



Australian Capital Territory

Road Transport Legislation Amendment Regulation 2009 (No 1)

Subordinate Law SL2009-6

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

Dated 28 February 2009.

JON STANHOPE
Minister

ANDREW BARR
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Road Transport Legislation Amendment Regulation 2009 (No 1)*.

2 Commencement

This regulation commences on a day fixed by the Minister by written notice.

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

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

Part 2 Road Transport (Driver Licensing) Regulation 2000

3 Legislation amended—pt 2

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

4 Table 9, subitem 2.3

substitute

- 2.3 A motor vehicle mentioned in subitem 2.1 or 2.2 that is towing a single trailer with a GVM not over 9t.

5 Table 9, subitem 3.3

substitute

- 3.3 A motor vehicle mentioned in subitem 3.1 or 3.2 that is towing a single trailer with a GVM not over 9t.

6 Table 9, subitem 4.2

substitute

- 4.2 A motor vehicle mentioned in subitem 4.1 that is towing a single trailer with a GVM not over 9t.

7 Table 9, subitem 5.3

substitute

- 5.3 A motor vehicle mentioned in subitem 5.1 or 5.2 that is towing a single trailer with a GVM not over 9t.

8 Section 12 (1) (c)

substitute

- (c) for a driver licence only—a photograph of the person that complies with any standards determined under subsection (7); and

9 New section 12 (7) and (8)

insert

- (7) The road transport authority may determine standards for subsection (1) (c).
- (8) A determination is a notifiable instrument.

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

10 Division 3.1 heading

substitute

Division 3.1 Required medical standards and authorised medical reviewers**11 New section 15A**

in division 3.1, insert

15A Appointment of authorised medical reviewers

The road transport authority may appoint an entity to be an authorised medical reviewer for section 69 (7A) or section 78 (3A).

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

12 New section 66 (5)

after the note, insert

- (5) For this section, a person's licence is taken to be *suspended* if—
- (a) the person has received notice from a court or the licensing authority of another jurisdiction that suspension of the licence will take effect for a period beginning on a future date; or
 - (b) the road transport authority believes on reasonable grounds that suspension of the person's license will take effect in another jurisdiction for a period beginning on a future date.

Examples—reasonable grounds

- 1 The road transport authority is told by the licensing authority of another jurisdiction that the suspension will take effect on a future date.
- 2 Search of a database that has information about suspensions discloses that the suspension will take effect on a future date.

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).

13 New section 69 (7A)

insert

- (7A) The road transport authority may also do 1 or more of the following:
- (a) require a person who has undergone a medical examination under subsection (6) (d) to undergo an examination by an authorised medical reviewer for assessment of the person's medical fitness to hold a driver licence or to drive a particular class or kind of motor vehicle in accordance with the required medical standards;

- (b) refer a report or other evidence mentioned in subsection (6) (e) to an authorised medical reviewer for assessment of the person's medical fitness to hold a driver licence or to drive a particular class or kind of motor vehicle in accordance with the required medical standards;
- (c) require the person to pay for an assessment under paragraph (a) or (b).

14 New section 78 (3A)

insert

- (3A) The road transport authority may also do 1 or more of the following:
 - (a) require a person to undergo an examination by an authorised medical reviewer in accordance with the required medical standards;
 - (b) refer a medical report or other information relevant to the person's medical fitness to an authorised medical reviewer for assessment of the person's fitness to hold a driver licence or to drive a particular class or kind of motor vehicle in accordance with the required medical standards;
 - (c) require the person to pay for an assessment under paragraph (a) or (b).

15 New section 125 (3A)

insert

- (3A) A person whose driver licence is suspended under this section is not entitled to apply for, or be issued with, a restricted licence during the suspension period.

16 Dictionary, note 3

insert

- licensing authority

17 Dictionary, new definition of *authorised medical reviewer*

insert

authorised medical reviewer means an authorised medical reviewer under section 15A.

Part 3 Road Transport (General) Regulation 2000

18 Legislation amended—pt 3

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

19 Section 13 heading

substitute

13 Remission of fees, charges and other amounts—Minister

20 New section 13AA

before section 13A, insert

13AA Remission of fees, charges and other amounts—authority

- (1) The road transport authority may remit a fee, charge or other amount, or part of a fee, charge or other amount, payable under the road transport legislation.
- (2) The Minister may approve guidelines for the road transport authority to exercise its function under subsection (1).
- (3) Without limiting subsection (2), the guidelines may make provision about—
 - (a) the matters in relation to which an application for remission under subsection (1) may be made; and

- (b) the matters or circumstances that may or must be considered, in deciding whether an application for remission may or must be refused.

Example—par (b)

any previous applications a person has made for remission

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).

- (4) A guideline is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

21 New section 14 (1) (ab)

- (ab) an amount remitted by the road transport authority under section 13A;

22 Section 14 (1) (f)

omit

surrenders the accreditation

substitute

surrenders the certificate of accreditation

23 Section 14 (1) (j)

omit

surrenders the approval

substitute

surrenders the certificate of approval

24 New section 14 (1) (n) and (o)

insert

- (n) 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;
- (o) 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.

25 Section 14 (2)

omit

26 Section 14 (3) (b) and (c)

omit

27 Section 14 (3) (d)

omit

if the accreditation

substitute

if the certificate of accreditation

28 Section 14 (3) (f)

omit

surrenders the registration

substitute

surrenders the certificate of registration and numberplates

29 Section 14 (3) (g)

omit

surrenders the authorisation

substitute

surrenders the certificate of authorisation

30 Section 14 (3) (h)

omit

surrenders the approval

substitute

surrenders the certificate of approval

31 New section 14 (3A)

insert

- (3A) However, something mentioned in subsection (1) or (3) 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.

Part 4 **Road Transport (Safety and
Traffic Management)
Regulation 2000**

32 **Legislation amended—pt 4**

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

33 **Section 102, definition of *testing authority*, paragraph (c)**

substitute

- (c) an entity that is accredited by the National Association of Testing Authorities to test traffic offence detection devices; or

Part 5 Road Transport (Vehicle Registration) Regulation 2000

34 Legislation amended—pt 5

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

35 New section 85 (5) (d)

insert

(d) the vehicle is a public passenger vehicle mentioned in section 84 (1) (g).

36 Section 96 (1A)

insert

(1A) Subsection (1) (a) does not apply if the vehicle is a motorcycle.

37 Section 98 (a) (v)

substitute

(v) the driver's name and driver licence number;

38 Section 107 (6), note and section 108 (11), note

substitute

Note The *ACT Inspection Manual for Light Vehicles* and the *ACT Inspection Manual for Heavy Vehicles*, published by the road transport authority, provide information to help people meet the requirements of this section. The manuals are available from the road transport authority.

39 Section 145 (d)

substitute

- (d) certify in a certificate issued under section 146 that a vehicle, or any part or equipment of the vehicle, complies with the applicable vehicle standards unless—
- (i) the examiner has inspected or tested the vehicle, part or equipment of the vehicle; and
 - (ii) the vehicle, part or equipment of the vehicle, complies with the standards.

40 Schedule 1, part 1.1, note 2

substitute

Note 2 The *ACT Inspection Manual for Light Vehicles* and the *ACT Inspection Manual for Heavy Vehicles*, published by the road transport authority, provide information to help people meet the requirements of this schedule. The manuals are available from the road transport authority.

41 Schedule 1, section 1.164 (3), note

substitute

Note Vehicle Standards Bulletin 2 contains the requirements of the 3rd edition ADR 65. The bulletin is accessible at www.infrastructure.gov.au.

Endnotes

1 Notification

Notified under the Legislation Act on 11 March 2009.

2 Republications of amended laws

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

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