

1990

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY

MOTOR VEHICLES (DIMENSIONS AND MASS) BILL 1990

SUPPLEMENTARY EXPLANATORY MEMORANDUM

Amendments to be moved on Behalf of the Government

Circulated by the authority of the Minister for Finance and
Urban Services, Craig Duby MLA.

MOTOR VEHICLES (DIMENSIONS AND MASS) BILL 1990

The proposed Motor Vehicles (Dimensions and Mass) Bill 1990 seeks to regulate the dimensions, loads and weights of heavy vehicles which use Territory road assets. Among its provisions are those that give inspectors appointed under the Bill and police officers power to, among other things, inspect a vehicle or its equipment or load if the inspector or police officer has reasonable grounds for believing that the vehicle is one to which the Bill applies and whether its equipment or load complies with the Bill.

The purpose of the proposed amendment is to allay fears held in various sections of the Transport Industry of what are seen as unnecessary police powers. As police have powers under other legislation to stop the driver of any vehicle suspected of breaking the law, it is unnecessary to provide police with additional powers to weight test vehicles.

Therefore, all references to "police officer" contained in the Bill are removed.

There will be no net additional costs incurred.

Details of the amendments are set out in the Attachment.

ATTACHMENT

Subclause 3(1) is amended by omitting the definition of "officer".

"Officer" is substituted with "inspector" in the following provisions -

- . Clause 35;
- . Subclauses 41(1),(2), (3);
- . Clause 42;
- . Clause 43;
- . Clause 45;
- . Clause 46;
- . Clause 47;
- . Clause 48;
- . Clause 52;
- . Clause 52;
- . Clause 56;

Clause 56 is amended by omitting and substituting paragraph (1)(a). This ensures that only references to "inspector" are retained in the Bill, rather than "police officer".

Similarly, clause 56 omits the reference to "officer" in paragraph (1)(b) and substitutes "he or she".

Clause 56 is also amended in the same way as paragraph 56(1)(a).

Clause 56 removes "officer" from paragraph (2)(b) and substitutes "he or she".