

[Act 1996 No 145]



New South Wales

Traffic Amendment (Street and Illegal Drag Racing) Bill 1996

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Traffic Act 1909* so as to prohibit practices associated with the operation of a motor vehicle for drag racing and other activities and to provide for the confiscation of a vehicle used for such practices.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day to be proclaimed.

Clause 3 is a formal provision giving effect to the amendments to the *Traffic Act 1909* set out in Schedule 1.

Clause 4 provides that the provisions inserted into the *Traffic Act 1909* by the proposed Act expire 6 months after they commence, unless both Houses of Parliament resolve otherwise.

Clause 5 provides for the general monitoring and review, by the Staysafe Committee, of the amendments made by the proposed Act.

Schedule 1 [1] inserts new sections 4BA, 4BB and 4BC into the Act.

Proposed section 4BA prohibits a person from operating a motor vehicle in a manner that causes it to lose traction against the road surface or otherwise in connection with activities prescribed by the regulations, for example organised street and illegal drag racing.

Proposed section 4BB provides for impounding of a vehicle used for any practice prohibited under proposed section 4BA or for actual street racing (prohibited by existing section 4B of the Act). The impounded car may be kept by police until the offence has been dealt with by law or until the statutory period prescribed under section 4BC in relation to the offence has expired, unless an owner of the vehicle comes forward to show that the offence was committed without his or her consent or knowledge.

Proposed section 4BC provides for further measures against the offender if the offence is found proven in court or (in the case of an offence under proposed section 4BA) is dealt with by payment of the penalty under a penalty notice. For a first offence, the vehicle is automatically liable to impounding for 3 months. For a second or subsequent offence under section 4B or proposed section 4BA, the vehicle is automatically forfeited to the Crown. A court dealing with the offence has a discretion to reduce these measures if, in its opinion, there is good reason to do so.

Schedule 1 [2] inserts a new Schedule 2 into the Act, which contains provisions regulating dealing with impounded vehicles, including the conditions on which they may be returned to owners who were not party to the offences.