

FIRST PRINT

**MOTOR TRAFFIC (MENACING DRIVING) AMENDMENT
BILL 1986**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Motor Traffic Act 1909 to make it an offence for a driver of a motor vehicle to drive the vehicle in a manner which is intended to menace another person.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedule of amendments to the Principal Act.

Schedule 1 (1) makes it an offence for the driver of a motor vehicle to drive in a manner which is intended to menace another person, whether by a threat of personal injury or of damage to property. The penalty is the same as that for other major offences involving the driving of motor vehicles.

Schedule 1 (2) provides that the power of the court to find a person guilty of the new offence but not to proceed to conviction does not apply (as is the case with other major driving offences) if the offender has been found guilty of a major driving offence within the previous 5 years and the court did not proceed to a conviction on that occasion.

Schedule 1 (3) extends to the new offence the provisions relating to the disqualification from holding a driver's licence of a person convicted of a major driving offence.

**MOTOR TRAFFIC (MENACING DRIVING)
AMENDMENT BILL 1986**

NEW SOUTH WALES



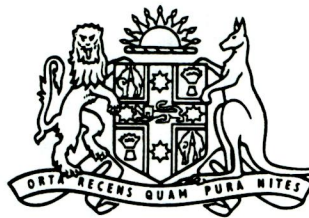
TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 5, 1909

SCHEDULE 1—AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909

**MOTOR TRAFFIC (MENACING DRIVING) AMENDMENT
BILL 1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Motor Traffic Act 1909 with respect to the menacing
of persons by drivers of motor vehicles.

Motor Traffic (Menacing Driving) Amendment 1986

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 "Motor Traffic (Menacing Driving) Amendment Act 1986".

Amendment of Act No. 5, 1909

2. The Motor Traffic Act 1909 is amended in the manner set forth in
10 Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909

(1) Section 4AA—

15 After section 4, insert:

Menacing driving

4AA. (1) Any person who drives a motor vehicle on a public street in a manner which is intended to menace another person shall be guilty of an offence against this Act.

20 (2) Subsection (1) applies—

- (a) whether the other person is menaced by a threat of personal injury or by a threat of damage to property; and
- (b) whether or not that person or that property is on a public street.

25 (3) A person is not liable to be convicted of both an offence under this section and an offence under section 4 arising out of a single incident.

*Motor Traffic (Menacing Driving) Amendment 1986*SCHEDULE 1—*continued*AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909—*continued*

(4) A person convicted of an offence under this section shall be liable—

(a) in the case of a first offence—to a penalty not exceeding \$1,500 or to imprisonment for a period not exceeding 9 months or to both such penalty and imprisonment; or

(b) in the case of a second or subsequent offence—to a penalty not exceeding \$2,000 or to imprisonment for a period not exceeding 12 months or to both such penalty and imprisonment.

(5) For the purposes of subsection (4), where a person is guilty of an offence under this section, that offence—

(a) is a second or subsequent offence as referred to in that subsection if and only if, within the period of 5 years immediately before being convicted of that offence, the person was convicted of a major offence; and

(b) otherwise shall be treated as a first offence.

(2) Section 10 (**Court may impose penalty and suspend licence on conviction, etc.**)—

Section 10 (5)—

Before “section 4E”, insert “section 4AA,”.

(3) Section 10A (**Disqualification for certain major offences**)—

Section 10A (1) (b) (ii)—

Before “section 4E”, insert “section 4AA,”.

**MOTOR TRAFFIC (MENACING DRIVING)
AMENDMENT ACT 1986 No. 4**

NEW SOUTH WALES



TABLE OF PROVISIONS

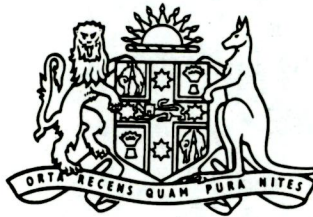
1. Short title
2. Amendment of Act No. 5, 1909

SCHEDULE 1—AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909



**MOTOR TRAFFIC (MENANCING DRIVING) AMENDMENT ACT
1986 No. 4**

NEW SOUTH WALES



Act No. 4, 1986

An Act to amend the Motor Traffic Act 1909 with respect to the menacing of persons by drivers of motor vehicles. [Assented to 21 April 1986.]

Motor Traffic (Menacing Driving) Amendment 1986

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 "Motor Traffic (Menacing Driving) Amendment Act 1986".

Amendment of Act No. 5, 1909

2. The Motor Traffic Act 1909 is amended in the manner set forth in Schedule 1.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909

(1) Section 4AA—

After section 4, insert:

Menacing driving

4AA. (1) Any person who drives a motor vehicle on a public street in a manner which is intended to menace another person shall be guilty of an offence against this Act.

(2) Subsection (1) applies—

- (a) whether the other person is menaced by a threat of personal injury or by a threat of damage to property; and
- (b) whether or not that person or that property is on a public street.

(3) A person is not liable to be convicted of both an offence under this section and an offence under section 4 arising out of a single incident.

(4) A person convicted of an offence under this section shall be liable—

- (a) in the case of a first offence—to a penalty not exceeding \$1,500 or to imprisonment for a period not exceeding 9 months or to both such penalty and imprisonment; or

Motor Traffic (Menacing Driving) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE MOTOR TRAFFIC ACT 1909—*continued*

- (b) in the case of a second or subsequent offence—to a penalty not exceeding \$2,000 or to imprisonment for a period not exceeding 12 months or to both such penalty and imprisonment.
- (5) For the purposes of subsection (4), where a person is guilty of an offence under this section, that offence—
 - (a) is a second or subsequent offence as referred to in that subsection if and only if, within the period of 5 years immediately before being convicted of that offence, the person was convicted of a major offence; and
 - (b) otherwise shall be treated as a first offence.
- (2) Section 10 (**Court may impose penalty and suspend licence on conviction, etc.**)—
 - Section 10 (5)—
 - Before “section 4E”, insert “section 4AA,”.
- (3) Section 10A (**Disqualification for certain major offences**)—
 - Section 10A (1) (b) (ii)—
 - Before “section 4E”, insert “section 4AA,”.



