



Australian Capital Territory

# Road Transport Legislation Amendment Regulation 2014 (No 2)

Subordinate Law SL2014-8

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

Dated 4 June 2014.

SIMON CORBELL  
Minister

JOY BURCH  
Minister

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[Road Transport \(Driver Licensing\) Act 1999](#) and the [Road Transport \(General\) Act 1999](#)

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Road Transport Legislation Amendment Regulation 2014 (No 2)*.

### 2 Commencement

- (1) Part 2 (Road Transport (Driver Licensing) Regulation 2000) commences on the commencement of the *Road Transport Legislation Amendment Act 2013 (No 2)*, part 4.
- (2) Part 3 (Road Transport (General) Regulation 2000) commences on the commencement of the *Road Transport Legislation Amendment Act 2013 (No 2)*, part 6.
- (3) Part 4 (Road Transport (Offences) Regulation 2005) commences on the commencement of the *Road Transport Legislation Amendment Act 2013 (No 2)*, part 7.
- (4) The remaining provisions commence on the day after this regulation's 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 following legislation:

- *Road Transport (Driver Licensing) Regulation 2000*
- *Road Transport (General) Regulation 2000*
- *Road Transport (Offences) Regulation 2005*.

## Part 2 Road Transport (Driver Licensing) Regulation 2000

### 4 Section 52 (2A) (b) (i)

*substitute*

- (i) is eligible for a probationary licence with an interlock condition under—
  - (A) section 73T (Mandatory interlock condition); or
  - (B) section 73V (Voluntary interlock condition); or
  - (C) section 73VA (Interstate driver licences with interlock conditions); or

### 5 Section 73A

*omit*

section 73U

*substitute*

section 73U (3)

### 6 Section 73S, definitions of *approved interlock installer* and *approved interlock service provider*

*substitute*

***approved interlock installer*** means a person approved as an interlock installer under section 73ZN (Issue of approval).

***approved interlock service provider*** means a person approved as an interlock service provider under section 73ZN (Issue of approval).



**7 Section 73S, definition of *fitted interlock***

*omit*

motor vehicle

*substitute*

nominated vehicle

**8 Section 73S, new definition of *interstate interlock condition***

*insert*

*interstate interlock condition*—see section 73VA (1).

**9 Section 73T (1) (a) (i)**

*substitute*

- (i) convicted or found guilty of an offence against the *Road Transport (Alcohol and Drugs) Act 1977*—
  - (A) section 19 (1) (Prescribed concentration of alcohol in blood or breath) if the court finds that the concentration of alcohol in the person's blood or breath was at level 4; or
  - (B) section 22 (Refusing to provide breath sample); or
  - (C) section 22C (Refusing to undergo screening test) in relation to an alcohol screening test; or
  - (D) section 23 (Refusing blood test etc) to the extent that the offence is related to alcohol; or

**10 New section 73U (2A)**

*insert*

- (2A) The court may order—
- (a) the person to undertake an assessment by CADAS within a stated time and in a stated way; and
  - (b) the road transport authority to suspend the person's licence until the person has complied with the order under paragraph (a).

**11 New section 73VA**

*insert*

**73VA Interstate driver licences with interlock conditions**

- (1) This section applies to a person who is the holder of an Australian driver licence issued under a corresponding law that is subject to a condition equivalent to an interlock condition (an *interstate interlock condition*).
- (2) The person is eligible to apply for, or be issued with, a probationary licence.
- (3) The probationary licence must be issued with an interlock condition imposed by the road transport authority.

**12 Section 73X (1)**

*omit*

For section 73W (1) (a),

*substitute*

For this part,

**13 New section 73X (2) (aa)**

*insert*

- (aa) only nominate a motor vehicle—
- (i) if the person is the sole registered operator of the vehicle;  
or
  - (ii) if the person is a registered operator of the vehicle and the vehicle has 1 or more other registered operators—  
with the written consent of each other registered operator;  
or
  - (iii) if the person is not a registered operator of the vehicle—  
with the written consent of each registered operator; and

**14 New section 73X (3)**

*after the note, insert*

- (3) In this section:
- registered operator**—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

**15 New section 73Y (3A)**

*insert*

- (3A) The interlock period applying to a person whose licence is subject to an interlock condition under section 73VA (3) (Interstate driver licences with interlock conditions) is the period—
- (a) starting on the day the interlock condition is imposed on the licence; and

- (b) ending—
- (i) at the later of—
- (A) the day the interstate interlock condition would have been removed from the person's Australian driver licence if the person had not been issued with a licence under section 73VA (3); or
- (B) 6 months after the day the interstate interlock condition was imposed on the person's Australian driver licence; or
- (C) 3 months after the day the person was issued with the licence under section 73VA (3); or
- (ii) if, at the time, the road transport authority is not satisfied under subsection (4)—when the road transport authority is satisfied under subsection (4).

**16 Section 73Y (4)**

*omit*

and (3) (b) (ii),

*substitute*

, (3) (b) (ii) and (3A) (b) (ii),

**17 Section 73Y (4) (b) and example**

*substitute*

(b) committed an interlock period breach; or

**18 Section 73Y (5)**

*omit*

section 73U

*substitute*

section 73U (3)

**19 Section 73Y (6), new definition of *interlock period breach***

*insert*

*interlock period breach*—see section 73YA (1).

**20 New section 73YA**

*insert*

**73YA Interlock period breach**

- (1) A person holding a probationary licence with an interlock condition commits an *interlock period breach* if the person—
  - (a) provides a fitted interlock with a sample of breath containing a concentration of 0.02g or more of alcohol in 210L of breath as registered by the interlock; or
  - (b) provides a fitted interlock with more than 1 sample of breath containing a concentration of more than 0g but less than 0.02g of alcohol in 210L of breath as registered by the interlock; or
  - (c) fails to provide a fitted interlock with a sample of breath when required by the fitted interlock.
- (2) The road transport authority must, at the time a person is issued with a probationary licence that is subject to an interlock condition, tell the person what is an interlock period breach.

**21 Section 73Z (1)**

*before*

licence

*insert*

probationary

**22 Section 73ZA (2)**

*omit*

**23 Section 73ZA (3)**

*omit*

or (2)

**24 Section 73ZH (3) (a) (i)**

*omit*

section 73U

*substitute*

section 73U (3)

**25 Section 73ZL (2) and examples**

*substitute*

- (2) The road transport authority must not approve an alcohol ignition interlock device unless the device complies with AS 3547-1997 (Breath Alcohol Testing Devices for Personal Use), as in force from time to time.

**26 Section 73ZM (1) (a)**

*omit*

motor vehicle

*substitute*

nominated vehicle

**27 Section 73ZW**

*omit*

**28 Section 73ZX (1) (a)**

*omit*

motor vehicle

*substitute*

nominated vehicle

**29 Section 73ZY (1) (a)**

*omit*

an interlock

*substitute*

a fitted interlock

**30 Section 73ZZ**

*omit*

**31 Section 73ZZA (1)**

*omit*

in a motor vehicle

**32 Dictionary, definition of *alcohol-related disqualifying offence*, new paragraph (a) (iia)**

*insert*

- (iia) the *Road Transport (Alcohol and Drugs) Act 1977*, section 22C (Refusing to undergo screening test) in relation to an alcohol screening test; or

**33 Dictionary, new definition of *interstate interlock condition***

*insert*

*interstate interlock condition*, for part 3A (Alcohol ignition interlock devices)—see section 73VA (1).



## Part 3 Road Transport (General) Regulation 2000

### 34 Schedule 1, part 1.4, items 4A and 28A, column 3

*omit*

section 73U

*substitute*

section 73U (3)

### 35 Schedule 1, part 1.4, item 28C, column 3

*omit everything after*

complying with any court order under

*substitute*

section 73U (3) (Court-ordered therapeutic program))

### 36 Schedule 1, part 1.4, new item 28CA

*insert*

28CA	73Y (3A) (b) (ii)	road transport authority—refuse to end person’s interlock period because not satisfied person has complied with section 73Y (4) (which is about maintaining clean driving record in previous 3 months)
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## Part 4 Road Transport (Offences) Regulation 2005

**37 Schedule 1, part 1.6, items 24B and 24J**

*omit*

**38 Schedule 1, part 1.6, item 24L, column 3**

*before 1st mention of*

interlock

*insert*

fitted

**39 Schedule 1, part 1.6, item 24M**

*omit*

**40 Schedule 1, part 1.6, item 24N, column 3**

*omit*

in vehicle

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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 10 June 2014.

**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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