

2010

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Transport)

Road Transport (General) Amendment Bill 2010

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(As presented)

(Minister for Transport)

Road Transport (General) Amendment Bill 2010

A Bill for

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

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 <i>Road Transport (General) Amendment Act 2010</i> .
4	2	Commencement
5		This Act commences on a day fixed by the Minister by written
6		notice.
7	<i>Note 1</i>	The naming and commencement provisions automatically commence on
8		the notification day (see Legislation Act, s 75 (1)).
9	<i>Note 2</i>	A single day or time may be fixed, or different days or times may be
10		fixed, for the commencement of different provisions (see Legislation
11		Act, s 77 (1)).
12	<i>Note 3</i>	If a provision has not commenced within 6 months beginning on the
13		notification day, it automatically commences on the first day after that
14		period (see Legislation Act, s 79).
15	3	Legislation amended
16		This Act amends the <i>Road Transport (General) Act 1999</i> and the
17		<i>Road Transport (General) Regulation 2000</i> .

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.

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

- 1 (d) any other information that the road transport authority
2 considers appropriate.
- 3 (4) However, the enforcement date must not be earlier than 10 days
4 after the day the fine enforcement notice is sent to the person.
- 5 (5) If the road transport authority is required to take fine enforcement
6 action, the authority must—
- 7 (a) suspend the person's driver licence; or
- 8 (b) if the person is not the holder of a driver licence but is the sole
9 registered operator of—
- 10 (i) 1 motor vehicle—suspend the registration of the vehicle;
11 or
- 12 (ii) 2 or more motor vehicles—suspend the registration of
13 1 vehicle for each outstanding fine, starting with the
14 vehicle with the shortest period of registration left; or
- 15 (c) if the person is not the holder of a driver licence and is not the
16 sole registered operator of a motor vehicle—disqualify the
17 person from obtaining a driver licence.

18 **8 Section 85 heading**

19 *substitute*

20 **85 Notification and duration of suspension of driver licence,**
21 **registration etc**

22 **9 Section 85 (1)**

23 *substitute*

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

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

9 **10 Revocation of suspension of driver licence, registration**
10 **etc**
11 **Section 86 (1)**

12 *omit*

13 **11 Dictionary, definition of *revocation notice***

14 *substitute*

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

1 **Part 3** **Road Transport (General)**
2 **Regulation 2000**

3 **12 Section 9**

4 *substitute*

5 **9 Content of suspension notice—Act, s 44 (2A) (c)**

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

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

15 **13 Section 9A**

16 *substitute*

17 **9A Content of fine enforcement notice—Act, s 84 (3) (c)**

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

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

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

Endnotes

1 **Presentation speech**

Presentation speech made in the Legislative Assembly on 2010.

2 **Notification**

Notified under the Legislation Act on 2010.

3 **Republications of amended laws**

For the latest republication of amended laws, see www.legislation.act.gov.au.
