

2012

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

**ROAD TRANSPORT (GENERAL) (INFRINGEMENT NOTICES) AMENDMENT
BILL 2012**

SUPPLEMENTARY EXPLANATORY STATEMENT

**Circulated by
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9 May 2012

This Supplementary Explanatory Statement complements the existing Explanatory Statement that was tabled with the Road Transport (General) (Infringement Notices) Amendment Bill 2012 (the Bill). It explains additional amendments to the Bill, which were tabled by the ACT Greens on 9 May 2012.

The amendments ensure that the Bill accurately amends the *Road Transport (General) Act 1999* following the changes that were made to that Act by the Government's *Road Transport (General) Amendment Act 2012*.

The amendments also make several small technical changes, primarily to allow regulations to prescribe more detail regarding the administration of the flexible payment options introduced by the Bill.

The effect and purpose of the Bill remain the same. These are explained in the existing Explanatory Statement, which was tabled with the original bill.

Amendment 1

This amendment changes the commencement date of the Act. It allows the Minister to commence the Act on notice. However, the Act will automatically commence after one year, if not commenced earlier. One year gives the relevant Government agencies time to update all of their administrative and computer systems, and to establish relevant community work and social development programs.

Amendment 2

This is a technical amendment to ensure that the Bill accurately amends the updated *Road Transport (General) Act 1999*.

Amendment 3

This is a technical amendment to ensure that the Bill accurately amends the updated *Road Transport (General) Act 1999*.

Amendment 4

The amendment updates references to concessions by referring to the relevant Commonwealth Acts.

It allows regulations to prescribe further concessions that will allow automatic eligibility for payment by instalment. It also allows the administering authority to request further information from an applicant which may assist the authority to make a decision on whether to grant the option of payment by instalment.

New section 30D is amended so that the administering authority refers applications to discharge a penalty by community work or social development program to the director-general responsible for the *Crimes (Sentence Administration) Act 2005*. The director-general is an appropriate decision

maker as they already have experience managing community service programs that are ordered through the court. The amendment also allows the administering authority to consult with the director-general for the purpose of deciding whether it is appropriate to waive a person's fine.

The amendment allows the making of regulations to assist with the administration of community work or social development programs, and applications. It also allows the director-general to request further information from an applicant which may assist the making of a decision on whether to allow the discharge of a penalty via community work or social development program.

The amendment ensures that programs of community work or social development are approved by the director general, and that approvals are disallowable instruments.

The amendment allows categories of 'special circumstances' to be added by regulation.

The amendment allows regulation to prescribe further details on the application process for instalments, community work or social development program, or waiver – such as further details that an applicant must include on an application and the way that payments can be made.

This amendment also makes technical changes to ensure that the Bill accurately amends the updated *Road Transport (General) Act 1999*.

Amendment 5

This amendment makes technical changes to ensure that the Bill accurately amends the updated *Road Transport (General) Act 1999*.

Amendment 6

This amendment makes technical changes to ensure that the Bill accurately amends the updated *Road Transport (General) Act 1999*.

Amendment 7

This amendment makes technical changes to ensure that the Bill accurately amends the updated *Road Transport (General) Act 1999*.

The amendment also allows regulations to provide detail about the circumstances under which the administering authority may reinstate a suspended license (after initially revoking the suspension), the circumstances to be considered in these matters, the detail that must be contained in notification letters provided to the license holder, and detail that must be provided to the administering authority regarding compliance with instalments payments/community service and social development programs.

Amendment 8

This amendment makes technical changes to ensure that the Bill accurately amends the updated *Road Transport (General) Act 1999*.

Amendment 9

This amendment ensures that a person can apply for internal review of decisions to not allow payment by instalments, discharge of a penalty by completing community work or social development program, or waiver of a payment.

Amendment 10

This amendment makes technical changes to ensure that the Bill accurately amends the updated *Road Transport (General) Act 1999*.