

# **Transport and Other Legislation Amendment Bill 2009**

## **Explanatory Notes for Amendments to be moved during consideration in detail by Fiona Simpson MP**

### **Introduction**

The proposed amendments seek to provide changes to clarify the application of the provisions of this Bill relating to exceptional circumstances for the issuing of public passenger driver's licences to persons with child-related offences.

### **Objective of Amendment**

This amendment will require that Chief Executive must consult with Commissioner for Children and Young People and Child Guardian on whether there is a case for exceptional circumstances.

Further if the Commissioner's advice is that the exceptional circumstances should not be granted, the Chief Executive must take the Commissioner for Children and Young People and Child Guardian advice.

If the Commissioner does not provide advice on this matter or the advice is that there is a case for exceptional circumstances, the discretion for the decision remains with the Chief Executive.

### **Estimated Cost for Implementation**

These amendments can be met through existing Departmental arrangements

### **Fundamental legislative Principals**

The amendments do not conflict with Fundamental Legislative Principles.

## **Consultation**

Consultation has been conducted with stakeholders from relevant interest groups, including Local Government, the development industry and planning professionals.

**Amendment**—Amends clause 21

### **21A Amendment of s 28B (Driver authorisation-category B driver disqualifying offences)**

There is no obligation under the Bill as it stands for the Chief Executive to consult the Commissioner for Children and Young People and Child Guardian on exceptional circumstances decisions relating to the issuing of public passenger driver's licenses to persons charged with child related crimes.

Also if the Commissioner recommends that exceptional circumstances should not be granted there is no impost that the Chief Executive must take this advice, only this advice should be taken into account.

The amendment will require that Chief Executive must consult with Commissioner for Children and Young People and Child Guardian on whether there is a case for exceptional circumstances.

Further if the Commissioner's advice is that the exceptional circumstances should not be granted, the Chief Executive must take the Commissioner for Children and Young People and Child Guardian advice.

If the Commissioner does not provide advice on this matter or the advice is that there is a case for exceptional circumstances, the discretion for the decision remains with the Chief Executive.

As the Government has advised there are only an extremely small number of cases where exceptional circumstances may apply, this provision will not add unduly to the Commissioner's workload.

The Commissioner has the skills, knowledge and access to make an informed decision on such matters.