

**Road Transport Legislation
Amendment (Public Transport Lanes)
Bill 2003**

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Road Transport (Safety and Traffic Management) Act 1999* to allow the use of approved traffic lane camera devices as a means of detecting certain offences of driving in traffic lanes that are dedicated primarily for the use of public transport in contravention of the regulations, and
- (b) to amend the *Road Transport (General) Act 1999* to introduce operator onus enforcement of such an offence, and
- (c) to make consequential amendments to the *Criminal Procedure Act 1986*, and
- (d) to make a consequential amendment to the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999*.

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 the date of assent.

Clause 3 is a formal provision that gives effect to the amendments to the Acts and regulation set out in Schedules 1–4.

Schedule 1 Amendment of Road Transport (Safety and Traffic Management) Act 1999 No 20

Schedule 1 [1] inserts a new Division 3 in Part 4 of the *Road Transport (Safety and Traffic Management) Act 1999* to provide for the use of photographs taken by approved traffic lane camera devices as evidence of public transport lane offences. A public transport lane offence is defined to include a bus lane offence, a T-Way lane offence or any other offence of driving a vehicle in a public transport lane in contravention of the regulations that is prescribed by the regulations for the purposes of the proposed definition. **Schedule 1 [3]** makes a consequential amendment. **Schedule 1 [2]** inserts a provision of a savings and transitional nature.

Schedule 2 Amendment of Road Transport (General)

Act 1999 No 18

Schedule 2 [5] expands the owner onus enforcement provisions in section 43 of the *Road Transport (General) Act 1999* so that the provisions will also apply to a public transport lane offence that is detected by an approved traffic lane camera device. **Schedule 2 [2]–[4], [6] and [7]** make consequential amendments.

Schedule 2 [1] provides that in any prosecution under section 43, the responsible person for the vehicle in which a designated offence occurs may rely on any defence that would be available to the actual offender. **Schedule 2 [8]** inserts a provision of a savings and transitional nature.

Schedule 3 Amendment of Criminal Procedure

Act 1986 No 209

Schedule 3 [1]–[5] amend section 283 of the *Criminal Procedure Act 1986* which deals with the need for, and admissibility of, certain evidentiary matters relating to law enforcement devices. The proposed amendments are consequential on the amendments to the *Road Transport (Safety and Traffic Management) Act 1999* and the *Road Transport (General) Act 1999*. The

amendments extend the coverage of section 283 to approved traffic lane camera devices and to certificates and photographs that are admissible in proceedings by virtue of proposed Division 3 of Part 4 of the *Road Transport (Safety and Traffic Management) Act 1999*. **Schedule 3 [6]** inserts a provision of a savings and transitional nature.

Schedule 4 Amendment of Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999

Schedule 4 makes a consequential amendment to the *Road Transport (Safety and Traffic Management) (Road Rules) Regulation 1999* to prescribe a security indicator for the purposes of proposed section 57B (2) (b) of the *Road Transport (Safety and Traffic Management) Act 1999*. A security indicator is a marking on a photograph that verifies that the photograph was taken by a particular camera.