



Australian Capital Territory

Road Transport Legislation Amendment Regulation 2013 (No 1)

Subordinate Law SL2013-11

The Australian Capital Territory Executive makes the following regulation under the *Road Transport (Driver Licensing) Act 1999* and the *Road Transport (General) Act 1999*.

Dated 22 May 2013.

SIMON CORBELL
Minister

JOY BURCH
Minister



Australian Capital Territory

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Road Transport Legislation Amendment Regulation 2013 (No 1)*.

2 Commencement

This regulation commences on the commencement of the [Road Transport \(General\) \(Infringement Notices\) Amendment Act 2012](#), section 3.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This regulation amends the following legislation:

- [Road Transport \(Driver Licensing\) Regulation 2000](#)
- [Road Transport \(General\) Regulation 2000](#)
- [Road Transport \(Offences\) Regulation 2005](#).

Part 2 Road Transport (Driver Licensing) Regulation 2000

**4 Demerit points—effect of withdrawal of infringement notice
Section 137A (1) (b)**

after

(c)

insert

, (ca)

Part 3 Road Transport (General) Regulation 2000

5 Internally reviewable decisions Schedule 1, new part 1.6C

insert

Part 1.6C Road Transport (Offences) Regulation 2005

column 1 item	column 2 provision	column 3 decision
1	16B	administering authority for infringement notice management plan—refuse to defer payment under plan

Part 4 Road Transport (Offences) Regulation 2005

6 New part 2A

insert

Part 2A Infringement notice management plans

Division 2A.1 Payment by instalments

16 Application—div 2A.1

This division applies if a person has an infringement notice management plan that allows payment by instalments.

16A Condition applying to plan allowing instalment payments—Act, s 31B (7) (b)

The plan is subject to the condition that the person must tell the administering authority for the plan in writing if the person is unable, because of a change in the person's financial circumstances, to make a payment under the plan.

Note The person must tell the administering authority as soon as possible (see [Legislation Act](#), s 151B).

16B Payment of amounts under plan—Act, s 31B (7) (c)

- (1) The person may ask the administering authority for the plan in writing to defer a payment (including a payment that has been dishonoured) under the plan.
- (2) The authority may, on application by the person or otherwise, defer a payment under the plan if the authority is satisfied on reasonable grounds that it is justified because of the person's financial circumstances.

16C Non-compliance with plan allowing payment by instalments—Act, s 44A (9) (a)

The administering authority for the plan becomes satisfied that the person has failed to comply with the plan if the authority is satisfied on reasonable grounds that—

- (a) the person failed to make 2 or more consecutive payments in accordance with the plan; or
- (b) the person failed to make 5 or more payments in accordance with the plan in any 12-month period.

Division 2A.2 Community work and social development programs**16D Kinds of community work or social development programs that may be approved**

- (1) The following may be approved under the [Act](#), section 31D (Approval of community work or social development program) as a community work or social development program:
 - (a) unpaid community work;
 - (b) an educational, vocational or life skills course;
 - (c) financial or other counselling;

(d) a mentoring program.

(2) Also, treatment for the following may be approved under the [Act](#), section 31D as a community work or social development program:

(a) a mental or intellectual disability or mental disorder;

(b) a physical disability, disease or illness;

(c) addiction to, or abuse of, drugs, alcohol or another substance.

(3) In this section:

treatment means the treatment, care or support of a person by a health practitioner to improve or maintain the person's health.

16E Application for approval of community work or social development program

(1) An entity may apply to the responsible director-general for the approval of a community work or social development program.

Note If a form is approved under the [Act](#), s 225 for this provision, the form must be used.

(2) The application must—

(a) state the name and contact details of a nominated person for the program; and

(b) provide details of the program, including the following:

(i) the proposed activities under the program;

(ii) the people that the program is aimed at;

(iii) the entity's experience and qualifications in providing this program or the same kind of program;

(iv) if an entity other than the entity is to provide part or all of the program—that entity's experience and qualifications in providing this program or the same kind of program;

- (v) the place where the program will be provided;
 - (vi) the risk management arrangements for the program; and
 - (c) state details of the insurance cover that relates to the provision of the program, including public liability insurance; and
 - (d) state details of occupational health and safety policies and procedures that relates to the provision of the program, and
 - (e) state details of the entity's governance arrangements, including financial management, accountability and management of conflicts of interest; and
 - (f) if the program is treatment mentioned in section 16D (2)—include a treatment plan by a health practitioner for the person to be treated under the program.
- (3) The application must also include a statement by a person authorised by the entity that—
- (a) the entity undertakes to comply with the reporting requirements for the program; and
 - (b) the entity undertakes to comply with the record-keeping requirements for the program; and
 - (c) the entity acknowledges that the program and matters relating to the program may be independently audited, and the entity undertakes to cooperate with any audit; and
 - (d) the entity undertakes to have a complaints procedure available for people participating in the program because of an infringement notice management plan.

Note Entities must also comply with any legislation that applies to them, including the [Human Rights Act 2004](#) and the [Discrimination Act 1991](#).

16F When participation in approved program is taken to be finished—Act, s 31B (7) (d)

- (1) A person's participation in an approved community work or social development program in relation to an infringement notice offence is taken to be finished when the penalty for the offence is discharged.
- (2) Participation in an approved community work or social development program in relation to an infringement notice offence discharges the penalty for the offence at the following rates:
 - (a) if the program is unpaid community work for or on behalf of the provider of the program—\$37.50 for each hour of participation;
 - (b) if the program is an educational, vocational or life skills course or financial or other counselling—\$50 for each hour, or \$350 for each day, of participation, to a maximum of \$1000 for each month;
 - (c) if the program is treatment mentioned in section 16D (2), or a mentoring program—\$1000 for each whole month of participation, or the amount worked out as follows:

$$\frac{\$1000}{\text{number of days in months}} \times \text{number of days person participated in program in month}$$

16G Application for plan allowing participation in approved program—Act, s 31A (4) (d)

- (1) This section applies if a person applies to the administering authority for an infringement notice management plan that allows participation in an approved community work or social development program.
- (2) The person must attach to the person's application a written statement from the provider of the program that states that—
 - (a) the provider is satisfied on reasonable grounds that the person is suitable to participate in the program; and
 - (b) there is a place for the person in the program in the 3-month period after the day the statement is made.

16H Condition applying to plan allowing participation in approved program—Act, s 31B (7) (b)

- (1) This section applies if a person has an infringement notice management plan that allows the person to participate in an approved community work or social development program.
- (2) The plan is subject to the condition that, if the person permanently stops participating in the program, the person must tell the approved authority for the plan in writing not later than 7 days after the day the person stops participating.

16I Information to be given to administering authority about participation in an approved program—Act, s 44A (9) (b)

- (1) This section applies if—
 - (a) a person has an infringement notice management plan that allows the person to participate in an approved community work or social development program; and
 - (b) the person—
 - (i) does not start participating in the program; or
 - (ii) permanently stops participating in the program, including when the program has ended and if the person's participation is suspended or ended by the provider of the program.
- (2) The provider must tell the administering authority for the plan in writing that the person has not participated in, or has permanently stopped participating in, the program not later than 7 days after the day the provider becomes aware of the non-participation or cessation.
- (3) The provider must include the following information in the notice under subsection (2):
 - (a) the number of hours, days or months that the person should have completed under the program;
 - (b) the number of hours, days or months that the person actually completed under the program;
 - (c) if the person's participation was suspended or ended by the provider—that the person's participation was suspended or ended and when it happened.

Division 2A.3 **Infringement notice management plans—general**

16J Content of suspension notice—Act, s 44A (3) (c)

The following information is prescribed:

- (a) the date of the notice;
 - (b) the person's name;
 - (c) if the person is an individual—the individual's home address;
 - (d) if the person is a corporation—the corporation's ACN (if any) and business address;
 - (e) that the administering authority for the plan is satisfied on reasonable grounds that the person has failed to comply with the plan and what the grounds are;
- Note* See the [Act](#), s 44A (1) (b) and s 16C (Non-compliance with plan allowing payment by instalments—Act, s 44A (9) (a))
- (f) that any suspension action takes effect on the suspension date and continues until the suspension is revoked under the [Act](#), part 3.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 23 May 2013.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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