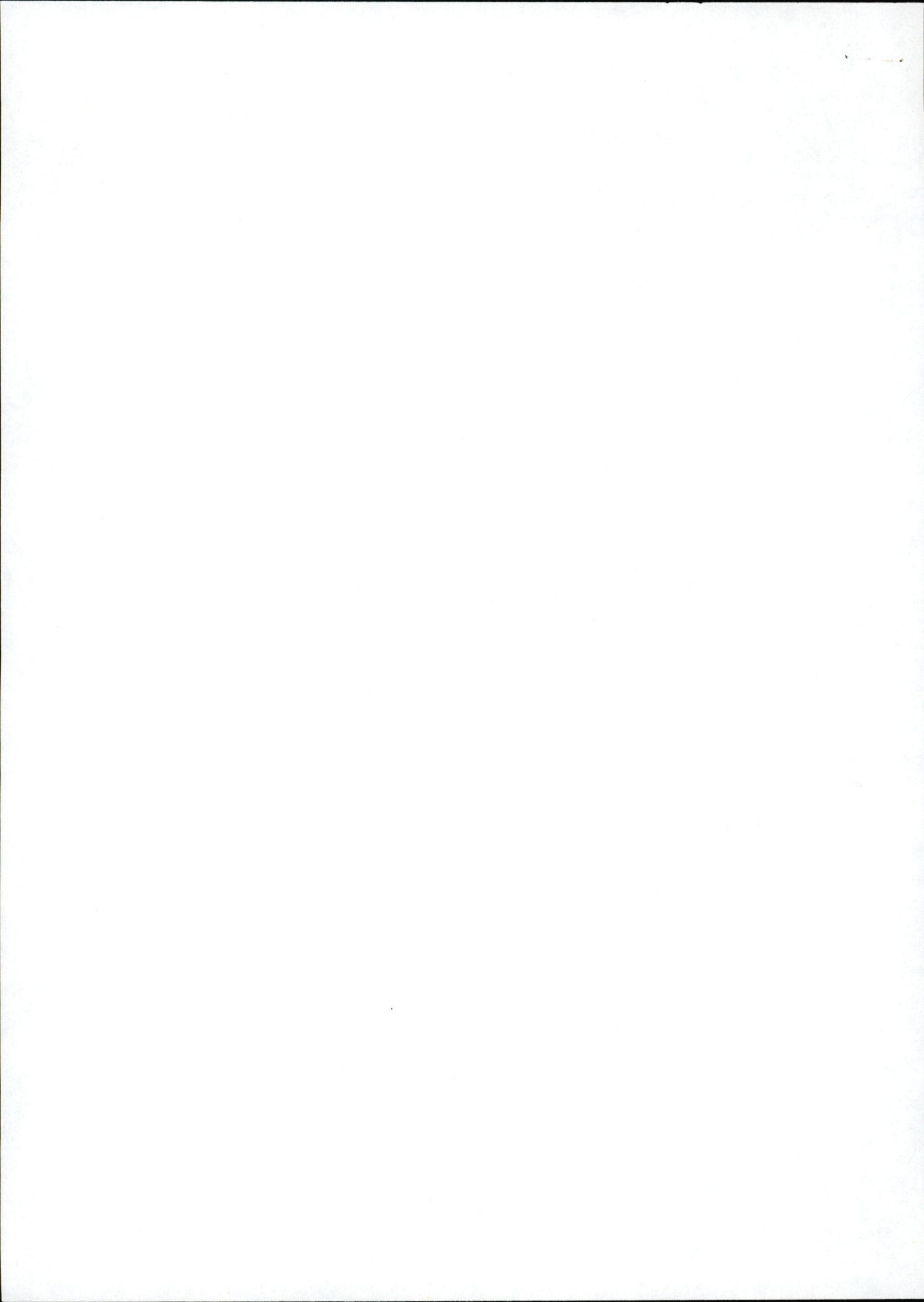


LEGISLATIVE COUNCIL

**TRAFFIC (OFFENCES)
AMENDMENT BILL 1992**

THE HON. ROBERT WEBSTER, MLC.



MR PRESIDENT,

I MOVE THAT THIS BILL BE NOW READ A SECOND TIME.

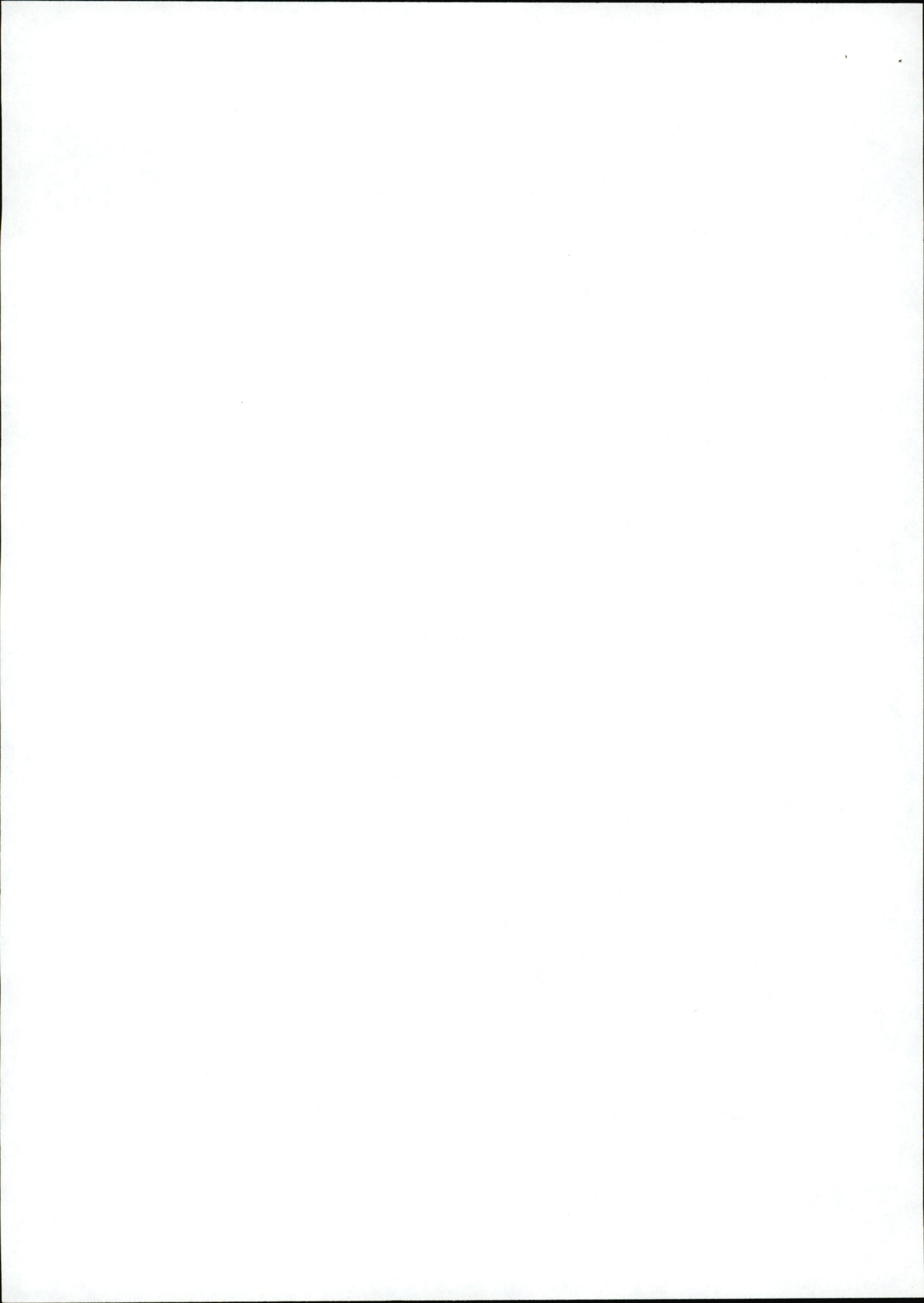
HONOURABLE MEMBERS, THE BILL BEFORE THE HOUSE IS MACHINERY IN NATURE TO CORRECT A DEFICIENCY IN THE TRAFFIC ACT 1909 IN RELATION TO THE PROSECUTION OF CAMERA DETECTED SPEEDING OFFENCES.

SECTION 18 A (1) OF THE TRAFFIC ACT CASTS "OWNER ONUS" UPON THE REGISTERED OWNER OF A MOTOR VEHICLE WHICH IS DETECTED EXCEEDING THE SPEED LIMIT BY A RADAR SPEED CAMERA.

THIS PROVISION WAS INCLUDED IN THE TRAFFIC (PHOTOGRAPHIC EVIDENCE) AMENDMENT ACT NO. 53 OF 1990 WHICH WAS PROCLAIMED TO COMMENCE ON 1 JANUARY 1991.

THE AMENDING ACT WAS DRAFTED TO COMPLEMENT THE THEN EXISTING "OWNER ONUS" ENFORCEMENT MEASURES SUCH AS THOSE FOR PARKING OFFENCES AND CAMERA DETECTED TRAFFIC LIGHT OFFENCES.

WHEN THE BILL WAS PUT BEFORE THIS HOUSE, IT RECEIVED UNANIMOUS SUPPORT FROM ALL MEMBERS.



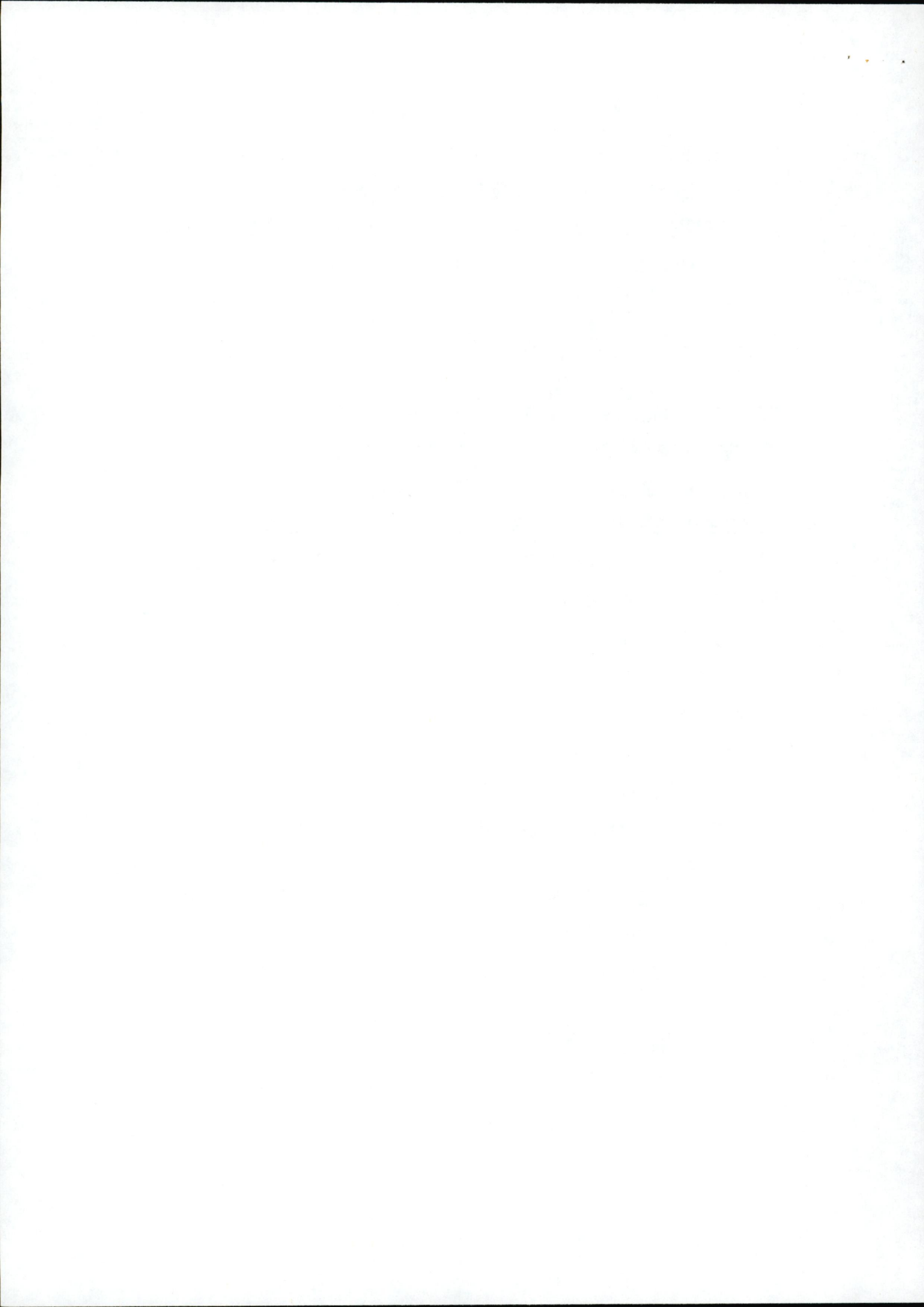
HOWEVER, A TECHNICAL DIFFICULTY HAS ARISEN IN THAT SECTION 18 A (1) OF THE TRAFFIC ACT REFERRED TO "AN OFFENCE UNDER THE REGULATION CONCERNED" WHEREAS THE CAMERA-RECORDED SPEEDING OFFENCE IS AN OFFENCE AGAINST THE ACT AND NOT THE REGULATION.

TO CONFIRM THE INTENTION OF THE TRAFFIC (PHOTOGRAPHIC EVIDENCE) AMENDMENT ACT 1990, WHICH WAS DEBATED IN THIS HOUSE DURING SEPTEMBER 1990, THIS LEGISLATION PROPOSES THE REMOVAL FROM SECTION 18A (1) OF THE TRAFFIC ACT THE WORD "REGULATION" AND THE INCLUSION INSTEAD OF THE WORD "PROVISION".

IT IS ALSO PROPOSED TO APPLY THIS AMENDMENT RETROSPECTIVELY TO 1 JANUARY 1991.

WE ARE NOT AWARE OF ANY ACTION BEFORE THE COURTS CONCERNING THIS ASPECT OF THE ACT. THEREFORE THE AMENDMENT IS NOT IN RESPONSE TO ANY COURT CHALLENGE WHICH MAY AFFECT PEOPLE'S RIGHTS.

AND THE INTENTION OF THE ORIGINAL BILL HAS NOT BEEN ALTERED IN ANY WAY.



I COMMEND THE BILL TO THE HOUSE AND LOOK FORWARD TO THE SUPPORT OF HONOURABLE MEMBERS IN ENSURING THE SUCCESSFUL PASSAGE OF THIS BILL IN THE INTERESTS OF THE CONTINUATION OF THE USE OF EFFECTIVE TECHNOLOGY IN OUR ENDEAVOURS TO CREATE A SAFER MOTORING ENVIRONMENT.

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FIRST PRINT

TRAFFIC (OFFENCES) AMENDMENT BILL 1992

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 Traffic Act 1909 to make it clear that the "owner-onus" provisions in section 18A of the Act apply in relation to offences under the Act as well as to offences under regulations.

Under those provisions, the owner of a motor vehicle in connection with which an offence is committed is taken to be guilty of the offence, unless certain other circumstances are established (e.g. that the vehicle was stolen or illegally taken or used).

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is taken to have commenced on 1 January 1991. This was the date of commencement of the Traffic (Photographic Evidence) Amendment Act 1990, which inserted provisions relating to offences under the Traffic Act 1909.

Clause 3 makes the amendment to section 18A (1) of the Traffic Act 1909, as described above.

FIRST PRINT

TRAFFIC (OFFENCES) AMENDMENT BILL 1992

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Traffic Act 1909 No. 5, sec. 18A (Liability of motor vehicle owner for designated offences)
-

TRAFFIC (OFFENCES) AMENDMENT BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to amend the Traffic Act 1909 in relation to the liability of owners of motor vehicles for certain offences committed in relation to motor vehicles.

Traffic (Offences) Amendment 1992

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Traffic (Offences) Amendment Act 1992.

5 Commencement

2. This Act is taken to have commenced on 1 January 1991, being the date of commencement of the Traffic (Photographic Evidence) Amendment Act 1990.

10 Amendment of Traffic Act 1909 No. 5, sec. 18A (Liability of motor vehicle owner for designated offences)

3. The Traffic Act 1909 is amended by omitting from section 18A (1) the word "regulation" and by inserting instead the word "provision".

TRAFFIC (OFFENCES) AMENDMENT ACT 1992 No. 71

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Traffic Act 1909 No. 5, sec. 18A (Liability of motor vehicle owner for designated offences)
-

TRAFFIC (OFFENCES) AMENDMENT ACT 1992 No. 71

NEW SOUTH WALES



Act No. 71, 1992

An Act to amend the Traffic Act 1909 in relation to the liability of owners of motor vehicles for certain offences committed in relation to motor vehicles. [Assented to 19 November 1992]

Traffic (Offences) Amendment Act 1992 No. 71

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Traffic (Offences) Amendment Act 1992.

Commencement

2. This Act is taken to have commenced on 1 January 1991, being the date of commencement of the Traffic (Photographic Evidence) Amendment Act 1990.

Amendment of Traffic Act 1909 No. 5, sec. 18A (Liability of motor vehicle owner for designated offences)

3. The Traffic Act 1909 is amended by omitting from section 18A (1) the word "regulation" and by inserting instead the word "provision".

*[Minister's second reading speech made in—
Legislative Assembly on 18 November 1992
Legislative Council on 19 November 1992]*

