

Queensland



ANNO TRICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

No. 102 of 1984

**An Act to amend the Traffic Act 1949-1982 and the Traffic
Act Amendment Act 1974-1982 each in certain
particulars**

[ASSENTED TO 6TH DECEMBER, 1984]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I—PRELIMINARY

1. Short title. This Act may be cited as the *Traffic Acts Amendment Act 1984*.

2. Commencement. (1) Section 1, section 37 and this section shall commence on the date on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), the provisions of this Act or such of them as are specified in the Proclamation shall commence on the date or dates appointed by Proclamation.

3. Arrangement of Act. This Act is arranged as follows:—

PART I—PRELIMINARY (ss. 1-3);

PART II—AMENDMENTS OF TRAFFIC ACT 1949-1982 (ss. 4-33);

PART III—AMENDMENTS OF TRAFFIC ACT AMENDMENT ACT 1974-1982 (ss. 34-37).

PART II—AMENDMENTS OF TRAFFIC ACT 1949-1982

4. Citation. (1) In this Part, the *Traffic Act 1949-1982* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Traffic Act 1949-1984*.

5. Amendment of s. 4. Repeal and savings. Section 4 of the Principal Act is amended by, in the proviso, repealing paragraphs (d), (e), (f) and (g).

6. Amendment of s. 9. Interpretation. Section 9 of the Principal Act is amended by—

(a) after the definition “Articulated Vehicle” inserting the following definition:—

““Assistant Commissioner for Transport”—A person for the time being holding under the *Public Service Act 1922-1978*, the appointment of Assistant Commissioner for Transport in the Department of Transport and any person who for the time being occupies the office or performs the duties of an Assistant Commissioner for Transport;”;

(b) in the definition “Authorised Officer” after the word “Commissioner” inserting the words “or the Commissioner for Transport”.

7. Amendment of s. 11. District Superintendents and Superintendents of Traffic. Section 11 of the Principal Act is amended by, in subsection (1)—

(a) after the words “The Commissioner,” occurring at the commencement of the subsection, inserting the words “the Deputy Commissioner of Police,”;

(b) after the words “Deputy Commissioner for Transport,” inserting the words “every Assistant Commissioner for Transport,”;

(c) omitting the words “, the Commissioner’s Inspector of Police”;

(d) omitting the words “(including the Chief Superintendent of Police)”.

8. Amendment of s. 16. Driving etc., whilst under influence of liquor or drugs or with prescribed concentration of alcohol in blood. Section 16 of the Principal Act is amended by—

(a) in subsection (1)—

(i) in paragraph (b) omitting all words from and including the words “or under” to and including the words “*Traffic Act Amendment Act 1974*”;

(ii) in paragraph (d) omitting provisions (ii), (v), (viii) and (ix);

(iii) in paragraph (e) omitting all words from and including the words “or under” to and including the words “*Traffic Act Amendment Act 1974*”;

(iv) in paragraph (f) omitting all words from and including the words “or under” to and including (where they secondly occur) the words “*Traffic Act Amendment Act 1974*”;

(b) in subsection (2)—

(i) after paragraph (a) inserting the following paragraph:—

“(aa) Any person who has not attained the age of 18 years and who, whilst the concentration of alcohol in his blood equals or exceeds 20 milligrams of alcohol per 100 millilitres of blood but is less than 50 milligrams of alcohol per 100 millilitres of blood—

(i) drives a motor vehicle, tram, train or vessel;

(ii) attempts to put in motion a motor vehicle, tram, train or vessel; or

(iii) is in charge of a motor vehicle, tram, train or vessel, is guilty of an offence and liable to a penalty not exceeding \$700 or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.”;

(ii) in paragraph (b) omitting all words from and including the words “or under” to and including the words “*Traffic Act Amendment Act 1974*”;

(iii) in paragraph (c) omitting all words from and including the words “or under” to and including (where they secondly occur) the words “*Traffic Act Amendment Act 1974*”;

(iv) in paragraph (d) omitting all words from and including the words “or under” to and including the words “*Traffic Act Amendment Act 1974*”;

(v) in paragraph (e)—

(A) omitting the words “or under subsection (1a) of this section as this section stood immediately prior to the commencement of the *Traffic Act Amendment Act 1974*” where they occur in the general words preceding provision (i);

(B) in provision (iii) omitting the words “or under subsection (1) of this section as this section stood immediately prior to the commencement of the *Traffic Act Amendment Act 1974*”;

(c) in subsection (4) omitting paragraph (b) and the general words following paragraph (b) at the end of the subsection and substituting the following words—

“(b) that at the material time the concentration of alcohol in the defendant’s blood equalled or exceeded 50 milligrams of alcohol per 100 millilitres of blood or that at the material time the defendant had not attained the age of eighteen years and the concentration of alcohol in his blood equalled or exceeded 20 milligrams of alcohol per 100 millilitres of blood,

the court shall convict the defendant of the offence under paragraph (a) or (aa) of subsection (2) that is established by the evidence.

Where in the circumstances provided for in this subsection, the court is satisfied that an offence under paragraph (a) of subsection (2) and an offence under paragraph (aa) of subsection (2) are both established by the evidence, the court shall convict the defendant of the offence under paragraph (a) of subsection (2).”;

(d) in subsection (6)—

(i) inserting after the words “of subsection (2)”, where they occur in the general words preceding paragraph (a), the words “or subparagraph (iii) of paragraph (aa) of subsection (2)”;

(ii) in paragraph (a), omitting from the general words following provision (ii), all words from and including the words “or whilst” to

and including the words “as the case may be” and substituting the words “or, as the case may be, whilst the concentration of alcohol in his blood equalled or exceeded the lower concentration referred to in paragraph (a) or (aa) of subsection (2), whichever paragraph is material to the complaint”;

(iii) in paragraph (b) omitting all the words from and including the words “, being equal to” to and including the words “100 millilitres of blood,”;

(iv) omitting paragraph (d) and substituting the following paragraph:—

“(d) the defendant had not previously been convicted of an offence under subsection (1) or under subsection (2) within a period of one year prior to the date in respect of which he is charged,”.

9. Amendment of s. 16A. Provisions with respect to breath tests and laboratory tests. Section 16A of the Principal Act is amended by—

(a) in subsection (6), after paragraph (a), inserting the following words:—

“,

(aa) it appears to a member of the Police Force in consequence of a breath test carried out by him on a specimen of breath of any person that the concentration of alcohol in the person’s blood equals or exceeds 20 milligrams of alcohol per 100 millilitres of blood and the member of the police force suspects on reasonable grounds that the person has not attained the age of 18 years”;

(b) in subsection (22), in paragraph (a)—

(i) adding to the end of provision (i) the words “or in the case of a person who has not attained the age of 18 years, that the concentration of alcohol in that person’s blood equals or exceeds 20 milligrams of alcohol per 100 millilitres of blood”;

(ii) adding to the end of provision (iii) (A) the words “or in the case of a person who has not attained the age of 18 years, that the concentration of alcohol in that person’s blood equals or exceeds 20 milligrams of alcohol per 100 millilitres of blood”;

(iii) omitting from the general words following provision (v) the words “, save where it is cancelled under section 16B,”.

10. Repeal of s. 16B. The Principal Act is amended by repealing section 16B.

11. Amendment of s. 20. Disqualification of drivers of motor vehicles for certain offences. Section 20 of the Principal Act is amended by—

(a) in subsection (1)—

(i) in paragraph (a), omitting provisions (ii) and (iv);

(ii) in paragraph (b), omitting all words from and including the words “or under” to and including the words “*Traffic Act Amendment Act 1974*”;

(iii) in paragraph (c), omitting all words from and including the words “or more than” to and including (where they secondly occur) the words “*Traffic Act Amendment Act 1974*”;

(iv) in paragraph (f), omitting all words from and including the words “or under” to and including the words “*Traffic Act Amendment Act 1974*”;

(v) in paragraph (g), omitting all words from and including the words “or under” to and including the words “*Traffic Act Amendment Act 1974*”;

(vi) in paragraph (h), omitting all words from and including the words “or more than” to and including (where they secondly occur) the words “*Traffic Act Amendment Act 1974*”;

(b) in subsection (2)—

(i) in paragraph (a)—

(A) omitting provisions (ii) and (iv);

(B) omitting all the words from and including the words “be disqualified by” to and including the words “driver’s license.” and substituting the following words:—

“be disqualified by such conviction—

(vii) in a case where at the time of the commission of the offence the person convicted was the holder of a provisional licence or a learner’s permit, for a period of not less than 3 months and not more than 9 months from the date of such conviction from holding or obtaining a driver’s licence;

(viii) in any other case, for a period of not less than 1 month and not more than 9 months from the date

of such conviction from holding or obtaining a driver's licence.”;

(ii) in paragraph (b), omitting all words from and including the words “or under” to and including the words “*Traffic Act Amendment Act 1974*”;

(iii) in paragraph (c), omitting all words from and including the words “or more than” to and including (where they secondly occur) the words “*Traffic Act Amendment Act 1974*”;

(iv) in paragraph (d), omitting all words from and including the words “or under” to and including the words “*Traffic Act Amendment Act 1974*”;

(v) in paragraph (e)—

(A) omitting the words “or under subsection (1a) of section 16 as that section stood immediately prior to the commencement of the *Traffic Act Amendment Act 1974*”;

(B) omitting the words “or under subsection (1) of that section as that section stood immediately prior to the commencement of the *Traffic Act Amendment Act 1974*”;

(c) in subsection (3)—

(i) in paragraph (b), omitting all words from and including the word “; or” to and including the words “*Traffic Act Amendment Act 1974*”;

(ii) in paragraph (d), omitting all words from and including the words “or more than” to and including (where they secondly occur) the words “*Traffic Act Amendment Act 1974*”;

(iii) in paragraph (e), omitting all words from and including the words “or under” to and including the words “*Traffic Act Amendment Act 1974*”;

(iv) in paragraph (f), omitting all words from and including the word “convicted” to and including the words “*Traffic Act Amendment Act 1974*,” and substituting the words “convicted under subsection (2) of section 16,”;

(v) in paragraph (g), omitting all words from and including the words “or more than” to and including (where they secondly occur) the words “*Traffic Act Amendment Act 1974*”;

(d) inserting after subsection (7) the following subsection:—

“(7A) The provisions of this section have effect notwithstanding that a probation order under the *Offenders Probation and Parole Act 1980-1983* is made in respect of the offender and section 33 of that Act shall have application subject hereto accordingly.”.

12. New s. 20A. The Principal Act is amended by inserting after section 20 the following section:—

“20A. Issue of provisional licence to disqualified person. (1) Where a person is convicted by a court of an offence under section 16 and—

- (a) by order of the court, is disqualified from holding or obtaining a driver’s licence; or
- (b) by operation of law and without specific order, is disqualified from holding or obtaining a driver’s licence,

the court may, where it has received an application from him, make an order directing that he be issued with a provisional licence.

(2) An application for an order under this section may be made—

- (a) at the proceedings in which the conviction is recorded against the applicant by reason of which he is disqualified from holding or obtaining a driver’s licence; and
- (b) in a case where the court makes an order disqualifying the applicant from holding or obtaining a driver’s licence, before the court makes that order,

and not otherwise.

An application shall be made in the prescribed form and in respect of every application the applicant shall submit himself as a witness to give evidence in respect of all matters relevant to his application and shall be liable to cross-examination with respect thereto.

(3) An order under this section may be made—

- (a) at the proceedings in which the conviction is recorded against the applicant by reason of which he is disqualified from holding or obtaining a driver’s licence; and
- (b) in a case where the court makes an order disqualifying the applicant from holding or obtaining a driver’s licence, in conjunction with that order,

and not otherwise.

(4) A court that grants an application shall make an order directing that a provisional licence be issued to the applicant during the period of his disqualification subject to restrictions specified in the order—

- (a) which shall restrict the use of the provisional licence by the applicant to specified circumstances directly connected with his means of earning his livelihood; and

- (b) which may include, but are not limited to—
 - (i) the class of vehicle which may be driven;
 - (ii) the purpose for which a vehicle may be driven;
 - (iii) the times at which or period of time during which a vehicle may be driven.
- (5) An application for an order under this section shall not be granted—
 - (a) unless the applicant satisfies the court that hears the application that—
 - (i) he is a fit and proper person to hold a provisional licence, having regard to the safety of other road users and the public generally; and
 - (ii) a refusal would cause extreme hardship to him or his family by depriving him of his means of earning his livelihood;
 - (b) in a case where the applicant is not the holder of a driver's licence immediately prior to the disqualification in respect of which the application is made;
 - (c) in a case where the applicant has been previously convicted under section 16 within a period of five years prior to the conviction that results in the disqualification in respect of which the application is made;
 - (d) in a case where the disqualification in respect of which the application is made resulted from a conviction of the applicant—
 - (i) for an offence committed whilst he was engaged in an activity directly connected with his means of earning his livelihood;
 - (ii) for an offence committed at a time when he was disqualified under this Act or any other Act from holding or obtaining a driver's licence;
 - (iii) for an offence committed at a time when he was the holder of a provisional licence issued pursuant to an order made under this section.

In paragraph (c), the term "previously convicted" has the same meaning as it has in section 16.

(6) Where—

- (a) an order is made under this section by a court directing the issue of a provisional licence to an applicant in conjunction with an order disqualifying the applicant from holding or obtaining a driver's licence; and
- (b) the provision of this Act that empowers a court to impose the disqualification specifies a maximum

period of time for which a disqualification may be imposed,

for the purpose of making the order disqualifying the applicant, the maximum period for which the court may impose the disqualification shall be deemed to be twice that specified in the provision.

A court, in considering whether an order disqualifying the applicant from holding or obtaining a driver's licence should be made under section 20 (5), and in considering the terms of any other disqualification order it proposes to make, shall have regard to any order it proposes to make under this section as a circumstance indicating that the disqualification imposed should be for a longer period of time than if it made no order under this section.

(7) Where an order is made under this section and the person in respect of whom the order is made makes an application to a Superintendent for a driver's licence under and in accordance with this Act, the Superintendent shall issue to him a driver's licence in the form of a provisional licence under section 14 of this Act subject to the restrictions imposed by the court by the order made under this section, and such other terms, provisions, conditions, limitations or restrictions, consistent with the order, as are specified on the licence in accordance with this Act.

(8) A provisional licence issued pursuant to an order under this section—

- (a) shall be issued in the first instance for such period as is prescribed by regulation and thereafter shall be renewed from time to time for such period as is prescribed by regulation until the period of disqualification in respect of which the order under this section was made expires; and
- (b) in a case where it is renewed during that period of disqualification it shall be renewed subject to the restrictions specified in the order made under this section.

A provisional licence issued or renewed pursuant to an order made under this section shall remain in force until it expires or is cancelled, surrendered or suspended in accordance with this Act.

The power of the Governor in Council to make regulations in respect of a provisional licence includes the power to make regulations in respect of the provisional licence provided for under this section including regulations in respect of its cancellation or suspension notwithstanding that it is issued or renewed pursuant to an order of the court.

(9) Where a court has exercised its jurisdiction under this section to order that a provisional licence should be issued to an applicant subject to restrictions provided for in this section,

subject to his rights of appeal, it shall not be competent to the applicant to subsequently apply for an order altering those restrictions.

(10) Any person who, being the holder of a provisional licence issued pursuant to an order made under this section, drives a motor vehicle otherwise than in accordance with the restrictions to which the licence is subject in accordance with that order commits an offence and shall be liable to a penalty not exceeding \$200.

In addition to any other penalty imposed—

- (a) if the provisional licence issued to him is still current at the time of the conviction, it is by virtue of the conviction thereby cancelled without specific order; and
- (b) he shall by virtue of the conviction be disqualified from holding or obtaining a driver's licence for a period of three months from the expiration of the disqualification in respect of which the order was made under this section or, where the conviction is later than the expiration of that disqualification, for three months from the date of conviction.

(11) For the purposes of this section, the proceedings in which a conviction is recorded shall be taken to continue until the court has completed the exercise of its jurisdiction to sentence the defendant in respect of the conviction, notwithstanding that the proceedings have been adjourned.

13. Repeal of s. 24. Reference to certificate of competency. The Principal Act is amended by repealing section 24.

14. Amendment of s. 37. Diversion of traffic. Section 37 of the Principal Act is amended by adding at the end of subsection (1) the following paragraphs:—

“Where the purpose of a closure is a private commercial purpose or other prescribed purpose, an order for the closure of a road under this subsection may be made upon application under this subsection to the Commissioner or a District Superintendent and not otherwise.

An application shall be in the prescribed form and be accompanied by the prescribed fee (if any).

Upon receiving an application the Commissioner or District Superintendent, as the case may be, shall refuse the application or grant it and make an order for the closure of a road subject to such conditions, as he thinks fit, which may include but are not necessarily limited to the payment of fees and expenses in connexion with the closure.”

15. Amendment of s. 42. General power of arrest without warrant. Section 42 of the Principal Act is amended by—

(a) in subsection (1)—

- (i) after the word “sixteen,” inserting the expression “16A,”;
- (ii) after the word “nineteen,” inserting the expression “20A,”;

(b) in subsection (2)—

- (i) after the word “sixteen,” inserting the expression “16A,”;
- (ii) after the word “nineteen,” inserting the expression “20A,”.

16. Amendment of s. 44B. Parking. Section 44B of the Principal Act is amended by, in subsection (4)—

(a) inserting in paragraph (ga), after the words “section 44C (3)”, the words “and section 44L (3)”;

(b) inserting in paragraph (ga), after the words “metered space” the words “or parkatarea space”.

17. Amendment of s. 44D. Offences in metered parking. Section 44D of the Principal Act is amended by—

(a) in subsection (1), after paragraph (d), omitting the expression and word “; or” and substituting the expression “.”;

(b) adding at the end thereof the following subsection:—

“(3) Where a person commits an offence defined in subsection (1) (b) in a metered space and—

- (a) a notice is affixed to the vehicle pursuant to section 44F alleging that offence and stating the time at which the notice is affixed; and
- (b) the vehicle in respect of which the offence is committed continues parked in that space after the notice is affixed,

that person commits a separate and further offence under subsection (1) (b) in respect of each further period equal to the maximum period, or, as the case may be, the longest maximum period, referred to in that subsection, during which the vehicle continues parked in that space during the fixed hours.

A person may be convicted of an offence against subsection (1) (b) notwithstanding that at any time or at all times whilst his vehicle was parked in contravention of that subsection, the

word "expired" showed upon the parking meter provided for the metered space in which the vehicle was parked."

18. Amendment of s. 44F. Notice of alleged offence. Section 44F of the Principal Act is amended by—

(a) in subsection (1), inserting after provision (e) of the second paragraph, the following provision:—

"(ea) State the time at which the notice is affixed to the vehicle;"

(b) adding the following subsection:—

"(5) The power of the Governor in Council to make regulations prescribing a sum of money payable by way of penalty, being a sum that is payable to the Town Clerk or officer nominated in that behalf for the purposes of the procedure provided for in subsections (1) and (2), includes the power to delegate to local authorities generally or to a particular local authority, subject to such conditions as he thinks fit, the power to make a by-law prescribing a sum of money not exceeding a sum prescribed by him, to be the sum of money payable by way of penalty for the purposes of the procedure."

19. Amendment of s. 44G. Answer to complaint. Section 44G of the Principal Act is amended by in subsection (2)—

(a) in paragraph (a)—

(i) inserting after the words "Town Clerk" where they first occur, the words "or an officer nominated in that behalf by the Town Clerk";

(ii) inserting after the words "Town Clerk" where they secondly occur, the words "or the officer nominated in that behalf by the Town Clerk, as the case may be,";

(b) in paragraph (b)—

(i) inserting after the words "Town Clerk" where they first occur, the words "or an officer nominated in that behalf by the Town Clerk";

(ii) inserting after the words "Town Clerk" where they secondly occur, the words "or the officer nominated in that behalf by the Town Clerk, as the case may be,";

(c) in paragraph (c), inserting after the words "Town Clerk" the words "or an officer nominated in that behalf by the Town Clerk".

20. Amendment of s. 44N. This Part not to apply to certain persons. Section 44N of the Principal Act is amended by inserting after the words "metered space" the words "or parkatarea space".

21. Amendment of s. 49. Facilitation of proof. Section 49 of the Principal Act is amended by, in subsection (1)—

(a) inserting in paragraph (a) after the words “prove the appointment of” the words “the Commissioner for Transport,”;

(b) inserting in paragraph (b) after the words “purporting to be that of” the words “the Commissioner for Transport,”;

(c) inserting in paragraph (c) after the words “or the authority of” the words “the Commissioner for Transport,”;

(d) inserting in paragraph (p1) after the words “(commonly known as radar)” the words “, or a vehicle speedometer accuracy indicator (commonly known as a chassis dynamometer),”.

22. Amendment of s. 53. Fraud and unlawful possession of licences. Section 53 of the Principal Act is amended by, in subsection (1)—

(a) inserting in paragraph (a) after the words “or given to” the words “the Commissioner for Transport,”;

(b) inserting in paragraph (f), after the words “under the direction of” the words “the Commissioner for Transport or”.

23. Amendment of s. 54. Power of Courts to disqualify convicted persons from holding or obtaining licences. Section 54 of the Principal Act is amended by, in subsection (5)—

(a) omitting the words “*Offenders Probation and Parole Act 1959-1971*” and substituting the words “*Offenders Probation and Parole Act 1980-1983*”;

(b) omitting the words “section 19” and substituting the words “section 33”.

24. Amendment of s. 55. Effect of disqualification. Section 55 of the Principal Act is amended by, in subsection (6)—

(a) in paragraph (a) inserting after the words “that other kind, class, or description.” the following paragraph:—

“The provisions of this paragraph do not apply to a person who in accordance with this Act applies for or obtains a provisional licence pursuant to an order made under section 20A.”;

(b) at the end of paragraph (b) adding the following words:—

“The provisions of this paragraph do not apply to a provisional licence obtained by any person or issued to him pursuant to an order made under section 20A.”.

25. Amendment of s. 55A. Effect of disqualification on subsequent issue of driver’s licence. Section 55A of the Principal Act is amended by adding at the end thereof the following paragraph:—

“The provisions of this section do not apply in respect of a person who makes an application for a provisional licence pursuant to an order made under section 20A.”.

26. Amendment of s. 63. Scheme to facilitate children crossing streets. Section 63 of the Principal Act is amended by—

(a) in subsection (1)—

(i) after the words “The Commissioner” inserting the words “or the Commissioner for Transport”;

(ii) omitting paragraph (c) and substituting the following paragraph:—

“(c) at any time and from time to time revoke or amend an authority granted by him or substitute a fresh authority for any prior authority granted by him.”;

(b) omitting subsection (3) and substituting the following subsection:—

“(3) At any time and from time to time, the Commissioner, in respect of a scheme authorized by him, and the Commissioner for Transport, in respect of a scheme authorized by him, may revoke or amend a scheme or substitute a fresh scheme for any prior scheme.”.

27. Amendment of s. 65. Service of documents. Section 65 of the Principal Act is amended by—

(a) in subsection (1)—

(i) in paragraph (b), inserting after the words “District Superintendent” the words “or the Commissioner for Transport giving, delivering or serving the same”;

(ii) in paragraph (c), by inserting after the words “District Superintendent” the words “or the Commissioner for Transport giving, delivering or serving the same”;

(b) in subsection (2), inserting after the words “District Superintendent,” the words “or the Commissioner for Transport seeking to give, deliver or serve any such determination, notice, order, direction, or document,”;

(c) in subsection (3), inserting in paragraph (b)—

(i) after the words “District Superintendent” where they first occur the words “or by the Commissioner for Transport”;

(ii) after the words “that District Superintendent” where they first occur the words “or to the Commissioner for Transport making the declaration”;

(iii) after the words “that District Superintendent” where they secondly occur the words “or to the Commissioner for Transport making the declaration”.

28. Amendment of s. 66. When determinations, etc., not affected by error. Section 66 of the Principal Act is amended by inserting after the words “the Commissioner,” the words “the Commissioner for Transport,”.

29. Amendment of s. 70. Regulations. Section 70 of the Principal Act is amended by adding the following subsection:—

“(9) The regulations may adopt wholly or in part by way of reference or by way of express specification therein any of the standard rules, codes or specifications prepared, issued or endorsed by the Commonwealth Department of Transport or the bodies known as the Australian Transport Advisory Council, the Standards Association of Australia, the British Standards Institution or a like body identified in the regulations.

The regulations may provide for the manner in which any such rules, codes or specifications may be proved in evidence.”.

30. Amendment of s. 71. Proclamations, regulations, etc. Section 71 of the Principal Act is repealed and the following section is substituted:—

“71. **Proclamations, Orders in Council.** Section 28A of the *Acts Interpretation Act 1954-1977* shall apply with respect to Proclamations and Orders in Council made for the purposes of this Act as if the Proclamations or Orders were regulations.”.

31. Amendment of Schedule. Subject Matters for Regulations. The Schedule to the Act is amended by—

(a) in clause 16, inserting after the words “the Commissioner,” wherever they occur, other than in paragraph (e), the words “the Commissioner for Transport,”;

(b) in clause 24, inserting after the words “the Commissioner” the words “or the Commissioner for Transport”;

(c) in clause 25, inserting after the words “the Commissioner,” the words “the Commissioner for Transport,”;

(d) in clause 26—

(i) inserting after the word “Commissioner” where it occurs at the commencement of the clause the words “, Commissioner for Transport and other persons”;

(ii) inserting after the words “by the Commissioner” the words “or the Commissioner for Transport”;

(iii) inserting after the words “on behalf of the Commissioner” the words “or the Commissioner for Transport”;

(e) in clause 32—

(i) inserting after the words “reports or copies of reports”, the words “by the Commissioner for Transport and”;

(ii) inserting after the word “indemnifying” the words “the Commissioner for Transport and”.

32. Correction of word “license”. The Principal Act is amended by omitting the word “license” when used as a noun wherever it occurs and substituting the word “licence”, and by omitting the word “licenses”

when used as a noun wherever it occurs and substituting the word "licences".

33. Increase in penalties. The Principal Act is amended by, in each provision referred to in the first column of the following Table, omitting the expression specified in the second column of the Table opposite the reference to that provision and substituting the expression specified in the third column of the Table opposite the reference to that provision.

TABLE

15 (4)	\$1 000	\$1 700
16 (1) (a)	\$800	\$1 400
16 (1) (b)	\$1 000	\$1 700
16 (1) (c)	\$1 000	\$1 700
16 (1) (e)	\$900	\$1 500
16 (1) (f)	\$1 000	\$1 700
16 (2) (a)	\$400	\$700
16 (2) (b)	\$600	\$1 000
16 (2) (c)	\$800	\$1 400
16 (2) (d)	\$900	\$1 500
16 (2) (e)	\$1 000	\$1 700
16A (22) (e)	\$400	\$700
31 (1) (b) (i)	two hundred pounds	\$800
31 (1) (b) (ii)	one hundred pounds	\$400

PART III—AMENDMENTS TO TRAFFIC ACT AMENDMENT ACT 1974-1982

34. Citation. (1) In this Part, the *Traffic Act Amendment Act 1974-1982* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be referred to as the *Traffic Act Amendment Act 1974-1984*.

35. Amendment of s. 9. Repeal of and new s. 16A. Section 9 of the Principal Act is amended by in section 16A enacted by that section 9—

(a) in subsection (12)—

(i) omitting from paragraph (b) the words “against subsection (2)” and substituting the words “against subsection (2) (a)”;

(ii) omitting from paragraph (b) the words “against the said subsection (2)” and substituting the words “against the said subsection (2) (a)”;

(b) after paragraph (b), inserting the following paragraph:—

“(ba) Where in the case of a person who has not attained the age of 18 years, in respect of paragraph (a) the laboratory test indicates that the concentration of alcohol in the person’s blood equalled or exceeded 20 milligrams of alcohol per 100 millilitres of blood but was less than 50 milligrams of alcohol per 100 millilitres of blood and the provisions of paragraph (a) are applicable in all other respects, such person is guilty of an offence which shall be deemed to be an offence against subsection (2) (aa) of section 16 committed at the time of the accident and is liable to the same punishment in all respects (including disqualification from holding or obtaining a driver’s licence) as he would be in the case of the offence being actually one committed by him against the said subsection (2) (aa).”.

36. Correction of word “license”. The Principal Act is amended by omitting the word “license” when used as a noun wherever it occurs and substituting in each case the word “licence” and by omitting the word “licenses” when used as a noun wherever it occurs and substituting in each case the word “licences”.

37. Repeal of certain unproclaimed provisions. The Principal Act is amended by repealing the following provisions:—

“section 4	section 18
section 5	section 21
section 6 paragraph (a)	section 26
section 10 paragraph (d)	section 27
section 13	section 28 paragraph (a)
section 15	section 29
section 16 paragraphs (a), (b) and (c)	section 30 paragraphs (a), (d), (e) and (g).”