

## EXPLANATORY STATEMENT

No.50 of 1982

### AUSTRALIAN CAPITAL TERRITORY MOTOR TRAFFIC (AMENDMENT) ORDINANCE (NO. 3) 1982

The Motor Traffic (Amendment) Ordinance (No. 3) 1982 (the amending Ordinance) amends the Motor Traffic Ordinance 1936 (the principal Ordinance) to increase fines for unauthorised parking and to authorise parking in reserved spaces for certain classes of vehicles including those driven by disabled persons, district nurses, medical practitioners, the Red Cross, Members of Parliament, Members of the Australian Capital Territory House of Assembly, members of the diplomatic corps and Commonwealth vehicles.

Sections 1 and 2 of the amending Ordinance deal with interpretation provisions.

Section 3(a) of the amending Ordinance amends section 149 of the Principal Ordinance by removing the definition of 'authorised motor vehicle' and inserting a definition of 'approved label'. Section 3(b) of the amending Ordinance amends section 149 of the Principal Ordinance by inserting definitions of 'Class A class of motor vehicles' and 'Class B class of motor vehicles'. Class A class of motor vehicles is defined as vehicles of members of the diplomatic corps and Commonwealth vehicles, and those vehicles are identified by their number plates. Class B class of motor vehicles is defined as vehicles determined as such vehicles by the Minister and those vehicles are identified by approved labels.

Section 3(c) of the amending Ordinance amends the definition of 'parking sign' in section 149(d) of the Principal Ordinance to provide that parking signs include those in respect of the above classes of motor vehicles.

Section 3(d) of the amending Ordinance inserts a definition of 'Tribunal' to mean the Administrative Appeals Tribunal.

Section 3(e) of the amending Ordinance inserts a new section 149(6A) providing for the placement of approved labels on vehicles.

Section 4 of the amending Ordinance makes consequential amendments to section 150 of the Principal Ordinance to delete references to 'authorized motor vehicles'.

Section 5 of the amending Ordinance inserts in the Principal Ordinance a system of approved labels for vehicles included in a Class B class of motor vehicles by new sections 150A to 150E as follows:

- . Section 150A provides for the approval and issue of labels by the Registrar;
- . Section 150B provides a procedure for applications for approved labels to, and approvals of applications by, the Registrar. Where the Registrar refuses an application for an approved label he is required to notify the applicant of that decision and advise him that he may apply to the Administrative Appeals Tribunal for a review of the decision;
- . Section 150C provides for the cancellation of approved labels. Where the Registrar cancels an approved label he is required to notify the person to whom the label was issued of that decision and advise him that he may apply to the Administrative Appeals Tribunal for a review of the decision;
- . Section 150D provides for the replacement of lost, destroyed or defaced labels; and
- . Section 150E provides for offences relating to approved labels as follows:
  - provision of false or misleading information in an application;
  - affixing an approved label to a vehicle other than the vehicle for which it was issued;
  - using a label which may be reasonably mistaken for an approved label; and
  - using an expired or cancelled label.

Section 6 of the amending Ordinance amends section 152 of the Principal Ordinance by substituting new sections 152(3) and (4) for sections 152(3) and (4) of the Principal Ordinance and inserting new sections 152(5) and (6). The substitution of new section 152(3) will have the effect of deleting reference to 'authorized motor vehicles' to take account of the new system of Class A and Class B classes of motor vehicles. New sections 152(4) and (5) provide that only vehicles in Class A or Class B classes respectively may park in public streets where parking signs reserve parking for such vehicles. New section 152(6) provides that it is not an offence against the preceding provisions for a person to park or stop a motor vehicle or trailer at a time other than a time indicated on a sign.

Section 7 of the amending Ordinance amends section 155 of the Principal Ordinance. Sections 7(a) to (c) of the amending Ordinance amend section 155(2) of the Principal

Ordinance so that it deals only with public places where no parking is permitted. Section 7(d) of the amending Ordinance inserts a new section 155(2A) which deals only with public places where no stopping is permitted. Section 7(e) of the amending Ordinance omits sections 155(4) and (5) of the Principal Ordinance which dealt with authorized parking, and substitutes new sections 155(4), (5) and (6). New sections 155(4) and (5) provide that only vehicles in Class A and Class B classes respectively may park in public places where parking signs reserve parking for such vehicles. New section 155(6) provides that it is not an offence against the preceding provisions for a person to park or stop a vehicle at a time other than a time indicated on a sign.

Section 8 of the amending Ordinance amends the general parking offence provisions in section 158 of the Principal Ordinance by omitting sections 158 (b), (c), (e), (g) and (1) and providing for such offences in a new section 158(2). This permits different on-the-spot parking infringement penalties to be imposed by virtue of section 9 of the amending Ordinance. Section 8 of the amending Ordinance also provides that the maximum penalty for parking offences under section 158 is increased from \$50.00 to \$100.00.

Section 9 of the amending Ordinance amends section 162 of the Principal Ordinance by omitting section 162(6) which provided for a parking infringement penalty of \$4.00 and substituting a new section 162(6) which introduces three levels of on-the-spot parking infringement penalties. Depending upon whether the infringement is hazardous, such as double parking or parking at a bus stop, relates to unauthorized parking in areas for Class B vehicles used by disabled persons, district nurses, medical practitioners and the Red Cross, or contravenes other parking provisions, the on-the-spot penalty is \$35.00, \$25.00 or \$15.00 respectively.

Section 10 of the amending Ordinance increases the maximum penalties for all parking offences to \$100.00.

Ord. No. 68/80