

## Overview of Bill

The objects of this Bill are:

(a) to amend the *Road Transport (General) Act 2005*:

(i) to increase the maximum monetary penalty that a corporation will be liable to pay for a certain kind of camera recorded traffic offence under section 179 of that Act when the corporation is liable for the offence because of a failure to nominate the actual offender, and

(ii) to enable an authorised officer or prosecutor to obtain additional information concerning the identity of an actual offender nominated under section 179 of that Act, and

(iii) to reduce the time when a penalty notice served by post on a responsible person under section 179 of that Act is taken to have been served, and

(iv) to enable a single nomination to be made under section 179 of that Act where more than one camera recorded traffic offence was detected by the same camera at approximately the same time, and

(b) to make consequential amendments and amendments in the nature of statute law revision to the *Fines Act 1996* and certain road transport legislation.

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.

## Schedule 1 Amendment of Road Transport (General)

### Act 2005 No 11

**Schedule 1 [1]–[5]** amend section 179 of the *Road Transport (General) Act 2005*:

(a) to provide for a corporation that is deemed to be guilty of a certain kind of camera recorded offence by the section to be liable to a court imposed maximum monetary penalty that is 5 times the maximum monetary penalty to which a natural person would be liable for the offence, and

(b) to enable a statutory declaration that nominates a person under the section to deal with more than one offence if each of the offences are camera recorded offences detected by the same camera device at approximately the same time, and

(c) to provide that a penalty notice served by post on a responsible person under the section is taken to have been served 7 days after it was posted (instead of the current 21 days) unless the person proves otherwise, and

(d) to enable an authorised officer or prosecutor to obtain additional information from a responsible person who makes a nomination under the section (including by means of a personal interview with the person) concerning identity of the nominee.

**Schedule 1 [6]** confirms that a reference in the Act to offences under section 41 (Conduct associated with road and drag racing and other activities) of the *Road Transport (Safety and Traffic Management) Act 1999* is limited to certain aggravated forms of those offences.

**Schedule 1 [7]** amends Schedule 1 to that Act to enable the Governor to make savings or transitional regulations consequent on the enactment of the proposed Act.

**Schedule 1 [8]** inserts a transitional provision in Schedule 1 to that Act consequent on the amendments made to section 179 of that Act.

## Schedule 2 Amendment of other legislation

**Schedule 2.1 [1]** makes an amendment to section 38 of the *Fines Act 1996* in relation to the use of statutory declarations in relation to more than one camera recorded offence. This amendment is consequential on a comparable amendment made to section 179 of the *Road Transport (General) Act 2005* by Schedule 1.

**Schedule 2.1 [2]** inserts a transitional provision consequent on the amendment made to section 38 of that Act.

**Schedule 2.2** amends the *Road Transport (General) Regulation 2005* to provide for the penalty amount for a penalty notice served on a corporation for a certain kind of camera recorded offence for which the corporation is deemed to be liable under section 179 of the *Road Transport (General) Act 2005* to be, generally, 5 times the penalty amount prescribed for a natural person served with such a penalty notice.

**Schedule 2.3** amends the *Road Transport (Safety and Traffic Management) Act 1999*:  
(a) to ensure that certain persons with expired driver licences are treated as being special category drivers for the purposes of Part 2 of that Act, and  
(b) to update a reference to the holder of a learner or provisional licence so that it refers to a novice driver within the meaning of Part 2 of that Act.