



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON ECONOMY AND GENDER AND ECONOMIC EQUALITY
Ms Leanne Castley MLA (Chair), Ms Suzanne Orr MLA (Deputy Chair),
Mr Johnathan Davis MLA

Inquiry into Annual and Financial Reports 2020-2021 **ANSWER TO QUESTION TAKEN ON NOTICE** **10 November 2022**

Asked by Ms Castley on 10 November 2022: Minister Cheyne took on notice the following question(s):

[Ref: Hansard Proof Transcript 10 November 2022 [PAGE 205 – 206]]

In relation to:

Ms Castley “Can I just hit back on another one to take on notice. How many businesses were waived if there were any fines for businesses and were they waived? Just if I can get that number thank you”.

Minister Cheyne “Sorry can just clarify, waiving has a very particular meaning in infringement notices”

Ms McKinnon “Ms Castley in order I think that there is going to be a manual process so can we do the last six months or just pick six months if that would help us figure out if we can do it and there is a withdrawal as there is a waiving so we will give you the various categories that happened to commercial vehicles”.

Ms Castley “Thank you and I guess please point me in the direction for the explanation as to why the cost is different between personal and”

Minister Cheyne “Sure we can do that, as Mr Rynehart said it’s across multiple bit of legislation so we will pull that out and provide that no problem”

Minister Cheyne: The answer to the Member’s question is as follows:–

The *Road Transport (General) Act 1999* Section 41 (1) states that a corporation that is the registered operator of a motor vehicle must take *all reasonable steps* to assist the administering authority to identify and locate the individual who was in possession or control of the motor vehicle at the time of a demerit points offence involving the motor vehicle.

Withdrawal

If an organisation (a business) chooses not to transfer the infringement to the responsible person, they may:

- seek a withdrawal of an infringement on administrative/technical grounds; or
- where an organisation does not know the identity of the person who was in possession of the vehicle, submit an unknown user declaration which may result in the infringement being withdrawn.

For financial year 2021/2022, a total of 421 infringements (parking and traffic) have been withdrawn where the infringement is in the name of an organisation.

Waiver

A waiver is designed to help vulnerable people deal with the financial aspect of an infringement notice. The *Road Transport (General) Act 1999* Section 31F (1) states that a person served with an infringement notice may apply for a waiver of the penalty amount and must set out that person’s financial circumstances and relevant circumstances.

Where an organisation transfers the infringement to the nominated individual the person may apply for a waiver.

No waivers have been granted in the 2021/2022 financial year where the infringement is in the name of an organisation.

Cost

The *Road Transport (Offences) Regulation 2005* Section 6 (2) (b) states:

if the infringement notice offence—

(b) is an offence detected by a traffic offence detection device and the person is a corporation, the penalty payable by the person for the infringement notice offence is the amount worked out as follows:

$(P \times 5) - \$240$

In this section:

P means the penalty payable by an individual under subsection (1) for the infringement notice offence.

Approved for circulation to the Standing Committee on Economy and Gender and Economic Equality

Signature:



Date:

20/11/22

By the Minister for Business and Better Regulation, Minister Tara Cheyne MLA