

2009

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ASSEMBLY AMENDMENTS –
DANGEROUS GOODS (ROAD TRANSPORT) BILL 2009**

EXPLANATORY STATEMENT

Circulated by authority of
Jon Stanhope MLA
Minister for Transport

Amendment 1

Clause 28 (1) of the bill creates an offence relating to the unlicensed transport of dangerous goods by a prime contractor. Under subclause (4) the offence is a strict liability offence. This amendment amends subclause (4) so that the offence is not a strict liability offence. The offence is not appropriate for strict liability given its penalty level of 500 penalty units, imprisonment for 2 years or both.

Amendment 2

This amendment omits clause 59 (1) (c) which allows an authorised person to require someone else to produce a record etc relating to or indicating an offence against the Act. The paragraph abrogates the common law right against selfincrimination in the context of a criminal investigation.

Amendment 3

Clause 151 allows a competent authority to exempt people from the requirements of a regulation. The amendment amends subclause (2) to provide that a competent authority must be satisfied ‘on reasonable grounds’ in relation to the matters about which it must be satisfied before giving an exemption.

Amendments 4 and 5

Clause 155 (1) provides that a competent authority that gives an exemption may cancel the exemption. The subclause is amended to complement amendment 3 by requiring a competent authority to be satisfied ‘on reasonable grounds’ before it takes action under the provision to cancel an exemption.