

Road Transport (Offences) Application to Holiday Period Declaration 2021 (No 1)

Disallowable instrument DI2021–247

made under the

***Road Transport (Offences) Regulation 2005*, section 21 (3) (Additional demerit points for offences committed during holiday periods)**

EXPLANATORY STATEMENT

Section 21 of the *Road Transport (Offences) Regulation 2005* provides that additional demerit points apply to offences for which demerit points are applicable during holiday periods.

Section 21 (3) provides that the Minister may declare that section 21 does not apply during all or part of a holiday period.

Section 21 (4) provides that such a declaration is a disallowable instrument.

This instrument provides that section 21 does not apply during the holiday period relating to the Labour Day public holiday on 4 October 2021. As such, additional demerit points – double for speed, seatbelt, how people must travel in a vehicle, wearing motorcycle helmets and use of mobile devices and an additional demerit point for other offences for which demerit points apply – will not be applied for offences committed between 1 October 2021 and 4 October 2021 inclusive.

The declaration is a disallowable instrument and must be presented to the Legislative Assembly within 6 sitting days after its notification pursuant to section 61 of the *Legislation Act 2001*.

Human rights implications

During development of this Instrument, due regard was given to its effect in relation to the compatibility with human rights as set out in the *Human Rights Act 2004* (HRA).

The declaration in the instrument are not considered to restrict a person's human rights.

The declaration in the instrument does not amend or disapply the road rules or other road transport laws, apart from the provision that would usually require additional

demerit points to be applied for offences committed during holiday periods, applicable to motor vehicle drivers. As such it does not affect motor vehicle drivers who do not commit offences during the holiday period.

Motor vehicle drivers who commit demerit point offences during the holiday period will attract fewer demerit points than otherwise would be the case, and therefore have a lower risk of having their driver licence suspended which may limit the right to move freely within the ACT provided by section 13 of the HRA.

Climate change implications

There are not considered to be any climate change implications arising from the instrument or its effect.

Clause notes

Clauses 1 and 2 of the instrument are formal provisions dealing with the name and commencement of the instrument. They provide that the name of the instrument is the *Road Transport (Offences) Application to Holiday Period Declaration 2021 (No 1)* and that it commences on 1 October 2021.

Clause 3 provides that section 21 of the *Road Transport (Offences) Regulation 2005* does not apply during the holiday period relating to the Labour Day public holiday on 4 October 2021. The effect of this declaration is that motor vehicle drivers committing offences for which demerit points apply during the period 1 October 2021 and 4 October 2021 will not have additional demerit points applied in relation to those offences.

Clause 4 provides relevant definitions for the instrument.

Clause 5 provides that the instrument expires on 4 October 2021.