

Passed by both Houses



New South Wales

Roads Amendment (Tolls) Bill 1999

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 1999*



New South Wales

Roads Amendment (Tolls) Bill 1999

Act No , 1999

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.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

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

2 Commencement

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

3 Amendment of Roads Act 1993 No 33

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

Schedule 1 Amendments

(Section 3)

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

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

- (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

[2] Section 250A

Insert after section 250:

250A Approved camera recording devices—toll offences

(1) In this section:

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:

- (a) the date on which the photograph is taken, and
- (b) the time and location at which the photograph is taken, and
- (c) the direction in which the vehicle activating the camera is travelling, and
- (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.

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

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

photograph includes a digitalised, electronic or computer generated image in a form approved by the RTA.

toll includes a charge or a private toll or charge.

toll offence means an offence under the regulations of failing or refusing to pay a toll.

- (2) In proceedings for a toll offence:
- (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
 - (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
 - (c) any such photograph is evidence (unless evidence to the contrary is adduced) of the matters shown or recorded on the photograph, and
 - (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.
- (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:
- (a) that the person is an authorised person,
 - (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,
 - (c) that on that inspection the approved toll camera was found to be operating correctly.

- (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:
- (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
 - (b) in connection with the enforcement of a provision of this Act or the regulations under this Act.

Maximum penalty: 50 penalty units.

- (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:
- (a) the Independent Commission Against Corruption,
 - (b) the National Crime Authority,
 - (c) the New South Wales Crime Commission,
 - (d) the Ombudsman,
 - (e) any other person prescribed for the purpose of this paragraph.

[3] Section 264 Regulations

Omit section 264 (1) (e). Insert instead:

- (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

[4] Dictionary

Insert in alphabetical order:

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.