

AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY

ROAD TRANSPORT (GENERAL) BILL 1999

AMENDMENTS

EXPLANATORY MEMORANDUM

Circulated by authority of
Brendan Michael Smyth MLA
Minister for Urban Services

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Explanatory Memorandum

This explanatory note relates to the amendments to be introduced into the Assembly by Brendan Michael Smyth MLA, Minister for Urban Services.

Overview of the amendments

The purpose of the amendments is:

- (a) To amend the commencement date of the *Road Transport (General) Act 1999* from 1 December 1999 to the date of notification in the Gazette and to provide that other provisions will commence, either on a day fixed by the Minister by notice in the Gazette, or 6 months after commencement of the *Road Transport (General) Act 1999*.
- (b) To make amendments to the Road Transport (General) Bill 1999 in accordance with some of the recommendations made by the Standing Committee on Justice and Community Safety (hereinafter called "the Committee"), Scrutiny Report No. 14 of 1999.
- (c) To make amendments to proposed sections 66 and 142 the Road Transport (General) Bill 1999.

Outline of Amendments

1. The amendment has been made to change the date of commencement of the *Road Transport (General) Act 1999* from 1 December 1999 to a date notified in the Gazette. The remaining provisions will commence either on a day fixed by the Minister by notice in the Gazette or 6 months after the commencement of the Act.

2. & 3. The amendments have been made to provide sunset provisions in relation to clause 9. The amendments will cause a regulation made under clause 9 to expire 6 months after it commences and the clause itself to expire 2 years after commencement.
4. The amendment requires the Road Transport Authority to apply specified criteria before approving a person to be an authorised person under the road transport legislation.
5. & 6. The amendments have been made to clarify the position that a person is ineligible to apply for a licence rather than the notion, that a person may apply for a licence and be unsuccessful, which is implied in the deleted words of "cannot obtain".
7. The proposed section 82(1) has been amended to allow for a defence of "reasonable excuse". The proposed section as amended will now allow for a person to use a motor vehicle without the owner's consent provided he or she has a reasonable excuse.
8. The amendments to the proposed section 142 is the inclusion of the word "state" to subsections (2)(d), (e), (f), & (g). These amendments are required to overcome a grammatical problem only.
9. & 10. The amendments to these proposed subsections are to meet concerns of the Committee that the Authority should only exercise its discretion on reasonable grounds.
11. The amendment is the omission of the proposed subclause 189(6). This amendment is in response to the Committees' concern that the inclusion of this subsection would hinder discovery.
12. The amendment is the inclusion of a new proposed section to enable the Minister to issue guidelines for the exercise of powers in relation to authorised insurers.
13. The amendment is a minor revision to the definition of 'offence of culpable driving' located in the Dictionary.