

2015

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

**ROAD TRANSPORT (DRIVER LICENSING)
AMENDMENT REGULATION 2015 (No 1)**

SL2015-9

EXPLANATORY STATEMENT

**Circulated by authority of
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Minister for Justice**

ROAD TRANSPORT (DRIVER LICENSING) AMENDMENT REGULATION 2015 (No 1)

Outline

This regulation amends the *Road Transport (Driver Licensing) Regulation 2000*.

The regulation allows the Road Transport Authority to issue a driver licence with an address other than the licence holder's home address (an alternative address) to particular individuals, being judicial officers, the Director of Public Prosecutions (DPP) and DPP staff, police officers who already have their details suppressed in the ACT's driver licence register and people who live at the same residential address as those individuals.

The objective of the amendment is to provide a degree of protection to people who in the course of their employment within the justice system may make decisions that put their safety at risk. This risk can arise as a result of animosity or grievances on the part of those affected by decisions taken by those who work in the justice system. Allowing the Road Transport Authority to issue a driver licence with an alternative address to those individuals will reduce the chance that someone who might wish to harm the individual may discover their home address and threaten their personal safety or the personal safety of their family.

A similar provision is in place in NSW driver licensing legislation.

There are no human rights implications arising from the amendments made by this regulation.

Notes on clauses

Clause 1 Name of regulation

This is a formal provision that sets out the name of the regulation.

Clause 2 Commencement

This is a formal provision that provides for the commencement of the regulation. This regulation will commence on the day after it is notified.

Clause 3 Legislation amended

This clause lists the legislation to be amended by the regulation. This regulation will amend the *Road Safety (Driver Licensing) Regulation 2000*.

Clause 4 Section 12 (2)

This clause substitutes a new section 12 (2). Subsection 12 (2) (a) reproduces the current subsections 12 (2) (a) and 12 (2) (b) which relate to the issuing of a driver licence without a photograph and renumbers those provisions subsection 12 (2) (a) (i) and 12(2) (a) (ii).

The new subsection 12 (2) (b) allows the road transport authority to issue a driver licence with an address other than a home address to one of the following people: (i) a judicial officer; (ii) the director of public prosecutions or a staff member mentioned in the *Director of Public Prosecutions Act 1990*, section 30; (iii) a police officer, if the driver licence register shows that information relating to the officer's home address is suppressed; and (iv) a person who has the same home address as a person mentioned in subparagraphs (i), (ii) or (iii).

Clause 5 New section 12 (9)

This clause inserts a new subsection 12 (9) which provides definitions of judicial officer; appeal president; and general president.

Judicial officer means a judge, the master, a magistrate, a registrar of the Supreme Court or Magistrates Court, the principal registrar of the ACT Law Courts and Tribunal or the ACAT appeal president or general president.

Appeal president and general president means those terms as they are defined in the dictionary of the *ACT Civil and Administrative Tribunal Act 2008*.

Clause 6 Dictionary, note 2

This clause inserts the following terms into note 2 of the Dictionary: ACAT; ACT; director of public prosecutions; judge; magistrate; Magistrates Court; master; and Supreme Court. Note 2 clarifies that these terms are defined in the dictionary of the *Legislation Act 2001*.

Clause 7 Dictionary, note 3

This clause inserts the term “driver licence register” into note 3 of the Dictionary to clarify that that term is defined in the dictionary of the *Road Transport (Driver Licensing) Act 1999*.