

2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Road Transport (General) Amendment Bill 2012

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THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Road Transport (General) Amendment Bill 2012

A Bill for

An Act to amend the *Road Transport (General) Act 1999*, and for other purposes

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

1 **1 Name of Act**

2 This Act is the *Road Transport (General) Amendment Act 2012*.

3 **2 Commencement**

- 4 (1) This Act commences on a day fixed by the Minister by written
5 notice.

6 *Note 1* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 *Note 2* A single day or time may be fixed, or different days or times may be
9 fixed, for the commencement of different provisions (see Legislation
10 Act, s 77 (1)).

11 *Note 3* If a provision (other than a provision mentioned in subsection (2)) has
12 not commenced within 6 months beginning on the notification day, it
13 automatically commences on the first day after that period (see
14 Legislation Act, s 79).

- 15 (2) If any of the following provisions has not commenced within
16 2 years beginning on this Act's notification day, the provision
17 automatically commences on the first day after that period:

18 (a) section 4;

19 (b) sections 9 to 12;

20 (c) section 29;

21 (d) section 30;

22 (e) schedule 1, amendment 1.16.

- 23 (3) The Legislation Act, section 79 (Automatic commencement of
24 postponed law) does not apply to a provision mentioned in
25 subsection (2).

3 Legislation amended

This Act amends the *Road Transport (General) Act 1999*.

Note This Act also amends the following legislation (see sch 1):

- *Road Transport (Driver Licensing) Act 1999*
- *Road Transport (General) Regulation 2000*
- *Road Transport (Mass, Dimensions and Loading) Act 2009*
- *Road Transport (Offences) Regulation 2005*
- *Road Transport (Vehicle Registration) Regulation 2000*.

4 Offences against this Act—application of Criminal Code etc
Section 5A, note 1

insert

- s 43B (Offence—driving interstate corporate vehicle)

5 Section 10

substitute

10 Who is a *responsible person* for a vehicle?

For the road transport legislation, each of the following is a *responsible person* for a vehicle:

- (a) for a registered vehicle—a registered operator of the vehicle, unless the vehicle has been disposed of by the operator;
- (b) for an unregistered vehicle to which a trader's plate is attached—the person to whom the trader's plate is issued under the *Road Transport (Vehicle Registration) Act 1999*;
- (c) for an unregistered vehicle to which no trader's plate is attached—a person who was last recorded as a registered operator of the vehicle;

1 (d) anyone else prescribed by regulation.

2 *Note* A statutory instrument may make different provisions about different
3 matters and apply the provisions differently by reference to stated
4 exceptions or factors (see Legislation Act, s 48).

5 **6 Rights, liabilities and obligations of multiple responsible**
6 **persons**
7 **Section 11 (3)**

8 *omit*

9 **7 New section 21A**

10 *in division 3.1, insert*

11 **21A Definitions—pt 3**

12 In this part:

13 *illegal user declaration* means a statutory declaration made by a
14 responsible person for a registrable vehicle in relation to an
15 infringement notice offence involving the vehicle that includes—

16 (a) a statement that, at the time of the offence, another person was
17 in possession or control of the vehicle without the consent of
18 an owner of the vehicle; and

19 (b) any information prescribed by regulation.

20 *infringement notice*—see section 24 (2).

21 *infringement notice declaration* means any of the following:

22 (a) an illegal user declaration;

23 (b) a known user declaration;

24 (c) a sold vehicle declaration;

25 (d) an unknown user declaration.

1 **known user declaration** means a statutory declaration made by a
2 person in relation to an infringement notice offence involving a
3 registrable vehicle that includes—

- 4 (a) a statement that, at the time of the offence, the person was not
5 in possession or control of the vehicle; and
6 (b) sufficient information to identify and locate the person last
7 known to be in possession or control of the vehicle; and
8 (c) any information prescribed by regulation.

9 **reminder notice**—see section 27 (2).

10 **sold vehicle declaration** means a statutory declaration made by a
11 person in relation to an infringement notice offence involving a
12 registrable vehicle that includes—

- 13 (a) a statement that the person had sold or otherwise disposed of
14 the vehicle or any interest in the vehicle before the time of the
15 offence and was not in possession or control of the vehicle at
16 the time of the offence; and
17 (b) sufficient information to identify and locate the person to
18 whom the vehicle was sold or disposed of or in whom an
19 interest otherwise vested; and
20 (c) any information prescribed by regulation.

21 **unknown user declaration** means a statutory declaration made by a
22 person in relation to an infringement notice offence involving a
23 registrable vehicle that includes—

- 24 (a) a statement that the person—
25 (i) was not in possession or control of the vehicle at the time
26 of the offence; and
27 (ii) does not know the identity of the person who was in
28 possession or control of the vehicle at that time, despite
29 genuine efforts to identify that person; and

- 1 (b) a statement about the efforts made by the person to identify the
2 person in possession or control of the vehicle at the time of the
3 offence; and
4 (c) any information prescribed by regulation.

8 Divisions 3.2 and 3.3

6 *substitute*

7 Division 3.2 Infringement and reminder notices

8 24 Infringement notices

- 9 (1) This section applies if an authorised person believes on reasonable
10 grounds that an infringement notice offence has been committed.
11 (2) A notice for the offence (an *infringement notice*) may be served on
12 a person in the way prescribed by regulation.
13 (3) An infringement notice must not be served—
14 (a) if a regulation prescribes a period within which an
15 infringement notice must be served—after the end of the
16 prescribed period; or
17 (b) in any other case—later than 1 year after the day the
18 infringement notice offence to which the notice relates was
19 committed.
20 (4) For subsection (3) (b), if the infringement notice offence is an
21 ongoing offence, the day the infringement notice offence was
22 committed is the last day of the ongoing offence.

23 *Note* See s 31 for the time within which a prosecution for an infringement
24 notice must be begun.

25 25 Infringement notices—contents

26 An infringement notice must include the information prescribed by
27 regulation.

1 **26 Infringement notice—payment of penalty etc**

- 2 (1) This section applies if—
- 3 (a) an infringement notice for an infringement notice offence is
- 4 served on a person; and
- 5 (b) the infringement notice has not been withdrawn.

6 *Note* See s 36 for withdrawal of infringement notices.

- 7 (2) The person must do 1 of the following within 28 days after the date
- 8 the infringement notice is served:

9 (a) pay the infringement notice penalty stated in the notice;

10 (b) apply for withdrawal of the infringement notice;

11 *Note* See s 34 for applications for withdrawal of infringement notices.

12 (c) if the person asserts he or she was not the person who

13 committed the offence—give the administering authority an

14 infringement notice declaration;

15 (d) if the person disputes liability for the offence—give the

16 administering authority written notice disputing liability.

17 *Note 1* For when a notice sent by post is taken to be given, see the *Road*

18 *Transport (General) Regulation 2000*, s 9B.

19 *Note 2* See s 51 for disputing liability for an infringement notice offence.

20 *Note 3* If a person disputes liability for an infringement notice offence, the

21 administering authority may lay an information in the Magistrates Court

22 against the person for the offence (see s 53).

23 *Note 4* A person served with an infringement notice may apply for an extension

24 of time to do something mentioned in s (2) (see s 29).

25 *Note 5* If a person served with an infringement notice does nothing under s (2)

26 within 28 days or any extension of time allowed under s 29, a reminder

27 notice will be served on the person (see s 27).

- 1 **27 Reminder notice—service and contents**
- 2 (1) This section applies if—
- 3 (a) an infringement notice for an infringement notice offence is
- 4 served on a person; and
- 5 (b) the infringement notice has not been withdrawn; and
- 6 (c) the person—
- 7 (i) has not done anything mentioned in section 26 (2) in
- 8 relation to the infringement notice, has not been granted
- 9 an extension of time to do something mentioned in
- 10 section 26 (2), and at least 28 days have passed since the
- 11 date the infringement notice was served; or
- 12 (ii) if the person has been granted an extension of time to do
- 13 something mentioned in section 26 (2)—has not done
- 14 anything mentioned in that subsection within the
- 15 extended time.
- 16 *Note* For when a notice sent by post is taken to be given, see the *Road*
- 17 *Transport (General) Regulation 2000*, s 9B.
- 18 (2) The administering authority must arrange for service of a notice
- 19 (a ***reminder notice***) on the person.
- 20 *Note* If a reminder notice has been served on a person for an infringement
- 21 notice offence, the total amount payable by the person for the
- 22 infringement notice penalty for the offence is the prescribed amount of
- 23 the penalty payable for the offence plus the prescribed amount payable
- 24 for the cost of serving the reminder notice (see dict, def ***infringement***
- 25 ***notice penalty***).
- 26 (3) The reminder notice must include the information prescribed by
- 27 regulation.

1 **28 Action on service of reminder notice—payment of penalty**
2 **etc**

3 (1) This section applies if—

- 4 (a) a reminder notice is served on a person; and
5 (b) the infringement notice to which the reminder notice relates
6 has not been withdrawn.

7 *Note* See s 36 for withdrawal of infringement notices.

8 (2) The person must do 1 of the following within 28 days after the date
9 the reminder notice is served:

10 (a) pay the infringement notice penalty stated in the reminder
11 notice;

12 (b) apply for withdrawal of the infringement notice;

13 *Note* See s 34 for applications for withdrawal of infringement notices.

14 (c) if the person asserts he or she was not the person who
15 committed the infringement notice offence to which the
16 infringement notice relates—give the administering authority
17 an infringement notice declaration;

18 (d) if the person disputes liability for the infringement notice
19 offence—give the administering authority written notice
20 disputing liability.

21 *Note 1* See s 51 for disputing liability for an infringement notice offence.

22 *Note 2* If a person disputes liability for an infringement notice offence, the
23 administering authority may lay an information in the Magistrates Court
24 against the person for the offence (see s 53).

25 *Note 3* A person served with an infringement notice may apply for an extension
26 of time to do something mentioned in s (2) (see s 29).

- 1 **29 Extension of time to do things**
- 2 (1) A person may apply for an extension of the time for doing
3 something mentioned in section 26 (2) (Infringement notice—
4 payment of penalty etc) or section 28 (2) (Action on service of
5 reminder notice—payment of penalty etc).
- 6 (2) The administering authority for the infringement notice offence
7 must—
- 8 (a) allow the application; or
- 9 (b) refuse the application.
- 10 (3) The administering authority must tell the person—
- 11 (a) the date of the authority’s decision; and
- 12 (b) if the authority allows the application—when the additional
13 time begins and ends; and
- 14 (c) if the authority refuses the application—the reason for the
15 decision.
- 16 (4) If the administering authority refuses an application, the person
17 must do the thing not later than the time prescribed by regulation.
- 18 (5) A regulation may make provision in relation to the following:
- 19 (a) the making of an application to extend the time to do
20 something mentioned in section 26 (2) or section 28 (2);
- 21 (b) any conditions in relation to an application;
- 22 (c) any matters to be taken into account by the administering
23 authority when deciding an application;
- 24 (d) any conditions applying to a grant of an extension of time;
- 25 (e) the maximum amount by which the time for doing something
26 mentioned in section 26 (2) or section 28 (2) may be extended.

1 **30 Extension of time—guidelines**

2 (1) The Minister may issue guidelines for deciding applications for
3 extensions of time, including applications for extensions of time
4 made after the time for doing something in section 26 (2) or
5 section 28 (2) has ended.

6 (2) The administering authority for an infringement notice offence must
7 comply with any guidelines for deciding an application for an
8 extension of time.

9 (3) A guideline is a disallowable instrument.

10 *Note* A disallowable instrument must be notified, and presented to the
11 Legislative Assembly, under the Legislation Act.

12 **31 Time for beginning prosecution for infringement notice**
13 **offence**

14 A prosecution for an infringement notice offence must be begun not
15 later than 1 year after the earlier of—

16 (a) the day the person served with the notice disputes liability for
17 the offence; and

18 (b) the last day the person served with the notice may dispute
19 liability for the offence.

20 **Division 3.3 Infringement notice offences**
21 **involving registrable vehicles—**
22 **responsible person’s liability**

23 **32 Meaning of *all reasonable steps*—div 3.3**

24 (1) In this division:

25 *all reasonable steps*—a responsible person for a registrable vehicle
26 takes *all reasonable steps* to assist the administering authority to
27 identify and locate the individual who was in possession or control

1 of the vehicle at the time of an infringement notice offence
2 involving the vehicle—

3 (a) if—

4 (i) the person gives the administering authority an
5 infringement notice declaration for the offence within the
6 time required under division 3.2 (Infringement and
7 reminder notices) (including any additional time allowed
8 under that division); and

9 (ii) the administering authority accepts the infringement
10 notice declaration for this division; and

11 (b) if the administering authority requires an approved form to be
12 completed in relation to the offence—if the person completes
13 the form properly; and

14 (c) if the person responds to any correspondence from the
15 administering authority within 14 days after the
16 correspondence is served on the person.

17 *Note 1* For when a notice sent by post is taken to be given, see the *Road*
18 *Transport (General) Regulation 2000*, s 9B.

19 *Note 2* The Legislation Act, s 250 (1) does not apply to a notice given
20 under the road transport legislation (see *Road Transport (General)*
21 *Regulation 2000*, s 9B (4)).

22 *Note 3* ***Infringement notice declaration***—see s 21A.

23 (2) For subsection (1), definition of ***all reasonable steps***, paragraph (b),
24 an approved form is properly completed by a responsible person
25 only if—

26 (a) if the approved form requires particular information to be
27 included in the form—the responsible person complies with the
28 requirement; and

29 (b) the information the responsible person includes in the form is
30 accurate; and

1 (c) the responsible person completes the form in a way that can be
2 understood by a reasonable person.

3 *Note 1* Under the Legislation Act, s 255 (5), if a form requires any of the
4 following, substantial compliance with the form is not sufficient and the
5 form is properly completed only if the requirement is complied with:

- 6 (a) the form to be signed;
7 (b) the form to be prepared in a particular way (for example, on paper
8 of a particular size or quality or in a particular electronic form);
9 (c) the form to be completed in a particular way;
10 (d) particular information to be included in the form, or a particular
11 document to be attached to or given with the form;
12 (e) the form, information in the form, or a document attached to or
13 given with the form, to be verified in a particular way (for
14 example, by statutory declaration).

15 *Note 2* An example is part of the Act, is not exhaustive and may extend, but
16 does not limit, the meaning of the provision in which it appears (see
17 Legislation Act, s 126 and s 132).

18 **33 Responsible person's obligations**

- 19 (1) This section applies if—
20 (a) an infringement notice for an infringement notice offence is
21 served on a responsible person for a registrable vehicle; and
22 (b) the responsible person was not in possession or control of the
23 vehicle at the time of the offence.
24 (2) The responsible person for the registrable vehicle must take all
25 reasonable steps to give the administering authority sufficient
26 information to identify and locate the individual who was in
27 possession or control of the vehicle at the time of the offence.

28 *Note* The responsible person for a registrable vehicle involved in an
29 infringement notice offence is taken to be the individual in possession
30 or control of the vehicle at the time of the offence unless the responsible
31 person proves, on the balance of probabilities, that the person was not in
32 possession or control of the vehicle at the time of the offence
33 (see s 53AA).

- 1 **34 Infringement notice—application for withdrawal**
- 2 (1) A person served with an infringement notice or reminder notice for
- 3 an infringement notice offence may apply to the administering
- 4 authority for the withdrawal of the infringement notice.
- 5 (2) An application must—
- 6 (a) be in writing; and
- 7 (b) state the grounds relied on for the infringement notice to be
- 8 withdrawn.
- 9 (3) For this section, an infringement notice declaration made and given
- 10 by the person to the administering authority in relation to the
- 11 offence is taken to be an application by the person under
- 12 subsection (1).

- 13 **35 Application for withdrawal—decision**
- 14 (1) On application by a person under section 34, the administering
- 15 authority must—
- 16 (a) withdraw the infringement notice; or
- 17 (b) refuse to withdraw the infringement notice; or
- 18 (c) in writing, ask the applicant or a person mentioned in the
- 19 application for further information to assist the authority to
- 20 make a decision under this section.
- 21 (2) If the administering authority asks for further information, the
- 22 information must be given in the form of a statutory declaration.

23 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of

24 statutory declarations under ACT laws.

25 *Note 2* It is an offence to make a false or misleading statement, give false or

26 misleading information or produce a false or misleading document (see

27 Criminal Code, pt 3.4).

- 1 (3) If the application is in the form of an infringement notice
2 declaration, the administering authority may refuse to withdraw the
3 infringement notice if it is satisfied on reasonable grounds that the
4 applicant has not taken all reasonable steps to assist the authority to
5 identify and locate the individual who was in possession or control
6 of the vehicle at the time of the offence.

7 *Note* The guidelines may include other grounds for refusing to withdraw an
8 infringement notice declaration.

- 9 (4) The administering authority must give the applicant written notice
10 of its decision under this section and, if the decision is to refuse to
11 withdraw the infringement notice, reasons for the refusal.

12 **36 Infringement notice—withdrawal**

- 13 (1) If an infringement notice is served on a person for an infringement
14 notice offence, the administering authority may withdraw the
15 infringement notice, whether or not—

16 (a) the person has applied, or is taken to have applied, for
17 withdrawal of the infringement notice under section 34; or

18 (b) the infringement notice penalty (or part of it) has been paid for
19 the offence; or

20 (c) the person has disputed liability for the infringement notice
21 offence.

- 22 (2) If the administering authority decides to withdraw an infringement
23 notice, the authority must do so by written notice (a *withdrawal*
24 *notice*) served on the person.

- 25 (3) The withdrawal notice must—

26 (a) include the infringement notice number and the date the
27 infringement notice was served; and

28 (b) tell the person that the infringement notice is withdrawn and, in
29 general terms, about subsection (4).

- 1 (4) The effect of the service of a withdrawal notice is as follows:
- 2 (a) this part, other than this section, ceases to apply to the
- 3 infringement notice;
- 4 (b) if the infringement notice penalty (or part of it) has been
- 5 paid—the administering authority must repay the amount paid.
- 6 (5) However, nothing in this section prevents the administering
- 7 authority—
- 8 (a) serving an infringement notice, or commencing a proceeding,
- 9 for the offence against another person; or
- 10 (b) if the administering authority is satisfied that a withdrawal
- 11 notice was served on a person in error, or as a result of
- 12 misrepresentation or a false declaration—serving an
- 13 infringement notice, or commencing a proceeding, for the
- 14 offence against the person.

15 **37 Infringement notice—effect of refusal to withdraw**

- 16 (1) If the administering authority for an infringement notice offence
- 17 refuses to withdraw an infringement notice for the offence, the
- 18 applicant for the withdrawal must—
- 19 (a) if a reminder notice has not been served on the applicant—do
- 20 something mentioned in section 26 (2) (a), (c) or (d); or
- 21 (b) if a reminder notice has been served on the applicant—do
- 22 something mentioned in section 28 (2) (a), (c) or (d).

23 *Note* If the applicant pays the penalty, the demerit points for the offence will

24 be recorded against the person—see the *Road Transport (Driver*

25 *Licensing) Act 1999*, s 13A.

- 1 (2) The applicant must do something under subsection (1) not later than
2 the later of—
3 (a) 7 days after the applicant is given notice of the refusal; and
4 (b) 28 days after the infringement notice or reminder notice was
5 served (or any extension of time allowed under section 29).

6 **38 Infringement notice—guidelines for withdrawal**

- 7 (1) The Minister may issue guidelines for the withdrawal of
8 infringement notices.
9 (2) The administering authority for an infringement notice offence must
10 comply with the guidelines.
11 (3) A guideline is a disallowable instrument.

12 *Note* A disallowable instrument must be notified, and presented to the
13 Legislative Assembly, under the Legislation Act.

14 **39 Infringement notice—effect of penalty payment**

- 15 (1) This section applies—
16 (a) if—
17 (i) a person has been served with an infringement notice for
18 an infringement notice offence; and
19 (ii) the person pays the infringement notice penalty for the
20 offence in accordance with this part; and
21 (iii) when the payment was made—
22 (A) the infringement notice had not been withdrawn;
23 and
24 (B) an information had not been laid in the Magistrates
25 Court against the person for the offence; or

- 1 (b) if—
- 2 (i) more than 1 infringement notice for the same
- 3 infringement notice offence has been served on the
- 4 person and none of the infringement notices have been
- 5 withdrawn; and
- 6 (ii) the person pays the infringement notice penalty for the
- 7 offence, in accordance with this part, in relation to
- 8 1 notice (together with any costs and disbursements
- 9 payable under this part in relation to the notice); or
- 10 (c) if—
- 11 (i) an infringement notice for an infringement notice offence
- 12 involving a registrable vehicle has been served; and
- 13 (ii) a responsible person for the vehicle at the time of the
- 14 offence pays the infringement notice penalty for the
- 15 offence in accordance with this part; and
- 16 (iii) when the payment was made—
- 17 (A) the infringement notice had not been withdrawn;
- 18 and
- 19 (B) an information had not been laid in the Magistrates
- 20 Court against a responsible person for the vehicle
- 21 for the offence.
- 22 (2) The person—
- 23 (a) is no longer liable for the offence; and
- 24 (b) must not be prosecuted for the offence; and
- 25 (c) is not taken to have been convicted of the offence.
- 26 (3) This section is subject to section 36 (Infringement notice—
- 27 withdrawal).

1 **9 Infringement notice—payment of penalty etc**
2 **Section 26, new note**

3 *insert*

4 *Note 6* A corporation served with an infringement notice for an infringement
5 notice offence involving a registrable vehicle has obligations under
6 div 3.3A.

7 **10 Action on service of reminder notice—payment of penalty**
8 **etc**
9 **Section 28, new note**

10 *insert*

11 *Note 4* A corporation served with a reminder notice for an infringement notice
12 offence involving a registrable vehicle has obligations under div 3.3A.

13 **11 Responsible person's obligations**
14 **Section 33 (1), new paragraph (aa)**

15 *insert*

16 (aa) the responsible person is an individual; and

17 **12 New division 3.3A**

18 *insert*

19 **Division 3.3A Demerit points offences—**
20 **corporation's liability**

21 **40 Definitions—div 3.3A**

22 In this division:

23 *corporation's vehicle* means a vehicle for which a corporation is the
24 registered owner.

1 **41 Meaning of *all reasonable steps*—div 3.3A**

2 (1) In this division:

3 ***all reasonable steps***—a corporation that is the registered owner of a
4 vehicle takes ***all reasonable steps*** to assist the administering
5 authority to identify and locate the individual who was in possession
6 or control of the vehicle at the time of a demerit points offence
7 involving the vehicle—

8 (a) if the corporation gives the administering authority an
9 infringement notice declaration for the offence within the time
10 required under division 3.2 (Infringement and reminder
11 notices) (including any additional time allowed under that
12 division); and

13 (b) if the administering authority requires an approved form to be
14 completed in relation to the offence—if the corporation
15 completes the form properly; and

16 (c) if the person responds to any correspondence from the
17 administering authority within 14 days after the
18 correspondence is served on the person.

19 *Note 1* For when a notice sent by post is taken to be given, see the *Road*
20 *Transport (General) Regulation 2000*, s 9B.

21 *Note 2* ***Infringement notice declaration***—see s 21A.

22 *Note 3* See s 55 for statutory declarations by corporations.

23 (2) For subsection (1), definition of ***all reasonable steps***, paragraph (b),
24 an approved form is properly completed by a corporation only if—

25 (a) if the approved form requires particular information to be
26 included in the form—the corporation complies with the
27 requirement; and

28 (b) the information the corporation includes in the form is
29 accurate; and

- 1 (c) the corporation completes the form in a way that can be
2 understood by a reasonable person.
- 3 *Note* Under the Legislation Act, s 255 (5), if a form requires any of the
4 following, substantial compliance with the form is not sufficient and the
5 form is properly completed only if the requirement is complied with:
- 6 (a) the form to be signed;
- 7 (b) the form to be prepared in a particular way (for example, on paper
8 of a particular size or quality or in a particular electronic form);
- 9 (c) the form to be completed in a particular way;
- 10 (d) particular information to be included in the form, or a particular
11 document to be attached to or given with the form;
- 12 (e) the form, information in the form, or a document attached to or
13 given with the form, to be verified in a particular way (for
14 example, by statutory declaration).

15 **42 Demerit points offences—suspension of registration etc**

- 16 (1) This section applies if—
- 17 (a) a corporation is the registered owner of a vehicle; and
- 18 (b) an infringement notice has been served on the corporation by
19 an authorised person for a demerit points offence involving the
20 vehicle; and
- 21 (c) the infringement notice has not been withdrawn; and
- 22 (d) the corporation has failed to take all reasonable steps to assist
23 the administering authority to identify and locate the individual
24 who was in possession or control of the vehicle at the time of
25 the demerit points offence; and
- 26 (e) in relation to at least 1 previous demerit points offence
27 involving a corporation’s vehicle, the corporation failed to take
28 all reasonable steps to assist the administering authority to
29 identify and locate the individual who was in possession or
30 control of the vehicle at the time of that demerit points offence.

- 1 (2) The road transport authority must—
- 2 (a) send the corporation a written notice (a *suspension warning*
- 3 *notice*) containing the following information:
- 4 (i) the particulars of the demerit points offence, including
- 5 the infringement notice penalty for the offence and the
- 6 additional penalty stated in the reminder notice (if any),
- 7 and the infringement notice and reminder notice (if any)
- 8 for the offence, to which the suspension warning notice
- 9 relates;
- 10 (ii) a statement to the effect that if the corporation continues
- 11 to fail to take all reasonable steps to assist the
- 12 administering authority to identify and locate the
- 13 individual who was in possession or control of the
- 14 corporation's vehicle involved in the offence by a stated
- 15 date (the *suspension date*), the authority will take
- 16 suspension action on the suspension date;
- 17 (iii) any information prescribed by regulation;
- 18 (iv) any other information the road transport authority
- 19 considers appropriate; and
- 20 (b) if in response to the suspension warning notice, the corporation
- 21 fails to take all reasonable steps to assist the administering
- 22 authority to identify and locate the individual who was in
- 23 possession or control of the corporation's vehicle involved in
- 24 the offence, before the suspension date—take the following
- 25 action (the *suspension action*) on the suspension date:
- 26 (i) if the vehicle involved in the offence is registered in the
- 27 ACT—suspend the vehicle's registration;
- 28 (ii) if the vehicle involved in the offence is registered in
- 29 another jurisdiction—suspend the right of everyone to
- 30 drive the vehicle in the ACT;

-
- 1 (iii) if the corporation has sold, transferred or otherwise
2 disposed of its interest in the vehicle involved in the
3 offence—
- 4 (A) suspend the registration of another of the
5 corporation's vehicles (the *other vehicle*); or
- 6 (B) if the other vehicle is registered in another
7 jurisdiction—suspend the right of everyone to drive
8 the other vehicle in the ACT.
- 9 (3) The suspension date must be at least 10 days after the suspension
10 warning notice is sent to the corporation.
- 11 (4) If the road transport authority takes suspension action, the authority
12 must send the corporation a notice (a *suspension confirmation*
13 *notice*) including statements about the following:
- 14 (a) the suspension date;
- 15 (b) the action taken on the suspension date;
- 16 (c) when the suspension ends;
- 17 (d) any information prescribed by regulation;
- 18 (e) any other information the road transport authority considers
19 appropriate.
- 20 (5) The suspension action takes effect—
- 21 (a) on the suspension date; or
- 22 (b) if any other suspension action has been taken against the
23 corporation under another provision of the road transport
24 legislation—when that other suspension action ends.

- 1 (6) A suspension ends on the earliest of the following:
- 2 (a) 6 months after the day the suspension action takes effect;
- 3 (b) the day the corporation gives the administering authority the
- 4 information it needs to identify and locate the individual who
- 5 was in possession or control of the corporation's vehicle at the
- 6 time of the demerit points offence;
- 7 (c) the day the registration of the corporation's vehicle is
- 8 transferred under the *Road Transport (Vehicle Registration)*
- 9 *Act 1999* to another person and the corporation no longer has
- 10 any interest in the vehicle.

11 **43 Demerit points offence—effect of suspension**

- 12 (1) If the registration of a corporation's vehicle is suspended under
- 13 section 42, the road transport authority must not renew the
- 14 registration until after the suspension ends.
- 15 (2) The road transport authority must not register a corporation's
- 16 vehicle if the right of everyone to drive the vehicle in the ACT is
- 17 suspended under section 42.

18 **43A Demerit points offence—review of suspension**

- 19 (1) If the registration of a corporation's vehicle is suspended under
- 20 section 42, the corporation may apply to the Magistrates Court for a
- 21 review of the suspension.
- 22 (2) The Magistrates Court may hear and decide the application and may
- 23 make an order—
- 24 (a) confirming the suspension; or
- 25 (b) revoking the suspension.

- 1 (3) The court may make an order under subsection (2) (b) only if the
2 court is satisfied that the corporation has taken all reasonable steps
3 to assist the administering authority to identify and locate the person
4 who was in possession or control of the vehicle involved in the
5 demerit points offence to which the suspension relates.

6 **43B Offence—driving interstate corporate vehicle**

- 7 (1) A person commits an offence if—
8 (a) the right of everyone to drive an interstate corporate vehicle in
9 the ACT is suspended under section 42; and
10 (b) the person drives the vehicle in the ACT.

11 Maximum penalty: 20 penalty units.

- 12 (2) An offence against this section is a strict liability offence.

- 13 (3) In this section:

14 *interstate corporate vehicle* means a corporation's vehicle that is
15 registered in another jurisdiction.

16 **13 Suspension for nonpayment of infringement notice**
17 **penalties**
18 **Section 44 (1) (b)**

19 *before*
20 vehicle
21 *insert*
22 registrable

1 **14 New section 44 (10)**

2 *insert*

3 (10) In this section:

4 *time for payment*, of an infringement notice penalty, includes any
5 extension of time allowed for payment under section 29 (Extension
6 of time to do things).

7 **15 Sections 48 to 50**

8 *substitute*

9 **48 Review of suspension**

- 10 (1) A person in relation to whom a suspension is in force under this
11 division may apply to the Magistrates Court for a review of the
12 suspension.
- 13 (2) The Magistrates Court may hear and decide an application and may
14 make an order—
- 15 (a) confirming the suspension; or
16 (b) revoking the suspension.
- 17 (3) The court may make an order under subsection (2) (b) only if it is
18 satisfied that 1 or more of the conditions mentioned in section 44 (1)
19 (Suspension for nonpayment of infringement notice penalties)—
- 20 (a) did not exist when the suspension action was taken; or
21 (b) no longer exists.
- 22 (4) In this section:
23 *suspension action*—see section 44 (2) (b).

1 **16 Disputing liability for infringement notice offence**
2 **Section 51 (3)**

3 *substitute*

4 *Note* For the time within which liability must be disputed after a person is
5 served with an infringement notice or reminder notice, see s 26 and
6 s 28.

7 **17 Extension of time to dispute liability**
8 **Section 52**

9 *omit*

10 **18 Procedure if liability disputed**
11 **Section 53 (4)**

12 *omit*

13 section 29 (Effect of payment of infringement notice penalty)

14 *substitute*

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

16 **19 Section 53 (6), note**

17 *substitute*

18 *Note* For the time within which a prosecution must be begun, see s 31.

1 **20 New section 53AA**

2 *in division 3.5, insert*

3 **53AA Presumption against responsible person**

4 If the responsible person for a registrable vehicle involved in an
5 infringement notice offence is served with an infringement notice
6 for the offence, it is presumed in any proceeding against the person
7 for the offence, unless the contrary is proved, that the responsible
8 person was the individual in possession or control of the vehicle at
9 the time of the offence.

10 *Note* The responsible person for a registrable vehicle bears a legal burden of
11 proving that the responsible person was not the individual in possession
12 or control of the vehicle at the time of the offence (see Criminal Code,
13 s 59 (c)).

14 **21 Costs of application for declaration**
15 **Section 57**

16 *omit*

17 **22 Effect of disqualification**
18 **Section 66 (4) (a)**

19 *omit*

20 to the court

21 *substitute*

22 to the registrar

23 **23 Section 66 (5)**

24 *substitute*

25 (5) If a driver licence is surrendered to the registrar of a court, the
26 registrar must give the licence to the road transport authority.

1 **24 Section 79**

2 *substitute*

3 **79 Registrar to provide particulars of convictions, orders etc**

- 4 (1) This section applies if a court—
- 5 (a) convicts a person, or finds a person guilty, of an offence—
- 6 (i) against the road transport legislation; or
- 7 (ii) of culpable driving; or
- 8 (b) makes an order against a person under the road transport
- 9 legislation.
- 10 (2) The registrar must give particulars of the conviction, finding or
- 11 order to the road transport authority.

12 **25 Person not to hinder or obstruct**

13 **New section 231 (2)**

14 *insert*

- 15 (2) In this section:
- 16 *hinder or obstruct*, a person mentioned in subsection (1), includes
- 17 fail to give the person information requested by the person.

1 **26 New part 13**

2 *insert*

3 **Part 13 Transitional—Road Transport**
4 **(General) Amendment Act 2012**

5 **300 Meaning of *commencement day*—pt 13**

6 In this part:

7 *commencement day* means the day this part commences.

8 **301 Existing infringement notice declaration**

9 (1) This section applies if, immediately before the commencement day,
10 an existing infringement notice declaration had not been finally
11 dealt with.

12 (2) This Act, as in force immediately before the commencement day,
13 continues to apply to the existing infringement notice declaration.

14 (3) In this section:

15 *existing infringement notice declaration* means any of the
16 following:

17 (a) an illegal user declaration mentioned in section 38 (Illegal user
18 declarations), as in force immediately before the
19 commencement day;

20 (b) a known user declaration mentioned in section 39 (Known user
21 declarations), as in force immediately before the
22 commencement day;

23 (c) a sold vehicle declaration mentioned in section 40 (Sold
24 vehicle declarations), as in force immediately before the
25 commencement day;

(d) an unknown user declaration mentioned in section 41 (Unknown user declarations), as in force immediately before the commencement day.

finally dealt with—an infringement notice declaration is *finally dealt with* if—

(a) the time for any appeal or review in relation to the declaration has ended; or

(b) any appeal or review in relation to the declaration has been decided or withdrawn.

302 Transitional regulations

(1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *Road Transport (General) Amendment Act 2012*.

(2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.

(3) A regulation under subsection (2) has effect despite anything elsewhere in this Act.

303 Expiry—pt 13

This part expires 3 years after the commencement day.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see Legislation Act, s 88).

27 Dictionary, note 2

insert

- registrar

1 **28 Dictionary, new definition of *all reasonable steps***

2 *insert*

3 *all reasonable steps*, for division 3.3 (Infringement notice offences
4 involving registrable vehicles—responsible person’s liability)—see
5 section 32.

6 **29 Dictionary, definition of *all reasonable steps***

7 *substitute*

8 *all reasonable steps*—

9 (a) for division 3.3 (Infringement notice offences involving
10 registrable vehicles—responsible person’s liability)—see
11 section 32; and

12 (b) for division 3.3A (Demerit points offences—corporation’s
13 liability)—see section 41.

14 **30 Dictionary, new definitions**

15 *insert*

16 *corporation’s vehicle*, for division 3.3A (Demerit points offences—
17 corporation’s liability)—see section 40.

18 *demerit points offence*—see the *Road Transport (Driver Licensing)*
19 *Act 1999*, section 13.

20 **31 Dictionary, definition of *illegal user declaration***

21 *substitute*

22 *illegal user declaration*, for part 3 (Infringement notices for certain
23 offences)—see section 21A.

1 **32 Dictionary, definitions of *infringement notice* and**
2 ***infringement notice declaration***

3 *substitute*

4 *infringement notice*—see section 24 (2) (Infringement notices).

5 *infringement notice declaration*, for part 3 (Infringement notices
6 for certain offences)—see section 21A.

7 **33 Dictionary, definition of *known user declaration***

8 *substitute*

9 *known user declaration*, for part 3 (Infringement notices for certain
10 offences)—see section 21A.

11 **34 Dictionary, definition of *reminder notice***

12 *substitute*

13 *reminder notice*—see section 27 (2) (Reminder notice—service and
14 contents).

15 **35 Dictionary, definition of *sold vehicle declaration***

16 *substitute*

17 *sold vehicle declaration*, for part 3 (Infringement notices for certain
18 offences)—see section 21A.

19 **36 Dictionary, definition of *unknown user declaration***

20 *substitute*

21 *unknown user declaration*, for part 3 (Infringement notices for
22 certain offences)—see section 21A.

1 **Schedule 1 Consequential amendments**

2 (see s 3)

3 **Part 1.1 Road Transport (Driver**
4 **Licensing) Act 1999**

5 **[1.1] Section 12 (3) (d), note**

6 *substitute*

7 *Note* For when an infringement notice penalty is payable, see the *Road*
8 *Transport (General) Act 1999*, div 3.2.

9 **[1.2] Section 13A (1)**

10 *omit*

11 *Road Transport (General) Act 1999*

12 *substitute*

13 General Act

14 **[1.3] Section 13A (1) (b)**

15 *substitute*

16 (b) the person is served with an infringement notice for the offence
17 and—

18 (i) the infringement notice penalty for the offence has been
19 paid in full or in part; or

20 (ii) the infringement notice penalty for the offence has not
21 been paid in full or in part in the time required for its
22 payment under the General Act (the *required time*), and
23 the person has not in the required time given the
24 administering authority—

1 (A) an infringement notice declaration for the offence;
2 or

3 (B) a notice disputing liability for the offence in
4 accordance with the General Act; or

5 *Note* For when an infringement notice penalty is payable, see the
6 General Act, div 3.2.

7 **[1.4] Section 13A (1) (d) and note**

8 *substitute*

9 (d) the person is served with an infringement notice for the offence
10 and, as a result, gives the administering authority an
11 infringement notice declaration, and the administering
12 authority does not accept the declaration for the General Act,
13 division 3.3 and refuses to withdraw the infringement notice.

14 **[1.5] New section 13A (3)**

15 *insert*

16 (3) In this section:

17 ***General Act*** means the *Road Transport (General) Act 1999*.

18 ***infringement notice declaration***—see the General Act, section 21A.

1 **Part 1.2 Road Transport (General)**
2 **Regulation 2000**

3 **[1.6] Section 5 (1) (c)**

4 *substitute*

5 (c) the road transport authority, or the administering authority for
6 an infringement notice offence, is taken to have complied with
7 an obligation under the relevant legislation to give notice to the
8 responsible person for the vehicle if the authority gives
9 notice—

10 (i) if the address for service recorded in a record or register
11 under the road transport legislation is the same for each
12 responsible person—to at least 1 of them; or

13 (ii) if the address for service is different for 2 or more of the
14 responsible people—to each of them.

15 **[1.7] Section 9**

16 *omit*

17 **[1.8] Section 9B (1) (b) (i)**

18 *omit*

19 residential

20 *substitute*

21 home

1 **[1.9] Schedule 1, new part 1.5**

2 *insert*

3 **Part 1.5 Road Transport (General)**
4 **Act 1999**

column 1 item	column 2 provision	column 3 decision
1	29 (2) (b)	administering authority for infringement notice offence—refuse an application to extend time
2	35 (1) (b)	administering authority for infringement notice offence—refuse to withdraw infringement notice

5 **[1.10] Dictionary, note 2**

6 *insert*

- 7
 - home address

1 **Part 1.3** **Road Transport (Mass,**
2 **Dimensions and Loading) Act**
3 **2009**

4 **[1.11] New section 12A**

5 *insert*

6 **12A Rights, liabilities and obligations of multiple responsible**
7 **people**

- 8 (1) This section applies if there is more than 1 responsible person for a
9 heavy vehicle or heavy combination at any time.
- 10 (2) In this Act, a reference to the responsible person for the heavy
11 vehicle or heavy combination includes each responsible person for
12 the heavy vehicle or heavy combination.

13 **Part 1.4** **Road Transport (Offences)**
14 **Regulation 2005**

15 **[1.12] New sections 4A to 4D**

16 *in part 2, insert*

17 **4A Meaning of *identifying particulars*—pt 2**

18 In this part:

19 *identifying particulars*—

- 20 (a) for an animal involved in an infringement notice offence—see
21 section 4B; and
- 22 (b) for a registrable vehicle involved in an infringement notice
23 offence—see section 4C; and
- 24 (c) for an authorised person—see section 4D.

- 1 **4B** ***Identifying particulars for animal for infringement notice***
2 ***offence involving an animal—pt 2***
- 3 (1) In this part:
- 4 ***identifying particulars***, for an animal involved in an infringement
5 notice offence, means the following particulars:
- 6 (a) species;
- 7 (b) colour;
- 8 (c) any identification or registration tags;
- 9 (d) any collar;
- 10 (e) any brands or tattoos;
- 11 (f) any marks or scars;
- 12 (g) any other noticeable distinguishing marks or features;
- 13 (h) breed;
- 14 (i) sex;
- 15 (j) age;
- 16 (k) any electronically coded implant.
- 17 (2) Subsection (1) (e) to (k) does not apply if it is not possible for the
18 person issuing the infringement notice to decide those particulars.
- 19 **4C** ***Identifying particulars for vehicle for infringement notice***
20 ***offence involving registrable vehicle—pt 2***
- 21 (1) In this part:
- 22 ***identifying particulars***, for a registrable vehicle involved in an
23 infringement notice offence, means the following particulars:
- 24 (a) any registration number;
- 25 (b) body type;

- 1 (c) if there is no numberplate or registration label on the vehicle
2 and a vehicle or engine identification number for the vehicle is
3 known—the vehicle or engine identification number;
- 4 (d) make;
- 5 (e) the identifier (if any) for the jurisdiction of registration shown
6 on any numberplate;
- 7 (f) if relevant to the offence—the number of passengers in the
8 vehicle.
- 9 (2) For a camera-detected offence, subsection (1) (d) to (f) does not
10 apply if it is not possible to decide those particulars from the image
11 taken by the traffic offence detection device.

12 **4D Identifying particulars for authorised person for**
13 **infringement notice offence—pt 2**

14 In this part:

15 *identifying particulars*, for an authorised person, means—

- 16 (a) for an authorised person who is a police officer—the police
17 officer's service number; and
- 18 (b) for an authorised person authorised by the administering
19 authority for an infringement notice offence to serve
20 infringement or reminder notices for the offence—the unique
21 number given to the person by the administering authority
22 under section 11 (People authorised for infringement notices
23 etc to have unique number).

1 **[1.13] Sections 12 to 14**

2 *substitute*

3 **12 Infringement notices—service—Act, s 24 (2)**

4 (1) An authorised person may serve an infringement notice for an
5 infringement notice offence on—

6 (a) if the identity of the person who is believed to have committed
7 the offence (the *suspected offender*) is known—the suspected
8 offender; or

9 (b) if the identity of the suspected offender is not known, but the
10 offence involves a registrable vehicle—the responsible person
11 for the vehicle.

12 *Note* For how documents may be served, see the Legislation Act, pt 19.5.

13 (2) For subsection (1) (a), an infringement notice may be served—

14 (a) if it is reasonably practicable to serve the notice on the
15 suspected offender personally—on the offender personally; or

16 (b) if it is not reasonably practicable to serve the notice on the
17 suspected offender personally—by sending the notice to the
18 offender, by prepaid post addressed to the offender, at—

19 (i) the offender's home address or business address; or

20 (ii) if the offender has an address for service in a record or
21 register kept under the road transport legislation or a
22 corresponding law—the recorded address for service.

23 *Note* **Corresponding law**—see the *Road Transport (Vehicle*
24 *Registration) Act 1999*, dictionary.

- 1 (3) For subsection (1) (b), an infringement notice may be served on a
2 responsible person for the registrable vehicle—
- 3 (a) if it is reasonably practicable to access the vehicle—by
4 securely placing or attaching the notice, addressed to the
5 responsible person (without further description), on or to the
6 vehicle in a prominent position; or
- 7 (b) if it is not reasonably practicable to access the vehicle—by
8 sending it to the responsible person, by prepaid post addressed
9 to the person, at—
- 10 (i) the person’s home address or business address; or
- 11 (ii) if the person has an address for service in a record or
12 register kept under the road transport legislation or a
13 corresponding law—the recorded address for service.
- 14 *Note 1* For when a notice sent by post is taken to be given, see the *Road*
15 *Transport (General) Regulation 2000*, s 9B.
- 16 *Note 2* The Legislation Act, s 250 (1) does not apply to a notice given
17 under the road transport legislation (see *Road Transport (General)*
18 *Regulation 2000*, s 9B (4)).
- 19 (4) A person commits an offence if—
- 20 (a) an infringement notice is placed on or attached to a vehicle;
21 and
- 22 (b) the person does something that prevents the responsible person
23 for the vehicle receiving or reading the infringement notice;
24 and
- 25 (c) the person is reckless about whether the person’s action
26 prevents the responsible person for the vehicle receiving or
27 reading the infringement notice.
- 28 **Maximum penalty:** 20 penalty units.
- 29 *Note* The fault element of recklessness can be satisfied by proof of intention,
30 knowledge or recklessness (see Criminal Code, s 20 (4)).

- 1 **13** **Infringement notices for camera-detected offences—time**
2 **of service—Act, s 24 (2)**
- 3 An infringement notice for a camera-detected offence may only be
4 served on a responsible person for the vehicle involved in the
5 offence within 28 days after the day the offence was committed.
- 6 *Note* Section 14 applies if an infringement notice declaration made in relation
7 to a camera-detected offence is accepted by the administering authority
8 for the offence and the administering authority serves an infringement
9 notice on a person nominated in the declaration as being in possession
10 or control of the vehicle at the time of the offence.
- 11 **14** **Infringement notices—service on nominated person—**
12 **Act, s 24 (2)**
- 13 (1) This section applies if—
- 14 (a) the administering authority for an infringement notice offence
15 involving a registrable vehicle accepts an infringement notice
16 declaration under the Act, part 3 (Infringement notices for
17 certain offences); and
- 18 (b) the infringement notice declaration states the name of the
19 person (the *nominated person*) who was in possession or
20 control of the vehicle at the time of the offence; and
- 21 (c) as a result, the administering authority serves an infringement
22 notice on the nominated person.
- 23 (2) The administering authority must serve the infringement notice on
24 the nominated person as soon as practicable, but not later than
25 1 year, after the authority accepts the infringement notice
26 declaration.

- 1 **14A Infringement notices—contents—Act, s 25**
- 2 (1) The following information is prescribed:
- 3 (a) a unique identifying number;
- 4 (b) the date the notice was issued;
- 5 (c) if the notice is served on an individual—the individual’s name
- 6 or surname and initials, and home address or address for
- 7 service recorded for the individual in a record or register kept
- 8 under the road transport legislation or a corresponding law;
- 9 (d) if the notice is served on a corporation—the corporation’s
- 10 identifying details under a record or register kept under the
- 11 road transport legislation or a corresponding law;
- 12 (e) a short description of the infringement notice offence, as set
- 13 out in schedule 1 (Short descriptions, penalties and demerit
- 14 points), (or the law and provision of the law contravened by the
- 15 person), including the place where the offence was committed
- 16 and the date and approximate time of the offence;
- 17 (f) if the offence involved a registrable vehicle—the identifying
- 18 particulars (if any) for the vehicle;
- 19 (g) if the offence involved an animal—the identifying particulars
- 20 (if any) for the animal;
- 21 (h) the infringement notice penalty payable for the offence;
- 22 (i) the identifying particulars of the authorised person who gave
- 23 the notice;
- 24 (j) any additional information the administering authority
- 25 considers appropriate.

- 1 (2) An infringement notice served on a person must contain the
2 following additional information:
- 3 (a) a statement telling the person that, within 28 days after the
4 notice is served on the person, the person may do 1 of the
5 following (an *infringement notice response*):
- 6 (i) pay the infringement notice penalty for the offence;
- 7 (ii) give the administering authority an infringement notice
8 declaration for the offence;
- 9 (iii) dispute liability for the offence;
- 10 (iv) apply to the administering authority for additional time to
11 pay the penalty, give an infringement notice declaration
12 or dispute liability for the offence;
- 13 (b) a statement to the effect that if the person does not make an
14 infringement notice response—
- 15 (i) a reminder notice for the offence will be served on the
16 person; and
- 17 (ii) the person may be prosecuted for the offence;
- 18 (c) a statement to the effect that if a reminder notice is served on
19 the person, the amount of the infringement notice penalty
20 payable is increased by the cost of serving the reminder notice;
- 21 *Note* Section 7 prescribes the cost of serving a reminder notice.
- 22 (d) a statement that the notice may be withdrawn before or after
23 the penalty is paid;
- 24 (e) a statement to the effect that, if the person pays the penalty
25 within the required time—
- 26 (i) any liability of the person for the offence is discharged;
27 and
- 28 (ii) the person will not be prosecuted for the offence; and

- 1 (iii) the person will not be taken to have been convicted of the
2 offence;
- 3 (f) a statement to the effect that, if the person wants to dispute
4 liability for the offence, the issue may be referred to the
5 Magistrates Court;
- 6 (g) a statement to the effect that, if the issue is referred to the
7 Magistrates Court, the person may be—
- 8 (i) convicted of the offence; and
9 (ii) ordered to pay a penalty and costs; and
10 (iii) subject to other court orders;
- 11 (h) a statement to the effect that if the offence involved a
12 registrable vehicle and the person does not pay the
13 infringement notice penalty, or dispute liability for the offence,
14 within the required time, payment of the penalty may be
15 enforced under the Act, division 3.4 (Enforcement procedures);
- 16 (i) how the person may pay the infringement notice penalty, give
17 an infringement notice declaration or dispute liability for the
18 offence;
- 19 (j) how the person may apply for additional time to pay the
20 infringement notice penalty, give an infringement notice
21 declaration or dispute liability for the offence;
- 22 (k) if the offence involved a registrable vehicle—
- 23 (i) how many demerit points the person will incur if the
24 person pays the infringement notice penalty or is
25 convicted of the offence; and
26 (ii) general information about the enforcement procedures
27 under the Act, division 3.4; and

- 1 (iii) a statement that, in a proceeding against the responsible
2 person for a registrable vehicle for an infringement notice
3 offence involving the vehicle, the responsible person is
4 presumed to be the individual in possession or control of
5 the vehicle at the time of the offence, unless the contrary
6 is proved by the responsible person; and
- 7 (iv) a statement that the responsible person for the vehicle has
8 an obligation to take all reasonable steps under the Act,
9 part 3 to assist the administering authority to identify and
10 locate the individual who the responsible person asserts
11 was in possession or control of the vehicle at the time of
12 the offence; and
- 13 (v) general information about the Act, division 3.3
14 (Infringement notice offences involving registrable
15 vehicles—responsible person’s liability); and
- 16 (vi) information about how the person may make and give the
17 administering authority an infringement notice
18 declaration under that division; and
- 19 (vii) if the offence is a camera-detected offence—information
20 about how to inspect and obtain a copy of the image
21 taken by the approved camera detection device.
- 22 (3) In this section:
- 23 *the required time*, to pay a penalty, or dispute liability, for an
24 infringement notice offence, means—
- 25 (a) 28 days after the day the infringement notice for the offence
26 was served; or
- 27 (b) any additional time allowed under the Act,
28 section 29 (Extension of time to do things).

- 1 **14B Reminder notices—contents—Act, s 27 (3)**
- 2 (1) The following information is prescribed:
- 3 (a) a unique identifying number;
- 4 (b) a short description of the infringement notice offence, as set
5 out in schedule 1 (Short descriptions, penalties and demerit
6 points), (or the law and provision of the law contravened by the
7 person), including the place where the offence was committed
8 and the date and approximate time of the offence;
- 9 (c) the unique identifying number of the infringement notice;
- 10 (d) the date the infringement notice was issued;
- 11 (e) the date the reminder notice is issued;
- 12 (f) the identifying particulars of the authorised person giving the
13 reminder notice;
- 14 (g) a statement to the effect that—
- 15 (i) the infringement notice penalty has not been paid; and
- 16 (ii) the person must do a thing mentioned in the Act,
17 section 28 (2) within 28 days after the reminder notice is
18 served;
- 19 (h) that the infringement notice has not been withdrawn;
- 20 (i) if the infringement notice was served under the Act,
21 section 24 (2) (Infringement notices)—that the administering
22 authority has not received an infringement notice declaration
23 from the person for the offence;
- 24 (j) that written notice disputing liability has not been received by
25 the administering authority from the person for the offence;

- 1 (k) that the infringement notice penalty has been increased by the
2 amount payable by the person for the cost of serving the
3 reminder notice;
- 4 *Note* Section 7 prescribes the cost of serving a reminder notice.
- 5 (l) the infringement notice penalty now payable for the offence;
- 6 (m) a statement telling the person that, within the required time
7 after the reminder notice is served on the person, the person
8 may do 1 of the following (a *reminder notice response*):
- 9 (i) pay the infringement notice penalty now payable for the
10 offence;
- 11 (ii) give the administering authority an infringement notice
12 declaration for the offence;
- 13 (iii) dispute liability for the offence;
- 14 (iv) apply to the administering authority for additional time to
15 pay the penalty, give an infringement notice declaration
16 or dispute liability for the offence;
- 17 (n) a statement that the notice may be withdrawn before or after
18 the penalty is paid;
- 19 (o) a statement to the effect that, if the person pays the penalty
20 within the required time—
- 21 (i) any liability of the person for the offence is discharged;
22 and
- 23 (ii) the person will not be prosecuted for the offence; and
- 24 (iii) the person will not be taken to have been convicted of the
25 offence;
- 26 (p) a statement to the effect that, if the person wants to dispute
27 liability for the offence, the issue may be referred to the
28 Magistrates Court;

- 1 (q) a statement to the effect that, if the issue is referred to the
2 Magistrates Court, the person may be—
- 3 (i) convicted of the offence; and
4 (ii) ordered to pay a penalty and costs; and
5 (iii) subject to other court orders;
- 6 (r) a statement to the effect that if the person does not pay the
7 infringement notice penalty or dispute liability for the offence
8 within the required time—
- 9 (i) the person may be prosecuted for the offence; or
10 (ii) if the offence involved a registrable vehicle—payment of
11 the penalty may be enforced under the Act, division 3.4
12 (Enforcement procedures);
- 13 (s) any additional information the administering authority
14 considers appropriate.
- 15 (2) The reminder notice must also contain the following information:
- 16 (a) how the person may pay the infringement notice penalty or
17 dispute liability for the offence;
- 18 (b) how the person may apply for additional time to pay the
19 infringement notice penalty or dispute liability for the offence;
- 20 (c) if the offence involved a registrable vehicle—
- 21 (i) how many demerit points the person will incur if the
22 person pays the infringement notice penalty or is
23 convicted of the offence; and
- 24 (ii) general information about the enforcement procedures
25 under the Act, division 3.4; and

- 1 (iii) a statement that, in a proceeding against the responsible
2 person for a registrable vehicle for an infringement notice
3 offence involving the vehicle, the responsible person is
4 presumed to be the individual in possession or control of
5 the vehicle at the time of the offence, unless the contrary
6 is proved by the responsible person; and
- 7 (iv) a statement that the responsible person for the vehicle has
8 an obligation to take all reasonable steps under the Act,
9 part 3 to assist the administering authority to identify and
10 locate the individual who the responsible person asserts
11 was in possession or control of the vehicle at the time of
12 the offence; and
- 13 (v) general information about the Act, division 3.3
14 (Infringement notice offences involving registrable
15 vehicles—responsible person’s liability); and
- 16 (vi) information about how the person may make and give the
17 administering authority an infringement notice
18 declaration under that division; and
- 19 (vii) if the offence is a camera-detected offence—information
20 about how to inspect and obtain a copy of the image
21 taken by the approved camera detection device.
- 22 (3) In this section:
- 23 ***the required time***, for a person to pay a penalty for an infringement
24 notice offence, means—
- 25 (a) 28 days after the day the reminder notice for the offence was
26 served; or
- 27 (b) any additional time allowed under the Act, section 29
28 (Extension of time to do things); or

- 1 (c) if an application for an extension of time was refused under
2 the Act, section 29, the later of the following:
- 3 (i) 7 days after the day the person is given written notice of
4 the refusal;
- 5 (ii) 28 days after the date of issue of the reminder notice.

6 **14C Extension of time—application within time—Act, s 29 (5)**

- 7 (1) A person may apply to the administering authority for an extension
8 of time to do something mentioned in the Act, section 26 (2) or
9 section 28 (2)—
- 10 (a) if—
- 11 (i) the person has been served with an infringement notice
12 for the offence; and
- 13 (ii) the person has not done anything mentioned in the Act,
14 section 26 (2) in relation to the infringement notice; and
- 15 (iii) the time for doing something under that section,
16 including any extension of time previously given under
17 the Act, section 29, (the *allowed time*) has not ended; or
- 18 (b) if—
- 19 (i) the person has been served with a reminder notice in
20 relation to an infringement notice for the offence; and
- 21 (ii) the person has not done anything mentioned in the Act,
22 section 28 (2) in relation to the reminder notice; and
- 23 (iii) the time for doing something under that section including
24 any extension of time given under a previous application
25 of the Act, section 29, (the *allowed time*) has not ended.

- 1 (2) An application must be—
2 (a) in writing; and
3 (b) include any information required by the administering
4 authority; and
5 (c) given to the authority before the end of the allowed time.
- 6 *Note 1* If a form is approved under the Act, s 225 for this provision, the form
7 must be used.
- 8 *Note 2* See the Act, s 29 (2) and (3) for what the administering authority must
9 do on receiving an application.
- 10 (3) If the administering authority refuses an application, the person
11 must do something mentioned in the Act, section 26 (2) or
12 section 28 (2) not later than—
13 (a) 7 days after the person is told about the decision; and
14 (b) 28 days after the notice to which the application relates was
15 served.

16 **14D Extension of time—application out-of-time—Act, s 29 (5)**

- 17 (1) A person may apply to the administering authority for an extension
18 of time to do something mentioned in the Act, section 26 (2) or
19 section 28 (2) if—
20 (a) the person has been served with a reminder notice in relation to
21 an infringement notice for the offence; and
22 (b) the person has not done anything mentioned in the Act,
23 section 28 (2) in relation to the reminder notice; and
24 (c) the time for doing something under that section including any
25 extension of time given under a previous application of the
26 Act, section 29, has ended.

- 1 (2) An application must—
2 (a) be in writing; and
3 (b) state the special circumstances relied on; and
4 (c) include any other information required by the authority.
- 5 *Note 1* If a form is approved under the Act, s 225 for this provision, the form
6 must be used.
- 7 *Note 2* See the Act, s 29 (2) and (3) for what the administering authority must
8 do on receiving an application.
- 9 (3) The administering authority must allow the application if it
10 reasonably believes special circumstances justify allowing an
11 extension of time.
- 12 (4) If the administering authority refuses an application, the person
13 must do something mentioned in the Act, section 26 (2) or
14 section 28 (2) not later than 7 days after the person is told about the
15 decision.
- 16 **14E Maximum amount of extended time allowed—**
17 **Act, s 29 (5)**
- 18 The maximum amount of time the administering authority may
19 allow on an application under section 14C or section 14D is as
20 follows:
- 21 (a) for an application to extend the time to do a thing mentioned in
22 the Act, section 26 (2)—6 months;
- 23 (b) for an application to extend the time to do a thing mentioned in
24 the Act, section 28 (2)—6 months.

1 **14F** **Illegal user declaration—Act, s 21A, def *illegal user***
2 ***declaration, par (b)***

3 The following information is prescribed:

- 4 (a) if the person is an individual—a statement to the effect that the
5 person was not the person who was in possession or control of
6 the vehicle at the time of the offence;
- 7 (b) if the vehicle was stolen or illegally used or taken—
- 8 (i) the date and time when the vehicle was first noticed to be
9 stolen or illegally used or taken; and
- 10 (ii) the name and home address or business address of each
11 person who had access to the vehicle before it was stolen
12 or illegally used or taken; and
- 13 (iii) the last place the vehicle was known to be parked before
14 it was stolen or illegally used or taken; and
- 15 (iv) the name and home address or business address of each
16 person who had access to the vehicle before it was stolen
17 or illegally used or taken; and
- 18 (v) the name and home address or business address of the
19 person last known to have lawfully used the vehicle
20 before it was stolen or illegally used or taken;
- 21 (c) when and to whom the vehicle was reported to be stolen;
- 22 (d) if the responsible person knows the name or home address or
23 business address of the person who illegally used or took the
24 vehicle—that person’s name or home address or business
25 address.

26 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the
27 making of statutory declarations under ACT laws.

28 *Note 2* It is an offence to make a false or misleading statement, give false
29 or misleading information or produce a false or misleading
30 document (see Criminal Code, pt 3.4).

1 **14G** **Known user declaration—Act, s 21A, def *known user***
2 ***declaration, par (c)***

3 The following information is prescribed:

- 4 (a) if the person is an individual—a statement to the effect that the
5 person was not the person who was in possession or control of
6 the vehicle at the time of the offence;
- 7 (b) the name and home address or business address of the person
8 (the *known user*) who was the person who was in possession
9 or control of the vehicle at the time of the offence;
- 10 (c) the circumstances in which the known user was in possession
11 or control of the vehicle at the time of the offence.

12 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the
13 making of statutory declarations under ACT laws.

14 *Note 2* It is an offence to make a false or misleading statement, give false
15 or misleading information or produce a false or misleading
16 document (see Criminal Code, pt 3.4).

17 **14H** **Sold vehicle declaration—Act, s 21A, def *sold vehicle***
18 ***declaration, par (c)***

19 The following information is prescribed:

- 20 (a) a statement to the effect that the vehicle (or all the person's
21 interest in the vehicle) was sold or otherwise disposed of by the
22 person, or any interest in the vehicle ceased to be vested in the
23 person, before the time of the offence;
- 24 (b) a statement to the effect that, at the time of the offence, the
25 person did not have possession or control of the vehicle;
- 26 (c) the relevant facts supporting the information mentioned in
27 paragraphs (a) and (b), including—
- 28 (i) the name and home address or business address of the
29 person (the *buyer*) to whom the vehicle (or the person's
30 interest in the vehicle) was sold or disposed of; and

- 1 (ii) if the buyer is not an individual—the buyer’s ABN or
2 ACN, if applicable; and
- 3 (iii) the date and, if relevant to the offence, time of the sale or
4 disposal; and
- 5 (iv) if an agent made the sale or disposal for the person—the
6 agent’s name and home address or business address; and
- 7 (v) whether the person had any interest in the vehicle at the
8 time of the offence;

- 9 (d) that the person completed and signed an application for
10 transfer of registration as disposer of the vehicle and gave the
11 completed form to the buyer;

12 *Note* See the *Road Transport (Vehicle Registration) Regulation 2000*,
13 s 73 for obligations of disposers of vehicles.

- 14 (e) whether the person told the road transport authority that the
15 person disposed of the vehicle.

16 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the
17 making of statutory declarations under ACT laws.

18 *Note 2* It is an offence to make a false or misleading statement, give false
19 or misleading information or produce a false or misleading
20 document (see Criminal Code, pt 3.4).

21 **14I Unknown user declaration—Act, s 21A, def *unknown user***
22 ***declaration*, par (c)**

23 The following information is prescribed:

- 24 (a) if the person is an individual—a statement explaining why the
25 person did not have possession or control of the vehicle at the
26 time of the offence;

- 27 (b) if the person is a corporation—a statement about whether or
28 not the vehicle was being used for an approved corporate use at
29 the time of the offence;

- 1 (c) a statement explaining why the person could not find out the
2 identity of the person who was in possession or control of the
3 vehicle at that time;
- 4 (d) a statement about the steps, including any inquiries, the person
5 has taken to establish the identity of the person who was in
6 possession or control of the vehicle at that time;
- 7 (e) the name and home address or business address of the last
8 person known to the responsible person to have been the
9 person who was in possession or control of the vehicle;
- 10 (f) the name and home address or business address of each person
11 who at that time had access to the vehicle.

12 *Note 1* The *Statutory Declarations Act 1959* (Cwlth) applies to the
13 making of statutory declarations under ACT laws.

14 *Note 2* It is an offence to make a false or misleading statement, give false
15 or misleading information or produce a false or misleading
16 document (see Criminal Code, pt 3.4).

17 **14J Contents of suspension warning notice—Act, s 42 (2) (a)**
18 **(iii)**

19 The following information is prescribed:

- 20 (a) the date of the notice;
- 21 (b) the corporation's name, ACN (if known) and business address;
- 22 (c) the demerit points offence to which the notice relates,
23 including the date and time when, and the place where, the
24 offence occurred;
- 25 (d) that the corporation has not taken all reasonable steps to assist
26 the administering authority to identify and locate the individual
27 who was in possession or control of the corporation's vehicle
28 at the time of the demerit points offence;
- 29 (e) that the infringement notice for the demerit points offence has
30 not been withdrawn;

- 1 (f) that any suspension action takes effect on the suspension date
2 and continues until the time stated in the Act, section 42 (6).

3 **14K Contents of suspension confirmation notice—Act, s 42**
4 **(4) (d)**

5 The following information is prescribed:

- 6 (a) the date of the notice;
- 7 (b) the corporation's name, ACN (if known) and business address;
- 8 (c) the demerit points offence to which the notice relates,
9 including the date and time when, and the place where, the
10 offence occurred;
- 11 (d) that the corporation has not taken all reasonable steps to assist
12 the administering authority to identify the individual in
13 possession or control of the corporation's vehicle at the time of
14 the demerit points offence;
- 15 (e) that the infringement notice for the demerit points offence has
16 not been withdrawn.

17 **14L Content of suspension notice—Act, s 44 (3) (c)**

18 The following information is prescribed:

- 19 (a) the date of the notice;
- 20 (b) the name and home address or business address of the person;
- 21 (c) that the infringement notice penalty to which the notice relates
22 has not been paid, and the notice has not been withdrawn;
- 23 (d) that any suspension action takes effect on the suspension date
24 and continues until the suspension is revoked under the Act,
25 part 3.

Schedule 1 Consequential amendments
Part 1.4 Road Transport (Offences) Regulation 2005

Amendment [1.14]

1 **[1.14] Section 16**

2 *omit*

3 **[1.15] Schedule 1, part 1.7, item 2**

4 *omit*

1 **[1.16] Schedule 1, part 1.7, item 3**

2 *substitute*

3	43B (1)	drive interstate corporate vehicle when right to drive vehicle in ACT suspended under s 42	20	440	
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Schedule 1 Consequential amendments
Part 1.4 Road Transport (Offences) Regulation 2005

Amendment [1.17]

1 **[1.17] Schedule 1, new part 1.9**

2 *insert*

3 **Part 1.9 Road Transport (Offences) Regulation 2005**

column 1 item	column 2 offence provision and, if relevant, case	column 3 short description	column 4 offence penalty (pu)	column 5 infringement penalty (\$)	column 6 demerit points
1	12 (4)	do something to prevent responsible person receiving/reading infringement notice on vehicle	20	275	

1 **Part 1.5** **Road Transport (Vehicle**
2 **Registration) Regulation 2000**

3 **[1.18] New section 28 (ca)**

4 *insert*

5 (ca) for 2 individuals seeking to be recorded as registered operators
6 of the same light vehicle—the name and address of the
7 individual who is to be the contact person for the service of
8 notices under the road transport legislation in relation to the
9 vehicle; and

10 **[1.19] New section 162 (5) (d)**

11 *insert*

12 (d) the individual nominated as the contact person for the service
13 of notices relating to the vehicle is taken to be the responsible
14 person for the vehicle for an infringement notice offence
15 involving the vehicle.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 March 2012.

2 Notification

Notified under the Legislation Act on 2012.

3 Republications of amended laws

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

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