

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Tuesday, the 1st Day of December 1970

TRANSPORT AMENDMENT BILL

Proposed Amendments

Hon. Mr GORDON, in Committee, to move the following amendments:

Clause 1: To omit *subclause (2)*, and substitute the following subclauses:

(2) Part I of this Act (except sections 42 and 43 of the principal Act as substituted by section 2 of this Act), Part II of this Act, and the Schedule to this Act shall come into force on the 1st day of February 1971.

(2A) Sections 42 and 43 of the principal Act (as so substituted) shall come into force on a date to be fixed by Order in Council.

To omit from subclause (4) the words "subsections (2)" in line 1 on page 3, and substitute the words "subsections (2), (2A)".

Clause 2 (new section 30): To insert, after subsection (1), the following subsection:

"(1A) For the purposes of paragraph (c) of subsection (1) of this section, an offence against section 39 of this Act (as in force before the commencement of this section) committed before the commencement of this section shall be deemed to be an offence against subsection (1) of section 35 of this Act.

Clause 2, new section 42: To insert, after subsection (9), the following subsection:

"(9A) Where in any proceedings for an offence against subsection (9) of this section it is proved that the defendant drove at a speed not less than the actual speed specified in the speeding-infringement notice, he shall be deemed to have driven at the speed so specified."

Clause 2 (new section 44): To omit from subsection (1) (on page 17) the words "subsection (9) of section 42 or" in line 30.

Clause 3, subclause (3): To omit paragraph (a), and substitute the following paragraphs:

(a) Subsection (5) of section 2 of the principal Act (as added by section 2 of the Transport Amendment Act (No. 2) 1963) and the Third Schedule to the principal Act:

(aa) The Transport Amendment Act (No. 2) 1963:

Clause 14: To omit from subclause (1) the words "1st day of January" in lines 11 and 12, and substitute the words "28th day of February".

To omit paragraphs (a) to (c) of subsection (4), and substitute the following paragraphs:

"(a) Where the notice is delivered to the Registrar before the 28th day of February in any licensing year as defined in section 6 of this Act and no date is specified therein as the date on which it shall take effect, the notice shall take effect on the first day of July in the following licensing year:

"(b) Where the notice is delivered to the Registrar before the 28th day of February in any such licensing year and is expressed to take effect on a date earlier than the 1st day of July in the following licensing year, it shall not take effect on the date specified therein but shall take effect on the 1st day of July in that following licensing year:

"(c) Where the notice is delivered to the Registrar before the 28th day of February in any such licensing year and is expressed to take effect on a date after the 1st day of July in the next following licensing year, it shall not take effect on the date specified therein but shall take effect on the 1st day of July in the licensing year following the date so specified:

"(d) Where the notice is delivered after the 28th day of February in any such licensing year and on or before the 30th day of June in that licensing year, then, whether or not the date on which it is to take effect is specified therein, it shall take effect on the 1st day of July in the second licensing year following the licensing year in which the notice is given."

Clause 15: To omit from subparagraph (ii) of the proposed new paragraph (a) the words "one-day trips" in line 6, and substitute the words "trips not exceeding 3 days".

Schedule: To insert, after the item relating to section 84 of the principal Act, the following item:

Section 90G (as inserted by section 6 of the Transport Amendment Act 1963 and amended by section 7 of the Decimal Currency Act 1964)

By omitting from subsection (3) the words "and is liable to a fine not exceeding two hundred dollars".

EXPLANATORY NOTE

Clause 1: The effect of these amendments is that Part I (except the new sections 42 and 43), Part II, and the Schedule will come into force on 1 February 1971, instead of on a date to be fixed by Order in Council.

The new sections 42 and 43 (which relate to the speeding-infringement fee system) are to come into force on a date to be fixed by Order in Council. It is necessary to delay the date of their commencement as notices required by section 42 must be drafted and gazetted and forms necessary for the administration of the system must be printed.

Clause 2 (new section 30): The new section 30 (1) (c) provides a penalty and disqualification for a second or subsequent offence against section 35 (1) of driving while disqualified or in breach of a limited licence.

The effect of this amendment is to make it clear that for the purpose of determining whether an offence against section 35 (1) is a second or subsequent offence, an offence against the present corresponding provision is to be taken into account.

Clause 2, new section 42: It has been suggested that as speeding-infringement fees are to be fixed in relation to an actual speed, it might be a defence to a charge of not paying a speeding-infringement fee that the defendant drove at a speed exceeding that stated in the speeding-infringement notice, as in such a case the notice might be defective.

The purpose of this amendment is to meet the possibility of such a technical defence being raised by providing that if it is proved that the defendant drove at a speed not less than the actual speed specified in the speeding-infringement notice, he will be deemed to have driven at the speed specified in the notice.

Clause 2 (new section 44): This amendment is consequential on the amendment to section 42 proposed by the Statutes Revision Committee that payment of a speeding-infringement fee or a conviction for not paying such a fee will result in demerit points being recorded against the driver as if he had been convicted of the speeding offence that constituted the speeding infringement.

Clause 3: This amendment adds to the consequential repeals section 2 (5) of the principal Act and the Transport Amendment Act (No. 2) 1963. These additional repeals are consequential on the repeal of the Third Schedule to the principal Act.

Clause 14: These amendments extend until 28 February in any licensing year the date before which notice of willingness to undertake third-party risks insurance business must be given for the notice to operate in respect of the next licensing year, and reduce from 6 months to 4 months the minimum length of notice that must be given of intention to cease third-party risks insurance business.

Provision is also made for all notices of intention to cease third-party risks insurance business to come into effect at the beginning of a licensing year.

Clause 15: This amendment will enable school-bus operators to undertake trips of up to 3 days conducted as part of the school curriculum without being licensed under the principal Act.

Schedule: This is a further consequential amendment. The general penalty for offences is now in the new section 30 (3) (inserted by clause 2), and this amendment is consequential on that provision.
