



Australian Capital Territory

# Road Transport (General) Amendment Act 2010

A2010-39

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Australian Capital Territory

# Road Transport (General) Amendment Act 2010

A2010-39

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An Act to amend the *Road Transport (General) Act 1999*, and for other purposes.

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

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Road Transport (General) Amendment Act 2010*.

### 2 Commencement

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

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

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

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

### 3 Legislation amended

This Act amends the *Road Transport (General) Act 1999* and the *Road Transport (General) Regulation 2000*.

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## Part 2                      Road Transport (General) Act 1999

### 4                      Suspension for nonpayment of infringement notice penalties Section 44 (2)

*substitute*

- (2) The road transport authority must—
- (a) send the person a written notice (a *suspension notice*) that contains the information required by subsection (2A); and
  - (b) if the infringement notice penalty is not paid before the suspension date in the suspension notice—take action under subsection (3), (4) or (5) (the *suspension action*) on the suspension date.
- (2A) A suspension notice must state—
- (a) particulars of the infringement notice and the reminder notice to which the suspension notice relates; and
  - (b) that if the person does not pay the infringement notice penalty by a stated date (the *suspension date*), the authority will take suspension action on the suspension date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.
- (2B) However, the suspension date must not be earlier than 10 days after the day the suspension notice is sent to the person.

**5 Section 44 (7) and (8)**

*substitute*

- (7) A suspension under this section takes effect on the suspension date.
- (8) If the road transport authority takes suspension action, the authority must send a suspension confirmation notice to the person that states—
  - (a) the suspension date; and
  - (b) the action that was taken on the suspension date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.

**6 New section 84A**

*in part 6, before section 84, insert*

**84A Meaning of *revocation notice*—pt 6**

In this part:

*revocation notice* means a notice under the *Crimes (Sentence Administration) Act 2005*, section 116M (2) that—

- (a) an arrangement for the payment of an outstanding fine has been approved; or
- (b) an outstanding fine has been paid; or
- (c) a fine has been remitted; or
- (d) a person has completed serving a period of imprisonment in relation to an outstanding fine; or
- (e) the conviction or order that gave rise to a person's liability to pay a fine has been quashed or set aside.

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**7 Section 84**

*substitute*

**84 Suspension of driver licence, registration etc for default of court imposed fine**

- (1) This section applies if the road transport authority is notified under the *Crimes (Sentence Administration) Act 2005*, section 116M (1) that a person has defaulted in payment of an outstanding fine.

*Note* The *Crimes (Sentence Administration) Act 2005*, s 116M (1) requires the chief executive mentioned in that Act to notify the road transport authority if a person has defaulted on a court imposed fine.

- (2) The road transport authority must—
- (a) send the person a written notice (a *fine enforcement notice*) that contains the information required by subsection (3); and
  - (b) if the outstanding fine is not paid before the enforcement date in the fine enforcement notice—take action under subsection (5) (the *fine enforcement action*) on the enforcement date.
- (3) A fine enforcement notice must state—
- (a) particulars of the default notice and the reminder notice for the outstanding fine to which the fine enforcement notice relates; and
- Note* The *Crimes (Sentence Administration) Act 2005*, deals with default notices (see s 116H (1)) and reminder notices (see s 116J (1)).
- (b) that if the person does not pay the outstanding fine by a stated date (the *enforcement date*), the authority will take fine enforcement action on the enforcement date; and
  - (c) any information prescribed by regulation; and

- (d) any other information that the road transport authority considers appropriate.
- (4) However, the enforcement date must not be earlier than 10 days after the day the fine enforcement notice is sent to the person.
- (5) If the road transport authority is required to take fine enforcement action, the authority must—
  - (a) suspend the person’s driver licence; or
  - (b) if the person is not the holder of a driver licence but is the sole registered operator of—
    - (i) 1 motor vehicle—suspend the registration of the vehicle; or
    - (ii) 2 or more motor vehicles—suspend the registration of 1 vehicle for each outstanding fine, starting with the vehicle with the shortest period of registration left; or
  - (c) if the person is not the holder of a driver licence and is not the sole registered operator of a motor vehicle—disqualify the person from obtaining a driver licence.

**8 Section 85 heading**

*substitute*

**85 Notification and duration of suspension of driver licence, registration etc**

**9 Section 85 (1)**

*substitute*

- (1) Fine enforcement action under this part takes effect on the enforcement date stated in the notice sent to the person under section 84 (2).



- (1A) If the road transport authority takes fine enforcement action under section 84 (5), the authority must send a fine enforcement confirmation notice to the person that states—
- (a) the enforcement date; and
  - (b) the action that was taken on the enforcement date; and
  - (c) any information prescribed by regulation; and
  - (d) any other information that the road transport authority considers appropriate.

**10      Revocation of suspension of driver licence, registration  
etc  
Section 86 (1)**

*omit*

**11      Dictionary, definition of *revocation notice***

*substitute*

*revocation notice*, for part 6 (Fine defaulters)—see section 84A.

## Part 3 Road Transport (General) Regulation 2000

### 12 Section 9

*substitute*

#### 9 Content of suspension notice—Act, s 44 (2A) (c)

The following information is prescribed for a suspension notice sent to a person:

- (a) the date of the notice;
- (b) the name and address of the person;
- (c) that the infringement notice penalty to which the notice relates has not been paid, and the notice has not been withdrawn;
- (d) that any suspension action takes effect on the suspension date and continues until the suspension is revoked under the Act, part 3.

### 13 Section 9A

*substitute*

#### 9A Content of fine enforcement notice—Act, s 84 (3) (c)

The following information is prescribed for a fine enforcement notice sent to a person:

- (a) the date of the notice;
- (b) the name and address of the person;
- (c) that the road transport authority has been notified that the person has defaulted in payment of an outstanding court imposed fine;

- (d) that the outstanding court imposed fine to which the notice relates has not been paid;
  - (e) that fine enforcement action takes effect on the enforcement date and continues until the action is revoked under the Act, part 6.
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### Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 26 August 2010.

**2 Notification**

Notified under the Legislation Act on 5 October 2010.

**3 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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I certify that the above is a true copy of the Road Transport (General) Amendment Bill 2010, which was passed by the Legislative Assembly on 23 September 2010.

Acting Clerk of the Legislative Assembly

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