

TRAFFIC (AMENDMENT) BILL 2012

EXPLANATORY MEMORANDUM

This Bill proposes to make amendments to the *Traffic Act 2010* in order to satisfy some uncertainties that have arisen and to correct a cross reference.

Clauses 1-3 of the Bill provide the usual short title, date of commencement and reference to the Act to be amended.

Clause 4 sets out a Schedule of amendments.

Item 1 seeks to make it clear that section 25 applies to traffic signs erected in any public place and not only in roadways. Such signs could include public parking and traffic areas at the Airport terminal and the Bi-Centennial Post Office Complex, traffic signs and markings in or relating to the public car park areas of the National Park, the Botanical Gardens, the Emergency Services Centre, the Norfolk Island Hospital, the Lighterage shed, and jetties or boat ramps.

Item 2 deals with a situation where a person might seek to assert that he or she is not “any other class of driver” within the meaning of the section because a licence has expired or because the driver has a licence from another place, or because the driver has a licence which is not a recognised licence.

Item 3 clarifies the relationship between the percentage of alcohol in a blood sample and the percentage of blood in a breath sample as well as establishing the process for authorising the operation of a breath analysis machine and establishing authorisation in the court process.

Item 4 corrects a subsection reference.

Item 5 makes an offence of driving under the influence of drink or drugs under section 32(1) an offence of strict liability as defined in the Criminal Code. This means that a person driving under the influence cannot, for example, argue that he or she did not intentionally become intoxicated, or did not intend to drive while intoxicated.

9 November 2012