

Road Transport (General) (Guidelines about withdrawal of infringement notices) Determination 2011

Disallowable Instrument DI2011—33

made under the

Road Transport (General) Act 1999, section 32(1) (Guidelines about withdrawal of infringement notices)

1. Name of Instrument

This instrument is the Road Transport (General) (Guidelines about withdrawal of infringement notices) Determination 2011.

2. Commencement

This instrument commences on the day after notification.

3. Determination

The Guidelines listed in the Schedule to this instrument set out the criteria for the withdrawal of a public passenger service infringement notice.

4. Definitions

In this instrument, a *public passenger service infringement notice* means an infringement notice issued for an offence listed in Part 1.10 or Part 1.11 of Schedule 1 of the *Road Transport (Offences) Regulation 2005* for which an infringement penalty is provided in column 5 of the item applying to the offence.

Jon Stanhope MLA
Minister for Transport
1 March 2011

SCHEDULE TO THE ROAD TRANSPORT (GENERAL) (GUIDELINES ABOUT WITHDRAWAL OF INFRINGEMENT NOTICES) DETERMINATION 2011

GUIDELINES FOR WITHDRAWAL OF PUBLIC PASSENGER SERVICE INFRINGEMENT NOTICES

A public passenger service infringement notice may be withdrawn for any of the following reasons:

- An infringement notice has been incorrectly issued, including in the following circumstances:
 - where the information concerning the vehicle is incorrect;
 - where the information concerning the driver or accredited operator, as applicable, is incorrect; or
 - the type of offence specified in the infringement notice is incorrect.
- For administrative reasons, including the following:
 - for reasons outside the control of the applicant for withdrawal, there was insufficient time to replace a lost or stolen driver licence or public vehicle driver authority card;
 - the infringement notice relied on incorrect information recorded in a database maintained by the road transport authority, and the incorrect information was not supplied by or on behalf of the applicant for the withdrawal;
 - the infringement notice relates to a deceased person or a person who has moved overseas.
- The circumstances in which the offence was alleged to have occurred involved an emergency medical situation or similar event and:
 - the person completes a Statutory Declaration detailing the emergency situation or similar event; and/or
 - the emergency medical situation or event can be confirmed by a registered medical practitioner, hospital records, police report or similar report.
- The applicant's previous good behaviour -
 - where an Australian Capital Territory (ACT) accredited public passenger service operator has been an accredited in the ACT for 10 years or more without incurring a public passenger service infringement notice; or

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- a public passenger driver licence holder has held a public vehicle driver authority continuously for 10 years or more without incurring a public passenger service infringement notice.
- Section 53 (5) of the *Road Transport (General) Act 1999* applies to the public passenger service infringement notice because the applicant has disputed liability for the offence under section 51 of the *Road Transport (General) Act 1999* and the authority has not laid an information in relation to that offence within 60 day of being given notice of the dispute.
- There is insufficient evidence to substantiate the offence to which the public passenger service infringement notice relates.