

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Friday, 30 September 1983

TRANSPORT AMENDMENT BILL (NO.4)

Proposed Amendments

(The amendments in this Supplementary Order Paper are in substitution for the amendments to clause 14 set out in Supplementary Order Paper No. 13.)

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

Clause 14: New section 66; subsection (1): To insert in line 38 on page 30, after the words "has been", the words "or is being".

To insert in line 44 on page 30, after the words "has been", the words "or is being".

New section 66 (1A) and (1B): To insert, at the foot of page 30, the following subsections:

"(1A) Notwithstanding **subsection (1)** of this section, any traffic officer wearing a cap, hat, or helmet that identifies him as a traffic officer may, whether or not he has good cause to suspect that any offence has been or is being committed against Part VII of this Act (which relates to transport licensing) or the Road User Charges Act 1977 or any regulations authorised by that Part of this Act or made under the Road User Charges Act 1977 and for the time being in force, direct the driver of any heavy motor vehicle on any road to stop that vehicle and remain stopped so that he or any other traffic officer may determine whether or not, in his opinion, any such offence has been or is being committed.

"(1B) It shall not be a defence to any proceedings for any offence against this Act, the Road User Charges Act 1977, or any regulations or bylaws for the time being in force under either of those Acts that all or any of the requirements of **subsection (1)** or **subsection (1A)** of this section relating to the wearing of a uniform or the wearing of a cap, hat, or helmet have not been strictly complied with unless the Court is satisfied that the failure to comply with those requirements led to the defendant having a reasonable doubt that the person concerned was a constable or traffic officer.

New section 66 (2): To insert in line 1 on page 31, after the expression "**subsection (1)**", the expression "or **subsection (1A)**".

New section 66 (3): To insert in line 12 on page 31, after the expression "**subsection (1)**", the expression " , **subsection (1A)**".

EXPLANATORY NOTE

The amendment to the proposed *section 66 (1)* extends the provision so that it applies in respect of offences that are suspected of currently being committed, on the same basis as those that are suspected to have been committed.

The proposed *section 66 (1A)* extends the power of a traffic officer to direct drivers to stop vehicles. That power is also given to traffic officers wearing a cap, hat, or helmet where the direction is given to the driver of a heavy motor vehicle and is in relation to the enforcement of Part VII of the Transport Act 1962 (which relates to transport licensing), the Road User Charges Act 1977, or subordinate legislation under those provisions.

The proposed *section 66 (1B)* provides that it is not a defence to any charge under the Transport Act 1962, the Road User Charges Act 1977, or subordinate legislation under those Acts that the requirements relating to the wearing of a uniform or a cap, hat, or helmet have not been strictly complied with unless the Court is satisfied that the failure to comply led to the defendant having a reasonable doubt that the person concerned was a constable or traffic officer.

The amendments to *subsections (2) and (3)* of the proposed *section 66* are consequential upon the proposed *subsection (1A)*.
