



New South Wales

Transport Administration Amendment (Community Road Safety Fund) Bill 2012

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Transport Administration Act 1988* to establish the Community Road Safety Fund. The purpose of the Fund is to enable revenue from fines and penalties recovered for certain camera recorded speeding and traffic light offences to be used to fund the activities carried out by Transport for NSW to promote and improve road safety.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Schedule 1 **Amendment of Transport Administration Act 1988 No 109**

Schedule 1 [1] inserts proposed Division 3B into Part 8 of the *Transport Administration Act 1988*. The proposed Division establishes a fund in the Special

Deposits Account called the Community Road Safety Fund. The Fund is to be administered by Transport for NSW (*TfNSW*).

All fines and penalties recovered for speeding and traffic light offences detected by cameras, including mobile and fixed speed cameras, red light speed cameras, cameras in school zones and point to point speed cameras, and any other speeding or traffic light offences prescribed by the regulations, will be paid into the Fund. Additional money can be paid into the Fund from the TfNSW Fund.

The money in the Fund will be used to meet expenditure incurred in relation to the road safety functions of TfNSW. Any money in the Fund that is not required to meet that expenditure may be paid into the Consolidated Fund.

For the purposes of the proposed Division, the *road safety functions* of TfNSW are:

- (a) conducting testing, research and investigations in connection with promoting or improving road safety, and
- (b) developing and implementing programs (including capital and recurrent works programs), projects, strategies and campaigns for promoting or improving road safety, and
- (c) providing advice and assistance to public and local authorities for the promotion or improvement of road safety, and
- (d) such other functions relating to road safety as are prescribed by the regulations.

Schedule 1 [2] enables savings and transitional regulations to be made as a consequence of the enactment of the proposed Act.

First print



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New South Wales

Transport Administration Amendment (Community Road Safety Fund) Bill 2012

No. , 2012

A Bill for

An Act to amend the *Transport Administration Act 1988* to establish the Community Road Safety Fund.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Transport Administration Amendment (Community Road Safety Fund) Act 2012</i> .	3 4
2 Commencement	5
This Act commences on a day or days to be appointed by proclamation.	6

Schedule 1	Amendment of Transport Administration Act 1988 No 109	1
		2
[1] Part 8, Division 3B		3
Insert after Division 3A:		4
Division 3B	Community Road Safety Fund	5
80G	Community Road Safety Fund	6
(1)	There is established in the Special Deposits Account a fund called the Community Road Safety Fund.	7 8
(2)	The Fund is to be administered by TfNSW.	9
80H	Payments into Community Road Safety Fund	10
(1)	There is to be paid into the Community Road Safety Fund:	11
(a)	all fines and penalties recovered for camera recorded speeding offences, camera recorded traffic light offences and other speeding and traffic light offences of a kind prescribed by the regulations, and	12 13 14 15
(b)	the proceeds of the investment of money in the Fund, and	16
(c)	all other money required by or under this or any other Act to be paid into the Fund.	17 18
(2)	There is also to be paid into the Fund from the TfNSW Fund such money as TfNSW determines is required to meet expenditure incurred in relation to the road safety functions of TfNSW.	19 20 21
(3)	A regulation cannot be made for the purposes of subsection (1) (a) without the concurrence of the Treasurer.	22 23
(4)	In this section:	24
	<i>camera recorded speeding offence</i> means:	25
(a)	a speeding offence in respect of which the penalty notice or the court attendance notice indicates that the offence was detected by an approved speed measuring device and recorded by an approved camera recording device (within the meaning of the <i>Road Transport (Safety and Traffic Management) Act 1999</i>), and	26 27 28 29 30 31
(b)	a speeding offence involving a heavy vehicle in respect of which the penalty notice or the court attendance notice indicates that the average speed of the vehicle was calculated from information recorded by approved average	32 33 34 35

speed detection devices (within the meaning of the <i>Road Transport (Safety and Traffic Management) Act 1999</i>).	1 2
<i>camera recorded traffic light offence</i> means a traffic light offence as defined in section 57 of the <i>Road Transport (Safety and Traffic Management) Act 1999</i> in respect of which the penalty notice or the court attendance notice indicates that the offence was detected by an approved camera detection device (within the meaning of that Act).	3 4 5 6 7 8
80I Payments from Community Road Safety Fund	9
(1) There is to be paid from the Community Road Safety Fund:	10
(a) all payments required to meet expenditure incurred in relation to the road safety functions of TfNSW, and	11 12
(b) all other payments required by or under this or any other Act to be paid from the Fund.	13 14
(2) Any money in the Community Road Safety Fund that TfNSW determines, with the concurrence of the Treasurer, is not required to meet expenditure incurred in relation to the road safety functions of TfNSW is to be paid into the Consolidated Fund.	15 16 17 18
80J Meaning of “road safety functions” of TfNSW	19
For the purposes of this Division, the <i>road safety functions</i> of TfNSW are:	20 21
(a) conducting testing, research and investigations in connection with promoting or improving road safety, and	22 23
(b) developing and implementing programs (including capital and recurrent works programs), projects, strategies and campaigns for promoting or improving road safety, and	24 25 26
(c) providing advice and assistance to public and local authorities for the promotion or improvement of road safety, and	27 28 29
(d) such other functions relating to road safety as are prescribed by the regulations.	30 31

Transport Administration Amendment (Community Road Safety Fund)
Bill 2012

Amendment of Transport Administration Act 1988 No 109

Schedule 1

[2] Schedule 7 Savings, transitional and other provisions

Insert at the end of clause 2 (1):

*Transport Administration Amendment (Community Road Safety
Fund) Act 2012*

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