolen or destroyed
17	44 (5)	road transport authority—refuse to give replacement for lost, stolen, damaged or destroyed registration label
18	50 (2)	road transport authority—refuse to issue bicycle rack numberplate
19	52 (1)	road transport authority—change registration number given to registered vehicle

Schedule 1
Part 1.11

Reviewable decisions
Road Transport (Vehicle Registration) Regulation 2000

column 1 item	column 2 provision	column 3 decision
20	57	road transport authority—cancel prescribed right to non-standard registration number
21	59 (5)	road transport authority—refuse to exempt vehicle or person from section 59 (which is about how numberplates are to be displayed)
22	59 (5)	road transport authority—impose condition on exemption from section 59
23	59 (5)	road transport authority—revoke exemption from section 59
24	61	road transport authority—refuse to approve swap of numberplates between registrable vehicles
25	62	road transport authority—refuse to transfer numberplates between registrable vehicles
26	63	road transport authority—refuse to issue different registration number for registrable vehicle
27	64 (2)	road transport authority—refuse to issue replacement numberplate with same number of numberplate as damaged
28	65 (5)	road transport authority—refuse to issue replacement numberplate with same or different number of lost, stolen or destroyed numberplate
29	65 (6)	road transport authority—refuse to issue replacement numberplate for lost, stolen or destroyed bicycle rack numberplate
30	68 (5)	road transport authority—refuse to renew registration for period nominated by registered operator
31	68 (9) (a)	road transport authority—refuse to renew registration of vehicle
32	68 (10)	road transport authority—refuse to renew registration of statutory write-off

column 1 item	column 2 provision	column 3 decision
33	77 (2)	road transport authority—refuse to transfer registration of registrable vehicle if registered operator has died
34	77 (3)	road transport authority—refuse to transfer registration of registrable vehicle to second transferee
35	78 (1)	road transport authority—refuse application to transfer registration of registrable vehicle
36	78 (2)	road transport authority—refuse to transfer registration of registrable vehicle if 1 of the parties to the registration has not complied with section in relation to transfer
37	80 (1)	road transport authority—refuse to exempt person from provision of part 4.2 (Transfer of registration)
38	80 (1)	road transport authority—impose condition on exemption from provision of part 4.2
39	80 (1)	road transport authority—revoke exemption from provision of part 4.2
40	85	road transport authority—suspend/cancel registration of registered vehicle
41	86 (1)	road transport authority—refuse to issue unregistered vehicle permit
42	86 (1)	road transport authority—condition imposed on unregistered vehicle permit
43	86 (5)	road transport authority—vary/cancel unregistered vehicle permit
44	88 (1)	road transport authority—refuse to issue trader's plate
45	89 (3)	road transport authority—refuse to issue replacement plate for recalled trader's plate

Schedule 1
Part 1.11

Reviewable decisions
Road Transport (Vehicle Registration) Regulation 2000

column 1 item	column 2 provision	column 3 decision
46	92 (1)	road transport authority—refuse to issue replacement identification label for trader’s plate
47	104 (1)	road transport authority—refuse to exempt vehicle, combination or person from provision of section 108 (which is about vehicle emission control systems) or schedule 1
48	104 (1)	road transport authority—condition imposed on exemption from provision of section 108 or schedule 1
49	104 (1)	road transport authority—revoke exemption from provision of section 108 or schedule 1
50	113	road transport authority—refuse to conditionally register vehicle not complying with applicable vehicle standards
51	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
52	118	road transport authority—refuse to approve application for authorisation (including renewal) (as authorised examiner) for class of vehicles
53	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)
54	130	road transport authority—refuse to approve application for approval of premises (including renewal) for class of vehicles (for vehicle inspections)

column 1 item	column 2 provision	column 3 decision
55	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)
56	152 (1)	road transport authority—refuse to issue replacement for examiner’s certificate of appointment that has been lost, stolen or destroyed
57	152 (2)	road transport authority—refuse to issue replacement for certificate of approval that has been lost, stolen or destroyed
58	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
59	158	road transport authority—revoke an authorisation
60	160 (3)	road transport authority, police officer or authorised person—refuse to clear defect notice
61	161	road transport authority—refuse to authorise use of vehicle with suspended registration on a road or road related area
62	161	road transport authority—the place and time of an authorisation for use of vehicle with suspended registration
63	161	road transport authority—conditions imposed on an authorisation for use of vehicle with suspended registration
64	161	road transport authority—revocation of an authorisation for use of vehicle with suspended registration

Schedule 2 **Decisions exempt from internal review**

(see s 12)

Part 2.1 **Road Transport (Safety and Traffic Management) Regulation 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 s 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.

Dictionary

(see s 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to these regulations.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- Australia
- fail
- function
- Minister (see s 162)
- provision (see s 16).

Note 3 Terms used in these regulations have the same meaning that they have in the *Road Transport (General) Act 1999* (see Legislation Act, s 148). In particular, the following terms are defined in the *Road Transport (General) Act 1999*, dict:

- administering authority
- authorised person
- credit card
- infringement notice
- infringement notice offence
- responsible person (see s 10 and s 11)
- road transport legislation (see s 6)
- trailer.

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

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

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 section 23 (1).

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

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

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

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

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

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.

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

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

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

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

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

relevant thing—see section 17 (1).

reminder notice—see the Act, dictionary.

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

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

service authority—see the *Road Transport (Public Passenger Services) Regulation 2002*, section 320.

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

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

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

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

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

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

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.

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.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	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

This regulation was originally the *Road Transport (General) Regulations 2000*. It was renamed under the *Legislation Act 2001*.

Road Transport (General) Regulation 2000 SL2000-13

notified 29 February 2000 (Gaz 2000 No S6)

s 1, s 2 commenced 29 February 2000 (IA s 10B)

remainder commenced 1 March 2000 (s 2 and see Gaz 2000 No S5)

as amended by

Road Transport Legislation Regulations Amendment 2000 SL2000-32 sch 2

notified 1 August 2000 (Gaz 2000 No S40)

commenced 1 August 2000 (s 1)

Road Transport Legislation Amendment Act 2001 A2001-27 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 A2001-44 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 A2001-62 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 SL2001-46 pt 2

notified LR 18 October 2001

s 1, s 2 commenced 18 October 2001 (LA s 75)

pt 2 commenced 1 December 2001 immediately after Act 2001 No 62 commenced (s 2)

Endnotes

3 Legislation history

Road Transport Legislation Amendment Regulations 2002 SL2002-2 pt 3

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

Road Transport (Safety and Traffic Management) Amendment Regulations 2002 SL2002-7 pt 3

notified LR 15 April 2002
commenced 16 April 2002 (s 2)

Statute Law Amendment Act 2002 A2002-30 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
s 1, s 2 commenced 31 October 2002 (LA s 75 (1))
s 9 and s 11 commenced 1 November 2002 (s 2 (1))
pt 3 remainder commenced 28 January 2003 (s 2 (2) and see Road Transport Legislation Amendment Act 2002, s 13 and CN2002-16)

Urban Services (Application of Criminal Code) Amendment Regulations 2002 SL2003-1 pt 3

notified LR 9 January 2003
s 1, s 2 commenced 9 January 2003 (LA s 75)
pt 3 commenced 28 January 2003 (s 2 (2) and see Road Transport Legislation Amendment Regulations 2002 (No 2), s 12)

Road Transport Legislation (Taxi Services) Amendment Regulations 2003 (No 1) SL2003-32 sch 2 pt 2.2

notified LR 22 September 2003
s 1, s 2 commenced 22 September 2003 (LA s 75 (1))
sch 2 pt 2.2 commenced 23 September 2003 (s 2)

Road Transport Legislation (Hire Cars) Amendment Regulation 2005 (No 1) SL2005-4 sch 2 pt 2.2

notified LR 7 March 2005
s 1, s 2 commenced 7 March 2005 (LA s 75 (1))
sch 2 pt 2.2 commenced 9 March 2005 (s 2 and see Road Transport (Public Passenger Services) (Hire Cars) Amendment Act 2004 A2004-69, s 2 and LA s 79)

Road Transport (Safety and Traffic Management) Amendment Regulation 2005 (No 2) SL2005-22 sch 2 pt 2.1

notified LR 15 September 2005
s 1, s 2 commenced 15 September 2005 (LA s 75 (1))
sch 2 pt 2.1 commenced 16 September 2005 (s 2)

Criminal Code Harmonisation Act 2005 A2005-54 sch 1 pt 1.34

notified LR 27 October 2005
s 1, s 2 commenced 27 October 2005 (LA s 75 (1))
sch 1 pt 1.34 commenced 24 November 2005 (s 2)

Road Transport Legislation (Taxi Licences) Amendment Regulation 2006 (No 1) SL2006-5 sch 1 pt 1.2

notified LR 6 March 2006
s 1, s 2 commenced 6 March 2006 (LA s 75 (1))
sch 1 pt 1.2 commenced 7 March 2006 (s 2)

Road Transport Legislation (Taxi Licences) Amendment Regulation 2006 (No 2) SL2006-31 sch 1 pt 1.1

notified LR 26 June 2006
s 1, s 2 commenced 26 June 2006 (LA s 75 (1))
sch 1 pt 1.1 commenced 2 July 2006 (s 2 and see Road Transport Legislation Amendment Act 2006 A2006-26, s 2 and CN2006-12)

Road Transport Legislation (Public Passenger Services) Amendment Regulation 2006 (No 1) SL2006-32 sch 1 pt 1.2

notified LR 26 June 2006
s 1, s 2 commenced 26 June 2006 (LA s 75 (1))
sch 1 pt 1.2 commenced 3 July 2006 (s 2 (2))

Endnotes

4 Amendment history

Road Transport Legislation (Accreditation and Licensing) Amendment Regulation 2006 (No 1) SL2006-59 pt 3

notified LR 18 December 2006

s 1, s 2 commenced 18 December 2006 (LA s 75 (1))

pt 3 commenced 1 January 2007 (s 2 and CN2006-24)

4 Amendment history

Name of regulation

s 1 am R12 LA

Commencement

s 2 om A2001-27 amdt 4.9

Dictionary

s 3 hdg sub SL2005-4 amdt 2.7

s 3 am A2001-44 amdt 1.3767

Notes

s 4 am A2001-27 amdt 4.10; A2001-44 amdt 1.3768; A2002-30
amdt 3.746
(2), (3) exp 17 September 2002 (s 4 (3))

Offences against regulation—application of Criminal Code etc

s 4A ins SL2003-1 s 10

Exemptions for traffic marshals—appointment and identity cards

s 6 hdg bracketed note exp 17 September 2002 (s 4 (3))

s 6 sub SL2002-31 s 10

Access to database

s 7 hdg bracketed note exp 17 September 2002 (s 4 (3))

s 7 om SL2002-31 s 10

Delegation of road transport authority's functions

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

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

s 8A ins SL2002-31 s 11

Identity cards—Act, s 20 (1) (e)

s 9 sub SL2002-31 s 11

Certificate evidence about authorised examiners and approved premises

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

Remission of fees, charges and other amounts

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

Refund of fees, charges and other amounts

s 14 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 14 am A2001-62 amdt 1.34, amdt 1.35; SL2001-46 ss 4-7;
 SL2002-2 s 8, s 9; SL2005-4 amdt 2.8, amdt 2.9; pars renum
 R13 LA (see SL2005-4 amdt 2.10); SL2005-22 amdt 2.1;
 SL2006-5 amdt 1.2; SL2006-31 amdt 1.1

Dishonour notices

s 16 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 16 am A2001-27 amdt 4.11, amdt 4.12; A2001-62 amdt 1.36;
 SL2001-46 s 8; SL2002-2 s 10; SL2005-4 amdt 2.11

Suspension notices

s 17 hdg bracketed note exp 17 September 2002 (s 4 (3))
 s 17 def **relevant thing** sub A2001-27 amdt 4.13

Cancellation notices

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

Written-off vehicles register

pt 6 hdg ins SL2002-31 s 12

Definitions for pt 6

s 20 ins SL2002-31 s 12
 def **approved corresponding WOV** ins SL2002-31 s 12
 def **dealer** ins SL2002-31 s 12
 def **designated person** ins SL2002-31 s 12
 def **insurer** ins SL2002-31 s 12
 def **motor wrecker** ins SL2002-31 s 12
 def **notifiable vehicle** ins SL2002-31 s 12
 def **relevant identification information** ins SL2002-31 s 12
 def **repairable write-off** ins SL2002-31 s 12
 def **statutory write-off** ins SL2002-31 s 12
 def **statutory write-off notice** ins SL2002-31 s 12
 def **total loss** ins SL2002-31 s 12
 def **vehicle identifier** ins SL2002-31 s 12
 def **written-off** ins SL2002-31 s 12
 def **written-off vehicles register** ins SL2002-31 s 12

What is a notifiable vehicle

s 21 ins SL2002-31 s 12

When vehicle is a statutory write-off

s 22 ins SL2002-31 s 12

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

s 23 ins SL2002-31 s 12

Information about notifiable vehicles to be given to road transport authority

s 24 ins SL2002-31 s 12
 am SL2003-1 s 11, s 12; A2005-54 amdts 1.234-1.236

Endnotes

4 Amendment history

Statutory write-offs—duty to attach notice

s 25 ins SL2002-31 s 12
sub SL2003-1 s 13
am SL2005-4 amdt 2.12

Unauthorised interference with statutory write-off notices

s 26 ins SL2002-31 s 12
sub SL2003-1 s 13; A2005-54 amdt 1.237

Statutory write-off notice to remain with vehicle

s 27 ins SL2002-31 s 12
sub SL2003-1 s 13

Written-off vehicles—duty to deface vehicle identifier

s 28 ins SL2002-31 s 12
sub SL2003-1 s 13

Entry of vehicle information in written-off vehicles register

s 29 ins SL2002-31 s 12
(3), (4) exp 1 December 2003 (s 29 (4))

Statement of whether vehicle is written-off

s 30 ins SL2002-31 s 12
pars renum R12 LA

Approvals for pt 6

s 31 ins SL2002-31 s 12
am SL2003-1 s 14

Road Transport (Driver Licensing) Regulation 2000

sch 1 pt 1.4 am SL2000-32 sch 2; SL2001-46 s 9, s 10; SL2006-59 s 21;
items renum R19 LA

Road Transport (General) Act 1999

sch 1 pt 1.5 am SL2001-46 ss 11-14; SL2002-2 ss 11-15
sub SL2005-4 amdt 2.13

Road Transport (General) Regulation 2000

sch 1 pt 1.5A ins SL2002-31 s 14
om SL2005-4 amdt 2.13

Road Transport (General) Regulation 2000

sch 1 pt 1.6 orig sch 1 pt 1.6 om SL2001-46 s 15
(prev sch 1 pt 1.7) renum SL2001-46 s 16
sub SL2005-4 amdt 2.13

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 SL2001-46 s 16
om SL2002-2 s 16
ins SL2002-2 s 18
am SL2006-31 amdt 1.2; SL2006-32 amdt 1.2, amdt 1.3; items
renum R18 LA (see SL2006-32 amdt 1.4)

Road Transport (Public Passenger Services) Regulation 2002

sch 1 pt 1.8 orig sch 1 pt 1.8 renum as sch 1 pt 1.7
ins SL2001-46 s 18
sub SL2002-2 s 18
am SL2003-32 amdt 2.36; SL2005-4 amdt 2.14, amdt 2.15;
SL2006-5 amdt 1.3, amdt 1.4; items renum R16 LA (see
SL2006-5 amdt 1.5); SL2006-31 amdt 1.3, amdt 1.4;
SL2006-32 amdt 1.5, amdt 1.7, amdt 1.8; items renum R18
LA (see SL2006-32 amdt 1.6)

Road Transport (Safety and Traffic Management) Regulation 2000

sch 1 pt 1.9 orig sch 1 pt 1.9 renum as sch 1 pt 1.10
ins SL2001-46 s 18
om SL2002-2 s 18
(prev sch 1 pt 1.10) renum SL2002-2 s 17
items renum R12 LA
am SL2005-22 amdts 2.2-2.4

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 SL2001-46 s 17
renum as sch 1 pt 1.9
(prev sch 1 pt 1.11) renum SL2002-2 s 17
am SL2002-7 s 17; A2002-30 amdt 3.747

Road Transport (Vehicle Registration) Regulation 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 SL2001-46 s 17
renum as sch 1 pt 1.10
(prev sch 1 pt 1.12) renum SL2002-2 s 17
am SL2002-31 s 15, s 16; items renum R9 LA (see SL2002-31
s 17)

Road Transport (Vehicle Registration) Regulation 2000

sch 1 pt 1.12 (prev sch 1 pt 1.11) renum SL2001-46 s 17
renum as sch 1 pt 1.11

Endnotes

4 Amendment history

Dictionary

dict

def **administering authority** om R12 LA
def **approved corresponding WOV** ins SL2002-31 s 13
def **bus service** ins A2001-62 amdt 1.37
om SL2006-32 amdt 1.9
def **credit card** om R12 LA
def **dealer** ins SL2002-31 s 13
def **designated person** ins SL2002-31 s 13
def **GVM** ins SL2002-31 s 13
def **infringement notice** om R12 LA
def **infringement notice offence** om R12 LA
def **insurer** ins SL2002-31 s 13
def **motorbike** ins SL2002-31 s 13
def **motor wrecker** ins SL2002-31 s 13
def **notifiable vehicle** ins SL2002-31 s 13
def **registered operator** ins SL2002-31 s 13
def **relevant identification information** ins SL2002-31 s 13
def **repairable write-off** ins SL2002-31 s 13
def **responsible person** om R12 LA
def **responsible person** ins SL2002-31 s 13
def **road transport authority** om R12 LA
def **road transport legislation** om R12 LA
def **service authority** ins SL2005-4 amdt 2.16
am SL2006-32 amdt 1.10
def **statutory write-off** ins SL2002-31 s 13
def **statutory write-off notice** ins SL2002-31 s 13
def **the Act** om A2001-44 amdt 1.3769
def **total loss** ins SL2002-31 s 13
def **trailer** ins SL2002-31 s 13
om R12 LA
def **vehicle identifier** ins SL2002-31 s 13
def **written-off** ins SL2002-31 s 13
def **written-off vehicles register** ins SL2002-31 s 13

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. Electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	1 March 2000
2	A2001-44	12 September 2001
3	A2001-62	1 December 2001
4	SL2002-2	1 March 2002
5	SL2002-2	2 March 2002
6	SL2002-7	16 April 2002
7	A2002-30	9 October 2002
8	<u>SL2002-31</u>	1 November 2002
9*	SL2003-1	28 January 2003
10	SL2003-32	23 September 2003
11	SL2003-32	2 December 2003
12	SL2003-32	1 November 2004
13	SL2005-4	9 March 2005
14	SL2005-22	16 September 2005
15	A2005-54	24 November 2005
16	SL2006-5	7 March 2006
17	SL2006-31	2 July 2006
18	SL2006-32	3 July 2006

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