

1994

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

MOTOR TRAFFIC ACT 1936

MOTOR TRAFFIC REGULATIONS (AMENDMENT)

EXPLANATORY MEMORANDUM

Circulated by the Authority of the Minister for Urban Services

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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.

The Motor Traffic Regulations (Amendment), amend the Regulations by:

- generally increasing all penalties for parking and traffic infringements by 3% in accordance with the 1994/95 Budget strategy of the Government; and

- inserting a new item into Part II of the Schedule to enable a traffic infringement notice ("TIN") to be issued for the offence under section 51 of the Act, of using a motor vehicle without third party insurance.

Financial considerations

There are no increased costs associated with the amending Regulations. However, the Government can expect some increase in revenue consequential upon the revised penalties. Further, enabling a TIN to be issued for an offence under section 51 of the Act will promote efficiencies in the Courts as offenders are presently obliged to appear in Court.

Details

Commencement and Interpretation

Regulations 1 and 2 provide that the Regulations will take effect on 1 July 1994 and that a reference in the Regulations to "Principal Regulations" means the Motor Traffic Regulations.

Substitution of Schedule

Regulation 3 repeals the existing Schedule in the Regulations and substitutes a new Schedule which revises all the penalties. The penalties have generally been raised by between \$1 and \$5 with the exception of some of the higher penalties set at \$260 and \$510 which have which been raised by \$8 and \$16 respectively. This represents a 3% increase which is in accordance with the 1994/95 Budget strategy of the Government.

Schedule-Part II

The amending regulations also insert new item 20A into Part II of the Schedule to enable a TIN to be issued in respect of an offence under section 51 of the *Motor Traffic Act 1936* - using or permitting the use of a motor vehicle in relation to which there is no third party insurance policy in force.

Each time a person drives an unregistered vehicle he or she is committing not only that offence, but also the additional offence of using a motor vehicle without third party insurance. Presently, a TIN can only be issued for the former offence of driving an unregistered vehicle (Item 120, Schedule-Part II), whereas the latter has to be dealt with by the Courts for which the offender may acquire a criminal record. The ability to issue a TIN for the offence will bring the ACT into line with the practice in all other Australian jurisdictions.

A penalty of \$145.00 has been provided which is comparable to the TIN penalty for driving an unregistered vehicle.