

Road Transport (General) (COVID-19 Emergency Response) Application Order 2022 (No 1)

Disallowable instrument DI2022-2

made under the

Road Transport (General) Act 1999, section 14 (Application orders and emergency orders)

EXPLANATORY STATEMENT

This instrument is made under section 14 of the *Road Transport (General) Act 1999* (the Act).

Section 14 (1) allows the Minister to order that the operation of regulations made under the road transport legislation, or a provision of such regulations, is suspended for a stated period or varied in the way stated in the order.

An order under subsection (1) is a disallowable instrument.

Road transport legislation is defined in section 6 of the Act and includes any other Act or any regulation prescribed by regulation.

The *Road Transport (Driver Licensing) Regulation 2000* forms part of the road transport legislation. This instrument orders that two sections of this regulation are varied in response to the current emergency.

BACKGROUND

On 30 January 2020, the Director-General of the World Health Organisation (WHO) declared the outbreak of COVID-19 a Public Health Emergency of International Concern. On 11 March 2020, the Director-General of the WHO declared COVID-19 a global pandemic. The WHO requested that every country urgently take necessary measures to ready emergency response systems.

On 16 March 2020, the Minister for Health declared a public health emergency under section 119 of the *Public Health Act 1997* (the Public Health Act) due to the public health risk to the ACT community posed by COVID-19. The emergency declaration has since been extended a number of times.

From 5pm on 12 August 2021, the ACT went into lockdown restrictions to contain the spread of COVID-19 and reduce its risk to the health of Canberrans. The *Road Transport (General) (COVID-19 Emergency Response) Application Order 2021 (No 1)* varied certain road transport legislation to ensure members of the community were not disadvantaged during the

lockdown due to the necessary suspension of Government and other Services. Although the lockdown has ended, businesses and various Government services continue to be impacted while managing the current health emergency and it is necessary for certain arrangements to be extended.

This instrument continues two of the arrangements progressed in the *Road Transport (General) (COVID-19 Emergency Response) Application Order 2021 (No 1)* about driver licence expiry dates. This instrument orders that two sections of the *Road Transport (Driver Licensing) Regulation 2000* are varied to extend the expiry date of learner licences for six months to ensure that members of the community are not disadvantaged at this time due to the impact of the current health emergency on Government and non-Government services and the community in general.

HUMAN RIGHTS IMPLICATIONS

The instrument does not engage any human rights set out in the *Human Rights Act 2004*.

CLIMATE CHANGE IMPLICATIONS

There are no climate change implications associated with this instrument.

CLAUSE NOTES

Clause 1 Name of instrument

This clause specifies the name of the instrument. This clause provides that the instrument may be cited as the *Road Transport (General) (COVID-19 Emergency Response) Application Order 2022 (No 1)*.

Clause 2 Commencement

This clause provides that the instrument commences on the day after notification.

Clause 3 Expiry

This clause states that this instrument expires on 2 April 2022, or if revoked earlier, when it is revoked.

Clause 4 Duration of learner licences—new s 18 (4C) and (4D)

Section 18 of the *Road Transport (Driver Licensing) Regulation 2000* provides for the duration of learner licences. Under subsection (1), a learner motorcycle licence has a duration of 1 year.

This clause orders that section 18 of the *Road Transport (Driver Licensing) Regulation 2000* is varied by inserting new subsections (4C) and (4D) to provide that a learner motorcycle licence that expires between 1 February 2022 and 31 March 2022, will now expire 6 months after the day of the licence's original expiry.

This clause ensures that members of the community are not disadvantaged at this time due to the impact of the current health emergency on Government and non-Government services and the community in general. This approach extends the current arrangements in the *Road Transport (General) (COVID-19 Emergency Response) Application Order 2021 (No 1)*.

Clause 5 Old learner licence—extension of duration—s 172A

Since 1 January 2020, any person who has renewed their learner licence has transitioned to the new ACT driver licensing scheme for learner and provisional drivers that commenced on that day and must satisfy any new eligibility requirements for a provisional licence.

In 2020, the period for which learner licences issued prior to 1 January 2020 but expiring after was extended by 12 months in response to COVID-19. Similar arrangements were progressed in the *Road Transport (General) (COVID-19 Emergency Response) Application Order 2021 (No 1)* to extend licences that expire between 9 August 2021 and 31 January 2022 for an additional 6 months.

This clause further preserves the old licensing scheme for a person who holds a learner licence issued under the pre-amendment regulation (i.e. a licence issued before 1 January 2020) that expires between 1 February 2022 and 31 March 2022 for an additional 6 months.