

**MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT  
BILL 1987**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The following Bills are cognate with this Bill:

Justices (Penalty Defaults) Amendment Bill 1987;

Transport (Penalty Defaults) Amendment Bill 1987.

The object of this Bill is to amend the Motor Traffic Act 1909 to enable the Commissioner for Motor Transport to cancel a person's licence or vehicle registration if the person refuses to pay the penalty imposed by a parking or traffic infringement notice or by a court for a parking or traffic offence. This measure is to provide an alternative remedy to the sanctions now provided under the Justices Act 1902.

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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 1 January 1988.

Clause 3 inserts a new section 18c into the Motor Traffic Act 1909 which provides for the issue of a notice to persons on whom a penalty notice under section 18b of the Act has been served or who have been convicted of an offence under the Act. The notice effects cancellation of the person's driver's or rider's licence, or cancellation of the registration of the person's vehicle or vehicles, if appropriate payment is not made by the due date under the notice. There is no appeal against this cancellation, but provision may be made in the regulations for restoration of a vehicle's registration if appropriate payment is made.

*Motor Traffic (Penalty Defaults) Amendment 1987*

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Clause 4 states that the new section 18C applies so as to enable the enforcement of penalty notices and convictions issued or made before, as well as on or after, the date of commencement of the proposed Act.

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# MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT BILL 1987

NEW SOUTH WALES



## TABLE OF PROVISIONS

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  2. Commencement
  3. Amendment of Act No. 5, 1909
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# MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT BILL 1987

NEW SOUTH WALES



No. , 1987

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## A BILL FOR

An Act to amend the Motor Traffic Act 1909 to provide for the cancellation of licences and vehicle registrations as a consequence of a failure to pay the penalty imposed by a penalty notice or by a court in respect of certain offences.

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See also Justices (Penalty Defaults) Amendment Bill 1987; Transport (Penalty Defaults) Amendment Bill 1987.

*Motor Traffic (Penalty Defaults) Amendment 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Motor Traffic (Penalty Defaults) Amendment Act 1987.

**5 Commencement**

2. This Act shall commence on 1 January 1988.

**Amendment of Act No. 5, 1909**

3. The Motor Traffic Act 1909 is amended by inserting after section 18B the following section:

**10 Cancellation of licence or registration in default of payment of penalty**

18C. (1) If it appears to the Commissioner that—

- (a) a notice under section 18B has been served on a person in relation to an offence that is a prescribed offence for the purposes of that section;
- 15 (b) the amount payable under the notice under section 18B has not been paid before the expiration of the time specified in the notice as the time within which the amount is payable;
- (c) the person has not, in accordance with section 100J of the Justices Act 1902, declined to be dealt with under Division 2 of Part IVB of that Act;
- 20 (d) an information in relation to the offence has not been laid; and
- (e) an information may, having regard to the time when the offence was committed or is alleged to have been committed, be laid in relation to the offence,

25 the Commissioner may serve on the person a notice under this section.

(2) If—

- (a) a person is convicted of an offence under this Act or the regulations or an offence that is a prescribed offence for the purposes of section 18B;
- 30 (b) by the conviction it is adjudged that the person is liable to pay a fine, or liable to pay a fine and costs; and
- (c) the fine, or the fine and costs, so payable are not paid within the time allowed by the judgment or order of the convicting court,

the Commissioner may serve on the person a notice under this section.

35 (3) A notice under this section—

- (a) may be served personally or by post; and
- (b) shall, if it relates to an offence referred to in section 18B (2) (b), be addressed to the owner of the vehicle concerned.

*Motor Traffic (Penalty Defaults) Amendment 1987*

- (4) If the person to whom a notice under this section is addressed is the holder of a licence, the notice may state that, if payment of the amount specified in the notice is not received within the time allowed by the notice, the licence will be cancelled without further notice.
- 5 (5) If the person to whom a notice under this section is addressed is the registered owner of a vehicle or vehicles, the notice may state that, if payment of the amount specified in the notice is not received within the time allowed by the notice, the registration of the vehicle or vehicles will be cancelled without further notice.
- 10 (6) If payment is not made in accordance with the notice then, at the expiry of the time allowed by the notice for payment—
- (a) any licence to which reference was made in the notice; and
  - (b) any registration to which reference was so made,
- shall be deemed to be cancelled.
- 15 (7) The amount to be specified as the amount payable under a notice under this section shall consist of—
- (a) the amount payable under—
    - (i) the notice under section 18B; or
    - (ii) the terms of the conviction,
  - 20 as the case may be; and
  - (b) the determined collection fee.
- (8) The regulations may—
- (a) prescribe the time to be allowed under a notice under this section for payment of the amount specified in the notice; and
  - 25 (b) make provision for or with respect to—
    - (i) the surrender of licences or certificates of registration affected by a notice under this section; and
    - (ii) the restoration, on application made within the prescribed time, of vehicle registrations on payment of the amount
  - 30 payable under a notice under this section.
- (9) Sections 21 and 22 do not apply to the cancellation under this section of a licence or vehicle registration.

**Transitional provision**

4. Section 18C of the Motor Traffic Act 1909, as amended by this Act,  
35 applies in relation to—
- (a) notices issued under section 18B of that Act; and
  - (b) convictions made,
- before, as well as on or after, 1 January 1988.





**MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT  
ACT 1987 No. 252**

NEW SOUTH WALES



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**MOTOR TRAFFIC (PENALTY DEFAULTS) AMENDMENT ACT 1987**  
**No. 252**

NEW SOUTH WALES



**Act No. 252, 1987**

An Act to amend the Motor Traffic Act 1909 to provide for the cancellation of licences and vehicle registrations as a consequence of a failure to pay the penalty imposed by a penalty notice or by a court in respect of certain offences. [Assented to 16 December 1987]

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See also Justices (Penalty Defaults) Amendment Act 1987; Transport (Penalty Defaults) Amendment Act 1987.

*Motor Traffic (Penalty Defaults) Amendment 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Motor Traffic (Penalty Defaults) Amendment Act 1987.

**Commencement**

2. This Act shall commence on 1 January 1988.

**Amendment of Act No. 5, 1909**

3. The Motor Traffic Act 1909 is amended by inserting after section 18B the following section:

**Cancellation of licence or registration in default of payment of penalty**

18C. (1) If it appears to the Commissioner that—

- (a) a notice under section 18B has been served on a person in relation to an offence that is a prescribed offence for the purposes of that section;
- (b) the amount payable under the notice under section 18B has not been paid before the expiration of the time specified in the notice as the time within which the amount is payable;
- (c) the person has not, in accordance with section 100J of the Justices Act 1902, declined to be dealt with under Division 2 of Part IVB of that Act;
- (d) an information in relation to the offence has not been laid; and
- (e) an information may, having regard to the time when the offence was committed or is alleged to have been committed, be laid in relation to the offence,

the Commissioner may serve on the person a notice under this section.

(2) If—

- (a) a person is convicted of an offence under this Act or the regulations or an offence that is a prescribed offence for the purposes of section 18B;
- (b) by the conviction it is adjudged that the person is liable to pay a fine, or liable to pay a fine and costs; and
- (c) the fine, or the fine and costs, so payable are not paid within the time allowed by the judgment or order of the convicting court,

the Commissioner may serve on the person a notice under this section.

(3) A notice under this section—

- (a) may be served personally or by post; and

*Motor Traffic (Penalty Defaults) Amendment 1987*

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(b) shall, if it relates to an offence referred to in section 18B (2) (b), be addressed to the owner of the vehicle concerned.

(4) If the person to whom a notice under this section is addressed is the holder of a licence, the notice may state that, if payment of the amount specified in the notice is not received within the time allowed by the notice, the licence will be cancelled without further notice.

(5) If the person to whom a notice under this section is addressed is the registered owner of a vehicle or vehicles, the notice may state that, if payment of the amount specified in the notice is not received within the time allowed by the notice, the registration of the vehicle or vehicles will be cancelled without further notice.

(6) If payment is not made in accordance with the notice then, at the expiry of the time allowed by the notice for payment—

- (a) any licence to which reference was made in the notice; and
- (b) any registration to which reference was so made,

shall be deemed to be cancelled.

(7) The amount to be specified as the amount payable under a notice under this section shall consist of—

- (a) the amount payable under—
  - (i) the notice under section 18B; or
  - (ii) the terms of the conviction,

as the case may be; and

- (b) the determined collection fee.

(8) The regulations may—

- (a) prescribe the time to be allowed under a notice under this section for payment of the amount specified in the notice; and
- (b) make provision for or with respect to—
  - (i) the surrender of licences or certificates of registration affected by a notice under this section; and
  - (ii) the restoration, on application made within the prescribed time, of vehicle registrations on payment of the amount payable under a notice under this section.

(9) Sections 21 and 22 do not apply to the cancellation under this section of a licence or vehicle registration.

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**Transitional provision**

4. Section 18C of the Motor Traffic Act 1909, as amended by this Act, applies in relation to—

- (a) notices issued under section 18B of that Act; and
- (b) convictions made,

before, as well as on or after, 1 January 1988.

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