

No. *11* of 2017.

Road Traffic (Amendment) Act 2017.

Certified on : 15 APR 2017



No. 11 of 2017.

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ARRANGEMENT OF SECTIONS.

1. Interpretation (Amendment of Section 3).
2. Members of the Board (Amendment of Section 7).
3. Directions by Minister (Amendment of Section 13).
4. Proof of certain matters (Amendment of Section 27).
5. Traffic infringement summons (Amendment of Section 37).
6. Procedure on traffic infringement summons (Amendment of Section 38).
7. Power of Traffic Enforcement Officers in relation to seizure of vehicles, etc. (Amendment of Section 51).
8. Investigation of land transport accidents and incidents (Amendment of Section 52).



No. of 2017.

An Act

entitled

Road Traffic (Amendment) Act 2017.

Being an Act to amend the ***Road Traffic Act 2014***,

MADE by the National Parliament.

1. INTERPRETATION (AMENDMENT OF SECTION 3).

Section 3 of the Principal Act is amended -

(a) in the definition of “owner” by repealing Paragraph (b) and replacing it with the following:

“(b) in the case of a motor vehicle that is the subject of a hire-purchase agreement, the person who has use of the motor vehicle under the hire purchase agreement;”; and

(b) by inserting, after the definition of “Trade Enforcement Officer”, the following new definitions:

““transport service” means any passenger transport or goods transport that is required to be licensed under the Rules;

“transport service licence” means a passenger transport licence or goods transport licence under the Rules;

“transport service operator” means the person operating a transport service;”; and

(c) by repealing the definition of “vehicle” and replacing it with the following:

““vehicle” means a device equipped with wheels, tracks or revolving runners on which it moves or is moved;”.

2. MEMBERS OF THE BOARD (AMENDMENT OF SECTION 7).

Section 7 the Principal Act is amended -

(a) in Subsection (1)(f) by -

(i) deleting the full stop after the word “owners” and inserting “; and”; and



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“transport service operator” means the person operating a transport service;”; and

(c) by repealing the definition of “vehicle” and replacing it with the following:

““vehicle” means a device equipped with wheels, tracks or revolving runners on which it moves or is moved;”.

2. MEMBERS OF THE BOARD (AMENDMENT OF SECTION 7).

Section 7 the Principal Act is amended -

(a) in Subsection (1)(f) by -

(i) deleting the full stop after the word “owners” and inserting “; and”; and

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(ii) inserting a new paragraph after Paragraph (f) as follows:

“(g) a person nominated by the Minister.”; and

(b) by repealing Subsection (3) and replacing it with the following:

- “(3) The six members referred to in Subsection (1)(b) to (g) shall -
- (a) be appointed in accordance with the *Regulatory Statutory Authorities (Appointment to Certain Officers) Act 2004*; and
 - (b) be appointed for a term not exceeding three years; and
 - (c) hold office on such terms and be entitled to such fees and allowances as determined by the Minister in accordance with any directions or guidance issued by the National Executive Council; and
 - (d) be ordinarily resident in Papua New Guinea; and
 - (e) be eligible for reappointment.”.

3. DIRECTIONS BY MINISTER (AMENDMENT OF SECTION 13).

Section 13 of the Principal Act is amended by repealing Subsection (1), and replacing it with the following:

“(1) Subject to Section 5(4), the Minister may give to the Board written directions on government policy in relation to the exercise and performance of the Authority’s powers and functions under this Act.”.

4. PROOF OF CERTAIN MATTERS (AMENDMENT OF SECTION 27).

Section 27 of the Principal Act is amended by repealing Paragraph (a).

5. TRAFFIC INFRINGEMENT SUMMONS (AMENDMENT OF SECTION 37).

Section 37 of the Principal Act is amended -

- (a) in the heading, by deleting the word “infringement”; and
- (b) by deleting the word “infringement” in Subsections (1)(a), (1)(b), (2), (3) and (4).

6. PROCEDURE ON TRAFFIC INFRINGEMENT SUMMONS (AMENDMENT OF SECTION 38).

Section 38 of the Principal Act is amended -

- (a) in the heading, by deleting the word “infringement”; and
- (b) by deleting the word “infringement” in Subsections (1), (2), (3) and (4).

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7. POWER OF TRAFFIC ENFORCEMENT OFFICERS IN RELATION TO SEIZURE OF VEHICLES ETC. (AMENDMENT OF SECTION 51).

Section 51 of the Principal Act is amended -

- (a) by repealing Subsection (1); and
- (b) in Subsection (2), by deleting the full stop in Paragraph (b) and inserting “; and”; and
- (c) by inserting the following new paragraphs after Paragraph (b) as follows:

- “(c) the officer believes on reasonable grounds that the person drove on a public street while -
 - (i) the person was disqualified from holding or obtaining a driver’s licence authorising the person to drive that vehicle; or
 - (ii) the person’s drivers licence is for the time being suspended or was cancelled; or
 - (iii) the person was previously forbidden to drive; or
- (d) is being used in transport service, if the officer believes on reasonable grounds that the person drove the vehicle on a public street while -
 - (i) the transport service operator was disqualified from holding or obtaining a transport service licence; or
 - (ii) the transport service operator’s transport service licence was suspended or cancelled; or
 - (iii) the transport service operator -
 - (A) does not hold a transport service licence; and
 - (B) has previously been forbidden to operate a transport service; or
- (e) is being operated in contradiction of a notice issued for the vehicle declaring it to be unsafe.”.


8. INVESTIGATION OF LAND TRANSPORT ACCIDENTS AND INCIDENTS (AMENDMENT OF SECTION 52).

Section 52 of the Principal Act is amended by repealing Subsection (3) and replacing it with the following:

- “(3) The Authority shall investigate a land transport accident or incident which -
 - (a) is referred to the Authority by the Minister; or
 - (b) in the opinion of the Authority, raises major issues concerning public safety.”.

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I hereby certify that the above is a fair print of the *Road Traffic (Amendment) Act 2017* which has been made by the National Parliament.



Acting Clerk of the National Parliament.

13 APR 2017

I hereby certify that the *Road Traffic (Amendment) Act 2017* was made by the National Parliament on 26 January 2017.



Speaker of the National Parliament.

13 APR 2017