

THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY

**MOTOR TRAFFIC (AMENDMENT) BILL (NO. 4) 1996**  
**SUPPLEMENTARY EXPLANATORY MEMORANDUM**

Amendments to be moved on behalf of the Government

**AMENDMENT 1**

Sub-clause 2 (1) of the *Motor Traffic (Amendment) Bill (No. 4) 1996* (the MTA Amendment Bill) states that clauses 1, 2 and 3 of the MTA Amendment Bill commence on the date it is notified in the Gazette. Sub-clause 2 (2) states that the rest of the MTA Amendment Bill commences on a day or days fixed by the Minister by notice in the Gazette. Subsection 2 (3) states that if any provisions of the MTA Amendment Bill have not commenced by 6 months from the date it is notified in the Gazette, they automatically commence.

The first amendment extends the period of time in subsection 2 (3) from 6 months from the date the MTA Amendment Bill is notified in the Gazette to 12 months from the date the MTA Amendment Bill is notified in the Gazette. This will allow more time for the possible development of non-residential parking areas for truck drivers affected by the MTA Amendment Bill and the Code of Practice.

**AMENDMENT 2**

The second amendment is necessary as a result of the passage on 3 December 1996 of the *Land (Planning and Environment) (Amendment) Act (No. 3)* (Land Amendment Act). The Scrutiny of Bills Committee foreshadowed the possible need for this amendment in its Report No. 17.

The Schedule to the Land Amendment Act removed references to the "Registrar" in section 256 of the *Land (Planning and Environment) Act 1991* (Land Act) and substituted references to the "Minister". This means that the Minister not the Registrar may make orders under section 256. The amendments in this Bill simply seek to make the amendments in clause 18 of the MTA Amendment Bill function in the changed environment of section 256. In summary, these amendments ensure that the minister administering the Land Act must consult with the Minister administering the *Motor Traffic Act 1936* (MTA) when dealing with application for an order regarding the parking of heavy vehicles under Division 4 of Part X of the MTA.

Sub-clause 18 (a) requires the Minister administering the MTA to be notified when an application for an order under section 256 of the Land Act that deals with the parking of heavy vehicles under Division 4 of Part X of the MTA is received. (Under subsection 256 (4) of the Land Act, such a notice must contain a statement that the recipient may make submissions within 7 days to the Minister about the making of an order.) This amendment was required because paragraph 256 (3) (a) of the Land Act was removed by the Land Amendment Act No. 3.

Sub-clause 18 (b) requires any submissions made by the Minister administering the MTA to be considered before an order is made. This amendment was required because paragraph 256 (4A) (a) of the Land Act was removed by the Land Amendment Act No. 3.

Sub-clause 18 (c) requires the Minister administering the MTA to be notified whenever an order under section 256 of the Land Act that deals with the parking of heavy vehicles under Division 4 of Part X of the MTA is made. This amendment was required because subsection 256 (4C) of the Land Act was removed by the Land Amendment Act No. 3.

This amendment has no financial implications.