

1997

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

**MOTOR TRAFFIC ACT 1936
MOTOR TRAFFIC REGULATIONS (AMENDMENT)**

EXPLANATORY STATEMENT

Circulated by authority of

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Minister for Urban Services

MOTOR TRAFFIC REGULATIONS (AMENDMENT)

EXPLANATORY STATEMENT

Outline

Section 218 of the *Motor Traffic Act 1936* ("the Act") empowers the Executive to make regulations prescribing all matters required or permitted to be prescribed, or which are necessary or convenient to be prescribed for the purposes of the Act. In particular, the Executive is empowered to make regulations dealing with various matters relating to the penalties, both monetary or otherwise, applied on Traffic Infringement Notices. The Motor Traffic Regulations deal largely with Traffic Infringement Notices (prescribed penalties).

Regulation 32 of the Motor Traffic Regulations deals with prescribed offences, penalties and demerit points which are set out in Schedules Parts I to V attached to the Regulations. Demerit points are placed on the licence of a driver who commits offences while driving a motor vehicle, and the number of points issued are established according to the severity of the offence. The amendments double the number of demerit points allocated to a licence for a period commencing 7 June 1997 and ending on the expiration of 9 June 1997.

Financial considerations

There are no direct costs associated with the amending Regulations.

Commencement and Citation

Regulations I and II provide that they will take effect upon notice in the Gazette, and that reference in the Regulations to "Principal Regulations" means the Motor Traffic Regulations.

Double demerit points

Subregulation 32 (5) allocates the number of demerit points in the Schedules in Parts II and IV and is amended for the period by doubling those points.

Subregulation 32 (6) allocates demerit points accrued on an interstate licence (corresponding licence) which is exchanged for an ACT licence, and allows transfer of those points to the ACT licence. The amendment omits the subregulation and replaces it with a new subregulation which allocates the points in the same way. It also allows that demerit points accrued on an ACT driver licence in NSW during the period will be doubled. This overcomes the inability of NSW law to double the demerit points accrued by drivers from other jurisdictions.