

2013

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Road Transport Legislation Amendment Bill 2013

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J2012-741

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(As presented)

(Attorney-General)

# Road Transport Legislation Amendment Bill 2013

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## A Bill for

An Act to amend legislation about road transport

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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 Act 2013*.

4 **2 Commencement**

5 (1) Part 1 and part 2 commence on the day after this Act's notification  
6 day.

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

9 (2) The remaining provisions commence on the commencement of the  
10 *Road Transport (General) (Infringement Notices) Amendment*  
11 *Act 2012*, section 3.

12 **3 Legislation amended**

13 This Act amends the following legislation:

- 14 • [Road Transport \(Driver Licensing\) Act 1999](#)  
15 • [Road Transport \(General\) Act 1999](#)  
16 • [Road Transport \(Safety and Traffic Management\) Act 1999](#)  
17 • [Road Transport \(Vehicle Registration\) Regulation 2000](#).

18 *Note* This Act also amends other legislation (see sch 1).

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

3 **4 Offences committed by disqualified drivers etc**  
4 **Section 32 (5)**

5 *omit*

6 , (2)

7 **5 New section 32 (5A)**

8 *after the note, insert*

9 (5A) If a court convicts a person of an offence against subsection (2), the  
10 person is automatically disqualified from holding or obtaining a  
11 driver licence—

12 (a) if the suspension was under the *Road Transport (General)*  
13 *Act 1999*, part 3 (Infringement notices for certain offences) or  
14 part 6 (Fine defaulters) or a law of another jurisdiction  
15 corresponding to part 3 or part 6 (or to part of it)—for 1 month  
16 or, if the court orders a longer period, the longer period; or

17 (b) if the suspension was under division 2.3 (Demerit points  
18 system) or a law of another jurisdiction corresponding to  
19 division 2.3 (or to part of it)—for 3 months or, if the court  
20 orders a longer period, the longer period; or

21 (c) in any other case—

22 (i) for a first offender—for 3 months or, if the court orders a  
23 longer period, the longer period; or

24 (ii) for a repeat offender—for 12 months or, if the court  
25 orders a longer period, the longer period.

1 **Part 3 Road Transport (General) Act**  
2 **1999**

3 **6 Definitions—pt 3**  
4 **Section 21A, new definitions**

5 *insert*

6 *approved community work or social development program* means a  
7 community work or social development program approved under  
8 section 31D (Approval of community work or social development  
9 program).

10 *infringement notice management plan*—see section 31A.

11 *relevant circumstances*, of a person, means any of the following  
12 circumstances that relate to the person and significantly affect the  
13 person's ability to pay an infringement notice penalty:

- 14 (a) mental or intellectual disability or mental disorder;  
15 (b) physical disability, disease or illness;  
16 (c) addiction to drugs, alcohol or another substance;  
17 (d) being subjected to domestic violence;  
18 (e) homelessness, or living in crisis, transitional or supported  
19 accommodation;  
20 (f) anything else prescribed by regulation.

21 *responsible director-general* means the director-general responsible  
22 for the *Crimes (Sentence Administration) Act 2005*, part 6.2 (Good  
23 behaviour—community service work).



1 **7 Purpose and effect of pt 3**  
2 **Section 22 (2) (b) (ii)**

3 *substitute*

- 4 (ii) the person does not comply with an infringement notice  
5 or reminder notice served on the person for the offence,  
6 or an infringement notice management plan entered into  
7 in relation to the offence; or

8 **8 Infringement notice—payment of penalty etc**  
9 **Section 26 (2) (aa)**

10 *substitute*

11 (aa) apply to the administering authority to—

- 12 (i) enter into an infringement notice management plan; or  
13 (ii) if the person has an infringement notice management  
14 plan—add the infringement notice penalty for the offence  
15 to the plan; or  
16 (iii) waive the infringement notice penalty;

17 *Note* See s 31A for applications to enter into infringement notice  
18 management plans and applications to add infringement notice  
19 penalties to plans.

20 See s 31F for applications for waiver of infringement notice  
21 penalties.

22 **9 Action on service of reminder notice—payment of penalty**  
23 **etc**  
24 **Section 28 (2) (aa)**

25 *substitute*

26 (aa) apply to the administering authority to—

- 27 (i) enter into an infringement notice management plan; or

1 (ii) if the person has an infringement notice management  
2 plan—add the infringement notice penalty for the offence  
3 to the plan; or

4 (iii) waive the infringement notice penalty;

5 *Note* See s 31A for applications to enter into infringement notice  
6 management plans and applications to add infringement notice  
7 penalties to plans.

8 See s 31F for applications for waiver of infringement notice  
9 penalties.

10 **10 Sections 30A to 30E**

11 *substitute*

12 **Division 3.2A Infringement notice management**  
13 **plans**

14 **31A Application for infringement notice management plan or**  
15 **addition to plan**

16 (1) This section applies if a person is served with an infringement notice  
17 or reminder notice for an infringement notice offence.

18 (2) If the person is an individual, the individual may apply to the  
19 administering authority—

20 (a) to enter into an arrangement (an *infringement notice*  
21 *management plan*) with the authority for discharge of the  
22 penalty for the offence by—

23 (i) payment by instalment; or

24 (ii) participating in an approved community work or social  
25 development program; or

1 (b) if the individual has an infringement notice management  
2 plan—to add the infringement notice penalty for the offence to  
3 the individual’s plan.

4 *Note* If a form is approved under s 225 for this provision, the form must be  
5 used.

6 (3) If the person is a corporation, the corporation may apply to the  
7 administering authority—

8 (a) to enter into an arrangement (also an *infringement notice*  
9 *management plan*) with the authority for discharge of the  
10 penalty for the offence by payment by instalment; or

11 (b) if the corporation has an infringement notice management  
12 plan—to add the infringement notice penalty for the offence to  
13 the corporation’s plan.

14 (4) The application must include—

15 (a) information about the person’s financial circumstances; and

16 (b) if the person is the holder of a card prescribed by regulation  
17 that is current—that information; and

18 (c) if the application is to participate in an approved community  
19 work or social development program—information about any  
20 relevant circumstances of the person; and

21 (d) anything else prescribed by regulation.

22 **31B Application for infringement notice management plan or**  
23 **addition to plan—decision**

24 (1) On application by a person under section 31A, the administering  
25 authority must—

26 (a) allow the application; or

27 (b) refuse the application.

- 1           (2) The administering authority may, in writing, ask the applicant or a  
2           person mentioned in the application for more information to assist  
3           the authority to make a decision under this section.
- 4           (3) If the person is applying for an infringement notice management  
5           plan that allows payment by instalments, the administering  
6           authority—
- 7                 (a) must allow the application if the person is the holder of a card  
8                 mentioned in section 31A (4) (b); and
- 9                 (b) in any other case—may allow the application if satisfied on  
10                reasonable grounds that it is justified because of the person’s  
11                financial circumstances.
- 12           (4) If the person is applying for an infringement notice management  
13           plan that allows participation in an approved community work or  
14           social development program, the administering authority must allow  
15           the application if the responsible director-general agrees to the  
16           person participating in an approved community work or social  
17           development program under section 31C.
- 18           (5) If the administering authority allows an application for an  
19           infringement notice management plan that allows payment by  
20           instalments, the authority may decide the amount of the instalments  
21           that must be paid.
- 22           (6) The administering authority must—
- 23                 (a) if the application is allowed, tell the person in writing—
- 24                         (i) about the arrangements for entering into the infringement  
25                         notice management plan or that the penalty has been  
26                         added to the person’s infringement notice management  
27                         plan; and
- 28                         (ii) if the person is paying instalments under the plan—that  
29                         the authority may decide the amount of the instalments  
30                         that must be paid; or

- 1 (b) if the application is refused—tell the person in writing about  
2 the refusal and the reasons for the refusal.
- 3 (7) A regulation may make provision in relation to the following:
- 4 (a) any conditions applying to allowing an application under  
5 section 31A;
- 6 (b) conditions applying to infringement notice management plans,  
7 including the minimum amount that may be paid as an  
8 instalment under a plan;
- 9 (c) the payment of amounts under an infringement notice  
10 management plan, including the consequences of a payment  
11 not being honoured;
- 12 (d) the arrangements for participating in an approved community  
13 work or social development program, including when  
14 participation in an approved community work or social  
15 development program is taken to be finished and evidence of  
16 participation.

17 **31C Approved community work or social development**  
18 **program—responsible director-general’s agreement**

- 19 (1) On receiving an application for an infringement notice management  
20 plan that allows a person to participate in an approved community  
21 work or social development program, the administering authority  
22 must ask the responsible director-general if the director-general  
23 agrees to the applicant participating in an approved community  
24 work or social development program.
- 25 (2) The responsible director-general must—
- 26 (a) agree to the applicant participating in an approved community  
27 work or social development program; or
- 28 (b) refuse to agree.

- 1 (3) The responsible director-general may, in writing, ask the applicant  
2 or a person mentioned in the application for more information to  
3 assist the director-general to make a decision under this section.
- 4 (4) The responsible director-general may agree to the applicant's  
5 participation in an approved community work or social development  
6 program if satisfied on reasonable grounds that—
- 7 (a) it is justified because of either or both of the following:
- 8 (i) the financial circumstances of the applicant;
- 9 (ii) any relevant circumstances of the applicant; and
- 10 (b) the applicant is suitable to participate in the program.
- 11 (5) The responsible director-general may make guidelines about the  
12 exercise of the director-general's functions under subsection (4).
- 13 (6) A guideline is a notifiable instrument.

14 *Note* A notifiable instrument must be notified under the [Legislation Act](#).

15 **31D Approval of community work or social development**  
16 **program**

- 17 (1) The responsible director-general may approve a community work or  
18 social development program for this division.
- 19 (2) An approval is a disallowable instrument.

20 *Note* A disallowable instrument must be notified, and presented to the  
21 Legislative Assembly, under the [Legislation Act](#).

- 1     **31E     Effect of refusal of application for infringement notice**  
2     **management plan**
- 3         (1) If the administering authority refuses an application under  
4             section 31B (Application for infringement notice management plan  
5             or addition to plan—decision), the applicant must—
- 6                 (a) if a reminder notice has not been served on the applicant—do  
7                     something mentioned in section 26 (2) (a), (aa) (iii), (b), (c) or  
8                     (d); or
- 9                 (b) if a reminder notice has been served on the applicant—do  
10                     something mentioned in section 28 (2) (a), (aa) (iii), (b), (c) or  
11                     (d).
- 12         (2) The applicant must do something under this section not later than  
13             the later of—
- 14                 (a) 7 days after the applicant is given notice of the refusal; and  
15                 (b) 28 days after the infringement notice or reminder notice was  
16                     served (or any extension of time allowed under section 29).
- 17         *Note*     For the recording of demerit points against the person, see the *Road*  
18                     *Transport (Driver Licensing) Act 1999*, s 13A.

1 **11 Section 30F**

2 *substitute*

3 **Division 3.2B Waiver of infringement notice**  
4 **penalties**

5 **31F Application for waiver of penalty**

6 (1) A person served with an infringement notice or reminder notice for  
7 an infringement notice offence may apply to the administering  
8 authority for waiver of the infringement notice penalty for the  
9 infringement notice offence.

10 *Note* If a form is approved under s 225 for this provision, the form must be  
11 used.

12 (2) The application must set out—

- 13 (a) the person's financial circumstances; and  
14 (b) the person's relevant circumstances; and  
15 (c) anything else prescribed by regulation.

16 **12 Application for waiver of penalty—decision**  
17 **Section 30G (3) (b)**

18 *substitute*

19 (b) relevant circumstances exist in relation to the applicant; and

20 **13 Section 30G (6)**

21 *omit*

22 **14 Section 30G (as amended)**

23 *renumber as section 31G*



1 **15 Time for beginning prosecution for infringement notice**  
2 **offence**  
3 **Section 31**

4 *relocate to division 3.2*

5 **16 New section 31H**

6 *insert*

7 **31H Effect of refusal of application for waiver of penalty**

8 (1) If the administering authority refuses an application under  
9 section 31G (Application for waiver of penalty—decision), the  
10 applicant must—

11 (a) if a reminder notice has not been served on the applicant—do  
12 something mentioned in section 26 (2) (a), (aa) (i) or (ii), (b),  
13 (c) or (d); or

14 (b) if a reminder notice has been served on the applicant—do  
15 something mentioned in section 28 (2) (a), (aa) (i) or (ii), (b),  
16 (c) or (d).

17 (2) The applicant must do something under this section not later than  
18 the later of—

19 (a) 7 days after the applicant is given notice of the refusal; and

20 (b) 28 days after the infringement notice or reminder notice was  
21 served (or any extension of time allowed under section 29).

22 *Note* For the recording of demerit points against the person, see the *Road*  
23 *Transport (Driver Licensing) Act 1999*, s 13A.

1 **17 Infringement notice—withdrawal**  
2 **Section 36 (4) (b)**

3 *omit*

4 amount paid

5 *substitute*

6 amount paid, unless the person has an infringement notice  
7 management plan for the penalty

8 **18 New section 36A**

9 *insert*

10 **36A Infringement notice—effect of withdrawal on infringement**  
11 **notice management plan**

12 (1) This section applies if—

13 (a) a person has an infringement notice management plan for an  
14 infringement notice penalty for an infringement notice offence;  
15 and

16 (b) the administering authority withdraws the infringement notice  
17 for the infringement notice offence.

18 (2) The administering authority must—

19 (a) if the total amount owing under the plan is less than the amount  
20 of the penalty—cancel the plan and refund the difference  
21 between the amount owing and the penalty; or

22 (b) if the total amount owing under the plan is the same as the  
23 amount of the penalty—cancel the plan; or

24 (c) if the total amount owing under the plan is more than the  
25 amount of the penalty—remove the penalty from the plan and  
26 reduce the amount owing by the amount of the penalty.

1 **19 Infringement notice—effect of refusal to withdraw**  
2 **Section 37 (1) (a)**

3 *omit*

4 26 (2) (a)

5 *substitute*

6 26 (2) (a), (aa)

7 **20 Section 37 (1) (b)**

8 *omit*

9 28 (2) (a)

10 *substitute*

11 28 (2) (a), (aa)

12 **21 Section 37 (1), note**

13 *substitute*

14 *Note* For the recording of demerit points for the offence against the person,  
15 see the *Road Transport (Driver Licensing) Act 1999*, s 13A.

16 **22 Section 39**

17 *substitute*

18 **39 Infringement notice—effect of penalty payment etc**

19 (1) This section applies—

20 (a) if—

21 (i) a person has been served with an infringement notice for  
22 an offence; and

- 1 (ii) 1 of the following things happens:
- 2 (A) the person pays the infringement notice penalty for
- 3 the offence in accordance with this part;
- 4 (B) the person enters into an infringement notice
- 5 management plan for the infringement notice
- 6 penalty for the offence or the penalty is added to the
- 7 person's infringement notice management plan;
- 8 (C) the administering authority waives the infringement
- 9 notice penalty for the offence; and
- 10 (iii) when the thing happened—
- 11 (A) the infringement notice had not been withdrawn;
- 12 and
- 13 (B) an information had not been laid in the Magistrates
- 14 Court against the person for the offence; or
- 15 (b) if—
- 16 (i) more than 1 infringement notice for the same
- 17 infringement notice offence has been served on a person
- 18 and none of the infringement notices have been
- 19 withdrawn; and
- 20 (ii) 1 of the following things happens:
- 21 (A) the person pays the infringement notice penalty for
- 22 the offence, in accordance with this part, in relation
- 23 to 1 notice;
- 24 (B) the person enters into an infringement notice
- 25 management plan for the infringement notice
- 26 penalty for the offence, or the penalty is added to
- 27 the person's infringement notice management plan,
- 28 in relation to 1 notice;

- 1 (C) the administering authority waives the infringement  
2 notice penalty for the offence in relation to 1 notice;  
3 or
- 4 (c) if—
- 5 (i) an infringement notice for an infringement notice offence  
6 involving a registrable vehicle has been served; and
- 7 (ii) 1 of the following things happens:
- 8 (A) a responsible person for the vehicle at the time of  
9 the offence pays the infringement notice penalty for  
10 the offence in accordance with this part;
- 11 (B) a responsible person for the vehicle at the time of  
12 the offence enters into an infringement notice  
13 management plan for the infringement notice  
14 penalty for the offence, or the penalty is added to  
15 the person's infringement notice management plan;
- 16 (C) the administering authority waives the infringement  
17 notice penalty for the offence; and
- 18 (iii) when the thing happened—
- 19 (A) the infringement notice had not been withdrawn;  
20 and
- 21 (B) an information had not been laid in the Magistrates  
22 Court against a responsible person for the vehicle  
23 for the offence.
- 24 (2) The person—
- 25 (a) is no longer liable for the offence; and
- 26 (b) must not be prosecuted for the offence; and
- 27 (c) is not taken to have been convicted of the offence.

- 1 (3) This section is subject to section 36 (Infringement notice—  
2 withdrawal).

3 **23 Suspension for nonpayment of infringement notice**  
4 **penalties**  
5 **Section 44 (1) (c) and (d)**

6 *substitute*

- 7 (c) the infringement notice has not been withdrawn or the  
8 infringement notice penalty for the offence has not been  
9 waived; and

- 10 (d) the person does not have an infringement notice management  
11 plan for the infringement notice penalty for the offence; and

- 12 (da) the penalty has not been paid to the administering authority  
13 within the time for payment under this part; and

14 **24 Section 44 (6)**

15 *omit*

16 licence

17 *substitute*

18 licence, or the person's driver licence is suspended,

19 **25 New section 44A**

20 *insert*

21 **44A Suspension for non-compliance with infringement notice**  
22 **management plan**

- 23 (1) This section applies if—

- 24 (a) a person has an infringement notice management plan; and

- 25 (b) the administering authority is satisfied on reasonable grounds  
26 that the person has failed to comply with the plan; and

- 1 (c) notice disputing liability for the infringement notice penalty or  
2 penalties covered by the plan has not been given to the  
3 administering authority in accordance with this part.
- 4 (2) The administering authority must tell the road transport authority  
5 about the non-compliance and the road transport authority must—
- 6 (a) send the person a written notice (a *suspension notice*) that  
7 contains the information required by subsection (3); and
- 8 (b) if the person does not resume complying with the plan before  
9 the suspension date in the suspension notice—take action  
10 under subsection (5) or (6) (the *suspension action*) on the  
11 suspension date.
- 12 (3) A suspension notice must state—
- 13 (a) the identifying number (however described) for the person’s  
14 infringement notice management plan; and
- 15 (b) that if the person does not resume complying with the plan by a  
16 stated date (the *suspension date*), the road transport authority  
17 will take suspension action on the suspension date; and
- 18 (c) any information prescribed by regulation; and
- 19 (d) any other information that the road transport authority  
20 considers appropriate.
- 21 (4) However, the suspension date must not be earlier than 10 days after  
22 the day the suspension notice is sent to the person.
- 23 (5) If the person is the holder of a driver licence, the road transport  
24 authority must suspend the licence.
- 25 (6) If the person is not the holder of a driver licence, the road transport  
26 authority must suspend the person’s right to drive any vehicle in the  
27 ACT.
- 28 (7) A suspension under this section takes effect on the suspension date.

- 1 (8) If the road transport authority takes suspension action, the authority  
2 must send a suspension confirmation notice to the person that  
3 states—  
4 (a) the suspension date; and  
5 (b) the action that was taken on the suspension date; and  
6 (c) any information prescribed by regulation; and  
7 (d) any other information that the road transport authority  
8 considers appropriate.
- 9 (9) A regulation may make provision in relation to—  
10 (a) how the administering authority becomes satisfied that a  
11 person has failed to comply with the person's infringement  
12 notice management plan; and  
13 (b) information to be given to the administering authority by the  
14 person or anyone else in relation to the person's compliance  
15 with the plan.

16 **26 Section 47 heading**

17 *substitute*

18 **47 Revocation of suspension—penalty paid, discharged or  
19 waived**

20 **27 Section 47 (1) (b) (ii)**

21 *substitute*

- 22 (ii) if the person has an infringement notice management  
23 plan for the penalty—is discharged by the person doing  
24 all of the things that the person is required to do under the  
25 plan; or



**28 Section 47A**

*substitute*

**47A Revocation of suspension—management plan being complied with**

- (1) This section applies if—
- (a) a suspension is in force under this division because of an infringement notice offence for which an infringement notice has been served on a person; and
  - (b) either—
    - (i) the person enters into, or has the penalty added to, an infringement notice management plan for the infringement notice penalty for the offence; or
    - (ii) if the suspension was for non-compliance with the person's infringement notice management plan for the penalty—the administering authority is satisfied on reasonable grounds that the person has resumed complying with the plan.
- (2) The administering authority must tell the road transport authority about the plan or compliance and the road transport authority must—
- (a) revoke the suspension; and
  - (b) tell the person in writing that the suspension has been revoked.
- (3) A regulation may make provision in relation to—
- (a) how the administering authority becomes satisfied that a person has resumed complying with the person's infringement notice management plan; and

- 1 (b) information to be given to the administering authority by the  
2 person or anyone else in relation to the person's compliance  
3 with the plan.

4 **29 Review of suspension**  
5 **Section 48 (3) and (4)**

6 *substitute*

- 7 (3) For suspension action mentioned in section 44 (2) (b) (Suspension  
8 for nonpayment of infringement notice penalties), the court may  
9 make an order under subsection (2) (b) only if it is satisfied that 1 or  
10 more of the conditions mentioned in section 44 (1)—

11 (a) did not exist when the suspension action was taken; or

12 (b) no longer exists.

- 13 (4) For suspension action mentioned in section 44A (2) (b) (Suspension  
14 for non-compliance with infringement notice management plan), the  
15 court may make an order under subsection (2) (b) only if it is  
16 satisfied that 1 or more of the conditions mentioned in  
17 section 44A (1)—

18 (a) did not exist when the suspension action was taken; or

19 (b) no longer exists.

20 **30 Procedure if liability disputed**  
21 **Section 53 (4)**

22 *omit*

23 section 39 (Infringement notice—effect of penalty payment)

24 *substitute*

25 section 39 (Infringement notice—effect of penalty payment etc)

1 **31 Evidentiary certificates**  
2 **New section 56 (3) (ca) to (cf)**

3 *insert*

4 (ca) a stated person entered into an infringement notice  
5 management plan on a stated date;

6 (cb) a stated person agreed to take stated steps under the person's  
7 infringement notice management plan;

8 (cc) a stated person took stated steps to comply with the person's  
9 infringement notice management plan;

10 (cd) a stated person did not take stated steps to comply with the  
11 person's infringement notice management plan;

12 (ce) the administering authority gave a notice to a stated person  
13 about—

14 (i) the person's failure to take stated steps to comply with  
15 the person's infringement notice management plan; and

16 (ii) how the noncompliance was to be dealt with as agreed  
17 under the plan;

18 (cf) the administering authority took or did not take other stated  
19 steps to get a stated person to comply with the person's  
20 infringement notice management plan;

21 **32 Effect of disqualification**  
22 **Section 66, note 2, 1st dot point**

23 *substitute*

- 24 • s 45 (3) (which is about suspension in relation to an infringement  
25 notice)

- 1 **33 Dictionary, definition of *approved community work or***  
2 ***social development program***
- 3 *substitute*
- 4 *approved community work or social development program*, for  
5 part 3 (Infringement notices for certain offences)—see section 21A.
- 6 **34 Dictionary, new definition of *infringement notice***  
7 ***management plan***
- 8 *insert*
- 9 *infringement notice management plan*, for part 3 (Infringement  
10 notices for certain offences)—see section 31A.
- 11 **35 Dictionary, new definitions**
- 12 *insert*
- 13 *relevant circumstances*, of a person, for part 3 (Infringement notices  
14 for certain offences)—see section 21A.
- 15 *responsible director-general*, for part 3 (Infringement notices for  
16 certain offences)—see section 21A.

1 **Part 4**

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

3 **36 Inspection and purchase of images taken by traffic  
4 offence detection devices  
5 Section 27 (1) (b)**

6 *substitute*

- 7 (b) a person nominated in an illegal user declaration, known user  
8 declaration or sold vehicle declaration under the *Road*  
9 *Transport (General) Act 1999* by the responsible person for a  
10 vehicle shown in an image taken by a traffic offence detection  
11 device.

1 **Part 5** **Road Transport (Vehicle**  
2 **Registration) Regulation 2000**

3 **37** **Dictionary, definition of *infringement notice*,**  
4 **paragraph (a)**

5 *substitute*

6 (a) means a notice served under the *Road Transport (General)*  
7 *Act 1999*, section 24 (Infringement notices); and

1 **Schedule 1**                    **Consequential amendments**

2 (see s 3)

3 **Part 1.1**                        **Road Transport (Driver**  
4 **Licensing) Act 1999**

5 **[1.1] Section 12 (3) (c) and (d) and note**

6 *substitute*

7 (c) if the person is served with an infringement notice for the  
8 offence and the person applies in accordance with the *Road*  
9 *Transport (General) Act 1999* for additional time to pay the  
10 infringement notice penalty for the offence or do a relevant  
11 thing—the administering authority for the offence allows the  
12 person additional time to do the thing; or

13 (d) if the person is served with an infringement notice for the  
14 offence and the person does not pay the infringement notice  
15 penalty for the offence or do a relevant thing—the time within  
16 which the thing is required to be done under that Act has  
17 ended.

18 *Note* For when an infringement notice penalty is payable etc, see the  
19 *Road Transport (General) Act 1999*, div 3.2.

1 **[1.2] New section 12 (5)**

2 *insert*

3 (5) In this section:

4 *relevant thing* means—

- 5 (a) apply for either of the following in accordance with the *Road*  
6 *Transport (General) Act 1999*:
- 7 (i) an infringement notice management plan or, if the person  
8 has an infringement notice management plan, the  
9 addition of the infringement notice penalty to the plan;
- 10 (ii) waiver of the infringement notice penalty; or
- 11 (b) apply for withdrawal of the infringement notice in accordance  
12 with the *Road Transport (General) Act 1999*; or
- 13 (c) give an infringement notice declaration in accordance with the  
14 *Road Transport (General) Act 1999*; or
- 15 (d) give a notice disputing liability for the offence in accordance  
16 with the *Road Transport (General) Act 1999*.

17 **[1.3] Section 13A (1) (c)**

18 *substitute*

- 19 (c) the person is served with an infringement notice for the  
20 offence, the person applies in accordance with the *Road*  
21 *Transport (General) Act 1999* for either of the following and  
22 the administering authority allows the person the option  
23 sought:
- 24 (i) an extension of time to pay the infringement notice  
25 penalty;
- 26 (ii) an infringement notice management plan or, if the person  
27 has an infringement notice management plan, the  
28 addition of the infringement notice penalty to the plan; or



1 **[1.4] Section 13A (1) (ca)**

2 *omit*

3 requirement to pay, and the administering authority waives the  
4 payment

5 *substitute*

6 infringement notice penalty for the offence, and the administering  
7 authority waives the penalty

1 **Part 1.2** **Road Transport (Driver**  
2 **Licensing) Regulation 2000**

3 **[1.5] Division 6.2, note**

4 *substitute*

5 *Note* See the [Road Transport \(General\) Act 1999](#) for the consequences of the  
6 following for a person who is exempt under this div:

- 7 • nonpayment of an infringement notice penalty, failure to comply  
8 with a notice given under an infringement notice management plan  
9 about a failure to make a payment or participate in an approved  
10 community work or social development program (s 44, s 44A);  
11 • nonpayment of a fine (s 84).

12 **[1.6] Section 101, note 2**

13 *substitute*

14 *Note 2* See the [Road Transport \(General\) Act 1999](#) for the consequences of the  
15 following for a person who is exempt under this div:

- 16 • nonpayment of an infringement notice penalty, failure to comply  
17 with a notice given under an infringement notice management plan  
18 about a failure to make a payment or participate in an approved  
19 community work or social development program (see that [Act](#),  
20 s 44, s 44A);  
21 • nonpayment of a fine (see that Act, s 84).

1 **Part 1.3** **Road Transport (General)**  
2 **Regulation 2000**

3 **[1.7] Schedule 1, part 1.5, items 1A to 1C**

4 *substitute*

1A	31B (1) (b)	administering authority—refuse application for infringement notice management plan or addition of infringement notice penalty to infringement notice management plan
1B	31C (2) (b)	responsible director-general—refuse to agree to person participating in approved community work or social development program
1C	31G (1) (b)	administering authority—refuse to allow waiver of payment

1 **Part 1.4 Road Transport (Offences)**  
2 **Regulation 2005**

3 **[1.8] New section 4E**

4 *insert*

5 **4E Meaning of *discharge action*—pt 2**

6 In this part:

7 *discharge action*, in relation to a person served with an infringement  
8 notice, means—

- 9 (a) the person enters into an infringement notice management plan  
10 for the infringement notice penalty; or  
11 (b) the infringement notice penalty is added to the person's  
12 infringement notice management plan; or  
13 (c) the administering authority waives the infringement notice  
14 penalty.

15 **[1.9] Section 14A (2) (a)**

16 *after*

17 following

18 *insert*

19 things

1 **[1.10] Section 14A (2) (a) (ia)**

2 *substitute*

3 (ia) apply to the administering authority for—

4 (A) an infringement notice management plan or, if the  
5 person has an infringement notice management  
6 plan, the addition of the infringement notice penalty  
7 to the plan; or

8 (B) waiver of the infringement notice penalty;

9 **[1.11] Section 14A (2) (a) (iv)**

10 *substitute*

11 (iv) apply to the administering authority for additional time to  
12 do the thing;

13 **[1.12] Section 14A (2) (d)**

14 *substitute*

15 (d) a statement that the notice may be withdrawn at any time;

16 **[1.13] Section 14A (2) (e)**

17 *omit everything before subparagraph (i), substitute*

18 (e) a statement to the effect that, if the person pays the  
19 infringement notice penalty within the required time or a  
20 discharge action happens—

1 **[1.14] Section 14A (2) (h)**

2 *omit*

3 time, payment of the penalty may be enforced

4 *insert*

5 time, or a discharge action does not happen, enforcement action may  
6 be taken

7 **[1.15] Section 14A (2) (ia)**

8 *substitute*

9 (ia) how the person may apply for—

10 (i) an infringement notice management plan or, if the person  
11 has an infringement notice management plan, the  
12 addition of the infringement notice penalty to the plan; or

13 (ii) waiver of the infringement notice penalty;

14 **[1.16] Section 14A (2) (j)**

15 *substitute*

16 (j) how the person may apply for additional time to—

17 (i) pay the infringement notice penalty; or

18 (ii) apply for either of the following:

19 (A) an infringement notice management plan or, if the  
20 person has an infringement notice management  
21 plan, the addition of the infringement notice penalty  
22 to the plan;

23 (B) waiver of the infringement notice penalty; or

24 (iii) give an infringement notice declaration; or

25 (iv) dispute liability for the offence;

1 **[1.17] Section 14A (2) (k) (i)**

2 *after*  
3 offence  
4 *insert*  
5 , or if a discharge action happens

6 **[1.18] Section 14B (1) (m)**

7 *after*  
8 following  
9 *insert*  
10 things

11 **[1.19] Section 14B (1) (m) (ia)**

12 *substitute*  
13 (ia) apply to the administering authority for—  
14 (A) an infringement notice management plan or, if the  
15 person has an infringement notice management  
16 plan, the addition of the infringement notice penalty  
17 to the plan; or  
18 (B) waiver of the infringement notice penalty;

19 **[1.20] Section 14B (1) (m) (iv)**

20 *substitute*  
21 (iv) apply to the administering authority for additional time to  
22 do the thing;

1 **[1.21] Section 14B (1) (n)**

2 *substitute*

3 (n) a statement that the notice may be withdrawn at any time;

4 **[1.22] Section 14B (1) (o)**

5 *omit everything before subparagraph (i), substitute*

6 (o) a statement to the effect that, if the person pays the  
7 infringement notice penalty within the required time or a  
8 discharge action happens—

9 **[1.23] Section 14B (1) (r)**

10 *after*

11 required time

12 *insert*

13 , or a discharge action does not happen

14 **[1.24] Section 14B (1) (r) (ii)**

15 *omit*

16 payment of the penalty may be enforced

17 *substitute*

18 enforcement action may be taken

19 **[1.25] Section 14B (2) (aa)**

20 *substitute*

21 (aa) how the person may apply for—

22 (i) an infringement notice management plan or, if the person  
23 has an infringement notice management plan, the  
24 addition of the infringement notice penalty to the plan; or



1 (ii) waiver of the infringement notice penalty;

2 **[1.26] Section 14B (2) (b)**

3 *substitute*

4 (b) how the person may apply for additional time to—

5 (i) pay the infringement notice penalty; or

6 (ii) apply for either of the following:

7 (A) an infringement notice management plan or, if the  
8 person has an infringement notice management  
9 plan, the addition of the infringement notice penalty  
10 to the plan;

11 (B) waiver of the infringement notice penalty; or

12 (iii) dispute liability for the offence;

13 **[1.27] Section 14B (2) (c) (i)**

14 *after*

15 offence

16 *insert*

17 , or if a discharge action happens

1 **[1.28] New sections 14EA and 14EB**

2 *insert*

3 **14EA Application for infringement notice management plan or**  
4 **addition to plan—contents—Act, s 31A (4) (b)**

5 (1) The following cards are prescribed:

6 (a) a health care card issued under the *Social Security Act 1991*  
7 (Cwlth);

8 (b) a pensioner concession card issued under the *Social Security*  
9 *Act 1991* (Cwlth);

10 (c) a pensioner concession card issued in relation to a pension  
11 under the *Veterans' Entitlements Act 1986* (Cwlth) or the  
12 *Military Rehabilitation and Compensation Act 2004* (Cwlth);

13 (d) a gold card.

14 (2) In this section:

15 **gold card** means a card known as the Repatriation Health Card—  
16 For All Conditions that evidences a person's eligibility, under the  
17 *Veterans' Entitlements Act 1986* (Cwlth) or the *Military*  
18 *Rehabilitation and Compensation Act 2004* (Cwlth), to be provided  
19 with treatment for all injuries or diseases.

20 **14EB Minimum amount—Act, s 31B (7) (b)**

21 The minimum amount is—

22 (a) \$10 for each fortnight, regardless of how often instalments  
23 must be paid; or

24 (b) if the amount remaining to be paid is less than \$10—the  
25 remaining amount.

- 1 **[1.29] Dictionary, new definition of *discharge action***
- 2 *insert*
- 3 *discharge action*, in relation to a person served with an infringement
- 4 notice, for part 2 (Infringement notices)—see section 4E.
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## Endnotes

- 1 **Presentation speech**  
Presentation speech made in the Legislative Assembly on 21 March 2013.
- 2 **Notification**  
Notified under the [Legislation Act](#) on 2013.
- 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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