

CONCURRENCE COPY

TRANSPORT AUTHORITIES (INFRINGEMENT NOTICES) AMENDMENT BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Government Railways (Amendment) Bill, 1983, is cognate with this Bill.

The object of this Bill is to amend section 75 of the Transport Authorities Act, 1980, so as to provide that persons alleged to have committed certain offences under that Act, the Government Railways Act, 1912, the Transport Act, 1930, and the rules, regulations and by-laws made under any of those Acts, may have the matter determined by payment of a penalty in accordance with the issue of a penalty notice rather than by a court hearing.

The Bill also contains savings provisions in relation to—

- (a) certain existing regulations made for the purposes of section 75 of the Transport Authorities Act, 1980; and
- (b) penalty notices served under that section before the amendment of that section by the proposed Act

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**TRANSPORT AUTHORITIES (INFRINGEMENT NOTICES)
AMENDMENT BILL, 1983**

No. , 1983.

A BILL FOR

An Act to amend section 75 of the Transport Authorities Act, 1980, in relation to penalty notices for certain offences under that Act, the Government Railways Act, 1912, and the Transport Act, 1930.

[MR COX—2 November, 1983.]

See also Government Railways (Amendment) Bill, 1983.

Transport Authorities (Infringement Notices) Amendment.

BE 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 follows:—

5 Short title.

1. This Act may be cited as the "Transport Authorities (Infringement Notices) Amendment Act, 1983".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this 10 Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 103, 1980.

15 3. The Transport Authorities Act, 1980, is amended in the manner set forth in Schedule 1.

Savings provisions.

20 4. (1) The regulations made for the purposes of section 75 of the Transport Authorities Act, 1980, and in force immediately before the day appointed and notified under section 2 (2) shall, notwithstanding the amendment of that section by this Act, continue and shall be deemed to have been made for the purposes of section 75 of the Transport Authorities Act, 1980, as amended by this Act.

Transport Authorities (Infringement Notices) Amendment.

(2) A notice served under section 75 (1) of the Transport Authorities Act, 1980, before the day appointed and notified under section 2 (2) in respect of a matter which has not been determined as at that day shall be deemed to have been served under section 75 (1) of the Transport Authorities Act, 1980, as amended by this Act.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE TRANSPORT AUTHORITIES ACT, 1980.

(1) Section 75 (1)—

10 Omit the subsection, insert instead:—

(1) Where it appears to a member of the police force or a prescribed officer that any person—

15 (a) has committed, or is guilty of, an offence under this Act or the regulations, being an offence which is prescribed for the purposes of this section; or

(b) has committed an offence under the Government Railways Act, 1912, or the Transport Act, 1930, or the rules, regulations or by-laws made under either of those Acts, being an offence which is prescribed for the purposes of this section,

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

(2) Section 75 (2) (b)—

Omit “of which the owner of a vehicle is guilty”, insert instead “which the owner of a vehicle is alleged to have committed under an Act, rule, regulation or by-law referred to in that subsection or is guilty of”.

Transport Authorities (Infringement Notices) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE TRANSPORT AUTHORITIES ACT, 1980—*continued.*

(3) Section 75 (7) (a)—

5 Omit “regulation or part of the regulation”, insert instead “Act, rule,
regulation or by-law or part thereof”.

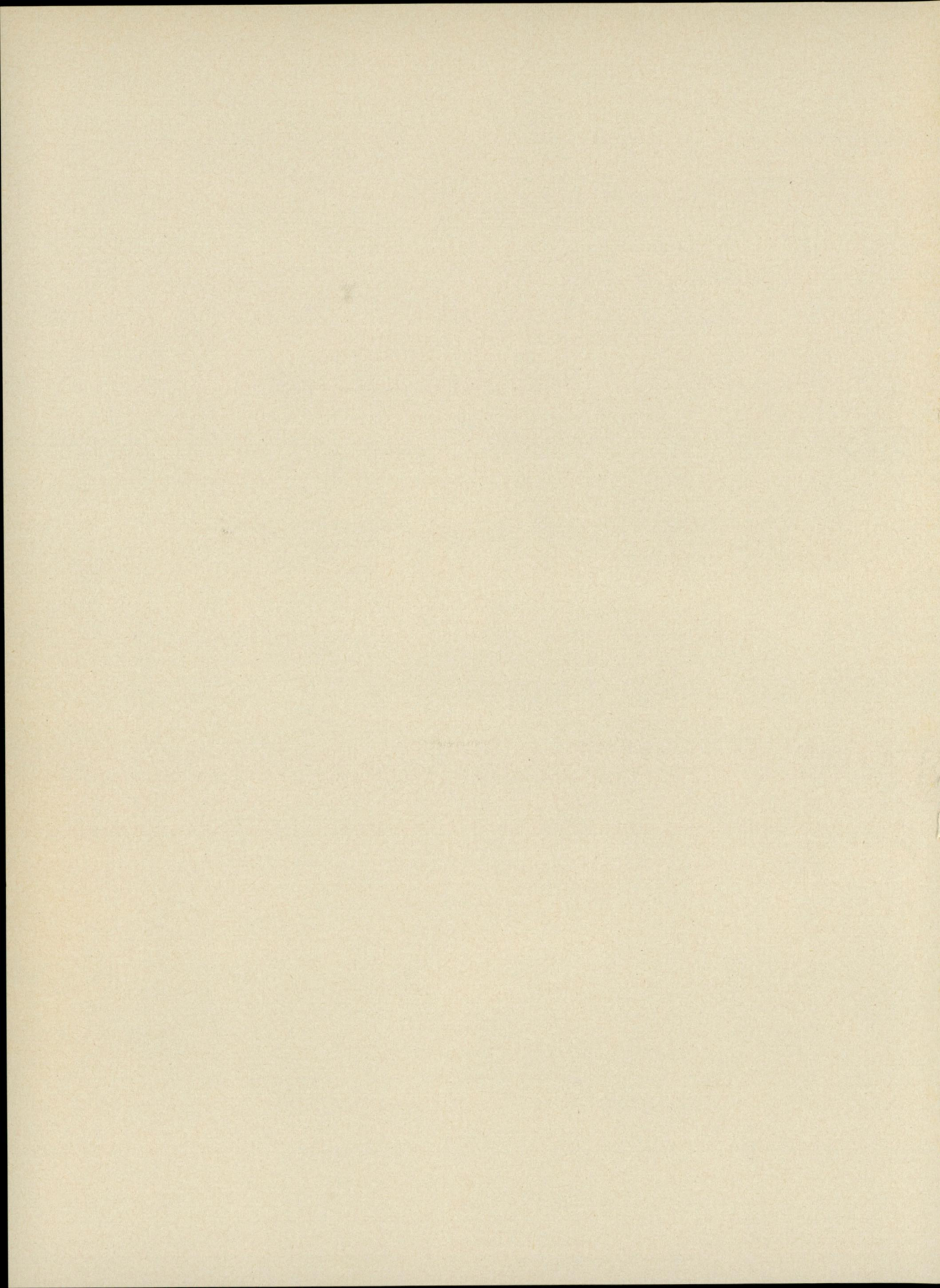
(4) Section 75 (9)—

After “or” where thirdly occurring, insert “rule.”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1983

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**TRANSPORT AUTHORITIES (INFRINGEMENT NOTICES)
AMENDMENT ACT, 1983, No. 123**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 123, 1983.

An Act to amend section 75 of the Transport Authorities Act, 1980, in relation to penalty notices for certain offences under that Act, the Government Railways Act, 1912, and the Transport Act, 1930. [Assented to, 15th December, 1983.]

See also Government Railways (Amendment) Act, 1983.

Transport Authorities (Infringement Notices) Amendment.

BE 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 follows:—

Short title.

1. This Act may be cited as the "Transport Authorities (Infringement Notices) Amendment Act, 1983".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment of Act No. 103, 1980.

3. The Transport Authorities Act, 1980, is amended in the manner set forth in Schedule 1.

Savings provisions.

4. (1) The regulations made for the purposes of section 75 of the Transport Authorities Act, 1980, and in force immediately before the day appointed and notified under section 2 (2) shall, notwithstanding the amendment of that section by this Act, continue and shall be deemed to have been made for the purposes of section 75 of the Transport Authorities Act, 1980, as amended by this Act.

Transport Authorities (Infringement Notices) Amendment.

(2) A notice served under section 75 (1) of the Transport Authorities Act, 1980, before the day appointed and notified under section 2 (2) in respect of a matter which has not been determined as at that day shall be deemed to have been served under section 75 (1) of the Transport Authorities Act, 1980, as amended by this Act.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE TRANSPORT AUTHORITIES ACT, 1980.

(1) Section 75 (1)—

Omit the subsection, insert instead:—

(1) Where it appears to a member of the police force or a prescribed officer that any person—

(a) has committed, or is guilty of, an offence under this Act or the regulations, being an offence which is prescribed for the purposes of this section; or

(b) has committed an offence under the Government Railways Act, 1912, or the Transport Act, 1930, or the rules, regulations or by-laws made under either of those Acts, being an offence which is prescribed for the purposes of this section,

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

(2) Section 75 (2) (b)—

Omit “of which the owner of a vehicle is guilty”, insert instead “which the owner of a vehicle is alleged to have committed under an Act, rule, regulation or by-law referred to in that subsection or is guilty of”.

Transport Authorities (Infringement Notices) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE TRANSPORT AUTHORITIES ACT, 1980—*continued.*

(3) Section 75 (7) (a)—

Omit “regulation or part of the regulation”, insert instead “Act, rule, regulation or by-law or part thereof”.

(4) Section 75 (9)—

After “or” where thirdly occurring, insert “rule,”.

In the name and on behalf of Her Majesty I assent to this Act.

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 15th December, 1983.*

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1984