

1993

THE LEGISLATIVE ASSEMBLY OF THE AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC ACT 1936

MOTOR TRAFFIC REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by the authority of the Minister for Urban Services  
Terry Connolly MLA

# MOTOR TRAFFIC REGULATIONS (AMENDMENT)

## Explanatory Memorandum

Section 218 of the Motor Traffic Act 1936 (the Act) provides that the Executive may 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 (the Regulations) deal with matters such as braking and safety requirements for trailers, registration labels for vehicles, unlicensed drivers and prescribed offences in respect of which traffic infringement notices may be issued and associated penalties.

The Motor Traffic Regulations (Amendment) (the amending Regulations) amend the Regulations by:

- prescribing the penalties for parking infringement notices issued under the Act;
- prescribing the penalty for a traffic infringement notice issued under the *Motor Traffic (Alcohol and Drugs) Act 1977* and the *Traffic Act 1937*.
- generally increasing all penalties for traffic infringement notices by 5% and for parking infringement notices by 10%; and
- doubling the penalty for illegally parking in a disabled parking bay.

### Financial Considerations

There are no increased costs associated with the amending Regulations. However, the Government can expect an increase in revenue consequential upon the revised penalties.

## Details

The amending Regulations amend the Regulations by omitting the existing Schedule and substituting it with a new Schedule which adds three new Parts. These deal with the provisions and penalties relating to parking infringement notices under the Act and the offences under the *Motor Traffic (Alcohol and Drugs) Act 1977* and the *Traffic Act 1937* for which traffic infringement notices may be issued.

The amending Regulations are made in consequence of and complement the *Motor Traffic (Amendment) Act 1993* which enables the penalties for parking infringement notices under the Act and the penalties for traffic infringement notices under the *Motor Traffic (Alcohol and Drugs) Act 1977* and the *Traffic Act 1937* to be transferred into the Regulations. The inclusion of these penalties in the regulations facilitates variations to penalties whilst maintaining Legislative Assembly scrutiny and also enables all traffic infringement penalties to be located together.

The amending Regulations also revise all the traffic infringement penalties by increasing them by \$5 for penalties up to and including \$200 and by \$10 for penalties above \$200. This represents about a 5% increase. With the exception of the penalty for illegally parking in disabled parking bays, parking infringement penalties have been increased by 10%. Thus, penalties which were previously \$30, \$40 and \$50 are now \$33, \$44 and \$55 respectively. The penalty for parking illegally in a disabled parking bay has been doubled to \$100 to provide a greater deterrent and to reflect the community's concern about this practice.

Clauses 1 and 2 provide for formal matters.

Clause 3 amends regulation 32 by adding four new subregulations. These essentially provide that for the purposes of Part X of the Act, paragraph 26A(f) of the *Motor Traffic (Alcohol and Drugs) Act 1977* and section 6D of the *Traffic Act 1937*, Column 1 of a stated Part of the Schedule lists the relevant provision under which an infringement notice may be issued and Column 3 states the corresponding prescribed penalty in respect of that provision. Column 2 gives a brief description of the relevant provision which can be used to ascertain the relevant penalty where a provision in Column 1 is specified more than once.

The Schedule is divided into five parts:

- Parts 1 and II are from the previous Schedule and contain details of the prescribed offences in respect of which traffic infringement notices may be issued under the Act and the Regulations and the associated prescribed penalties;
- Part III sets out the provisions and penalties under the Act in respect of which parking infringement notices may be issued;
- Part IV sets out the provision and penalty under the *Motor Traffic (Alcohol and Drugs) Act 1977* in respect of which a traffic infringement notice may be issued; and
- Part V sets out the provision and penalty under the *Traffic Act 1937* in respect of which a traffic infringement notice may be issued.