

## **EXPLANATORY STATEMENT**

### **AUSTRALIAN CAPITAL TERRITORY MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO.4) 1986**

#### **No.58,1986**

The Motor Traffic (Amendment) Ordinance (No.4) 1986 ("the amending Ordinance") amends the Motor Traffic Ordinance 1936 ("the principal Ordinance") in order to increase:-

- . fines for unauthorised parking; and
- . the level of penalties which are specified in parking infringement notices issued under section 162 of the principal Ordinance.

An explanation of the sections of the amending Ordinance is set out in the Attachment.

**Explanation of Sections**

**Motor Traffic (Amendment) Ordinance (No.4) 1986**

Sections 1 and 2 deal with citation and interpretation.

Section 3 amends section 151 of the principal Ordinance by increasing the maximum penalty applicable to an offence against sub-section (1) from \$100 to \$150 and against sub-section (3) from \$100 to \$200. Sub-section (1) prohibits parking on a public street otherwise than on the carriage way. Sub-section (3) prohibits parking a motor vehicle or a trailer in certain circumstances in one way streets or within loading areas. A consequential amendment is made to sub-section (2) in order to retain an existing \$100 maximum penalty for that offence.

Section 4 amends section 152 of the principal Ordinance in order to:

- increase the maximum penalty for a breach of sub-section (1) from \$100 to \$150. (Sub-section (1) prohibits parking on a public street next to a "no-parking" sign)
- increase the maximum penalty for a breach of sub-section (2) from \$100 to \$200. (Sub-section (2) prohibits stopping or parking on a public street next to a "no-stopping" sign)
- replace sub-section (3) with two new sub-sections: -
  - new sub-section (3) prohibits parking next to a sign for longer than the time period indicated on the sign. A maximum penalty of \$150 has been provided.
  - new sub-section (3A) prohibits parking a motor vehicle next to a sign indicating angle parking in a manner other than at right angles to the boundary of the street. A maximum penalty of \$100 has been provided.
- retain the existing \$100 maximum penalty for breach of sub-section (4)
- increase the maximum penalties for a breach of sub-section (5), which concerns the parking of a

motor vehicle on a public place in a parking area reserved for a particular class of motor vehicles. Where the parking area is reserved for:

- disabled persons, a \$200 maximum penalty applies;
- district nurses, medical practitioners or red cross vehicles, a \$150 penalty applies; and
- any other case, a \$100 penalty applies.

Section 5 amends section 155 of the principal Ordinance in order to:

- . increase the maximum penalties for a breach of sub-sections (1), (2), and (3) from \$100 to \$150, and the maximum penalty for a breach of sub-section (2A) from \$100 to \$200. (Sub-sections (1) and (2) prohibit parking in a public place covered by a "no-parking" sign. Sub-section (2A) prohibits stopping or parking a motor vehicle in a public place next to a "no-stopping" sign. Sub-section (3) prohibits parking in a public place in an area designated on a sign, for a period exceeding that designated on that sign).
- . increase the maximum penalties for a breach of sub-section (5), which concerns the parking of a motor vehicle on a public place in a parking area reserved for a particular class of motor vehicles. Where the parking area is reserved for:
  - disabled persons, a \$200 maximum penalty applies;
  - district nurses, medical practitioners or red cross vehicles, a \$150 penalty applies; and
  - any other case, a \$100 penalty applies.

Section 6 increases the maximum penalty for a contravention of section 156 of the principal Ordinance from \$100 to \$200. (Section 156 prohibits parking in an off-street parking area or loading zone which has been marked into bays

- otherwise than within one of those bays; or
- on or across the marking).

Section 7 amends section 158 of the principal Ordinance in order to:

- increase the penalty for an offence against sub-section (1) from \$100 to \$200. (Sub-section (1) prohibits parking:

- being "double parking"
- across any passage, thoroughfare, entrance to a driveway or foot-crossing
- on a traffic island
- within an intersection
- within 6 metres of a bridge or pedestrian crossing
- on or within 50 metres of a school crossing
- so as to obscure a traffic sign
- so as to be likely to cause danger, obstruction or unreasonable inconvenience to others)

- renumber the paragraph which prohibits parking next to a red kerb, from paragraph 158(2)(d) to 158(1)(b). The provision has been moved because its penalty is to be increased from \$100 to \$200. Sub-section (2) has been replaced by a new sub-section (2). The new sub-section (2) makes some minor drafting changes to sub-section (2), but, with the exception of the moving of paragraph (d) to sub-section (1), the subject matter and penalty remains unaltered.

Section 8 substitutes a new sub-section 162(6) for the old sub-section 162(6) of the principal Ordinance (sub-section 162(6) prescribes the penalties to be specified in a parking infringement notice). The new penalties specified are equivalent to 20 per cent of the maximum penalty for each parking offence.

Section 9 increases the maximum penalty for an offence against:

- section 153 (which prohibits parking in a bus stop) - from \$100 to \$200
- sub-section 154(1) (which prohibits parking a vehicle within a taxi rank) - from \$100 to \$200
- section 157 (which prohibits vehicles, other than goods vehicles, from parking in a loading zone) from \$100 to \$200
- section 163D (which prohibits parking a vehicle in a designated space when a vehicle is already parked in that space) from \$100 to \$150

- . sub-section 163E(1) (which prohibits parking in a voucher area without a parking voucher) from \$100 to \$150
- . sub-section 163E(2) (which prohibits parking in a voucher area beyond the time period set out in a voucher, displayed in the vehicle) from \$100 to \$150
- . sub-section 163F(1) (which prohibits parking next to a parking meter displaying the "expired" sign) from \$100 to \$150
- . section 163M (which prohibits parking next to a parking meter which is covered by a hood indicating "no-parking") from \$100 to \$150