

Australian Capital Territory

Road Transport (General) Application Order 2020 (No 1)

Disallowable instrument DI2020–118

made under the

***Road Transport (General) Act 1999*, section 14 (Application orders and emergency orders)**

EXPLANATORY STATEMENT

This instrument is made under section 14 of the *Road Transport (General) Act 1999* (the Act). Section 14 (1) allows the Minister to order that the operation of regulations made under the road transport legislation, or a provision of such regulations is suspended for a stated period or varied in the way stated in the order. An order under subsection (1) is a disallowable instrument.

Road transport legislation is defined in section 6 of the Act and includes any other Act or any regulation prescribed by regulation. Section 16G of the *Road Transport (Offences) Regulation 2005* provides that a person who applies to the administering authority for an infringement notice management plan through participation in an approved community work or social development program, must attach a written statement from the provider of the program that states there is a place for the person in the approved community work or social development program in the 3-month period after the day the statement is made.

The *Road Transport (Offences) Regulation 2005* forms part of the road transport legislation and this instrument orders that section 16G of that regulation is varied for a period of 12 months in response to the current health emergency.

Clause notes

Clauses 1 and 2 are formal provisions that deal with the name and commencement of the instrument.

Clause 3 orders that for the duration of the period set out in Clause 4, that section 16G (2) (b) of the *Road Transport (Offences) Regulation 2005* is varied.

The effect of the application order in Clause 3 is that section 16G (2) (b) is replaced with ‘there is a place for the person in the program in the 12-month period commencing the day after the statement is made.’ Extending the timeframe in which a place in the approved program must be made available will provide participants with an additional nine months to commence the program. This will ensure that eligible

people can still apply for an infringement notice management plan that allows for participation in an approved community work or social development program within the timeframe required to respond to a road transport infringement notice.

Clause 4 sets out the period for which the application order in clause 3 applies. The application order will have effect for 12 months after the commencement date.

Clause 5 states that this instrument expires 12 months and one day after the commencement date.

Human rights implications

There are no human rights implications arising from this instrument.

Climate change implications

There are no climate change implications arising from this instrument.