

Magistrates Court (Extension of Time) Guidelines 2024 (No 1)

Disallowable instrument DI2024-151

made under the

Magistrates Court Act 1930, section 124A (Extension of time - guidelines)

EXPLANATORY STATEMENT

Section 124A of the *Magistrates Court Act 1930* (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 the time for doing something mentioned in section 124(1).

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 in relation to taking action in response to an infringement notice or reminder notice received for an infringement notice offence.

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 for withdrawal of the infringement 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.
- Give the administering authority a declaration as described at Division 3.8.3 (Additional provisions for vehicle-related offences) of the *Magistrates Court Act 1930*.
- Apply to the administering authority for waiver of the infringement notice penalty.
- 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 124(1)(a)-(e) 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.