

Road Transport (General) Extension of Time Guidelines (No 1)

Disallowable instrument DI2019–213

made under the

Road Transport (General) Act 1999, section 30 (Extension of time - guidelines)

EXPLANATORY STATEMENT

Section 30 of the *Road Transport (General) Act 1999* (the Act) provides that the Minister may issue guidelines for deciding applications for extensions of time, including applications for extensions of time that are made after time for doing something under section 26 (2) or 28 (2) of the Act has ended.

Clause 1 and 2 are formal provisions that deal with the name and commencement of the instrument.

Clause 3 establishes that schedule 1 contains the guidelines for the administering authority to assess applications for extensions of time made in time and out of time.

A person who receives an infringement notice or reminder notice may apply for an extension of time in order to do one or more of the following, in relation to the infringement notice or reminder notice received:

- Pay the infringement notice penalty stated in the notice.
- Apply to the administering authority to enter into an infringement notice management plan or add the infringement notice penalty to an existing infringement notice management plan.
- Apply to the administering authority for waiver of the infringement notice penalty.
- Apply for withdrawal of the infringement notice.
- Give the administering authority an infringement notice declaration asserting that they were not the person who committed the infringement notice offence to which the infringement notice relates.
- Give the administering authority written notice disputing liability.

Decisions on applications for extensions of time are reviewable decisions and the administering authority must give reasons for its decision(s).

Applications for an extension of time made in time (i.e. before the end of the allowed timeframe – 28 days) do not require an applicant to provide a reason for the extension. Unless an extension timeframe is specified and that timeframe is no longer than six months, an extension will automatically be granted for 60 days.

Applications for an extension of time made out-of-time can be made if a person has been served with a reminder notice, has not undertaken any action as set out in section 28 (2) of the Act and the time for doing something, including any extension of time under a previous application, has ended.

Out-of-time applications must specify the special circumstances for why the application should be approved. The administering authority can request additional information from the applicant if required.

Clause 4 sets out the definitions used in the instrument.