



Australian Capital Territory

Road Transport Legislation Amendment Regulations 2002 (No 2)

Subordinate Law SL2002-31

The Australian Capital Territory Executive makes the following regulations under the *Road Transport (Driver Licensing) Act 1999*, *Road Transport (General) Act 1999*, *Road Transport (Safety and Traffic Management) Act 1999* and *Road Transport (Vehicle Registration) Act 1999*.

Dated 1 October 2002.

BILL WOOD
Minister

SIMON CORBELL
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulations

These regulations are the *Road Transport Legislation Amendment Regulations 2002 (No 2)*.

2 Commencement

- (1) The following provisions commence on the day after these regulations are notified:
 - part 2 (Road Transport (Driver Licensing) Regulations 2000);
 - regulation 9 (Regulations amended—pt 3);
 - regulation 11 (which is about the identification of authorised people);
 - part 5 (Road Transport (Safety and Traffic Management) Regulations 2000).
- (2) The remaining provisions commence immediately after the commencement of the *Road Transport Legislation Amendment Act 2002*, section 13.

Note The provisions of regulations providing for the name and commencement automatically commence on the notification day (see *Legislation Act 2000*, s 75).

7 New part 8A*insert***Part 8A Protection of photographs and signatures****138A Definitions for pt 8A**

In this part:

photograph—see the Act, section 35.

proof of age card—see the Act, dictionary.

signature—see the Act, section 35.

138B Disclosure of photographs and signatures by road transport authority—Act, s 37 (1) (g)

- (1) This regulation applies to a photograph or signature taken by the road transport authority, or given to the authority, in relation to an application by a person for the issue, replacement, renewal or variation by the authority of a driver licence or proof of age card.
- (2) The road transport authority may disclose a photograph or signature to the registrar of liquor licences and to public servants assisting the registrar for the following purposes:
 - (a) for the issue of a proof of age card to the person;
 - (b) to assist in establishing the identity of the person to decide whether to issue, replace, renew or vary a proof of age card;

- (c) for the administration or enforcement of the *Liquor Act 1975* (including in relation to the investigation of, or the conduct of a criminal proceeding for, an offence in relation to a proof of age card).

Note For other circumstances when a photograph or signature may be disclosed by the road transport authority, see the Act, s 37.

8 Dictionary, new definitions

insert

proof of age card, for part 8A (Protection of photographs and signatures)—see the Act, dictionary.

signature, for part 8A (Protection of photographs and signatures)—see the Act, section 35.

Part 3 Road Transport (General) Regulations 2000

9 Regulations amended—pt 3

This part amends the *Road Transport (General) Regulations 2000*.

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.

Regulation 11

- (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.

11 Regulation 9

substitute

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.

12 New part 6

insert

Part 6 Written-off vehicles register**20 Definitions for pt 6**

In this part:

*approved corresponding WOV*R 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—

- (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*.

- (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).

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 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
 - (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*) 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.

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
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Part 3 Road Transport (General) Regulations 2000

Regulation 16

		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 Legislation Act 2001

Part 4 Road Transport (Offences) Regulations 2001

18 Regulations amended—pt 4

This part amends the *Road Transport (Offences) Regulations 2001*.

19 Schedule 1, part 1.5, item 18

substitute

18	39 (2)	unauthorised reproduction of photograph	20		
19	39 (3)	unauthorised reproduction of signature	20		

20 Schedule 1, new part 1.7A

insert

Part 1.7A Road Transport (General) Regulations 2000

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
1	24 (1)	person not notify write-off information	20	200	
2	26 (2)	person not attach statutory write-off notice	20	200	
3	27	unauthorised removal of statutory write-off notice	20	200	
4	28 (1)	person not deface vehicle identifier for statutory write-off	20	200	
5	28 (2)	motor wrecker not deface vehicle identifier for repairable write-off	20	200	

Part 5

Road Transport (Safety and Traffic Management) Regulations 2000

21 Regulations amended—pt 5

This part amends the *Road Transport (Safety and Traffic Management) Regulations 2000*.

22 Division 2.2.1, note 2, table

after the reference to the Australian Road Rules, rule 271 (6), insert

280 (2) (a)	27A
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23 Regulation 12

substitute

12 ARR r 158 (2) (c)—other vehicles permitted to travel in bus lanes

- (1) The drivers of the following vehicles are permitted to drive in a bus lane:
- (a) taxis;
 - (b) motorbikes.

Note Reg 27A applies the B light rules to drivers of taxis and motorbikes.

- (2) In this regulation:

taxi includes a private hire car and a restricted hire vehicle.

24 New regulation 27A*insert***27A ARR r 280 (2) (a)—other vehicles to which B light rules apply**

(1) The following classes of vehicles are specified:

- (a) taxis;
- (b) motorbikes.

Note This regulation applies the B light rules to taxi drivers and riders of motorbikes who, under reg 12, are allowed to drive in bus lanes.

(2) In this regulation:

taxi includes a private hire car and a restricted hire vehicle.

Part 6 Road Transport (Vehicle Registration) Regulations 2000

25 Regulations amended—pt 6

This part amends the *Road Transport (Vehicle Registration) Regulations 2000*.

26 Regulation 32A (3) (b)

substitute

(b) the vehicle complies with the applicable vehicle standards.

27 Regulation 32A (5)

substitute

(5) In this regulation:

repairable write-off—see the *Road Transport (General) Regulations 2000*, regulation 20.

statutory write-off—see the *Road Transport (General) Regulations 2000*, regulation 22.

28 Regulation 32B

omit

29 New regulation 68 (10)

insert

(10) Despite subregulation (9) (b), the road transport authority may renew the registration of a vehicle recorded as a statutory write-off in the written-off vehicles register or an approved corresponding WOVV if—

Regulation 30

- (a) the vehicle has been registered, or the vehicle's registration has been renewed, in the ACT after the record was made and before the commencement of this regulation; and
- (b) the authority is satisfied that—
- (i) the vehicle is the original vehicle to which the vehicle's vehicle identifier was assigned; and
 - (ii) the vehicle complies with the applicable vehicle standards.

30 Dictionary, new definition of *approved corresponding WOV*

insert

approved corresponding WOV—see the *Road Transport (General) Regulations 2000*, regulation 31 (1).

31 Dictionary, definition of *corresponding WOV*

omit

32 Further amendments, mentions of *corresponding WOV*

omit

a corresponding WOV

substitute

an approved corresponding WOV

in

- regulation 32A (1) (b)
- regulation 78 (1) (d) (ii)
- regulation 84 (1) (d) (ii)
- regulation 85 (5) (c) (ii).

Endnotes

Republications of amended laws

- 1 For the latest republication of amended laws, see www.legislation.act.gov.au.

Notification

- 2 Notified under the *Legislation Act 2001* on 31 October 2002.
(see www.legislation.act.gov.au)

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