

SECOND READING SPEECH

THE HON GRAEME STURGES, MINISTER FOR INFRASTRUCTURE

Traffic Amendment (Road Rules Consequential Amendments) Bill

2009

Mr Speaker,

I move that the Bill now be read a second time.

I am pleased to present to the House today the *Traffic Amendment (Road Rules Consequential Amendments) Bill 2009*.

The Bill is administrative in nature as its purpose is to consequentially amend references to the *Traffic (Road Rules) Regulations 1999* in the *Local Government (Highways) Act 1982*, *Motor Accidents (Liabilities and Compensation) Act 1973* and *Taxi and Luxury Hire Car Industries Act 2008*.

Section 31A of the *Traffic Act 1925* currently provides that the Governor may make regulations prescribing rules on nationally consistent road traffic matters. The rules that provide for traffic matters are currently contained in the *Traffic (Road Rules) Regulations 1999*.

On commencement, the *Traffic Amendment Act 2009* which was passed by Parliament earlier this year to facilitate the remaking of the *Road*

Rules will change the statutory basis by which the *Road Rules* are made. The amended section 31A provides that the Governor may make rules on road traffic matters. As such, the *Road Rules* will in future be contained within rules rather than regulations.

A review of the Tasmanian Legislation database has shown that three Acts - the *Local Government (Highways) Act 1982*, *Motor Accidents (Liabilities and Compensation) Act 1973* and *Taxi and Luxury Hire Car Industries Act 2008* - refer to the soon to be repealed *Traffic (Road Rules) Regulations 1999* in full rather than by reference to its short title *Road Rules*.

It is therefore proposed to replace references to the *Traffic (Road Rules) Regulations 1999* in the aforementioned Acts with a reference to *Road Rules*, by its short title. By changing the references these Acts will correctly refer to the *Traffic (Road Rules) Regulations 1999* as they currently stand and will also correctly refer to the *Road Rules 2009* when they come into place upon the commencement of the *Traffic Amendment Act 2009*.

The *Acts Interpretation Act* does not allow existing references to the *Traffic (Road Rules) Regulations 1999* to be "saved" because the statutory basis of the new *Road Rules* has changed.

Mr Speaker the amendments under this Bill while highly technical in nature are necessary to ensure the correct application of the legislative provisions concerned and I therefore commend the Bill to the House.