

TRAFFIC (FINE DEFAULT) AMENDMENT ACT 1992 No. 67

NEW SOUTH WALES



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TRAFFIC (FINE DEFAULT) AMENDMENT ACT 1992 No. 67

NEW SOUTH WALES



Act No. 67, 1992

An Act to amend the Traffic Act 1909 to enable cancellation of drivers' licences and vehicle registrations for non-payment of fines imposed for illegal parking in council car parks; to amend certain other Acts consequentially; and for other purposes. [Assented to 3 November 1992]

Traffic (Fine Default) Amendment Act 1992 No. 67

The Legislature of New South Wales enacts:

Short title

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

Commencement

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

Amendment of Traffic Act 1909 No. 5

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

Consequential amendment of Local Government Act 1919 No. 41

4 The Local Government Act 1919 is amended as set out in Schedule 2.

Consequential amendment of Justices Act 1902 No. 27, s. 100I (Interpretation)

5. The Justices Act 1902 is amended by omitting from the matter relating to the Local Government Act 1919 in the definition of “penalty notice” in section 100I the matter “or 270S (1)”.

Saving

6. Section 18B of the Traffic Act 1909 does not apply to or in respect of an offence committed or allegedly committed before the commencement of this Act. Division 13B of Part 9 of the Local Government Act 1919 and section 100I of the Justices Act 1902, as in force immediately before the commencement of this Act, are taken to continue to apply to and in respect of any such offences.

SCHEDULE 1—AMENDMENT OF TRAFFIC ACT 1909

(Sec. 3)

Section 18B (Penalty notices for certain offences):

- (a) After section 18B (1) (b), insert:
 - (bb) has committed, or by virtue of section 270R of the Local Government Act 1919, is guilty of, any prescribed offence under any ordinance made for carrying Division 13B of Part 9 of that Act into effect;
- (b) In section 18B (2) (b), after “section 270O”, insert “or 270R”.

SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF LOCAL GOVERNMENT ACT 1919

(Sec. 4)

(1) Section 270R (Liability of vehicle owner for certain offences):

- (a) Omit section 270R (a), insert instead:
 - (a) in any case where the offence is dealt with under section 18B of the Traffic Act 1909, the person satisfies the prescribed officer under that section that the vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used; or
- (b) Omit section 270R (2A) (a), insert instead:
 - (a) in any case where the offence is dealt with under section 18B of the Traffic Act 1909, the owner:
 - (i) within 21 days after service on the owner of a notice under that section alleging that he or she has been guilty of the offence, supplies by statutory declaration to the prescribed officer under that section the name and address of the person who was in charge of the vehicle at all relevant times relating to the offence; or

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SCHEDULE 2—CONSEQUENTIAL AMENDMENT OF LOCAL
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- (ii) satisfies that officer that the owner did not know
and could not with reasonable diligence have
ascertained that name and address; or

- (2) Section 270S (**Penalty notices for certain offences**):
Omit the section.
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*[Minister's second reading speech made in—
Legislative Assembly on 15 October 1992
Legislative Council on 28 October 1992]*