



## Chris Steel MLA

Minister for Transport and City Services

Minister for Skills

Special Minister of State

Member for Murrumbidgee

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Mr Jeremy Hanson CSC MLA

Chair

Standing Committee on Justice and Community Safety (Legislative Scrutiny Role)

ACT Legislative Assembly

GPO Box 1020

CANBERRA ACT 2601

By email: [Scrutiny@parliament.act.gov.au](mailto:Scrutiny@parliament.act.gov.au)

Dear Mr Hanson

I write in relation to the comments made by the Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) (the Committee) in its Scrutiny Report 11 published on 19 November 2021 in relation to the Road Transport (General) (COVID-19 Emergency Response) Application Order 2021 (No 1) (DI2021-222).

I thank the Committee for its comments on this Disallowable Instrument and note its concerns about the retrospective application of the instrument.

To clarify the statement in the explanatory statement that any retrospective operation of the instrument is “in the most part non-prejudicial”, I provide the following:

- The instrument itself commenced on the day after notification, being 4 September 2021.
- Clauses 5, 7, 10 and 11 have retrospective application in that they apply from and including 9 August 2021.
- Clauses 4, 6, 8, 9, 13 and 14 have retrospective application in that they apply from and including 12 August 2021.

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- The retrospective application of these clauses is not considered to be prejudicial as it provides a benefit to the community and ensures that people are not disadvantaged during periods where government services are not available, mandatory driver licence training courses are not able to be provided or during delays in access to these services and courses when they recommence.
- Clause 12 commenced from the date the instrument commenced being 4 September 2021. This clause does not have retrospective application as to do so could be considered prejudicial.
- Clause 12 extends the timeframe in which an infringement notice for an offence detected by a road safety camera can be issued to the responsible person for the detected vehicle from 28 days to 45 days. This extension is considered necessary to support Access Canberra manage its operations during this time.

I also wish to thank the Committee for its comments on the Road Transport (General) Application of Road Transport Legislation (COVID-19 Parking Arrangements) Declaration (No 1) (DI2021-223) and the Road Transport (General) Application of Road Transport Legislation (COVID-19 Parking Arrangements) Declaration 2021 (No 2) (DI2021-236). I note the Committee's report draws the Assembly's attention to the explanation of the retrospective application of DI2021-223 and the analysis of the human rights implications of both instruments contained in their respective explanatory statements.

I trust that this response addresses the Committee's comments in relation to the Road Transport (General) (COVID-19 Emergency Response) Application Order 2021 (No 1) (DI2021-222).

Yours sincerely

Chris Steel MLA  
Minister for Transport and City Services