

**TRAFFIC (NEGLIGENT DRIVING OFFENCES) AMENDMENT  
ACT 1994 No. 79**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Traffic Act 1909 No. 5

SCHEDULE 1—AMENDMENT OF TRAFFIC ACT 1909

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**TRAFFIC (NEGLIGENT DRIVING OFFENCES) AMENDMENT  
ACT 1994 No. 79**

NEW SOUTH WALES



**Act No. 79, 1994**

An Act to amend the Traffic Act 1909 in relation to negligent driving offences. [Assented to 12 December 1994]

*Traffic (Negligent Driving Offences) Amendment Act 1994 No. 79*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Traffic (Negligent Driving Offences) Amendment Act 1994.

**Commencement**

2. This Act commences on a day appointed by proclamation.

**Amendment of Traffic Act 1909 No. 5**

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

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**SCHEDULE 1—AMENDMENT OF TRAFFIC ACT 1909**

(Sec. 3)

**Section 4 (Negligent, furious or reckless driving):**

(a) Omit section 4 (3) (a), insert instead:

(a) where the conviction is for the offence of driving a motor vehicle upon a public street negligently:

- (i) in the case of driving occasioning death—to a penalty not exceeding 20 penalty units or to imprisonment for a period not exceeding 12 months or to both such penalty and imprisonment; or
- (ii) in the case of driving occasioning grievous bodily harm—to a penalty not exceeding 15 penalty units or to imprisonment for a period not exceeding 6 months or to both such penalty and imprisonment; or
- (iii) in any other case—to a penalty not exceeding 5 penalty units; or

*Traffic (Negligent Driving Offences) Amendment Act 1994 No. 79*

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SCHEDULE 1—AMENDMENT OF TRAFFIC ACT 1909—  
*continued*

(b) After section 4 (4), insert:

(5) In this section, “**grievous bodily harm**” includes any permanent or serious disfigurement.

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[*Minister's second reading speech made in—  
Legislative Council on 27 October 1994  
Legislative Assembly on 1 December 1994*]

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**TRAFFIC (NEGLIGENT DRIVING OFFENCES) AMENDMENT  
BILL 1994**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

This Bill is cognate with the Crimes (Dangerous Driving Offences) Amendment Bill 1994.

The object of this Bill is to amend the Traffic Act 1909 to implement certain recommendations of the Staysafe Committee in its report tabled in the Legislative Assembly on 8 March 1994 relating to section 4 (negligent, furious or reckless driving) of the Act. At present a person who is convicted of the offence of driving a motor vehicle negligently upon a public street is liable to a maximum penalty of 5 penalty units (currently \$500). The amendments retain that basic penalty, but also provide for increased penalties where the negligence:

- (a) occasions death (a maximum of 20 penalty units or 12 months imprisonment (or both)); or
- (b) occasions grievous bodily harm (a maximum of 15 penalty units or 6 months imprisonment (or both)).

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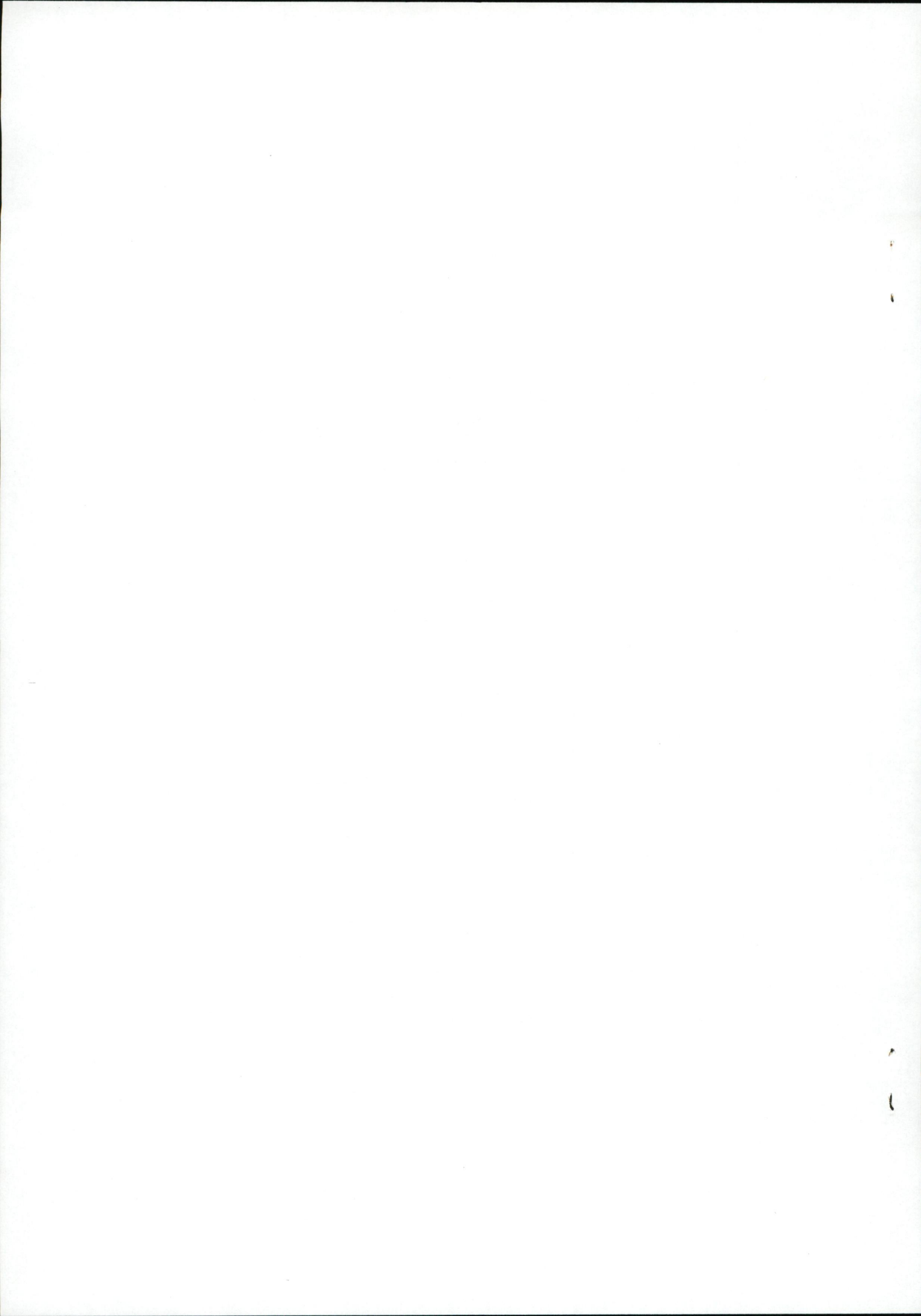
**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day appointed by proclamation.

**Clause 3** is a formal provision which gives effect to the Schedule of amendments to the Traffic Act 1909.

**Schedule 1** makes the amendments described above.

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FIRST PRINT

**TRAFFIC (NEGLIGENT DRIVING OFFENCES) AMENDMENT  
BILL 1994**

NEW SOUTH WALES

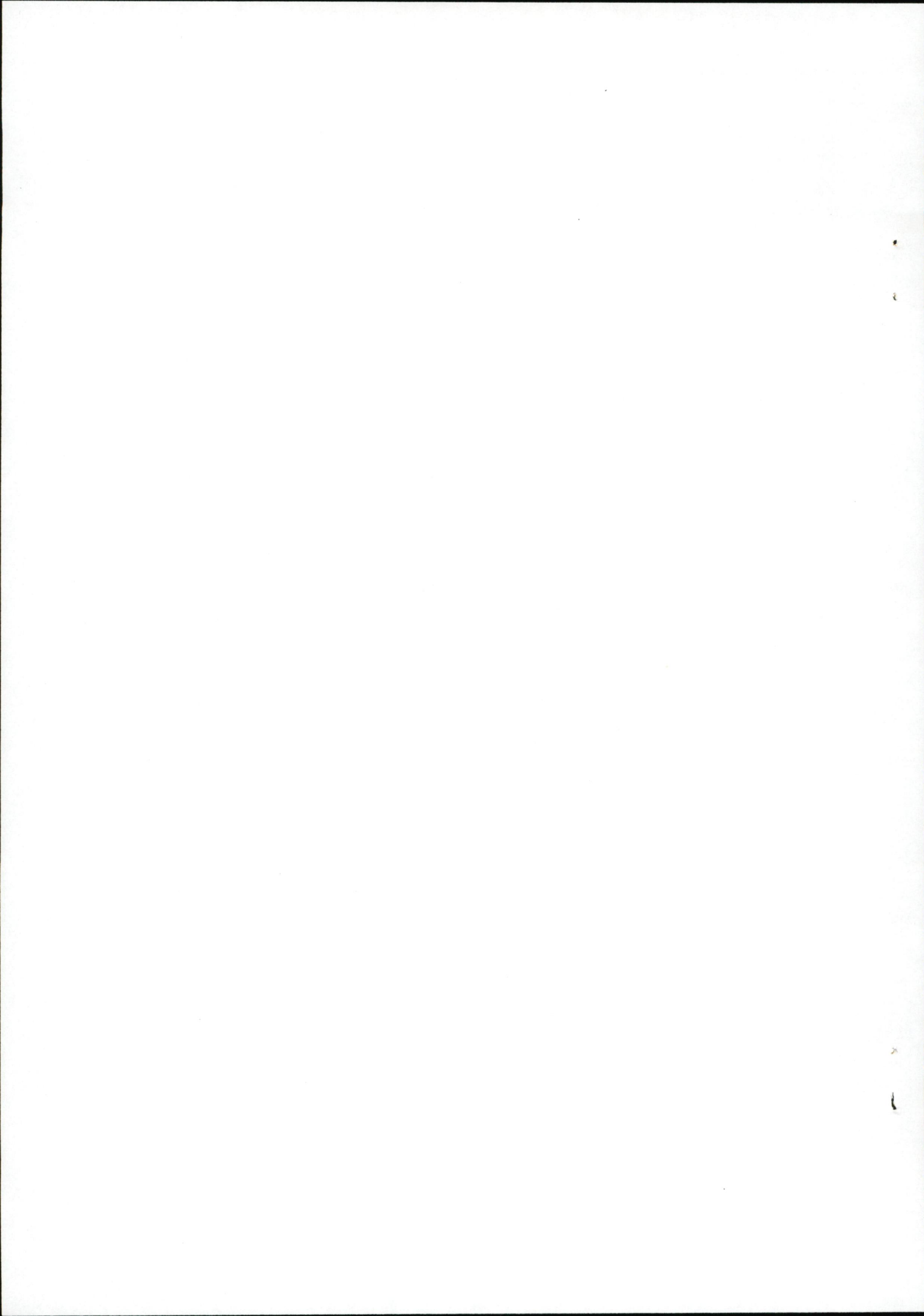


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SCHEDULE 1—AMENDMENT OF TRAFFIC ACT 1909

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**TRAFFIC (NEGLIGENT DRIVING OFFENCES) AMENDMENT  
BILL 1994**

NEW SOUTH WALES



No. , 1994

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**A BILL FOR**

An Act to amend the Traffic Act 1909 in relation to negligent driving offences.

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*Traffic (Negligent Driving Offences) Amendment 1994*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Traffic (Negligent Driving Offences) Amendment Act 1994.

5 **Commencement**

2. This Act commences on a day appointed by proclamation.

**Amendment of Traffic Act 1909 No. 5**

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

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**SCHEDULE 1—AMENDMENT OF TRAFFIC ACT 1909**

(Sec. 3)

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**Section 4 (Negligent, furious or reckless driving):**

(a) Omit section 4 (3) (a), insert instead:

(a) where the conviction is for the offence of driving a motor vehicle upon a public street negligently:

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(i) in the case of driving occasioning death—to a penalty not exceeding 20 penalty units or to imprisonment for a period not exceeding 12 months or to both such penalty and imprisonment; or

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(ii) in the case of driving occasioning grievous bodily harm—to a penalty not exceeding 15 penalty units or to imprisonment for a period not exceeding 6 months or to both such penalty and imprisonment; or

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(iii) in any other case—to a penalty not exceeding 5 penalty units; or

(b) After section 4 (4), insert:

(5) In this section, “**grievous bodily harm**” includes any permanent or serious disfigurement.

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