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**Motor Traffic (Amendment) Ordinance  
(No. 2) 1983**

**No. 18 of 1983**

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Ordinance under the *Seat of Government (Administration) Act 1910*.

Dated 11 August 1983.

N. M. STEPHEN  
Governor-General

By His Excellency's Command,

TOM UREN  
Minister of State for Territories and Local Government

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An Ordinance to amend the *Motor Traffic Ordinance 1936*

**Short title**

1. This Ordinance may be cited as the *Motor Traffic (Amendment) Ordinance (No. 2) 1983*.<sup>1</sup>

**Commencement**

2. This Ordinance shall come into operation on such date as is fixed by the Minister of State for Territories and Local Government by notice in the *Gazette*.

**Principal Ordinance**

3. In this Ordinance, "Principal Ordinance" means the *Motor Traffic Ordinance 1936*.<sup>2</sup>

**Driving licence to be signed**

4. Section 15 of the Principal Ordinance is amended by omitting "Ten dollars" and substituting "\$40".

**Sale or disposal of registered motor vehicle or trailer**

5. Section 22 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) "Forty dollars" and substituting "\$40"; and
- (b) by omitting from sub-section (4) "Forty dollars" and substituting "\$80".

**Dangerous, &c., driving**

6. Section 129 of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) "negligently or"; and
- (b) by inserting after sub-section (1) the following sub-section:  
    "(1A) The driver of a motor vehicle shall not drive the motor vehicle upon a public street negligently."

**Careless or inconsiderate driving**

7. Section 130 of the Principal Ordinance is amended by omitting "Twenty dollars" and substituting "\$100".

**Wearing of seat belt by driver of prescribed vehicle**

8. Section 164B of the Principal Ordinance is amended by omitting "\$20" and substituting "\$80".

**Wearing of seat belts by passengers in prescribed vehicles**

9. Section 164C of the Principal Ordinance is amended by omitting from sub-section (2) "\$20" and substituting "\$80".

**Children and young persons in prescribed vehicles**

10. Section 164D of the Principal Ordinance is amended—

- (a) by omitting from sub-section (1) "\$20" and substituting "\$80";
- (b) by omitting from sub-section (2) "\$20" and substituting "\$80"; and
- (c) by omitting from sub-section (3) "\$20" and substituting "\$80".

11. After section 180 of the Principal Ordinance the following section is inserted in Part XI:

**Traffic infringement notices**

"180A. (1) In this section—

- (a) a reference to a prescribed offence shall be read as reference to—
  - (i) an offence against section 142;
  - (ii) an offence against section 145;
  - (iii) an offence against a provision of this Ordinance specified in Column 2 of items 1 to 6 (inclusive) in Schedule 6; and
  - (iv) an offence against a provision of the Motor Traffic Regulations specified in Column 2 of items 7 and 8 in Schedule 6;

- (b) a reference, in relation to an offence against section 142, to a prescribed penalty shall be read as a reference—
  - (i) in the case of a person who is alleged to have driven a motor vehicle upon a public street at a speed not more than 15 kilometres per hour in excess of the maximum speed applicable in relation to that public street—to a penalty of \$40;
  - (ii) in the case of a person who is alleged to have driven a motor vehicle upon a public street at a speed of more than 15 kilometres per hour in excess of the maximum speed applicable in relation to that public street but not more than 30 kilometres per hour in excess of that maximum speed—to a penalty of \$60; and
  - (iii) in any other case—to a penalty of \$80;
- (c) a reference, in relation to an offence against section 145, to a prescribed penalty shall be read as a reference—
  - (i) in the case of a person who is alleged to have driven a motor vehicle referred to in that section upon a public street at a speed not more than 10 kilometres per hour in excess of the maximum speed ascertained in accordance with that section—to a penalty of \$50; and
  - (ii) in any other case—to a penalty of \$80; and
- (d) a reference, in relation to a prescribed offence specified in Column 2 of an item in Schedule 6, to a prescribed penalty shall be read as a reference to the penalty specified in Column 3 of that item.

“(2) Where a member of the Police Force has reason to believe that a person has committed a prescribed offence, he may serve, or cause to be served, on the person a traffic infringement notice in accordance with this section.

“(3) A traffic infringement notice shall—

- (a) state the name of the member of the Police Force who serves the notice, or causes the notice to be served;
- (b) specify the day on which and the time and place at which the prescribed offence is alleged to have been committed;
- (c) specify the nature of the alleged prescribed offence;
- (d) contain a notification to the person on whom it is served that, if he does not wish the matter to be dealt with by the Court, he may pay the amount of the prescribed penalty in relation to that prescribed offence, being the amount specified in the notice, within the period of 28 days after the date of the notice unless the notice is sooner withdrawn;
- (e) specify the place at which, and the manner in which, the prescribed penalty may be paid; and
- (f) contain a statement setting out the procedures under this section relating to the withdrawal of notices and the consequences of the withdrawal of a notice,

and may contain such other particulars, if any, as the Minister considers necessary.

“(4) Where a traffic infringement notice has been served on a person, the Commissioner of Police may, at any time before the expiration of the period of 28 days after the date of the notice, by notice in writing served on the person in accordance with this section, withdraw the traffic infringement notice.

“(5) Where a traffic infringement notice has been served on a person and before—

- (a) the expiration of the period of 28 days after the date of the notice or such further period (not exceeding 28 days) as the Commissioner of Police, whether before or after the expiration of the first-mentioned period, allows; or
- (b) the notice is withdrawn,

whichever first occurs, the amount of the prescribed penalty in relation to the alleged prescribed offence is paid in accordance with the notice—

- (c) any liability of the person in respect of the alleged prescribed offence shall be deemed to be discharged;
- (d) no further proceedings shall be taken in respect of the alleged prescribed offence; and
- (e) the person shall not be regarded as having been convicted of the alleged prescribed offence.

“(6) Where—

- (a) a traffic infringement notice has been served on a person;
- (b) the person has paid the prescribed penalty in relation to the alleged prescribed offence in accordance with the notice; and
- (c) the notice is subsequently withdrawn,

the Commissioner of Police shall cause to be refunded to the person an amount equal to the prescribed penalty so paid by the person.

“(7) A traffic infringement notice, or a notice of withdrawal of a traffic infringement notice, may be served on a person—

- (a) by delivering the notice to the person personally;
- (b) by sending the notice to the person by post addressed to him at his last-known place of residence or business; or
- (c) by leaving the notice at the last-known place of residence or business of the person with a person apparently over the age of 16 years and apparently resident or employed at that place.

“(8) At the hearing of a prosecution for a prescribed offence in respect of which a traffic infringement notice has been served, a certificate signed by the Commissioner of Police, or his delegate, and stating—

- (a) that the Commissioner, or the delegate, as the case may be, did not allow a further period, for the purpose of paragraph (5) (a), for the

payment of the prescribed penalty in relation to the prescribed offence;  
and

- (b) that the prescribed penalty in relation to the prescribed offence was not paid in accordance with the notice within the period of 28 days after the date of the notice,

is evidence of the matters so stated.

“(9) At the hearing of a prosecution for a prescribed offence in respect of which a traffic infringement notice has been served, a certificate signed by the Commissioner of Police, or his delegate, and stating—

- (a) that the Commissioner, or the delegate, as the case may be, allowed, for the purpose of paragraph (5) (a), the further period specified in the certificate for the payment of the prescribed penalty in relation to the prescribed offence; and
- (b) that the prescribed penalty in relation to the prescribed offence was not paid in accordance with the notice within the period of 28 days after the date of the notice or within the further period allowed for the purpose of paragraph (5) (a),

is evidence of the matters so stated.

“(10) At the hearing of a prosecution for a prescribed offence in respect of which a traffic infringement notice has been served, a certificate signed by the Commissioner of Police, or his delegate, and stating that the traffic infringement notice was withdrawn on a date specified in the certificate is evidence of the matters so stated.

“(11) For the purposes of this section, a document that purports to have been signed by the Commissioner of Police, or by his delegate, shall be taken to have been so signed unless the contrary is proved.

“(12) Nothing in this section prevents the service of more than one traffic infringement notice in respect of the same prescribed offence, but it is sufficient for the application of sub-section (5) to a person on whom more than one such notice has been served for that person to pay the prescribed penalty in relation to the prescribed offence in accordance with any one of the notices so served on him.

“(13) Where the amount of a prescribed penalty is paid by cheque, payment shall be deemed not to be made unless and until the cheque is honoured upon presentation.

“(14) Nothing in this section shall be construed as requiring the serving of a traffic infringement notice under this section or as affecting the institution or prosecution of proceedings, or limiting the amount of the fine that may be imposed by the Court, in respect of an alleged prescribed offence in relation to which—

- (a) a traffic infringement notice has not been served; or
- (b) a traffic infringement notice has been served and withdrawn in accordance with this section.

“(15) The Commissioner of Police may, by writing signed by him, delegate to a member of the Police Force his power to allow, for the purpose of paragraph (5) (a), a further period for the payment of a prescribed penalty in relation to a prescribed offence and his power to withdraw a traffic infringement notice under sub-section (4).

“(16) The power referred to in sub-section (15) shall, when exercised by a delegate, be deemed for the purposes of this section to have been exercised by the Commissioner.

“(17) A delegation under sub-section (15) does not prevent the exercise by the Commissioner of the power so delegated.”.

### Motor cyclists to wear safety helmets

12. Section 190A of the Principal Ordinance is amended by omitting from sub-section (2) “Twenty dollars” and substituting “\$80”.

13. After Schedule 5 of the Principal Ordinance the following Schedule is added:

## SCHEDULE 6

Section 180A

### PRESCRIBED OFFENCES AND PRESCRIBED PENALTIES

Item No.	Prescribed Offence	Prescribed Penalty
1	Section 15 Sub-section 18 (1) Sub-section 18 (2) Sub-section 27 (5) Sub-section 27 (6) Sub-section 28 (5) Section 32 Section 166 Section 171 Sub-section 172 (1) Paragraph 176 (1) (c) Sub-section 183 (2) Section 184 Sub-section 185 (1) Sub-section 185 (2) Section 208	\$ 20
2	Sub-section 97 (1) Paragraph 125 (2) (a) Paragraph 135 (a)	30
3	Sub-section 9 (4) Sub-section 9 (5) Sub-section 22 (4) Paragraph 102 (1) (a) Sub-section 113 (1) Sub-section 119A (1) Sub-section 133A (5) Sub-section 136 (1) Sub-section 136 (2) Section 141 Section 164B Sub-section 164C (2) Sub-section 164D (1)	40

SCHEDULE 6—continued

Item No.	Prescribed Offence	Prescribed Penalty
3 (cont.)	Sub-section 164D (2) Sub-section 164D (3) Section 181 Sub-section 182 (1) Sub-section 182 (2) Sub-section 182 (2A) Section 187 Sub-section 190A (1) Sub-section 214 (5)	5
4	Sub-section 9 (6) Sub-section 113 (2) Sub-section 113 (2A) Sub-section 113 (3) Section 114 Section 115 Sub-section 115B (2) Sub-section 115C (2) Sub-section 116 (1) Sub-section 116 (1A) Sub-section 120 (1) Sub-section 120 (2) Sub-section 121 (1) Sub-section 121 (2) Sub-section 121 (2A) Sub-section 121 (5) Paragraph 125 (2) (b) Sub-section 128A (1) Sub-section 128A (2) Sub-section 128A (3) Sub-section 128B (2) Sub-section 128E (1) Sub-section 128E (2) Sub-section 128F (1) Sub-section 128F (2) Sub-section 128F (3) Sub-section 128F (4) Sub-section 128F (5) Sub-section 128F (6) Sub-section 128F (7) Section 130 Section 131 Section 132 Section 134 Sub-section 136 (4) Sub-section 136 (5) Sub-section 136 (7) Sub-section 136 (8) Paragraph 176 (1) (b) Sub-section 182 (3) Section 186 Paragraph 189 (1) (c) Paragraph 189 (1) (e) Paragraph 189 (1) (h) Paragraph 189 (1) (i) Paragraph 189 (1) (k) Sub-section 190 (1) Sub-section 191 (3)	50
5	Sub-section 13 (2) Sub-section 108G (1) Paragraph 112D (1) (a) Paragraph 112D (1) (b)	60

## SCHEDULE 6—continued

Item No.	Prescribed Offence	Prescribed Penalty
		\$
5 (cont.)	Paragraph 112D (1) (c) Sub-section 117 (1) Sub-section 118 (1) Sub-section 118 (4) Sub-section 118 (7) Sub-section 118 (8) Section 122 Sub-section 125 (1) Sub-section 126 (1) Section 128c Section 128D Section 133 Section 139 Paragraph 189 (1) (d) Paragraph 189 (1) (j) Sub-section 191 (1) Sub-section 200 (3)	
6	Sub-section 108G (2) Sub-section 108G (4) Section 112A Sub-section 118 (5) Sub-section 118 (6) Section 119 Sub-section 121 (3) Sub-section 121 (3A) Sub-section 124 (1) Sub-section 124 (2) Sub-section 126 (2) Sub-section 127 (2) Sub-section 127 (3) Sub-section 128 (1) Sub-section 128 (2) Sub-section 129 (1A) Section 147 Paragraph 165 (a) Paragraph 176 (1) (a) Paragraph 189 (1) (b)	80
7	Paragraph 25 (1) (a) Paragraph 25 (1) (b)	10
8	Sub-regulation 11B (1) Sub-regulation 11B (2) Sub-regulation 11C (1) Sub-regulation 18 (1) Sub-regulation 20 (2)	20

## NOTES

1. Notified in the *Commonwealth of Australia Gazette* on 19 August 1983.
2. No. 45, 1936 as amended to date. For previous amendments see Note 2 to No. 14, 1983 and see also No. 14, 1983.