

## MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT BILL 1988

NEW SOUTH WALES



### EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Transport (Penalty Defaults) Amendment Bill 1988 is cognate with this Bill.

The object of this Bill is to amend section 18C of the Motor Traffic Act 1909 so as—

- (a) to remove a statutory limitation which prohibits the cancellation of licences and vehicle registrations for fine default in respect of parking or traffic offences committed more than 6 months before service of a notice of intended cancellation; and
- (b) to remove any doubt that cancellation action may be taken in default of payment of any amount payable (in addition to any fine) by virtue of a conviction.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** is a formal provision that gives effect to the Schedule of amendments.

### SCHEDULE 1—AMENDMENTS

**Schedule 1 (3)** repeals section 18C (1) (e) of the Principal Act. That paragraph currently prevents the taking of cancellation action for a default in payment of the penalty imposed by a penalty notice issued in respect of an alleged offence if the statutory period during which an information may be laid in respect of the offence has expired. The statutory period is 6 months (Justices Act 1902, section 56).

As a result of the amendment, a person liable to make payments in respect of parking or traffic infringement notices more than 6 months old may be served with a notice of intended cancellation. If payment is not then made, the person's licence or vehicle registration is liable to cancellation.

*Motor Traffic (Penalty Defaults) Amendment 1988*

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Schedule 1 (4) and (5) amend section 18C (2) of the Principal Act to remove any doubt that cancellation action may be taken in cases where a person defaults in payment of witnesses' expenses or of any other amount payable, in addition to a fine, by reason of a conviction.

Schedule 1 (6) amends section 18C of the Principal Act so as to provide that that section, as amended by the proposed Act, applies to penalty notices and convictions issued or made before or after the commencement of that section.

Schedule 1 (1) and (2) make consequential amendments.

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