



Australian Capital Territory National Land (Road Transport) (Infringement Notice Management Plans) Rules 2021

I, Nola Marino, Assistant Minister for Regional Development and Territories and Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure, Transport and Regional Development, make the following rules.

Dated 3 June 2021

Nola Marino
Assistant Minister for Regional Development and Territories
Parliamentary Secretary to the Deputy Prime Minister and Minister for Infrastructure,
Transport and Regional Development

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1 Name

This instrument is the *Australian Capital Territory National Land (Road Transport) (Infringement Notice Management Plans) Rules 2021*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	The day after this instrument is registered.	2 December 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *National Land (Road Transport) Ordinance 2014*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

5 Definitions

In this instrument:

General Act means the *Road Transport (General) Act 1999* (ACT).

Ordinance means the *National Land (Road Transport) Ordinance 2014*.

6 General modifications

- (1) This section is made for the purposes of subparagraph 11(2)(b)(i) of the Ordinance.
- (2) Section 21A of the General Act applies to National Land as if the following definition were inserted in subsection (1):

Section 7

NCA chief executive has the meaning given in the *National Land (Road Transport) Ordinance 2014* (Commonwealth).

- (3) The General Act applies to National Land as if the following provisions had not been enacted:
- (a) section 31C (approved community work or social development program—responsible director-general’s agreement);
 - (b) section 31D (approval of community work or social development program);
 - (c) paragraph 31G(3)(d) (application for waiver of penalty—decision).

7 Applications may be made for payment by instalments only

- (1) This section is made for the purposes of subparagraph 11(2)(b)(i) of the Ordinance.
- (2) Sections 26 and 28 of the General Act apply to National Land as if paragraph (2)(b) of those sections were replaced with the following paragraph:
- (b) apply to the NCA chief executive to:
 - (i) enter into an infringement notice management plan; or
 - (ii) if the person has an infringement notice management plan with the NCA chief executive—add the infringement notice penalty for the offence to the plan; or
 - (iii) waive the infringement notice penalty;

Note 1: See section 31A for applications to enter into infringement notice management plans and applications to add infringement notice penalties to plans.

Note 2: See section 31F for applications for waiver of infringement notice penalties.

- (3) Section 31A of the General Act applies to National Land as if subsections (2) and (3) of that section were replaced with the following subsections:
- (2) If the person is an individual, the individual may apply to the NCA chief executive:
- (a) to enter into an arrangement (an ***infringement notice management plan***) with the NCA chief executive for discharge of the penalty for the offence by payment by instalment; or
 - (b) if the individual has an infringement notice management plan with the NCA chief executive—to add the infringement notice penalty for the offence to the individual’s plan.

Note: If a form is approved under section 225 for this provision, the form must be used.

- (3) If the person is a corporation, the corporation may apply to the NCA chief executive:
- (a) to enter into an arrangement (also an ***infringement notice management plan***) with the NCA chief executive for discharge of the penalty for the offence by payment by instalment; or
 - (b) if the corporation has an infringement notice management plan with the NCA chief executive—to add the infringement notice penalty for the offence to the corporation’s plan.

8 Application of this instrument

The modifications made by sections 6 and 7, and the repeal made by Schedule 1, apply in relation to any application under section 31A or 31F of the General Act after the commencement of this instrument, whether the infringement notice was served before or after that commencement.

Schedule 1—Repeals

Removal of Infringement Notice Management Plans Rule 2014

1 The whole of the instrument

Repeal the instrument.