



New South Wales

Roads Amendment (Tolls) Bill 1999

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 *Roads Act 1993* as follows:

- (a) to expand an existing regulation-making power to authorise the making of regulations in relation to the payment, collection and enforcement of private tolls and charges (that is, those not levied by the Roads and Traffic Authority or another roads authority) (**Schedule 1 [3]**),
- (b) to expand an existing provision relating to the liability of the owner of a vehicle for offences relating to failure or refusal to pay a toll or charge to include failure or refusal to pay a private toll or charge (**Schedule 1 [1]**),
- (c) to provide for the use of digital camera photographs as evidence of an offence of failure or refusal to pay a toll or charge (including a private toll or charge) (**Schedule 1 [2]**),

- (d) to provide that any information acquired by a person in the exercise of functions connected with the use or operation of such a camera is not to be used or divulged except in certain circumstances, including the divulging of the information for the purposes of enforcing the Act or the regulations (**Schedule 1 [2]**),
- (e) to make a consequential amendment (**Schedule 1 [4]**).

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.

Clause 3 is a formal provision giving effect to the amendments to the *Roads Act 1993* set out in Schedule 1.

Schedule 1 sets out the amendments as outlined in the Overview above.

First print



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New South Wales

Roads Amendment (Tolls) Bill 1999

No. , 1999

A Bill for

An Act to amend the *Roads Act 1993* to make further provision in relation to the payment, collection and enforcement of tolls; and for other purposes.

The Legislature of New South Wales enacts: 1

1 Name of Act 2

 This Act is the *Roads Amendment (Tolls) Act 1999*. 3

2 Commencement 4

 This Act commences on a day or days to be appointed by 5
 proclamation. 6

3 Amendment of Roads Act 1993 No 33 7

 The *Roads Act 1993* is amended as set out in Schedule 1. 8

Schedule 1 Amendments

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(Section 3)

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[1] Section 244 Liability of owner of vehicle for certain driving offences

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Omit section 244 (1) (a). Insert instead:

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- (a) that arises from a failure or refusal to pay any toll or charge (including a private toll or charge) in respect of vehicles using any tollway, bridge, tunnel or road-ferry, or

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[2] Section 250A

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Insert after section 250:

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250A Approved camera recording devices—toll offences

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(1) In this section:

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approved toll camera means a digital camera of a type approved by the Governor by order published in the Gazette as being designed to take a photograph of a vehicle that is driven in contravention of a requirement to pay a toll and to record on the photograph:

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(a) the date on which the photograph is taken, and

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(b) the time and location at which the photograph is taken, and

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(c) the direction in which the vehicle activating the camera is travelling, and

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(d) such information with respect to the failure to pay a toll payable in connection with the driving of the vehicle at that time and location as may be prescribed by the regulations.

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authorised person means a person authorised by the RTA to install and inspect approved toll cameras.

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digital camera means a camera recording device that is capable of recording images in a digitalised format.

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photograph includes a digitalised, electronic or computer generated image in a form approved by the RTA. 1
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toll includes a charge or a private toll or charge. 3

toll offence means an offence under the regulations of failing or refusing to pay a toll. 4
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(2) In proceedings for a toll offence: 6

(a) a photograph tendered in evidence as a photograph taken by means of the operation, on a specified day, of an approved toll camera installed at a specified location is taken to have been so taken (unless evidence to the contrary is adduced), and 7
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(b) evidence that a photograph tendered in evidence bears a security indicator of a kind prescribed by the regulations is evidence (unless evidence to the contrary is adduced) that the photograph has not been altered since it was taken, and 12
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(c) any such photograph is evidence (unless evidence to the contrary is adduced) of the matters shown or recorded on the photograph, and 17
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(d) evidence of the condition of the approved toll camera is not required unless evidence that the device was not in proper condition has been adduced. 20
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(3) When a photograph referred to in subsection (2) is tendered in evidence in proceedings for a toll offence, a certificate purporting to be signed by an authorised person and certifying the following particulars is also to be tendered in evidence and is evidence (unless evidence to the contrary is adduced) of those particulars: 23
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(a) that the person is an authorised person, 29

(b) that within 30 days (or such other period as may be prescribed by the regulations) before the day recorded on the photograph as the day on which the photograph was taken, the person carried out the inspection specified in the certificate on the approved toll camera that took the photograph, 30
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(c) that on that inspection the approved toll camera was found to be operating correctly. 36
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<p>(4) A person who acquires information in the exercise of functions in connection with the use or operation of an approved toll camera must not directly or indirectly make a record of or make use of the information or divulge it to another person, except in the exercise of functions:</p> <p style="padding-left: 2em;">(a) in connection with the payment and collection of tolls, or such other functions with respect to tolls as may be prescribed by the regulations, or</p> <p style="padding-left: 2em;">(b) in connection with the enforcement of a provision of this Act or the regulations under this Act.</p> <p style="padding-left: 2em;">Maximum penalty: 50 penalty units.</p> <p>(5) Subsection (4) does not apply to the divulging of information by an officer of the RTA or a person exercising functions on behalf of or otherwise acting under the authority of the RTA, or to the divulging of information, in accordance with any protocol approved by the Privacy Commissioner, to any of the following:</p> <p style="padding-left: 2em;">(a) the Independent Commission Against Corruption,</p> <p style="padding-left: 2em;">(b) the National Crime Authority,</p> <p style="padding-left: 2em;">(c) the New South Wales Crime Commission,</p> <p style="padding-left: 2em;">(d) the Ombudsman,</p> <p style="padding-left: 2em;">(e) any other person prescribed for the purpose of this paragraph.</p> <p>[3] Section 264 Regulations</p> <p>Omit section 264 (1) (e). Insert instead:</p> <p style="padding-left: 2em;">(e) the payment, collection and enforcement of any toll or charge (including a private toll or charge) levied or imposed in relation to a tollway, bridge, tunnel or road-ferry, and</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p> <p>29</p>
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Roads Amendment (Tolls) Bill 1999

Schedule 1 Amendments

[4] Dictionary

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Insert in alphabetical order:

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private toll or charge means a toll or charge levied or imposed by a person other than the RTA or a roads authority, in connection with traffic using the tollway, bridge, tunnel or road-ferry to which the toll or charge applies.

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