

# Supplementary Order Paper.

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## LEGISLATIVE COUNCIL.

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Friday, the 24th Day of October, 1924.

### MOTOR-VEHICLES BILL.

Hon. Sir FRANCIS BELL, in Committee, to move to omit clauses 27, 28, and 29, and substitute the following new clauses :—

Indictable offence to cause bodily injury or death through reckless driving.

27. (1.) Every person commits a crime, and is liable on indictment to imprisonment for a term not exceeding *five* years, or to a fine not exceeding *five hundred* pounds, who recklessly or negligently drives any motor-vehicle and thereby causes bodily injury to or the death of any person; or who, while in a state of intoxication, is in charge of a motor-vehicle and by an act or omission in relation thereto causes bodily injury to or the death of any person.

(2.) It shall be no defence to an indictment for the crime of manslaughter that the guilty act or omission proved against the person charged upon such indictment is an act or omission constituting a crime under this section.

(3.) No person shall in respect of the same acts or in respect of acts arising out of the same circumstances be indicted for an offence under this section and also for the crime of manslaughter.

Penalties on summary conviction for reckless or negligent driving.

28. (1.) Every person commits an offence, and is liable on summary conviction to a fine of *one hundred* pounds, or to imprisonment for *three* months, who recklessly or negligently drives a motor-vehicle on any road, street, or other place to which the public have access, whether as of right or not, or who drives any such vehicle at a speed or in a manner which, having regard to all the circumstances of the case, is or might be dangerous to the public, or to any person; or who, while in a state of intoxication, is in charge of any motor-vehicle on any such road, street, or place.

(2.) Any constable may arrest without warrant any person who, while in a state of intoxication, is in charge of any motor-vehicle in contravention of this section.

Compliance with conditions as to limit of speed not a defence against charge of negligent driving.

29. It shall be no defence in any proceedings for an offence under section *twenty-seven* or section *twenty-eight* hereof that, at the time of the alleged offence, the motor-vehicle was being driven at a speed not exceeding the maximum speed (if any) limited by any public authority in respect of the road, street, or locality where the alleged offence was committed.

Compensation for bodily injury or death due to accident with motor-vehicle.

29A. (1.) When any person is convicted of an offence under section *twenty-seven* or section *twenty-eight* hereof, the person so convicted may as part of the sentence be ordered to pay a sum not exceeding *fifty* pounds in any case, as compensation to any person who may have suffered bodily injury by reason of the act or default of the person convicted, or to the dependants of any person who may have been killed by reason of such act or default.

(2.) Any amount so ordered to be paid shall be recoverable in the same manner in all respects as if it were a fine, and shall, when recovered, be paid without further appropriation in accordance with the order.

(3.) The making or enforcement of an order for payment of compensation under this section shall not affect the right of any person to recover any damages to which he may be entitled independently of this section, but in assessing such damages any moneys payable under this section shall be taken into account.