

Australian Capital Territory

Road Transport (General) (Community Work or Social Development Program) Approval 2019 (No 1)

Notifiable instrument NI2019–566

made under the

Road Transport (General) Act 1999, s31D (Approval of community work or social development program)

EXPLANATORY STATEMENT

The infringement notice management scheme for road transport offences in the ACT is established by Part 3 of the *Road Transport (General) Act 1999* (the Act) and the *Road Transport (Offences) Regulation 2005*.

The Act provides for individuals and corporations who have been served with an infringement notice for an infringement notice offence to apply to enter into an infringement notice management plan. An infringement notice management plan is an arrangement with the administering authority to discharge a penalty for an infringement notice offence.

If the applicant is an individual, a plan may allow the person with outstanding penalties to pay by instalment or to discharge their liability to pay the amount of the penalties by participating in an approved community work or social development program. Corporations may only apply for a plan for instalment payments.

Section 31D of the Act provides for the responsible director-general to approve a community work or social development program. The responsible-director general is the Director-General of the Justice and Community Safety Directorate as the Directorate responsible for part 6.2 (Good behaviour-community service work) of the *Crimes (Sentence Administration) Act 2005* under the *Administrative Arrangements 2019 (No 1)*.

Clause 1 names the instrument as the *Road Transport (General) (Community Work or Social Development Program) Approval 2019 (No 1)*.

Clause 2 states that the instrument commences on 24 May 2013. This retrospective commencement is non-prejudicial and is necessary to provide formal approval of courses undertaken as part of an infringement notice management plan and validates the undertaking of these activities.

The *Road Transport Legislation Amendment Act 2013* introduced the ability for a person issued with an infringement notice penalty to undertake an approved community work or social development program as a means of discharging the penalty.

Since these provisions commenced community work and social development programs have been available and accessed by the community. The available programs and the operational approval of the programs has been aligned to the requirements of the legislation. A person participating in a community work or social development program has been considered to have discharged their liabilities according to the requirements and provisions outlined in the legislation.

Clause 3 approves the community work and social development programs listed in schedule 1 to the instrument.