

1991

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

MAGISTRATES COURT (AMENDMENT) BILL (NO.3) 1991

EXPLANATORY MEMORANDUM

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Explanatory Memorandum

Outline

This is an amending Bill. It amends the *Magistrates Court Act 1930*, referred to in the amending Bill as the Principal Act.

The amending Bill provides for fine default for traffic infringement notices, and replaces the ultimate sanction of non-payment of such fines, namely a gaol term, with a more appropriate penalty. That penalty will be cancellation of an individual's licence or registration or the right to drive in the Australian Capital Territory.

This amendment complements the Motor Traffic (Amendment) Bill (No.3) 1991. It removes the power of a magistrate to issue a warrant under the *Magistrates Court Act 1930* in respect of unpaid traffic fines. The power to act against an individual for non-payment of traffic fines will rest with the Registrar of Motor Vehicles who may cancel an individual's driver's licence or registration or the right to drive in the Australian Capital Territory if appropriate. Offenders will have the right to appeal to the Magistrates court if they wish to dispute liability.

Financial Considerations

There are no associated costs with the amendment to the *Magistrates Court Act 1930*. However, the Government can anticipate prompter payment of fines, as this proposal offers improved monitoring by using the Department of Urban Services computer system.

Details of the Bill are included in the Attachment.

ATTACHMENT

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Clause 1 states that the Bill will be known as the *Magistrates Court (Amendment) Act (No.3) 1991*.

Clause 2 (1) states that Section 1 and this section will commence on the day on which this Act is notified in the *Gazette*.

Clause 2 (2) states that the remaining provisions commence on a day, or respective days fixed by the Minister by notice in the *Gazette*.

Clause 2 (3) states that if a provision referred to in subsection (2) above has not commenced by the end of a 6 month period beginning on the day of notification in the *Gazette*, that provision will commence on the next day following the completion of the 6 month period.

Clause 3 defines the Principal Act to be the *Magistrates Court Act 1930*.

Clause 4 amends Section 23 of the Principal Act to include in subsection 7A and paragraph 7A(b) references to both traffic and parking infringements.

Clause 5 repeals the existing Section 146 of the Principal Act and substitutes a new Section 146 which gives an interpretation of both "parking" and "traffic" offences within a specified time period.

Clause 6 inserts in Section 147, a new subsection (3AB) immediately following subsection (3AA), which identifies the exemptions from warrants of execution for traffic offences in line with the existing exemptions from parking offences

Clauses 7(a),(b),(c),(d) and (e) insert subsection (1A) and add to subsections (2),(2)(a),(2)(b),(3)(a) and (3)(b) of Section 147A, the necessary qualifications to ensure the inclusion of traffic offences, in line with parking offences.

Clause 8 inserts subsection (1B) of Section 150 to ensure that traffic offences are dealt with in a similar manner to parking offences, and do not incur prison sentences.

Clause 9 amends Section 150A (1),(1)(a),(1)(b) and (2) to ensure that treatment of traffic offences is in line with parking offences, and is included in the Act.

Clause 10 amends Section 150B (1),(1)(a),(1)(b),(2) and (3) by ensuring that traffic offences are included in the Act with similar treatment as parking offences.

Clause 11 amends Section 155A to include traffic offences as well as parking offences in relation to money payable to the Registrar of Motor Vehicles.