



Australian Capital Territory

# Road Transport (General) Amendment Regulation 2010 (No 1)

## Subordinate Law SL2010-18

---

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (General) Act 1999*.

Dated 16 May 2010.

JON STANHOPE  
Minister

ANDREW BARR  
Minister

---





Australian Capital Territory

# Road Transport (General) Amendment Regulation 2010 (No 1)

**Subordinate Law SL2010-18**

made under the

**Road Transport (General) Act 1999**

## Contents

---

	Page
1 Name of regulation	1
2 Commencement	1
3 Legislation amended	1
4 New sections 9 to 9B	1
5 Section 10	5



**1 Name of regulation**

This regulation is the *Road Transport (General) Amendment Regulation 2010 (No 1)*.

**2 Commencement**

This regulation commences on the day after its notification day.

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

**3 Legislation amended**

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

**4 New sections 9 to 9B**

*in part 2, insert*

**9 Contents of notice—suspension for nonpayment of infringement notice penalties**

A notice given to a person under the *Road Transport (General) Act 1999*, section 44 (2)—

- (a) must be in writing; and
- (b) must state—
  - (i) the date of the notice; and
  - (ii) the name and address of the person; and
  - (iii) the details of the infringement notice and reminder notice mentioned in the Act, section 44 (1); and
  - (iv) that the infringement notice penalty has not been paid and the infringement notice has not been withdrawn; and

- (v) either—
  - (A) if the person is the holder of a driver licence—that the person’s licence is suspended; or
  - (B) if the person is not the holder of a driver licence but the vehicle involved in the offence is registered and the person is a responsible person for the vehicle—that the vehicle’s registration is suspended; or
  - (C) in any other case—the right mentioned in the Act, section 44 (5) that is suspended; and
- (vi) that the suspension takes effect on the day, not earlier than 10 days after the notice is given to the person, stated in the notice and continues until the suspension is revoked under the Act, part 3; and

*Note* A notice given by prepaid post is taken to have been given to a person 4 working days after the notice is sent (see s 9B).

- (c) may include any additional information the road transport authority considers appropriate.

**9A Contents of notice—suspension or disqualification for fine default**

A notice given to a person under the *Road Transport (General) Act 1999*, section 85 (1)—

- (a) must state—
  - (i) the date of the notice; and
  - (ii) the name and address of the person; and
  - (iii) that the road transport authority has been notified that the person has defaulted in payment of an outstanding fine; and

- (iv) if the person is the holder of a driver licence—that the person's licence is suspended; and
- (v) if the person is not the holder of a driver licence but is the sole registered operator of 1 motor vehicle—that registration of the vehicle is suspended and details of the vehicle; and
- (vi) if the person is not the holder of a driver licence but is the sole registered operator of 2 or more vehicles—that the registration of 1 or more of the vehicles is suspended, and details of the vehicles; and
- (vii) if the person is not the holder of a driver licence and is not the registered operator of a motor vehicle—that the person is disqualified from obtaining a driver licence; and
- (viii) that the suspension or disqualification takes effect on the day the notice is given to the person and continues until the suspension or disqualification is revoked under the Act, part 6; and

*Note* A notice given by prepaid post is taken to have been given to a person 4 working days after the notice is sent (see s 9B).

- (b) may include any additional information the road transport authority considers appropriate.

## **9B When posted notice taken to be given**

- (1) This section applies to a notice given to a person under the road transport legislation if the notice is sent—
  - (a) by prepaid post; and
  - (b) either—
    - (i) to the person's residential address; or

- (ii) if the person has an address for service recorded in a road transport authority record or register—the address for service.

*Note* It is an offence for the holder of a driver licence or the registered operator of a registered vehicle to fail to notify the road transport authority of a change of address (see *Road Transport (Driver Licensing) Regulation 2000*, s 74 and *Road Transport (Vehicle Registration) Regulation 2000*, s 69).

- (2) The notice is taken to be given to the person when it is received at the address.
- (3) In a proceeding before a court, it is presumed that the notice is—
  - (a) posted 4 working days after the date of the notice, unless evidence sufficient to raise doubt about the presumption is given; and
  - (b) received 4 working days after the notice is posted, unless the contrary is established.
- (4) The Legislation Act, section 250 (1) does not apply to a notice given under the road transport legislation.
- (5) In this section:

***road transport authority record or register*** means—

- (a) the demerit points register or driver licence register kept under the *Road Transport (Driver Licensing) Act 1999*; or
- (b) the registrable vehicles register kept under the *Road Transport (Vehicle Registration) Act 1999*; or
- (c) the CTP insurer licence register kept under the *Road Transport (Third-Party Insurance) Act 2008*; or
- (d) any other record kept by the authority under the road transport legislation.



**5      Section 10**

*substitute*

**10      Certificate evidence—Act, s 72 (3)**

The following matters are prescribed:

- (a) a stated person was or was not an authorised examiner on a stated date or during a stated period;
- (b) stated premises were or were not approved premises on a stated date or during a stated period;
- (c) for a notice issued by the road transport authority under the road transport legislation—
  - (i) how the notice was electronically generated; or
  - (ii) the contents of the notice.

---

**Endnotes**

**1      Notification**

Notified under the Legislation Act on 20 May 2010.

**2      Republications of amended laws**

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

---

© Australian Capital Territory 2010