

2003

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

**ROAD TRANSPORT (OFFENCES) AMENDMENT
REGULATIONS 2003 (No 2)**

EXPLANATORY STATEMENT

Circulated by authority of

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Minister for Urban Services

AUSTRALIAN CAPITAL TERRITORY

ROAD TRANSPORT (OFFENCES) AMENDMENT REGULATIONS 2003 (No 2)

EXPLANATORY STATEMENT

Overview

The Road Transport (Offences) Regulations (the regulations) set out the penalty payable by a person to whom an infringement notice is issued for an offence under the *Road Transport (General) Act 1999* (the Act). The Act and the regulations replace provisions of the, now repealed, *Motor Traffic Act 1936* and the Motor Traffic Regulations.

The penalty provisions for ACT regulatory offences generally set a higher maximum penalty where the offender is a corporation. The “standard” approach is to provide for a maximum penalty for a corporation, five times the penalty for the same offence where committed by an individual. The policy rationale for this approach is that the financial resources of corporations are such that a higher penalty is necessary to achieve the requisite degree of punitive impact.

The corporate multiplier also provides an incentive for corporations to identify the driver responsible for the offence, thereby allowing the correct allocation of demerit points following camera detected offences.

Under the Motor Traffic Act and Motor Traffic Regulations, infringement penalties for traffic offences were, for corporate offenders, five times the amount of the penalty for an individual offender, unless the corporation nominated the driver responsible for the offence.

However, when that legislation was repealed and replaced with the new Act and regulations in March 2000, the penalty provisions for traffic offences did not correctly provide for different levels of penalty to be imposed on corporations and individuals where the offence was dealt with by an infringement notice.

The purpose of this amendment is to reinstate the corporate level of penalties for camera detected infringement notices.

Detail

Clause 1 – Name of Regulations

This clause names the amendment Regulations.

Clause 2 – Commencement

This clause provides for the commencement date to be set by notification, in line with normal practice.

Clause 3 – Regulations amended

Specifies that the Road Transport (Offences) Regulations 2001 are the regulations being amended.

Clause 4 – Regulation 6

This amendment includes a new provision to provide that the penalty payable by a corporation for a camera-detected offence is 5 times the amount applying to an individual.