



Australian Capital Territory

Road Transport Legislation Amendment Regulations 2004 (No 1)

Subordinate Law SL2004-47

The Australian Capital Territory Executive makes the following regulations under the *Road Transport (Driver Licensing) Act 1999*, the *Road Transport (General) Act 1999*, the *Road Transport (Public Passenger Services) Act 2001*, the *Road Transport (Safety and Traffic Management) Act 1999* and the *Road Transport (Vehicle Registration) Act 1999*.

Dated 9 September 2004.

JON STANHOPE
Minister

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Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulations

These regulations are the *Road Transport Legislation Amendment Regulations 2004 (No 1)*.

2 Commencement

These regulations commence on the day after their notification day.

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

Part 2 Road Transport (Driver Licensing) Regulations 2000

3 Legislation amended—pt 2

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

4 Regulations 3 and 4

substitute

2 Dictionary

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

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

For example, the signpost definition ‘*road transport legislation*—see the *Road Transport (General) Act 1999*, section 6.’ means that the term ‘road transport legislation’ is defined in that section and the definition applies to these regulations.

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

3 Notes

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

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

4 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 offence against these regulations (see Code, pt 2.1):

- reg 114A (Restrictions on dual accelerator vehicles).

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.

5 Regulation 5 (2)

omit

A full licence is

substitute

For these regulations, a *full licence* is

6 Regulation 22 (2) (a)

omit

full driver licence

substitute

full licence

7 Regulation 62 (3) (e)

omit

within the last year

substitute

within the 1-year period before the day the application is made

8 Regulation 67 (1)

omit

is satisfied that

substitute

is satisfied that,

9 Regulation 114 (1)

omit

driving instruction

substitute

driver instruction

10 Regulation 114 (1) (c) and (d)

substitute

- (c) does not have controls (in addition to those for use by the driver) by which the instructor can operate the brake pedal and, for a manual transmission vehicle, the clutch pedal.

11 Regulation 114 (2)

substitute

- (2) Subregulation (1) (c) does not apply to the driving instructor if the motor vehicle is provided by the person being instructed or assessed.

12 New regulation 114A

insert

114A Restrictions on dual accelerator vehicles

- (1) A person commits an offence if the person drives a vehicle that has a foot-operated accelerator on the passenger side.

Maximum penalty: 20 penalty units.

- (2) Subregulation (1) does not apply if—
- (a) the person is receiving driver instruction or driver assessment from a driving instructor; or
 - (b) the accelerator is made inoperable by mechanical or other means; or
 - (c) the vehicle is fitted with full dual control including a dual steering wheel.

Examples of vehicles fitted with full dual control

- 1 dual-control garbage truck
- 2 dual-control street sweeper

Note An example is part of the regulations, 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.

13 Dictionary heading

omit

(see reg 3)

substitute

(see reg 2)

14 Dictionary, definition of *address for service*

substitute

address for service, of notices, means the address for the service of notices mentioned in regulation 139 (2).

15 Dictionary, definition of *driver assessment and instruction*

substitute

driver assessment means the assessment of a person's suitability to hold a car licence in accordance with the approved learner driving standards.

driver instruction means the instruction of a person to drive a motor vehicle (other than a tractor or implement) of a kind that may be driven by the holder of a car licence.

16 Dictionary, definition of *eligibility requirements*

substitute

eligibility requirements, for a class of driver licence, means the eligibility requirements under regulation 28.

17 Dictionary, new definition of *full*

insert

full, for a particular class of Australian driver licence, means a full licence of that class.

Example

A reference to a full car licence is a reference to a full licence of that class.

Note An example is part of the regulations, 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).

18 Dictionary, new definition of *learner*

insert

learner, for a particular class of Australian driver licence, means a learner licence of that class.

Example

A reference to a learner car licence is a reference to a learner licence of that class.

Note An example is part of the regulations, 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).

19 Dictionary, definition of *provisional*

substitute

provisional, for a particular class of Australian driver licence—

- (a) means a provisional licence of that class; and
- (b) includes an Australian driver licence of that class if the licence shows the class as a provisional class.

Example for par (a)

A reference to a provisional motorcycle licence is a reference to a provisional licence of that class.

Example for par (b)

A reference to a provisional car licence includes a licence that shows a car licence as a provisional class.

Note An example is part of the regulations, 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).

20 Dictionary, definition of *provisional licence requirement*

substitute

provisional licence requirement means—

- (a) for the issue of a motorcycle licence—the requirement under regulation 29; and
- (b) for the issue of a car licence or a driver licence of a higher class—the requirement under regulation 30.

Part 3 Road Transport (Offences) Regulations 2001

21 Legislation amended—pt 3

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

22 Regulation 8 (1) (a)

substitute

(a) part 1.2 (Australian Road Rules), items 207 to 261;

Part 3

Road Transport (Offences) Regulations 2001

Regulation 23

23 Schedule 1, part 1.6, item 40

substitute

40	114A	person drive dual accelerator vehicle	20	76	
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Part 4 Road Transport (Public Passenger Services) Regulations 2002

24 Legislation amended—pt 4

This part amends the *Road Transport (Public Passenger Services) Regulations 2002*.

25 Regulation 13

substitute

13 Accepted service standards—amendment on accredited person's initiative

- (1) An accredited person may apply to the road transport authority for the amendment of an accepted service standard.
- (2) The road transport authority may, in writing, approve the amendment if satisfied, on reasonable grounds, that compliance with the service standard, as amended, will ensure that the accredited person provides a safe, reliable and efficient regulated service.
- (3) The road transport authority must—
 - (a) tell the accredited person whether the authority has approved the amendment; and
 - (b) if the authority has approved the amendment—tell the accredited person when the amendment takes effect.

13A Accepted service standards—amendment on authority's initiative

- (1) This regulation applies if the road transport authority considers, on reasonable grounds, that the amendment of an accepted service

standard is necessary to ensure that the accredited person for the service standard provides a safe, reliable and efficient regulated service.

- (2) The road transport authority may, by written notice given to the accredited person, ask the person to agree to the amendment of the accepted service standard.
- (3) The notice must—
 - (a) state the proposed amendment; and
 - (b) state the reason for the proposed amendment; and
 - (c) state when the road transport authority proposes that the amendment take effect; and
 - (d) ask the accredited person to tell the road transport authority within a stated reasonable time (of at least 7 days) whether the person agrees to the amendment.
- (4) The notice may include any other information that the road transport authority considers appropriate.
- (5) If the accredited person agrees to the proposed amendment of the accepted service standard, the road transport authority must, in writing, amend the service standard.
- (6) If the road transport authority and the accredited person agree on an amendment (an *alternative amendment*) of the accepted service standard that is different to the proposed amendment, the authority must, in writing, amend the service standard.
- (7) However, the road transport authority may agree to an alternative amendment of the accepted service standard only if satisfied, on reasonable grounds, that compliance with the service standard, as amended, will ensure that the accredited person provides a safe, reliable and efficient regulated service.

- (8) If the road transport authority amends an accepted service standard under subregulation (5) or (6), the authority must—
- (a) give the accredited person a copy of the amended service standard; and
 - (b) tell the accredited person when the amended service standard takes effect.

26 Regulation 14 (1), example 2

substitute

- 2 A relevant person is convicted or found guilty of a mandatory disqualifying offence or disqualified from managing a corporation under the Corporations Act, pt 2D.6.

27 Schedule 1 heading

omit

(see reg 12 (1) and reg 13)

substitute

(see reg 12 (1), reg 13 and reg 13A)

28 Schedule 1, part 1.1, paragraphs (d) and (e)

substitute

- (d) for servicing, maintenance or repairs to buses carried out by the accredited operator—the operation of the facilities for those activities carried out by the accredited operator and the training of people to carry out those activities;
- (e) for servicing, maintenance or repairs to buses carried out on behalf of the accredited operator—how the accredited operator will ensure that the buses will comply with the Act (including the person by whom, and the place where, those activities will be carried out);

29 Schedule 1, part 1.1, paragraph (f) (ix) to (xi)

substitute

- (ix) the training of people to manage, and the management of, any incident causing the death of, or bodily injury to, anyone caused by, or resulting from the use of, a bus used to operate the bus service; and
- (x) the making and management of records and information required to be kept under the regulations or a service contract under the Act, section 17 (Service contracts).

30 Schedule 1, part 1.2, paragraph (b) (iv)

omit

, including the driving hours of, and rest periods for, taxi drivers

31 Schedule 1, part 1.2, paragraph (b) (viii)

substitute

- (viii) the procedures for processing ACT Taxi Subsidy Scheme vouchers and payments; and

32 Schedule 1, part 1.3, paragraph (b)

omit

33 Schedule 1, part 1.3, paragraphs (d) and (e)

substitute

- (d) for servicing, maintenance or repairs to taxis carried out by the accredited operator—the operation of the facilities for those activities carried out by the accredited operator and the training of people to carry out those activities;

- (e) for servicing, maintenance or repairs to taxis carried out on behalf of the accredited operator—how the accredited operator will ensure that the taxis will comply with the Act (including the person by whom, and the place where, those activities will be carried out);

34 Schedule 1, part 1.3, paragraph (f) (iii)

omit

, including the driving hours of, and rest periods for, taxi drivers

35 Schedule 1, part 1.3, paragraph (f) (vi)

omit

36 Schedule 1, part 1.3, paragraph (f) (viii)

substitute

(viii) how customer complaints will be handled; and

37 Schedule 1, part 1.3

renumber paragraphs and subparagraphs when regulations next republished under Legislation Act

38 Dictionary, definition of *accepted service standard*

substitute

accepted service standard means—

- (a) a service standard mentioned in regulation 12 (1) (b) (Accreditation and certificates of accreditation); or
- (b) if an amendment under regulation 13 or regulation 13A is in force in relation to the service standard—the amended service standard.

Part 5 Road Transport (Safety and Traffic Management) Regulations 2000

39 Legislation amended—pt 5

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

40 Regulation 102, definition of *laser speed measuring device*

substitute

laser speed measuring device means a speed measuring device known as—

- (a) Laser Technology Inc. LTI 20-20 Marksman; or
- (b) Laser Technology Inc. LTI 20-20 UltraLyte; or
- (c) Laser Technology Inc. LTI 20-20 UltraLyte LR; or
- (d) Laser Technology Inc. LTI 20-20 UltraLyte Compact.

41 Regulation 102, definition of *radar speed measuring device*

substitute

radar speed measuring device means a speed measuring device known as—

- (a) Applied Concepts Inc. Stalker Dual; or
- (b) Kustom Signals, Inc. Silver Eagle.

42 Regulation 102, definition of *testing authority*, paragraphs (b) and (c)

substitute

- (b) the National Measurement Institute under the *National Measurement Act 1960* (Cwlth); or
- (c) an entity that is accredited by the National Association of Testing Authorities to test laser speed measuring devices; or

43 Regulation 102, new definition of *WORM disk*

insert

WORM disk means a storage device for electronic data in which the data, once written, cannot be erased or overwritten.

44 Regulation 104

substitute

104 Major testing of laser speed measuring devices

- (1) The following devices must be tested in accordance with this regulation at least once every 12 months:
 - (a) a laser speed measuring device;
 - (b) the laser speed measuring device component of a digital camera detection device.
- (2) The test must be carried out—
 - (a) by a person approved under regulation 106 (Approved people—testing and sealing); and
 - (b) in accordance with Australian Standard AS 4691.1-2, as in force on the commencement of this paragraph.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular

time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disappplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

- (3) The Legislation Act, section 47 (5) does not apply in relation to subsection (2) (b).
- (4) The test must show whether the device—
 - (a) is operating in accordance with the manufacturer's specifications; and
 - (b) is accurate within a tolerance of 2km/h.
- (5) For this regulation, it is sufficient for the laser speed measuring device component of a digital camera detection device to be tested separately from the other components of the device, and it is not necessary for the other components to be tested.

104A Major testing of other traffic offence detection devices

- (1) The following devices must be tested in accordance with this regulation at least once every 12 months:
 - (a) the piezo strip speed measuring device component of a traffic lights camera detection device;
 - (b) a radar speed measuring device;
 - (c) an approved police speedometer.
- (2) The test must be carried out by a person approved under regulation 106 (Approved people—testing and sealing).
- (3) The test of the piezo strip speed measuring device component of a traffic lights camera detection device must show whether the device—
 - (a) is operating in accordance with the manufacturer's specifications; and

(b) is accurate within a tolerance of 2km/h.

- (4) The test of a radar speed measuring device must show whether the device is operating in accordance with Australian Standard AS 2898.1-2, as in force on the commencement of this subregulation.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

- (5) The Legislation Act, section 47 (5) does not apply in relation to subsection (4).
- (6) The test of an approved police speedometer must show whether the device is accurate within a tolerance of 2%.
- (7) For this regulation, it is sufficient for the piezo strip speed measuring device component of a traffic lights camera detection device to be tested separately from the other components of the device, and it is not necessary for the other components to be tested.

104B Certification and sealing of traffic offence detection devices

- (1) This regulation applies if a test of a traffic offence detection device under regulation 104 or regulation 104A establishes—
- (a) a matter mentioned in regulation 104A (4) or (6) in relation to the device; or
 - (b) the matters mentioned in regulation 104 (4) or regulation 104A (3) in relation to the device.
- (2) The person who carried out the test must—
- (a) sign a certificate to that effect; and

- (b) if a seal on the device has been damaged or removed—seal the device.

45 Regulation 107A

omit

a magneto-optical write once read many disk (a ***WORM disk***)

substitute

a WORM disk

46 Dictionary, definition of *WORM disk*

substitute

WORM disk, for chapter 4 (Traffic offence detection devices)—see regulation 102.

Part 6 Road Transport (Vehicle Registration) Regulations 2000

47 Legislation amended—pt 6

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

48 Regulation 32B (2) (a)

substitute

(a) the vehicle has been used as a taxi for 8 years or more; or

49 Regulation 159 (2) (k)

substitute

(k) whether an infringement notice under the *Road Transport (General) Act 1999* has also been served in relation to the defect; and

Endnotes

1 Notification

Notified under the Legislation Act on 9 September 2004.

2 Republications of amended laws

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

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