

1990

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

MOTOR TRAFFIC (AMENDMENT) BILL (No.6) 1990

EXPLANATORY MEMORANDUM

**Circulated by Authority of the Minister for Finance And
Urban Services**

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MOTOR TRAFFIC (AMENDMENT) BILL (No.6) 1990

The Motor Traffic Act 1936 (the Principal Act) regulates various motor vehicle matters such as vehicle registration, driving licences, road safety rules, parking rules, speed limits and insurance.

The purpose of the Motor Traffic (Amendment) Bill (No.6) 1990 is to

- a) increase the penalties for traffic infringements which are incurred for traffic offences of a less serious nature and make them more commensurate with penalties imposed for similar offences in other States,
- b) remove specified penalties in the Principal Act for persons who elect to contest an infringement in the Court,
- c) provide that all Court imposed penalties for contested traffic infringements be covered under the general provision in the Principal Act for unspecified penalties which provides for a maximum penalty of \$500.

The Bill's financial implications are to provide a net revenue increase of some \$500 000 in a full year. Details of the provisions of the Bill are included in the Attachment.

ATTACHMENT

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Clause 1 provides that the Bill, once enacted, may be cited as the Motor Traffic (Amendment) Act (No.6) 1990.

Clause 2 defines the "Principal Act" to be the Motor Traffic Act 1936.

Clauses 3-8 provide that the specific penalties in various sections of the Principal Act are omitted so that those offences may be dealt with by the Court under the general offence provisions in section 192 of the Principal Act. Section 192 of the Principal Act provides that where a person is prosecuted for an offence under the Act then the Court may impose a penalty not exceeding \$500..

Clause 3 provides that the specified penalty of \$40 in Section 15 of the Principal Act is omitted.

Clause 4 will omit the specified penalty of \$200 in subsection 22(2) of the Principal Act.

Clause 5 will omit the specified penalty of \$100 in Section 130 of the Principal Act.

Clause 6 will omit the specified penalty of \$80 in Section 164B of the Principal Act.

Clause 7 will omit the specified penalty of \$80 in subsection 164C(2) of the Principal Act.

Clause 8 will omit the specified penalty of \$80 in subsection 164D(1)(2) and (3) of the Principal Act.

Clause 9 increases the penalties for exceeding the speed limit in section 180A of the Principal Act.

- Subsection 9 (a) increases the penalty in subparagraph 180A(1)(b)(i) of the Principal Act from \$40 to \$80,
- Subsection 9 (b) increases the penalty in subparagraph 180A(1)(b)(ii) of the Principal Act from \$60 to \$100,
- Subsection 9 (c) increases the penalty in subparagraph 180A(1)(b)(iii) of the Principal Act from \$80 to \$130,

Subsection 9 (d) increases the penalty in subparagraph 180A(1)(c)(i) of the Principal Act from \$50 to \$80,

Subsection 9 (e) increases the penalty in subparagraph 180A(1)(c)(ii) of the Principal Act from \$80 to \$130.

Clause 10 amends Section 192 of the Principal Act to clarify the meaning of Section 192.

Clause 11 amends Schedule 6 of the Principal Act by substituting new prescribed penalties for the old prescribed penalties. Schedule 6 provides the penalties for all traffic infringements in respect of which traffic infringement notices are served under section 180A of the Principal Act except those relating to exceeding the speed limit. Schedule 6 relates to offences such as not wearing a seatbelt, not stopping at a 'Stop' or 'Give Way' sign, not wearing a motorcycle helmet and disobeying a traffic signal.

Subsection 10 (a) increases the penalty in item 1 of Schedule 6 of the Principal Act from \$20 to \$30,

Subsection 10 (b) increases the penalty in item 2 of Schedule 6 of the Principal Act from \$30 to \$50,

Subsection 10 (c) increases the penalty in item 3 of Schedule 6 of the Principal Act from \$40 to \$70,

Subsection 10 (d) increases the penalty in item 4 of Schedule 6 of the Principal Act from \$50 to \$80,

Subsection 10 (e) increases the penalty in item 5 of Schedule 6 of the Principal Act from \$60 to \$100,

Subsection 10 (f) increases the penalty in item 6 of Schedule 6 of the Principal Act from \$80 to \$130,

Subsection 10 (g) increases the penalty in item 7 of Schedule 6 of the Principal Act from \$10 to \$20,

Subsection 10 (h) increases the penalty in item 8 of Schedule 6 of the Principal Act from \$20 to \$30.