

Explanatory Statement

TRANSPORT LEGISLATION AMENDMENT BILL 2025

SERIAL NO. 33 of 2025 LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

MINISTER FOR LOGISTICS AND INFRASTRUCTURE

GENERAL OUTLINE

This Bill amends key road and transport legislation administered by the Department of Logistics and Infrastructure, particularly the *Commercial Passenger (Road) Transport Act 1991*, *Motor Vehicles Act 1949*, *Public Transport (Passenger Safety) Act 2008* and *Traffic Act 1987*, as well as several regulations made under these Acts.

The purpose of the Bill is to make targeted amendments to enable timely and long due reforms in the following areas: commercial passenger vehicle regulatory framework; automated decision-making; abandoned vehicles; trailer registration; bus safety and transit officers; and the sentencing provisions for dealing with drink and drug driving offenders who are already subject to a disqualification or have committed multiple disqualifiable offences.

This Bill also facilitates various technical and miscellaneous amendments to transport legislation to use more modern language, correct inconsistencies and clarify interpretation.

NOTES ON CLAUSES

Part 1 Preliminary matters

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill when passed will be cited as the *Transport Legislation Amendment Act 2025*.

Clause 2. Commencement

This clause sets out how the amendment Act, wholly or in parts, will be commenced. Generally, this will be done by notice given by the Administrator in the Northern Territory Government *Gazette* unless otherwise indicated in this clause.

Part 2 Amendment of commercial passenger (road) transport legislation

Division 1 Commercial Passenger (Road) Transport Act 1991

Clause 3. Act amended

This is a formal clause which provides that Part 2 Division 1 amends the *Commercial Passenger (Road) Transport Act 1991*.

Clause 4. Part 2, Division 2 repealed (Commercial Passenger Vehicle Board)

This clause repeals current Division 2 under Part 2 which requires the Minister to establish a Commercial Passenger Vehicle (CPV) Board.

This requirement was introduced in 2003 on the recommendation of a 2002 review of the CPV industry. However, the Board has not played a significant role due to the segmented structure of the industry making engagement through a single body unsuitable. A broad review of the CPV industry in 2016 recommended the removal of this requirement.

The Director of Commercial Passenger (Road) Transport (the Director) has since established industry forums, including an Accessible Point to Point Transport Forum. The Minister has recently approved for the previous Top End CPV forum and Central Australian CPV forum to be combined into one to be renamed the Northern Territory Commercial Passenger Vehicle Forum. These forums are made up of members from all CPV segments, stakeholder groups and government and have effectively replaced the CPV Board.

Clause 5. Section 9 amended (Consideration of application)

This clause amends section 9(1), providing for the explicit power to grant accreditation where currently, the options available to the Director in relation to an application for accreditation is to refuse it, accept it, or accept it with amendments. It is not apparent that accepting an application means granting it.

This clause also updates the reference to an application for accreditation made under section 8A, not section 8.

Clause 6. Section 26 amended (Determination fares and charges)

This clause amends section 26(2), increasing the maximum penalty for the offence of taxi fare overcharging from 8 penalty units to 40 penalty units, to reflect the seriousness of the offence.

Clause 7. Section 27 amended (Substitute taxi licence)

This clause amends section 27 by inserting a further subsection (4) to provide for an explicit power for the Director to grant or refuse a substitute taxi licence when an application is received.

Clause 8. Section 71 amended (Communications and dispatch networks)

This clause amends section 71 to clarify the procedure in relation to the granting of an approval for a communications and dispatch network, update the language, and align the infringement offence provisions under this section with accreditation and licence-related infringements under the Act.

Updated section 71(1)-(4) provides that a person proposing to operate a communications or dispatch network may apply to the Director for approval subject to any requirement to provide information and on payment of a fee. On consideration of an application for a network approval, the Director may refuse or approve the network.

Updated section 71(5) allows the Director to impose conditions on a network approval or, from time to time, amend or revoke the conditions of, or add new conditions to, an existing network approval.

Updated section 71(6) allows the Director to cancel or suspend a network approval as the Director sees fit.

New section 71(6A) increases the maximum penalty for operating a communications and dispatch network without an approval, from 40 penalty units to 85 penalty units.

New section 71(6B) creates a new offence for failure to comply with the conditions of a network approval, with a maximum penalty of 40 penalty units.

New section 71(10) inserts definitions for an *approved network*, *communications or dispatch network*, and *operator*.

Clause 9. Section 74B inserted

This clause inserts a new section 74B under Part 10 Division 2.

New section 74B creates a new offence for failing to comply with a condition of a commercial vehicle licence, with a maximum penalty of 40 penalty units.

Clause 10. Section 75A amended (Cancellation of accreditation for disqualifying offence)

This clause amends sections 75A by removing the transitional provisions in subsections (3) and (4) which have no practical use today.

Updated section 75A(1) clarifies that convictions for a disqualifying offence include convictions of responsible persons for an operator that is a body corporate.

Updated section 75A(2) updates the reference from Local Court to NTCAT.

Clause 11. Section 76 amended (Reviews by Chief Executive Officer for disqualifying offences)

This clause amends the heading of section 76 to 'Internal reviews by Chief Executive Officer (CEO) for disqualifying offences', with references across the section also updated to indicate an 'internal review'.

Updated section 76(4) separates the two decisions available to the CEO in an internal review, which are to confirm the Director's decision, or revoke the Director's decision.

Updated section 76(6) replaces current subsections (6) and (7) and provides that a decision by the CEO to revoke the Director's original decision is taken to be part of the decision made by the Director for purposes of an application for a review by NTCAT.

Clause 12. Sections 77 and 79 replaced

This clause repeals the current sections 77 and 79 and inserts a new section 77 which establishes NTCAT as the new forum for appeals of decisions made under the Act where currently this is done through the Local Court.

New section 77(1) confers review jurisdiction on NTCAT and is consistent with the position of NTCAT being the principal NT body responsible for hearing civil and administrative disputes.

New sections 77(2) and (3) sets out the eligibility requirements for a review by NTCAT.

New section 77(4) provides that a person appealing a decision in relation to a conviction for a disqualifying offence under section 76 must first request for an internal review by the CEO and obtain a decision before they can apply for a review by NTCAT.

New section 77(5) provides that an application for a review by NTCAT must be made within 28 days from receipt of a notice of decision.

The *Northern Territory Civil and Administrative Tribunal Act 2014* sets out further procedure for review applications and other matters in relation to reviews.

Clause 13. Section 81 repealed (Infringement offences and notices)

This clause repeals section 81, currently dealing with infringement offences and notices, as the power to issue infringements is already addressed in section 65D of the *Interpretation Act 1978*.

Clause 14. Section 86 replaced

This clause amends section 86 to contemporise the acquisition on just terms provisions in the Act to current standards.

Clause 15. Section 87 amended (Regulations)

This clause amends the regulation making powers under section 87, updating the language in subsection (e) and adding new subsections (ea) and (eb), providing that the regulations may, respectively, provide for matters relating to the inspection or testing of commercial passenger vehicles, including the appointment of persons to carry out inspections or tests, as well as authorise the Director to exempt a person or vehicle, or a class of persons or vehicles, from the operation of all or parts of the regulations.

Clause 16. Part 13, Division 3 and Schedule inserted

This clause inserts a new Division 3 under Part 13 and a new Schedule of Reviewable decisions.

New sections 90 to 94 include transitional provisions to account for any ongoing Local Court matters and to preserve references to the Local Court where relevant as a result of the transfer of review jurisdiction to NTCAT.

New section 95 provides that an outstanding infringement notice issued before the commencement of the amending Act that remains outstanding on or after the commencement of the amending Act is taken to be an infringement notice issued under the amended Act.

The new Schedule sets out the types of reviewable decisions eligible for a review by NTCAT and the affected person eligible to make an application for a review by NTCAT for that type of reviewable decision.

Clause 17. Act further amended

This clause provides that further amendments to the Act are contained in Schedule 1.

Division 2 Commercial Passenger (Miscellaneous) Regulations 1992**Clause 18. Regulations amended**

This is a formal clause which provides that Part 2 Division 2 amends the *Commercial Passenger (Miscellaneous) Regulations 1992* (CPV Regulations).

Clause 19. Regulation 1A amended (Definitions)

This clause amends regulation 1A of the CPV Regulations, adding new definitions for the following terms: *infringement notice*, *infringement notice offence*, *prescribed amount*.

Clause 20. Part 2 replaced

This clause replaces Part 2 of the CPV Regulations and updates the infringement notice provisions to make them consistent with similar provisions standard in other NT legislation.

Clause 21. Part 6 repealed (Transitional matters for Ridesharing Regulations 2017)

This clause repeals Part 6 of the CPV Regulations as these provisions no longer have any practical effect.

Clause 22. Schedules 1 and 2 replaced

This clause replaces the current Schedules 1 and 2 of the CPV Regulations.

The new Schedule 1 now includes item numbers for each row / group of infringement offences having the same infringement penalty, reflecting system changes being implemented by the Office of Parliamentary Counsel.

The new Schedule 1 renames the regulations in the left column to their corresponding new name in the right column:

<i>Commercial Passenger (Miscellaneous) Regulations 1992</i>	<i>Commercial Passenger (Road) Transport (Miscellaneous) Regulations 1992</i>
<i>Courtesy Vehicle Regulations 2003</i>	<i>Commercial Passenger (Road) Transport (Courtesy Vehicles) Regulations 2003</i>
<i>Limousine Regulations 2003</i>	<i>Commercial Passenger (Road) Transport (Limousines) Regulations 2003</i>
<i>Minibus Regulations 1998</i>	<i>Commercial Passenger (Road) Transport (Minibuses) Regulations 1998</i>
<i>Passenger Bus Regulations 1992</i>	<i>Commercial Passenger (Road) Transport (Passenger Buses) Regulations 1992</i>
<i>Private Hire Car Regulations 1992</i>	<i>Commercial Passenger (Road) Transport (Private Hire Cars) Regulations 1992</i>
<i>Ridesharing Regulations 2017</i>	<i>Commercial Passenger (Road) Transport (Ridesharing) Regulations 2017</i>
<i>Special Function Vehicle Regulations 2003</i>	<i>Commercial Passenger (Road) Transport (Special Function Vehicles) Regulations 2003</i>
<i>Taxis Regulations 1992</i>	<i>Commercial Passenger (Road) Transport (Taxis) Regulations 1992</i>
<i>Tourist Vehicles 1992</i>	<i>Commercial Passenger (Road) Transport (Tourist Vehicles) Regulations 1992</i>

Under new Schedule 1 item 2, the infringement penalty for a breach of section 26(2) of the Act for taxi fare overcharging has increased from 5 penalty units to 10 penalty units. The increase corresponds to the increase in the maximum penalty for the offence under the Act and reflects the seriousness of the offence.

Under new Schedule 1 items 8 and 13, the infringement penalty for a contravention of new sections 71(6B) and 74B of the Act – which deal with a failure to comply with the conditions of a communications and dispatch network approval, and commercial vehicle licence, respectively – is 4 penalty units for an individual and 20 penalty units for a body corporate.

Under new Schedule 1 item 22, the infringement offence provisions under the *Commercial Passenger (Road) Transport (Limousine) Regulations 2003* attracting 10 penalty units have been updated from the current regulations 4(1) and (2) and (5) to regulations 4(1) and (2) and 5. The change addresses an incorrect reference to a non-existent regulation 4(5).

Under new Schedule 1 item 31, the infringement penalty for a breach of regulation 7B(1) of the *Commercial Passenger (Road) Transport (Minibus) Regulations 1998* for a minibus driver refusing

a wheelchair hire request has increased from 4 penalty units to 10 penalty units. The increase aligns the penalty amount for the same offence if committed by a taxi driver.

Under new Schedule 1 item 53, a new infringement penalty has been prescribed for a breach of regulation 9(3) of the *Commercial Passenger (Road) Transport (Ridesharing) Regulations 2017* requiring a rideshare driver to carry an identity card while driving and to produce the card when requested by an inspector. The new penalty addresses the lack of a corresponding penalty for an offence provision in that regulation.

The new Schedule 2 is updated to be consistent with the style changes implemented in clause 23.

Clause 23. Regulations further amended

This clause provides that further amendments to the Regulations are contained in Schedule 2.

Division 3 *Taxis Regulations 1992*

Clause 24. Regulations amended

This is a formal clause which provides that Part 2 Division 3 amends the *Taxis Regulations 1992* (Taxis Regulations).

Clause 25. Regulation 1 amended (Citation)

This clause updates the citation to the Taxis Regulations in regulation 1 to *Commercial Passenger (Road) Transport (Taxis) Regulations 1992*.

Clause 26. Regulation 3 amended (Interpretation)

This clause amends regulation 3(1) of the Taxis Regulations, updating the definition for *testing officer* to mean a testing officer appointed under new regulation 24A of the Taxis Regulations.

Clause 27. Regulation 24A inserted

This clause inserts a new regulation 24A to the Taxis Regulations, providing the Director a power to appoint a person to be a testing officer (for purposes of testing taximeters).

Part 3 Amendment of motor vehicles legislation

Division 1 *Motor Vehicles Act 1949*

Clause 28. Act amended

This is a formal clause which provides that Part 3 Division 1 amends the *Motor Vehicles Act 1949*.

Clause 29. Section 5 amended (Interpretation)

This clause amends section 5(1) and inserts new definitions for the terms *motor vehicle trader's licence* and *trader's plate*.

Clause 30. Section 5A amended (Provisions relating to motor vehicles also apply to trailers)

This clause amends section 5A(2)(f) by adding updated section 103 (duration of registration of motor vehicle or trailer) to the list of provisions that apply separately to trailers under the Act.

Clause 31. Section 7 amended (Registrar, Deputy Registrar and other officers)

This clause amends section 7 and repeals subsection (3), doing away with the impractical provision of the Minister having exclusive revocation powers for appointments made by the Registrar under the Act, which include inspectors and other officers.

Clause 32. Sections 11A, 12 and 12A replaced

This clause amends section 11A and updates the reference to a handicapped person to a person with a physical disability.

The new section 11A removes the ability to issue a licence to an under aged person where the current provision contemplates a licence may be issued to an underage person with a disability wishing to use a motorised wheelchair in a public place. This provision is an outdated provision where a motorised wheelchair is considered a motor vehicle, and this is no longer the case.

Sections 12 and 12A are repealed as these provisions relate to a levy imposed in the past that is no longer used.

Clause 33. Section 34 amended (Licensing of motor vehicle traders)

This clause amends sections 34 to relocate the provisions dealing with the duration of motor vehicle trader's licence contained in the current section 103 to this section.

New sections 34(4) to (9) generally provide that the licence period for a motor vehicle trader's licence is for 12 months or less, with the fee payable for any licence duration shorter than 12 months calculated on a pro rata basis.

Clause 34. Section 103 replaced

This clause amends section 103, redrafting the current section 103 to exclusively deal with duration of registration of motor vehicles or trailers, while aspects relating to motor vehicle trader's licence previously covered under this section have been moved to section 34 (see clause 34).

This is a necessary amendment to facilitate a permanent option for the Registrar to register or renew the registration of a light trailer for a period of two or three years without requiring an exemption. Currently, the statutory mandated registration period is limited to 12 months. The amended section 103 provides for a new prescribed vehicle class that can be registered for a period longer than 12 months.

Clause 35. Section 105 inserted

This clause inserts a new section 105 dealing with licence endorsements and how such endorsement may be effected.

Clause 36. Section 135 replaced

This clause replaces section 135, updating the current provisions allowing the Registrar to grant an exemption from any provision of the Act for a specified class of motor vehicles to now include the regulation of persons using them.

New sections 135(1) to (5) provides that the Registrar may exempt a vehicle or class of vehicles subject to conditions, including limiting or restricting the persons or class of persons who may use a motor vehicle within the specified class under the exemption.

New section 135(6) provides, importantly, that a specified class of motor vehicle granted an exemption is only exempt from the application of any provision of the Act if the motor vehicle and the person operating the motor vehicle complies with the conditions imposed on the exemption.

This is a necessary amendment to sufficiently make it clear that an exempt motor vehicle ceases to be exempt if it is used contrary to the conditions of its exemption.

Clause 37. Section 137F inserted

This clause inserts a new section 137F to facilitate automated decision making under the *Motor Vehicles Act 1949*, *Traffic Act 1987* and any other law prescribed by regulation.

New sections 137F(1) to (3) confer upon the Registrar a power to arrange for the use, under the Registrar's control, of a computer program for the purposes of exercising a power or performing a function, where a decision by the computer program is deemed a decision of the Registrar but can be substituted if found incorrect.

The new section 137F supports existing systems for processing transactions and enables the development and use of additional electronic systems in relation to the Registrar's power and functions. Similar provisions can be found in other NT legislation, e.g. section 34 of the *Fines and Penalties (Recovery) Act 2001*.

Clause 38. Part 12 inserted

This clause inserts new Part 12, providing transitional arrangements covering duration of registration of motor vehicles and motor vehicle trader's licence, and exemptions previously granted by the Registrar.

New section 143 is a savings clause to preserve existing registration duration of motor vehicles and motor vehicle trader's licences.

New section 144 gives effect and preserves the duration of registration of trailers registered for longer than 12 months before the commencement of the new section 103.

New section 145 provides that an existing exemption continues in force according to its terms and/or conditions but can be dealt with under the updated section 135 provisions.

Division 2 *Motor Vehicles Regulations 1977*

Clause 39. Regulations amended

This is a formal clause which provides that Part 3 Division 2 amends the *Motor Vehicles Regulations 1977*.

Clause 40. Regulation 7C inserted

This clause inserts new regulation 7C, which provides that a trailer that has a gross vehicle mass of ≤ 750 kg is a prescribed vehicle class for purposes of section 103(2)(a) of the Act, and where by virtue of being a prescribed vehicle class, the maximum period of registration prescribed under section 103(2)(a)(i) for such trailers is three years.

Clause 41. Regulation 16 repealed (Vehicles to which Temporary Budget Improvement Levy does not apply)

This clause repeals regulation 16 as this provision relates to a levy imposed in the past that is no longer used.

Part 4 Amendment of Public Transport (Passenger Safety) Act 2008

Clause 42. Act amended

This is a formal clause which provides that Part 4 amends the *Public Transport (Passenger Safety) Act 2008*.

Clause 43. Section 3 amended (Definitions)

This clause amends section 3 by inserting a new definition for *rule of behaviour*, which means a rule or directive set out in Part 3 of the Act.

Clause 44. Section 26 amended (Power to require a person to get off bus and, on non-compliance, to remove forcibly)

This clause amends the current section 26(1) with new subsections (1) and (1A).

Under the current section 26(1) the circumstances on when a transit officer can give a direction to a person to get off a bus or leave a bus stop or bus station is limited to non-compliance of a previous direction (i.e. direction to behave) or a person contravening a banning notice.

The updated section 26(1) adds a third circumstance of a person having committed, is committing, or is about to commit a *relevant offence* on a bus, bus stop or bus station (e.g. assault, violent disorder, damage to property, etc.) as a trigger to the issuance of a direction to go away, which is now located under section 26(1A).

Under the Act, transit officers can arrest and detain a person reasonably believed to be committing, is committing or is about to commit an *offence warranting arrest*, but in general everyday situations, a direction to leave or go away is the practical first step to make in order to quickly deescalate an unsafe situation.

Clause 45. Section 27B amended (Capsicum spray and restraints)

This clause amends section 27B(a) to clarify that the types of oleoresin capsicum (OC) aerosol devices transit officers are allowed to possess and use is not limited to devices that discharge the substance in a spray-like manner, but also includes thicker variants (gel) delivered in a direct stream.

Part 5 Amendment of traffic legislation

Division 1 Traffic Act 1987

Clause 46. Act amended

This is a formal clause which provides that Part 5 Division 1 amends the *Traffic Act 1987*.

Clause 47. Section 29AAS amended (When court finds person guilty)

This clause updates the section 29AAS heading to 'Automatic licence cancellation and disqualification for certain offences'.

This clause amends section 29AAS, repealing and replacing current subsections (1) and (3) and inserting new subsections (3A) and (6)-(8). The amendments have the effect of providing the court with a discretion, when imposing licence disqualification penalties for drink or drug driving offences, to order that the disqualification be served cumulatively – rather than at the same time – where the offender is already subject to a disqualification or is being sentenced for multiple offences.

Clause 48. Section 43AAB inserted

This clause inserts new section 43AAB under Part VII, providing that the registered owner of a vehicle will be deemed to have committed an offence against sections 30B(3), 33(1)(a) or 33(4) of the Act or an offence prescribed by regulation where at the time the offence occurred, the name of the offender is unascertained.

This provision operates similar to regulation 53 of the *Traffic Regulations 1999* (in relation to traffic infringements), where it is also provided the owner will not be taken to have committed the offence where the vehicle was stolen or used without consent, among other circumstances, and that the owner may make a statutory declaration to the effect they were not in control of the motor vehicle involved in an offence.

Clause 49. Section 53 amended (Regulations)

This clause amends section 53(2)(w) which deals with the sale and disposal of abandoned vehicles, making clear that the regulation making power includes authorisations, procedures and protections for persons authorised to control vehicles that are left unattended or abandoned on public streets or public places.

Division 2 Traffic Regulation 1999

Clause 50. Regulations amended

This is a formal clause which provides that Part 5 Division 2 amends the *Traffic Regulations 1999*.

Clause 51. Regulation 3 amended (Interpretation)

This clause amends regulation 3(1) and inserts the following terms: *abandoned vehicle*, *authorised officer* and *person assisting*.

Clause 52. Regulation 12 amended (Learners driving motor vehicles)

This clause amends regulation 12 to make offence provisions under this section explicit and to add new offences.

Updated regulation 12(5) now has the maximum penalty expressly provided as 20 penalty units or 6 months imprisonment.

New sections 12(9A) and (9B) now has the maximum penalty expressly provided as 20 penalty units or 6 months imprisonment for a contravention by a learner or a licence holder of any applicable provision under section 12.

Clause 53. Regulation 41 amended (Service of traffic infringement notice)

This clause amends regulation 41 by updating the reference in subregulation (2) from regulation 53 to new section 43AAB of the Act.

Clause 54. Regulation 47 amended (Service of parking infringement notice)

This clause amends regulation 47 by updating the reference in subregulation (2) from regulation 53 to new section 43AAB of the Act.

Clause 55. Regulation 53 repealed

This clause repeals regulation 53 as the substantive provisions of this regulation have now been moved under section 43AAB of the Act.

Clause 56. Regulation 62 replaced

This clause repeals and replaces current regulation 62.

New regulation 62(1) inserts substantive definitions for the terms inserted by clause 51.

New regulation 62(2) provides that for a competent authority that is a local government council, a reference to an officer of the competent authority under Part 5 includes a reference to an officer or employee of the local government council.

New regulation 62(3) provides that Part 5 of the Regulations applies in relation to a vehicle that is left unattended or an abandoned vehicle even if the vehicle has been left unattended or abandoned by a person other than the owner of the vehicle.

New regulation 62A provides that a police officer or an officer of the competent authority may be assisted by other persons in the exercise of the officer's powers or performance of the officer's functions under Part 5 to move, enter or store a vehicle.

Clause 57. Regulation 63 amended (Abandoned vehicles)

This clause amends regulation 63(a), decreasing the time a registered motor vehicle may remain parked in a parking area where parking duration is not time-limited, from seven days to three days, at which point it will be considered abandoned.

Regulation 63(b) has been amended where an unregistered motor vehicle left on a road-related area or public place will now be treated as abandoned. Previously, this is limited to the vehicle being left 'on a road' such that vehicles left on the verge or across a footpath were not captured by the provision.

Clause 58. Regulation 64 amended (Removal of parked vehicles)

This clause amends section 64(1) and (3) to contemporise the language of the provision.

Amended section 64(2)(b) replaces the reference to 'safe keeping' in the provision with 'storage'.

Amended section 64(4) expand the available protection from liability provisions to include persons assisting police or an officer of the competent authority when moving, entering or storing a vehicle.

Clause 59. Regulation 65 amended (Removal of abandoned vehicles)

This clause repeals and replaces regulation 65(2) and (3) with new subregulations (2), (2A) and (3) to make the language consistent with other provisions under Part 5 in relation to moving, entering or storing a vehicle.

New subregulation (2A) inserted providing that an abandoned vehicle may be moved to any other place for storage that the officer of the competent authority thinks fit.

Updated subregulation (6) removes the requirement to advertise in a newspaper, providing flexibility to road authorities to publish notices using other mediums, e.g. an internet website.

Clause 60. Regulation 65A inserted

This clause inserts new regulation 65A which requires the competent authority to conduct a Personal Property Securities Register (PPSR) search in relation to an abandoned vehicle for the purpose of giving notice to any person who may have an interest in the vehicle before any sale or disposal can occur.

Clause 61. Regulation 67 replaced

This clause amends the current regulation 67 to simplify and make consistent the language used in the provision relating to sale of abandoned vehicles by competent authorities.

Updated regulation 67(2) provides that the competent authority must not sell an abandoned vehicle that has not been repossessed by the owner on payment of all reasonable costs, before the end of the following periods: a) 28 days if the owner of the vehicle is not present or cannot be ascertained and a notice has been posted or published, or b) before 14 days if a notice has been served on the person.

Clause 62. Regulation 68 amended (Disposing of abandoned vehicle)

This clause amends regulation 68(b) increasing the amount under which the competent authority is permitted to dispose of an abandoned vehicle other than by way of sale, from \$1,000 to \$2,000.

The current amount is low considering the current values of used vehicles as well as the fact that the cost of removing a vehicle exceeds \$1,000.

Clause 63. Regulation 69 amended (Proceeds of sale)

This clause amends the heading of section 69 to 'Proceeds of sale or disposal of vehicle'.

Regulations 69(2) and (3) have been amended to clarify which persons and in what order, are to be paid any remainder of the proceeds from the sale or disposal of an abandoned vehicle.

Clause 64. Regulation 92A inserted

This clause inserts a new regulation 92A, prescribing a parking infringement and an offence against the Regulations specified in Schedule 1 to the Regulations (traffic infringement) as prescribed offences for the purpose of section 43AAB(1)(b) of the Act.

Clause 65. Schedule 1 amended (Traffic infringement notice offences)

This clause amends Schedule 1 of the Regulations, expanding the list of offences a learner driver is liable for an infringement offence under regulation 12.

This clause amends Schedule 1 by replacing the two traffic infringement notice (TIN) offences against section 32(1) of the Act for driving with an expired licence, with three new driving without a licence TINs, in order to capture, a) persons driving without a licence who have never held a licence (\$500 penalty); b) persons driving without a licence who's licence has expired for two months or less (\$200 penalty); and c) learner drivers driving without a licence holder in the front seat (\$500 penalty).

The penalty amounts are unchanged while the new penalty for learner drivers driving without an approved person is justified on the basis that the offence is equivalent to driving unlicensed.

Clause 66. Other laws amended

This clause provides that further amendments to the Act are contained in Schedule 3.

Part 7 Repeal**Clause 67. Repeal of Act**

This is a standard clause that provides that this Act will be repealed on the day after it commences.