

2003

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

**ROAD TRANSPORT (OFFENCES) AMENDMENT REGULATIONS
2003 (No 1)**

EXPLANATORY STATEMENT

Circulated by authority of

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Minister for Urban Services

AUSTRALIAN CAPITAL TERRITORY

ROAD TRANSPORT (OFFENCES) AMENDMENT REGULATIONS 2003 (No 1)

SUBORDINATE LAW SL2003-18

EXPLANATORY STATEMENT

Overview

Since September 1998 ACT traffic and parking infringement penalties have been aligned with those applied in NSW, with a small number of exceptions. This policy has been maintained by the current Government. These amendment regulations change the infringement penalty amounts for the majority of those offences in the *Road Transport (Offences) Regulations 2001* for which an infringement notice may be issued. The average increase of the infringement penalties is 4.5%.

A small number of NSW infringement penalties have increased substantially since ACT parking and traffic infringement penalties were last increased on 1 July 2002. Of these offences, set out in Table 2 below, only the offence for driving while using a mobile phone will have the ACT infringement penalty amount aligned with NSW. The remainder of the ACT penalties will increase as per Table 1 overleaf.

Detail

The infringement penalties changed are for offences listed in the following Parts of Schedule 1 of the *Road Transport (Offences) Regulations 2001*:

- Part 1.2 – Australian Road Rules
- Part 1.5 – Road Transport (Driver Licensing) Act 1999
- Part 1.6 – Road Transport (Driver Licensing) Regulations 2000
- Part 1.7 – Road Transport (General) Act 1999
- Part 1.13 – Road Transport (Safety And Traffic Management) Act 1999
- Part 1.14 – Road Transport (Safety And Traffic Management) Regulations 2000
- Part 1.15 – Road Transport (Vehicle Registration) Act 1999
- Part 1.16 – Road Transport (Vehicle Registration) Regulations 2000

The infringement penalty increases are set out in Table 1 below. The current ACT infringement penalty amounts are listed in the middle column of the table, with a corresponding typical offence in the left column. Where that penalty amount currently applies to any of the offences listed in the above Parts of Schedule 1 of the *Road Transport (Offences) Regulations 2001*, the corresponding amount in the right hand column will apply from 7 July 2003.

Table 1 – Increase in Infringement Penalty Amounts

Typical ACT Offence - provision and short description	Current ACT Penalty (\$)	New ACT Penalty (\$) from 7 July 2003
Bike rider not wear helmet	45	47
Disobey no parking sign	63	66
Drive motor vehicle towing more than 1 vehicle	67	70
Rear lights not on/visible	70	74
Stop in loading zone	86	90
Drive vehicle with TV/VDU image visible	95	99
Drive moving bus with doors opened	111	117
Exceed speed limit by ≤ 15 km/h	118	123
Not move out of path of police /emergency vehicle	141	147
Not keep left of median strip	157	164
Not turn left from far side of road	165	173
Exceed speed limit by >15 km/h but ≤ 30 km/h	188	197
Not stop before lights (twin red lights)	200	209
Remove or deface infringement notice on vehicle	205	215
Stop on or near children's crossing	210	220
Not stop at stop line at red arrow	211	221
Seatbelt not adjusted/fastened (driver)	220	230
Drive/tow vehicle with insecure load	263	275
Unlicensed driver/rider	336	351
Insert prohibited thing into ticket machine	355	372
Burnout	368	385
Use unregistered/suspended vehicle	428	448
Aggravated burnout	473	495
Exceed speed limit by > 30 km/h but ≤ 45 km/h	524	549
Sell/offer for sale/buy traffic offence evasion device	1089	1140
Exceed speed limit by > 45 km/h	1447	1515

Table 2 – Infringement penalties not aligned with NSW

ACT Offence Provision Rule	Abbreviated Offence Description	Current ACT Penalty (\$)	Current NSW Penalty (\$)
31 (2)	not turn right from left of/parallel to/near line/strip	165	221
31 (3)	not turn right from left of/parallel to/near centre of road	165	221
79 (1)	not give way to police/emergency vehicle	141	295
80 (1)	approach children’s crossing too quickly to stop safely	211	320
80 (2) (a)	Disobey hand-held stop sign at children’s crossing	211	320
80 (2) (b)	not stop at children’s crossing—pedestrian on crossing	211	320
80 (3) (a)	Proceed at children’s crossing while sign shown	211	320
80 (3) (b)	Proceed at children’s crossing contrary to directions	211	320
80 (4)	Proceed at children’s crossing—pedestrian on/entering crossing	211	320
81 (1)	Approach pedestrian crossing too quickly to stop safely	211	320
81 (2)	not give way to pedestrian on pedestrian crossing	211	320
82	pass/overtake vehicle at pedestrian/children’s crossing	211	320
108 (1)	disobey trucks and buses low gear sign	118	221
159 (1)	not drive in lane marked for particular vehicle	118	221
162 (1) (a)	drive on safety zone	70	123
162 (1) (b)	not drive safely to left of safety zone	70	123
163 (1)	drive past rear of stopped tram when pedestrian is crossing	70	123
291	start/drive vehicle causing unnecessary noise/smoke	95	220
404	drive using hand-held mobile phone	118	220