

# Road Transport (Offences) Amendment Regulation 2012 (No 1)

**Subordinate Law SL2012-2** 

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

Dated 20 January 2012.

JOY BURCH Minister

CHRIS BOURKE Minister



# Road Transport (Offences) Amendment Regulation 2012 (No 1)

**Subordinate Law SL2012-2** 

made under the

Road Transport (General) Act 1999

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## 1 Name of regulation

This regulation is the Road Transport (Offences) Amendment Regulation 2012 (No 1).

## 2 Commencement

This regulation commences on 15 February 2012.

*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* (Offences) Regulation 2005.

## 4 Schedule 1 heading

substitute

## Schedule 1 Short descriptions, penalties and demerit points

(see ss 5, 6, 8, 17 and 18)

5	Schedule 1, pa	rt 1.2, new item 4A			
	insert				
4A	28 (2A)	bicycle rider turning left not approach/enter intersection from part of bicycle storage area in front of left lane	20	223	2 (NS)
6	Schedule 1, pa	rt 1.2, item 11			
	substitute				
11	35 (2)	make hook turn not in accordance with subrule (3)	20		

## 7 Schedule 1, part 1.2, items 43 and 44

## substitute

43	59 (1)	enter intersection or marked foot crossing when traffic light red	20	282	3 (NS)
44	60	enter intersection or marked foot crossing when traffic arrow red	20	282	3 (NS)

## 8 Schedule 1, part 1.2, item 47

## substitute

47	61 (2)	enter intersection when lights/arrow	20	282	3 (NS)
		yellow/red			

## Schedule 1, part 1.2, item 241

## substitute

241	187 (1)	stop in bus/transit/truck lane	20	151	
241A	187 (2)	stop in bicycle lane	20	151	
241B	187 (3)	stop in/on tram lane/way/tracks	20	151	

#### 10 Schedule 1, part 1.2, items 393 and 394

## substitute

393	268 (3)	travel in/on motor vehicle with body part outside vehicle window/door	20	102	
394	268 (4)	drive motor vehicle with passenger body part outside vehicle window/door	20	102	

11	Schedule 1, part 1.2, i	tem 452				
	substitute					
452	300	drive using hand-held mobile phone	20	280	3 (NS)	

## 12 Schedule 1, part 1.3

substitute

## Part 1.3 Road Transport (Alcohol and Drugs) Act 1977

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	15 (5) (a)	doctor/nurse refuse to take blood sample permitted by person/requested by police officer	10		

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#### Section 12

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
2	15AA (1)	doctor/nurse not take blood sample within 2 hours	10		
3	16 (4)	doctor/authorised nurse practitioner not carry out medical examination within 2 hours	10		
4	16 (5)	doctor/authorised nurse practitioner not take body sample within 2 hours	10		
5	16 (6)	nurse not take body sample within 2 hours	10		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
6	19 (1)				
6.1	• special driver, level 1, first offender—driver	special driver drive motor vehicle on road/related area with level 1 or more alcohol in blood—first offender	5		
6.2	<ul> <li>special driver, level 1, first offender—driver trainer</li> </ul>	driver trainer in motor vehicle on road/related area with level 1 or more alcohol in blood—first offender	5		
6.3	• special driver, level 1, repeat offender—driver	special driver drive motor vehicle on road/related area with level 1 or more alcohol in blood—repeat offender	10		
6.4	• special driver, level 1, repeat offender—driver trainer	driver trainer in motor vehicle on road/related area with level 1 or more alcohol in blood—repeat offender	10		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
6.5	• special driver, level 2, first offender—driver	special driver drive motor vehicle on road/related area with level 2 or more alcohol in blood—first offender	5		
6.6	<ul> <li>special driver, level 2, first offender—driver trainer</li> </ul>	driver trainer in motor vehicle on road/related area with level 2 or more alcohol in blood—first offender	5		
6.7	• special driver, level 2, repeat offender— driver	special driver drive motor vehicle on road/related area with level 2 or more alcohol in blood—repeat offender	10		
6.8	• special driver, level 2, repeat offender—driver trainer	driver trainer in motor vehicle on road/related area with level 2 or more alcohol in blood—repeat offender	10		
6.9	• special driver, level 3, first offender—driver	special driver drive motor vehicle on road/related area with level 3 or more alcohol in blood—first offender	10 pu/6 months prison/both		

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column 1	column 2	column 3	column 4 offence	column 5	column 6
item	offence provision and, if relevant, case	short description	penalty (pu)	infringement penalty (\$)	points
6.10	• special driver, level 3, first offender—driver trainer	driver trainer in motor vehicle on road/related area with level 3 or more alcohol in blood—first offender	10		
6.11	• special driver, level 3, repeat offender—driver	special driver drive motor vehicle on road/related area with level 3 or more alcohol in blood—repeat offender	10 pu/6 months prison/both		
6.12	• special driver, level 3, repeat offender—driver trainer	driver trainer in motor vehicle on road/related area with level 3 or more alcohol in blood—repeat offender	10		
6.13	• special driver, level 4, first offender—driver	special driver drive motor vehicle on road/related area with level 4 or more alcohol in blood—first offender	15 pu/9 months prison/both		
6.14	• special driver, level 4, first offender—driver trainer	driver trainer in motor vehicle on road/related area with level 4 or more alcohol in blood—first offender	15		

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column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
6.15	• special driver, level 4, repeat offender— driver	special driver drive motor vehicle on road/related area with level 4 or more alcohol in blood—repeat offender	20 pu/12 months prison/both		
6.16	• special driver, level 4, repeat offender— driver trainer	driver trainer in motor vehicle on road/related area with level 4 or more alcohol in blood—repeat offender	20		
6.17	• person other than special driver, level 1, first offender	drive motor vehicle on road/related area with level 1 or more alcohol in blood—first offender	5		
6.18	• person other than special driver, level 1, repeat offender	drive motor vehicle on road/related area with level 1 or more alcohol in blood— repeat offender	10		
6.19	• person other than special driver, level 2, first offender	drive motor vehicle on road/related area with level 2 or more alcohol in blood—first offender	5		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
6.20	• person other than special driver, level 2, repeat offender	drive motor vehicle on road/related area with level 2 or more alcohol in blood— repeat offender	10		
6.21	• person other than special driver, level 3, first offender	drive motor vehicle on road/related area with level 3 or more alcohol in blood—first offender	10 pu/6 months prison/both		
6.22	• person other than special driver, level 3, repeat offender	drive motor vehicle on road/related area with level 3 or more alcohol in blood—repeat offender	10 pu/6 months prison/both		
6.23	• person other than special driver, level 4, first offender	drive motor vehicle on road/related area with level 4 or more alcohol in blood—first offender	15 pu/9 months prison/both		
6.24	• person other than special driver, level 4, repeat offender	drive motor vehicle on road/related area with level 4 or more alcohol in blood— repeat offender	20 pu/12 months prison/both		

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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
7	20 (1)				
7.1	first offender—driver	drive motor vehicle on road/related area with prescribed drug in oral fluid or blood—first offender	10		
7.2	first offender—driver trainer	driver trainer in motor vehicle on road/related area with prescribed drug in oral fluid or blood—first offender	10		
7.3	• repeat offender— driver	drive motor vehicle on road/related area with prescribed drug in oral fluid or blood—repeat offender	25 pu/3 months prison/both		
7.4	repeat offender—     driver trainer	driver trainer in motor vehicle on road/related area with prescribed drug in oral fluid or blood—repeat offender	20		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
8	22 (c)				
8.1	• first offender—driver	refuse to provide breath sample—first offender	30 pu/6 months prison/both		
8.2	• first offender—driver trainer	refuse to provide breath sample—first offender	30 pu/6 months prison/both		
8.3	• repeat offender— driver	refuse to provide breath sample—repeat offender	30 pu/12 months prison/both		
8.4	repeat offender—     driver trainer	refuse to provide breath sample—repeat offender	30 pu/12 months prison/both		

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
9	22 (d)				
9.1	• first offender—driver	fail/refuse to provide breath sample in accordance with reasonable directions of police officer—first offender	30 pu/6 months prison/both		
9.2	• first offender—driver trainer	fail/refuse to provide breath sample in accordance with reasonable directions of police officer—first offender	30 pu/6 months prison/both		
9.3	• repeat offender— driver	fail/refuse to provide breath sample in accordance with reasonable directions of police officer—repeat offender	30 pu/12 months prison/both		
9.4	repeat offender—     driver trainer	fail/refuse to provide breath sample in accordance with reasonable directions of police officer—repeat offender	30 pu/ 12 months prison/both		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
10	22A (2) (a)				
10.1	• first offender—driver	refuse to provide sample of oral fluid for analysis—first offender	30 pu/6 months prison/both		
10.2	• first offender—driver trainer	refuse to provide sample of oral fluid for analysis—first offender	30 pu/6 months prison/both		
10.3	• repeat offender — driver	refuse to provide sample of oral fluid for analysis—repeat offender	30 pu/12 months prison/both		
10.4	repeat offender—     driver trainer	refuse to provide sample of oral fluid for analysis—repeat offender	30 pu/12 months prison/both		

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
11	22A (2) (b)				
11.1	• first offender—driver	fail to provide sample of oral fluid in accordance with reasonable directions of police officer—first offender	30 pu/6 months prison/both		
11.2	• first offender —driver trainer	fail to provide sample of oral fluid in accordance with reasonable directions of police officer—first offender	30 pu/6 months prison/both		
11.3	• repeat offender— driver	fail to provide sample of oral fluid in accordance with reasonable directions of police officer—repeat offender	30 pu/12 months prison/both		
11.4	repeat offender—     driver trainer	fail to provide sample of oral fluid in accordance with reasonable directions of police officer—repeat offender	30 pu/12 months prison/both		
12	22B	fail to stay for drug screening test	20		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
13	23 (1)				
13.1	• first offender—driver	fail/refuse to permit blood sample to be taken—first offender	30 pu/6 months prison/both		
13.2	• first offender—driver trainer	fail/refuse to permit blood sample to be taken—first offender	30 pu/6 months prison/both		
13.3	• repeat offender— driver	fail/refuse to permit blood sample to be taken—repeat offender	30 pu/12 months prison/both		
13.4	repeat offender—     driver trainer	fail/refuse to permit blood sample to be taken—repeat offender	30 pu/12 months prison/both		

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
14	23 (2)				
14.1	• first offender—driver	behave in manner so impossible/impractical for blood sample to be taken—first offender	30 pu/6 months prison/both		
14.2	• first offender—driver trainer	behave in manner so impossible/impractical for blood sample to be taken—first offender	30 pu/6 months prison/both		
14.3	• repeat offender— driver	behave in manner so impossible/impractical for blood sample to be taken—repeat offender	30 pu/12 months prison/both		
14.4	repeat offender—     driver trainer	behave in manner so impossible/impractical for blood sample to be taken—repeat offender	30 pu/12 months prison/both		

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
15	23 (3) (a)				
15.1	• first offender—driver	fail/refuse to submit to medical examination—first offender	30 pu/6 months prison/both		
15.2	• first offender—driver trainer	fail/refuse to submit to medical examination—first offender	30 pu/ 6 months prison/both		
15.3	• repeat offender— driver	fail/refuse to submit to medical examination—repeat offender	30 pu/12 months prison/both		
15.4	repeat offender—     driver trainer	fail/refuse to submit to medical examination—repeat offender	30 pu/12 months prison/both		

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
16	23 (3) (b)				
16.1	• first offender—driver	fail/refuse to give/permit taking of body sample—first offender	30 pu/6 months prison/both		
16.2	• first offender—driver trainer	fail/refuse to give/permit taking of body sample—first offender	30 pu/6 months prison/both		
16.3	• repeat offender— driver	fail/refuse to give/permit taking of body sample —repeat offender	30 pu/12 months prison/both		
16.4	repeat offender—     driver trainer	fail/refuse to give/permit taking of body sample —repeat offender	30 pu/12 months prison/both		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
17	24 (1)				
17.1	first offender	drive vehicle on road/related area under influence of intoxicating liquor/drug incapable of proper control of vehicle—first offender	30 pu/6 months prison/both		
17.2	repeat offender	drive vehicle on road/related area under influence of intoxicating liquor/drug incapable of proper control of vehicle—repeat offender	30 pu/12 months prison/both		
18	24A	drive/ride/be in charge of vehicle/animal on road under influence of alcohol	50 pu/6 months prison/both		
19	47B (4)	fail to comply with police officer's direction not to drive	10		

## 13 Schedule 1, part 1.5

substitute

## Part 1.5 Road Transport (Driver Licensing) Act 1999

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	29 (1) (a)	obtain licence/renew licence by false statement/misrepresentation/dishonest means	20		
2	29 (1) (b)	possess licence obtained/renewed dishonestly	20		
3	30 (1) (a)	possess licence issued to someone else	20		
4	30 (1) (b)	possess licence forged/fraudulently changed/calculated to deceive	20		

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column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
5	30 (1) (c)	possess thing like licence calculated to deceive	20		
6	30 (2) (a)	forge/fraudulently change/use licence	20		
7	30 (2) (b)	fraudulently lend/allow use of licence	20		
8	30 (3)	change licence in way calculated to deceive	20		
9	30 (4)	deface/damage/interfere with licence	20		
10	31 (1)	unlicensed driver/rider	20	440	
11	31 (2)				
11.1	• first offender	unlicensed driver/rider—first offender	20	440	
11.2	repeat offender	unlicensed driver/rider—repeat offender	50 pu/6 months prison/both		

## Section 13

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
12	31A	drive while right to drive suspended	20	427	
13	32 (1) (a)				
13.1	• first offender	drive while disqualified—first offender	50 pu/6 months prison/both		
13.2	repeat offender	drive while disqualified—repeat offender	100 pu/12 months prison/both		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
14	32 (1) (b)				
14.1	• first offender	apply for licence while disqualified state name falsely/incorrectly/not mention disqualification—first offender	50 pu/6 months prison/both		
14.2	repeat offender	apply for licence while disqualified state name falsely/incorrectly/not mention disqualification—repeat offender	100 pu/12 months prison/both		
15	32 (2) (a)				
15.1	• first offender	drive while licence suspended—first offender	50 pu/6 months prison/both		
15.2	repeat offender	drive while licence suspended—repeat offender	100 pu/12 months prison/both		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
16	32 (2) (b)				
16.1	• first offender	apply for licence while suspended state name falsely/incorrectly/not mention suspension—first offender	50 pu/6 months prison/both		
16.2	repeat offender	apply for licence while suspended state name falsely/incorrectly/not mention suspension—repeat offender	100 pu/12 months prison/both		
17	32 (3) (a)				
17.1	• first offender	drive while licence cancelled/after licence refused—first offender	50 pu/6 months prison/both		
17.2	repeat offender	drive while licence cancelled/after licence refused—repeat offender	100 pu/12 months prison/both		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
18	32 (3) (b)				
18.1	first offender	apply for licence after refusal/cancellation state name falsely/ incorrectly/not mention refusal/ cancellation—first offender	50 pu/6 months prison/both		
18.2	repeat offender	apply for licence after refusal/ cancellation state name falsely/ incorrectly/not mention refusal/ cancellation—repeat offender	100 pu/12 months prison/both		
19	33 (1)	contravene conditions of restricted licence	50 pu/6 months prison/both		
20	39 (2)	unauthorised reproduction of photograph	20		
21	39 (3)	unauthorised reproduction of signature	20		

Se	_+i	'n	- 1	1
Se		on	11	4

14	Schedule 1, part 1.6, new item 13A						
	insert						
13A	36 (2)	provisional rider not display P-plate as required	20	102			
15	Schedule 1, pa	art 1.6, new item 14A					
	insert						
14A	37 (2)	provisional driver not display P-plate as required	20	102			

## 16 Schedule 1, part 1.7

substitute

## Part 1.7 Road Transport (General) Act 1999

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	20 (2)	not return identity card	1		
2	36 (6)	remove/deface/interfere with infringement notice on vehicle	20	275	
3	42 (2)	not make/give declaration to administering authority	30		

#### Section 16

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
4	58 (2)				
4.1	• requirement under 58 (1) (a)	driver/rider not produce licence	20	102	
4.2	• requirement under 58 (1) (b)	driver/rider not state name	20		
4.3	• requirement under 58 (1) (c)	driver/rider not state date of birth	20		
4.4	• requirement under 58 (1) (d)	driver/rider not state home address	20		

column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
5	58A (3)				
5.1	• requirement under 58A (2) (a)	supervisor/instructor/assessor not produce licence	20	102	
5.2	• requirement under 58A (2) (b)	supervisor/instructor/assessor not state name	20		
5.3	• requirement under 58A (2) (c)	supervisor/instructor/assessor not state date of birth	20		
5.4	• requirement under 58A (2) (d)	supervisor/instructor/assessor not state home address	20		
6	59 (3)	not give specimen signature	20		
7	60 (1) (a)	responsible person/possessor not give particulars of driver/written signed statement required by police officer/authorised person	20	162	

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column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
8	60 (1) (b)	other person not give particulars of driver required by police officer/ authorised person	20	162	
9	61 (2)	not produce licence to court	20		
10	61C				
10.1	• holder of driver licence contravene s 61B (4) (d)	drive while suspension notice in effect (driver licence holder)	20		
10.2	holder of interstate driver licence/external driver licence contravene s 61B (4) (e)	drive while suspension notice in effect (interstate/external driver licence holder)	20		
11	61D (1)	fail to surrender suspended licence	20		

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column 1	column 2	column 3	column 4	column 5	column 6
item	offence provision and, if relevant, case	short description	offence penalty (pu)	infringement penalty (\$)	demerit points
12	66 (4)	not surrender licence when disqualified	20		
13	82 (1)	use vehicle/trailer without owner's consent	20		
14	83	procure use/hire of vehicle/trailer by fraud/misrepresentation	20		
15	231	hinder/obstruct police officer/authorised person/other person	50 pu/6 months prison/both		
16	232 (a)	state false/misleading thing to road transport authority/police officer/ authorised person	20		
17	232 (b)	omit thing from statement made to road transport authority/police officer/ authorised person so it is misleading	20		

## 17 Schedule 1, part 1.8, items 2 and 3

## substitute

2	25 (1)	person not attach statutory write-off notice	20	253	
3	26 (1)	damage, destroy or remove statutory write-off notice	20	253	
3A	27 (2)	designated person not attach/reattach statutory write-off notice to vehicle after part of vehicle removed	20	253	

## 18 Schedule 1, part 1.11, items 187.1 to 187.3

omit

## 19 Schedule 1, part 1.11, item 197

## substitute

197 140 (4) taxi driver ask hirer's guests for payment of all or part of fare	5	176	
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20	Schedule 1, part 1.11, new item 301A				
	insert				
301A	214 (2)	fail to comply with direction given under s 214 (1) to not get into/out of hire car	5	121	
21	Schedule 1, par	rt 1.13, item 46			
	omit				
22	Schedule 1, par	rt 1.13, items 63 and 64			
	substitute				
63	93 (2)	fail to take reasonable steps to comply with requirement under s 93 (1) (d)	5		
23	Schedule 1, par	rt 1.15, item 30			
	omit				
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Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

## **Endnotes**

## 1 Notification

Notified under the Legislation Act on 27 January 2012.

## 2 Republications of amended laws

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

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