



Australian Capital Territory

Road Transport Legislation Amendment Act 2013

A2013-13

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Australian Capital Territory

Road Transport Legislation Amendment Act 2013

A2013-13

An Act to amend legislation about road transport

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Road Transport Legislation Amendment Act 2013*.

2 Commencement

- (1) Part 1 and part 2 commence on the day after this Act's notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

- (2) The remaining provisions commence on the commencement of the *Road Transport (General) (Infringement Notices) Amendment Act 2012*, section 3.

3 Legislation amended

This Act amends the following legislation:

- [Road Transport \(Driver Licensing\) Act 1999](#)
- [Road Transport \(General\) Act 1999](#)
- [Road Transport \(Safety and Traffic Management\) Act 1999](#)
- [Road Transport \(Vehicle Registration\) Regulation 2000](#).

Note This Act also amends other legislation (see sch 1).

Part 2 Road Transport (Driver Licensing) Act 1999

4 Offences committed by disqualified drivers etc Section 32 (5)

omit

, (2)

5 New section 32 (5A)

after the note, insert

- (5A) If a court convicts a person of an offence against subsection (2), the person is automatically disqualified from holding or obtaining a driver licence—
- (a) if the suspension was under the *Road Transport (General) Act 1999*, part 3 (Infringement notices for certain offences) or part 6 (Fine defaulters) or a law of another jurisdiction corresponding to part 3 or part 6 (or to part of it)—for 1 month or, if the court orders a longer period, the longer period; or
 - (b) if the suspension was under division 2.3 (Demerit points system) or a law of another jurisdiction corresponding to division 2.3 (or to part of it)—for 3 months or, if the court orders a longer period, the longer period; or
 - (c) in any other case—
 - (i) for a first offender—for 3 months or, if the court orders a longer period, the longer period; or
 - (ii) for a repeat offender—for 12 months or, if the court orders a longer period, the longer period.

Part 3 Road Transport (General) Act 1999

6 Definitions—pt 3 Section 21A, new definitions

insert

approved community work or social development program means a community work or social development program approved under section 31D (Approval of community work or social development program).

infringement notice management plan—see section 31A.

relevant circumstances, of a person, means any of the following circumstances that relate to the person and significantly affect the person's ability to pay an infringement notice penalty:

- (a) mental or intellectual disability or mental disorder;
- (b) physical disability, disease or illness;
- (c) addiction to drugs, alcohol or another substance;
- (d) being subjected to domestic violence;
- (e) homelessness, or living in crisis, transitional or supported accommodation;
- (f) anything else prescribed by regulation.

responsible director-general means the director-general responsible for the *Crimes (Sentence Administration) Act 2005*, part 6.2 (Good behaviour—community service work).

**7 Purpose and effect of pt 3
Section 22 (2) (b) (ii)**

substitute

- (ii) the person does not comply with an infringement notice or reminder notice served on the person for the offence, or an infringement notice management plan entered into in relation to the offence; or

**8 Infringement notice—payment of penalty etc
Section 26 (2) (aa)**

substitute

- (aa) apply to the administering authority to—
 - (i) enter into an infringement notice management plan; or
 - (ii) if the person has an infringement notice management plan—add the infringement notice penalty for the offence to the plan; or
 - (iii) waive the infringement notice penalty;

Note See s 31A for applications to enter into infringement notice management plans and applications to add infringement notice penalties to plans.
See s 31F for applications for waiver of infringement notice penalties.

**9 Action on service of reminder notice—payment of penalty etc
Section 28 (2) (aa)**

substitute

- (aa) apply to the administering authority to—
 - (i) enter into an infringement notice management plan; or

(ii) if the person has an infringement notice management plan—add the infringement notice penalty for the offence to the plan; or

(iii) waive the infringement notice penalty;

Note See s 31A for applications to enter into infringement notice management plans and applications to add infringement notice penalties to plans.

See s 31F for applications for waiver of infringement notice penalties.

10 Sections 30A to 30E

substitute

Division 3.2A Infringement notice management plans

31A Application for infringement notice management plan or addition to plan

- (1) This section applies if a person is served with an infringement notice or reminder notice for an infringement notice offence.
- (2) If the person is an individual, the individual may apply to the administering authority—
 - (a) to enter into an arrangement (an *infringement notice management plan*) with the authority for discharge of the penalty for the offence by—
 - (i) payment by instalment; or
 - (ii) participating in an approved community work or social development program; or

- (b) if the individual has an infringement notice management plan—to add the infringement notice penalty for the offence to the individual's plan.

Note If a form is approved under s 225 for this provision, the form must be used.

- (3) If the person is a corporation, the corporation may apply to the administering authority—
 - (a) to enter into an arrangement (also an *infringement notice management plan*) with the authority for discharge of the penalty for the offence by payment by instalment; or
 - (b) if the corporation has an infringement notice management plan—to add the infringement notice penalty for the offence to the corporation's plan.
- (4) The application must include—
 - (a) information about the person's financial circumstances; and
 - (b) if the person is the holder of a card prescribed by regulation that is current—that information; and
 - (c) if the application is to participate in an approved community work or social development program—information about any relevant circumstances of the person; and
 - (d) anything else prescribed by regulation.

31B Application for infringement notice management plan or addition to plan—decision

- (1) On application by a person under section 31A, the administering authority must—
 - (a) allow the application; or
 - (b) refuse the application.

- (2) The administering authority may, in writing, ask the applicant or a person mentioned in the application for more information to assist the authority to make a decision under this section.
- (3) If the person is applying for an infringement notice management plan that allows payment by instalments, the administering authority—
 - (a) must allow the application if the person is the holder of a card mentioned in section 31A (4) (b); and
 - (b) in any other case—may allow the application if satisfied on reasonable grounds that it is justified because of the person’s financial circumstances.
- (4) If the person is applying for an infringement notice management plan that allows participation in an approved community work or social development program, the administering authority must allow the application if the responsible director-general agrees to the person participating in an approved community work or social development program under section 31C.
- (5) If the administering authority allows an application for an infringement notice management plan that allows payment by instalments, the authority may decide the amount of the instalments that must be paid.
- (6) The administering authority must—
 - (a) if the application is allowed, tell the person in writing—
 - (i) about the arrangements for entering into the infringement notice management plan or that the penalty has been added to the person’s infringement notice management plan; and
 - (ii) if the person is paying instalments under the plan—that the authority may decide the amount of the instalments that must be paid; or

- (b) if the application is refused—tell the person in writing about the refusal and the reasons for the refusal.
- (7) A regulation may make provision in relation to the following:
- (a) any conditions applying to allowing an application under section 31A;
 - (b) conditions applying to infringement notice management plans, including the minimum amount that may be paid as an instalment under a plan;
 - (c) the payment of amounts under an infringement notice management plan, including the consequences of a payment not being honoured;
 - (d) the arrangements for participating in an approved community work or social development program, including when participation in an approved community work or social development program is taken to be finished and evidence of participation.

31C Approved community work or social development program—responsible director-general’s agreement

- (1) On receiving an application for an infringement notice management plan that allows a person to participate in an approved community work or social development program, the administering authority must ask the responsible director-general if the director-general agrees to the applicant participating in an approved community work or social development program.
- (2) The responsible director-general must—
 - (a) agree to the applicant participating in an approved community work or social development program; or
 - (b) refuse to agree.

- (3) The responsible director-general may, in writing, ask the applicant or a person mentioned in the application for more information to assist the director-general to make a decision under this section.
- (4) The responsible director-general may agree to the applicant's participation in an approved community work or social development program if satisfied on reasonable grounds that—
 - (a) it is justified because of either or both of the following:
 - (i) the financial circumstances of the applicant;
 - (ii) any relevant circumstances of the applicant; and
 - (b) the applicant is suitable to participate in the program.
- (5) The responsible director-general may make guidelines about the exercise of the director-general's functions under subsection (4).
- (6) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

31D Approval of community work or social development program

- (1) The responsible director-general may approve a community work or social development program for this division.
- (2) An approval is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

31E Effect of refusal of application for infringement notice management plan

- (1) If the administering authority refuses an application under section 31B (Application for infringement notice management plan or addition to plan—decision), the applicant must—
 - (a) if a reminder notice has not been served on the applicant—do something mentioned in section 26 (2) (a), (aa) (iii), (b), (c) or (d); or
 - (b) if a reminder notice has been served on the applicant—do something mentioned in section 28 (2) (a), (aa) (iii), (b), (c) or (d).
- (2) The applicant must do something under this section not later than the later of—
 - (a) 7 days after the applicant is given notice of the refusal; and
 - (b) 28 days after the infringement notice or reminder notice was served (or any extension of time allowed under section 29).

Note For the recording of demerit points against the person, see the [Road Transport \(Driver Licensing\) Act 1999](#), s 13A.

11 Section 30F

substitute

Division 3.2B Waiver of infringement notice penalties

31F Application for waiver of penalty

- (1) A person served with an infringement notice or reminder notice for an infringement notice offence may apply to the administering authority for waiver of the infringement notice penalty for the infringement notice offence.

Note If a form is approved under s 225 for this provision, the form must be used.

- (2) The application must set out—
- (a) the person's financial circumstances; and
 - (b) the person's relevant circumstances; and
 - (c) anything else prescribed by regulation.

**12 Application for waiver of penalty—decision
Section 30G (3) (b)**

substitute

- (b) relevant circumstances exist in relation to the applicant; and

13 Section 30G (6)

omit

14 Section 30G (as amended)

renumber as section 31G

**15 Time for beginning prosecution for infringement notice offence
Section 31**

relocate to division 3.2

16 New section 31H

insert

31H Effect of refusal of application for waiver of penalty

- (1) If the administering authority refuses an application under section 31G (Application for waiver of penalty—decision), the applicant must—
 - (a) if a reminder notice has not been served on the applicant—do something mentioned in section 26 (2) (a), (aa) (i) or (ii), (b), (c) or (d); or
 - (b) if a reminder notice has been served on the applicant—do something mentioned in section 28 (2) (a), (aa) (i) or (ii), (b), (c) or (d).
- (2) The applicant must do something under this section not later than the later of—
 - (a) 7 days after the applicant is given notice of the refusal; and
 - (b) 28 days after the infringement notice or reminder notice was served (or any extension of time allowed under section 29).

Note For the recording of demerit points against the person, see the [Road Transport \(Driver Licensing\) Act 1999](#), s 13A.

**17 Infringement notice—withdrawal
Section 36 (4) (b)**

omit

amount paid

substitute

amount paid, unless the person has an infringement notice management plan for the penalty

18 New section 36A

insert

36A Infringement notice—effect of withdrawal on infringement notice management plan

- (1) This section applies if—
 - (a) a person has an infringement notice management plan for an infringement notice penalty for an infringement notice offence; and
 - (b) the administering authority withdraws the infringement notice for the infringement notice offence.
- (2) The administering authority must—
 - (a) if the total amount owing under the plan is less than the amount of the penalty—cancel the plan and refund the difference between the amount owing and the penalty; or
 - (b) if the total amount owing under the plan is the same as the amount of the penalty—cancel the plan; or
 - (c) if the total amount owing under the plan is more than the amount of the penalty—remove the penalty from the plan and reduce the amount owing by the amount of the penalty.

**19 Infringement notice—effect of refusal to withdraw
Section 37 (1) (a)**

omit

26 (2) (a)

substitute

26 (2) (a), (aa)

20 Section 37 (1) (b)

omit

28 (2) (a)

substitute

28 (2) (a), (aa)

21 Section 37 (1), note

substitute

Note For the recording of demerit points for the offence against the person, see the [Road Transport \(Driver Licensing\) Act 1999](#), s 13A.

22 Section 39

substitute

39 Infringement notice—effect of penalty payment etc

(1) This section applies—

(a) if—

(i) a person has been served with an infringement notice for an offence; and

- (ii) 1 of the following things happens:
 - (A) the person pays the infringement notice penalty for the offence in accordance with this part;
 - (B) the person enters into an infringement notice management plan for the infringement notice penalty for the offence or the penalty is added to the person's infringement notice management plan;
 - (C) the administering authority waives the infringement notice penalty for the offence; and
- (iii) when the thing happened—
 - (A) the infringement notice had not been withdrawn; and
 - (B) an information had not been laid in the Magistrates Court against the person for the offence; or
- (b) if—
 - (i) more than 1 infringement notice for the same infringement notice offence has been served on a person and none of the infringement notices have been withdrawn; and
 - (ii) 1 of the following things happens:
 - (A) the person pays the infringement notice penalty for the offence, in accordance with this part, in relation to 1 notice;
 - (B) the person enters into an infringement notice management plan for the infringement notice penalty for the offence, or the penalty is added to the person's infringement notice management plan, in relation to 1 notice;

- (C) the administering authority waives the infringement notice penalty for the offence in relation to 1 notice; or
- (c) if—
- (i) an infringement notice for an infringement notice offence involving a registrable vehicle has been served; and
 - (ii) 1 of the following things happens:
 - (A) a responsible person for the vehicle at the time of the offence pays the infringement notice penalty for the offence in accordance with this part;
 - (B) a responsible person for the vehicle at the time of the offence enters into an infringement notice management plan for the infringement notice penalty for the offence, or the penalty is added to the person's infringement notice management plan;
 - (C) the administering authority waives the infringement notice penalty for the offence; and
 - (iii) when the thing happened—
 - (A) the infringement notice had not been withdrawn; and
 - (B) an information had not been laid in the Magistrates Court against a responsible person for the vehicle for the offence.
- (2) The person—
- (a) is no longer liable for the offence; and
 - (b) must not be prosecuted for the offence; and
 - (c) is not taken to have been convicted of the offence.

- (3) This section is subject to section 36 (Infringement notice—withdrawal).

**23 Suspension for nonpayment of infringement notice penalties
Section 44 (1) (c) and (d)**

substitute

- (c) the infringement notice has not been withdrawn or the infringement notice penalty for the offence has not been waived; and
- (d) the person does not have an infringement notice management plan for the infringement notice penalty for the offence; and
- (da) the penalty has not been paid to the administering authority within the time for payment under this part; and

24 Section 44 (6)

omit

licence

substitute

licence, or the person's driver licence is suspended,

25 New section 44A

insert

44A Suspension for non-compliance with infringement notice management plan

- (1) This section applies if—
- (a) a person has an infringement notice management plan; and
- (b) the administering authority is satisfied on reasonable grounds that the person has failed to comply with the plan; and

- (c) notice disputing liability for the infringement notice penalty or penalties covered by the plan has not been given to the administering authority in accordance with this part.
- (2) The administering authority must tell the road transport authority about the non-compliance and the road transport authority must—
 - (a) send the person a written notice (a *suspension notice*) that contains the information required by subsection (3); and
 - (b) if the person does not resume complying with the plan before the suspension date in the suspension notice—take action under subsection (5) or (6) (the *suspension action*) on the suspension date.
 - (3) A suspension notice must state—
 - (a) the identifying number (however described) for the person’s infringement notice management plan; and
 - (b) that if the person does not resume complying with the plan by a stated date (the *suspension date*), the road transport authority will take suspension action on the suspension date; and
 - (c) any information prescribed by regulation; and
 - (d) any other information that the road transport authority considers appropriate.
 - (4) However, the suspension date must not be earlier than 10 days after the day the suspension notice is sent to the person.
 - (5) If the person is the holder of a driver licence, the road transport authority must suspend the licence.
 - (6) If the person is not the holder of a driver licence, the road transport authority must suspend the person’s right to drive any vehicle in the ACT.
 - (7) A suspension under this section takes effect on the suspension date.

- (8) If the road transport authority takes suspension action, the authority must send a suspension confirmation notice to the person that states—
 - (a) the suspension date; and
 - (b) the action that was taken on the suspension date; and
 - (c) any information prescribed by regulation; and
 - (d) any other information that the road transport authority considers appropriate.
- (9) A regulation may make provision in relation to—
 - (a) how the administering authority becomes satisfied that a person has failed to comply with the person's infringement notice management plan; and
 - (b) information to be given to the administering authority by the person or anyone else in relation to the person's compliance with the plan.

26 Section 47 heading

substitute

47 Revocation of suspension—penalty paid, discharged or waived

27 Section 47 (1) (b) (ii)

substitute

- (ii) if the person has an infringement notice management plan for the penalty—is discharged by the person doing all of the things that the person is required to do under the plan; or

28 Section 47A*substitute***47A Revocation of suspension—management plan being complied with**

- (1) This section applies if—
 - (a) a suspension is in force under this division because of an infringement notice offence for which an infringement notice has been served on a person; and
 - (b) either—
 - (i) the person enters into, or has the penalty added to, an infringement notice management plan for the infringement notice penalty for the offence; or
 - (ii) if the suspension was for non-compliance with the person's infringement notice management plan for the penalty—the administering authority is satisfied on reasonable grounds that the person has resumed complying with the plan.
- (2) The administering authority must tell the road transport authority about the plan or compliance and the road transport authority must—
 - (a) revoke the suspension; and
 - (b) tell the person in writing that the suspension has been revoked.
- (3) A regulation may make provision in relation to—
 - (a) how the administering authority becomes satisfied that a person has resumed complying with the person's infringement notice management plan; and

- (b) information to be given to the administering authority by the person or anyone else in relation to the person's compliance with the plan.

**29 Review of suspension
Section 48 (3) and (4)**

substitute

- (3) For suspension action mentioned in section 44 (2) (b) (Suspension for nonpayment of infringement notice penalties), the court may make an order under subsection (2) (b) only if it is satisfied that 1 or more of the conditions mentioned in section 44 (1)—
 - (a) did not exist when the suspension action was taken; or
 - (b) no longer exists.
- (4) For suspension action mentioned in section 44A (2) (b) (Suspension for non-compliance with infringement notice management plan), the court may make an order under subsection (2) (b) only if it is satisfied that 1 or more of the conditions mentioned in section 44A (1)—
 - (a) did not exist when the suspension action was taken; or
 - (b) no longer exists.

**30 Procedure if liability disputed
Section 53 (4)**

omit

section 39 (Infringement notice—effect of penalty payment)

substitute

section 39 (Infringement notice—effect of penalty payment etc)

31 Evidentiary certificates
New section 56 (3) (ca) to (cf)

insert

- (ca) a stated person entered into an infringement notice management plan on a stated date;
- (cb) a stated person agreed to take stated steps under the person's infringement notice management plan;
- (cc) a stated person took stated steps to comply with the person's infringement notice management plan;
- (cd) a stated person did not take stated steps to comply with the person's infringement notice management plan;
- (ce) the administering authority gave a notice to a stated person about—
 - (i) the person's failure to take stated steps to comply with the person's infringement notice management plan; and
 - (ii) how the noncompliance was to be dealt with as agreed under the plan;
- (cf) the administering authority took or did not take other stated steps to get a stated person to comply with the person's infringement notice management plan;

32 Effect of disqualification
Section 66, note 2, 1st dot point

substitute

- s 45 (3) (which is about suspension in relation to an infringement notice)

33 Dictionary, definition of *approved community work or social development program*

substitute

approved community work or social development program, for part 3 (Infringement notices for certain offences)—see section 21A.

34 Dictionary, new definition of *infringement notice management plan*

insert

infringement notice management plan, for part 3 (Infringement notices for certain offences)—see section 31A.

35 Dictionary, new definitions

insert

relevant circumstances, of a person, for part 3 (Infringement notices for certain offences)—see section 21A.

responsible director-general, for part 3 (Infringement notices for certain offences)—see section 21A.

Part 4

**Road Transport (Safety and
Traffic Management) Act 1999**

**36 Inspection and purchase of images taken by traffic
offence detection devices
Section 27 (1) (b)**

substitute

- (b) a person nominated in an illegal user declaration, known user declaration or sold vehicle declaration under the [Road Transport \(General\) Act 1999](#) by the responsible person for a vehicle shown in an image taken by a traffic offence detection device.

Part 5 Road Transport (Vehicle Registration) Regulation 2000

37 Dictionary, definition of *infringement notice*, paragraph (a)

substitute

- (a) means a notice served under the *Road Transport (General) Act 1999*, section 24 (Infringement notices); and

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Road Transport (Driver Licensing) Act 1999

[1.1] Section 12 (3) (c) and (d) and note

substitute

- (c) if the person is served with an infringement notice for the offence and the person applies in accordance with the [Road Transport \(General\) Act 1999](#) for additional time to pay the infringement notice penalty for the offence or do a relevant thing—the administering authority for the offence allows the person additional time to do the thing; or
- (d) if the person is served with an infringement notice for the offence and the person does not pay the infringement notice penalty for the offence or do a relevant thing—the time within which the thing is required to be done under that Act has ended.

Note For when an infringement notice penalty is payable etc, see the [Road Transport \(General\) Act 1999](#), div 3.2.

[1.2] New section 12 (5)

insert

(5) In this section:

relevant thing means—

- (a) apply for either of the following in accordance with the *Road Transport (General) Act 1999*:
 - (i) an infringement notice management plan or, if the person has an infringement notice management plan, the addition of the infringement notice penalty to the plan;
 - (ii) waiver of the infringement notice penalty; or
- (b) apply for withdrawal of the infringement notice in accordance with the *Road Transport (General) Act 1999*; or
- (c) give an infringement notice declaration in accordance with the *Road Transport (General) Act 1999*; or
- (d) give a notice disputing liability for the offence in accordance with the *Road Transport (General) Act 1999*.

[1.3] Section 13A (1) (c)

substitute

- (c) the person is served with an infringement notice for the offence, the person applies in accordance with the *Road Transport (General) Act 1999* for either of the following and the administering authority allows the person the option sought:
 - (i) an extension of time to pay the infringement notice penalty;
 - (ii) an infringement notice management plan or, if the person has an infringement notice management plan, the addition of the infringement notice penalty to the plan; or

[1.4] Section 13A (1) (ca)

omit

requirement to pay, and the administering authority waives the payment

substitute

infringement notice penalty for the offence, and the administering authority waives the penalty

Part 1.2 Road Transport (Driver Licensing) Regulation 2000

[1.5] Division 6.2, note

substitute

Note See the [Road Transport \(General\) Act 1999](#) for the consequences of the following for a person who is exempt under this div:

- nonpayment of an infringement notice penalty, failure to comply with a notice given under an infringement notice management plan about a failure to make a payment or participate in an approved community work or social development program (s 44, s 44A);
- nonpayment of a fine (s 84).

[1.6] Section 101, note 2

substitute

Note 2 See the [Road Transport \(General\) Act 1999](#) for the consequences of the following for a person who is exempt under this div:

- nonpayment of an infringement notice penalty, failure to comply with a notice given under an infringement notice management plan about a failure to make a payment or participate in an approved community work or social development program (see that [Act](#), s 44, s 44A);
- nonpayment of a fine (see that Act, s 84).

Part 1.3 **Road Transport (General)** **Regulation 2000**

[1.7] Schedule 1, part 1.5, items 1A to 1C

substitute

1A	31B (1) (b)	administering authority—refuse application for infringement notice management plan or addition of infringement notice penalty to infringement notice management plan
1B	31C (2) (b)	responsible director-general—refuse to agree to person participating in approved community work or social development program
1C	31G (1) (b)	administering authority—refuse to allow waiver of payment

Part 1.4 Road Transport (Offences) Regulation 2005

[1.8] New section 4E

insert

4E Meaning of *discharge action*—pt 2

In this part:

discharge action, in relation to a person served with an infringement notice, means—

- (a) the person enters into an infringement notice management plan for the infringement notice penalty; or
- (b) the infringement notice penalty is added to the person's infringement notice management plan; or
- (c) the administering authority waives the infringement notice penalty.

[1.9] Section 14A (2) (a)

after

following

insert

things

[1.10] Section 14A (2) (a) (ia)

substitute

- (ia) apply to the administering authority for—
 - (A) an infringement notice management plan or, if the person has an infringement notice management plan, the addition of the infringement notice penalty to the plan; or
 - (B) waiver of the infringement notice penalty;

[1.11] Section 14A (2) (a) (iv)

substitute

- (iv) apply to the administering authority for additional time to do the thing;

[1.12] Section 14A (2) (d)

substitute

- (d) a statement that the notice may be withdrawn at any time;

[1.13] Section 14A (2) (e)

omit everything before subparagraph (i), substitute

- (e) a statement to the effect that, if the person pays the infringement notice penalty within the required time or a discharge action happens—

[1.14] Section 14A (2) (h)

omit

time, payment of the penalty may be enforced

insert

time, or a discharge action does not happen, enforcement action may be taken

[1.15] Section 14A (2) (ia)

substitute

(ia) how the person may apply for—

- (i) an infringement notice management plan or, if the person has an infringement notice management plan, the addition of the infringement notice penalty to the plan; or
- (ii) waiver of the infringement notice penalty;

[1.16] Section 14A (2) (j)

substitute

(j) how the person may apply for additional time to—

- (i) pay the infringement notice penalty; or
- (ii) apply for either of the following:
 - (A) an infringement notice management plan or, if the person has an infringement notice management plan, the addition of the infringement notice penalty to the plan;
 - (B) waiver of the infringement notice penalty; or
- (iii) give an infringement notice declaration; or
- (iv) dispute liability for the offence;

[1.17] Section 14A (2) (k) (i)

after

offence

insert

, or if a discharge action happens

[1.18] Section 14B (1) (m)

after

following

insert

things

[1.19] Section 14B (1) (m) (ia)

substitute

(ia) apply to the administering authority for—

(A) an infringement notice management plan or, if the person has an infringement notice management plan, the addition of the infringement notice penalty to the plan; or

(B) waiver of the infringement notice penalty;

[1.20] Section 14B (1) (m) (iv)

substitute

(iv) apply to the administering authority for additional time to do the thing;

[1.21] Section 14B (1) (n)

substitute

(n) a statement that the notice may be withdrawn at any time;

[1.22] Section 14B (1) (o)

omit everything before subparagraph (i), substitute

(o) a statement to the effect that, if the person pays the infringement notice penalty within the required time or a discharge action happens—

[1.23] Section 14B (1) (r)

after

required time

insert

, or a discharge action does not happen

[1.24] Section 14B (1) (r) (ii)

omit

payment of the penalty may be enforced

substitute

enforcement action may be taken

[1.25] Section 14B (2) (aa)

substitute

(aa) how the person may apply for—

(i) an infringement notice management plan or, if the person has an infringement notice management plan, the addition of the infringement notice penalty to the plan; or

- (ii) waiver of the infringement notice penalty;

[1.26] Section 14B (2) (b)

substitute

- (b) how the person may apply for additional time to—
 - (i) pay the infringement notice penalty; or
 - (ii) apply for either of the following:
 - (A) an infringement notice management plan or, if the person has an infringement notice management plan, the addition of the infringement notice penalty to the plan;
 - (B) waiver of the infringement notice penalty; or
 - (iii) dispute liability for the offence;

[1.27] Section 14B (2) (c) (i)

after

offence

insert

, or if a discharge action happens

[1.28] New sections 14EA and 14EB

insert

14EA Application for infringement notice management plan or addition to plan—contents—Act, s 31A (4) (b)

- (1) The following cards are prescribed:
 - (a) a health care card issued under the *Social Security Act 1991* (Cwlth);
 - (b) a pensioner concession card issued under the *Social Security Act 1991* (Cwlth);
 - (c) a pensioner concession card issued in relation to a pension under the *Veterans' Entitlements Act 1986* (Cwlth) or the *Military Rehabilitation and Compensation Act 2004* (Cwlth);
 - (d) a gold card.
- (2) In this section:

gold card means a card known as the Repatriation Health Card—For All Conditions that evidences a person's eligibility, under the *Veterans' Entitlements Act 1986* (Cwlth) or the *Military Rehabilitation and Compensation Act 2004* (Cwlth), to be provided with treatment for all injuries or diseases.

14EB Minimum amount—Act, s 31B (7) (b)

The minimum amount is—

- (a) \$10 for each fortnight, regardless of how often instalments must be paid; or
- (b) if the amount remaining to be paid is less than \$10—the remaining amount.

[1.29] Dictionary, new definition of *discharge action*

insert

discharge action, in relation to a person served with an infringement notice, for part 2 (Infringement notices)—see section 4E.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 21 March 2013.

2 Notification

Notified under the [Legislation Act](#) on 17 April 2013.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Road Transport Legislation Amendment Bill 2013, which was passed by the Legislative Assembly on 9 April 2013.

Acting Clerk of the Legislative Assembly

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