



Australian Capital Territory

# Urban Services (Application of Criminal Code) Amendment Regulations 2002

**Subordinate Law SL2003-1**

---

The Australian Capital Territory Executive makes the following regulations under the *Gas Safety Act 2000*, *Road Transport (General) Act 1999* and *Road Transport (Safety and Traffic Management) Act 1999*.

Dated 23 December 2002.

BILL WOOD  
Minister

TED QUINLAN  
Minister

---





Australian Capital Territory

# Urban Services (Application of Criminal Code) Amendment Regulations 2002

Subordinate Law SL2003-1

made under the

*Gas Safety Act 2000, Road Transport (General) Act 1999 and Road Transport (Safety and Traffic Management) Act 1999*

## Contents

---

|                       | Page |
|-----------------------|------|
| <b>Part 1</b>         |      |
| <b>Preliminary</b>    |      |
| 1 Name of regulations | 1    |
| 2 Commencement        | 1    |

---

|               |  | Page |
|---------------|--|------|
| <b>Part 2</b> | <b>Gas Safety Regulations 2001</b>                                     |      |
| 3             | Regulations amended—pt 2   | 2    |
| 4             | Regulation 4A  | 2    |
| 5             | New regulation 17D (8)   | 3    |
| 6             | Regulation 17E   | 3    |
| 7             | Regulation 18A   | 4    |
| 8             | Regulation 18G (4)   | 4    |
| <b>Part 3</b> | <b>Road Transport (General) Regulations 2000</b>                       |      |
| 9             | Regulations amended—pt 3   | 5    |
| 10            | New regulation 4A  | 5    |
| 11            | Regulation 24 (1)  | 6    |
| 12            | New regulation 24 (6)  | 6    |
| 13            | Regulations 25 to 28   | 6    |
| 14            | Regulation 31 (3)  | 9    |
| <b>Part 4</b> | <b>Road Transport (Safety and Traffic Management) Regulations 2000</b> |      |
| 15            | Regulations amended—pt 4   | 10   |
| 16            | New regulations 4A to 4C   | 10   |
| 17            | Division 2.2.3   | 11   |
| 18            | Regulations 115, 116 and 117   | 11   |

## Part 1 Preliminary

### 1 Name of regulations

These regulations are the *Urban Services (Application of Criminal Code) Amendment Regulations 2002*.

### 2 Commencement

- (1) Part 2 commences as follows:
  - (a) if these regulations are notified before 1 January 2003—immediately after the commencement of the *Gas Safety Amendment Regulations 2002 (No 1)*;
  - (b) if these regulations are notified on or after 1 January 2003—the day after their notification day.
- (2) Part 3 commences immediately after the commencement of the *Road Transport Legislation Amendment Regulations 2002 (No 2)*, regulation 12.
- (3) Part 4 commences immediately after the commencement of the *Criminal Code 2002*.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

## Part 2 Gas Safety Regulations 2001

### 3 Regulations amended—pt 2

This part amends the *Gas Safety Regulations 2001*.

### 4 Regulation 4A

*substitute*

#### 4AA Offences against regulations—application of Criminal Code etc

Other legislation applies in relation to offences against these regulations.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to the following offences against these regulations (see Code, pt 2.1):

- reg 17D (2) and (4) (Unsafe appliance)
- reg 17E (1) (Interfering with defect tag)
- reg 18G (4) (Compliance indicators—Act, s 25)

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.

**4A References to Australian Gas Association standards and codes**

- (1) In these regulations, a reference consisting of the letters ‘AG’ followed by a number is a reference to the standard or code so numbered, published by or on behalf of the Australian Gas Association (a *gas association standard or code*).
- (2) A gas association standard or code applied by these regulations is applied as in force from time to time.

**5 New regulation 17D (8)**

*insert*

- (8) An offence against this regulation is a strict liability offence.

**6 Regulation 17E**

*substitute*

**17E Interfering with defect tag**

- (1) A person must not remove, alter, damage or deface a defect tag attached to an appliance.  
Maximum penalty: 10 penalty units.
- (2) Subregulation (1) does not apply to the removal of a defect tag by the person who attached it to the appliance, or by an inspector, if the person or inspector believes on reasonable grounds that the appliance is safe.
- (3) An inspector who removes a defect tag under subregulation (2) must, as soon as practicable, tell the person who attached the tag about the removal.

Regulation 7

---

- (4) Also, subregulation (1) does not apply to a person who has a reasonable excuse for removing, altering, damaging or defacing the tag.

**Example of reasonable excuse**

removing a tag from an appliance to use the appliance as scrap

*Note* 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, s 126 and s 132).

- (5) An offence against this regulation is a strict liability offence.
- (6) In this regulation:

*defect tag* includes an approved tag attached to an appliance under the repealed Gas Supply Regulations, regulation 14 (2).

**7 Regulation 18A**

*omit*

**8 Regulation 18G (4)**

*substitute*

- (4) A person must not remove, alter, damage or deface a compliance indicator attached to an appliance.

Maximum penalty: 10 penalty units.

- (5) Subregulation (4) does not apply to a person who has a reasonable excuse for removing, altering, damaging or defacing the compliance indicator.

**Example of reasonable excuse**

removing a compliance indicator to use the appliance as scrap

*Note* 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, s 126 and s 132).

- (6) An offence against this regulation is a strict liability offence.



## Part 3 Road Transport (General) Regulations 2000

### 9 Regulations amended—pt 3

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

### 10 New regulation 4A

*insert*

#### 4A Offences against regulations—application of Criminal Code etc

Other legislation applies in relation to offences against these regulations.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to an offence against these regulations (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.

**11 Regulation 24 (1)**

*substitute*

- (1) A designated person for a notifiable vehicle commits an offence if the person fails to 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 1* See reg 23 (2) for when this requirement does not apply.

*Note 2* An offence against this regulation is a strict liability offence, see reg (6).

**12 New regulation 24 (6)**

*insert*

- (6) An offence against this regulation is a strict liability offence.

**13 Regulations 25 to 28**

*substitute*

**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 regulation is a strict liability offence.

(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.

## **26 Unauthorised interference with statutory write-off notices**

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

Maximum penalty: 20 penalty units.

Regulation 13

---

- (2) Subregulation (1) 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 Act, 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).

- (3) An offence against this regulation is a strict liability offence.

**27 Statutory write-off notice to remain with vehicle**

- (1) This regulation 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 regulation is a strict liability offence.

- (4) In this regulation:

*complying statutory write-off*—see regulation 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 regulation is a strict liability offence.

(4) In this regulation:

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

*compliance period*—see regulation 25 (3).

#### **14 Regulation 31 (3)**

*omit*

28 (3)

*substitute*

28 (4)

## Part 4                      Road Transport (Safety and Traffic Management) Regulations 2000

### 15 Regulations amended—pt 4

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

### 16 New regulations 4A to 4C

*in chapter 1, insert*

#### 4A Offences against regulations—application of Criminal Code etc

Other legislation applies in relation to offences against these regulations (including the Australian Road Rules).

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to an offence against these regulations (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.

*Note 3* The Australian Road Rules are to be read with, and as if they formed part of, these regulations (see reg 6).

**4B Offences against regulations are strict liability offences**

An offence against these regulations (including the Australian Road Rules) is a strict liability offence.

**4C General defence of accident or reasonable effort**

Without limiting any other defence, it is a defence to an offence against these regulations (including the Australian Road Rules) if the defendant proves that the offence—

- (a) was the result of an accident; or
- (b) could not have been avoided by any reasonable efforts by the defendant.

**17 Division 2.2.3**

*omit*

**18 Regulations 115, 116 and 117**

*omit*

---

**Endnotes****Republications of amended laws**

- 1 For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

**Penalty units**

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

**Notification**

- 3 Notified under the Legislation Act on 9 January 2003.  
(see [www.legislation.act.gov.au](http://www.legislation.act.gov.au))

---

© Australian Capital Territory 2003