

1999

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

ROAD TRANSPORT (GENERAL) BILL 1999

EXPLANATORY MEMORANDUM

Circulated by authority of
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Road Transport (General) Bill 1999

Explanatory memorandum

This explanatory memoranda relates to this Bill as introduced into The Assembly.

The following Bills are cognate with this Bill:

- the Road Transport (Safety and Traffic Management) Bill 1999
- the Road Transport (Driver Licence) Bill 1999
- the Road Transport (Vehicle Registration) Bill 1999
- the Road Transport Legislation Amendment Bill 1999

Overview of Bill

The objects of this Bill are as follows:

- (a) to provide for the enforcement of the provisions of the *road transport legislation* (which includes the proposed Act, the *Road Transport (Driver Licensing) Bill 1999*, the proposed *Road Transport (Safety and Traffic Management) Bill 1999*, the *Road Transport (Vehicle Registration) Bill 1999*, other prescribed Acts or provisions of Acts and regulations made under those Acts) and various other Acts and regulations,
- (b) to facilitate the efficient administration of the road transport legislation by:
 - (i) enabling the Administrative Decisions Tribunal to review certain decisions made under the road transport legislation, and
 - (ii) enabling the Minister to make certain declarations and orders in respect of the application of the road transport legislation to roads and road related areas and to people, vehicles and animals,

- (c) to re-enact (with some modifications) provisions currently contained in the (*Motor Traffic Act 1936*) (which is to be repealed by the proposed *Road Transport Legislation Amendment Bill 1999*),
- (d) to provide for matters of a savings and transitional nature consequent on the enactment of the proposed Act, the proposed *Road Transport (Safety and Traffic Management) Bill 1999* and the proposed *Road Transport Legislation Amendment Bill 1999*.

Outline of provisions

PART 1 - PRELIMINARY

Section 1 sets out the name (also called the short title) of the proposed Act.

Section 2 provides for the commencement of the proposed Act on the 1st December 1999.

Section 3 sets out the objects of the proposed Act.

Section 4 defines certain words and expressions used in the proposed Act.

Section 5 provides that notes in the proposed Act do not form part of the Act.

PART 2 - ADMINISTRATION OF ROAD TRANSPORT LEGISLATION

Division 2.1 Road transport legislation

Section 6 defines the concept of *road transport legislation* for the purposes of the proposed Act. It is defined to mean the following:

- (a) the proposed Act,
- (b) the *Road Transport (Alcohol and Drugs) Act 1977*,
- (c) the *Road Transport (Dimensions and Mass) Act 1990*,
- (d) the proposed *Road Transport (Driver Licensing) Act 1999*,
- (e) the proposed *Road Transport (Safety and Traffic Management) Act 1999*,
- (f) the proposed *Road Transport (Vehicle Registration) Act 1999*,

- (g) any other Act or regulation (or any provision of such an Act or regulation) prescribed by the regulations,
- (h) any regulation made under any of the above Acts (or any provision of such an Act).

Section 7 makes provision for a reference to an Act includes a reference to a regulation made under an Act and a reference to a publication applied, adopted or incorporated by an Act or regulation.

Section 8 makes provision for the definition of a word or expression to be consistent in other road transport legislation unless the contrary intention appears.

Division 2.2 Relationship between road transport legislation and other laws

Section 9 makes provision for the relationship between the road transport legislation and other laws. In particular, it provides that (unless the regulations provide otherwise) an Act that forms part of the road transport legislation prevails over any other Act or statutory rule to the extent of any inconsistency. It also provides that a statutory rule made under the road transport legislation prevails over any other Act or statutory rule to the extent of any inconsistency in respect of driver licensing, vehicle registration or traffic on roads or road related areas (and other related matters).

Division 2.3 Responsible persons for vehicles under road transport legislation

Section 10 defines the concept of the *responsible person* for a vehicle for the purposes of the road transport legislation. A person is a responsible person for a vehicle if the person is any of the following:

- (a) in relation to a registered vehicle:
 - (i) a registered operator of the vehicle, except where the vehicle has been disposed of by the operator, or

- (ii) if the vehicle has been disposed of by a previous registered operator—a person who has acquired the vehicle from the operator, or
 - (iii) a person who has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement),
- (b) in relation to an unregistered vehicle to which a trader's plate is affixed:
- (i) the person to whom the trader's plate is issued under the *Road Transport (Vehicle Registration) Act 1999*, or
 - (ii) a person who has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement),
- (c) in relation to an unregistered vehicle to which no trader's plate is affixed:
- (i) a person who was last recorded as a registered operator of the vehicle, or
 - (ii) a person who has a legal right to possession of the vehicle (including any person who has the use of the vehicle under a lease or hire-purchase agreement, but not the lessor while the vehicle is being leased under any such agreement),
- (d) a person (or a person who belongs to a class of persons) prescribed by the regulations for the purposes of the definition.

The concept of the responsible person for a vehicle will replace the concept of *owner* of a vehicle that is presently used in the (*Motor Traffic Act 1936*) and other related legislation, which is presently defined in a number of inconsistent ways.

Section 11 provides that (unless the regulations provide otherwise) the provisions of the road transport legislation and certain other laws that apply to the responsible person for a vehicle are read as applying to each such

responsible person in the case of vehicles that have more than one responsible person.

Division 2.4 Alteration of scope of operation of road transport legislation

Section 12 enables the Minister to declare, by order published in the Gazette, that the road transport legislation (or any specified provision of it) applies to a specified area of the Territory that is open to or used by the public or does not apply to a specified road or road related area.

Section 13 enables the Minister to declare, by order published in the Gazette, that the road transport legislation (or any specified provision of it) does not apply to a vehicle, person or animal in a specified location or circumstance.

Section 14 enables the Minister, by notice published in the Gazette, to order the suspension or variation of regulations made under the road transport legislation in a manner that is consistent with the provisions relating to application orders and emergency orders in the intergovernmental agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth.

Section 15 requires the Road Transport Authority (the *Authority*) to maintain a database of declarations and orders made under the Division. It also requires the Authority to give the public access to the database of declarations and orders made under the Division in accordance with the regulations.

Division 2.5 Administration

Section 16 provides for Australian Capital Territory Road Transport Authority and the Chief Executive is the Road Transport Authority.

Section 17 provides that the Road Transport Authority may delegate any or all of its functions to the Chief of Police, a public employee or a person prescribed under the regulations. In turn the Chief of Police and a person prescribed under the regulations may delegate their delegated functions subject to any restrictions.

Section 18 allows the Chief of Police to delegate any or all of his or her functions to a police officer, public officer or a person prescribed under the regulations.

Section 19 allows the Road Transport Authority to appoint *authorised persons* in writing to be authorised under the legislation or a specific provision.

Section 20 states that an authorised person must be issued with an identity card.

Section 21 requires an authorised person to show the identity card before exercising his or her delegated authority.

PART 3 - INFRINGEMENT NOTICES FOR CERTAIN OFFENCES

Division 3.1 Preliminary creates a system of infringement notices and infringement reminder notices for certain offences as an alternative to prosecution.

Section 22 sets out the purpose and effect of the Division. The main effect is that, even when an infringement notice has been served on a person, the person may subsequently be prosecuted in court for the matter. The proposed section substantially re-enacts the provisions of Section 180C of the (*Motor Traffic Act 1936*).

Section 23 sets out the regulation making powers for an infringement notice offence.

Division 3.2 Infringement and reminder notices generally

Section 24 provides for an infringement notice to be served on a person believed on reasonable grounds, to have committed an offence. It also allows notices to be issued based on the contents of declarations or images. The proposed section substantially re-enacts the provisions of Section 180D of the (*Motor Traffic Act 1936*).

Section 25 provides the level of detail required in an infringement notice in relation to the actual offence. The proposed section substantially re-enacts the provisions of Section 180F of the (*Motor Traffic Act 1936*).

Section 26 sets out further detail required on the infringement notice in relation to the payment of the penalty, and the effect of payment or non payment. The notice must also state how to lodge a dispute and the effects of that lodgment, and the number of demerit points applied as part of a penalty. Further information is also to be provided in relation to statutory declarations, and obtaining copies of images recorded by digital camera detection devices. The section ensures that comprehensive information is available to those people served with an infringement notice. The proposed section substantially re-enacts the provisions of Section 180G of the (*Motor Traffic Act 1936*).

Section 27 provides for applications to be made seeking additional time to pay a traffic infringement notice penalty and the rules applying if such an extension is granted. It allows the person an extra seven days to pay after receiving notice that an application has been refused. The proposed section substantially re-enacts the provisions of Section 180H of the (*Motor Traffic Act 1936*) together with amendments made by Mr. Osborne's Assembly amendments to the *Motor Traffic (Amendment) Bill (No.2) 1999*.

Section 28 provides the requirements applying to the administering authority in relation to an application for an extension of time to pay a penalty. The proposed section substantially re-enacts the provisions of Section 180I of the (

Motor Traffic Act 1936) together with amendments made by Mr. Osborne's Assembly amendments to *the Motor Traffic (Amendment) Bill (No.2) 1999*.

Section 29 provides the effects of payment of an infringement notice penalty. It specifies that upon payment of the infringement notice penalty the liability of the person for the offence is discharged, the person must not be prosecuted in the court for the offence and that the person is not to be taken as being convicted of the offence. The proposed section substantially re-enacts the provisions of Section 180MD of the (*Motor Traffic Act 1936*).

Section 30 allows a person on whom an infringement notice has been served, to apply for the withdrawal of the notice. This would generally apply in cases where individuals make representations on the basis of a good driving record.

Another situation in which infringements may be withdrawn is when a declaration is given to the administering authority. The proposed section substantially re-enacts the provisions of Section 180ME of the (*Motor Traffic Act 1936*).

Section 31 allows for the withdrawal of an infringement notice whether or not an application for withdrawal of the notice has been made or the penalty has been paid. The section allows an infringement notice to be withdrawn after it has been paid, and subsequent court action. This would be used in situations where several offences are committed in a short period of time and it would be beneficial to have all the matters heard in court. Such a situation would be where a person is detected speeding by a camera and shortly afterwards is involved in a crash. The proposed section substantially re-enacts the provisions of Section 180MF of the (*Motor Traffic Act 1936*).

Section 32 provides for the Minister to issue guidelines, as a disallowable instrument, concerning the exercising of the Authority's functions under sections 31 and 32.

Section 33 provides that a reminder notice may be served on a person if an infringement notice has been served, and no payments or successful applications have been made in the 28 days since the notice was served. The

proposed section substantially re-enacts the provisions of Section 180MG of the (*Motor Traffic Act 1936*).

Section 34 provides that a reminder notice for an infringement notice offence must have a unique number and specify the prescribed short description of the offence and the number of the infringement notice sent to the person in relation to the offence and other relevant information. The intent of the notice is to inform the person that there has been no response from the person in relation to the original notice and that an additional penalty is now incurred. The proposed section substantially re-enacts the provisions of Section 180MH of the (*Motor Traffic Act 1936*).

Section 35 provides for a comprehensive level of detail to be included in the reminder notice, such as the possible effects of non payment, dispute of liability options, application for additional time to pay the penalty and, if a camera detected offence, how the person may view the offence image or purchase a copy. The notice also provides the detail of the additional cost now payable and the demerit points, if any, applicable to the offence. The proposed section substantially re-enacts the provisions of Section 180MI of the (*Motor Traffic Act 1936*).

Division 3.3 Additional provisions for offences involving vehicles

Section 36 provides for an infringement notice to be served on the owner or owners of a vehicle detected committing an offence, such as an offence detected by a speed camera. The section describes how infringement notices may be served, and also imposes a penalty on persons (other than the owner or driver of the vehicle) for defacing an infringement notice placed on a vehicle.

Importantly, it allows a time limit to be used within which infringement notices must be issued. For example, the serving of infringement notices related to camera detected offences can be limited to a certain number of days from the date of the offence. The proposed section substantially re-enacts the provisions

of Section 180E of the (*Motor Traffic Act 1936*).

Section 37 imposes liability on the vehicle owner for an offence for which an infringement notice was issued under section 36. This addresses the problem associated with an offence detected by a camera where the driver who actually committed the offence is unknown, thus differentiating from an “on the spot” infringement offence where the infringement is issued directly to the person who committed the offence. However, the section provides that the Court must not find the owner liable for an offence in the following circumstances (whether or not because of statements made in a declaration): when the court is satisfied that vehicle was illegally used or stolen; when the court is satisfied that the vehicle had been sold or disposed of by the person before the time of the offence; and when the court is satisfied that the person was not the driver at the time of the offence, and could not with reasonable diligence have found the name and address of the person who was the driver. In addition, if the court is satisfied that another person was driving the vehicle, and the owner has completed a known user declaration, the court is not to find the person liable. While placing liability on the owners of motor vehicles, the section ensures that owners are not penalised unjustly for offences that may be outside their control. The proposed section substantially re-enacts the provisions of Section 180J of the (*Motor Traffic Act 1936*).

Section 38 provides for an owner to give the administering authority an “illegal user declaration” stating that the vehicle was stolen or illegally used at the time of the offence. The provision allows a further infringement notice to be served on a named offender. A copy of the declaration must be sent to the named offender before any court action is taken. The declaration must include details of the notification of the theft to police to ensure only genuine cases are considered. Subsection (6) allows the declaration to be used in court as evidence. It is intended that the court would decide the appropriate weight of the declaration as evidence. It does not necessarily remove the possible need to have in court the actual person who made the declaration. The proposed section

substantially re-enacts the provisions of Section 180K of the (*Motor Traffic Act 1936*).

Section 39 provides for an owner to give the administering authority a “known user declaration”. The provision allows for an individual or corporate owner of a vehicle to name the actual offender, and allows that an infringement notice can then be served on the “named offender”. The owner must state how they established the identity of the driver so that the administering authority and the courts may attach the appropriate weight to the statement. As with the “illegal user declaration”, a “known user declaration” may be used as evidence in court. The proposed section substantially re-enacts the provisions of Section 180L of the (*Motor Traffic Act 1936*).

Section 40 provides for an owner to give the administering authority a “sold vehicle declaration”, and allows that an infringement notice may be served on the buyer of the vehicle. Again, the owner must include in the declaration all details of the sale to ensure only genuine cases are considered, and the declaration may be used as evidence. The proposed section substantially re-enacts the provisions of Section 180M of the (*Motor Traffic Act 1936*).

Section 41 provides for an owner to give the administering authority an “unknown user declaration,” providing the detail of the efforts made to establish the identity of the actual driver at the time the offence was committed. The proposed section substantially re-enacts the provisions of Section 180MA of the (*Motor Traffic Act 1936*).

Section 42 specifies that a person who is served an infringement notice under section 36 for a camera detected offence must, if not the driver of the vehicle at the time the offence was committed, make a relevant declaration under sections 38, 39, 40 or 41. Individual and corporate penalties apply for the failure to make a relevant declaration, and would be applied in situations where, for example, the owner assists the driver to avoid demerit points by not naming the driver in a declaration. The section further provides that the Magistrates Court must not find a person guilty of the offence if the court is satisfied that the

vehicle was stolen or illegally used, or the vehicle had been sold or disposed of before the time of the offence, or the person did not know, and could not with reasonable diligence have found out the name and address of the person who was the driver of the vehicle at the time of the offence. Again, the section ensures that owners of motor vehicles have the opportunity to prove they were not the actual driver of their vehicle at the time of the offence. The proposed section substantially re-enacts the provisions of Section 180MB of the (*Motor Traffic Act 1936*).

Section 43 provides corporate and individual penalties for falsely naming, in a declaration, a person as being the driver at the time an infringement notice offence was committed. The proposed section substantially re-enacts the provisions of Section 180MC of the (*Motor Traffic Act 1936*).

Division 3.4 Enforcement procedures

Section 44 provides the right for the Road Transport Authority to take action in relation to the person's driving rights, or vehicle registration in the Territory, if an infringement penalty is not paid. It also specifies enforcement procedures when the person is not licensed in the Territory, or, is not the owner of a vehicle registered in the Territory. The section specifies that where the Road Transport Authority suspends a licence, registration or driving rights, the suspension will not take effect less than ten days after service of the notice of suspension on the person. This is consistent with existing legislation. The proposed section substantially re-enacts the provisions of Section 180MJ of the (*Motor Traffic Act 1936*) except that registrar has been replaced by the Road Transport Authority.

Section 45 provides that the Road Transport Authority shall not issue a driver licence or register a vehicle (as the case may be) for a person while the person is under suspension for failure to pay an infringement penalty. The proposed section substantially re-enacts the provisions of Section 180MK of the (*Motor*

Traffic Act 1936).

Section 46 further provides the circumstances where the Road Transport Authority may transfer the registration of a vehicle that has had its registration suspended under section 44. The proposed section substantially re-enacts the provisions of Section 180ML of the (*Motor Traffic Act 1936*) except that registrar has been replaced by the Road Transport Authority.

Section 47 provides that if a suspension is in force for non-payment of a penalty and the person pays the penalty, the Road Transport Authority must revoke the suspension, except in the case where similar enforcement action is required against the person in relation to another offence. The proposed section substantially re-enacts the provisions of Section 180MM of the (*Motor Traffic Act 1936*) except that registrar has been replaced by the Road Transport Authority.

Section 48 provides for a person to apply to the Court for a declaration that he/she did not commit the offence, if a suspension is, or is about to be, in force. It further provides that the Road Transport Authority must not take action under a declaration made by the Court if he/she believes that another ground exists to suspend or cancel the licence or registration, or the right to drive in the Territory. The intent of the section is to administratively simplify matters in relation to a suspension in circumstances where the offender has other traffic infringement matters in addition to the infringement notice being dealt with. The provision is not intended to allow the Road Transport Authority to overrule a decision made by the court, and is consistent with existing policies. The proposed section substantially re-enacts the provisions of Section 180MN of the (*Motor Traffic Act 1936*) except that registrar has been replaced by the Road Transport Authority.

Section 49 provides that if the Road Transport Authority revokes a suspension because of a declaration of the Court, the suspended licence, registration and right to drive shall be taken to have never been suspended. The proposed section substantially re-enacts the provisions of Section 180MO of the (*Motor*

Traffic Act 1936) except that the Registrar has been replaced by the Road Transport Authority.

Section 50 provides that if the Road Transport Authority does not take action in relation to a declaration made by the Court under section 48, the person may apply to the Court for an order setting aside the decision. The section provides the onus of proving that a ground existed for the Road Transport Authority to continue with the suspension, is on the Road Transport Authority. The proposed section substantially re-enacts the provisions of Section 180MP of the (*Motor Traffic Act 1936*) except that registrar has been replaced by the Road Transport Authority.

Division 3.5 Disputing liability

Section 51 allows a person to dispute liability by writing to the administering authority and setting out the grounds for the dispute. The section allows a person to apply for an extension of time permitted to dispute liability, and if the application is refused, the person has another seven days in which to lodge a dispute. The proposed section substantially re-enacts the provisions of Section 180MQ of the (*Motor Traffic Act 1936*).

Section 52 provides that when an application is made for a longer period of time to in which to dispute liability, the administering authority must allow or refuse the application and inform the applicant of the decision in writing. The proposed section substantially re-enacts the provisions of Section 180MR of the (*Motor Traffic Act 1936*).

Section 53 allows the administering authority to lay an information in the Magistrates Court within 60 days, if a dispute notice under section 51 is given. It further provides that if the penalty is fully paid before the proceeding is begun, the proceeding must be discontinued. The section also provides the detail of the information to be provided to the person by the administering authority if an information is not laid within 60 days. The proposed section

substantially re-enacts the provisions of Section 180MS of the (*Motor Traffic Act 1936*).

Division 3.6 Miscellaneous

Section 54 provides that the administering authority for an infringement notice offence may delegate any powers under this Part to an authorised person (which includes police officers) or a person prescribed under the regulations. It further allows that a person prescribed under the regulations, may delegate a power delegated to him or he, to anyone else. The proposed section substantially re-enacts the provisions of Section 180MT of the (*Motor Traffic Act 1936*).

Section 55 provides that a statutory declaration made by a corporation must be made by an executive officer of the corporation. The proposed section substantially re-enacts the provisions of Section 180MU of the (*Motor Traffic Act 1936*).

Section 56 provides the information required on evidentiary certificates for a proceeding for an infringement notice offence. The proposed section substantially re-enacts the provisions of Section 180MV of the (*Motor Traffic Act 1936*).

Section 57 provides the cost allocations for declarations made under proceedings in the Magistrates Court in relation to enforcement actions. The allocations specified are subject to any decision made by the court on the matter. The proposed section substantially re-enacts the provisions of Section 180MW of the (*Motor Traffic Act 1936*).

PART 4 - ENFORCEMENT OF ROAD TRANSPORT LEGISLATION

Division 4.1 Production of licences and identification of people

Section 58 enables a police officer or an authorised officer, in the execution of his or her duties under the road transport legislation, to require the driver or rider of a vehicle to produce his or her driver licence and to state his or her name and address. A failure to comply with such a requirement will be an offence for which the maximum penalty will be 20 penalty units. The proposed section substantially re-enacts section 172 of the (*Motor Traffic Act 1936*). The section continues to allow a defence of reasonable excuse and three days to produce the licence.

Section 59 allows for a police officer or an authorised person to seize a driver licence if he or she suspects on reasonable grounds that the licence was obtained unlawfully or it is unlawfully in the person's possession. The police officer or authorised person may require the person to provide a specimen of his or her signature. Maximum penalty is 20 penalty units.

Section 60 enables an authorised officer to require the person responsible for a vehicle to disclose the identity of the driver of the vehicle at the time of an alleged offence. A failure to comply with such a requirement will be an offence for which the maximum penalty will be 20 penalty units. The proposed section substantially re-enacts the provisions of section 174 of the (*Motor Traffic Act 1936*).

Section 61 requires a person who is charged with an offence under the road transport legislation to produce his or her driver licence to the court hearing the charge. A failure to comply with that requirement will be an offence for which the maximum penalty will be 20 penalty units. The proposed section substantially re-enacts the provisions of section 180 of the (*Motor Traffic Act 1936*).

Division 4.2 License disqualification and related matters

Section 62 sets out the automatic disqualification period for a person convicted with culpable drive. The section substantially re-enacts section 191B of the (*Motor Traffic Act 1936*).

Motor Traffic Act 1936) except that a disqualification for a repeat offender has been included to bring the offence into line with the automatic disqualification periods of other serious driving offences.

Section 63 sets out the automatic disqualification period for a person convicted with negligent driving occasioning death or grievous bodily harm; furious, reckless or dangerous driving and menacing driving . The section substantially re-enacts section 191C of the (*Motor Traffic Act 1936*) except that a disqualification for a negligent driving, furious and menacing have been included to bring the offences into line with the automatic disqualification periods of other serious driving offences.

Section 64 confers a general power (subject to certain other specific provisions of the road transport legislation) for a court that convicts a person of an offence under the road transport legislation to disqualify a person from holding a driver licence. The proposed section substantially re-enacts the provisions of section 191D of the (*Motor Traffic Act 1936*), except that it applies to the road transport legislation generally.

Section 65 provides that if a person is disqualified under the road transport legislation from holding a driver licence, the disqualification operates to cancel permanently any driver licence held by the person. It also prevents a person from obtaining another licence during a period of disqualification. It will be an offence for a disqualified person not to surrender a licence on conviction to the court (if it is in the person's possession at conviction) or to the Authority (if it is not in the person's possession at conviction). The maximum penalty for any such offence will be 20 penalty units. This proposed section in part re-enacts the provisions of section 191F of the (*Motor Traffic Act 1936*).

Section 66 allows the court to provide a longer disqualification period when a person receives a disqualification period of 12 months or more. The provision also allows a person to apply to the court to have the longer period or part thereof set aside. This proposed section in part re-enacts the provisions of section 191K of the (*Motor Traffic Act 1936*).

Section 67 provides a restricted licence holder that is disqualified cannot apply for a further restricted licence for the period of the original disqualification. This proposed section in part re-enacts the provisions of section 191J of the (*Motor Traffic Act 1936*). However, the amendments include the legislation package which incorporates the proposals contained in Motor Traffic Amendment Bill (No 3) 1999 and Motor Traffic (Alcohol and Drugs) Amendment Bill 1999, Private Member's Bills on drink driving and special licences put forward by Mr Osborne.

Section 68 provides that a disqualification by a court takes effect from the time of the conviction unless the court orders a later date. This proposed section in part re-enacts the provisions of section 191E of the (*Motor Traffic Act 1936*).

Section 69 provides a person that is disqualified and incurs a further disqualification by a court, then the further disqualification is cumulative unless ordered otherwise. This proposed section in part re-enacts the provisions of section 191G of the (*Motor Traffic Act 1936*).

Section 70 provides that the powers of the court under this division are in addition to any other powers of the court. This proposed section in part re-enacts the provisions of section 191L of the (*Motor Traffic Act 1936*).

Section 71 provides that when a conviction or finding lead to a disqualification is quashed or set aside, then the disqualification ceases to have effect. This proposed section in part re-enacts the provisions of section 191N of the (*Motor Traffic Act 1936*).

Division 4.3 Evidentiary provisions in relation to road transport legislation

Section 72 provides for documents signed by the Road Transport Authority and relating to matters on its records concerning the road transport legislation to be admitted into evidence in court proceedings. The proposed section also enables

courts to admit as evidence documents issued under laws of other jurisdictions relating to certain matters.

Section 73 provides that it is sufficient to prove a person's state of mind about an act or omission if it is proven that the act or omission was made by a representative of the person who has the representative's actual or apparent authority and the representative had the state of mind. There is a defence provided if the person can prove that even with the exercise of reasonable diligence he or she could not have prevented the act or omission.

Division 4.4 Proceedings for offences under road transport legislation

Section 74 provides for proceedings for offences against the road transport legislation to be dealt with summarily by a Magistrates Court. The proposed section substantially re-enacts section 192(2) of the (*Motor Traffic Act 1936*).

Section 75 provides that an offence can be stated or described using the short description prescribed under the regulations rather than using the full reference.

Division 4.5 Miscellaneous

Section 76 provides the power to make regulations in relation to the use of speed inhibitors to limit the speed of vehicles for certain offences.

Section 77 enables a court to order a person (other than a police officer or the Road Transport Authority) who lays an information or makes a complaint for a offence under the road transport legislation to pay the defendant compensation for loss of time if the proceedings for the offence are dismissed or withdrawn. The proposed section substantially re-enacts the provisions of section 196 of the (*Motor Traffic Act 1936*).

Section 78 provides that when a conviction or finding lead to a cancellation is quashed or set aside, then the cancellation ceases to have effect.

Section 79 provides that the court shall provide the Road Transport Authority with details of convictions or orders. The proposed section substantially re-enacts the provisions of section 191M of the (*Motor Traffic Act 1936*).

PART 5 – FURTHER PROVISIONS ABOUT VEHICLES, ROADS AND ROAD RELATED AREAS

Division 5.1 Police matters

Section 80 enables police officers who have been authorised by the Chief Police Officer to enter premises carrying on the business of repairing vehicles and search vehicles on the premises to ascertain whether or not vehicles or vehicle parts have been stolen. It will be an offence for a person to wilfully delay or obstruct any such officer, the maximum penalty for which will be 20 penalty units.

Section 81 provides for the Chief Police Officer to authorise the use by police of tyre deflation devices in police pursuits and provides an exception for police officers from any provision that would otherwise prevent their use on or near a road or road related area.

Division 5.2 Unauthorised use of vehicles

Section 82 makes it an offence for a person to use a motor vehicle or trailer without first obtaining the consent of the owner. The maximum penalty for such an offence will be 20 penalty units.

Section 83 makes it an offence for a person to procure the use of any motor vehicle or trailer by fraud or misrepresentation (or to aid or abet any such person). The maximum penalty for such an offence will be 20 penalty units. The proposed section substantially re-enacts the provisions of section 179 of the (*Motor Traffic Act 1936*).

PART 6 – FINE DEFAULTERS

Section 84 provides if the Road Transport Authority is notified by the Court of a default in the payment of an outstanding fine then it must suspend the driver licence, or the registration or if not licensed or not registered then disqualify the person from holding a driver licence. This proposed provision substantially re-enacts section 191NA of the (*Motor Traffic Act 1936*).

Section 85 provides how a suspension or disqualification under section 84 is effected and how it ends. This proposed provision substantially re-enacts section 191NB of the (*Motor Traffic Act 1936*).

Section 86 provides how a revocation notice from the Magistrates Court will cause the Road Transport Authority to revoke a suspension or disqualification. This proposed provision substantially re-enacts section 191NC of the (*Motor Traffic Act 1936*).

Section 87 provides that the Road Transport Authority must revoke a suspension of registration if the registration is transferred. This proposed provision substantially re-enacts section 191ND of the (*Motor Traffic Act 1936*).

Section 88 provides that the Road Transport Authority cannot renew a licence, renew a registration or grant a new licence until the a revocation order is made. Further the person cannot be issued with a special licence until the revocation is made. This proposed provision substantially re-enacts section 191NE of the (*Motor Traffic Act 1936*).

Section 89 provides that all suspensions or disqualifications under this part must run concurrently with any other suspension or disqualification unless ordered otherwise by the Court. This proposed provision substantially re-enacts section 191NF of the (*Motor Traffic Act 1936*).

PART 7 – REVIEW OF DECISIONS UNDER ROAD TRANSPORT LEGISLATION

Section 90 provides for the review of certain prescribed decisions of the Road Transport Authority and the chief police officer. This is a new part of the road transport legislation which allows for internal review of certain decisions before an appeal can be made to the Administrative Appeals Tribunal. This is substantially in accordance with the national principals of the National Transport reforms.

Section 91 provides for the Minister, Road Transport Authority or the chief police officer to advise each person affected by a prescribed decision in writing of the decision and inform the person about the options for review including internal review, Administrative Appeals Tribunal and Court and Ombudsman.

Section 92 sets out who may apply for an internal review.

Section 93 sets out the procedures for apply for an internal review including time limits.

Section 94 provides that the Minister, Road Transport Authority or chief police officer must review the decision within 28 days otherwise the original decision is taken to have been confirmed.

Section 95 allows for appeals of the internal review to be made to the Administrative Appeals Tribunal. This proposed provision re-enacts section 217D of the (*Motor Traffic Act 1936*) with the exception that one cannot appeal to the AAT until an internal review has been taken place.

**PART 8 – FEES, CHARGES AND OTHER AMOUNTS PAYABLE
UNDER ROAD TRANSPORT LEGISLATION**

Section 96 provides for the Minister to determine fees, charges and other amounts payable. The determination is a disallowable instrument. This proposed provision re-enacts section 217A of the (*Motor Traffic Act 1936*) with the exception that definitions of charge and fee have been amended to include a tax.

Section 97 provides that a fee, charge or other amount that has been determined is payable to the Territory in relation to the matter determined by the person liable. This proposed section substantially re-enacts section 217B of the (*Motor Traffic Act 1936*).

Section 98 enables the Road Transport Authority to recover any unpaid fees or charges payable under the proposed Act or regulations as a debt due to the Authority in a court of competent jurisdiction.

Section 99 provides for the power to make regulations in relation to fees, charges and other amounts payable including but not limited to collection, recovery, refund, waiver and postponement.

PART 9 – PUBLIC VEHICLES

Division 9.1 Definitions

Section 100 provides for definitions in relation to public vehicles.

Division 9.2 Taxis (including restricted taxis)

Section 101 makes it an offence to operate a motor vehicle without a taxi licence. Maximum penalty is 50 penalty points. This proposed provision

substantially re-enacts section 168(a) of the (*Motor Traffic Act 1936*). See note 1 in schedule 1 attached.

Section 102 provides for the auctioning of a defined right for a taxi licence subject to the Minister deciding the reserved price and determining the total number of defined rights allowed and this number is not exceeded. This proposed provision substantially re-enacts sections 27A(1),(2),(3) & 27B(b) of the (*Motor Traffic Act 1936*).

Section 103 provides that the defined right shall remain valid for 28 days unless extended by the Road Transport Authority. This proposed provision substantially re-enacts section 27A(4) & (5) of the (*Motor Traffic Act 1936*).

Section 104 makes it an offence to transfer a defined right without approval of the Road Transport Authority. Maximum penalty is 20 penalty points. This proposed provision substantially re-enacts section 27C of the (*Motor Traffic Act 1936*).

Section 105 provides that the holder of a defined right be granted a taxi licence subject to certain conditions. This proposed provision substantially re-enacts section 27A(6) of the (*Motor Traffic Act 1936*).

Section 106 provides that the Road Transport Authority may grant and renew a taxi licence subject to the Minister determining the fee and not exceeding the Minister's determined total number of taxi licences and further subject to conditions of the Road Traffic Authority. This proposed provision substantially re-enacts sections 27, 27B(a), & 31A(1) of the (*Motor Traffic Act 1936*).

Section 107 provides for the Minister to determine number of restricted taxi licences. This proposed provision substantially re-enacts section 27E of the (*Motor Traffic Act 1936*).

Section 108 provides that the Road Transport Authority may grant and renew but not transfer a restricted taxi licence subject to the Minister determining the number of restricted taxi licences and further subject to conditions of the Road Traffic Authority. This proposed provision substantially re-enacts sections 27D

& 31A(1) of the (*Motor Traffic Act 1936*).

Section 109 allows for the transfer of a taxi licence subject to certain conditions. This proposed provision substantially re-enacts section 27(1B),(2),(7)&(8) of the (*Motor Traffic Act 1936*).

Section 110 allows for the holder of a restricted taxi licence to apply for a variation, revocation or introduction of a condition. The Road Transport Authority must give consideration to the application. This proposed provision substantially re-enacts section 27F of the (*Motor Traffic Act 1936*).

Section 111 allows for the Road Transport Authority, after consideration and representations made by holders of a restricted licence, may vary, revoke or introduce a condition. Failure to comply with such variation, revocation or introduction will result in an offence of a maximum of 5 penalty units for an individual and 25 penalty units for a corporation. This proposed provision substantially re-enacts section 27G of the (*Motor Traffic Act 1936*).

Section 112 allows for the Road Transport Authority to suspend or cancel a taxi licence or restricted taxi licence. This proposed provision substantially re-enacts section 30 of the (*Motor Traffic Act 1936*).

Section 113 makes it an offence to carry more than the allowed passengers in a taxi or restricted taxi. Maximum penalty is 5 penalty points for an individual. This proposed provision substantially re-enacts sections 31A(2) & (4) of the (*Motor Traffic Act 1936*).

Section 114 makes it an offence not to display a sign of the maximum number of people the vehicle can carry in a prominent place in the taxi or restricted taxi. Maximum penalty is 5 penalty points for an individual. This proposed provision substantially re-enacts sections 31A(3) & (4) of the (*Motor Traffic Act 1936*).

Section 115 provides that the Minister determines the maximum fares for hiring a taxi or restricted taxi. This proposed provision substantially re-enacts section 36 of the (*Motor Traffic Act 1936*).

Section 116 provides that a taxi or restricted taxi cannot park for more than 30 minutes on a road or road related area unless it is a taxi zone or subject to other

exceptions. This proposed provision substantially re-enacts sections 154(2) & (4) of the (*Motor Traffic Act 1936*).

Section 117 makes it an offence to contravene a condition of a restricted taxi licence. Maximum penalty is 50 penalty points for an individual. This proposed provision substantially re-enacts section 27D(5) of the (*Motor Traffic Act 1936*).

Section 118 makes it an offence not to display the restricted taxi licence in a prominent place in the taxi. Maximum penalty is 5 penalty points for an individual. This proposed provision substantially re-enacts section 27H of the (*Motor Traffic Act 1936*).

Division 9.3 Private hire cars

Section 119 makes it an offence to operate a motor vehicle as a private hire car without a private hire car licence. Maximum penalty is 50 penalty points. This proposed provision substantially re-enacts section 168(a) of the (*Motor Traffic Act 1936*). See note 1 in schedule 1 attached.

Section 120 provides that the Road Transport Authority may grant and renew a private hire car licence subject to the Minister determining the fee and not exceeding the Minister's determined total number of private hire car licences and further subject to conditions of the Road Traffic Authority. This proposed provision substantially re-enacts sections 28(1), (1A), (2), (2A) & 31A(1) of the (*Motor Traffic Act 1936*).

Section 121 allows for the transfer of a private hire car licence subject to certain conditions. This proposed provision substantially re-enacts section 28(2),(6),(7)&(8) of the (*Motor Traffic Act 1936*).

Section 122 allows for the Road Transport Authority to suspend or cancel a private hire car licence. This proposed provision substantially re-enacts section 30 of the (*Motor Traffic Act 1936*).

Section 123 makes it an offence to carry more than the allowed passengers in a

private hire car. Maximum penalty is 5 penalty points for an individual. This proposed provision substantially re-enacts section 31A(2) of the (*Motor Traffic Act 1936*).

Section 124 provides that a private hire car cannot park for more than 30 minutes on a road or road related area subject to certain exceptions. This proposed provision substantially re-enacts section 154(3)&(4) of the (*Motor Traffic Act 1936*).

Division 9.4 Restricted hire vehicles

Section 125 makes it an offence to operate a motor vehicle without a restricted hire vehicle licence. Maximum penalty is 50 penalty points. This proposed provision substantially re-enacts section 168(a) of the (*Motor Traffic Act 1936*). See note 1 in schedule 1 attached.

Section 126 provides that the Road Transport Authority may grant and renew a restricted hire vehicle licence subject to the Minister determining the fee and meeting the Road Transport Authority's determination that the service proposed are required and subject to further conditions of the Road Traffic Authority. This proposed provision substantially re-enacts sections 28(A) & 31A(1) of the (*Motor Traffic Act 1936*).

Section 127 makes it an offence to contravene a condition of a restricted hire vehicle licence. Maximum penalty is 50 penalty points for an individual. This proposed provision substantially re-enacts section 28A(7) of the (*Motor Traffic Act 1936*).

Section 128 allows for the holder of a restricted hire vehicle licence to apply for a variation, revocation or introduction of a condition. The Road Transport Authority must give consideration to the application. This proposed provision substantially re-enacts sections 28B, 26T(3) of the (*Motor Traffic Act 1936*).

Section 129 allows for the Road Transport Authority, after consideration and representations made by holders of a restricted hire vehicle licence, may vary,

revoke or introduce a condition. Failure to comply with such variation, revocation or introduction will result in an offence of a maximum of 5 penalty units for an individual. This proposed provision substantially re-enacts sections 28C & 26T(3) of the (*Motor Traffic Act 1936*).

Section 130 allows for the Road Transport Authority to grant by notice for restricted hire vehicle licence holders to operate as a private hire car for a stated period. Failure to operate, without reasonable excuse, in accordance with the notice will result in an offence with a maximum penalty of 20 penalty units. This proposed provision substantially re-enacts sections 28D of the (*Motor Traffic Act 1936*).

Section 131 makes it an offence not to display the restricted hire vehicle licence in the vehicle. Maximum penalty is 5 penalty points for an individual. This proposed provision substantially re-enacts section 28E of the (*Motor Traffic Act 1936*).

Section 132 allows for the Road Transport Authority to suspend or cancel a restricted hire vehicle licence. This proposed provision substantially re-enacts section 30 of the (*Motor Traffic Act 1936*).

Section 133 makes it an offence to carry more than the allowed passengers in a restricted hire vehicle. Maximum penalty is 5 penalty points for an individual. This proposed provision substantially re-enacts section 31A(2) &(4) of the (*Motor Traffic Act 1936*).

Section 134 provides that a restricted hire vehicle cannot park for more than 30 minutes on a road or road related area subject to certain exceptions. This proposed provision substantially re-enacts section 154(3)&(4) of the (*Motor Traffic Act 1936*).

Division 9.5 Sightseeing vehicles

Section 135 provides that the Road Transport Authority may grant and renew a licence to the holder of a taxi licence or a private hire car licence to carry

sightseers on a sightseeing tour at separate fares subject to the Minister determining the conditions. This proposed provision substantially re-enacts section 29(1) of the (*Motor Traffic Act 1936*).

Section 136 makes it an offence for a holder of a licence to carry sightseers to carry any one else other than sightseers on a sightseeing tour. Maximum penalty is 20 penalty points. This proposed provision substantially re-enacts section 29(4) of the (*Motor Traffic Act 1936*).

Division 9.6 Buses

Section 137 makes it an offence to operate a motor vehicle as a bus without a bus licence. Maximum penalty is 50 penalty points. This proposed provision substantially re-enacts section 168(a) of the (*Motor Traffic Act 1936*). See note 1 in schedule 1 attached.

Section 138 provides that the Road Transport Authority may grant and renew a bus licence which must state the maximum number of passengers. This proposed provision substantially re-enacts sections 27(1),(1B) and 31A(1) of the (*Motor Traffic Act 1936*).

Section 139 allows for a bus licence holder to apply to the Road Transport Authority for a transfer of licence. This proposed provision substantially re-enacts sections 27(7) & (8) of the (*Motor Traffic Act 1936*).

Section 140 makes it an offence to carry more than the allowed passengers in a bus. Maximum penalty is 5 penalty points for an individual. This proposed provision substantially re-enacts section 31A(2) &(4) of the (*Motor Traffic Act 1936*).

Section 141 makes it an offence not to display a sign of the maximum number of people the vehicle can carry in a prominent place in the bus. Maximum penalty is 5 penalty points for an individual. This proposed provision substantially re-enacts section 31A(3) of the (*Motor Traffic Act 1936*).

Division 9.7 Bus services

Section 142 allows for a person to apply for bus service licence subject to certain conditions. This proposed provision substantially re-enacts sections 33(1) to (5) of the (*Motor Traffic Act 1936*).

Section 143 allows for the holder of a bus service licence to apply for a variation or suspension of a condition. The Road Traffic Authority, subject to approval from the Minister, may approve or refuse the application. This proposed provision substantially re-enacts sections 33(8) & (9) of the (*Motor Traffic Act 1936*).

Section 144 allows for the transfer of a bus service licence. This proposed provision substantially re-enacts section 33(11) of the (*Motor Traffic Act 1936*).

Section 145 requires bus services licence holder to advise Road Transport Authority in writing of disposal or cessation of service. Maximum penalty of 20 penalty points for failure to give notice. The proposed provision substantially re-enacts section 33(10) of the (*Motor Traffic Act 1936*).

Section 146 provides that the Minister by notice in the Gazette may approve the maximum fares to be charged by the bus service licence holder. This proposed provision substantially re-enacts section 37 of the (*Motor Traffic Act 1936*).

Section 147 requires the holder of a bus service licence to display in a conspicuous place in the bus the maximum fares approved. Maximum penalty is 20 penalty points. This proposed provision substantially re-enacts sections 33(6) of the (*Motor Traffic Act 1936*).

Section 148 makes it an offence if the holder of a bus service licence without reasonable excuse contravenes a condition of the licence. Maximum penalty is 20 penalty points. This proposed provision substantially re-enacts sections 33(7) of the (*Motor Traffic Act 1936*).

Division 9.8 Visiting buses

Section 149 allows the Road Transport Authority to issue a licence the owner of interstate registered bus to operate in the ACT subject to certain conditions.

This proposed provision substantially re-enacts section 34 of the (*Motor Traffic Act 1936*).

Section 150 makes it an offence for the driver or owner of a visiting bus to carry more passengers than permitted. Maximum penalty is 20 penalty points.

This proposed provision substantially re-enacts section 34(4) of the (*Motor Traffic Act 1936*).

Section 151 makes it an offence for the driver or owner of a visiting bus to contravene a condition of the licence. Maximum penalty is 20 penalty points.

This proposed provision substantially re-enacts section 34(4) of the (*Motor Traffic Act 1936*).

Division 9.9 Certain people to have use, control and management of vehicles

Section 152 allows the Road Transport Authority to cancel or suspend a taxi, restricted taxi, private hire car or restricted private hire vehicle licence if it is not satisfied that at least one of the persons prescribed have the use, control and management of the vehicle. The prescribed persons are the holder of the licence, person in whom the Road Transport Authority has been given notice or an employee of the above two. This proposed provision substantially re-enacts section 31 of the (*Motor Traffic Act 1936*).

Division 9.10 Other matters

Section 153 makes it an offence if a licensee of a public vehicle does not have the vehicle fitted with a fire extinguisher. Maximum penalty of 20 penalty

points. This proposed provision substantially re-enacts sections 32 & 26T(2) of the (*Motor Traffic Act 1936*).

Section 154 makes it an offence for a person to bring into a public vehicle an offensive or dangerous article. Maximum penalty of 20 penalty points. This proposed provision substantially re-enacts section 39 of the (*Motor Traffic Act 1936*).

Section 155 makes it an offence for a person to use a motor vehicle to carry goods or persons for monetary value or for any other purpose contrary to the provisions with a proper licence. Maximum penalty is 50 penalty points. This proposed provision substantially re-enacts sections 168(b), (c) & (d) of the (*Motor Traffic Act 1936*).

Section 156 allows the Road Transport Authority to cancel or suspend a taxi licence, restricted taxi licence, bus licence, restricted hire vehicle licence if the Authority believes that a condition has been contravened. Further the Authority may also suspend or cancel a taxi licence, restricted taxi licence, bus licence, private hire car licence or a restricted hire vehicle licence if the vehicle is not used or not fit for use as a public vehicle. This proposed provision substantially re-enacts section 104(2)(da),(e) & (5) of the (*Motor Traffic Act 1936*).

Section 157 provides the power to make regulations in relation to public vehicles. This proposed provision substantially re-enacts section 218(f),(g),(h),(i),(n),(r),(s) & (t) of the (*Motor Traffic Act 1936*).

PART 10 – COMPULSORY THIRD PARTY INSURANCE

Division 10.1 Preliminary

Sections 158 to 223. This part covers the sections under the *Motor Traffic Act 1936* referred to as “Part V - Insurance”, sections 41 to 93. These sections have been substantially re-enacted, with alterations made reflect the new definitions under the National Transport Reforms and current legal drafting techniques. In

some cases where an ACT provision has a counterpart in the NSW *Motor Accidents Act 1988* or *Motor Accidents Compensation Act 1999*, the wording of the NSW provision has been adopted where it conforms with current drafting requirements.

PART 11 - MISCELLANEOUS

Division 11.1 Documents

Section 224 provides for the Road Transport Authority to approve forms for the road transport legislation.

Section 225 specifies how documents that are required to be served on or given to a person under the road transport legislation may be duly served on or given to such a person.

Section 226 specifies how documents that are required to be lodged with the Road Transport Authority under the road transport legislation may be duly lodged with the Road Transport Authority.

Section 227 makes it an offence for a person to:

- (i) state anything that the person knows is false or misleading in a material particular; or
- (ii) omit from a statement anything to the person's knowledge which would make the statement misleading in a material particular;

to the Road Transport Authority or an authorised person.

The maximum penalty is 20 penalty units for an individual.

Section 228 provides for regulation making power to apply, adopt or incorporate publications by the National Road Transport Commission and the Australian Transport Council and provisions of the *Criminal Code Act 1995*.

Division 11.2 Other matters

Section 229 indemnifies individuals from civil liability for acts or omissions done in good faith in the course of carrying out duties under the road transport legislation. It also indemnifies individuals from civil or criminal liability for carrying out a test or examination and, in good faith, expressing opinions to the Authority as a result of reporting information to the Authority disclosing that a person is or may be unfit to drive or that licensing a person to drive may be dangerous.

Section 230 makes it an offence for a person to hinder or obstruct a police officer, authorised person or anyone else in the exercise of a function under the road transport legislation. maximum penalty is 50 penalty points or imprisonment of 6 months.

Section 231 makes it an offence for a person to give the Road Transport Authority a document that the person knows contains a false, misleading or incomplete material particular. The section allows for a defence. The maximum penalty is 20 penalty units for an individual.

Section 232 allows the Executive to make regulations under the Act. Limits the maximum penalty for regulations to be 20 penalty units for an individual.

Section 233 enables the regulations to exempt (or authorise the Authority to exempt) certain vehicles, persons or animals from the operation of the proposed Act or regulations (or specified provisions of the proposed Act or regulations).

Section 234 provides that a reference to the (*Motor Traffic Act 1936*), the Motor Traffic Regulations 1934 or the Traffic Act 1937 made in any Act, instrument made under an Act or document includes a reference to the Road Transport (General) Bill 1999.

PART 12 - TRANSITIONAL

Division 12.1 General

Section 235 provides definitions for the transitional part.

Section 236 provides for the power to make regulations of a savings or transitional nature.

Section 237 allows for regulations that can modify this part in respect of any matter not dealt with or not adequately dealt with.

Division 12.2 Infringement notices under Motor Traffic Act and Motor Vehicles (Dimensions and Mass) Act

Section 238 provides for infringement notices served under sections 162, 180D or 180E of the (*Motor Traffic Act 1936*) and section 48D of the Motor Vehicles (Dimensions and Mass) Act 1990 are taken to be served under sections 24 or 36 of the Road Transport (General) Bill 1999.

Section 239 provides for a reminder notice served under section 180MG or 162A of the (*Motor Traffic Act 1936*) and section 48C of the Motor Vehicles (Dimensions and Mass) Act 1990 are taken to be served under section 33 of the Road Transport (General) Bill 1999.

Section 240 provides that an application lodged in accordance with section 180ME of the Motor Traffic Act 1936 or section 48E of the Motor Vehicles (Dimensions and Mass) Act is taken to be a notice in accordance with section 30 of the Road Transport (General) Bill 1999.

Section 241 provides for a notice served under section 162C or 180MQ of the (*Motor Traffic Act 1936*) is taken to be served under section 51 of the Road Transport (General) Bill 1999.

Section 242 provides for a notice under section 162E(2) or 180MJ(2) of the (*Motor Traffic Act 1936*) is taken to be a notice under section 44 of the Road Transport (General) Bill 1999. Further a suspension in force under Division 4 of Part IIA or section 162(1) of the (*Motor Traffic Act 1936*) is taken to be a suspension in force under Division 4 of Part 3 of the Road Transport (General) Bill 1999.

Section 243 provides for:

- (1) an application made in accordance with section 162H or 180MN of the (*Motor Traffic Act 1936*) is taken to be an application under section 48 of the Road Transport (General) Bill 1999.
- (2) A declaration made by the Magistrates Court under section 162H or 180MN of the (*Motor Traffic Act 1936*) are taken to be a declaration under section 48 of the Road Transport (General) Bill 1999.
- (3) A decision made by the Registrar not to take action under section 162H(5) or 180MN(5) is taken to be a decision made by the Road Transport Authority under section 48(5) of the Road Transport (General) Bill 1999.

Section 244 provides for an application made in accordance with section 162H(8) or 180MP of the (*Motor Traffic Act 1936*) is taken to be an application under section 50 of the Road Transport (General) Bill 1999.

Division 12.3 Public vehicles

Section 245 – 280 provides for transitional provisions in relation to public vehicles.

Division 12.4 Compulsory vehicles insurance

Section 281 provides that a corporation that was an authorised insurer under the (*Motor Traffic Act 1936*) is an authorised insurer under this Act.

Section 282 provides that a policy of insurance that was a third-party policy under the (*Motor Traffic Act 1936*) is third-party policy under this Act.

Section 283 provides that a policy of insurance in force section 83(1) of the (*Motor Traffic Act 1936*) is a policy under this Act.

Section 284 provides that the person who was the nominal defendant under the

(Motor Traffic Act 1936) is the nominal defendant under this Act.

Section 285 provides that an authorised insurer approved by the Minister under section 52(1C) of the *(Motor Traffic Act 1936)* is taken to be an authorised insurer approved by the Minister under this Act.

Section 286 provides that the Road Transport Authority may act as the Registrar of Motor Vehicles.

Section 287 provides that the Road Transport Authority may take any action necessary or desirable to give effect to decisions made by the Registrar of Motor Vehicles before the commencement of this Act.

Section 288 provides for that decisions made by the Minister or Registrar of Motor Vehicles prior to the commencement of this Act are decisions which Part 7 of this Act (Review of decisions) can apply.

Section 289 provides that section 64 of this Act applies to a conviction or finding of guilty.

Section 290 provides that section 65(3) of this Act applies to a disqualification whether or not that disqualification arose before the commencement of this Act.

Section 291 provides that a disqualification under section 191KA of the *(Motor Traffic Act 1936)* or section 19(2) of the *Road Transport (Alcohol and Drugs) (Amendment) Act 1997* immediately before the commencement is taken to be a disqualification under section 66 of the Road Transport (General) Bill 1999.

Section 292 provides for the disqualification under section 191NA of the *(Motor Traffic Act 1936)* to be a disqualification under section 84 of the Road Transport (General) Bill 1999.

Section 293 provides that a certificate issued under the *(Motor Traffic Act 1936)* will be considered a certificate issued under section 72 of the Road Transport (General) Bill 1999.

Section 294 provides that a fee, charge or other amount payable to the Territory under the *(Motor Traffic Act 1936)* is taken to be payable under the Road Transport (General) Bill 1999.

Section 295 the transitional part shall cease to have effect 15 months after the commencement of the Road Transport (General) Bill 1999.

Schedule 1

Note 1. Where a section previously contained an offence where a person uses a motor vehicle or causes, permits or suffers it to be used for a particular offence, the offence relating to the “causes, permits or suffers it to be used” has been deleted.

This part of the offence under the road transport legislation is adequately covered by Section 345 of the Crimes Act 1900, which states:

“A person who aids, abets, counsels or procures, or by act or omission is in any way directly or indirectly knowingly concerned in, or party to, the commission of an offence under a law of the Territory shall be deemed to have committed that offence and shall be punishable, on conviction, accordingly.”

Note 2. Section 96 of the Road Transport (General) Bill 1999 allows the Minister to determine fees, charges and other amounts payable for the road transport legislation. As a result, there is no need to make referral to a the Minister’s determination in specific provisions. Nor is it necessary to state in specific provisions when the determined fee should be paid as this is adequately covered by Section 97 of the Road Transport (General) Bill 1999. Therefore, references to determination and payment have been deleted from many sections.