

2004

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

**ROAD TRANSPORT (OFFENCES) AMENDMENT REGULATIONS
2004 (No 1)**

EXPLANATORY STATEMENT

Circulated by authority of

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Minister for Urban Services

AUSTRALIAN CAPITAL TERRITORY

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SUBORDINATE LAW SL2004 - 20

EXPLANATORY STATEMENT

Overview

Since September 1998 ACT traffic and parking infringement penalties have been aligned with those applied in NSW, with a small number of exceptions. This policy has been maintained by the current Government. These amendment regulations change the infringement penalty amounts for the majority of those offences in the *Road Transport (Offences) Regulations 2001* for which an infringement notice may be issued. The average increase of the infringement penalties is 3%.

A small number of NSW infringement penalties listed in Table 2 are not aligned with the ACT and have been increased by more than the Consumer Price Index (CPI). ACT penalties will increase as per Table 1 overleaf.

Detail

The infringement penalties changed are for offences listed in the following Parts of Schedule 1 of the *Road Transport (Offences) Regulations 2001*:

- Part 1.2 – Australian Road Rules
- Part 1.5 – Road Transport (Driver Licensing) Act 1999
- Part 1.6 – Road Transport (Driver Licensing) Regulations 2000
- Part 1.7 – Road Transport (General) Act 1999
- Part 1.7A – Road Transport (General) Regulations 2000
- Part 1.13 – Road Transport (Safety And Traffic Management) Act 1999
- Part 1.14 – Road Transport (Safety And Traffic Management) Regulations 2000
- Part 1.15 – Road Transport (Vehicle Registration) Act 1999
- Part 1.16 – Road Transport (Vehicle Registration) Regulations 2000

The infringement penalty increases are set out in Table 1 below. The current ACT infringement penalty amounts are listed in the second column of the table, with a corresponding typical offence in the left column. Where that penalty amount currently applies to any of the offences listed in the above Parts of Schedule 1 of the *Road Transport (Offences) Regulations 2001*, the corresponding amount in the right hand column will apply from 1 July 2004.

Table 1 – Increase in Infringement Penalty Amounts

Typical ACT Offence - provision and short description	Current ACT Penalty (\$)	New ACT Penalty (\$) from 1 July 2004
Bike rider not wear helmet	47	49
Disobey no parking sign	66	68
Drive motor vehicle towing more than 1 vehicle	70	72
Rear lights not on/visible	74	76
Stop in loading zone	90	93
Drive vehicle with TV/VDU image visible	99	102
Not display restricted hire vehicle operators licence	100	103
Drive moving bus with doors opened	117	120
Not use bus warning lights when children getting off	120	123
Exceed speed limit by ≤ 15 km/h	123	127
Not stop at stop line at red light-toll booth	132	136
Not move out of path of police /emergency vehicle	147	152
Exceed passenger limit in private hire car	150	154
Not keep left of median strip	164	169
Not turn left from far side of road	173	178
Exceed speed limit by >15 km/h but ≤ 30 km/h	197	203
Person not notify write-off information	200	206
Not stop before lights (twin red lights)	209	215
Remove or deface infringement notice on vehicle	215	221
Stop on or near children's crossing	220	226
Not stop at stop line at red arrow	221	228
Seatbelt not adjusted/fastened (driver)	230	237
Drive/tow vehicle with insecure load	275	283
Contravene restricted hire vehicle operators licence	300	309
Unlicensed driver/rider	351	362
Insert prohibited thing into ticket machine	372	383
Burnout	385	396
Use unregistered/suspended vehicle	448	461
Aggravated burnout	495	509
Use vehicle as hire car without operators licence	500	515
Exceed speed limit by > 30 km/h but ≤ 45 km/h	549	565
Sell/offer for sale/buy traffic offence evasion device	1140	1173
Exceed speed limit by > 45 km/h	1515	1559

Table 2 – Infringement penalties not aligned with NSW

ACT Offence Provision Rule	Abbreviated Offence Description	ACT Penalty from 1 July 2004 (\$)	Current NSW Penalty (\$)
31 (2)	not turn right from left of/parallel to/near line/strip	178	228
31 (3)	not turn right from left of/parallel to/near centre of road	178	228
79 (1)	not give way to police/emergency vehicle	152	304
80 (1)	approach children's crossing too quickly to stop safely	228	329
80 (2) (a)	Disobey hand-held stop sign at children's crossing	228	329
80 (2) (b)	not stop at children's crossing—pedestrian on crossing	228	329
80 (3) (a)	Proceed at children's crossing while sign shown	228	329
80 (3) (b)	Proceed at children's crossing contrary to directions	228	329
80 (4)	Proceed at children's crossing—pedestrian on/entering crossing	228	329
81 (1)	Approach pedestrian crossing too quickly to stop safely	228	329
81 (2)	not give way to pedestrian on pedestrian crossing	228	329
82	pass/overtake vehicle at pedestrian/children's crossing	228	329
108 (1)	disobey trucks and buses low gear sign	127	228
121(a)	not stop at stop line/sign at level crossing	228	309
121(b)	not give way to train/tram at level crossing with stop sign	228	309
122	disobey give way sign/line at level crossing	228	309
123(a)	enter level crossing contrary to lights/bells	215	309
123(b)	enter level crossing with gate/boom/barrier operating	215	309
123(c)	enter level crossing when train/tram on/entering crossing	215	309
123(d)	enter level crossing when approaching train/tram seen/heard	215	309
123(e)	enter level crossing when crossing/road beyond blocked	215	309

Table 2 – Infringement penalties not aligned with NSW- continued

159 (1)	not drive in lane marked for particular vehicle	127	228
162 (1) (a)	drive on safety zone	76	127
162 (1) (b)	not drive safely to left of safety zone	76	127
163 (1)	drive past rear of stopped tram when pedestrian is crossing	76	127
203(1)	Stop in parking area for disabled	152	383
291	start/drive vehicle causing unnecessary noise/smoke	102	220