



# Road Transport (General) Amendment (Interlock Devices) Regulation 2003

under the

Road Transport (General) Act 1999

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Road Transport (General) Act 1999*.

CARL SCULLY, M.P.,

Minister for Roads

## Explanatory note

Under Subdivision 2 of Division 3 of Part 3 of the *Road Transport (General) Act 1999*, a court may order that the disqualification of a person convicted of certain alcohol-related driving offences be suspended if the person participates in an alcohol interlock program. A person may participate in such a program only if issued with an interlock driver licence. Under section 25G (2) (b) of the Act, a person automatically ceases to participate in such a program if the interlock driver licence is cancelled. The object of this Regulation is to amend the *Road Transport (General) Regulation 1999* to remove any right of appeal for the holder of an interlock driver licence whose licence is cancelled by the Roads and Traffic Authority under the *Road Transport (Driver Licensing) Regulation 1999*.

The Regulation also provides a right of appeal for the holder of an approval as an approved interlock installer or approved interlock service provider whose approval is revoked by the Authority.

This Regulation is made under the *Road Transport (General) Act 1999*, including clause 24 of Schedule 2 and section 71 (the general regulation-making power).

## **2003 No 619**

Clause 1 Road Transport (General) Amendment (Interlock Devices) Regulation 2003

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# **Road Transport (General) Amendment (Interlock Devices) Regulation 2003**

under the

Road Transport (General) Act 1999

### **1 Name of Regulation**

This Regulation is the *Road Transport (General) Amendment (Interlock Devices) Regulation 2003*.

### **2 Commencement**

This Regulation commences on 8 September 2003.

### **3 Amendment of Road Transport (General) Regulation 1999**

The *Road Transport (General) Regulation 1999* is amended as set out in Schedule 1.

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## Schedule 1 Amendments

(Clause 3)

### [1] Schedule 2 Savings and transitional provisions

Insert after clause 6 (1):

- (1A) Despite subclause (1) (c), an affected person may not appeal to a Local Court against a decision of the Authority to cancel the person's interlock driver licence under the *Road Transport (Driver Licensing) Regulation 1999*.

### [2] Schedule 2, clause 9 Appeals against driver fatigue and revocation of certain approvals

Insert after clause 9 (1):

- (1A) A person dissatisfied with a decision of the Authority to revoke an approval within the meaning of Part 7 (Interlock devices) of the *Road Transport (Driver Licensing) Regulation 1999* may appeal against the decision to a Local Court constituted by a Magistrate sitting alone by lodging a notice of appeal with the registrar of any such Court not later than 28 days after receiving notice of the revocation.

### [3] Schedule 2, clause 9

Omit "subclause (1)" wherever occurring.

Insert instead "subclause (1) or (1A)".