Explanatory Memorandum

Road Traffic (Miscellaneous Amendments) Bill 2012

Part 1 Preliminary

1. Short title

This clause provides that when this Bill receives the Royal Assent, it will be known as the Road Traffic (Miscellaneous Amendments) Act 2012.

2. Commencement

This clause sets out when the various provisions of this Bill will commence operation.

Paragraph (c) of this clause will therefore provide for clauses 12, 13 and 14 to commence operation when the Road Traffic (Administration) Act 2008 section 44 commences operation.

The Road Traffic (Administration) Act 2008 has yet to commence operation. It forms part of the suite of reforms comprising the:

- Road Traffic Legislation Amendment Act 2012;
- Road Traffic (Authorisation to Drive) Act 2008;
- Road Traffic (Vehicles) Act 2012; and
- Road Traffic Legislation Amendment Act 2012.

All four pieces of legislation are drafted so as to commence operation simultaneously. Work is currently underway to draft the extensive supporting regulations required to make the suite of reforms operational.

Paragraph (c) of this clause will therefore provide for clauses 12, 13 and 14 to commence operation when the suite of reforms commences operation.
Part 2 Road Traffic Act 1974 amended

3. Act amended

Road Traffic Act 1974.

This clause provides that the amendments contained in this part of the Bill will amend the

4. Section 49AB inserted

Road Traffic Act 1974.

This clause is connected with amendments contained in clauses 5, 10 and 11.

The second change concerns reference in the existing provision to a speed limit.

The first change concerns the language of an intended drafting anomaly.

New section 49AB(1)(b) will replace the substance of existing section 59B(3)(a), subject to

Note

That apply to Part V as a whole.

The substance of sections 59B(3) and 59B(4) to Part V Division 12, which contains definitions

of offences committed against other provisions of the RTA. For this reason, this clause moves

the offence of dangerous driving causing death or grievous bodily

harm" (as defined in section 59B(3)), as a consequence, clause 8 will delete sections 59B(3) and 59B(4).

This clause is connected with amendments contained in clauses 5, 10 and 11.

The following minor changes will correct unintended drafting anomalies.

New section 49AB(1)(b) will replicate the substance of existing section 59B(3)(a), subject to

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This clause is connected with amendments contained in clauses 5, 10 and 11.

The following minor changes will correct unintended drafting anomalies.

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Note

That apply to Part V as a whole.

The substance of sections 59B(3) and 59B(4) to Part V Division 12, which contains definitions

of offences committed against other provisions of the RTA. For this reason, this clause moves

the offence of dangerous driving causing death or grievous bodily

harm" (as defined in section 59B(3)), as a consequence, clause 8 will delete sections 59B(3) and 59B(4).

This clause is connected with amendments contained in clauses 5, 10 and 11.
The third and final change is the inclusion, in the proposed replacement provision, of reference to a speed limit that is applicable to a length of road or "to a vehicle." This change is necessary to reflect that differing speed limits may apply on a single length of road, depending upon the type of vehicle that is being driven on that length of road. For example, a speed limit sign may apply to a person driving a heavy vehicle, while a different speed limit applying to a length of road or to a vehicle." This change is necessary to reflect that different speed limits may apply to a single length of road, depending upon the type of vehicle that is being driven on that length of road.

5. Section 53 amended

This clause will amend the Road Traffic Act 1994, section 53.

section 53 applies to a person driving a light vehicle.

A speed limit may apply to a person driving a heavy vehicle, while a different speed limit is necessary to reflect that different speed limits may apply to a single length of road, depending upon the type of vehicle that is being driven on that length of road. For example, a speed limit sign may apply to a person driving a heavy vehicle, while a different speed limit applying to a length of road or to a vehicle." This change is necessary to reflect that different speed limits may apply to a single length of road, depending upon the type of vehicle that is being driven on that length of road.
In addition, a court that convicts a person of the offence in these circumstances must order that the person be disqualified from holding or obtaining a driver's licence for a minimum period of 2 years.

These proposed sanctions are considered more appropriate, in view of the gravity of the offence, than the minor fines that currently apply. It is considered that they will act as a stronger deterrent to potential offenders.

Section 59 amended

The Road Traffic Act 1999 will ensure that this sentence is to apply, despite the provisions of the Sentencing Act 1995, which would otherwise provide for the availability of different sentencing options. In addition, section 59(4B) will provide that the court is to impose this sentence, regardless of whether the conviction is on indictment or summary proceedings.

New section 59(4A) will require a court convicting a person of an offence of dangerous driving to sentence the person to a minimum of 12 months' imprisonment. It will provide that this sentence may not be suspended, or any part of it, be suspended.

New section 59(4B) will provide that the sentence is to apply, regardless of the provisions of the Sentencing Act 1995.

This clause will insert new sections 59(4A) and 59(4B) in section 59.

Section 49AB(1)(c) (which will be inserted by clause 4), the circumstances are those in which the dangerous driving was in order to escape pursuit by a member of the Police Force, to escape the person to a place where the person was suspected of being engaged in criminal activities, or where the dangerous driving was in order to escape pursuit by a member of the Police Force, to escape the person to a place where the person was suspected of being engaged in criminal activities.

This clause will amend section 59 to require a court to impose a minimum sentence on a person who is convicted of an offence of dangerous driving, as a result of which death occurred. Pursuant to new section 49AB(1)(c), the circumstances are those in which the dangerous driving was in order to escape pursuit by a member of the Police Force, to escape the person to a place where the person was suspected of being engaged in criminal activities.

New section 59(4A) will require a court convicting a person of dangerous driving, as a result of which death occurred, to sentence the person to a minimum of 12 months' imprisonment. It will provide that this sentence may not be suspended.

New section 59(4B) will provide that the court is to impose this sentence, regardless of whether the convicted offender was dealt with summarily or on indictment.

Different penalties apply for offences against section 59, depending on whether:

- the dangerous driving resulted in death or resulted in grievous bodily harm; and
- the offender was dealt with summarily or on indictment; and
- the commission of the offence was attended by circumstances of aggravation described in new section 49AB(1)(c).

The commission of the offence was attended by circumstances of aggravation, and

- the death was dealt with summarily or on indictment; and
- the dangerous driving resulted in death or resulted in grievous bodily harm; and
- the commission of the offence was attended by circumstances of aggravation.

Section 59 amended

Strength determined to potential offenders.

These proposed sanctions are considered more appropriate, in view of the gravity of the offence, than the minor fines that currently apply. It is considered that they will act as a period of 2 years. In addition, a court that convicts a person of the offence in these circumstances must order that the person be disqualified from holding or obtaining a driver's licence for a minimum period of 2 years.
Existing section 59(3) will continue to provide that a court convicting a person of the offence must also order that the person is disqualified from holding or obtaining a driver's licence for a minimum period of 2 years.

The proposed sanction is significant, however it is considered it will act as a strong deterrent to the kind of prohibited driving being targeted.

Note: The penalties that currently apply to a person convicted of an offence of dangerous driving causing bodily harm are as follows.

- Where the convicted offender was dealt with summarily or on indictment, the court convicting the person of the offence must order that the person be disqualified from holding or obtaining a driver's licence for a minimum period of 2 years.

- The penalties that currently apply to a person convicted of an offence of dangerous driving causing bodily harm are as follows.

- Where the convicted offender was dealt with summarily or on indictment, the court convicting the person of the offence must order that the person be disqualified from holding or obtaining a driver's licence for a minimum period of 2 years.

Section 59A amended

Section 59A of the Road Traffic Act 1974 creates the offence of dangerous driving causing bodily harm. Different penalties apply for offences against section 59A, depending on whether:

- the offender was dealt with summarily or on indictment; and
- the commission of the offence was attended by circumstances of aggravation.

This clause will amend the penalties that apply in the case of a section 59A offence as follows to better reflect the severity of the offence.

- The commission of the offence was attended by circumstances of aggravation.
- The offender was dealt with summarily or on indictment.

Subclause (1) will amend section 59A(3) to increase the penalties that apply for an offence of dangerous driving causing bodily harm.

Subclause (2) will amend section 59A(4) to increase the applicable penalty, in the case of a first offence, from a fine of 80 Pu ($4,000) or imprisonment for 9 months to a fine of 180 Pu ($9,000) or imprisonment for 9 months.
A court convicting a person of a first offence will continue to be required to order that the person is disqualified from holding or obtaining a driver's licence for a minimum period of 12 months.

Paragraph (b) will increase the applicable penalty, in the case of a second or subsequent offence, from a fine of 160 PU ($8,000), or 18 months' imprisonment, to a fine of 360 PU ($18,000), or 18 months' imprisonment.

A court convicting a person of a second or subsequent offence will continue to be required to order that the person is disqualified from holding or obtaining a driver's licence for a minimum period of 18 months.

Subclause (2) will amend section 59A(3a) to increase the penalties that apply where an offence of dangerous driving causing bodily harm is committed either while the driver is under the influence of alcohol and/or drugs to such an extent as to be incapable of having proper control of the vehicle, or in circumstances in which the dangerous driving of which bodily harm occurred, committed in circumstances in which the dangerous driving as a result

New section 59A(4) will require a court convicting a person of dangerous driving as a result of which bodily harm occurred, committed in circumstances in which the dangerous driving, which was in order to escape pursuit by a member of the Police Force, to sentence the person to a minimum of 6 months' imprisonment. It will provide that this sentence may not be suspended.

Where such an offence is dealt with summarily, paragraph (a) will increase the applicable penalty from 18 months' imprisonment, or a fine of 160 PU ($8,000), to 3 years' imprisonment.

Where such an offence is dealt with on indictment, paragraph (b) will increase the applicable penalty from 7 years' imprisonment to 10 years' imprisonment.

A court will continue to be required to order that a person convicted of such an offence is disqualified from holding or obtaining a driver's licence for a minimum period of 2 years.

Penalty from 7 years, imprisonment to 10 years, imprisonment.

Penalty from 18 months, imprisonment to 3 years, imprisonment.

Subclause (2) will amend section 59A(3a) to increase the penalties that apply where an offence is committed in circumstances of aggravation. A court convicting a person of a second or subsequent offence will continue to be required to order that the person is disqualified from holding or obtaining a driver's licence for a minimum period of 18 months.

A court convicting a person of a first offence will continue to be required to order that the person is disqualified from holding or obtaining a driver's licence for a minimum period of 12 months.

(5) If an offence of dangerous driving causing bodily harm is committed either while the driver is under the influence of alcohol and/or drugs to such an extent as to be incapable of having proper control of the vehicle, or in circumstances in which the dangerous driving of which bodily harm occurred, committed in circumstances in which the dangerous driving, which was in order to escape pursuit by a member of the Police Force, to sentence the person to a minimum of 6 months' imprisonment.

The proposed sanction is significant, however it is considered it will act as a strong deterrent to the kind of prohibited driving being targeted.

Sentencing options.

New section 59A(4) will ensure that this sentence is to apply, despite the provisions of the

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Section 59B amended

This clause will delete sections 59B(3) and (4), as the substance of these provisions has been moved to new section 49AB, which will be inserted in clause 4 of this Bill.

Section 60 amended

This clause will amend the Road Traffic Act 1974 section 60, which creates the offence of reckless driving.

Subclause (1) will amend section 60(1c)(a)(iv).

Section 60(1c) provides that, in order for a person of a class described in section 60(1c) to defend himself or herself in the case of a section 60(1a) or 60(1b) charge, the person must establish that:

- the driving occurred while the person was on official duty; and
- the person was acting in the capacity of a member of the Police Force (see section 60(1c)(a)(i));
- fire and emergency service officers (see section 60(1c)(a)(ii)); and
- members of the Police Force (see section 60(1c)(a)(iii));
- the driving was carried out in circumstances where the person was acting in the capacity of a member of the Police Force, fire and emergency service officers, or members of the Police Force; and
- the driving was carried out at a speed that was less than the speed at which the person was required to drive by virtue of his or her duties.
Subclause (1) will delete the existing section 60(4) of the Road Traffic (Miscellaneous Amendments) Bill 2012 and replace it with a provision that an offence against section 60, that is committed in circumstances in which the reckless driving was to escape pursuit by a member of the Police Force, will constitute a crime.

Subclause (2) will amend section 60(3) to increase the penalty that apply to a person convicted of reckless driving so that they better reflect the severity of the offence.

Subclause (3) will insert new sections 60(4), 60(5), 60(6), and 60(7) in section 60.

Subclause (4) will provide that on a first or subsequent offence, the penalty will increase from 80 pu ($4,000) to 120 pu ($6,000).

Subclause (5) will provide that on a second offence, the penalty will increase from 120 pu ($6,000) to 180 pu ($9,000).

Subclause (6) will provide that on a third or subsequent offence, the penalty will increase from 180 pu ($9,000) to 240 pu ($12,000).

Subclause (7) will provide that on a first offence, the penalty will apply to a person who at the time of the driving, and any direction given under such a policy or guideline, is a member of the Police Force or a member of any other emergency worker.

Subclause (8) will provide that on a first or subsequent offence, the penalty that apply to a person who at the time of the driving, and any direction given under such a policy or guideline, is a member of the Police Force or a member of any other emergency worker, will increase from 80 pu ($4,000) to 120 pu ($6,000).

Subclause (9) will provide that on a second or subsequent offence, the penalty that apply to a person who at the time of the driving, and any direction given under such a policy or guideline, is a member of the Police Force or a member of any other emergency worker, will increase from 120 pu ($6,000) to 180 pu ($9,000).

Subclause (10) will provide that on a third or subsequent offence, the penalty that apply to a person who at the time of the driving, and any direction given under such a policy or guideline, is a member of the Police Force or a member of any other emergency worker, will increase from 180 pu ($9,000) to 240 pu ($12,000).

Subclause (11) will insert new sections 60(4), 60(5), 60(6), and 60(7) in section 60.

Subclause (12) will provide that on a first or subsequent offence, the penalty that apply to a person who at the time of the driving, and any direction given under such a policy or guideline, is a member of the Police Force or a member of any other emergency worker, will increase from 80 pu ($4,000) to 120 pu ($6,000).

Subclause (13) will provide that on a second or subsequent offence, the penalty that apply to a person who at the time of the driving, and any direction given under such a policy or guideline, is a member of the Police Force or a member of any other emergency worker, will increase from 120 pu ($6,000) to 180 pu ($9,000).

Subclause (14) will provide that on a third or subsequent offence, the penalty that apply to a person who at the time of the driving, and any direction given under such a policy or guideline, is a member of the Police Force or a member of any other emergency worker, will increase from 180 pu ($9,000) to 240 pu ($12,000).

Subclause (15) will insert new sections 60(4), 60(5), 60(6), and 60(7) in section 60.
Where a person is dealt with summarily, the maximum penalty for an offence committed in these circumstances will be 2 years' imprisonment.

Where a person is dealt with on indictment, the maximum penalty for an offence committed in these circumstances will be 5 years' imprisonment.

New section 60(5) paragraph (a) will require a court to impose a minimum sentence of 6 months' imprisonment on a person convicted of an offence committed in these circumstances.

New section 60(5) paragraph (b) will provide that this sentence may not be suspended.

New section 60(5) paragraph (c) will require a court, convicting an offender of a first or second offence committed in these circumstances, to order that the offender is disqualified from holding or obtaining a driver's licence for a minimum period of 2 years.

New section 60(5) paragraph (d) will require a court, convicting an offender of a third or subsequent offence committed in these circumstances, to order that the offender is permanently disqualified from holding or obtaining a driver's licence.

New section 60(6) will provide that the minimum sentence prescribed in new section 60(5) is to apply:

- regardless of whether the offender was dealt with summarily or was dealt with on indictment;
- and
- in accordance with the provisions of the Sentencing Act 1995 which would otherwise provide for the availability of different sentencing options.

The proposed sanction is significant, however it is considered it will act as a strong deterrent.

New section 61 amended

This clause will amend the Road Traffic Act 1974 section 61, which creates the offence of dangerous driving.

Where a person is dealt with summarily, the maximum penalty for an offence committed in these circumstances will be 2 years' imprisonment.

Where a person is dealt with on indictment, the maximum penalty for an offence committed in these circumstances will be 5 years' imprisonment.

New section 60(5) paragraph (a) will require a court to impose a minimum sentence of 6 months' imprisonment on a person convicted of an offence committed in these circumstances.

New section 60(5) paragraph (b) will provide that this sentence may not be suspended.

New section 60(5) paragraph (c) will require a court, convicting an offender of a first or second offence committed in these circumstances, to order that the offender is disqualified from holding or obtaining a driver's licence for a minimum period of 2 years.

New section 60(5) paragraph (d) will require a court, convicting an offender of a third or subsequent offence committed in these circumstances, to order that the offender is permanently disqualified from holding or obtaining a driver's licence.

New section 60(6) will provide that the minimum sentence prescribed in new section 60(5) is to apply:

- regardless of whether the offender was dealt with summarily or was dealt with on indictment;
- and
- despite the provisions of the Sentencing Act 1995 which would otherwise provide for the availability of different sentencing options.

The proposed sanction is significant, however it is considered it will act as a strong deterrent.

New section 61 amended

This clause will amend the Road Traffic Act 1974 section 61, which creates the offence of dangerous driving.
It will delete section 61(3), which prescribes the penalties that apply for an offence against section 61, and will replace it with a new section 61(3).

The new section 61(3) paragraph (a) will increase the penalties that apply to a person convicted of dangerous driving, to better reflect the seriousness of the offence. In the case of a first offence, it will provide for the penalty to increase from 16 PU ($800) to 60 PU ($3,000).

In the case of a subsequent offence, it will provide for the penalty to increase from 40 PU ($2,000), or 9 months' imprisonment, to 120 PU ($6,000), or 9 months' imprisonment. A court that convicts a person of a subsequent dangerous driving offence will continue to be required to order that the person is disqualified from holding or obtaining a driver's licence for a minimum period of 12 months.

The new section 61(3) paragraph (b) will provide that in the case of an offence against section 61, that is committed in circumstances in which the dangerous driving was to escape pursuit by a member of the Police Force, the penalty is 720 PU ($36,000) or imprisonment for 3 years. In addition, a court convicting a person of a dangerous driving offence committed in circumstances in which the dangerous driving was to escape pursuit by a member of the Police Force will continue to be required to order that the person is disqualified from holding or obtaining a driver's licence for a minimum period of 2 years.

It is considered that the proposed sanction will act as a strong deterrent to the kind of prohibited driving being targeted.

Section 61A inserted

This clause will insert a new section 61A in the Road Traffic Act 1974 (RTA).

Section 61A inserted

Section 61A will provide members of the Police Force with a defence to a prosecution for an offence of:

- dangerous driving causing death or grievous bodily harm (section 59A(1)(b));
- dangerous driving causing death or grievous bodily harm (section 59A(1)(b));
- dangerous driving causing death or grievous bodily harm (section 59A(1)(b));
- reckless driving (section 60(1));
- dangerous driving (section 61).

While these are very serious offences, there is a community expectation that members of the Police Force will protect the public and an understanding that this may sometimes involve members driving in a manner that carries with it some risk, where specified circumstances apply.

For an offence of:

New section 61A will provide members of the Police Force with a defence to a prosecution.

12th December 2012

Section 61A inserted

Section 61A inserted

It is considered that the proposed sanction will act as a strong deterrent to the kind of prohibited driving being targeted.

From holding or obtaining a driver's licence for a minimum period of 2 years.

For a minimum period of 12 months.

For a minimum period of 12 months.

For a minimum period of 12 months.

For a minimum period of 12 months.

For a minimum period of 12 months.

In the case of a first offence, it will provide for the penalty to increase from 15 PU ($750) to 30 PU ($1,500) for each of 12 months. In the case of a subsequent offence, the penalty will increase from 60 PU ($3,000) to 120 PU ($6,000) for each of 12 months. In the case of a subsequent offence, the penalty will increase from 60 PU ($3,000) to 120 PU ($6,000) for each of 12 months.

60 PU ($300).

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60 PU ($300).

60 PU ($300).
Guidelines and directions in relation to the driving.

Under proposed paragraph (d), a member of the Police Force will be required to establish that he or she was on official duty as an member of the Police Force at the time of the driving.

Relating driving

Under proposed paragraph (e), a member of the Police Force will be required to establish that he or she was on official duty as a response to a relevant offence.

New section 61A(1) sets out the three elements that a police officer must establish in order to defend himself or herself from a charge for a relevant offence.

The risks.

New section 61A(1) sets out the three elements that a police officer must establish in order to defend himself or herself from a charge for a relevant offence.

The proposed defence will provide members of the Police Force with appropriate levels of protection, without providing them with appropriate protection from criminal sanctions.

It is unreasonable to expect members of the Police Force to undertake driving of this nature, when it is in the course of their employment and in the interests of the community. For these reasons, the Commissioner mandates the actions members of the Police Force must take and the procedures they must follow before, during and after undertaking these driving duties.

The Commissioner recognises that there are risks involved in this driving, and issues directions in the form of policies and guidelines which ensure that the risks attached to this driving can be minimised and a balance is struck between those risks and the public benefit and community expectation that members of the Police Force will provide a proportionate response to prevent crime and respond to situations involving fires, hostage situations, armed robberies and blood and organ escorts.

Driving of such a kind include pursuits, responses to a range of other emergencies, and the escorting of blood and organ collection vehicles.
Reference in this paragraph to "substantial" compliance recognises that there may be circumstances in which it is appropriate, or necessary, given the relevant circumstances, for a member of the Police Force to diverge from an aspect of the policies.

Under proposed paragraph (c), the member of the Police Force will be required to establish that, in all of the circumstances relevant to the driving, it was objectively reasonable and in the public interest that he or she drove in the relevant manner.

Proposed paragraph (c) will enable the court to have regard to any matter it considers relevant in determining whether the driving was reasonable and in the public interest. Such matters may include evidence regarding the road and traffic conditions that were in existence at the time of the relevant driving, and the member’s honest and reasonable belief regarding the state of affairs that led to the driving or that was in force during the driving.

New section 61A(2) will make it clear that the availability of the defence in new section 61A(1) does not make a member of the Police Force unable to rely also upon another defence that is or might be available, such as, for example, a defence under the Criminal Code (WA).

Various references to "member of the Police Force" amended

A suite of legislation for the reform of the Road Traffic Act 1974 (RTA) comprising the:

- Road Traffic (Administration) Act 2008;
- Road Traffic (Authorisation to Drive) Act 2008;
- Road Traffic (Vehicles) Act 2012;
- Road Traffic Legislation Amendment Act 2012

is soon to commence operation.

The change in terminology is necessary to reflect the terminology used in the other Acts in the reform suite.

This clause will ensure that new references to "a member of the Police Force" that will be inserted in the RTA by this Bill (in particular, by clauses 4, 5 and 11) will be amended to reference to "a police officer" when the suite of reform legislation commences operation.

By default, this clause will ensure that new references to "substantial" compliance recognises that there may be circumstances in which it is appropriate, or necessary, given the relevant circumstances, for a member of the Police Force to diverge from an aspect of the policies.

Proposed paragraph (c) will enable the court to have regard to any matter it considers relevant in determining whether the driving was reasonable and in the public interest. Such matters may include evidence regarding the road and traffic conditions that were in existence at the time of the relevant driving, and the member’s honest and reasonable belief regarding the state of affairs that led to the driving or that was in force during the driving.

New section 61A(2) will make it clear that the availability of the defence in new section 61A(1) does not make a member of the Police Force unable to rely also upon another defence that is or might be available, such as, for example, a defence under the Criminal Code (WA).

Various references to "member of the Police Force" amended

A suite of legislation for the reform of the Road Traffic Act 1974 (RTA) comprising the:

- Road Traffic (Administration) Act 2008;
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This clause will ensure that new references to "a member of the Police Force" that will be inserted in the RTA by this Bill (in particular, by clauses 4, 5 and 11) will be amended to reference to "a police officer" when the suite of reform legislation commences operation.

By default, this clause will ensure that new references to "substantial" compliance recognises that there may be circumstances in which it is appropriate, or necessary, given the relevant circumstances, for a member of the Police Force to diverge from an aspect of the policies.
Part 3 Road Traffic (Administration) Act 2008 amended

13. Act amended

This clause provides that the amendments contained in this Part of the Bill will amend the

14. Section 44 amended

Section 44 imposes a number of duties on drivers and provides that if it will be an offence to
fail to comply with any of those duties, penalties apply for failure to comply.

Clause 5 will amend the Road Traffic Act 1974 (RTA) section 35.

The amendments in Part 3 of this Bill must be consistent with the provisions of the Road Traffic
Act 1974 (RTA) in order to provide for their commencement.

The necessary administrative preparations for their commencement are currently under way to
ensure that when the amendment is made to the Road Traffic Act 1974, the amendments to the
Road Traffic (Administration) Act 2008, which are necessary to ensure that, when the Reform
matters and enforcement powers will be transferred to the Road Traffic
Powers in Part 2 of this Bill will not be lost.

All four pieces of legislation are drafted so as to commence operation simultaneously. Work
on the necessary administrative preparations for their commencement is currently under way to
draft the extensive supporting regulations required to make
The amendments to section 53(1) to state his or her name and address when required by a
member of the Police Force to do so, or to stop when called upon to do so by a member of

Clause 5 will provide for increased penalties to apply where a driver fails to comply with the
requirement under section 53(1) to state his or her name and address when required by a
member of the Police Force to do so, or to stop when called upon to do so by a member of

The Police Force.

Significant penalties are proposed to apply when a driver fails to stop in circumstances in

which the driver is driving the vehicle concerned to escape pursuit by a member of the Police

Force.
A suite of legislation for the reform of the RTA comprising the:

- Road Traffic (Administration) Act 2008;
- Road Traffic (Authorisation to Drive) Act 2008;
- Road Traffic (Vehicles) Act 2012; and
- Road Traffic Legislation Amendment Act 2012

is soon to commence operation.

When the Road Traffic (Administration) Act 2008 commences operation, a driver's duty to stop when called upon by a member of the Police Force to do so will be moved by clause 5 of this Bill to section 39 of the Road Traffic (Administration) Act 2008.

This clause will therefore amend the Road Traffic (Administration) Act 2008 section 44 to preserve the substance of the amendments to the RTA that will be made by clause 5 of this Bill when the suite of road traffic reform legislation commences operation.