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**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 the Schedule Parts I to V attached to the Regulations. Demerit points are placed on the licence of a driver who commits an offence while driving a motor vehicle, and the number of points issued are established according to the severity of the offence.

New regulation 33 (1) allows that the Minister may, for prescribed offences, declare a holiday period.

33 (1) (a) allows that, for particular offences itemised in the Schedule of Prescribed Offences, Penalties and Demerit Points, demerit points will be doubled during the declared holiday period. The particular offences are those for exceeding the speed limit and driving in a school zone in excess of the posted speed limit.

33(1) (b) provides that for the remainder of the itemised offences to which demerit points are applicable, one additional demerit point will be applied during the declared holiday period.

33(2) allows an additional one additional demerit point is applicable during the declared holiday period for an offence referred to in paragraph 26A (g) of the *Motor Traffic (Alcohol and Drugs) Act 1977*.

33(3) (4) and(5) are administrative provisions.

Financial considerations

8. The cost of reprogramming TRIPS to manage the demerit points allocation to driver licences will be absorbed within the budget context. There are no further 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*.