



Australian Capital Territory

Road Transport (Safety and Traffic Management) Act 1999

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About this republication

The republished law

This is a republication of the *Road Transport (Safety and Traffic Management) Act 1999* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 15 January 2012. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 15 January 2012.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

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- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$110 for an individual and \$550 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Road Transport (Safety and Traffic Management) Act 1999

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1999

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Effective: 15/01/12-03/04/12



Australian Capital Territory

Road Transport (Safety and Traffic Management) Act 1999

An Act to facilitate the adoption of nationally consistent road rules in the ACT, to make provision about other matters relating to safety and traffic management on roads and road related areas, and for other purposes

Part 1 Preliminary

1 Name of Act

This Act is the *Road Transport (Safety and Traffic Management) Act 1999*.

Note 1 This Act is part of the road transport legislation. See the *Road Transport (General) Act 1999* for various provisions about the administration and enforcement of the road transport legislation generally.

Note 2 Other road transport legislation includes the following:

- *Road Transport (Alcohol and Drugs) Act 1977*
- *Road Transport (Driver Licensing) Act 1999*
- *Road Transport (General) Act 1999*
- *Road Transport (Mass, Dimensions and Loading) Act 2009*
- *Road Transport (Public Passenger Services) Act 2001*
- *Road Transport (Third-Party Insurance) Act 2008*
- *Road Transport (Vehicle Registration) Act 1999*.

Note 3 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see Legislation Act, s 104).

3 Objects of Act

The objects of this Act are—

- (a) to provide for a safety and traffic management system in the ACT that is—
 - (i) consistent with the agreements scheduled to the *National Road Transport Commission Act 1991* (Cwlth); and
 - (ii) part of the uniform national road transport legislation envisaged by that Act; and

- (b) to re-enact with some changes certain provisions of the *Motor Traffic Act 1936* about safety and traffic management; and
- (c) to improve road safety and transport efficiency, and reduce the costs of administering road transport.

Note The Commonwealth Act mentioned in s 3 (a) (i) has been repealed and replaced by the *National Transport Commission Act 2003* (Cwlth), and the agreements scheduled to the repealed Act have been independently terminated and replaced by the *Inter-Governmental Agreement for Regulatory and Operational Reform in Road, Rail and Intermodal Transport*.

4 Dictionary

The dictionary at the end of this Act is part of this Act.

Note 1 The dictionary defines certain terms, and includes references (*signpost definitions*) to other terms defined elsewhere in this Act or elsewhere in the road transport legislation.

For example, the signpost definition '*driver licence*—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.' means the term 'driver licence' is defined in that dictionary and the definition applies to this Act.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

5 Notes

A note included in this Act is explanatory and is not part of this Act.

Note See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Speeding and other dangerous driving

Division 2.1 Speeding and other dangerous driving offences

Note The offence of culpable driving is in the *Crimes Act 1900*, s 29.

5A Races, attempts on speed records, speed trials etc

- (1) A person must not, without the road transport authority's written approval, organise, promote or take part in—
- (a) a race between vehicles on a road or road related area; or
 - (b) an attempt to break a vehicle speed record on a road or road related area; or
 - (c) a trial of the maximum speed or acceleration of a vehicle on a road or road related area; or
 - (d) a competitive trial designed to test the skill of a driver, or the reliability or mechanical condition of a vehicle, on a road or road related area.

Maximum penalty: 20 penalty units.

- (2) The road transport authority may—
- (a) give or refuse to give an approval under subsection (1); and
 - (b) impose any condition (whether of general or limited application) on an approval that the authority considers necessary in the interests of public safety and convenience.
- (3) Before giving an approval under subsection (1), the road transport authority must—
- (a) consult the chief police officer; and

- (b) take reasonable steps to seek, and take into account, the views of anyone who would be, in the authority's opinion, likely to be affected if the approval were granted or refused.
- (4) Failure to comply with subsection (3) (b) in relation to an approval does not affect the validity of the approval.
- (5) A person taking part in (or the organiser or promoter) of a race, attempt or trial mentioned in subsection (1) must comply with any condition of an approval given under the subsection for the race, attempt or trial.

Maximum penalty: 20 penalty units.

Note Automatic licence disqualification applies to an offence against this section (see *Road Transport (General) Act 1999*, s 63).

5B Burnouts and other prohibited conduct

- (1) In this section:

burnout means—

- (a) in relation to a motor vehicle other than a motorbike—operate the vehicle in a way that causes the vehicle to undergo sustained loss of traction by 1 or more of the driving wheels; or
- (b) in relation to a motorbike—operate the motorbike in a way that causes the motorbike to undergo sustained loss of traction by the driving wheel.

other prohibited conduct means conduct that—

- (a) is associated with the operation of a motor vehicle for speed competitions or other activities prescribed by regulation; and
- (b) is prescribed by regulation for subsection (4).

prohibited substance, in relation to the burnout of a motor vehicle, means—

- (a) petrol, oil, diesel fuel or any other flammable liquid; or

(b) any other substance that increases the risk of death, injury or damage to property (including damage to the surface of any road or to any prescribed traffic control device) from the burnout.

(2) The driver of a motor vehicle must not burnout the vehicle on a road or road related area.

Maximum penalty:

(a) if a prohibited substance had been placed on the surface of the road or road related area under, or near, a tyre of the vehicle—30 penalty units; or

(b) in any other case—20 penalty units.

(3) In a prosecution for an offence against subsection (2), it is a defence if the driver establishes that the motor vehicle, although operated in contravention of the subsection, was not deliberately operated in that way.

(4) A person must not engage in other prohibited conduct on a road or road related area.

Maximum penalty: 20 penalty units.

(5) This section does not apply to the operation of a motor vehicle for a race, attempt or trial carried out in accordance with an approval given under section 5A by the road transport authority.

Note Automatic licence disqualification applies to an offence against this section (see *Road Transport (General) Act 1999*, s 63).

6 Negligent driving

- (1) A person must not drive a motor vehicle negligently on a road or road related area.

Maximum penalty:

- (a) if the driving occasions death—200 penalty units, imprisonment for 2 years or both; or
- (b) if the driving occasions grievous bodily harm—100 penalty units, imprisonment for 1 year or both; or
- (c) in any other case—20 penalty units.
- (2) In deciding whether an offence has been committed against subsection (1), the court must have regard to all the circumstances of the case, including—
- (a) the nature, condition and use of the road or road related area where the offence is alleged to have been committed; and
- (b) the amount of traffic on, or that might reasonably be expected to have been on, the road or road related area.
- (3) In this section:

grievous bodily harm includes permanent or serious disfigurement.

Note If an offence against this section occasions death or grievous bodily harm, automatic licence disqualification applies (see *Road Transport (General) Act 1999*, s 63).

7 Furious, reckless or dangerous driving

- (1) A person must not drive a motor vehicle furiously, recklessly, or at a speed or in a way that is dangerous to the public, on a road or road related area.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) In deciding whether an offence has been committed against subsection (1), the court must have regard to all the circumstances of the case, including—
- (a) the nature, condition and use of the road or road related area where the offence is alleged to have been committed; and
 - (b) the amount of traffic on, or that might reasonably be expected to have been on, the road or road related area.

Note Automatic licence disqualification applies to an offence against this section (see *Road Transport (General) Act 1999*, s 63).

8 Menacing driving

- (1) A person must not drive a motor vehicle on a road or road related area in a way that menaces someone else with the intention of menacing the other person.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) A person must not drive a motor vehicle on a road or road related area in a way that menaces someone else if the person ought to have known that the other person might be menaced.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (3) This section applies—

- (a) whether the other person is menaced by a threat of personal injury or by a threat of damage to property; and
- (b) whether or not the other person or that property is on a road or road related area.

- (4) A person does not commit an offence against this section if the person could not, in the circumstances, reasonably avoid menacing the other person.

- (5) A person cannot be found guilty of an offence—
- (a) both against subsection (1) and against subsection (2) arising out of a single incident; or
 - (b) both against this section and against section 6 (1) or section 7 (1) arising out of a single incident.

Note Automatic licence disqualification applies to an offence against this section (see *Road Transport (General) Act 1999*, s 63).

Division 2.2 Traffic offence evasion articles

9 Sale etc of traffic offence evasion articles

- (1) A person must not sell, offer for sale, or buy a traffic offence evasion article.

Maximum penalty: 20 penalty units.

- (2) A person must not drive or park a vehicle on a road or road related area if a traffic offence evasion article is fitted to, applied to, or carried in the vehicle.

Maximum penalty: 20 penalty units.

- (3) The responsible person for a vehicle driven or parked on a road or road related area in contravention of subsection (2) commits an offence.

Maximum penalty: 20 penalty units.

- (4) It is a defence to a prosecution for an offence against this section if the defendant satisfies the court that the traffic offence evasion article was not designed as a traffic offence evasion article but was designed for a lawful purpose.

- (5) It is a defence to a prosecution for an offence against subsection (2) or (3) if the defendant satisfies the court that, at the time of the offence—

- (a) the vehicle was being taken to a place required by a police officer, the road transport authority or a court to surrender the traffic offence evasion article; or
- (b) a notice issued under a regulation required the responsible person for the vehicle to remove the traffic offence evasion article from the vehicle within a stated time and that time had not ended; or
- (c) the defendant did not know, and in the circumstances could not reasonably be expected to have known, the traffic offence evasion article was fitted to, applied to, or carried in the vehicle.

10 Surrender and forfeiture of traffic offence evasion articles

- (1) This section applies if a police officer or authorised person suspects on reasonable grounds that a person—
 - (a) is selling, is offering for sale, has sold or has bought a traffic offence evasion article in contravention of section 9 (1); or
 - (b) is driving or has parked a vehicle on a road or road related area with a traffic offence evasion article fitted to, applied to, or carried in the vehicle in contravention of section 9 (2).
- (2) If subsection (1) (b) applies in relation to a police officer, the officer may—
 - (a) stop and detain the vehicle; and
 - (b) search the vehicle for the traffic offence evasion article; and
 - (c) seize the article if the officer finds it in or on the vehicle.
- (3) In exercising a power under subsection (2) in relation to a vehicle, a police officer—
 - (a) may use the assistance that is necessary; and

- (b) must search the vehicle in a public place or somewhere else to which members of the public have ready access; and
 - (c) must not detain the vehicle for longer than is necessary and reasonable to search it; and
 - (d) may use the force that is necessary and reasonable in the circumstances, but must not damage the vehicle by forcing open a part of the vehicle unless—
 - (i) someone apparently in charge of the vehicle has been given a reasonable opportunity to open that part; or
 - (ii) it is not possible to give anyone apparently in charge of the vehicle a reasonable opportunity to open that part.
- (4) If subsection (1) applies in relation to a police officer or authorised person, the police officer or authorised person may—
- (a) require the person mentioned in subsection (1) to surrender the traffic offence evasion article to the police officer or authorised person; or
 - (b) if the article is fitted to a vehicle and is not immediately removable—by written notice served on the responsible person for the vehicle, require the responsible person for the vehicle to surrender the article to the chief police officer within a stated time and in a stated way.

Note For how documents may be served, see the Legislation Act, pt 19.5.

- (5) Subsection (4) does not limit the powers of a police officer under subsection (3).
- (6) A person must not, without reasonable excuse, contravene a requirement under subsection (4), whether or not the person is the owner of the traffic offence evasion article.

Maximum penalty: 20 penalty units.

- (7) If—
- (a) a court finds an offence against section 9 or subsection (6) proven against someone; and
 - (b) the traffic offence evasion article has not already been surrendered under this section;
- the court may order the person to surrender the article to the chief police officer within a stated time and in a stated way.
- (8) A traffic offence evasion article surrendered under this section is forfeited to the Territory and may be destroyed or otherwise disposed of as directed by the chief police officer or road transport authority.
- (9) If a person who is not the absolute owner of a traffic offence evasion article surrenders the article under this section, no liability attaches to the person because of the surrender.

Division 2.3 Seizure, impounding and forfeiture of vehicles for certain offences

10A Impounding of vehicles used for menacing driving on court order before conviction etc

- (1) If a police officer believes on reasonable grounds that a person has committed an offence against section 8 (Menacing driving), the police officer may apply to the Magistrates Court for an order that the motor vehicle used by the person to commit the offence be impounded.
- (2) The application may be made whether or not the person has been charged with the offence.

Note Subsection (10) provides that this section does not apply if a court convicts or finds a person guilty of an offence against s 8. In that case, the court would deal with the person under s 10B.

- (3) If the court is satisfied on the balance of probabilities that the person committed the offence, the court must order the motor vehicle is to be impounded for 3 months, unless the court otherwise orders under subsection (4).
- (4) The court may, by order, specify a shorter period of impounding or dispense with the period of impounding to avoid excessive hardship or other injustice to anyone.
- (5) In deciding whether to make an order under subsection (4), the court—
 - (a) must have regard to the circumstances of the offence, including the risk to the safety of road users; and
 - (b) may seek evidence from a police officer about the circumstances of the offence.
- (6) Subsection (5) does not limit, by implication, the matters to which the court may have regard or prevent the person from presenting evidence about the circumstances of the offence.
- (7) Any period for which the motor vehicle was impounded under section 10C (Powers of police officers to seize and impound vehicles used in committing certain offences) counts towards a period of impounding of the motor vehicle under this section.
- (8) If the court makes an order under this section and the motor vehicle has not already been impounded under section 10C, the court may order the responsible person for the vehicle to surrender the motor vehicle to the chief police officer within a stated time and in a stated way.
- (9) The court may also make an order authorising any police officer to seize the vehicle from any place if the order under subsection (8) is not complied with.

- (10) This section does not apply if a court convicts the person, or finds the person guilty, of an offence against section 8 (Menacing driving).

10B Impounding or forfeiture of vehicles on conviction etc for certain offences

- (1) If a court convicts a person, or finds a person guilty, of an offence against section 5A (Races, attempts on speed records, speed trials etc), section 5B (Burnouts and other prohibited conduct) or section 8 (Menacing driving), the motor vehicle used by the person in committing the offence is—
- (a) for a first offender—to be impounded for 3 months, unless the court otherwise orders under subsection (2); or
 - (b) for a repeat offender—forfeited to the Territory, unless the court otherwise orders under subsection (2).
- (2) The court may, by order, specify a shorter period of impounding, dispense with the period of impounding or commute a forfeiture to a period of impounding to avoid excessive hardship or other injustice to anyone.
- (3) In deciding whether to make an order under subsection (2), the court—
- (a) must have regard to the circumstances of the offence, including the risk to the safety of road users; and
 - (b) may seek evidence from the prosecution about the circumstances of the offence.
- (4) Subsection (3) does not limit, by implication, the matters to which the court may have regard or prevent the defendant from presenting evidence about the circumstances of the offence.
- (5) Any period for which the motor vehicle was impounded under section 10A (Impounding of vehicles used for menacing driving on

court order before conviction etc) or section 10C (Powers of police officers to seize and impound vehicles used in committing certain offences) counts towards a period of impounding of the motor vehicle under this section.

- (6) If—
- (a) a court convicts a person, or finds a person guilty, of an offence against section 5A, section 5B or section 8; and
 - (b) the motor vehicle used in committing the offence is subject to impounding or forfeiture under this section; and
 - (c) the vehicle has not already been impounded under section 10C;
- the court may order the responsible person for the vehicle to surrender the vehicle to the chief police officer within a stated time and in a stated way.
- (7) The court may also make an order authorising any police officer to seize the vehicle from any place if the order under subsection (6) is not complied with.
- (8) The impounding or forfeiture of a motor vehicle under this section is in addition to any other penalty imposed for the offence.
- (9) For any rights of appeal against penalty, the impounding or forfeiture of a motor vehicle under this section is, or is part of, the penalty imposed for the offence.
- (10) For this section—
- (a) a person who is convicted, or found guilty, of an offence against section 5A, section 5B or section 8 (the **current offence**) is a **repeat offender** in relation to the current offence if the person has been convicted, or found guilty, of an offence against section 5A, section 5B or section 8 within 5 years before being convicted, or found guilty, of the current offence; and

- (b) a person who is convicted, or found guilty, of an offence against section 5A, section 5B or section 8 is a *first offender* in relation to the offence if the person is not a repeat offender in relation to the offence.

10C Powers of police officers to seize and impound vehicles used in committing certain offences

- (1) A police officer may seize a motor vehicle if—
 - (a) the police officer believes, on reasonable grounds, that the vehicle is being or has been used by a person in committing an offence against section 5A (Races, attempts on speed records, speed trials etc) or section 5B (Burnouts and other prohibited conduct); or
 - (b) the vehicle is subject to impounding under section 10A (Impounding of vehicles used for menacing driving on court order before conviction etc); or
 - (c) the vehicle is subject to impounding or forfeiture under section 10B (Impounding or forfeiture of vehicles on conviction etc for certain offences).
- (2) However, the police officer may only seize the motor vehicle under subsection (1) (a) within 10 days after the commission of the offence.
- (3) The motor vehicle may be seized from—
 - (a) a road or road related area or any other public place; or
 - (b) any other place—
 - (i) with the consent of the owner or occupier of the place; or
 - (ii) under the authority of an order under section 10A (9) or section 10B (7) for the seizure of the vehicle.

- (4) After seizing the motor vehicle, the police officer must move the vehicle to a place decided by the chief police officer.
- (5) The motor vehicle may, subject to the regulations, be impounded at the place where it is moved under subsection (4), or may be moved to and impounded at any other place decided by the chief police officer.
- (6) To seize or move the motor vehicle, the police officer, or someone acting under the police officer's direction, may remove, dismantle or neutralise any locking device or other feature of the vehicle and may, if the driver or anyone else will not surrender the keys to the vehicle or the keys are not available to the police officer for any other reason, start the vehicle in another way.
- (7) The motor vehicle may be moved—
 - (a) by being driven (whether or not under power) or by being towed or pushed, or in any other way whatever; and
 - (b) by the police officer or someone acting under the police officer's direction.
- (8) In this section:
public place includes any place that members of the public are entitled to use.

10D Registered operator and interested people to be notified

- (1) If a motor vehicle is seized under section 10C (1) (a) (Powers of police officers to seize and impound vehicles used in committing certain offences), the chief police officer must give notice of the seizure to the registered operator of the vehicle.
Note For how documents may be served, see the Legislation Act, pt 19.5.
- (2) If a prosecution is started against a person for an offence against section 5A (Races, attempts on speed records, speed trials etc), section 5B (Burnouts and other prohibited conduct) or section 8

(Menacing driving) involving a motor vehicle, the chief police officer must give notice of the prosecution to—

- (a) if the prosecution is against a person other than the registered operator (or a registered operator) of the vehicle—the registered operator; or
 - (b) if the vehicle may be subject to forfeiture if the person is convicted or found guilty of the offence—the holder of any registered interest in the vehicle.
- (3) The notice must be given within 7 days after the seizure or the start of the prosecution.
- (4) The notice must—
- (a) state—
 - (i) the short description prescribed under the *Road Transport (General) Act 1999* for the offence for which the motor vehicle has been seized or the prosecution started (or the provision of this Act contravened by the person); and
 - (ii) the place where the offence was committed and the date and approximate time of the offence; and
 - (iii) the particulars that are, under the regulations under the *Road Transport (General) Act 1999*, identifying particulars for the vehicle; and
 - (c) for a notice under subsection (1)—tell the registered operator that an application may be made to the chief police officer or the Magistrates Court for the release of the vehicle; and
 - (d) for a notice under subsection (2)—tell the person that the vehicle may be subject to impounding or, if appropriate, forfeiture under section 10B.

10E Keeping of vehicles seized under s 10C (1) (a)

- (1) This section applies if a motor vehicle is seized under section 10C (1) (a) (Powers of police officers to seize and impound vehicles used in committing certain offences) by a police officer because the police officer believes the vehicle has been used by a person in committing an offence.
- (2) The chief police officer must keep the motor vehicle under this section until the earlier of the following happens:
 - (a) the person is dealt with by a court for the offence;
 - (b) an infringement notice is served on the person for the offence;
 - (c) if a prosecution for the offence is not started within 28 days after the seizure—the end of the 28-day period;
 - (d) if the person has not been convicted, or found guilty, of a relevant offence within the 5-year period before the day the vehicle is seized—the end of the 3-month period after the day the vehicle is seized.
- (3) However, subsection (2) does not apply if the vehicle is sooner released under—
 - (a) section 10G (Vehicles seized under s 10C (1) (a)—release by chief police officer); or
 - (b) section 10H (Vehicles seized under s 10C (1) (a)—release by Magistrates Court).
- (4) If the person is convicted, or found guilty of, the offence, the chief police officer must keep the vehicle as required under section 10F.
- (5) In this section:

relevant offence means an offence against—

 - (a) section 5A (Races, attempts on speed records, speed trials etc);
or

- (b) section 5B (Burnouts and other prohibited conduct); or
- (c) section 8 (Menacing driving).

10F Keeping of vehicles impounded or forfeited under s 10A or s 10B

- (1) A motor vehicle impounded under section 10A (Impounding of vehicles used for menacing driving on court order before conviction etc) or section 10B (Impounding or forfeiture of vehicles on conviction etc for certain offences) must be kept by the chief police officer for the period for which the vehicle is subject to impounding.
- (2) A motor vehicle subject to forfeiture under section 10B must be kept by the chief police officer until the road transport authority directs that the vehicle be disposed of.
- (3) A direction under subsection (2) may be given in relation to a motor vehicle not earlier than 28 days after the vehicle becomes subject to forfeiture.

10G Vehicles seized under s 10C (1) (a)—release by chief police officer

- (1) A person may apply to the chief police officer for the release to the person of a motor vehicle that has been seized under section 10C (1) (a).
- (2) The chief police officer must release the vehicle to the person if—
 - (a) the chief police officer is satisfied that the person is entitled to possession of the vehicle; and
 - (b) the period for which the chief police officer is required under section 10E to keep the vehicle has ended; and
 - (c) any fee or other amount payable under the *Road Transport (General) Act 1999* in relation to the impounding and seizure of the vehicle has been paid.

- (3) The chief police officer may release the vehicle to the person if—
- (a) the chief police officer is satisfied that the person is entitled to possession of the vehicle; and
 - (b) the chief police officer is satisfied that—
 - (i) the offence for which the vehicle was impounded was not committed by, or with the consent of, the person; and
 - (ii) the person did not know, and could not reasonably be expected that have known, that the vehicle would be used for the commission of the offence; and
 - (c) any fee or other amount payable under the *Road Transport (General) Act 1999* in relation to the seizure and impounding of the vehicle has been paid.
- (4) The chief police officer must ensure that an impounded vehicle is available for collection by a person as soon as practicable after the person becomes entitled to possession of it.
- (5) If a motor vehicle is released to a person under this section, the person must acknowledge in writing receiving the vehicle.

10H Vehicles seized under s 10C (1) (a)—release by Magistrates Court

- (1) A person may apply to the Magistrates Court for an order for the release to the person of a motor vehicle that has been seized under section 10C (1) (a), whether or not an application has been made to the chief police officer under section 10G for the release of the vehicle.
- (2) The court may order the release of the motor vehicle to the person if satisfied that—
- (a) the person is entitled to the possession of the vehicle; and
 - (b) either—

- (i) the offence for which the vehicle was impounded was not committed by, or with the consent of, the person and the person did not know, and could not reasonably be expected to have known, that the vehicle would be used for the commission of an offence; or
 - (ii) keeping the vehicle would cause excessive hardship or other injustice to anyone.
- (3) The court may also remit all or part of any fee or other amount payable under the *Road Transport (General) Act 1999* in relation to the seizure and impounding of the vehicle.
- (4) If a motor vehicle is released to a person under this section, the person must acknowledge in writing receiving the vehicle.

10I Safekeeping of vehicles

The chief police officer must take reasonable steps to secure an impounded vehicle against theft or damage while impounded.

10J Failure to prosecute

A proceeding does not lie against the Territory, the chief police officer or a police officer in relation to the seizure or impounding under section 10C (1) (a) or (b) (Powers of police officers to seize and impound vehicles used in committing certain offences) of a vehicle for an offence only because a prosecution is not started for the offence.

10K Disposal of vehicles

- (1) The chief police officer may cause an impounded or forfeited vehicle to be offered for sale, by public auction or public tender, in the circumstances prescribed by regulation.
- (2) The vehicle may be disposed of otherwise than by sale if the chief police officer believes on reasonable grounds that the vehicle has no

monetary value or that the proceeds of the sale would be unlikely to exceed the costs of sale.

- (3) If the vehicle offered for sale is not sold, the chief police officer may dispose of the vehicle otherwise than by sale.
- (4) A regulation may make provision in relation to the disposal of the proceeds of any such sale, including provisions in relation to entitling people to seek to be paid any proceeds.

Part 3 Unsafe loads

11 Meaning of *loaded unsafely*

In this part:

loaded unsafely, for a vehicle, means—

- (a) a load on the vehicle is placed in a way that makes the vehicle unstable or unsafe; or
- (b) a load on the vehicle is not secured or is secured in a way that it is likely to fall or be dislodged from the vehicle; or
- (c) an appropriate method is not used to secure a load on the vehicle.

12 Driver of vehicle loaded unsafely

A person commits an offence if—

- (a) the person knows, or ought reasonably to know, a vehicle is loaded unsafely; and
- (b) the person drives the vehicle, or allows it to stand, on a road or road related area; and
- (c) while the vehicle is being so driven or allowed to stand, a person dies or is injured, or property (other than the vehicle or load) is damaged, because the vehicle is loaded unsafely.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

13 Responsible person for vehicle loaded unsafely

- (1) The responsible person for a vehicle commits an offence if—
 - (a) the vehicle is loaded unsafely and is driven, or allowed to stand, on a road or road related area; and

- (b) the person knows, or ought reasonably to know, the vehicle is loaded unsafely; and
- (c) while the vehicle is being so driven or allowed to stand, a person dies or is injured, or property (other than the vehicle or load) is damaged, because the vehicle is loaded unsafely.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person commits an offence if—
 - (a) the person is a director of, or is concerned in the management of, a corporation that is the responsible person for a vehicle loaded unsafely and driven, or allowed to stand, on a road or road related area; and
 - (b) the person knows, or ought reasonably to know, the vehicle is loaded unsafely; and
 - (c) while the vehicle is being so driven or allowed to stand, a person dies or is injured, or property (other than the vehicle or load) is damaged, because the vehicle is loaded unsafely.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

14 Proceeding against pt 3

- (1) It is a defence to a prosecution of a person for an offence against this part if the person satisfies the court that the person could not have prevented the vehicle being driven, or allowed to stand, on a road or road related area while loaded unsafely.
- (2) In a proceeding for an offence against this part, it is sufficient to prove a vehicle was loaded unsafely if the prosecution proves the load on the vehicle was not placed, secured or restrained in a way that met the standards prescribed by regulation.

Part 4 Traffic accidents

15 Meaning of *traffic accident*

In this Act:

traffic accident includes—

- (a) a collision between 2 or more vehicles or a vehicle and an animal; and
- (b) any other accident or incident involving a vehicle or animal in which a person dies or is injured, property is damaged, or an animal in someone's charge dies or is injured.

16 Driver or rider to stop and give assistance

If the driver of a vehicle, or rider of an animal, is involved in a traffic accident on a road or road related area, and someone dies or is injured in the accident, the driver or rider must not knowingly fail to stop and give any assistance that is necessary and in his or her power to give.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

17 Regulations about duties of participants in, and witnesses to, traffic accidents

- (1) A regulation may make provision in relation to the duties of the driver of a vehicle or anyone else involved in or affected by a traffic accident on a road or road related area.
- (2) In particular, a regulation may require a person mentioned in that subsection—
 - (a) to produce his or her Australian driver licence or external driver licence, or another form of identification, to anyone else; and

- (b) to give particulars to the police or anyone else about—
- (i) any vehicle, person or property involved in or affected by the accident; or
 - (ii) injury or damage caused by the accident; or
 - (iii) the names and addresses of witnesses to the accident.

Part 5 Traffic control devices

18 Authority to install etc prescribed traffic control devices

For this part, a person has *appropriate authority* to install or display (or to interfere with, change or remove) a prescribed traffic control device if the person is authorised in writing by the road transport authority to install or display (or to interfere with, change or remove) the device.

19 Offences about prescribed traffic control devices

- (1) A person must not, without appropriate authority—
- (a) install or display a prescribed traffic control device—
 - (i) on, above or near a road or road related area; or
 - (ii) on a vehicle on, above or near a road or road related area; or
 - (b) interfere with, change or remove a prescribed traffic control device installed or displayed—
 - (i) on, above or near a road or road related area; or
 - (ii) on a vehicle on, above or near a road or road related area.

Maximum penalty: 20 penalty units.

- (2) A person must not install or display a sign, signal, marking, structure or other device that might reasonably be mistaken for a prescribed traffic control device—
- (a) on, above or near a road or road related area; or
 - (b) on a vehicle on, above or near a road or road related area.

Maximum penalty: 20 penalty units.

20 Removal of unauthorised devices

- (1) This section applies if a person installs or displays a sign, signal, marking, structure or other device in contravention of section 19.
- (2) The road transport authority, a police officer, or an authorised person—
 - (a) may direct the person, orally or in writing, to remove the device within a stated reasonable time; or
 - (b) may remove the device.
- (3) If the person is given a direction under subsection (2) (a), the person must comply with the direction.

Maximum penalty: 20 penalty units.

- (4) If the road transport authority, a police officer, or an authorised person removes the device—
 - (a) the person's liability under section 19 or subsection (3) is not affected; and
 - (b) the road transport authority may recover the cost of removing the device as a debt payable by the person to the Territory.
- (5) A certificate given by or on behalf of the road transport authority, and stating that a stated amount is the cost of removing the device under subsection (2) (b), is evidence of the facts so stated.

21 Devices generally presumed to be lawfully installed or displayed

In a proceeding for an offence against this Act (other than an offence against section 19 (1) (a) or section 20 (3) in relation to a contravention of that paragraph), a prescribed traffic control device installed or displayed on, above or near a road or road related area, or on a vehicle on, above or near a road or road related area, is

conclusively presumed to have been lawfully installed or displayed there under this Act.

22 Notice of intention to challenge certain issues

- (1) This section applies if a defendant in a proceeding for an offence against this Act intends to challenge any of the following matters:
- (a) that a stated prescribed traffic control device was, at the time of the offence, installed or displayed at a stated place on, above or near a road or road related area, or on a vehicle on, above or near a road or road related area;
 - (b) that a stated prescribed traffic control device on, above or near a road or road related area, or on a vehicle on, above or near a road or road related area, is a reasonable likeness of a diagram, or complies substantially with a description, of the device under this Act;
 - (c) that a symbol on or with a prescribed traffic control device on, above or near a road or road related area, or on a vehicle on, above or near a road or road related area, is a reasonable likeness of a diagram of the symbol under this Act;
 - (d) that a stated prescribed traffic control device on, above or near a road or road related area, or on a vehicle on, above or near a road or road related area, is clearly visible during the day or night in normal weather conditions, or during the day in normal weather conditions, to the drivers or pedestrians it applies to;
 - (e) that a stated prescribed traffic control device on, above or near a road or road related area, or on a vehicle on, above or near a road or road related area, was operating correctly at the time of the offence.

- (2) The defendant must give written notice of the challenge to the prosecution at least 7 days before the day fixed for the hearing.

Note For how documents may be served, see the Legislation Act, pt 19.5.

- (3) The notice must—
- (a) state the defendant's full name and address; and
 - (b) state—
 - (i) if an infringement notice for the offence has been served on the person—the number of the infringement notice and the date of service of the infringement notice; or
 - (ii) if an infringement notice for the offence has not been served on the person—sufficient details of the offence to allow the prosecution to identify the offence; and
 - (c) clearly identify the stated prescribed traffic control device and the matter the defendant intends to challenge; and
 - (d) outline the grounds of the challenge.

Part 6 Traffic offence detection devices

Division 6.1 Definitions—pt 6

22AA Definitions—pt 6

In this part:

average speed—see section 22B.

average speed detection system—see section 23A.

average speed limit, for a driver of a vehicle on a road between 2 detection points if more than 1 speed limit applies between the points, means the average speed limit prescribed by regulation for the road between the points.

detection point means a point prescribed by regulation on a road by reference to which a vehicle's average speed can be worked out.

relevant information—see section 22A.

shortest practicable distance, between 2 detection points, means the distance prescribed by regulation as the shortest distance between the points that a vehicle's driver could use to travel on a road between the points without contravening this Act.

shortest practicable route—see section 23B (a).

speeding offence means an offence—

- (a) against a provision of the road transport legislation of failing to obey a speed limit; or
- (b) prescribed by regulation.

22A Meaning of *relevant information*—pt 6

- (1) For this part, *relevant information*, for an image of a vehicle taken by a camera detection device, is—

- (a) the date and time when, and place where, the image was taken; and
 - (b) the person responsible for the use of the device when the image was taken; and
 - (c) if the vehicle is being driven in contravention of a provision of the road transport legislation about traffic lights—
 - (i) the general direction and lane in which the vehicle is being driven; and
 - (ii) the time a red traffic light or red traffic arrow facing the driver of the vehicle is showing before the driver contravenes the provision; and
 - (d) if the vehicle is being driven in contravention of a provision of the road transport legislation about obeying the speed limit—
 - (i) the speed measuring device component of the camera detection device; and
 - (ii) the speed limit applying to the driver of the vehicle for the length of road where the driver was driving when the image is taken; and
 - (iii) the speed at which the driver of the vehicle was driving when the image is taken.
- (2) For this part, **relevant information**, for an image of a vehicle, or a numberplate or anything else on a vehicle, taken by an average speed detection system, is—
- (a) the date and time when, and place where, the image was taken; and
 - (b) any information prescribed by regulation; and
 - (c) any other information the road transport authority considers appropriate.

22B Meaning of *average speed*—pt 6

- (1) For this part, the *average speed* of a vehicle between 2 detection points is the speed worked out in accordance with the following formula and expressed in kilometres per hour rounded down to the next whole number:

$$\frac{SPD \times 3600}{T}$$

- (2) In this section:

SPD means the shortest practicable distance between the detection points.

T means the time, expressed in seconds, that elapsed between the vehicle passing the first and second detection points.

Division 6.2 Traffic offence detection devices— general

23 Use of camera detection devices

- (1) A *camera detection device* is a device designed to do either or both of the following:
- (a) take complying images of vehicles being driven in contravention of a provision of the road transport legislation about traffic lights;
 - (b) measure the speed at which vehicles are being driven and take complying images of vehicles being driven in contravention of a provision of the road transport legislation about obeying the speed limit.
- (2) A photographic or electronic image of a vehicle taken by an approved camera detection device is a complying image if—
- (a) the image shows the vehicle and its numberplate; and

- (b) the relevant information for the image is indicated on the image; and
 - (c) for an electronic image—
 - (i) the device creates an electronic file that contains the image and the relevant information for the image; and
 - (ii) the file is recorded in accordance with the regulations; and
 - (iii) if a regulation requires the accuracy of the file to be verified—the file is verified in accordance with the regulation.
- (3) This section does not—
- (a) limit the matters that may be indicated on or shown by an image taken by an approved camera detection device; or
 - (b) limit the information included in an electronic file created by an approved camera detection device; or
 - (c) require an approved camera detection device to be operated by a person.

Note Information etc that is indicated on an image includes information etc accompanying or reasonably associated with the image (see dict, def *indicated on*).

23A Use of average speed detection systems

- (1) An *average speed detection system* is a system designed to take complying images of vehicles at detection points and work out the average speed of vehicles between 2 detection points.
- (2) A photographic or electronic image of a vehicle, or a numberplate or anything else on a vehicle, taken by an approved average speed detection system is a complying image if—
 - (a) the image shows the vehicle, numberplate or other thing; and

- (b) the relevant information for the image is indicated on the image; and
 - (c) for an electronic image—
 - (i) the system creates an electronic file that contains the image and the relevant information for the image; and
 - (ii) the file is recorded in accordance with a regulation; and
 - (iii) if a regulation requires the accuracy of the file to be verified—the file is verified in accordance with the regulation.
- (3) This section does not—
- (a) limit the matters that may be indicated on or shown by an image taken by an approved average speed detection system; or
 - (b) limit the information included in an electronic file created by an approved average speed detection system; or
 - (c) require an approved average speed detection system to be operated by a person.

23B Average speed detection systems—shortest practicable route and minimum travel time

A regulation that prescribes the shortest practicable distance between 2 detection points must also prescribe—

- (a) the route used to work out the shortest practicable distance between the points (the *shortest practicable route*); and
- (b) the minimum time, expressed in seconds, that a vehicle's driver could take to drive the vehicle on the route between the points without contravening a provision of the road transport legislation about obeying the speed limit.

23C Average speed detection systems—signs

- (1) This section applies in relation to an average speed detection system.
- (2) The road transport authority must display a sign—
 - (a) not more than 100m before each detection point; and
 - (b) approximately halfway along the shortest practicable route between detection points.
- (3) Failure to comply with this section does not affect an infringement notice or a proceeding for an offence.

24 Regulations about traffic offence detection devices

- (1) A regulation may make provision in relation to the testing, sealing, maintenance and use of traffic offence detection devices, including the approval by the road transport authority of people to test, seal, maintain or use traffic offence detection devices.
- (2) A regulation may also make provision about—
 - (a) the meaning of codes and other information indicated on images taken by approved camera detection devices or approved average speed detection systems; and
 - (b) any other matter relating to average speed detection systems, including the images taken by them.
- (3) However, a regulation must not provide for a system to be an approved average speed detection system unless the system ensures that each image of a vehicle taken at a detection point is deleted from the camera that took the image not later than 14 days after the image is taken.

24A Average speed of vehicle is evidence of actual speed in certain circumstances

- (1) This section applies to a proceeding against a person for a speeding offence.
- (2) The prosecution may rely on evidence of the average speed of the vehicle between 2 detection points as evidence of the actual speed of the vehicle between the detection points for the purpose of proving the offence.
- (3) The following provisions apply in relation to the proceeding:
 - (a) the vehicle's average speed is admissible and is evidence of the actual speed at which the driver drove the vehicle on a road between the detection points;
 - (b) if more than 1 speed limit applied to the driver between the detection points, the average speed limit for the driver on a road between the points is taken to be the speed limit that applied to the driver at all times on the road between the points;
 - (c) for the purpose of working out the vehicle's average speed, the vehicle is taken to have travelled between the detection points by means of the shortest practicable distance regardless of the actual route taken.
- (4) An offence evidenced by the average speed of a vehicle between 2 detection points is taken to have been committed when the vehicle passed the 2nd detection point.

24B Other forms of proof of speeding offences not excluded by s 24A

- (1) Section 24A is in addition to, and does not limit, any other form of proof of a vehicle's speed.

- (2) Without limiting subsection (1), a court in a proceeding against a person for a speeding offence in which the prosecution is relying on evidence of the average speed of the vehicle may convict a person, or find a person guilty, of the offence by relying on evidence of the actual speed of the vehicle at a particular point of its journey between 2 detection points if the court is satisfied that—
- (a) evidence in the proceeding (other than evidence establishing the average speed) establishes the actual speed at which the driver was driving, and the actual speed limit that applied to the driver at that point; and
 - (b) the use of the actual speed and actual speed limit rather than the average speed (and, if relevant, the average speed limit) demonstrates that the driver exceeded the speed limit by a greater speed than that indicated by the use of the average speed (and average speed limit).

Example

The average speed of a vehicle between 2 detection points is 120km/h along a length of road for which the speed limit is 90km/h. A police officer measured the speed of the vehicle at a point during that journey at 130km/h using an approved speed measuring device. The court may rely on the evidence obtained by the police officer rather than the average speed to convict a person of the speeding offence.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

24C Use of camera detection devices and average speed detection systems

- (1) This section applies to a camera detection device or average speed detection system that is used to take an image of a vehicle.
- (2) The device or system may only be used to take an image of the vehicle from the rear.

(3) However, the device or system may be used to take an image of the vehicle from the front if—

(a) using the device or system to take an image of the vehicle from the rear would be dangerous or impracticable; and

Examples

1 the topography of the place where the camera is located

2 the width of the road where the camera is located

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(b) as far as practicable, an image of the vehicle's driver is not taken.

(4) Failure to comply with this section does not affect the admissibility of an image in a proceeding for an offence.

25 Evidentiary certificates etc

(1) This section applies to a proceeding against a person for an offence against this Act involving a vehicle.

(2) A certificate that appears to be signed by a police officer or the road transport authority, and states a matter relevant to any of the following, is evidence of the matter:

(a) the use of a traffic offence detection device in relation to the vehicle;

(b) anything done or not done in relation to a traffic offence detection device under a regulation made for this part;

(c) the recording or verification of an electronic file created by an approved camera detection device or an approved average speed detection system;

(d) the vehicle's average speed between stated detection points.

- (3) Without limiting subsection (2), a certificate given under that subsection may state any of the following matters:
- (a) that the traffic offence detection device is—
 - (i) an approved camera detection device; or
 - (ii) an approved speed measuring device; or
 - (iii) an approved average speed detection system;
 - (b) that the device has been maintained, tested, sealed or used as required or permitted under the regulations made for this part;
 - (c) the condition of the device at a stated time or at any time during a stated period, including, for example, that it was accurate (or accurate to a stated extent) and operating properly at that time or during that period;
 - (d) if the device is an approved camera detection device—that a stated image is an accurate copy of an image taken by the device at a stated date, time and place or is an accurate copy of 1 of a series of images taken by the device at a stated place during a stated period;
 - (e) if the device is an approved average speed detection system—
 - (i) that a stated image is an accurate copy of an image taken by the system at a stated date, time and place or is an accurate copy of 1 of a set of images taken by the system at stated places at a stated time or during a stated period; or
 - (ii) that stated images are accurate copies of a set of images taken by the system at stated places at a stated time or during a stated period.
 - (f) if the device is an approved speed measuring device—a measurement of speed obtained by the use of the device.

- (4) An image stated by a certificate given under subsection (2) to be an accurate copy of an image taken by an approved camera detection device or an approved average speed detection system is evidence of everything indicated on or shown by the image.

Note Information etc that is indicated on an image includes information etc accompanying or reasonably associated with the image (see dict, def *indicated on*).

- (5) Without limiting subsection (4), the information indicated on or shown by the image is evidence of the following matters:
- (a) that the vehicle shown in the image was being driven when and the place where (the *relevant time and place*) the image was taken by the device;
 - (b) if the information indicates a speed limit—that the speed limit applied to the driver of the vehicle for the length of road where the driver was driving at the relevant time and place;
 - (c) if the information indicates the speed of the vehicle—that the driver was driving the vehicle at that speed at the relevant time and place;
 - (d) if the information indicates the average speed of the vehicle between 2 detection points—that the driver was driving the vehicle at that speed between the points;
 - (e) if the information indicates the lane and the general direction in which the vehicle was travelling—that the vehicle was travelling in that lane in the general direction indicated;
 - (f) if the information indicates the length of time a red traffic light or red traffic arrow facing the driver of the vehicle had been showing—that the light or arrow shown in the image had been showing for the stated time before the driver contravened a provision of the road transport legislation about traffic lights.
- (6) If an image mentioned in subsection (4) is a copy of 1 of a series or set of images taken by an approved camera detection device or an

approved average speed detection system at a time or during a period, subsections (4) and (5) apply to the image considered by itself and to the image considered with other images in the series or set.

- (7) If the defendant is the responsible person (or a responsible person) for the vehicle, it is to be presumed (unless evidence to the contrary is presented) that the defendant was the driver of the vehicle at the relevant time and place.
- (8) Evidence may be given by a police officer or authorised person about any matter mentioned in subsections (2) and (3).
- (9) Without limiting subsection (8), evidence by a police officer or authorised person of the speed a vehicle was moving as measured by a traffic offence detection device is evidence that the vehicle was being driven at that speed when and where the measurement was taken.
- (10) Evidence of the condition of a traffic offence detection device is necessary only if evidence is given that the device was not accurate or operating properly.
- (11) This section does not limit evidence that can be presented apart from this section.

26 Interfering with traffic offence detection devices

A person must not, without lawful authority, knowingly or recklessly interfere with—

- (a) a traffic offence detection device or its operation; or
- (b) a seal on a traffic offence detection device; or
- (c) anything taken or created by a traffic offence detection device.

Maximum penalty: 30 penalty units.

27 Inspection and purchase of images taken by traffic offence detection devices

- (1) This section applies to—
 - (a) the responsible person for a vehicle shown in an image taken by a traffic offence detection device; or
 - (b) a person nominated under the *Road Transport (General) Act 1999*, section 38 (Illegal user declarations), section 39 (Known user declarations) or section 40 (Sold vehicle declarations) by the responsible person for a vehicle shown in an image taken by a traffic offence detection device.

- (2) The road transport authority must—
 - (a) make a copy of the image (including the information indicated on the image) available for inspection by the person; and
 - (b) give a copy to the person if the person asks for a copy.

Note A fee may be determined under the *Road Transport (General) Act 1999*, s 96 (Determination of fees, charges and other amounts) for this section.

28 Notice of intention to challenge certain issues

- (1) This section applies if a defendant in a proceeding for an offence against this Act intends to challenge the following:
 - (a) the maintenance, testing, sealing, use, accuracy or operating condition of a traffic offence detection device;
 - (b) a vehicle's average speed between 2 detection points.

- (2) The defendant must give written notice of the challenge to the prosecution at least 7 days before the day fixed for the hearing.

Note For how documents may be served, see the *Legislation Act*, pt 19.5.

- (3) The notice must—
 - (a) state the defendant's full name and address; and

- (b) state—
 - (i) if an infringement notice for the offence has been served on the person—the number of the infringement notice and the date of service of the infringement notice; or
 - (ii) if an infringement notice for the offence has not been served on the person—sufficient details of the offence to allow the prosecution to identify the offence; and
- (c) outline the grounds on which the defendant intends to make the challenge.

29 Use of images by road transport authority

- (1) The road transport authority may use an image taken by a traffic offence detection device only—

- (a) in connection with the enforcement of the road transport legislation; or

Examples

- 1 for deciding whether to issue infringement notices
- 2 for preparing prosecutions
- 3 for training staff
- 4 for testing and maintenance of traffic offence detection devices

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (b) if the use of the information is reasonably necessary for the enforcement of the criminal law or a law imposing a monetary penalty; or
- (c) if the use of the information is required or authorised by—
 - (i) a law of the Territory; or
 - (ii) a law of the Commonwealth; or

(iii) an order of a court of competent jurisdiction.

(2) In this section:

law of the Territory means, for a law made after the commencement of this section, a law that expressly requires or authorises the use of the information.

29A Disclosure of images by road transport authority

(1) The road transport authority must ensure that an image taken by a traffic offence detection device is not disclosed by the authority to another person except—

(a) in connection with the enforcement of the road transport legislation; or

Examples

- 1 to a police officer for deciding whether to issue an infringement notice
- 2 to a prosecutor for preparing a prosecution
- 3 to a contractor engaged to service a traffic offence detection device

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(b) if the disclosure of the information is reasonably necessary for the enforcement of the criminal law or a law imposing a monetary penalty; or

(c) if the disclosure of the information is required or authorised by—

(i) a law of the Territory; or

Example

to a person who can ask for a copy of the image under s 27

(ii) a law of the Commonwealth; or

(iii) an order of a court of competent jurisdiction.

(2) In this section:

law of the Territory means, for a law made after the commencement of this section, a law that expressly requires or authorises the disclosure of the information.

29B Use, retention and disclosure of images by other people

A person to whom an image taken by a traffic offence detection device is disclosed under section 29A—

- (a) may use the image only for the purpose for which it was disclosed and in accordance with any applicable laws; and
- (b) must not retain the image for longer than required by or for that purpose, or as required by law; and
- (c) must not disclose the image to someone else unless the disclosure is required or authorised by—
 - (i) a law of the Territory; or
 - (ii) a law of the Commonwealth; or
 - (iii) an order of a court of competent jurisdiction.

29C Protection of images against loss etc

The road transport authority, and any person to whom an image taken by a traffic offence detection device is disclosed under section 29A, must ensure that the image is protected by the security safeguards that it is reasonable in the circumstances to take against—

- (a) loss; and
- (b) unauthorised access, use, modification or disclosure; and
- (c) other misuse.

Part 7 Traffic management

30 Road or road related area may be closed temporarily to traffic

- (1) A police officer may—
 - (a) close a road or road related area to traffic during a temporary obstruction or danger to traffic or for any temporary purpose; and
 - (b) give directions to prevent the traffic of any vehicles, people or animals in or on a road or road related area closed to traffic under paragraph (a) or under the authority of another Act.
- (2) A person must not, without reasonable excuse, contravene a direction of a police officer under this section.

Maximum penalty: 20 penalty units.

31 Removal of dangers and obstructions to traffic

- (1) If a danger or obstruction to traffic on a road or road related area is caused by—
 - (a) a vehicle that is involved in a traffic accident or is broken down; or
 - (b) anything that has fallen, escaped or been removed from a vehicle; or
 - (c) a container used for transporting materials or rubbish (including a building skip) or anything else left or placed on a road or road related area;

a police officer or authorised person may remove the vehicle, thing or container and take other steps necessary to protect the public and assist the free flow of traffic.

- (2) The road transport authority may recover the cost of action taken under subsection (1) as a debt payable to the Territory by—
 - (a) for a vehicle—the driver of, or responsible person for, the vehicle at the time of the traffic accident or breakdown; or
 - (b) for anything that has fallen, escaped or been removed from a vehicle—the driver of, or responsible person for, the vehicle at the time of the fall, escape or removal; or
 - (c) for anything else left or placed on a road or road related area—the person who left or placed it, or had possession of it when it was left or placed.
- (3) A certificate given by or on behalf of the road transport authority, and stating that a stated amount is the cost of taking stated action under subsection (1), is evidence of the facts stated.

32 Removal of unattended vehicles from certain places

- (1) A police officer or authorised person may move an unattended vehicle from a road or road related area to a retention area—
 - (a) if the vehicle is unlawfully parked; or
 - (b) if the police officer or authorised person believes on reasonable grounds that the vehicle is causing, or is likely to cause, a danger to the public or an unreasonable obstruction to other users of the road or road related area; or
 - (c) in any other circumstances prescribed by regulation.
- (2) As soon as practicable after moving the vehicle to a retention area, the police officer or authorised person must report the action to the police officer in charge of the closest police station and ask that the responsible person for the vehicle (or other person entitled to possession of the vehicle) be told where it has been moved to.

- (3) A vehicle moved to a retention area is taken to be uncollected goods under the *Uncollected Goods Act 1996* and—
- (a) the road transport authority is taken to be the possessor of the vehicle under that Act; and
 - (b) the responsible person for the vehicle is taken to be the owner of the vehicle; and
 - (c) the road transport authority may dispose of the vehicle in accordance with that Act, part 3; and
 - (d) reasonable costs of the possessor in complying with that Act are taken to include the cost of moving the vehicle to the retention area.
- (4) However, the responsible person for the vehicle is not required to pay costs under the *Uncollected Goods Act 1996*, section 26 (2) (a) or (b) if the person satisfies the road transport authority that the vehicle was stolen or illegally taken or used at the relevant time.

Note The *Uncollected Goods Act 1996*, s 26 (2) (a) and (b) require the owner to pay the reasonable costs incurred by the possessor in complying with that Act and the possessor's reasonable costs in storing and maintaining the goods before they are collected.

Part 8 **Regulations about safety and traffic management**

Division 8.1 **General**

33 **General regulation-making power**

- (1) The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the Legislation Act.

- (2) A regulation may prescribe offences for contraventions of a regulation and prescribe maximum penalties of not more than 30 penalty units for offences against a regulation.
- (3) A regulation may provide defences for offences against a regulation and provide who bears the onus of proof for the defences.
- (4) In addition to a penalty mentioned in subsection (2), a regulation may provide for a person who is convicted or found guilty by a court of an offence against this Act to be disqualified by order of the court from holding or obtaining a driver licence for the period the court considers appropriate.
- (5) A regulation may provide for a person who is prosecuted for an aggravated form of an offence against a regulation to be found guilty by a court of a lesser offence if the court is not satisfied that the elements of the aggravated offence have been proven, but is satisfied that the elements of the lesser offence have been proven.
- (6) A regulation may provide that a document that is signed or purports to be signed on behalf of the road transport authority (or someone else prescribed by regulation), and stating any matter relevant to the speed limit applying to a road or road related area (including the operation of any device that sets the speed limit), is evidence of the matter in a proceeding before a court or tribunal.

34 Regulations may apply certain documents etc

- (1) A regulation may apply a publication of the National Transport Commission approved, or of matters approved, by the Australian Transport Council or any other instrument as in force from time to time.

Note 1 The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or as at a particular time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

Note 2 A notifiable instrument must be notified under the Legislation Act.

- (2) For a regulation, a regulation may define a term defined by this Act (or apply the definition of a term in an instrument mentioned in subsection (1))—
- (a) in the same (or in substantially the same) way as it is defined by this Act; or
 - (b) by reference to a matter included in the term as defined by this Act; or
 - (c) by reference to a combination of matters included in the term as defined by this Act and in any other term defined by this Act; or
 - (d) for applying a publication of the National Transport Commission approved, or of matters approved, by the Australian Transport Council—in the same way as it is defined in the publication despite anything in this Act or other road transport legislation.

- (3) In this section:

publication of the National Transport Commission includes—

- (a) a document published by or for the National Road Transport Commission under the *National Road Transport Commission Act 1991* (Cwlth); and

(b) a document published for the National Transport Commission.

Note The Commonwealth Act mentioned in par (a) has been repealed and replaced by the *National Transport Commission Act 2003* (Cwlth).

35 Regulations may exclude vehicles, people and animals from Act

- (1) A regulation may—
 - (a) exempt a vehicle, person or animal prescribed by regulation from this Act (or a stated provision of this Act); or
 - (b) authorise the road transport authority to exempt a vehicle, person or animal prescribed by regulation from this Act (or a stated provision of this Act).
- (2) An exemption given under a regulation mentioned in subsection (1) may be conditional.
- (3) A regulation may provide for the road transport authority to—
 - (a) suspend the operation of a regulation mentioned in subsection (1) (a) in the way and circumstances prescribed by regulation; or
 - (b) suspend the operation of an exemption given by the authority to a vehicle, person or animal in the way and circumstances prescribed by regulation.

Division 8.2 Safety

36 Regulations about safety generally

A regulation may make provision in relation to the regulation or prohibition of traffic, people and animals on roads and road related areas, including provision about—

- (a) the use of safety equipment by drivers, riders, passengers and other people; and

- (b) standards of conduct for safety purposes.

37 Regulations about safe operation of vehicles

A regulation may make provision in relation to the safe operation of vehicles on roads and road related areas, including provision about—

- (a) the loading and unloading of vehicles and securing of loads; and
- (b) the regulation of vehicles with a size, mass or load greater than limits prescribed by regulation; and
- (c) the keeping and production of records and other information in relation to vehicles used on roads or road related areas.

38 Regulations about child safety

- (1) A regulation may make provision in relation to the duties of parents and other people responsible for children (other than children over 16 years and 9 months) in relation to the use of roads or road related areas (or vehicles on roads or road related areas).
- (2) A regulation may make provision in relation to the establishment and conduct of schemes to assist children to cross roads and road related areas safely, including the following:
 - (a) enabling the road transport authority to conduct, or authorise other people to conduct, the schemes;
 - (b) enabling the road transport authority to—
 - (i) amend or replace the schemes; and
 - (ii) impose conditions on an authority to conduct schemes; and
 - (iii) revoke an authority to conduct schemes;

- (c) the signs to be displayed at crossings and how the signs are to be displayed;
- (d) the placement of barriers across or partly across a road or road related area near a crossing;
- (e) conditions about the wearing or display of insignias, badges, belts or other articles of uniform by anyone taking part in crossing schemes;
- (f) that evidence the sign was displayed as prescribed by a person at or near a crossing is evidence in a proceeding that the displaying of the sign by the person was authorised;
- (g) anything else necessary or convenient to be prescribed for the carrying out of the scheme.

Division 8.3 Traffic management

39 Regulations about traffic management generally

A regulation may make provision in relation to the regulation or prohibition of traffic, people and animals on roads and road related areas, including provision about—

- (a) the places where and how vehicles or animals may or may not be driven or ridden; and
- (b) the use of roads and road related areas by people on foot and other people and by animals; and
- (c) speed limits for vehicles (including speed limits that may be varied electronically or otherwise); and
- (d) signs, signals, structures and other devices to control, direct or warn traffic; and
- (e) the marks that are to be used on the surface of roads and road related areas; and

- (f) the control and reduction of traffic congestion or danger in vehicle operation; and
- (g) the conduct of events on roads and road related areas that may disrupt traffic; and
- (h) complying with directions by police officers, authorised people or other people prescribed by regulation; and
- (i) the use of stalls or other ways of selling goods or services, or carrying out any business or trade, on a road or road related area.

40 Regulations about seizure, impounding etc of vehicles

A regulation may make provision in relation to—

- (a) the seizure and moving to a retention area of a vehicle that is—
 - (i) a danger to the public or an unreasonable obstruction to traffic; or
 - (ii) abandoned or left unattended on a road or road related area; or
 - (iii) parked unlawfully on a road or road related area where there is conspicuously displayed a sign including the words ‘tow away area’ or ‘vehicles impounded’ or other words indicating the vehicle may be seized; and
- (b) the conditions to be complied with before a vehicle can be seized; and
- (c) the application of the *Uncollected Goods Act 1996* to a vehicle seized and moved to a retention area.

41 Regulations about towing fees

A regulation may make provision in relation to—

- (a) the payment of a fee by the driver or responsible person for a vehicle for the towing of the vehicle because of the exercise of functions under this Act; and
- (b) the recovery of the fee by the road transport authority or anyone else as a debt payable to the Territory in a court of competent jurisdiction; and
- (c) the issue of certificates about towing and the cost of towing, and their use as evidence of those matters in proceedings.

Division 8.4 Parking

42 Regulations about parking

- (1) A regulation may make provision in relation to the regulation or prohibition of the parking of vehicles (including pay parking), and parked or stopped vehicles, on roads, road related areas and other places, including provision about the following:
 - (a) the Territory and other entities establishing and operating pay parking schemes;
 - (b) the Territory and other entities fixing and collecting parking fees, and the application of parking fees by the collector of the fees and the payments to be made to the road transport authority;
 - (c) allocating the costs for pay parking schemes;
 - (d) providing pay parking on a common payment basis;
 - (e) installing and operating devices used for pay parking;
 - (f) the road transport authority issuing guidelines for pay parking schemes and the legal effect of the guidelines;
 - (g) the road transport authority granting approvals for the establishment and operation of pay parking schemes;

- (h) resolving disputes about pay parking;
 - (i) the powers of police officers and authorised people to remove vehicles parked or stopped in parking spaces and to close parking spaces;
 - (j) parking vehicles on residential land, including for heavy vehicles—
 - (i) prescribing the circumstances in which the road transport authority may enter residential land; and
 - (ii) prescribing the circumstances in which warrants may be issued for residential land; and
 - (iii) prescribing maximum penalties of not more than 20 penalty units for each day a person contravenes a regulation in relation to the parking of a vehicle on residential land, including the day of a conviction for the contravention or a later day.
- (2) In particular, a regulation may make provision in relation to the powers that may be exercised by a police officer or an authorised person, who enters land under a regulation made for subsection (1) (j), including, for example, requiring a person in or on the land—
- (a) to give the police officer or authorised person information relevant to the exercise of his or her powers in relation to the land; or
 - (b) to produce to the police officer or authorised person a document containing information relevant to the exercise of his or her powers in relation to the land.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

(3) In this section:

residential land means land leased for residential purposes.

43 Regulations about marking tyres

A regulation may make provision in relation to the marking of tyres on vehicles using crayon, chalk or a similar substance by police officers and authorised people for any purpose connected with the enforcement of a provision of any Act or subordinate law.

Part 9 Miscellaneous

44 References to Motor Traffic Act, Traffic Act etc

In any Act or document, a reference to any of the following legislation is, in relation to anything to which this Act applies, a reference to this Act:

- (a) *Motor Traffic Act 1936*;
- (b) *Traffic Act 1937*;
- (c) *Motor Traffic Regulations 1934*.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act (see Legislation Act, s 104).

Dictionary

(see s 4)

Note 1 The Legislation Act contains definitions and other provisions relevant to this Act.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- ACT
- exercise
- function
- instrument.

Note 3 The *Road Transport (General) Act 1999* contains definitions relevant to this Act. For example, the following terms are defined in the *Road Transport (General) Act 1999*, dictionary:

- another jurisdiction
- Australian Transport Council
- driver
- jurisdiction
- motor vehicle
- National Transport Commission
- ride
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)
- trailer.

Note 4 If a word or expression is defined in an Act (but not a regulation or another publication) included in the road transport legislation, the definition applies to each use of the word or expression in other road transport legislation unless the contrary intention appears (see *Road Transport (General) Act 1999*, s 8).

approved average speed detection system means an average speed detection system approved under a regulation.

approved camera detection device means a camera detection device approved under a regulation.

approved speed measuring device means a speed measuring device approved under a regulation.

Australian driver licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

authorised person, for a provision of this Act, means—

- (a) a person who is appointed as an authorised person under the *Road Transport (General) Act 1999*, section 19 for the provision; or
- (b) a person who is, under a regulation made under this Act or the *Road Transport (General) Act 1999*, an authorised person for the provision.

average speed, of a vehicle between 2 detection points, for part 6 (Traffic offence detection devices)—see section 22B.

average speed detection system, for part 6 (Traffic offence detection devices)—see section 23A.

average speed limit, for a driver of a vehicle on a road between 2 detection points if more than 1 speed limit applies between the points, for part 6 (Traffic offence detection devices)—see section 22AA.

camera detection device—see section 23.

detection point, for part 6 (Traffic offence detection devices)—see section 22AA.

drive a vehicle includes—

- (a) be in control of the steering, movement or propulsion of the vehicle; and
- (b) if the vehicle is a trailer—draw or tow the vehicle; and
- (c) if the vehicle can be ridden—ride the vehicle.

driver licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

external driver licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

Note An external driver licence is a foreign driver licence or an external territory driver licence.

indicated on, an image of a vehicle taken by an approved camera detection device or an approved average speed detection system, includes accompanying or reasonably associated with the image.

infringement notice—see the *Road Transport (General) Act 1999*, dictionary.

installation, of a prescribed traffic control device, includes the painting or formation of any marks or structure that forms, or forms part of, the device.

loaded unsafely, in part 3 (Unsafe loads)—see section 11.

prescribed traffic control device means a device, line, marking, sign, signal or anything else prescribed by regulation for this definition, and includes any board, device, plate, screen, word, and anything else, with a prescribed traffic control device that provides information about the application of the device.

red traffic arrow includes a flashing red traffic arrow.

red traffic light includes a flashing red traffic light.

registered interest, in relation to a motor vehicle, means an interest in the vehicle that is registered under the *Registration of Interests in Goods Act 1986* (NSW).

registered operator—see the *Road Transport (Vehicle Registration) Act 1999*, dictionary.

relevant information, for part 6 (Traffic offence detection devices)—

- (a) for an image of a vehicle taken by a camera detection device—see section 22A (1); and
- (b) for an image of a vehicle, or a numberplate or anything else on a vehicle, taken by an average speed detection system—see section 22A (2).

responsible person, for a vehicle—see the *Road Transport (General) Act 1999*, section 10.

restricted licence—see the *Road Transport (Driver Licensing) Act 1999*, dictionary.

retention area—see the *Uncollected Goods Act 1996*, dictionary.

rider, of a vehicle that can be ridden, means the person who is riding the vehicle.

road means an area that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles, but does not include an area that would otherwise be a road so far as a declaration under the *Road Transport (General) Act 1999*, section 12 (Power to include or exclude areas in road transport legislation) declares that this Act does not apply to the area.

road related area means—

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is open to the public and is designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving, riding or parking vehicles; or
- (e) a shoulder of a road; or

- (f) any other area that is open to or used by the public so far as a declaration under the *Road Transport (General) Act 1999*, section 12 (Power to include or exclude areas in road transport legislation) declares that this Act applies to the area;

but does not include an area that would otherwise be a road related area so far as a declaration under that section declares that this Act does not apply to the area.

shortest practicable distance, between 2 detection points, for part 6 (Traffic offence detection devices)—see section 22AA.

speeding offence, for part 6 (Traffic offence detection devices)—see section 22AA.

speed measuring device means a device designed to measure the speed at which vehicles are travelling.

traffic includes vehicle and pedestrian traffic.

traffic accident—see section 15.

traffic lights includes any traffic arrows installed with or near the lights.

traffic offence detection device means—

- (a) an approved camera detection device; or
- (b) an approved speed measuring device; or
- (c) an approved average speed detection system;

traffic offence evasion article means any device or substance (the ***article***) that is designed or adapted, or apparently designed or adapted, to be fitted to, applied to, or carried in a vehicle to detect, interfere with, or reduce the effectiveness of, a traffic offence detection device, whether or not the article is operating or in working order.

vehicle means—

- (a) any description of vehicle on wheels, other than a vehicle used on a railway or tramway; or
- (b) any other vehicle prescribed by regulation.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

Endnotes

3 Legislation history

3 Legislation history

Road Transport (Safety and Traffic Management) Act 1999 No 80

notified 23 December 1999 (Gaz 1999 No S65)

s 1, s 2 commenced 23 December 1999 (IA s 10B)

remainder (ss 3-44) commenced 1 March 2000 (s 2 and Gaz 2000 No S5)

as amended by

Road Transport Legislation Amendment Act 2000 No 4 pt 3

notified 1 March 2000 (Gaz 2000 No S8)

commenced 1 March 2000 (s 2)

as modified by

Road Transport Legislation Regulations Amendment SL 2000 No 33 reg 7

notified 2 August 2000 (Gaz 2000 No S41)

commenced 2 August 2000 (reg 1)

Road Transport Legislation Regulations Amendment SL 2000 No 52 pt 3

notified 14 December 2000 (Gaz 2000 No 50)

commenced 14 December 2000 (reg 1)

as amended by

Road Transport Legislation Amendment Act 2001 No 27 sch 5

notified 24 May 2001 (Gaz 2001 No 21)

s 1, s 2 commenced 24 May 2001 (IA s 10B)

sch 5 commenced 24 May 2001 (s 2)

Road Transport (Safety and Traffic Management) Amendment Act 2001 No 29 pt 2

notified 24 May 2001 (Gaz 2001 No 21)

commenced 24 May 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 No 44 pt 347

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 347 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

Road Transport (Safety and Traffic Management) Amendment Act 2001 (No 2) No 59

notified 10 September 2001 (Gaz 2001 No S66)
commenced 10 September 2001 (s 2)

Road Transport (Public Passenger Services) Act 2001 No 62 pt 1.6

notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
commenced 1 December 2001 (s 2 and CN 2001 No 2)

Crimes Legislation Amendment Act 2001 No 63 pt 9

notified 10 September 2001 (Gaz 2001 No S66)
s 1, s 2 commenced 10 September 2001 (IA s 10B)
pt 9 commenced 27 September 2001 (s 2 (2) and CN 2001 No 3)

Road Transport (Safety and Traffic Management) Amendment Act 2001 (No 3) No 86

notified 10 September 2001 (Gaz 2001 No S66)
commenced 10 September 2001 (s 2)

Statute Law Amendment Act 2002 No 30 pt 3.72

notified LR 16 September 2002
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))
pt 3.72 commenced 17 September 2002 (s 2 (1))

Statute Law Amendment Act 2002 (No 2) No 49 pt 3.24

notified LR 20 December 2002
s 1, s 2 taken to have commenced 7 October 1994 (LA s 75 (2))
pt 3.24 commenced 17 January 2003 (s 2 (1))

Criminal Code 2002 No 51 pt 1.19

notified LR 20 December 2002
s 1, s 2 commenced 20 December 2002 (LA s 75)
pt 1.19 commenced 1 January 2003 (s 2 (1))

Endnotes

3 Legislation history

Statute Law Amendment Act 2005 A2005-20 sch 3 pt 3.58

notified LR 12 May 2005

s 1, s 2 taken to have commenced 8 March 2005 (LA s 75 (2))

sch 3 pt 3.58 commenced 2 June 2005 (s 2 (1))

Statute Law Amendment Act 2005 (No 2) A2005-62 sch 1 pt 1.3

notified LR 21 December 2005

s 1, s 2 commenced 21 December 2005 (LA s 75 (1))

sch 1 pt 1.3 commenced 11 January 2006 (s 2 (1))

Road Transport (Safety and Traffic Management) Amendment Act 2006 A2006-39

notified LR 26 September 2006

s 1, s 2 commenced 26 September 2006 (LA s 75 (1))

remainder commenced 27 September 2006 (s 2)

Statute Law Amendment Act 2007 A2007-3 sch 3 pt 3.88

notified LR 22 March 2007

s 1, s 2 taken to have commenced 1 July 2006 (LA s 75 (2))

sch 3 pt 3.88 commenced 12 April 2007 (s 2 (1))

Road Transport (Safety and Traffic Management) Amendment Act 2007 A2007-6

notified LR 23 March 2007

s 1, s 2 commenced 23 March 2007 (LA s 75 (1))

remainder commenced 24 March 2007 (s 2)

Road Transport (Third-Party Insurance) Act 2008 A2008-1 sch 1 pt 1.10 (as am by A2008-39 s 4)

notified LR 26 February 2008

s 1, s 2 commenced 26 February 2008 (LA s 75 (1))

sch 1 pt 1.10 commenced 1 October 2008 (s 2 as am by A2008-39 s 4)

Road Transport (Third-Party Insurance) Amendment Act 2008 A2008-39

notified LR 22 August 2008

s 1, s 2 commenced 22 August 2008 (LA s 75 (1))

remainder commenced 23 August 2008 (s 2)

Note This Act only amends the Road Transport (Third-Party Insurance) Act 2008 A2008-1.

Road Transport Legislation Amendment Act 2009 A2009-5 pt 4

notified LR 4 March 2009

s 1, s 2 commenced 4 March 2009 (LA s 75 (1))

pt 4 commenced 8 March 2009 (s 2 and CN2009-6)

**Road Transport (Mass, Dimensions and Loading) Act 2009 A2009-22
sch 1 pt 1.9**

notified LR 3 September 2009

s 1, s 2 commenced 3 September 2009 (LA s 75 (1))

sch 1 pt 1.9 commenced 3 March 2010 (s 2 and LA s 79)

Statute Law Amendment Act 2010 A2010-18 sch 3 pt 3.20

notified LR 13 May 2010

s 1, s 2 commenced 13 May 2010 (LA s 75 (1))

sch 3 pt 3.20 commenced 3 June 2010 (s 2)

**Road Transport (Safety and Traffic Management) Amendment
Act 2011 A2011-38**

notified LR 28 September 2011

s 1, s 2 commenced 28 September 2011 (LA s 75 (1))

remainder commenced 15 January 2012 (s 2 and CN2011-15)

Endnotes

4 Amendment history

4 Amendment history

Preliminary

pt 1 hdg note am 2001 No 44 amdt 1.3788; 2001 No 62 amdt 1.26
om A2005-20 amdt 3.376

Name of Act

s 1 am A2005-20 amdt 3.377; A2008-1 amdt 1.34; A2009-22
amdt 1.24

Commencement

s 2 om 2001 No 27 amdt 5.1

Objects of Act

s 3 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 3 am A2005-20 amdt 3.378

Dictionary

s 4 hdg bracketed note exp 17 September 2002 (s 5 (3))
sub A2005-20 amdt 3.379

Notes

s 5 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 5 am 2002 No 30 amdt 3.762
(2), (3) exp 17 September 2002 (s 5 (3))

Races, attempts on speed records, speed trials etc

s 5A hdg bracketed note exp 17 September 2002 (s 5 (3))
s 5A ins 2000 No 4 s 6
am 2002 No 49 amdt 3.232

Burnouts and other prohibited conduct

s 5B hdg bracketed note exp 17 September 2002 (s 5 (3))
s 5B ins 2000 No 4 s 6
am 2002 No 49 amdt 3.232

Negligent driving

s 6 hdg bracketed note exp 17 September 2002 (s 5 (3))

Furious, reckless or dangerous driving

s 7 hdg bracketed note exp 17 September 2002 (s 5 (3))

Menacing driving

s 8 hdg bracketed note exp 17 September 2002 (s 5 (3))

Sale etc of traffic offence evasion articles

s 9 hdg bracketed note exp 17 September 2002 (s 5 (3))

Surrender and forfeiture of traffic offence evasion articles

s 10 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 10 am 2001 No 63 ss 60-68; 2002 No 30 amdt 3.763

Seizure, impounding and forfeiture of vehicles for certain offences

div 2.3 hdg ins 2000 No 4 s 7

Impounding of vehicles used for menacing driving on court order before conviction etcs 10A (prev s 10AA) ins 2001 No 29 s 4
renum R3 LA (see 2001 No 59 s 8; 2001 No 86 s 9)**Impounding or forfeiture of vehicles on conviction etc for certain offences**s 10B hdg (prev s 10A hdg) sub 2000 No 29 s 5 (a)
bracketed note exp 17 September 2002 (s 5 (3))s 10B (prev s 10A) ins 2000 No 4 s 7
am 2001 No 29 s 5 (b)-(e)
renum R3 LA (see 2001 No 59 s 8; 2001 No 86 s 9)**Powers of police officers to seize and impound vehicles used in committing certain offences**

s 10C hdg bracketed note exp 17 September 2002 (s 5 (3))

s 10C (prev s 10B) ins 2000 No 4 s 7
am 2001 No 29 s 6; 2001 No 59 s 4; R3 LA (see 2001 No 59
s 5); 2001 No 86 s 4; R3 LA (see 2001 No 86 s 5)
renum R3 LA (see 2001 No 59 s 8; 2001 No 86 s 9)**Registered operator and interested people to be notified**

s 10D hdg bracketed note exp 17 September 2002 (s 5 (3))

s 10D (prev s 10C) ins 2000 No 4 s 7
am 2001 No 29 s 7
om 2001 No 59 s 6
ins 2001 No 86 s 6
renum R3 LA (see 2001 No 89 s 9)
am 2002 No 30 amdt 3.763**Keeping of vehicles seized under s 10C (1) (a)**s 10E hdg (prev s 10D) sub 2000 No 29 s 8 (a)
bracketed note exp 17 September 2002 (s 5 (3))s 10E ins 2000 No 4 s 7
am 2001 No 29 s 8 (b)
om 2001 No 59 s 6
ins 2001 No 86 s 6
renum R3 LA (see 2001 No 89 s 9)
sub A2006-39 s 4**Keeping of vehicles impounded or forfeited under s 10A or s 10B**s 10F hdg (prev s 10E) sub 2000 No 29 s 9 (a)
bracketed note exp 17 September 2002 (s 5 (3))s 10F ins 2000 No 4 s 7
am 2001 No 29 s 9 (b)
renum R3 LA (see 2001 No 59 s 8; 2001 No 86 s 9)

Endnotes

4 Amendment history

Vehicles seized under s 10C (1) (a)—release by chief police officer

s 10G hdg bracketed note exp 17 September 2002 (s 5 (3))
s 10G (prev s 10F) ins 2000 No 4 s 7
am 2001 No 29 s 10
om 2001 No 59 s 6
ins 2001 No 86 s 7
renum R3 LA (see 2001 No 89 s 9)

Vehicles seized under s 10C (1) (a)—release by Magistrates Court

s 10H hdg bracketed note exp 17 September 2002 (s 5 (3))
s 10H (prev s 10G) ins 2000 No 4 s 7
am 2001 No 29 s 11
om 2001 No 59 s 6
ins 2001 No 86 s 7
renum R3 LA (see 2001 No 59 s 8; 2001 No 86 s 9)

Safekeeping of vehicles

s 10I hdg bracketed note exp 17 September 2002 (s 5 (3))
s 10I (prev s 10H) ins 2000 No 4 s 7
am 2001 No 59 s 7
renum R3 LA (see 2001 No 59 s 8; 2001 No 86 s 9)

Failure to prosecute

s 10J hdg bracketed note exp 17 September 2002 (s 5 (3))
s 10J (prev s 10I) ins 2000 No 4 s 7
am 2001 No 29 s 12; 2001 No 59 s 7
sub 2001 No 86 s 8
renum R3 LA (see 2001 No 59 s 8; 2001 No 86 s 9)

Disposal of vehicles

s 10K hdg bracketed note exp 17 September 2002 (s 5 (3))
s 10K (prev s 10J) ins 2000 No 4 s 7
renum R3 LA (see 2001 No 89 s 9)
am 2002 No 49 amdt 3.233

Meaning of *loaded unsafely*

s 11 hdg bracketed note exp 17 September 2002 (s 5 (3))

Driver of vehicle loaded unsafely

s 12 hdg bracketed note exp 17 September 2002 (s 5 (3))

Responsible person for vehicle loaded unsafely

s 13 hdg bracketed note exp 17 September 2002 (s 5 (3))

Proceeding against pt 3

s 14 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 14 am A2005-62 amdt 1.5

Meaning of *traffic accident*

s 15 hdg bracketed note exp 17 September 2002 (s 5 (3))

Driver or rider to stop and give assistance

s 16 hdg bracketed note exp 17 September 2002 (s 5 (3))
 s 16 am A2007-6 s 4

Regulations about duties of participants in, and witnesses to, traffic accidents

s 17 hdg bracketed note exp 17 September 2002 (s 5 (3))
 s 17 am 2002 No 49 amdt 3.233

Authority to install etc prescribed traffic control devices

s 18 hdg bracketed note exp 17 September 2002 (s 5 (3))

Offences about prescribed traffic control devices

s 19 hdg bracketed note exp 17 September 2002 (s 5 (3))
 sub A2005-20 amdt 3.380

Removal of unauthorised devices

s 20 hdg bracketed note exp 17 September 2002 (s 5 (3))

Devices generally presumed to be lawfully installed or displayed

s 21 hdg bracketed note exp 17 September 2002 (s 5 (3))

Notice of intention to challenge certain issues

s 22 am 2002 No 30 amdt 3.763

Definitions—pt 6

div 6.1 hdg ins A2011-38 s 4

Definitions—pt 6

s 22AA ins A2011-38 s 4
 def **average speed** ins A2011-38 s 4
 def **average speed detection system** ins A2011-38 s 4
 def **average speed limit** ins A2011-38 s 4
 def **detection point** ins A2011-38 s 4
 def **relevant information** ins A2011-38 s 4
 def **shortest practicable distance** ins A2011-38 s 4
 def **shortest practicable route** ins A2011-38 s 4
 def **speeding offence** ins A2011-38 s 4

Meaning of relevant information—pt 6

s 22A hdg sub A2011-38 s 5
 s 22A ins 2001 No 27 amdt 5.2
 am A2009-5 s 13; A2011-38 ss 5-9

Meaning of average speed—pt 6

s 22B ins A2011-38 s 10

Traffic offence detection devices—general

div 6.2 hdg ins A2011-38 s 11

Endnotes

4 Amendment history

Use of camera detection devices

s 23 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 23 sub 2001 No 27 amdt 5.2
am A2009-5 s 14; A2011-38 s 12, s 13

Use of average speed detection systems

s 23A ins A2011-38 s 14

Average speed detection systems—shortest practicable route and minimum travel time

s 23B ins A2011-38 s 15

Average speed detection systems—signs

s 23C ins A2011-38 s 15

Regulations about traffic offence detection devices

s 24 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 24 am 2001 No 27 amdt 5.3; 2002 No 49 amdt 3.233; A2011-38
s 16, s 17

Average speed of vehicle is evidence of actual speed in certain circumstances

s 24A ins A2011-38 s 18

Other forms of proof of speeding offences not excluded by s 24A

s 24B ins A2011-38 s 18

Use of camera detection devices and average speed detection systems

s 24C ins A2011-38 s 19

Evidentiary certificates etc

s 25 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 25 am 2001 No 27 amdt 5.4-5.7; A2009-5 s 15; A2011-38
ss 20-26; pars renum R18 LA

Interfering with traffic offence detection devices

s 26 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 26 am 2001 No 27 amdt 5.8

Inspection and purchase of images taken by traffic offence detection devices

s 27 hdg sub 2001 No 27 amdt 5.9
bracketed note exp 17 September 2002 (s 5 (3))
sub A2011-38 s 27
s 27 am 2001 No 27 amdt 5.10

Notice of intention to challenge certain issues

s 28 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 28 am 2002 No 30 amdt 3.763; A2011-38 s 28, s 29

Use of images by road transport authority

s 29 om 2001 No 59 s 9
ins A2011-38 s 30

Disclosure of images by road transport authority

s 29A ins A2011-38 s 30

Use, retention and disclosure of images by other people

s 29B ins A2011-38 s 30

Protection of images against loss etc

s 29C ins A2011-38 s 30

Road or road related area may be closed temporarily to traffic

s 30 hdg bracketed note exp 17 September 2002 (s 5 (3))

Removal of dangers and obstructions to traffic

s 31 hdg bracketed note exp 17 September 2002 (s 5 (3))

Removal of unattended vehicles from certain places

s 32 hdg bracketed note exp 17 September 2002 (s 5 (3))

General regulation-making power

s 33 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 33 am 2001 No 44 amdt 1.3789

Regulations may apply certain documents etc

s 34 sub 2002 No 30 amdt 3.764
am 2002 No 51 amdt 1.37
sub A2005-20 amdt 3.381

Regulations may exclude vehicles, people and animals from Act

s 35 hdg bracketed note exp 17 September 2002 (s 5 (3))

Regulations about safety generally

s 36 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 36 am 2002 No 49 amdt 3.233

Regulations about safe operation of vehicles

s 37 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 37 am 2002 No 49 amdt 3.233

Regulations about child safety

s 38 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 38 am 2002 No 49 amdt 3.233

Regulations about traffic management generally

s 39 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 39 am 2002 No 49 amdt 3.233

Endnotes

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Regulations about seizure, impounding etc of vehicles

s 40 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 40 am 2002 No 49 amdt 3.233

Regulations about towing fees

s 41 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 41 am 2002 No 49 amdt 3.233

Regulations about parking

s 42 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 42 am 2002 No 49 amdt 3.233

Regulations about marking tyres

s 43 hdg bracketed note exp 17 September 2002 (s 5 (3))
s 43 am 2002 No 49 amdt 3.233

References to Motor Traffic Act, Traffic Act etc

s 44 am 2001 No 44 amdt 1.3790, amdt 1.3791

Transitional

pt 10 hdg exp 1 June 2001 (s 50)

Definitions for pt 10

s 45 exp 1 June 2001 (s 50)

Transitional regulations

s 46 exp 1 June 2001 (s 50)

Modification of pt 10's operation

s 47 exp 1 June 2001 (s 50)

Notices about radar detecting devices etc

s 48 exp 1 June 2001 (s 50)

Existing traffic signs taken to be approved prescribed traffic control devices

s 49 exp 1 June 2001 (s 50)

What is a camera detection device

s 49A ins as mod SL 2000 No 33 reg 7
om SL 2000 No 52 reg 10
ins as mod SL 2000 No 52 reg 10
exp 1 June 2001 (s 49A (2))

Expiry of pt 10

s 50 am 2001 No 27 amdt 5.11
exp 1 June 2001 (s 50)

Dictionary

dict am 2002 No 30 amdt 3.765; A2010-18 amdt 3.89
def **another jurisdiction** om A2010-18 amdt 3.90
def **approved average speed detection system** ins
A2011-38 s 31

- def **Australian Transport Council** sub A2005-20 amdt 3.382
om A2010-18 amdt 3.90
- def **authorised person** sub 2002 No 30 amdt 3.766
- def **authority** om A2010-18 amdt 3.91
- def **average speed** ins A2011-38 s 31
- def **average speed detection system** ins A2011-38 s 31
- def **average speed limit** ins A2011-38 s 31
- def **detection point** ins A2011-38 s 31
- def **driver** om A2010-18 amdt 3.92
- def **exercise** om 2002 No 30 amdt 3.767
- def **function** om 2002 No 30 amdt 3.767
- def **indicated on** ins 2001 No 27 amdt 5.12
am A2011-38 s 32
- def **jurisdiction** om A2010-18 amdt 3.92
- def **motor vehicle** om A2010-18 amdt 3.92
- def **National Road Transport Commission** om A2005-20
amdt 3.383
- def **National Transport Commission** ins A2005-20
amdt 3.383
om A2010-18 amdt 3.92
- def **red traffic arrow** ins 2001 No 27 amdt 5.12
- def **red traffic light** ins 2001 No 27 amdt 5.12
- def **registered interest** ins 2000 No 4 s 8
- def **registered operator** ins 2000 No 4 s 8
- def **relevant information** ins 2001 No 27 amdt 5.12
sub A2011-38 s 33
- def **retention area** sub A2007-3 amdt 3.458
- def **ride** om A2010-18 amdt 3.92
- def **road** am 2002 No 30 amdt 3.768
- def **road related area** am 2002 No 30 amdt 3.768
- def **road transport authority** om A2010-18 amdt 3.92
- def **road transport legislation** om A2010-18 amdt 3.92
- def **shortest practicable distance** ins A2011-38 s 34
- def **speeding offence** ins A2011-38 s 34
- def **the regulations** om 2001 No 44 amdt 1.3792
- def **this Act** (or **the Act**) om 2001 No 44 amdt 1.3792
- def **traffic lights** ins 2001 No 27 amdt 5.12
- def **traffic offence detection device** sub A2011-38 s 35
- def **trailer** om A2010-18 amdt 3.92

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 (RI) 18 June 2003	1 Mar 2000– 1 Aug 2000	A2000-4	amendments by A2000-4 reissue of printed version
R1A 18 June 2003	2 Aug 2000– 13 Dec 2000	A2000-4	modifications by SL2000-33
R1B 18 June 2003	14 Dec 2000– 23 May 2001	A2000-4	modifications by SL2000-52
R2 (RI) 18 June 2003	2 June 2001– 11 Sept 2001	A2001-29	commenced expiry and amendments by A2001-27 and A2001-29 reissue of printed version
R3 12 Sept 2001	12 Sept 2001– 26 Sept 2001	A2001-86	amendments by A2001-44, A2001-59 and A2001-86
R4 27 Sept 2001	27 Sept 2001– 30 Nov 2001	A2001-86	amendments by A2001-63
R5* 3 Dec 2001	1 Dec 2001– 16 Sept 2002	A2001-86	amendments by A2001-62
R6 23 Sept 2002	17 Sept 2002– 31 Dec 2002	A2002-30	amendments by A2002-30
R7 1 Jan 2003	1 Jan 2003– 16 Jan 2003	A2002-51	amendments by A2002-51

Republication No and date	Effective	Last amendment made by	Republication for
R8 17 Jan 2003	17 Jan 2003– 1 June 2005	A2002-51	amendments by A2002-49
R9 2 June 2005	2 June 2005– 10 Jan 2006	A2005-20	amendments by A2005-20
R10 11 Jan 2006	11 Jan 2006– 26 Sept 2006	A2005-62	amendments by A2005-62
R11 27 Sept 2006	27 Sept 2006– 23 Mar 2007	A2006-39	amendments by A2006-39
R12 24 Mar 2007	24 Mar 2007– 11 Apr 2007	A2007-6	amendments by A2007-6
R13 12 Apr 2007	12 Apr 2007– 30 Sept 2008	A2007-6	amendments by A2007-3
R14* 1 Oct 2008	1 Oct 2008– 7 Mar 2009	A2008-39	amendments by A2008-1 as amended by A2008-39
R15 8 Mar 2009	8 Mar 2009– 2 Mar 2010	A2009-5	amendments by A2009-5
R16 3 Mar 2010	3 Mar 2010– 2 June 2010	A2009-22	amendments by A2009-22
R17 3 June 2010	3 June 2010– 14 Jan 2012	A2010-18	amendments by A2010-18

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