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

MOTOR TRAFFIC ACT 1936

MOTOR TRAFFIC REGULATIONS (AMENDMENT)

EXPLANATORY STATEMENT

**Circulated by Authority of the Minister for Urban Services
Tony De Domenico MLA**

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Outline

Section 218 of the *Motor Traffic Act 1936* ("the Act") empowers the Executive to make regulations prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for the purposes of the Act. The Motor Traffic Regulations deal with matters such as requiring trailers to have adequate brakes and safety chains, registration labels for vehicles and unlicensed drivers. The Schedule to the Regulations lists the prescribed offences for which parking and traffic infringement notices ("TIN's") may be issued with associated penalties and demerit points.

Traffic infringement notice for dangerous left turns at traffic lights

Recently, the Assembly passed the *Motor Traffic (Amendment) Act 1995* which enables drivers to turn left after stopping at certain red lights where a sign permitting this is erected (subsection 112C(2)). Under section 112D of the *Motor Traffic Act* it is an offence for a driver to turn to the left pursuant to section 112C if there is a reasonable possibility of a collision with another vehicle or person or if a dangerous situation might be created. Although the Regulations presently provide for a TIN if a dangerous left turn is made at an intersection where a "TURN LEFT AT ANY TIME WITH CARE" sign is erected, there is no provision for intersections where the new "LEFT TURN ON RED LIGHT PERMITTED AFTER STOPPING" sign is erected. Accordingly, the offence which is created by new subsection 112C(2) must be dealt with by way of summons and the driver may be subject to a court imposed penalty.

The Motor Traffic Regulations (Amendment) amend the Principal Regulations by enabling a TIN to be issued for this offence. The penalty is \$119 and 3 demerit points.

Traffic infringement notice for incorrect use of "L" or "P" plate

Subsections 171A(1) and 171A(2) of the Act provide that it is an offence to drive a motor vehicle displaying an "L" or "P" plate unless the driver is a learner or provisional licence holder as the case may be. Presently an offender is required to appear in Court and will acquire a criminal record if convicted. This is no longer appropriate for such an offence and is demanding on the Court's time.

The Motor Traffic Regulations (Amendment), amend the Regulations by inserting two new items into Part II of the Schedule to enable a TIN to be issued for the unauthorised use of an "L" or "P" plate. The penalty will be \$43, but no demerit points will accrue.

Financial considerations

There are no increased costs associated with the amending Regulations. However, enabling a TIN to be issued for an offence under section 112D in cases

involving new subsection 112C(2), and in respect of subsections 171A(1) and (2) of the Act will promote efficiencies in the Courts by saving time and money given that offenders will no longer be obliged to appear in Court.

Details

Commencement and Interpretation

Regulations 1 and 2 provide that the Regulations will take effect upon notice in the Gazette and that a reference in the Regulations to the "Principal Regulations" means the Motor Traffic Regulations.

Schedule

Regulation 3 - Item 27 of Part II of the Schedule is amended to enable a TIN to be issued in respect of an offence under section 112D of the Act in respect of a sign bearing the words "LEFT TURN ON RED LIGHT PERMITTED AFTER STOPPING". This is achieved by deleting the reference to a "TURN LEFT AT ANY TIME WITH CARE" sign from the item. This will result in the item more accurately reflecting the intent of section 112D which imposes obligations relating to the making of any left turn regardless of whether it is to be made at an intersection at which a sign is erected. Items 28 and 29 of Part II of the Schedule are amended consequentially.

Regulation 3 also inserts new items 122A and 122B into Part II of the Schedule to enable a TIN to be issued in respect of an offence under subsections 171A(1) and 171A(2) of the Act - the unauthorised use of an "L" or "P" plate, respectively. A penalty of \$43.00 has been provided which is comparable to the TIN penalty for other less serious offences under the Act.