

1993

**AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY**

**MOTOR TRAFFIC (AMENDMENT) BILL (NO.3) 1993**

**SUPPLEMENTARY EXPLANATORY MEMORANDUM**

**Amendments to be moved on behalf of the Government**

**Circulated by the authority of the Minister for Urban Services**

**Terry Connolly MLA**

## **MOTOR TRAFFIC (AMENDMENT) BILL (NO.3) 1993**

### **Supplementary Explanatory Memorandum**

#### **Amendments to be moved on behalf of the Government**

##### **The Motor Traffic (Amendment) Bill (No.3) 1993**

The Motor Traffic (Amendment) Bill (No.3) 1993 ("the Bill") amends the provisions of the *Motor Traffic Act 1936* ("the Act") to introduce a new system of graduated driving licences and a system for demerit points to be recorded in relation to licences.

##### **The Government Amendments**

The Government amendments alter the provisions of the Bill relating to the granting of a provisional or full licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle. The Bill prohibits the Registrar of Motor Vehicles from granting such a licence to a person unless the person provides the Registrar with a certificate of good character signed by at least two persons of good repute.

The Government amendments, instead, give the Registrar a discretion to refuse such a licence where such a certificate of good character is not provided. This change will enable the Registrar to exercise his or her judgement concerning when it is appropriate to require such a certificate from an applicant.

As the Registrar's power to refuse a licence on the grounds that no such certificate has been provided is made discretionary by the amendments the Government amendments also include a change to the provisions relating to appeal rights which will enable a person who is refused a licence because he or she has failed to provide a certificate of good character to seek a review of the decision by the ACT Administrative Appeals Tribunal.

**Details of the amendments are included in the Attachment.**

*Amendment 1 - Clause 6*

*Amendment 1* amends *clause 6* of the Bill by substituting the word "may" for the word "shall" in **proposed new subsection 9B(19)**. As a result, the Registrar of Motor Vehicles will not be prohibited from granting a provisional licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle where the applicant for such a licence fails to provide a certificate of good character signed by at least two persons of good repute. Instead the Registrar is given a discretion to refuse a licence where the applicant fails to supply such a certificate to the Registrar.

*Amendment 2 - Clause 6*

*Amendment 2* makes a similar change to *clause 6* of the Bill in respect of an application for a full licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle, by replacing the word "shall" with the word "may" in **proposed new subsection 10(16)**.

*Amendments 3 and 4 - Paragraph 34(a)*

*Amendments 3 and 4* amend *paragraph 34(a)* of the Bill, which amends Schedule 7 to the Act, which details decisions in respect of which a person may appeal to the Administrative Appeals Tribunal.

The amendments insert two new items in Schedule 7 enabling an applicant for a provisional or full licence to drive a public motor vehicle, a private hire car or a licensed goods motor vehicle, who is refused the grant of such a licence by the Registrar, to appeal against the Registrar's decision to the Administrative Appeals Tribunal.