

Road Safety (Amendment) Bill

EXPLANATORY MEMORANDUM

Clause 1 provides that the purposes of the Act are—

- (a) to amend the *Road Safety Act 1986* about the assessment, education and relicensing of convicted drink drivers.
- (b) to make various other amendments to that Act about—
 - (i) the learner permit age.
 - (ii) production of driver licences and permits on request.
 - (iii) owner onus offences.
 - (iv) tailgating infringements.
 - (v) probationary driver infringements.
 - (vi) tampering with specified equipment.
- (c) to make amendments to the *Penalties and Sentences Act 1985*, the *Marine Act 1988* and the *Local Government Act 1958*.

Clause 2 provides that the Act comes into operation on a day or days to be proclaimed.

Clause 3 identifies the *Road Safety Act 1986* as the Principal Act.

Clause 4 inserts definition into the Principal Act for the purposes of the new provisions i.e. “Accredited agency”, “Accredited drink-driving education program”, “Chief General Manager”, “Licence restoration report”, “Probationary driver infringement” and “Tailgating infringement”. It also amends the definitions of “Prescribed concentration of alcohol” and “Traffic infringement”.

Clause 5 requires a person convicted of a first offence involving a blood alcohol reading of 0.10 gm/100ml or more or any subsequent drink driving offence to revert to probationary driver status upon being relicensed.

Clause 6 reduces the minimum age for obtaining a learner permit from 17 years to 16 years except in the case of motor cycles.

Clause 7 amends the section of the Principal Act which relates to licence cancellation and disqualification for drink-driving offences. It introduces new requirements for certain convicted drivers to obtain an alcohol usage assessment report and a licence restoration report before being eligible for relicensing.

Clause 8 introduces new requirements for certain drink drivers to undergo a drink driving education program before being eligible for relicensing. These provisions are in new section 50A and replace the requirements of section 52 (3) to (7) of the Principal Act.

Clause 9 makes consequential amendments to section 52 of the Principal Act in light of Clauses 4 and 8.

Clauses 10 abolishes the 7 day grace period for production of driver licences and permits on request. It makes a consequential adjustment of the penalty for non-production of a driver licence or permit.

Clause 11 amends section 66 of the Principal Act, which relates to owner onus for offences detected by a photographic detection device, to cater for new non-photographic

technology. It also amends the circumstances in which an owner can avoid owner onus liability and repeals section 67 of the Principal Act to remove the duplication between that section and section 88 in relation to infringement notices.

Clause 12 amends the provisions of the Principal Act relating to unlawful tampering with vehicles to include a new offence of tampering with specified devices and to increase the penalties.

Clause 13 makes consequential amendments of the evidentiary provisions in the Principal Act concerning photographic detection devices, in light of the amendments made by Clause 11.

Clause 14 inserts section 87A into the Principal Act to define the offence of tailgating and to require the Roads Corporation to suspend a person's driver licence or permit for 3 months if they are convicted of a tailgating offence.

Clause 15 inserts section 89AA into the Principal Act to define the term "licence loss infringement". This term encompasses two existing categories of infringements, namely, drink driving and excessive speed and two new categories, namely tailgating and probationary driver infringements. Consequential amendments are made to the existing sections 89A, 89B and 89E which set out the licence loss infringement notice procedure.

Clause 16 inserts new sections 89DA and 89DB. These sections set out the licence suspension consequences of tailgating infringements and probationary driver infringements when they are dealt with under the new infringement notice procedure.

Clause 17 repeals section 39 (2) and (5) of the *Penalties and Sentences Act 1985* to ensure that a person placed on a community based order as result of a second or subsequent drink-driving offence does not avoid the mandatory licence cancellation provisions of the Road Safety Act.

Clause 18 inserts additional regulation-making powers in the *Marine Act 1988* concerning alcohol testing procedures. These powers are similar to those contained in the Road Safety Act.

Clause 19 provides for the repeal of section 555A (7A) and (7B) of the *Local Government Act 1958* to facilitate the introduction of a new disabled parking scheme under the *Road Safety Act 1986*.

Clause 20 makes consequential amendments to the *Magistrates (Summary Proceedings) Act 1975* and the *Magistrates' Court Act 1989*.