

2008

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Territory and Municipal Services)

# Road Transport Legislation Amendment Bill 2008 (No 2)

## Contents

---

	Page
<b>Part 1</b>	
<b>Preliminary</b>	
1 Name of Act	2
2 Commencement	2
<b>Part 2</b>	
<b>Road Transport (Driver Licensing) Act 1999</b>	
3 Legislation amended—pt 2	3
4 Consequences of incurring demerit points—holder of licence New section 16 (2A) and (2B)	3
5 Demerit points not affected by licence suspension etc under another law Section 24 (1) and (2)	3

---

J2008-715

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

		Page
<b>Part 3</b>	<b>Road Transport (Driver Licensing) Regulation 2000</b>	
6	Legislation amended—pt 3	5
7	Demerit points incurred by learner and provisional licence holders New section 124 (2A) and (2B)	5
8	Demerit points incurred by holders of licences with additional provisional class New section 127 (4) and (5)	6
9	Demerit points incurred by restricted licence holders New section 130 (2A) and (2B)	6
10	Demerit points incurred by probationary licence holders New section 132 (3) and (4)	7
11	Demerit points—pt 8 not affected by suspension etc under another law Section 135 (1) and (2)	7
<b>Part 4</b>	<b>Road Transport (Safety and Traffic Management) Act 1999</b>	
12	Legislation amended—pt 4	8
13	Meaning of <i>relevant information</i> for pt 6 Section 22A (c)	8
14	Use of camera detection devices Section 23 (1) (a)	8
15	Evidentiary certificates etc Section 25 (5) (e)	9

2008

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

---

(As presented)

(Minister for Territory and Municipal Services)

# Road Transport Legislation Amendment Bill 2008 (No 2)

---

## A Bill for

An Act to amend legislation about road transport

---

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Road Transport Legislation Amendment*  
4 *Act 2008 (No 2)*.

5 **2 Commencement**

6 This Act commences on a day fixed by the Minister by written  
7 notice.

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

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

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

1 **Part 2** **Road Transport (Driver**  
2 **Licensing) Act 1999**

3 **3** **Legislation amended—pt 2**

4 This part amends the *Road Transport (Driver Licensing) Act 1999*.

5 **4** **Consequences of incurring demerit points—holder of**  
6 **licence**  
7 **New section 16 (2A) and (2B)**

8 *insert*

9 (2A) If the person's licence is already suspended (the *current*  
10 *suspension*) under a territory law, before serving a notice of licence  
11 suspension the road transport authority must serve a notice on the  
12 person stating that—

13 (a) the person has incurred the demerit points; and

14 (b) the licence suspension under section 18 is additional to, not  
15 concurrent with, the current suspension; and

16 (c) the person will be served with a notice of licence suspension  
17 under section 18.

18 (2B) Failure to comply with subsection (2A) does not affect the validity  
19 of anything done by the road transport authority or a court.

20 **5** **Demerit points not affected by licence suspension etc**  
21 **under another law**  
22 **Section 24 (1) and (2)**

23 *substitute*

24 (1) A period of licence suspension under this division is additional to,  
25 not concurrent with, any period of licence suspension otherwise  
26 imposed under this division or another territory law.

- 1 (2) A period of disqualification from holding or obtaining a driver  
2 licence under this division is additional to, not concurrent with, any  
3 period of disqualification or licence suspension otherwise imposed  
4 under this division or another territory law.

---

1 **Part 3** **Road Transport (Driver**  
2 **Licensing) Regulation 2000**

3 **6** **Legislation amended—pt 3**

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

6 **7** **Demerit points incurred by learner and provisional**  
7 **licence holders**  
8 **New section 124 (2A) and (2B)**

9 *insert*

10 (2A) If the person's licence is already suspended (the *current*  
11 *suspension*) under a territory law, before serving a notice of licence  
12 suspension the road transport authority must serve a notice on the  
13 person stating that—

14 (a) the person has incurred the demerit points; and

15 (b) the licence suspension under section 125 is additional to, not  
16 concurrent with, the current suspension; and

17 (c) the person will be served with a notice of licence suspension  
18 under section 125.

19 (2B) Failure to comply with subsection (2A) does not affect the validity  
20 of anything done by the road transport authority or a court.

1 **8 Demerit points incurred by holders of licences with**  
2 **additional provisional class**  
3 **New section 127 (4) and (5)**

4 *insert*

- 5 (4) If the person's additional provisional class is already suspended (the  
6 *current suspension*) under a territory law, before serving a notice of  
7 additional provisional class suspension the road transport authority  
8 must serve a notice on the person stating that—
- 9 (a) the person has incurred the demerit points; and
- 10 (b) the additional provisional class suspension under section 128 is  
11 additional to, not concurrent with, the current suspension; and
- 12 (c) the person will be served with a notice of additional  
13 provisional class suspension under section 128.
- 14 (5) Failure to comply with subsection (4) does not affect the validity of  
15 anything done by the road transport authority or a court.

16 **9 Demerit points incurred by restricted licence holders**  
17 **New section 130 (2A) and (2B)**

18 *insert*

- 19 (2A) If the person's licence is suspended (the *current suspension*) under  
20 a territory law, before serving a notice of licence cancellation the  
21 road transport authority must serve a notice on the person stating  
22 that—
- 23 (a) the person has incurred the demerit points; and
- 24 (b) the licence cancellation under this section is additional to, not  
25 concurrent with, the current suspension; and
- 26 (c) the person will be served with a notice of licence cancellation  
27 under this section.



- 1 (2B) Failure to comply with subsection (2A) does not affect the validity  
2 of anything done by the road transport authority or a court.

3 **10 Demerit points incurred by probationary licence holders**  
4 **New section 132 (3) and (4)**

5 *insert*

- 6 (3) If the person's licence is suspended (the *current suspension*) under  
7 a territory law, before serving a notice of licence cancellation the  
8 road transport authority must serve a notice on the person stating  
9 that—  
10 (a) the person has incurred the demerit points; and  
11 (b) the licence cancellation under section 133 is additional to, not  
12 concurrent with, the current suspension; and  
13 (c) the person will be served with a notice of licence cancellation  
14 under section 133.  
15 (4) Failure to comply with subsection (3) does not affect the validity of  
16 anything done by the road transport authority or a court.

17 **11 Demerit points—pt 8 not affected by suspension etc**  
18 **under another law**  
19 **Section 135 (1) and (2)**

20 *substitute*

- 21 (1) A period of licence suspension under this part is additional to, not  
22 concurrent with, any period of licence suspension otherwise  
23 imposed under this division or another territory law.  
24 (2) A period of disqualification from holding or obtaining a driver  
25 licence under this part is additional to, not concurrent with, any  
26 period of disqualification or licence suspension otherwise imposed  
27 under this division or another territory law.

1 **Part 4** **Road Transport (Safety and**  
2 **Traffic Management) Act 1999**

3 **12 Legislation amended—pt 4**

4 This part amends the *Road Transport (Safety and Traffic*  
5 *Management) Act 1999*.

6 **13 Meaning of *relevant information* for pt 6**  
7 **Section 22A (c)**

8 *substitute*

9 (c) if the vehicle is being driven in contravention of a regulation  
10 about traffic lights—

11 (i) the general direction and lane in which the vehicle is  
12 being driven; and

13 (ii) the time a red traffic light or red traffic arrow facing the  
14 driver of the vehicle is showing before the driver  
15 contravenes the regulation; and

16 **14 Use of camera detection devices**  
17 **Section 23 (1) (a)**

18 *substitute*

19 (a) take complying images of vehicles being driven in  
20 contravention of a regulation about traffic lights;

1 **15 Evidentiary certificates etc**  
2 **Section 25 (5) (e)**

3 *substitute*

4 (e) if the information indicates the length of time a red traffic light  
5 or red traffic arrow facing the driver of the vehicle had been  
6 showing—that the light or arrow shown in the image had been  
7 showing for the stated time before the driver contravened a  
8 regulation about traffic lights.

---

**Endnotes****1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2008.

**2 Notification**

Notified under the Legislation Act on 2008.

**3 Republications of amended laws**

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

---