

Transport Legislation (Road Safety and Other Matters) Amendment (Postponement) Regulation 2020

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HRA), I, Mark Bailey MP, Minister for Transport and Main Roads provide this human rights certificate with respect to the *Transport Legislation (Road Safety and Other Matters) Amendment (Postponement) Regulation 2020* (postponement regulation) made under the *Transport Legislation (Road Safety and Other Matters) Amendment Act 2019*.

In my opinion, the postponement regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HRA. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The postponement regulation postpones the automatic commencement of drink driving reform provisions in the *Transport Legislation (Road Safety and Other Matters) Amendment Act 2019*. These provisions enhance the alcohol ignition interlock program and introduce alcohol education programs for drink driving offenders.

In accordance with section 15DA(2) of the *Acts Interpretation Act 1954*, these provisions will automatically commence on 13 September 2020 unless commencement is postponed under section 15DA(3) of the Act.

Implementation of these significant reforms requires the development of comprehensive and contemporary training materials for drink driving offenders, as well as the procurement of service providers to deliver face-to-face training to repeat offenders throughout the State. Information technology system enhancements are required to ensure the appropriate re-entry of these offenders into the driver licensing system, and to ensure the ongoing monitoring of interlock performance and repeat offender requirements. The implementation of the package also requires the development of a comprehensive communications package.

It is therefore necessary to postpone the automatic commencement of these drink driving reform provisions. The postponement regulation extends the period under section 15DA(2) of the *Acts Interpretation Act 1954* to the end of 9 September 2021, so that the provisions will automatically commence on 10 September 2021.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The postponement regulation does not engage any human rights. As such, no further analysis under the HRA is required.

Conclusion

I consider that the postponement regulation is compatible with the HRA because it does not raise a human rights issue.

Honourable Mark Bailey MP
Minister for Transport and Main Roads