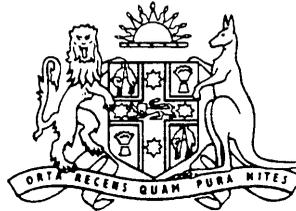


[Act 1998 No 1]



New South Wales

Traffic Amendment (Confiscation of Keys and Driving Prevention) Bill 1998

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* to give police officers the power to prevent persons who are under the influence of alcohol or other drugs from driving motor vehicles.

Under proposed section 26A, if a police officer is of the opinion that a person who is driving (or about to drive) a motor vehicle is under the influence of alcohol or any other drug, the police officer may prohibit the person from driving and require the person to hand over the ignition keys to the police officer or to another responsible person in the company of the person driving or about to drive. The police officer may also take action to have the motor vehicle immobilised or removed to a place of safety. If the person contravenes any such prohibition or requirement, or attempts to obstruct the police officer in exercising the officer's powers under the proposed section, the person will be guilty of an offence (maximum penalty 10 penalty units).

A consequential amendment is also made to section 17 of the *Traffic Act 1909* to ensure that police officers will not be liable for any action that they take in relation to the confiscation of keys, or the immobilisation, detention or removal of motor vehicles, under proposed section 26A.

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 appointed by proclamation.

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

Schedule 1 amends the *Traffic Act 1909* as described in the above overview.