This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

ALLAN PICKERING, Clerk of the Legislative Assembly.

Legislative Assembly Chamber, Sydney, 24 November, 1960.





ANNO NONO ELIZABETHÆ II REGINÆ

Act No. , 1960.

An Act to increase certain penalties under the Motor Traffic Act, 1909–1957; to make further provision relating to disqualification of drivers of motor vehicles; to provide an additional method of recovering penalties for certain offences under the said Act; for these and other purposes to amend the said Act and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

B^E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as 5 follows :--

1. (1) This Act may be cited as the "Motor Traffic Short title (Amendment) Act, 1960".

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(2)

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1960.

2. The Motor Traffic Act, 1909, as amended by subsequent Amendment 5 Acts, is amended— 5, 1909.

- (a) by omitting paragraph (r) of subsection one of Sec. 3. section three and by inserting in lieu thereof the (Regulafollowing paragraph :
 - (r) impose any penalty not exceeding one hundred pounds for any breach of any regulation;
- (b) (i) by omitting from paragraph (a) of subsection Sec. 4.
 three of section four the words "fifty pounds" (Negligent, and by inserting in lieu thereof the words "one reckless driving.)
 - (ii) by omitting from paragraph (b) of the same subsection the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds";

(c) by omitting from subsection two of section five the Sec. 5 (2). words "one hundred pounds" and by inserting in lieu (Driver intoxicated or under

or under influence of drug.)

(d) by omitting from subsection two of section 7a the Sec. 7a. words "one hundred pounds" and by inserting in lieu (Offences thereof the words "two hundred pounds";

qualified drivers, etc.)

 (e) by omitting from subsection two of section eight the Sec. 8.
 words "one hundred pounds" and by inserting in lieu (Requirethereof the words "two hundred pounds";

- (f) (i) by omitting from subsection one of section ten Sec. 10.
 the words "fifty pounds" and by inserting in lieu (Court may impose penalty and
 - (ii) by omitting from subsection two of the same suspend license upon section the words "twenty pounds" and by conviction, inserting in lieu thereof the words "forty etc.) pounds";

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(iii) by omitting from subparagraphs (i) and (ii) of paragraph (a) of subsection (3A) of the same section the words "and may also be disqualified for such additional period as the court may order for holding any such license" wherever occurring and by inserting in lieu thereof the words "or where the court upon such conviction thinks fit to order a shorter or longer period of disqualification he shall be disqualified for such period as may be specified in such order";

- (g) (i) by inserting in subsections one and three of Sec. 18A. section 18A after the words "is dealt with" (Liability wherever occurring the words "under section vehicle 18B of this Act or";
 - (ii) by omitting from paragraph (a) of subsection offences.) one of the same section the words "under the said regulations" and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";
 - (iii) by inserting in subparagraph (i) of paragraph
 (a) of subsection three of the same section after the words "notice under" the words "the said section 18B or under";
 - (iv) by omitting from the same subparagraph the words "under such regulations" where secondly occurring and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";

(h) by inserting next after section 18A the following new New sec. section : — 18B.

18B. (1) Where it appears to a member of the Penalty police force or a prescribed officer that any person—notices for certain

(a) has committed, or by virtue of section 18A ^{offences.} of this Act is guilty of, any prescribed offence under this Act or any regulation made thereunder;

(b)

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- (b) has committed, or by virtue of section 2700 of the Local Government Act, 1919, as amended by subsequent Acts, is guilty of, any prescribed offence under any ordinance made for carrying Division 13A of Part IX of such Act into effect; or
- (c) has committed any prescribed offence under the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, or any regulation made thereunder,

such member of the police force or prescribed officer may serve a notice on such person to the effect that if such person does not desire to have the matter determined by a court, such person may pay to an officer specified in such notice within the time specified therein an amount of penalty prescribed for such offence if dealt with under this section.

(2) Any notice under subsection one of this section—

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(a) may be served personally or by post;

- (b) if it relates to an offence of which the owner of a motor vehicle is guilty by virtue of section 18A of this Act or section 2700 of the Local Government Act, 1919, as amended by subsequent Acts, may—
 - (i) be served personally or by post; or
 - (ii) be addressed to the owner without naming him or stating his address and may be served by leaving it on or attaching it to the vehicle.

(3) Any person alleged to have committed or be guilty of an offence to which subsection one of this section applies shall have the right to decline to be dealt with under this section.

Any person who fails to pay the penalty within the time specified in the notice given to him under subsection one of this section or within such further time

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time as may in any particular case be allowed shall be deemed to have declined to be dealt with under this section.

(4) Where the amount of any prescribed penalty for an alleged offence is paid pursuant to this section no person shall be liable for any further proceedings for the alleged offence.

(5) Payment of a penalty pursuant to this section shall not be regarded as an admission of liability for the purpose of nor in any way affect or prejudice any civil claim action or proceeding arising out of the same occurrence.

(6) The regulations may—

- (a) prescribe the offences which shall be prescribed offences for the purposes of this section by setting out such offences or by a reference to the provision creating the offence or by providing that all offences under any Act or regulations or ordinance named therein being an Act or regulations or an ordinance referred to in paragraphs (a), (b) and (c) of subsection one of this section, shall be prescribed offences for the purposes of this section, or that all of the offences under any such Act, regulations or ordinance, other than those offences specified in the regulations, shall be prescribed offences for the purposes of this section;
- (b) prescribe the amount of penalty payable under this section for any prescribed offence;
- (c) prescribe different amounts of penalties for different prescribed offences or classes of prescribed offences or for different prescribed offences or classes of prescribed offences having regard to the circumstances thereof.

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No offence in respect of which a penalty of imprisonment may be imposed under this Act or the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, shall be prescribed for the purposes of this section as a prescribed offence. 6

(7) No penalty prescribed under this section for any prescribed offence shall exceed any maximum amount of penalty which could be imposed for such offence by a court.

(8) The provisions of this section are supplemental to and not in derogation of the provisions of any other section of this Act or any other Act in relation to proceedings which may be taken in respect of prescribed offences.

- 15 **3.** The Local Government Act, 1919, as amended by Amendment of Act No. subsequent Acts, is amended— 41, 1919.
 - (a) by inserting in subsections one and three of section Sec. 2700.
 2700 after the words "dealt with" wherever occurring (Liability of vehicle owner for Act, 1909, as amended by subsequent Acts, or"; parking offences.)
 - (b) by omitting from paragraph (a) of subsection one of the same section the words "under the said regulations" and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,":
 - (c) by inserting in subparagraph (i) of paragraph (a) of subsection three of the same section after the words "notice under" the words "the said section 18B or under";

(d) by omitting from the same subparagraph the words "under such regulations" where secondly occurring and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,".

[9d.]

Sydney: V. C. N. Blight, Government Printer-1960

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No. , 1960.

A BILL

To increase certain penalties under the Motor Traffic Act, 1909–1957; to make further provision relating to disqualification of drivers of motor vehicles; to provide an additional method of recovering penalties for certain offences under the said Act; for these and other purposes to amend the said Act and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

[MR. MCMAHON; -22 November, 1960.]

 \mathbf{B}^{E} it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same. as 5 follows :—

1. (1) This Act may be cited as the "Motor Traffic Short title (Amendment) Act, 1960".

(2)

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1960.

2. The Motor Traffic Act, 1909, as amended by subsequent Amendment of Act No. 5 Acts, is amended-5, 1909.

- (a) by omitting paragraph (r) of subsection one of Sec. 3. section three and by inserting in lieu thereof the (Regulations.) following paragraph:
 - (r) impose any penalty not exceeding one hundred
 - pounds for any breach of any regulation:
- (b) (i) by omitting from paragraph (a) of subsection Sec. 4. three of section four the words "fifty pounds" (Negligent, and by inserting in lieu thereof the words "one reckless hundred pounds"; driving.)
 - (ii) by omitting from paragraph (b) of the same subsection the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds":

(c) by omitting from subsection two of section five the Sec. 5 (2). words "one hundred pounds" and by inserting in lieu (Driver intoxicated thereof the words "two hundred pounds"; or under

- influence of drug.)
- (d) by omitting from subsection two of section 7A the Sec. 7A. words "one hundred pounds" and by inserting in lieu (Offences thereof the words "two hundred pounds":

committed by disqualified drivers, etc.)

- (e) by omitting from subsection two of section eight the Sec. 8. words "one hundred pounds" and by inserting in lieu (Requirements in thereof the words "two hundred pounds": case of accident.)
 - (f) (i) by omitting from subsection one of section ten Sec. 10. the words "fifty pounds" and by inserting in lieu (Court may thereof the words "one hundred pounds"; impose
 - penalty and (ii) by omitting from subsection two of the same suspend section the words "twenty pounds" and by conviction. license upon inserting in lieu thereof the words "forty etc.) pounds"; (iii)

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5	(iii)	by omitting from subparagraphs (i) and (ii) of paragraph (a) of subsection (3A) of the same section the words "and may also be disqualified for such additional period as the court may order for holding any such license" wherever occurring and by inserting in lieu thereof the words "or where the court upon such conviction thinks fit to order a shorter or longer period of disqualification he shall be disqualified for such period as may be specified in such order";	
	(g) (i)	18B of this Act or";	(Liability
15	(ii)	by omitting from paragraph (a) of subsection one of the same section the words "under the said regulations" and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";	
20	(iii)	by inserting in subparagraph (i) of paragraph (a) of subsection three of the same section after the words "notice under" the words "the said section 18B or under";	
25	(iv)	by omitting from the same subparagraph the words "under such regulations" where secondly occurring and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";	
30		nserting next after section 18_{A} the following new ion :	New sec. 18B.
	13 poli	8B. (1) Where it appears to a member of the ce force or a prescribed officer that any person—	notices for certain
35	;) 	 a) has committed, or by virtue of section 18A of this Act is guilty of, any prescribed offence under this Act or any regulation made there-under; (b) 	offences.

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(b) has committed, or by virtue of section 2700 of the Local Government Act, 1919, as amended by subsequent Acts, is guilty of, any prescribed offence under any ordinance made for carrying Division 13A of Part IX of such Act into effect; or 4

(c) has committed any prescribed offence under the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, or any regulation made thereunder,

such member of the police force or prescribed officer may serve a notice on such person to the effect that if such person does not desire to have the matter determined by a court, such person may pay to an officer specified in such notice within the time specified therein an amount of penalty prescribed for such offence if dealt with under this section.

(2) Any notice under subsection one of this section—

(a) may be served personally or by post;

- (b) if it relates to an offence of which the owner of a motor vehicle is guilty by virtue of section 18A of this Act or section 2700 of the Local Government Act, 1919, as amended by subsequent Acts, may—
 - (i) be served personally or by post; or
 - (ii) be addressed to the owner without naming him or stating his address and may be served by leaving it on or attaching it to the vehicle.

(3) Any person alleged to have committed or be guilty of an offence to which subsection one of this section applies shall have the right to decline to be dealt with under this section.

Any person who fails to pay the penalty within the time specified in the notice given to him under subsection one of this section or within such further time

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time as may in any particular case be allowed shall be deemed to have declined to be dealt with under this section.

(4) Where the amount of any prescribed penalty for an alleged offence is paid pursuant to this section no person shall be liable for any further proceedings for the alleged offence.

(5) Payment of a penalty pursuant to this section shall not be regarded as an admission of liability for the purpose of nor in any way affect or prejudice any civil claim action or proceeding arising out of the same occurrence.

(6) The regulations may-

- (a) prescribe the offences which shall be prescribed offences for the purposes of this section by setting out such offences or by a reference to the provision creating the offence or by providing that all offences under any Act or regulations or ordinance named therein being an Act or regulations or an ordinance referred to in paragraphs (a), (b) and (c) of subsection one of this section, shall be prescribed offences for the purposes of this section, or that all of the offences under any such Act, regulations or ordinance, other than those offences specified in the regulations, shall be prescribed offences for the purposes of this section;
- (b) prescribe the amount of penalty payable under this section for any prescribed offence;
- (c) prescribe different amounts of penalties for different prescribed offences or classes of prescribed offences or for different prescribed offences or classes of prescribed offences having regard to the circumstances thereof.

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No offence in respect of which a penalty of imprisonment may be imposed under this Act or the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, shall be prescribed for the purposes of this section as a prescribed offence.

(7) No penalty prescribed under this section for any prescribed offence shall exceed any maximum amount of penalty which could be imposed for such offence by a court.

(8) The provisions of this section are supplemental to and not in derogation of the provisions of any other section of this Act or any other Act in relation to proceedings which may be taken in respect of prescribed offences.

- 15 3. The Local Government Act, 1919, as amended by Amendment subsequent Acts, is amended— 41, 1919.
 - (a) by inserting in subsections one and three of section Sec. 2700. 2700 after the words "dealt with" wherever occurring (Liability of vehicle the words "under section 18B of the Motor Traffic owner for Act, 1909, as amended by subsequent Acts, or"; parking offences.)
 - (b) by omitting from paragraph (a) of subsection one of the same section the words "under the said regulations" and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,":
 - (c) by inserting in subparagraph (i) of paragraph (a) of subsection three of the same section after the words "notice under" the words "the said section 18B or under";
 - (d) by omitting from the same subparagraph the words "under such regulations" where secondly occurring and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,".

Sydney: V. C. N. Blight, Government Printer-1960

[9d.]

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MOTOR TRAFFIC (AMENDMENT) BILL, 1960.

EXPLANATORY NOTE.

THE objects of this Bill are-

- (a) to increase the maximum penalties which may be imposed for certain offences under the Motor Traffic Act, 1909, as amended by subsequent Acts;
- (b) to authorise the imposition of increased maximum penalties for breaches of the regulations under that Act, as so amended;
- (c) to authorise courts, upon the conviction of drivers of motor vehicles of certain offences under that Act, as so amended, or under the Crimes Act, 1900, as amended by subsequent Acts, to exercise a discretion with respect to the period of disqualification of such drivers;
- (d) to provide an additional method of inflicting penalties on persons guilty of prescribed offences under the Motor Traffic Act, 1909, the Local Government Act, 1919, and the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, and for the payment of penalties so inflicted, without recourse to court proceedings;
- (e) to make other provisions incidental to the foregoing.

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PROOF

No. , 1960.

A BILL

To increase certain penalties under the Motor Traffic Act, 1909–1957; to make further provision relating to disqualification of drivers of motor vehicles; to provide an additional method of recovering penalties for certain offences under the said Act; for these and other purposes to amend the said Act and the Local Government Act, 1919, as amended by subsequent Acts; and for purposes connected therewith.

[MR. MCMAHON; -22 November, 1960.]

 \mathbf{B}^{E} it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same. as 5 follows :—

1. (1) This Act may be cited as the "Motor Traffic Short title (Amendment) Act, 1960".

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(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1960.

2. The Motor Traffic Act, 1909, as amended by subsequent Amendment 5 Acts, is amended—5 Acts, is amended—5, 1909.

- (a) by omitting paragraph (r) of subsection one of Sec. 3. section three and by inserting in lieu thereof the (Regulafollowing paragraph:
 - (r) impose any penalty not exceeding one hundred pounds for any breach of any regulation;
- (b) (i) by omitting from paragraph (a) of subsection Sec. 4.
 three of section four the words "fifty pounds" (Negligent, furious, or reckless hundred pounds";
 - (ii) by omitting from paragraph (b) of the same subsection the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred pounds";

(c) by omitting from subsection two of section five the Sec. 5 (2). words "one hundred pounds" and by inserting in lieu (Driver intoxicated or under

or under influence of drug.)

(d) by omitting from subsection two of section 7A the Sec. 7A. words "one hundred pounds" and by inserting in lieu (Offences thereof the words "two hundred pounds";

by disqualified drivers, etc.)

(e) by omitting from subsection two of section eight the Sec. 8.
 words "one hundred pounds" and by inserting in lieu (Requirements in thereof the words "two hundred pounds";

case of accident.)

- (f) (i) by omitting from subsection one of section ten Sec. 10. the words "fifty pounds" and by inserting in lieu (Court may thereof the words "one hundred pounds";
 - (ii) by omitting from subsection two of the same suspend section the words "twenty pounds" and by conviction, inserting in lieu thereof the words "forty etc.) pounds";

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- (iii) by omitting from subparagraphs (i) and (ii) of paragraph (a) of subsection (3A) of the same section the words "and may also be disqualified for such additional period as the court may order for holding any such license" wherever occurring and by inserting in lieu thereof the words "or where the court upon such conviction thinks fit to order a shorter or longer period of disgualification he shall be disgualified for such period as may be specified in such order": (g) (i) by inserting in subsections one and three of Sec. 18A. section 18A after the words "is dealt with" (Liability wherever occurring the words "under section of motor vehicle of motor 18B of this Act or"; owner for parking
 - (ii) by omitting from paragraph (a) of subsection offences.) one of the same section the words "under the said regulations" and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";
 - (iii) by inserting in subparagraph (i) of paragraph
 (a) of subsection three of the same section after the words "notice under" the words "the said section 18B or under";
 - (iv) by omitting from the same paragraph the words "under such regulations" where secondly occurring and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";
- (h) by inserting next after section 18A the following new New sec. section : — 18B.

18B. (1) Where it appears to a member of the Penalty police force or a prescribed officer that any person—notices for certain

(a) has committed, or by virtue of section 18A ^{offences.} of this Act is guilty of, any prescribed offence under this Act or any regulation made thereunder:

(b)

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- (b) has committed, or by virtue of section 2700 of the Local Government Act, 1919, as amended by subsequent Acts, is guilty of, any prescribed offence under any ordinance made for carrying Division 13A of Part IX of such Act into effect; or
- (c) has committed any prescribed offence under the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, or any regulation made thereunder,

such member of the police force or prescribed officer may serve a notice on such person to the effect that if such person does not desire to have the matter determined by a court, such person may pay to an officer specified in such notice within the time specified therein an amount of penalty prescribed for such offence if dealt with under this section.

(2) Any notice under subsection one of this section—

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(a) may be served personally or by post;

- (b) if it relates to an offence of which the owner of a motor vehicle is guilty by virtue of section 18A of this Act or section 2700 of the Local Government Act, 1919, as amended by subsequent Acts, may—
 - (i) be served personally or by post; or
 - (ii) be addressed to the owner without naming him or stating his address and may be served by leaving it on or attaching it to the vehicle.

(3) Any person alleged to have committed or be guilty of an offence to which subsection one of this section applies shall have the right to decline to be dealt with under this section.

Any person who fails to pay the penalty within the time specified in the notice given to him under subsection one of this section or within such further time

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time as may in any particular case be allowed shall be deemed to have declined to be dealt with under this section.

(4) Where the amount of any prescribed penalty for an alleged offence is paid pursuant to this section no person shall be liable for any further proceedings for the alleged offence.

(5) Payment of a penalty pursuant to this section shall not be regarded as an admission of liability for the purpose of nor in any way affect or prejudice any civil claim action or proceeding arising out of the same occurrence.

(6) The regulations may-

- (a) prescribe the offences which shall be prescribed offences for the purposes of this section by setting out such offences or by a reference to the provision creating the offence or by providing that all offences under any Act or regulations or ordinance named therein being an Act or regulations or an ordinance referred to in paragraphs (a), (b) and (c) of subsection one of this section, shall be prescribed offences for the purposes of this section, or that all of the offences under any such Act, regulations or ordinance, other than those offences specified in the regulations, shall be prescribed offences for the purposes of this section;
- (b) prescribe the amount of penalty payable under this section for any prescribed offence:

(c) prescribe different amounts of penalties for different prescribed offences or classes of prescribed offences or for different prescribed offences or classes of prescribed offences having regard to the circumstances thereof.

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No offence in respect of which a penalty of imprisonment may be imposed under this Act or the Metropolitan Traffic Act, 1900, as amended by subsequent Acts, shall be prescribed for the purposes of this section as a prescribed offence.

(7) No penalty prescribed under this section for any prescribed offence shall exceed any maximum amount of penalty which could be imposed for such offence by a court.

(8) The provisions of this section are supplemental to and not in derogation of the provisions of any other section of this Act or any other Act in relation to proceedings which may be taken in respect of prescribed offences.

- 15 **3.** The Local Government Act, 1919, as amended by Amendment subsequent Acts, is amended— 41, 1919.
 - (a) by inserting in subsections one and three of section Sec. 2700.
 2700 after the words "dealt with" wherever occurring (Liability the words "under section 18B of the Motor Traffic of vehicle owner for Act, 1909, as amended by subsequent Acts, or": parking
 - offences.)
 - (b) by omitting from paragraph (a) of subsection one of the same section the words "under the said regulations" and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,";
 - (c) by inserting in subparagraph (i) of paragraph (a) of subsection three of the same section after the words "notice under" the words "the said section 18B or under";
 - (d) by omitting from the same subparagraph the words "under such regulations" where secondly occurring and by inserting in lieu thereof the words "under the said section 18B or under the said regulations, as the case may be,".

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Sydney: V. C. N. Blight, Government Printer-1960



