

AUSTRALIAN CAPITAL TERRITORY

LEGISLATIVE ASSEMBLY

ROAD TRANSPORT (DRIVER LICENSING) BILL 1999

AMENDMENTS

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Circulated by authority of
Brendan Smyth MLA
Minister for Urban Services

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AMENDMENTS

Explanatory Memorandum

This explanatory note relates to the amendments to be introduced into the Assembly by Brendan Michael Smyth MLA, Minister for Urban Services.

Overview of the amendments

The purpose of the amendments is:

- a) To amend the commencement date of the *Road Transport (Driver Licensing) Act 1999* to align with the commencement of the *Road Transport (General) Act 1999*.
- b) To clarify that a person who is disqualified from obtaining a driver licence is also disqualified from holding a licence.
- c) To clarify that the holder of an Australian driver licence issued by another jurisdiction cannot drive in the ACT in certain circumstances.
- d) To amend clause 28 of the Bill so that regulations can be made to exempt certain people from the requirement to hold an Australian driver licence.
- e) To correct an omission in paragraph 28(2)(n) of the Bill.
- f) To provide a power to make regulations that provide for the assessment of the fitness of holders of Australian driver licences to drive in the ACT.
- g) To revise the definition of 'probationary licence' occurring in the Dictionary.

Outline of Amendments

1. The amendment has been made to revise the commencement date of the *Road Transport (Driver Licensing) Act 1999* from 1 December 1999 to the date when the *Road Transport (General) Act 1999* commences.

2. The amendment clarifies that where a person who is served with a notice of licence ineligibility (due to exceeding the demerit point limit) and that person chooses not to elect to drive under a 'period of good behaviour', the person is not only disqualified from obtaining a licence, but is also disqualified from holding a licence.
3. The amendment clarifies that where a person is disqualified for a period from obtaining a licence, the person is also disqualified from holding a licence for that period.
4. This amendment to clause 28 of the Bill is related to paragraph 31(1)(a) of the Bill, which allows the holder of an Australian driver licence to drive in the ACT. This amendment will enable the regulations to provide that the holder of an Australian driver licence issued by another jurisdiction cannot drive in the ACT in certain circumstances, for example where the person has been a permanent resident of the ACT for a period of more than 3 months.
5. This amendment to clause 28 of the Bill is related to paragraph 31(1)(b) of the Bill, which allows for a person to be exempted under the regulations from holding an Australian driver licence. The inclusion of new paragraph (fa) gives the authority the power to make regulations for paragraph 31(1)(b) of the Bill.
6. This amendment to paragraph 28(2)(g) of the Bill is a simple consequential amendment resulting from the addition of new paragraph (fa) which refers to exemptions under paragraph 31(1)(b) of the Bill.
7. This amendment to paragraph 28(2)(n) of the Bill corrects an error. Subparagraph 28(2)(n)(iii) is not reflected in the concluding words of the paragraph.
8. This amendment to clause 28 of the Bill is related to paragraph 31(1)(a) of the Bill, which allows the holder of an Australian driver licence to drive in the ACT. The inclusion of new paragraph (na) provides a power to make regulations that provide for the assessment of the fitness of such a person to drive in the ACT.
9. This amendment to the definition of 'probationary licence' is necessary because the national definition for this type of licence does not recognise the situation where a person is automatically disqualified under the Road Transport Legislation.

For example, clause 62 of the Road Transport (General) Bill 1999 provides for automatic disqualification for culpable driving.

The amendment also recognises that a person who is disqualified for an offence whilst holding a learner licence must be issued a new learner licence rather than a probationary licence after the disqualification period ends. This is because the person has not yet passed a driving test, demonstrating their ability to drive unaccompanied.