

First print



New South Wales

Traffic Amendment (Variable Speed Limits) Bill 1998

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to enable variable speed limit signs, activated by a computer-based intelligent control system, to determine the speed limits that are to apply at different times on certain major roads, such as motorways and freeways, in order to promote road safety and facilitate traffic flow, and
 - (b) to enable prima facie evidence to be given by certificate as to the location of variable speed limit signs, the speed limits displayed by them and the times at which those speed limits were displayed, and
 - (c) to enable speed cameras to be inspected every 84 hours rather than every day.
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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 *Traffic Act 1909* set out in Schedule 1.

Clause 4 provides for all references to "public street" in a provision of the *Traffic Act 1909* that is amended by the proposed Act to become references to "road or road related area". This reflects amendments made to the *Traffic Act 1909* by the *Traffic Legislation Amendment Act 1997*, as yet uncommenced.

Schedule 1 Amendments

Schedule 1 [1] inserts a definition of *variable speed limit sign* into the *Traffic Act 1909*.

Schedule 1 [2] authorises the determination of the speed limit for a particular length of public street at a particular time by means of a variable speed limit sign.

Schedule 1 [3] enables approved camera recording devices that take photographs of speeding vehicles to be inspected within 84 hours before the time and day recorded on the photograph as the time at which and the day on which the speeding offence was alleged to have been committed rather than on the day of the alleged offence.

Schedule 1 [4] enables, in relation to an offence of exceeding a speed limit displayed by means of a variable speed limit sign, prima facie evidence to be given by certificate of:

- (a) the location of the variable speed limit sign and the length of public street to which the speed limit applies, and
- (b) the speed limit displayed on the variable speed limit sign, and
- (c) the day on which and the time of the day at which the speed limit was so displayed.

Schedule 1 [5] contains a savings provision.

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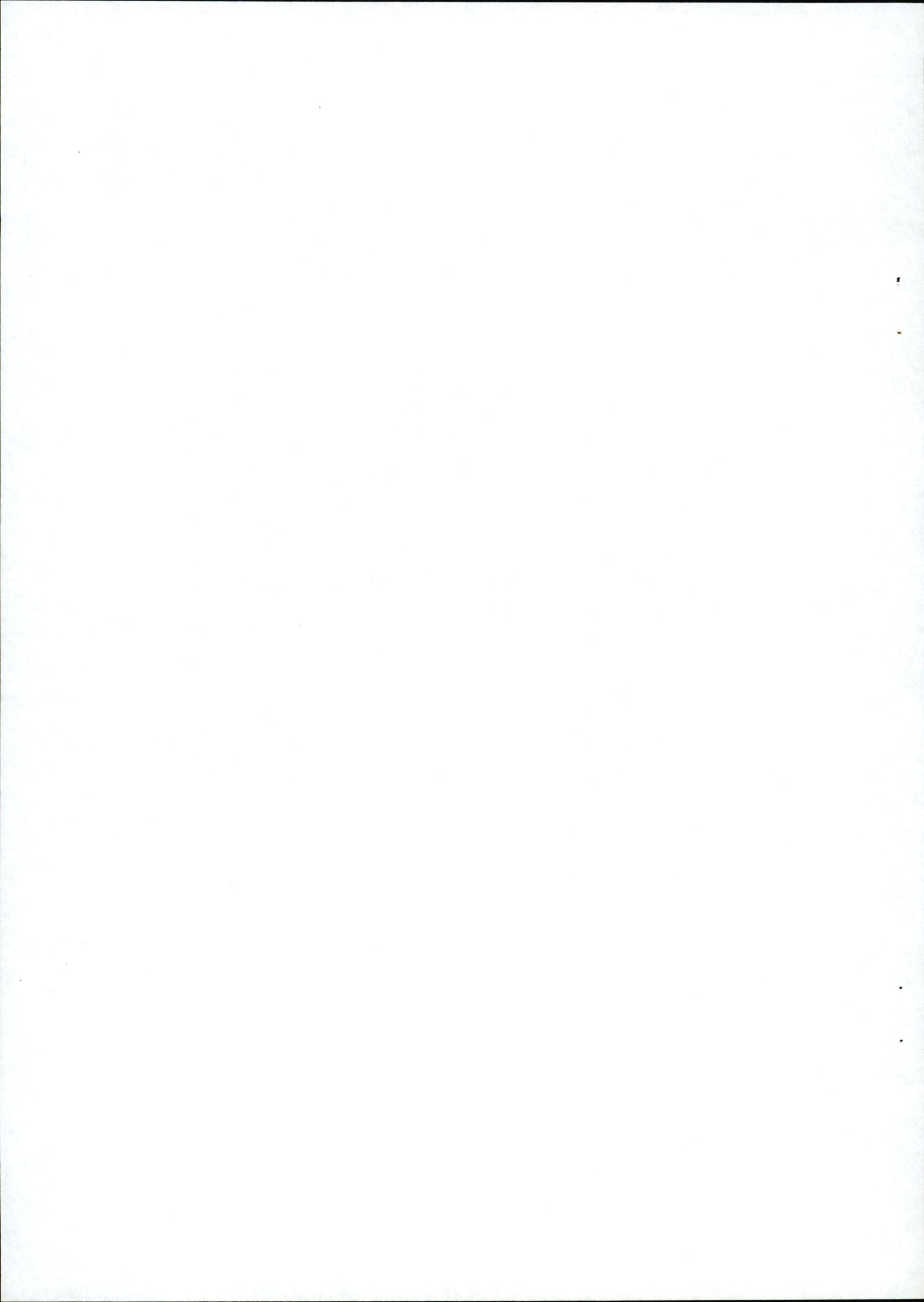


New South Wales

Traffic Amendment (Variable Speed Limits) Bill 1998

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New South Wales

Traffic Amendment (Variable Speed Limits) Bill 1998

No. , 1998

A Bill for

An Act to amend the *Traffic Act 1909* with respect to variable speed limits and certificate evidence of speeding offences.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Traffic Amendment (Variable Speed Limits) Act 1998*.

2 Commencement

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

3 Amendment of Traffic Act 1909 No 5

The *Traffic Act 1909* is amended as set out in Schedule 1.

4 Further amendment of Traffic Act 1909 No 5

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The *Traffic Act 1909* is further amended by omitting from a provision of that Act, as amended by this Act, the words "public street" wherever occurring and by inserting instead the words "road or road related area".

Schedule 1 Amendments

(Section 3)

[1] Section 2 Definitions

Insert in alphabetical order in section 2 (1):

variable speed limit sign, in relation to a length of public street, means a speed limit sign prescribed by the regulations that is capable, by an illuminated face, of displaying at different times different figures indicating the speed limit fixed for that length of public street. 5

[2] Section 4A Speed limits 10

Omit section 4A (3). Insert instead:

(3) The Authority:

(a) may, at any time, with respect to any length of public street (not being within a shared traffic zone) give a direction fixing the speed limit applicable to that length of public street, or 15

(b) may, at any time, with respect to any length of public street (not being within a shared traffic zone) that is indicated by a sign prescribed by the regulations to be a variable speed limit area or zone give a direction that the speed limit applicable to that length of public street at any particular time is to be: 20

(i) the speed limit that is determined in respect of that time in a manner or by use of a device, approved by the Authority, and that is displayed for that length of public street at that time by means of a variable speed limit sign, or 25

(ii) if no speed limit is displayed for that length of public street at that time by means of a variable speed limit sign, the speed limit 30

fixed by the Authority for that length of public street and displayed by a speed limit sign prescribed by the regulations that appears underneath the unilluminated face of the variable speed limit sign, 5

and any speed limit so determined and displayed, or so fixed, is taken for the purposes of this Act, or any other instrument, to be the speed limit fixed in accordance with a direction given by the Authority under this subsection. 10

[3] Section 4AC Photographic evidence of speeding offence

Omit "on the day recorded on the photograph as" from section 4AC (4) (b).

Insert instead "within 84 hours before the time and day recorded on the photograph as the time at which and". 15

[4] Section 4AC (4) (d)

Insert after section 4AC (4) (c):

(d) if the speed limit was displayed by means of a variable speed limit sign:

(i) that the variable speed limit sign was located at the place specified in the certificate and fixed the speed limit for a length of public street specified in the certificate, and 20

(ii) that the speed limit displayed on the variable speed limit sign was the speed limit specified in the certificate, and 25

(iii) that the speed limit was displayed on the day specified in the certificate and, if the speed limit was displayed for only part of that day, that the time of commencement of the display of that speed limit on that day and the time of cessation of the display of that speed limit on that day were the times respectively specified in the certificate. 30 35

[5] Schedule 1 Savings, transitional and other provisions

Insert in Schedule 1 (with appropriate Part and clause numbers):

**Part Provisions consequent on enactment of
Traffic Amendment (Variable Speed Limits)
Act 1998**

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Savings provision

The repeal and re-enactment of section 4A (3) by the *Traffic Amendment (Variable Speed Limits) Act 1998* does not affect any direction given by the Authority under that subsection that was in force immediately before the repeal and re-enactment, and any such direction continues in force, under and subject to this Act, as if that subsection had not been repealed and re-enacted by the *Traffic Amendment (Variable Speed Limits) Act 1998*.

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