

1998

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

MOTOR TRAFFIC ACT 1936

MOTOR TRAFFIC REGULATIONS (AMENDMENT)

EXPLANATORY STATEMENT

**Circulated by the Authority of Minister for Urban Services
Brendan Smyth MLA**

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, unlicensed drivers and prescribed offences for which parking and traffic infringement notices may be issued and associated penalties and demerit points.

Regulation 32 deals with prescribed offences, penalties and demerit points which are set out in Schedule 1. The traffic infringement penalty and demerit points for having a blood alcohol concentration between 0.05 and 0.08 are omitted from Schedule 1. Schedule 1 is also amended to include reference to members of the Legislative Assembly, and Commonwealth and Territory vehicles.

Financial Implications

Costs associated with the amending Regulations relate to the need to adjust signage for Commonwealth parking spaces.

Details

Commencement and Interpretation

Regulation 1 and 2 provide that the Regulations will take effect on the day they are notified in the Gazette and that a reference in the Regulations to "Principal Regulations" means the Motor Traffic Regulations.

Subregulation 3(a) amends Regulation 32 of the Principal Regulations by changing 'the Schedule' to 'Schedule 1'.

Subregulation 3(b) removes subregulations 32(7) and 32(8) of the Principal Regulations. The offence for having a blood alcohol concentration of between 0.05 and 0.08 no longer applies.

Subregulation 4(a) amends Regulation 33 of the Principal Regulations by changing 'the Schedule' to 'Schedule 1'.

Subregulation 4(b) removes subregulation 33(2) and amends 33(3) of the Principal Regulations. The provision for extra demerit points for the offence for having a blood alcohol concentration of between 0.05 and 0.08 during declared holiday periods is no longer required as the offence no longer exists.

Subregulation 5(a) amends the heading to the Schedule of the Principal Regulations from 'Schedule' to 'Schedule 1'.

Subregulations 5(b) and (c) amend the descriptions of the offence provisions under item 10 and item 23 of Part I of Schedule 1 by removing the reference to Red Cross vehicles as they have ceased to be Class B category vehicles. The term 'district nurses' has been changed to 'community nurses' as this is the job title used by ACT Community Care. Members of the Legislative Assembly, Commonwealth and ACT Government vehicles have been included as B Class vehicles.

Subregulation 5(d) omits Part IV of Schedule 1 which stipulated the relevant penalty and demerit points for having a blood alcohol concentration of between 0.05 and 0.08.

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