

1991

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

**MOTOR TRAFFIC (AMENDMENT) BILL (No 2) 1991**

**EXPLANATORY MEMORANDUM**

**Circulated by Authority of the Minister For Urban Services**

**Terence Connolly MLA**

## MOTOR TRAFFIC (AMENDMENT) BILL (No 2) 1991

### Explanatory Memorandum

#### Outline

This is an amending Bill. It amends the *Motor Traffic Act 1936*, referred to in the amending Bill as the Principal Act. The Principal Act regulates various motor traffic and motor vehicle matters such as vehicle registration, driving licences, road safety and parking rules, speed limits and insurance. In particular, section 180A of the Principal Act deals with offences in respect of which traffic infringement notices can be issued.

The amending Bill removes the offences and associated penalties for traffic infringement notices from section 180A and Schedule 6 of the Act, as these will be placed in the Motor Traffic Regulations (Amendment) 1991. These Regulations will commence upon the commencement of this Bill. The inclusion of the penalties in the Regulations will make it easier to amend these the next time penalties are changed whilst maintaining Legislative Assembly scrutiny. Further, varying traffic infringement notice penalties by regulation is consistent with NSW and Victoria.

The amending Bill also increases the maximum court imposed penalty from \$500 to \$2000, for the general offence provision under section 192 of the Principal Act, where no other penalty is expressly provided.

#### Financial Considerations

There are no associated costs with the amendment. However, the government can expect some increase in revenue consequential upon the increase in the maximum court imposed penalty.

Details of the Bill are included in the Attachment.

## ATTACHMENT

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**Clauses 1 and 2** are formal requirements. They refer to the short title of the Bill and the definition of the Principal Act. The Bill will commence on Gazettal. The associated Motor Traffic Regulations (Amendment) 1991 will commence on the same day.

**Clause 3** omits subsection 180A(1) of the Principal Act. Subsection 180A(1) sets out the offences under the Principal Act which may be dealt with by issuing a traffic infringement notice. These include various speeding offences as well as a range of specific offences which are set out in Schedule 6 of the Principal Act. All of these offences are being removed from the Principal Act and transferred into the Regulations.

**Clause 4** increases the maximum penalty that the Court may impose in respect of a general offence committed against the Principal Act where no other penalty is expressed. The maximum penalty has been changed from \$500 to \$2000.

**Clause 5** repeals Schedule 6 of the Principal Act. Schedule 6 sets out a range of offences and penalties for matters such as disobeying traffic signs or signals, failing to wear seatbelts, and negligent driving. These matters are being transferred into the Regulations.