



Australian Capital Territory

# Road Transport Legislation Amendment Regulation 2013 (No 2)

Subordinate Law SL2013-14

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The Australian Capital Territory Executive makes the following regulation under the *Road Transport (General) Act 1999*, the *Road Transport (Public Passenger Services) Act 2001* and the *Road Transport (Vehicle Registration) Act 1999*.

Dated 12 June 2013.

SIMON CORBELL  
Minister

ANDREW BARR  
Minister





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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Road Transport Legislation Amendment Regulation 2013 (No 2)*.

### 2 Commencement

This regulation commences on 1 July 2013.

*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 following legislation:

- [Road Transport \(Offences\) Regulation 2005](#)
- [Road Transport \(Public Passenger Services\) Regulation 2002](#)
- [Road Transport \(Vehicle Registration\) Regulation 2000](#).

## Part 2 Road Transport (Offences) Regulation 2005

**4 Schedule 1, part 1.11, item 265**

*omit*

**5 Schedule 1, part 1.11, items 273 and 274**

*omit*

**6 Schedule 1, part 1.11, item 277**

*omit*

**7 Schedule 1, part 1.11, item 296**

*omit*

**8 Schedule 1, part 1.11, item 307**

*omit*

**9 Schedule 1, part 1.15, items 8 to 11**

*omit*

vehicle

*substitute*

heavy vehicle



**10 Schedule 1, part 1.15, items 40 and 41***substitute*

40	85 (6) (c) (i) • for a heavy vehicle	not destroy cancelled registration label	20	105	
40A	85 (6) (c) (ii) • for a heavy vehicle	not return registration certificate and numberplates after cancellation as required	20	105	
41	85 (7) • for a vehicle other than a heavy vehicle	not return registration certificate and numberplates after cancellation as required	20	105	

## Part 3 Road Transport (Public Passenger Services) Regulation 2002

### 11 Section 177C (1) (b)

*substitute*

- (b) the stand-by hire car is covered by a public passenger vehicle policy to the extent that the usual hire car is covered when operated as a hire car; and

### 12 Section 184

*omit*

### 13 Sections 190 and 191

*omit*

### 14 Section 193

*omit*

### 15 Section 203 (2)

*omit*

### 16 Section 211

*omit*

### 17 Section 218

*omit*

## Part 4                      Road Transport (Vehicle Registration) Regulation 2000

### 18                      New section 4A

*insert*

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

Other legislation applies in relation to offences against this regulation.

*Note 1      Criminal Code*

The [Criminal Code](#), ch 2 applies to the following offences against this regulation (see Code, pt 2.1):

- s 85 (6) and (7) (Procedures for suspension and cancellation of registration).

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

**19 New section 18A**

*insert*

**18A Vehicles being driven in the course of motor industry business**

- (1) The registration provisions do not apply to a registrable vehicle that is used on a road or road related area if—
  - (a) the person using the vehicle—
    - (i) is not a responsible person for the vehicle; and
    - (ii) is an owner or employee of a motor industry business; and
  - (b) the vehicle is being used in the course of the motor industry business.
- (2) Subsection (1) does not apply if the person using the vehicle—
  - (a) knew that the vehicle was not registered; or
  - (b) ought reasonably to have known that the vehicle was not registered.
- (3) In this section:

*motor industry business* means a business that buys, sells, repairs, inspects, maintains or enhances vehicles.

**20 Section 32 (2) (a) (iii)**

*omit*

**21 Section 32AA (2), note**

*omit*

and 32C

**22 Section 32C**

*omit*

**23 Section 44 (1) and heading**

*substitute*

**44 Registration labels—heavy vehicles**

- (1) If the road transport authority registers a heavy vehicle, the authority must issue a registration label for the vehicle and give it to the registered operator.

**24 Section 44 (3)**

*omit*

A registration label for a vehicle

*substitute*

A registration label for a heavy vehicle

**25 Section 44 (4) and (5)**

*substitute*

- (4) The registration label for a heavy vehicle must be attached—
- (a) for all vehicles—so the information on the label is readable from the outside of the vehicle; and
  - (b) for a motor vehicle with a windscreen or fixed window—
    - (i) to the lower left side (or nearside) of the windscreen; or
    - (ii) to a fixed window on the left side (or nearside) of the vehicle; and

- (c) for a motor vehicle not fitted with a windscreen—to a suitable holder affixed to the left side of the vehicle so as to be clearly visible to a person facing the holder at a distance of 6m; and
  - (d) for a caravan or other trailer—
    - (i) to a suitable holder affixed to the left side of the vehicle so as to be clearly visible to a person facing the holder at a distance of 6m; or
    - (ii) on or next to the vehicle's rear numberplate so the characters on the numberplate are not obscured; and
  - (e) for a vehicle other than a vehicle mentioned in paragraph (b) to (d)—on or next to the vehicle's rear numberplate so the characters on the numberplate are not obscured.
- (5) The road transport authority may give a replacement registration label for a heavy vehicle to the registered operator if satisfied that the original is lost, stolen or damaged or has been destroyed.

**26 Section 45 heading**

*substitute*

**45 Using a heavy vehicle without registration label etc**

**27 Section 45 (1)**

*omit*

registrable vehicle

*substitute*

heavy vehicle

**28 Section 45 (2)**

*omit*

a vehicle

*substitute*

a heavy vehicle

**29 Section 45A (1) (a)**

*omit*

and a registration label

*substitute*

or a registration label

**30 Section 45A (5)**

*substitute*

- (5) If the road transport authority issues a registration certificate or registration label for a registrable vehicle, for a period completely or partly covered by the prospective registration certificate or prospective registration label for the vehicle, the prospective registration certificate or prospective registration label cannot be issued and may be destroyed without notice to the authority under section 42 (Lost, stolen or destroyed registration certificates).

**31 Section 68 (9) (b) (iii)**

*omit*

**32 Section 85 (1) (f)**

*omit*

cancel the registration

*substitute*

cancel the registration of a heavy vehicle

**33 Section 85 (6)**

*substitute*

- (6) A person commits an offence if—
- (a) the person is the registered operator of a heavy vehicle; and
  - (b) the registration of the heavy vehicle is cancelled; and
  - (c) the person does not—
    - (i) destroy the heavy vehicle's registration label as soon as practicable after the cancellation takes effect; or
    - (ii) return the heavy vehicle's registration certificate, or a numberplate issued for the vehicle, to the authority in accordance with a requirement under subsection (1) (g).

Maximum penalty: 20 penalty units.

- (7) A person commits an offence if—
- (a) the person is the registered operator of a vehicle other than a heavy vehicle; and
  - (b) the registration of the vehicle is cancelled; and
  - (c) the person does not return the vehicle's registration certificate, or a numberplate issued for the vehicle, to the authority in accordance with a requirement under subsection (1) (g).

Maximum penalty: 20 penalty units.



- (8) Subsections (6) and (7) do not apply to a person if the person has a reasonable excuse for not returning the vehicle's registration certificate, or a numberplate issued for the vehicle, to the authority in accordance with a requirement under subsection (1) (g).

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (8) (see [Criminal Code](#), s 58).

### 34 Section 146 (2) (c)

*substitute*

- (c) keep a copy of the certificate and the brake test results for the vehicle at the premises.

### 35 New section 146 (4) and (5)

*insert*

- (4) A copy of the certificate and the brake test results mentioned in subsection (2) (c) must be—
- (a) kept at the premises for at least 12 months; and
  - (b) available for the road transport authority to inspect on request.
- (5) In this section:

***brake test results***, for a vehicle, means the results of a test of the vehicle using a brake testing machine that complies with the prescribed requirements set out in schedule 2.

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 17 June 2013.

**2 Republications of amended laws**

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

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