

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Urban Services)

Motor Traffic (Amendment) Bill
(No. 2) 1999

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SCHEDULE
CONSEQUENTIAL AMENDMENTS

1999
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Urban Services)

**Motor Traffic (Amendment) Bill
(No. 2) 1999**

A BILL

FOR

**An Act to amend the *Motor Traffic Act 1936* and for
related purposes**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Short title

This Act is the *Motor Traffic (Amendment) Act (No. 2) 1999*.

5 2 Commencement

(1) Sections 1, 2 and 3 commence on the day this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day or days fixed by the Minister by notice in the *Gazette*.

10 (3) However, if a provision has not commenced within 6 months the day mentioned in subsection (1), it commences on the first day after that period.

3 Act amended

This Act amends the *Motor Traffic Act 1936*.¹

4 Interpretation

Section 4 is amended—

- 5 (a) by omitting from paragraph (a) of the definition of “owner” in subsection (1) “the person” and “the owner” and substituting “each person” and “an owner” respectively;
- (b) by omitting paragraph (b) from the definition of “owner” in subsection (1) and substituting the following paragraph:
- 10 “(b) in the case of a visiting motor vehicle—each person whose name is specified as an owner of the vehicle in the registration records kept under the law of the Commonwealth, State or another Territory under which the vehicle is registered;”;
- 15 (c) by omitting from paragraph (d) of the definition of “owner” in subsection (1) “the owner” and substituting “an owner”;
- (d) by omitting paragraphs (a) and (b) from the definition of “visiting motor vehicle” in subsection (1) and substituting the following paragraphs:
- 20 “(a) that is registered under a law of the Commonwealth, a State or another Territory;
- (b) that has affixed to it the numberplates that are required to be affixed to it under that law; and”;
- 25 (e) by inserting in paragraph (c) of the definition of “visiting motor vehicle” in subsection (1) “except for a motor vehicle or trailer that is registered under a Commonwealth law—” before “which is brought”;
- 30 (f) by omitting from the definition of “visiting motor vehicle” in subsection (1) all the words after “the right to drive in the Territory” and substituting “under subsection 162E (1) (Suspension of licences, registration etc) or 180MJ (5) (Suspension for nonpayment of infringement notice penalties)”;
- (g) by omitting from subsection (1) the definition of “traffic infringement”;
- 35 (h) by omitting from subsection (5) “147B, 147C,”; and
- (i) by omitting from subsection (10) “Parts X and XIA” and substituting “Part X (Rules relating to parking)”.

5 Insertion

After section 4 the following section is inserted:

“4A Notes

A note in the text of this Act is explanatory and is not part of the Act.”.

6 Refusal of licences to certain persons

- 5 Section 9 is amended by omitting from paragraph (1) (c) “180F” and substituting “subsection 180MJ (3) (Suspension for nonpayment of infringement notice penalties)”.

7 Special probationary driving licence

- 10 Section 11A is amended by omitting from paragraph (6) (e) “180F (1)” and substituting “180MJ (3) (Suspension for nonpayment of infringement notice penalties)”.

8 Visiting motor drivers

- 15 Section 107 is amended by omitting from subsection (2) “paragraph 180F (1) (e) or (f)” and substituting “subsection 180MJ (5) (Suspension for nonpayment of infringement notice penalties)”.

9 Interpretation

Section 140 is amended by omitting the definitions of “amphometer”, “approved radar speed measuring device”, “radar detecting device” and “radar jamming device”.

20 **10 Motorist not to exceed maximum speed applicable**

Section 142 is amended by adding at its foot the following penalty provision:

“Penalty:

- 25 (a) for an individual—30 penalty units;
(b) for a body corporate—150 penalty units.”.

11 Repeal

Sections 147B to 147D (inclusive) are repealed.

12 Insertion

After section 164F the following section is inserted in Part XI:

30 **“164FA Definitions for Pt XI**

“(1) In this Part—

‘radar detecting device’ means a device designed to be fitted to, or carried in, a motor vehicle for the purpose of detecting electromagnetic radiation from a traffic offence detection device;

‘radar jamming device’ means a device designed to be fitted to, or carried in, a motor vehicle for the purpose of interfering with the receiving by a traffic offence detection device of reflected electromagnetic radiation.

5 “(2) In this section—

‘designed’ includes adapted or apparently designed or adapted.”.

13 Substitution

Part XIA is repealed and the following Part substituted:

10 **“PART 11A—INFRINGEMENT NOTICES FOR CERTAIN
OFFENCES**

“Division 1—Interpretation

“180A Definitions for Pt 11A

In this Part—

15 'administering authority', for an infringement notice offence, means the person or unincorporated body that, under the regulations, is the administering authority for the offence;

‘authorised person’ means—

(a) for an infringement notice for an infringement notice offence—

20 (i) the administering authority; or
(ii) a person who is authorised, in writing, by the
administering authority to serve an infringement
notice for the offence; or
25 (iii) anyone else who, under the regulations, may serve
an infringement notice for the offence; or

(b) for a reminder notice for an infringement notice offence—

- (i) the administering authority; or
- (ii) a person who is authorised, in writing, by the administering authority to serve a reminder notice for the offence; or
- (iii) anyone else who, under the regulations, may serve a reminder notice for the offence;

35 'camera-detected offence' means an offence detected by an approved camera detection device within the meaning given by section 180ZD (Definitions for Pt 11C);

'corporation' includes a body politic or corporate;

'date of service', of an infringement notice or reminder notice that has been, or is to be, served on a person, means the date the notice is served on the person;

5 'executive officer', of a corporation, means a person, by whatever name called and whether or not the person is a director of the corporation, who is concerned with, or takes part in, the corporation's management;

'illegal user declaration' means a statutory declaration mentioned in section 180K;

10 'infringement notice' means a notice under section 180D (Service of infringement notices generally) or 180E (Service of infringement notices on vehicle owners);

15 'infringement notice declaration' means an illegal user declaration, known user declaration, sold vehicle declaration or unknown user declaration;

'infringement notice offence' means an offence (other than an indictable offence) declared under the regulations to be an offence to which this Part applies;

20 'infringement notice penalty', for a person for an infringement notice offence, means—

- (a) the amount prescribed under the regulations as the penalty payable by the person for the offence under an infringement notice for the offence; or
- 25 (b) if a reminder notice has also been served on the person for the offence—the total of the amount mentioned in paragraph (a) and the amount prescribed under the regulations as the amount payable by the person for the cost of serving the reminder notice;

30 'known user declaration' means a statutory declaration mentioned in section 180L;

'reminder notice' means a notice under section 180MG;

'sold vehicle declaration' means a statutory declaration mentioned in section 180M;

35 'unknown user declaration' means a statutory declaration mentioned in section 180MA;

'vehicle' includes anything that, under the regulations, is to be treated as a vehicle for this Part.

“Division 2—Service of documents under this Part generally

“180B Service of documents

5 “(1) Sections 17A and 18 of the *Interpretation Act 1967* apply to the service of a document on a person under this Part (whether the word ‘serve’, ‘give’ or ‘send’ or any other word is used).

“(2) However, section 18 of the *Interpretation Act 1967* does not affect the operation of section 160 of the *Evidence Act 1995* of the Commonwealth.

10 *Note* Interpretation Act s 17A is about service of documents generally, and s 18 is about service of documents by post. Cwlth Evidence Act s 160 provides a rebuttable presumption that a postal article sent by prepaid post addressed to a person at an address in Australia or an external Territory was received at that address on the 4th working day after posting.

“Division 3—Infringement and reminder notices

“180C Purpose and effect of Division

15 “(1) The purpose of this Division is to create a system of infringement notices for certain offences as an alternative to prosecution.

“(2) This Division does not—

- (a) require an infringement or reminder notice to be served on a person; or
- 20 (b) affect the liability of a person to be prosecuted for an offence if an infringement or reminder notice is not served on the person for the offence; or
- (c) prevent the service of 2 or more infringement notices on a person for an offence; or
- 25 (d) affect the liability of a person to be prosecuted for an offence if—
 - (i) the person does not comply with an infringement or reminder notice served on the person for the offence; or
 - (ii) an infringement notice served on the person is withdrawn; or
- 30 (e) limit or otherwise affect the penalty that may be imposed by a court on a person convicted of an offence.

“180D Service of infringement notices generally

35 If an authorised person believes, on reasonable grounds, that a person has committed an infringement notice offence, the authorised person may serve a notice (an ‘infringement notice’) on the person for the offence.

“180E Service of infringement notices on vehicle owners

“(1) This section applies if an authorised person believes, on reasonable grounds, that an infringement notice offence involving a vehicle has been committed.

- 5 “(2) The authorised person may serve an infringement notice on—
 (a) the owner of the vehicle at the time of the offence; or
 (b) if there are 2 or more owners of the vehicle at that time—each or any of the owners.

- 10 “(3) If an infringement notice is to be served on a person under this section by post, the notice may be addressed to the person—
 (a) at the person’s last home or business address known to the registrar; or
 (b) if the vehicle is registered under a law of the Commonwealth, a State or another Territory corresponding to Part 2 (Registration of
15 Motor Vehicles)—at the latest home or business address of the person in the registration records kept under that law.

- “ (4) As an alternative to the ways permitted under section 17A of the *Interpretation Act 1967*, an infringement notice for an offence involving a vehicle may be served under this section by securely placing or attaching the
20 notice, addressed to ‘the owner’ (without further description), on or to the vehicle in a conspicuous position.

- “ (5) If an infringement notice is served in the way mentioned in subsection (4), it is taken to have been served, on the day that it is placed on or attached to the vehicle, on—
25 (a) the owner of the vehicle; or
 (b) if there are 2 or more owners of the vehicle on that day—each of the owners.

- “ (6) A person must not remove, deface or interfere with an infringement notice placed on, or attached to, a vehicle unless the person is the driver or
30 the owner (or an owner) of the vehicle.

Penalty: 20 penalty units.

- “ (7) The regulations may provide that an infringement notice for an infringement notice offence may only be served on a person under this section within the prescribed period after the day on which the offence was
35 committed.

- “ (8) To remove any doubt, this section does not prevent an infringement notice being served on a person under section 180D (Service of infringement notices generally) for an infringement notice offence involving a vehicle.

“180F Contents of infringement notices

“(1) An infringement notice served on a person by an authorised person for an infringement notice offence must—

- (a) be identified by a unique number; and
- 5 (b) state the date of service of the notice; and
- (c) state—
 - (i) the full name, or surname and initials, and address of the person; or
 - 10 (ii) the particulars that are, under the regulations, identifying particulars for the person; and
- (d) give brief details of the offence, including the law and provisions of the law contravened by the person and—
 - (i) if the offence took place over a period and did not involve a vehicle—the period when the offence was committed; or
 - 15 (ii) in a case prescribed under the regulations—the particulars that are, under the regulations, identifying particulars for the offence; or
 - (iii) in any other case—the place where the offence was committed and the date and approximate time of the offence; and
 - 20 (e) if the offence involved a vehicle—state the particulars (if any) that are, under the regulations, identifying particulars for the vehicle; and
 - (f) if the offence involved an animal—state the particulars (if any) that are, under the regulations, identifying particulars for the animal; and
 - 25 (g) state the infringement notice penalty payable by the person for the offence; and
 - (h) contain the information required by section 180G (Additional information in infringement notices) and any additional information that the administering authority considers appropriate; and
 - 30 (i) identify the authorised person in accordance with the regulations; and
 - (j) include anything else prescribed under the regulations.

- 35 “(2) Paragraph (1) (c) does not apply to the infringement notice if the notice is served in the way mentioned in subsection 180E (4) (Service of infringement notices on vehicle owners) or the regulations provide that the paragraph does not apply to the infringement notice.

“180G Additional information in infringement notices

- 40 “(1) The infringement notice must also tell the person on whom it is served that—

- 5 (a) the person may pay the infringement notice penalty for the offence or dispute liability for the offence within 28 days after the day on which the notice is served on the person (the 'date of service' of the notice); and
- (b) the person may apply to the administering authority for longer time in which to pay the penalty or dispute liability for the offence; and
- (c) the notice may be withdrawn before or after the penalty is paid; and
- 10 (d) if the person pays the penalty within the 28 days (or any longer time allowed by the administering authority), then, unless the infringement notice is withdrawn and any penalty refunded—
- (i) any liability of the person for the offence is discharged; and
- (ii) the person will not be prosecuted in court for the offence; and
- 15 (iii) the person will not be taken to have been convicted of the offence; and
- (e) if the person wishes to dispute liability for the offence, the matter may be referred to the Magistrates Court; and
- (f) if the Magistrates Court finds against the person or the person is prosecuted in court for the offence, the person may be convicted of the offence and ordered to pay a penalty and costs, and be subject to other court orders; and
- 20 (g) if the person does not pay the infringement notice penalty, or dispute liability for the offence within the 28 days (or any longer time allowed by the administering authority), a reminder notice may be served on the person for the offence or the person may be prosecuted in court for the offence; and
- 25 (h) if a reminder notice is served on the person, the infringement notice penalty is increased by the amount payable by the person for the cost of serving the reminder notice; and
- 30 (i) if the offence involved a vehicle and the person does not pay the infringement notice penalty, or dispute liability for the offence, within 28 days after the reminder notice is served on the person (or any longer time allowed by the administering authority) payment of the penalty may be enforced under Division 4.
- 35 “(2) In addition, the infringement notice must—
- (a) explain how the person may pay the infringement notice penalty or dispute liability for the offence; and
- (b) explain how the person may apply for longer time to pay the infringement notice penalty or dispute liability for the offence; and
- 40 (c) if the offence involved a vehicle—

- (i) tell the person how many demerit points will be incurred if the person pays the infringement notice penalty or is convicted of the offence; and
- (ii) tell the person, in general terms, about the enforcement procedures under Division 4; and
- (d) if the offence involved a vehicle and the infringement notice is served under section 180E (Service of infringement notices on vehicle owners)—tell the person, in general terms, about section 180J (Liability for infringement notice offences involving vehicles), and explain how the person may make and give to the administering authority the infringement notice declarations mentioned in section 180J; and
- (e) if the offence is a camera-detected offence—state that the offence is a camera-detected offence, and tell the person—
 - (i) how to inspect and obtain a copy of the image taken by the traffic offence detection device; and
 - (ii) that, if the person is a corporation or was not the driver of the vehicle at the time of the offence, the person must make and give an infringement notice declaration to the administering authority.

“180H Time for payment of infringement notice penalty

The infringement notice penalty payable by a person under an infringement notice or reminder notice is payable—

- (a) within 28 days after the date of service; or
- (b) if the person applies to the administering authority within the 28 days for longer time to pay and the longer time is allowed—within the longer time allowed by the administering authority; or
- (c) if the person applies to the administering authority within the 28 days for longer time to pay and the application is refused—within 7 days after the day the person is told of the refusal or 28 days after the date of service, whichever is later.

“180I Extension of time to pay penalty

“(1) The person on whom an infringement notice or reminder notice is served may apply, in writing, to the administering authority, within 28 days after the notice is served on the person, for a stated longer time in which to pay the infringement notice penalty.

“(2) The administering authority must—

- (a) allow or refuse to allow the longer period; and
- (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.

“180J Liability for infringement notice offences involving vehicles

5 “(1) If an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners), the person on whom the notice is served is liable for the offence, and may be convicted of and punished for the offence, even though the person who actually committed the offence (the ‘actual offender’) may have been someone else.

10 “(2) If the actual offender is not the owner (or an owner) of the vehicle at the time of the offence, subsection (1) does not affect the liability of the actual offender, but—

15 (a) an additional penalty for the offence may not be recovered from or imposed on the actual offender if an infringement notice penalty for the offence has been paid by, or a penalty has been imposed on, the owner (or an owner) of the vehicle at that time; and

(b) an additional penalty for the offence may not be recovered from or imposed on the owner (or an owner) of the vehicle at that time if an infringement notice penalty for the offence has been paid by, or a penalty has been imposed on, the actual offender.

20 “(3) However, in a prosecution against an owner for an infringement notice offence involving a vehicle, the Magistrates Court must not find a person liable for the offence because of subsection (1) if—

25 (a) the court is satisfied (whether or not because of statements in an illegal user declaration made and given to the administering authority by the person in accordance with section 180K) that the vehicle was stolen or illegally taken or used at the time of the offence; or

30 (b) the person made and gave to the administering authority a known user declaration in accordance with section 180L for the offence and, if the person is an individual, the court is satisfied (whether or not because of statements in the known user declaration) that someone else was the driver of the vehicle at the time of the offence; or

35 (c) the court is satisfied (whether or not because of statements in a sold vehicle declaration made and given to the administering authority by the person in accordance with section 180M) that the vehicle or all of the person’s interest in the vehicle had been sold or disposed of by the person before the time of the offence, and that at that time the person did not have an interest in the vehicle; or

40 (d) the court is satisfied (whether or not because of statements in an unknown user declaration made and given to the administering authority by the person in accordance with section 180MA) that—

- (i) the person was not the driver of the vehicle at the time of the offence; and
- (ii) the person does not know, and could not with reasonable diligence have found out, the name and address of the person who was the driver of the vehicle at that time.

“180K Illegal user declarations

“(1) This section applies if—

- (a) an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners); and
- (b) the person makes a statutory declaration (an ‘illegal user declaration’) stating that the vehicle was stolen, or illegally taken or used, at the time of the offence and providing all relevant facts supporting that statement, including details of where and when the matter was reported to the police; and
- (c) the person gives the illegal user declaration to the administering authority within 28 days after the day on which the infringement notice, or a reminder notice for the offence, is served on the person (or any longer time allowed by the administering authority).

“(2) An infringement notice for the offence may be served under section 180D (Service of infringement notices generally) on the person (if any) stated in the illegal user declaration as the person (the ‘named offender’) who was illegally in charge of the vehicle at the time of the offence.

“(3) If a document (including an infringement notice or reminder notice) is to be served on the named offender under this Part by post in relation to the offence, the document may be addressed to the named offender at his or her home or business address (if any) stated in the illegal user declaration.

“(4) Sections 180J (Liability for infringement notice offences involving vehicles) and 180L (Known user declarations) apply as if the named offender were the owner of the vehicle at the time of the offence and the infringement notice had been served on the named offender under section 180E (Service of infringement notices on vehicle owners).

“(5) However, a proceeding for the offence may be commenced in a court against the named offender only if a copy of the illegal user declaration has been served on the named offender by an authorised person.

“(6) In a proceeding against the named offender for the offence, the illegal user declaration is evidence that the named offender was the driver of the vehicle at the time of the offence.

"180L Known user declarations

"(1) This section applies if—

- (a) an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners); and
- (b) the person makes a statutory declaration (a 'known user declaration') stating—
 - (i) if the person is an individual—
 - (A) that the person was not the driver of the vehicle at the time of the offence; and
 - (B) the name and home or business address of the person (the 'named offender') who was the driver of the vehicle at the time of the offence; and
 - (C) all relevant facts supporting those statements; or
 - (ii) if the person is a corporation—the name and home or business address of the person (the 'named offender') who was the driver of the vehicle at the time of the offence and all relevant facts supporting that statement; and
- (c) the person gives the known user declaration to the administering authority within 28 days after the day on which the infringement notice, or a reminder notice for the offence, is served on the person (or any longer time allowed by the administering authority).

"(2) An infringement notice for the offence may be served under section 180D (Service of infringement notices generally) on the named offender.

"(3) If a document (including an infringement notice or reminder notice) is to be served on the named offender under this Part by post in relation to the offence, the document may be addressed to the named offender at his or her home or business address stated in the known user declaration.

"(4) Section 180J (Liability for infringement notice offences involving vehicles) and this section apply as if the named offender were an owner of the vehicle at the time of the offence and the infringement notice had been served on the named offender under section 180E (Service of infringement notices on vehicle owners).

"(5) However, a proceeding for the offence may be commenced in a court against the named offender only if a copy of the known user declaration has been served on the named offender by an authorised person.

"(6) In a proceeding against the named offender for the offence, the known user declaration is evidence that the named offender was the driver of the vehicle at the time of the offence.

“180M Sold vehicle declarations

“(1) This section applies if—

- 5 (a) an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners); and
- 10 (b) the person makes a statutory declaration (a ‘sold vehicle declaration’) stating that the vehicle (or all of the person’s interest in the vehicle) had been sold or otherwise disposed of by the person before the time of the offence and providing all relevant facts supporting that statement, including—
- 15 (i) the name and home or business address of the person (the ‘buyer’) to whom the vehicle (or the person’s interest in the vehicle) was sold or disposed of by the person; and
- (ii) the date and, if relevant to the offence, time of the sale or disposal; and
- (iii) if an agent made the sale or disposal for the person—the name and home or business address of the agent; and
- (iv) whether the person had any interest in the vehicle at the time of the offence; and
- 20 (c) the person gives the sold vehicle declaration to the administering authority within 28 days after the day on which the infringement notice, or a reminder notice for the offence, is served on the person (or any longer time allowed by the administering authority).

25 “(2) An infringement notice for the offence may be served under section 180D (Service of infringement notices generally) on the buyer.

“(3) If a document (including an infringement notice or reminder notice) is to be served on the buyer under this Part by post in relation to the offence, the document may be addressed to the buyer at his or her home or business address stated in the sold vehicle declaration.

30 “(4) Sections 180J (Liability for infringement notice offences involving vehicles), 180L (Known user declarations) and this section apply as if the buyer were an owner of the vehicle at the time of the offence and the infringement notice had been served on the buyer under section 180E (Service of infringement notices on vehicle owners).

35 “(5) However, a proceeding for the offence may be commenced in a court against the buyer only if a copy of the sold vehicle declaration has been served on the buyer by an authorised person.

40 “(6) In a proceeding against the buyer for the offence, the sold vehicle declaration is evidence that the buyer was the owner of the vehicle at the time of the offence.

“180MA Unknown user declarations

“(1) This section applies if—

- 5 (a) an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners); and
- (b) the person makes a statutory declaration (an ‘unknown user declaration’) stating—
 - (i) if—
 - 10 (A) the person is an individual—that the person was not the driver of the vehicle at the time of the offence; or
 - (B) the person is a corporation—that the vehicle was not being used for the corporation’s purposes at the time of the offence; and
 - 15 (ii) that the person has made inquiries to find out who was the driver of the vehicle at that time; and
 - (iii) that the person does not know, and has not been able to find out, who was the driver of the vehicle at that time; and
 - (iv) in sufficient detail the inquiries made by the person; and
- 20 (c) the person gives the unknown user declaration to the administering authority within 28 days after the day on which the infringement notice, or a reminder notice for the offence, is served on the person (or any longer time allowed by the administering authority).

“180MB Obligation to provide declarations for camera-detected offences

25 “(1) This section applies if—

- (a) an infringement notice for an infringement notice offence is served on a person under section 180E (Service of infringement notices on vehicle owners); and
- (b) the notice states that the offence is a camera-detected offence; and
- 30 (c) the person was not the driver of the vehicle at the time of the offence.

“(2) The person must make and give to the administering authority—

- (a) an illegal user declaration in accordance with section 180K for the offence; or
- 35 (b) a known user declaration in accordance with section 180L for the offence; or
- (c) a sold vehicle declaration in accordance with section 180M for the offence; or
- 40 (d) an unknown user declaration in accordance with section 180MA for the offence.

Penalty:

- (a) for an individual—30 penalty units;
- (b) for a corporation—150 penalty units.

5 “(3) However, in a prosecution of a person for an offence against subsection (2) in relation to a vehicle, the Magistrates Court must not find a person guilty of the offence if the court is satisfied—

- (a) that the vehicle was stolen, or illegally taken or used, at the time of the offence; or
- 10 (b) that the vehicle (or all of the person’s interest in the vehicle) had been sold or disposed of by the person before the time of the offence, and that at that time the person did not have an interest in the vehicle; or
- (c) that the person did not know, and could not with reasonable diligence have found out, the name and address of the person who
15 was the driver of the vehicle at the time of the offence.

“180MC Offence for falsely naming a person as the driver

A person must not, in an infringement notice declaration, falsely name someone as the driver of a vehicle.

Penalty:

- 20
- (a) for an individual—50 penalty units;
 - (b) for a corporation—250 penalty units.

“180MD Effect of payment of infringement notice penalty

“(1) This section applies if—

- 25
- (a) an infringement notice has been served on a person for an infringement notice offence; and
 - (b) the person pays the infringement notice penalty for the offence in accordance with this Part; and
 - (c) at the time the payment is made, the infringement notice had not
30 been withdrawn and an information had not been laid in the Magistrates Court against the person for the offence.

“(2) If this section applies—

- (a) any liability of the person for the offence is discharged; and
- (b) the person must not be prosecuted in a court for the offence; and
- (c) the person is not taken to have been convicted of the offence.

35 “(3) If 2 or more infringement notices were served on the person for the offence, then, unless all the infringement notices have been withdrawn, subsection (2) applies to the person in relation to the offence if the person pays, in accordance with this Part, the infringement notice penalty in relation

to any of the notices (together with any costs and disbursements payable under this Part in relation to the notice).

“(4) If the offence involved a vehicle and the person was 1 of 2 or more owners of the vehicle at the time of the offence, subsection (2) also applies to each of the other owners.

“180ME Application for withdrawal of infringement notice

“(1) The person on whom an infringement notice for an infringement notice offence is served may apply to the administering authority, in writing, for the withdrawal of the notice within 28 days after the day on which the infringement notice, or a reminder notice for the offence, is served on the person (or any longer time allowed by the administering authority).

“(2) The administering authority must—

- (a) withdraw the notice or refuse to withdraw the notice; and
- (b) tell the person, in writing, of the decision and, if the decision is a refusal, the reasons for it.

“(3) For this section, an infringement notice declaration made and given to the administering authority by the person in relation to the offence is taken to be an application made by the person to the administering authority for the withdrawal of the notice.

“180MF Withdrawal of infringement notice

“(1) This section applies to an infringement notice that has been served on a person for an infringement notice offence.

“(2) The administering authority may, by notice served on the person, withdraw the infringement notice, whether or not—

- (a) the person has made an application for the withdrawal of the infringement notice; or
- (b) the infringement notice penalty (or part of it) has been paid for the offence.

“(3) The notice must—

- (a) include the infringement notice number and the date of service of the infringement notice; and
- (b) tell the person that the infringement notice is withdrawn and, in general terms, about subsection (4).

“(4) On service of the notice—

- (a) this Part ceases to apply to the infringement notice; and
- (b) if the infringement notice penalty (or part of it) has been paid—the amount paid must be repaid by the administering authority; and

- (c) if section 180MD (Effect of payment of infringement notice penalty) applies to the offence—the section ceases to apply, and is taken never to have applied, to the offence; and
- 5 (d) a proceeding for the offence may be taken against anyone (including the person) as if the infringement notice had not been served on the person.

“180MG Reminder notices

“(1) An authorised person may serve a notice (a ‘reminder notice’) on a person if—

- 10 (a) an infringement notice has been served on the person for an infringement notice offence; and
- (b) the infringement notice has not been withdrawn; and
- (c) the infringement notice penalty has not been paid to the administering authority within the time in which it is required to be paid under this Part; and
- 15 (d) if the infringement notice offence involved a vehicle and the infringement notice was served under section 180E (Service of infringement notices on vehicle owners)—the person has not given an infringement notice declaration to the administering authority in accordance with this Part; and
- 20 (e) written notice disputing liability has not been given to the administering authority in accordance with this Part; and
- (f) a reminder notice has not previously been served on the person for the offence.

- 25 “(2) If the infringement notice was served on the person under section 180E (Service of infringement notices on vehicle owners), subsection 180E (3) applies to the service of the reminder notice on the person in the same way as it applies to the service under that section of an infringement notice on the person.

30 **“180MH Contents of reminder notices**

A reminder notice served on a person by an authorised person for an infringement notice offence must—

- (a) be identified by a unique number; and
- (b) include the following information:
 - 35 (i) brief details of the offence;
 - (ii) the number of the infringement notice served on the person for the offence;
 - (iii) the date of service of the infringement notice; and
- (c) state the date of service of the reminder notice; and

- (d) state the infringement notice penalty that is now payable by the person for the offence; and
- (e) contain the information required by section 180MI (Additional information in reminder notices) and any additional information that the administering authority considers appropriate; and
- (f) identify the authorised person in accordance with the regulations; and
- (j) include anything else prescribed under the regulations.

“180MI Additional information in reminder notices

- “(1) The reminder notice must also tell the person on whom it is served that—
- (a) the infringement notice penalty for the offence has not been paid; and
 - (b) the infringement notice has not been withdrawn; and
 - (c) if the infringement notice offence involved a vehicle and the infringement notice was served under section 180E (Service of infringement notices on vehicle owners)—the administering authority has not received an infringement notice declaration from the person for the offence; and
 - (d) written notice disputing liability has not been received by the administering authority from the person for the offence; and
 - (e) the infringement notice penalty for the offence has been increased by the amount payable by the person for the cost of serving the reminder notice; and
 - (f) the person may pay the infringement notice penalty that is now payable by the person for the offence or dispute liability for the offence within 28 days after the day on which the reminder notice is served on the person (the ‘date of service’ of the notice); and
 - (g) the person may apply to the administering authority for longer time in which to pay the penalty or dispute liability for the offence; and
 - (h) the notice may be withdrawn before or after the penalty is paid; and
 - (i) if the person pays the penalty within the 28 days (or any longer time allowed by the administering authority), then, unless the infringement notice is withdrawn and any penalty refunded—
 - (i) any liability of the person for the offence is discharged; and
 - (ii) the person will not be prosecuted in court for the offence; and
 - (iii) the person will not be taken to have been convicted of the offence; and
 - (j) if the person wishes to dispute liability for the offence, the matter may be referred to the Magistrates Court; and

- (k) if the Magistrates Court finds against the person or the person is prosecuted in court for the offence, the person may be convicted of the offence and ordered to pay a penalty and costs, and be subject to other court orders; and
- 5 (l) if the person does not pay the infringement notice penalty, or dispute liability for the offence, within the 28 days (or any longer time allowed by the administering authority), the person may be prosecuted in court for the offence or, if the offence involved a vehicle, payment of the penalty may be enforced under Division 4.
- 10 “(2) In addition, the reminder notice must—
- (a) explain how the person may pay the infringement notice penalty or dispute liability for the offence; and
- (b) explain how the person may apply for longer time to pay the infringement notice penalty or dispute liability for the offence; and
- 15 (c) if the offence involved a vehicle—
- (i) tell the person how many demerit points will be incurred if the person pays the infringement notice penalty or is convicted of the offence; and
- (ii) tell the person, in general terms, about the enforcement procedures under Division 4; and
- 20 (d) if the offence involved a vehicle and the infringement notice was served under section 180E (Service of infringement notices on vehicle owners)—tell the person, in general terms, about section 180J (Liability for infringement notice offences involving vehicles), and explain how the person may make and give to the administering authority the infringement notice declarations mentioned in section 180J; and
- 25 (e) if the offence is a camera-detected offence—state that the offence is a camera-detected offence, and tell the person how to inspect and obtain a copy of the image taken by the traffic offence detection device.
- 30

“Division 4—Enforcement procedures

“180MJ Suspension for nonpayment of infringement notice penalties

- 35 “(1) This section applies if—
- (a) an infringement notice and a reminder notice have been served on a person by an authorised person under this Part for an infringement notice offence; and
- (b) the offence involved a vehicle; and
- 40 (c) the infringement notice has not been withdrawn; and

(d) the infringement notice penalty has not been paid to the administering authority within the time in which it is required to be paid under this Part; and

5 (e) notice disputing liability has not been given to the administering authority in accordance with this Part.

“(2) If this section applies, the registrar must, by notice served on the person, take the action mentioned in subsection (3), (4) or (5).

“(3) If the person is licensed in the Territory, the registrar must suspend each driving licence issued to the person.

10 “(4) If the person is not licensed in the Territory but the vehicle involved in the offence is registered in the Territory and the person is specified in the certificate of registration as the owner (or an owner) of the vehicle, the registrar must suspend the vehicle’s registration.

“(5) In any other case, the registrar must do 1 of the following:

15 (a) suspend the person’s right to drive the vehicle involved in the offence in the Territory;

(b) suspend the person’s right to drive any vehicle in the Territory;

(c) suspend the right of all persons to drive the vehicle involved in the offence in the Territory.

20 “(6) A suspension under this section takes effect on the date stated in the notice served on the person under subsection (2).

“(7) However, the date stated in the notice must not be earlier than 10 days after the day on which the notice is served on the person.

“180MK Effect of suspension

25 “(1) The registrar must not issue a driving licence to a person or register a vehicle in the name of a person if the person’s right to drive any vehicle in the Territory is suspended under this Division.

“(2) The registrar must not register a vehicle if the right of all persons to drive the vehicle in the Territory is suspended under this Division.

30 **“180ML Transfer of registration while suspended**

“(1) This section applies if a vehicle’s registration is suspended under this Division because of an infringement notice offence for which an infringement notice has been served on a person.

“(2) The registrar must revoke the suspension if—

35 (a) the vehicle’s registration is transferred under this Act to someone else; and

(b) the registrar is satisfied that the person no longer has any interest in the vehicle.

"180MM Revocation of suspension

"(1) This section applies if—

- 5 (a) a suspension is in force under this Division because of an infringement notice offence for which an infringement notice has been served on a person; and
- (b) the infringement notice penalty payable by the person for the offence is paid to the administering authority.

"(2) If this section applies, the registrar must revoke the suspension and tell the person, in writing, that the suspension has been revoked.

- 10 "(3) However, the registrar must not revoke the suspension if the registrar would then be required to take action under this Division in relation to the person for another infringement notice offence and the action would result in a suspension having the same effect.

"180MN Revocation of suspension on court order

15 "(1) This section applies if—

- (a) a suspension is in force under this Division because of an infringement notice offence for which an infringement notice has been served on a person; or
- 20 (b) a notice has been served on a person under this Division because of an infringement notice offence, but the suspension made by the notice is not yet in force; or
- (c) the registrar would be required to take action under this Division because of an infringement notice offence if a suspension were not in force under this Division in relation to the person.

25 "(2) If this section applies, the person may apply to the Magistrates Court for a declaration that—

- (a) the person did not actually commit the offence; and
- (b) if the offence involved a vehicle—the person is not liable for the offence under section 180J (Liability for infringement notice offences involving vehicles).

30 "(3) If relevant to the proceeding, the administering authority has the onus of proving the following:

- (a) that the person actually committed the offence;
- 35 (b) that an infringement notice for the offence was served on the person under section 180E (Service of infringement notices on vehicle owners).

"(4) The court may make or refuse to make the declaration.

“(5) If the court makes the declaration, the registrar must revoke the suspension (or, if the suspension is not yet in force, the notice) and tell the person, in writing, of the action taken under this subsection.

5 “(6) However, the registrar must not take action under subsection (5) if—

- (a) for a suspended licence or registration under this Act—the registrar is satisfied on reasonable grounds that another ground exists on which the registrar may suspend or cancel the licence or registration; or
- 10 (b) for a suspended right to drive in the Territory—the registrar is satisfied on reasonable grounds that another ground exists on which the registrar may suspend the right to drive.

15 “(7) If the registrar decides not to take action under subsection (5), the registrar must immediately tell the person, in writing, of the decision and the reasons for the decision.

“180MO Effect of revocation of suspension on court order

“(1) This section applies if the registrar revokes a suspension in force under this Division because of a declaration made by the Magistrates Court.

20 “(2) The suspended licence, registration or right to drive in the Territory is taken never to have been suspended under this Division.

“180MP Failure to revoke suspension on court order

“(1) This section applies if—

- 25 (a) the Magistrates Court declares under section 180MN (Revocation of suspension on court order) that a person did not commit an infringement notice offence; and
- (b) the registrar decides not to take action under subsection 180MN (5) in relation to the person.

30 “(2) The person may apply to the Magistrates Court under subsection 22 (2) of the *Magistrates Court (Civil Jurisdiction) Act 1982* for an order setting aside the registrar’s decision.

“(3) The registrar is the respondent to the application.

“(4) The registrar has the onus of proving that a ground existed for the registrar to decide not to take action under subsection 180MN (5) in relation to the person.

“Division 5—Disputing liability

“180MQ Disputing liability for an infringement notice offence

5 “(1) A person on whom an infringement notice or reminder notice has been served for an infringement notice offence may dispute liability for the offence by written notice given to the administering authority.

“(2) The notice must set out the grounds on which the person relies.

“(3) The notice must be given to the administering authority—

- (a) within 28 days after the date of service of the infringement notice or reminder notice; or
- 10 (b) if the person applies to the administering authority within the 28 days for a longer time to dispute liability for the offence and the longer time is allowed—within the longer time allowed by the administering authority; or
- 15 (c) if the person applies to the administering authority within the 28 days for a longer time to dispute liability for the offence and the application is refused—within 7 days after the day the person is told of the refusal or 28 days after the date of service, whichever is later.

“180MR Extension of time to dispute liability

20 “(1) The person on whom an infringement notice or reminder notice is served may apply, in writing, to the administering authority, within 28 days after the notice is served on the person, for a stated longer time in which to dispute liability for the offence.

“(2) The administering authority must—

- 25 (a) allow or refuse to allow the longer period; and
- (b) tell the person in writing of the decision and, if the decision is a refusal, the reasons for it.

“180MS Procedure if liability disputed

30 “(1) This section applies if a person disputes liability for an infringement notice offence by giving the administering authority notice in accordance with section 180MQ (Disputing liability for infringement notice offence).

“(2) The administering authority may lay an information in the Magistrates Court against the person for the offence within 60 days after being given the notice.

35 “(3) The administering authority must discontinue a proceeding begun against the person for the offence if, before the hearing of the proceeding, the person pays the total of—

- (a) the infringement notice penalty; and

- (b) the costs (if any) prescribed under the regulations for beginning the proceeding; and
 - (c) the disbursements (if any) made by the administering authority up to the day payment is made.
- 5 “(4) If subsection (3) applies, section 180MD (Effect of payment of infringement notice penalty) also applies in relation to the person in relation to the offence, even though the person paid the infringement notice penalty for the offence after an information had been laid in the Magistrates Court against the person for the offence.
- 10 “(5) If the administering authority does not lay an information in the Magistrates Court against the person for the offence within 60 days after being given the notice, the administering authority must—
- (a) tell the person, in writing, that no further action will be taken against the person for the offence; and
 - 15 (b) take no further action in relation to the person for the offence.

“Division 6—Miscellaneous

“180MT Power of delegation

- 20 “(1) The administering authority for an infringement notice offence may delegate any of the authority’s powers under this Part to an authorised person or a person prescribed under the regulations.
- “ (2) A person prescribed under the regulations for subsection (1) may delegate a power delegated to the person under that subsection to anyone else.

“180MU Declarations by corporations

- 25 A statutory declaration is made by a corporation for this Part only if the statutory declaration is made by an executive officer of the corporation.

“180MV Evidentiary certificates

- “ (1) This section applies to a proceeding for an infringement notice offence.
- 30 “ (2) A certificate purporting to be signed by or on behalf of the administering authority and stating any matter relevant to anything done or not done under this Part in relation to the infringement notice offence is evidence of the matter.
- “ (3) Without limiting subsection (2), a certificate given under that subsection may state any of the following:
- 35 (a) a stated infringement notice or reminder notice was served by a stated authorised person in a stated way on a stated person for a stated infringement notice offence;

- (b) the administering authority did not allow further time, or allowed a stated further time, for payment of the infringement notice penalty;
- (c) the infringement notice penalty was not paid within the time in which it was required to be paid under this Part;
- 5 (d) the infringement notice has not been withdrawn or was withdrawn on a stated date;
- (e) the offence involved a stated vehicle or animal;
- (f) a stated person was the owner (or an owner) of the vehicle or
10 animal on a stated date (and, if relevant, at a stated time on that date);
- (g) a stated address was on a stated date the last home or business address of a stated person known to the registrar;
- (h) a stated address was on a stated date the latest home or business
15 address of a stated person in the record kept under a law of the Commonwealth, a State or another Territory corresponding to Part 2 (Registration of Motor Vehicles);
- (i) a stated person has not given the administering authority an illegal user declaration, a known user declaration, a sold vehicle declaration or an unknown user declaration;
- 20 (j) a stated person has given the administering authority a stated statutory declaration mentioned in paragraph (i) on a stated date;
- (k) a copy of a stated statutory declaration mentioned in paragraph (i) was served by a stated authorised person in a stated way on a stated person;
- 25 (l) an infringement notice penalty has not been paid by, or a penalty has not been imposed on, a stated person or anyone for the offence.

"180MW Costs of application for declaration

30 "(1) If the Magistrates Court makes a declaration under section 180MN (Revocation of suspension on court order) in relation to a person, the registrar must pay the person's costs in the proceeding.

"(2) If the court refuses to make a declaration under section 180MN in relation to a person, the person must pay the registrar's costs in the proceeding.

35 "(3) If the court makes an order under section 180MP (Failure to revoke suspension on court order) setting aside the registrar's decision not to take action under section 180MN in relation to a person, the registrar must pay the person's costs in the proceeding.

40 "(4) If the court refuses to make an order under section 180MP setting aside the registrar's decision not to take action under section 180MN in

relation to a person, the person must pay the registrar's costs in the proceeding.

“(5) This section has effect subject to any order made by the court.”.

14 Insertion

5 After Part XIB the following Part is inserted:

“PART 11C—TRAFFIC OFFENCE DETECTION DEVICES

“180ZD Definitions for Pt 11C

In this Part—

10 ‘approved camera detection device’ means a camera detection device (within the meaning given by section 180ZE) approved under the regulations;

‘approved speed measuring device’ means a speed measuring device approved under the regulations;

15 ‘speed measuring device’ means a device designed to measure the speed at which vehicles are travelling;

‘traffic light signal’ means a light of any description mentioned in the table in subsection 112B (1) that is displayed by traffic lights;

‘traffic offence detection device’ means an approved camera detection device or approved speed measuring device.

20 “180ZE What is a camera detection device?

“(1) A ‘camera detection device’ is a device that is designed to do either or both of the following:

25 (a) take images complying with subsection (2) (except subparagraph (b) (iv)) of vehicles being driven in contravention of traffic light signals;

(b) measure the speed at which vehicles are travelling and take images complying with subsection (2) (except subparagraph (b) (iii)) of vehicles being driven over speed limits.

30 “(2) An image of a vehicle taken by a device complies with this subsection if—

(a) it is a photograph, or an electronic image recorded on a magneto-optical write once read many (WORM) disk; and

(b) the image (either by itself or with other images of that kind taken by the device)—

35 (i) indicates (by a code or other information)—

- (A) the device; and
 - (B) the date and time when, and place where, the image was taken; and
 - (C) the person responsible for the use of the device when the image was taken; and
- 5
- (ii) shows the vehicle and its numberplate; and
 - (iii) if the vehicle is being driven in contravention of a traffic light signal—indicates the direction and lane in which the vehicle is travelling and the number of seconds for which the signal has been displayed when the image is taken; and
- 10
- (iv) if the vehicle is being driven over the speed limit—indicates the speed limit and the speed of the vehicle.

“(3) Subsection (2) does not limit the matters that may be indicated or shown by an image taken by a camera detection device.

15 **“180ZF Regulations about traffic offence detection devices**

“(1) The regulations may make provision for or with respect to the testing, sealing, maintenance and use of traffic offence detection devices, including the approval by the registrar of people to test, seal, maintain or use traffic offence detection devices.

20 “(2) The regulations may also make provision about the meaning of codes and other information indicated on images produced by approved camera detection devices.

“180ZG Evidentiary certificates etc

25 “(1) This section applies to a proceeding against a person for an offence against this Act involving a vehicle.

“(2) A certificate purporting to be signed by a police officer or the registrar and stating any matter relevant to either of the following is evidence of the matter:

- (a) the use of a device in relation to the detection of the offence;
- 30 (b) anything done or not done in relation to the device under the regulations made for this Part.

“(3) Without limiting subsection (2), a certificate given under that subsection may state any of the following:

- (a) that the device is—
 - 35 (i) an approved camera detection device; or
 - (ii) an approved speed measuring device; or
 - (iii) a traffic offence detection device;
- (b) that the device has been maintained, tested, sealed or used as required or permitted under the regulations made for this Part;

- (c) the condition of the device at a stated time or at any time during a stated period, including, for example, that it was accurate (or accurate to a stated extent) and operating properly at that time or during that period;
- 5 (d) if the device is an approved camera detection device—that a stated image is an accurate copy of an image taken by the device at a stated date, time and place or is an accurate copy of 1 of a series of images taken by the device at a stated place during a stated period;
- 10 (e) if the device is an approved speed measuring device—any measurement of speed obtained by the use of the device.

“(4) An image that is stated by a certificate given under subsection (2) to be an accurate copy of an image taken by an approved camera detection device is evidence of everything indicated or shown in the image.

15 “(5) Without limiting subsection (4), the image is evidence of the following matters:

- (a) that the vehicle shown in the image was being driven when and where (the ‘relevant time and place’) the image was taken by the device;
- 20 (b) if the image indicates a speed limit—that the speed limit applied to the person driving the vehicle at the relevant time and place;
- (c) if the image indicates the speed of the vehicle—that the vehicle was driven at that speed at the relevant time and place;
- (d) if the image indicates the direction or lane in which the vehicle was travelling—that the vehicle was travelling in that direction or lane;
- 25 (e) if the image indicates the number of seconds for which a traffic light signal had been displayed—that the traffic light signal had been displayed for that number of seconds before the image was taken.

30 “(6) If an image mentioned in subsection (4) is a copy of 1 of a series of images taken by an approved camera detection device during a period, subsections (4) and (5) apply to the image considered by itself and to the image considered with other images in the series.

35 “(7) If the defendant is the owner (or an owner) of the vehicle, it is to be presumed (unless evidence to the contrary is presented) that the defendant was the driver of the vehicle at the relevant time and place.

“(8) Evidence of the condition of a traffic offence detection device is necessary only if evidence is given that the device was not accurate or operating properly.

“180ZH Interfering with traffic offence detection devices

40 A person must not, without lawful authority, knowingly or recklessly interfere with—

- (a) a traffic offence detection device or its operation; or
- (b) a seal on a traffic offence detection device; or
- (c) anything produced by a traffic offence detection device.

Penalty:

- 5 (a) for an individual—30 penalty units;
- (b) for a body corporate—150 penalty units.

“180ZI Inspection and copies of images produced by traffic offence detection devices

“(1) This section applies to—

- 10 (a) an owner of a vehicle shown in an image taken by a traffic offence detection device; or
- (b) a person nominated under section 180K (Illegal user declarations), 180L (Known user declarations) or 180M (Sold vehicle declarations) by an owner of a vehicle shown in an image taken by a traffic offence detection device.

“(2) The registrar must—

- (a) make a copy of the image available for inspection by a person to whom this section applies; and
- 20 (b) give a copy of the image to the person on payment of the determined fee.

“180ZJ Notice of intention to challenge certain issues

“(1) This section applies if a defendant in a proceeding for an offence against this Act intends to challenge the maintenance, testing, sealing, use, accuracy or operating condition of a traffic offence detection device.

25 **“(2) The defendant must give written notice of the challenge to the prosecution at least 7 days before the day fixed for the hearing.**

“(3) The notice must—

- (a) state the defendant’s full name and address; and
- (b) state—
 - 30 (i) if an infringement notice for the offence has been served on the person—the number of the infringement notice and the date of service of the infringement notice; or
 - (ii) if an infringement notice for the offence has not been served on the person—sufficient details of the offence to enable the prosecution to identify the offence to which the notice relates; and

35

- (c) provide the grounds on which the defendant intends to challenge the maintenance, testing, sealing, use or condition of the traffic offence detection device.”.

15 Duration of suspension of driving licence, registration etc

Section 191NB is amended by omitting from paragraph (3) (b) “180FB” and substituting “180ML (Transfer of registration while suspended)”.

16 General offences

Section 192 is amended by omitting from subsection (2) all the words after “provided,” and substituting the following:

“impose a penalty not exceeding—

- (a) for an individual—20 penalty units; or
(b) for a body corporate—100 penalty units.”.

17 Insertion

After Part XIV the following Part is inserted:

“PART 15—TRANSITIONAL PROVISIONS ABOUT TRAFFIC INFRINGEMENT NOTICES

“219 Definitions for Pt 15

In this Part—

‘amended Act’ means the *Motor Traffic Act 1936* as in force immediately after the commencement of this section;

‘unamended Act’ means the *Motor Traffic Act 1936* as in force immediately before the commencement of this section.

“220 Existing traffic infringement notices

A traffic infringement notice served on a person in accordance with section 180A (Traffic infringement notices) of the unamended Act is taken to be, on and after the commencement of this section, an infringement notice served on the person in accordance with section 180D (Service of infringement notices generally) of the amended Act.

“221 Effect of existing traffic infringement notices

“(1) This section applies in relation to a person if a traffic infringement notice was served on the person in accordance with section 180A of the unamended Act.

“(2) An information for an offence arising out of the circumstances on which the traffic infringement notice was based may be laid only if the notice has been withdrawn under the unamended Act, or is withdrawn under the amended Act, within 28 days after the date of the notice.

5 **“222 Existing final notices**

A final notice served on a person in accordance with section 180B of the unamended Act is taken to be, on and after the commencement of this section, a reminder notice served on the person in accordance with section 180MG of the amended Act.

10 **“223 Existing notices disputing liability under traffic infringement notices**

A notice lodged by a person in accordance with section 180D (Disputing liability under traffic infringement notice) of the unamended Act is taken to be, on and after the commencement of this section, a notice given
15 by the person in accordance with section 180MQ (Disputing liability for an infringement notice offence) of the amended Act.

“224 Suspension in force under Part XIA of the unamended Act

20 “(1) A notice under subsection 180F (3) (Suspension of licences, registration etc) of the unamended Act is taken to be, on and after the commencement of this section, a notice under subsection 180MJ (2) (Suspension for nonpayment of infringement notice penalties) of the amended Act.

25 “(2) A suspension in force under Part XIA of the unamended Act immediately before the commencement of this section is taken to be, on and after the commencement, a suspension in force under Division 4 of Part 11A of the amended Act.

30 “(3) To remove any doubt, the nature of the suspension, the date when the suspension began, and the duration of the suspension, are not affected by this section.

“225 Revocation of suspension on court order etc

35 “(1) An application made by a person in accordance with subsection 180H (1) (Reinstatement of licences, registration etc) of the unamended Act that has not been finally dealt with by the Magistrates Court before the commencement of this section is taken to be, on and after the commencement, an application made by the person under section 180MN (Revocation of suspension on court order) of the amended Act.

“(2) A declaration made by the Magistrates Court under section 180H of the unamended Act is taken to be, on and after the commencement of this

section, a declaration made by the court under section 180MN of the amended Act.

5 “(3) A decision made by the registrar not to take action under subsection 180H (4) of the unamended Act is taken to be, on and after the commencement of this section, a decision made by the registrar not to take action under subsection 180MN (5) of the amended Act.

“226 Application to court for failure to revoke suspension on court order

10 An application made by a person in accordance with subsection 180H (8) (Reinstatement of licences, registration etc) of the unamended Act that has not been finally dealt with by the Magistrates Court before the commencement of this section is taken to be, on and after the commencement, an application made by the person under section 180MP (Failure to revoke suspension on court order) of the amended Act.

15 **“227 Evidence**

Section 180MV (Evidentiary certificates) of the amended Act applies, with all necessary changes, to things done or not done under Part XIA of the unamended Act as if the reference in subsection 180MV (2) to Part 11A of the amended Act included a
20 reference to Part XIA of the unamended Act.

“228 Modification of Part’s operation

“(1) The regulations may modify the operation of this Part to make provision with respect to any matter that is not already, or is not adequately, dealt with in this Part.

25 “(2) A regulation that is expressed to modify the operation of this Part may take the form of a change to the text of this Part (whether by omission, insertion, addition or substitution) so that this Part operates as modified but the regulation does not amend its text.

30 “(3) A regulation made under this section ceases to have effect 6 months after the day on which it commences.

“229 Expiry of Part

This Part ceases to have effect 6 months after it commences.”.

18 Schedule 7

Schedule 7 is amended by omitting item 7A from Part 1.

19 Consequential amendments

The Acts mentioned in the Schedule are amended as set out in the Schedule.

SCHEDULE

(See s 20)

CONSEQUENTIAL AMENDMENTS

Crimes Act 1900

Paragraph 354 (4) (b)—

- 5 Omit “180A”, substitute “180D (Service of infringement notices generally) or 180E (Service of infringement notices on vehicle owners)”.

Subparagraph 354 (4) (b) (i)—

Omit “a traffic infringement notice under that section in relation to”, substitute “an infringement notice for”.

10 ***Criminal Injuries Compensation Act 1983***

Subsection 34B (3) (definition of “infringement notice”, paragraph (a))—

Omit the paragraph.

15 **Subsection 34B (3) (definition of “infringement notice”, paragraph (d))—**

Insert “the *Motor Traffic Act 1936*,” after “1955,”.

Traffic Act 1937

Section 6D—

Repeal the section.

NOTES

Act amended

1. Reprinted as at 2 March 1998. See also Acts Nos. 26 and 54, 1998.

Penalty units

See section 33AA of the *Interpretation Act 1967*.