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 3 November 2025. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 3 November 2025.

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

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- authorised republications to which the *Legislation Act 2001* applies
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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 $160 for an individual and $810 for a corporation (see *Legislation Act 2001*, s 133).

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Road Transport (Safety and Traffic Management) Act 1999

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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

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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:

- *Motor Accident Injuries Act 2019*
- *Road Transport (Alcohol and Drugs) Act 1977*
- *Road Transport (Driver Licensing) Act 1999*
- *Road Transport (General) Act 1999*
- *Road Transport (Public Passenger Services) Act 2001*
- *Road Transport (Vehicle Registration) Act 1999*.

Note 3 Other laws dealing with road transport include the *Dangerous Goods (Road Transport) Act 2009* and the *Heavy Vehicle National Law (ACT)*.

Note 4 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 road safety and traffic management in the ACT; and

(b) to improve road safety and transport efficiency, and reduce the costs of administering road transport; and

(c) to provide for safe, efficient and equitable road use; and

(d) to provide for the installation, use and maintenance of traffic control devices and traffic offence detection devices; and

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(e) to provide for the closing of roads for traffic management and other purposes.

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.

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5AA Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to the following offences against this Act (see Code, pt 2.1):

- s 5B (2) and (4) (Improper use of motor vehicle)
- s 5C (Failing to stop motor vehicle for police)
- s 10BA (6) (Powers of police officers to issue surrender notices for motor vehicles).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg ***conduct***, ***intention***, ***recklessness*** and ***strict liability***).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

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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.

5AB Meaning of *first offender* and *repeat offender*—div 2.1

(1) A person who is convicted or found guilty of a dangerous driving offence is a ***first offender*** in relation to the offence if the person is not a repeat offender in relation to the offence.

Note ***Found guilty***, of an offence—see the Legislation Act, dictionary, pt 1.

(2) A person who is convicted or found guilty of a dangerous driving offence (the ***relevant offence***) is a ***repeat offender*** in relation to the offence if—

(a) the person has been convicted or found guilty of a dangerous driving offence that was committed at any time before the relevant offence was committed (whether or not the person has been convicted or found guilty of the dangerous driving offence when the person committed the relevant offence); or

(b) the person is convicted or found guilty of 1 or more dangerous driving offences concurrently with being convicted of the relevant offence, and 1 or more of the dangerous driving offences were committed before the relevant offence.

(3) In this section:

dangerous driving offence means—

(a) an offence of culpable driving; or

(b) an offence against section 5A (Races, attempts on speed records, speed trials etc); or

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(c) an offence against section 5B (Improper use of motor vehicle); or

(d) an offence against section 5C (Failing to stop motor vehicle for police); or

(e) an offence against section 7 (Furious, reckless or dangerous driving); or

(f) an offence against section 8 (Menacing driving); or

(g) an offence against the *Road Transport (Alcohol and Drugs) Act 1977*, section 19 (Prescribed concentration of alcohol in blood or breath); or

(h) an offence against the *Road Transport (General) Act 1999*, section 60 (1) (which is about requiring people to disclose the identity of a driver), if the requirement is to give information about the driver of a motor vehicle who is alleged to have committed an offence against section 5C; or

(i) an offence against the *Road Transport (Road Rules) Regulation 2017*, section 20 (Obeying speed limit), if the person exceeded the speed limit applying to the person by more than 45km/h.

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

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(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:

(a) for an offence by a repeat offender or an aggravated offence—100 penalty units, imprisonment for 12 months or both; or

(b) in any other case—50 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).

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5AAA Aggravated offence—races, attempts on speed records, speed trials etc

(1) An offence committed by a person against section 5A (the ***current offence***) is an ***aggravated offence*** if any of the following circumstances existed at the time of the current offence:

(a) the person failed to comply, as soon as practicable, with a request or signal given by a police officer to stop the motor vehicle;

(b) the person was driving—

(i) with the prescribed concentration of alcohol in their blood or breath; or

(ii) with a prescribed drug in their oral fluid or blood; or

(iii) while under the influence of intoxicating liquor or of a drug to such an extent as to be incapable of having proper control of the vehicle; or

(iv) at a speed that exceeded the speed limit applying to the person by more than 30%; or

(v) in a way that put at risk the safety of a vulnerable road user; or

(vi) with a person younger than 17 years old in the vehicle.

(2) For subsection (1) (b) (i), evidence may be given of the concentration of alcohol in the person's blood or breath based on—

(a) for proof of the concentration of alcohol in the person's blood or breath—an analysis of a sample of the person's breath carried out in accordance with the *Road Transport (Alcohol and Drugs) Act 1977*; or

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(b) for proof of the concentration of alcohol in the person's blood—an analysis of the sample of the person's blood carried out at an approved laboratory and certified accurate by an analyst in accordance with the *Road Transport (Alcohol and Drugs) Act 1977*.

(3) For subsection (1) (b) (ii), evidence may be given that a person has a prescribed drug in the person's oral fluid or blood based on—

(a) for proof of presence of a prescribed drug in the person's oral fluid—an analysis of a part of a sample of the person's oral fluid under the *Road Transport (Alcohol and Drugs) Act 1977*, section 13G (Oral fluid—confirmatory analysis) that indicates that a prescribed drug is present in the sample; or

(b) for proof of the presence of a prescribed drug in the person's blood—an analysis of a part of a sample of the person's blood under the *Road Transport (Alcohol and Drugs) Act 1977*, section 15A (Analysis of blood samples) that indicates that a prescribed drug is present in the sample.

5AAB Alternative verdicts—races, attempts on speed records, speed trials etc—aggravated offence

(1) This section applies if, in a prosecution for an aggravated offence against section 5A, the trier of fact—

(a) is satisfied beyond reasonable doubt that the defendant committed an offence against section 5A; but

(b) is not satisfied that the defendant committed the aggravated offence.

(2) The trier of fact may find the defendant guilty of an offence against section 5A but not guilty of the aggravated offence charged, but only if the defendant has been given procedural fairness in relation to that finding of guilt.

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5B Improper use of motor vehicle

(1) In this section:

improper use, of a motor vehicle, means operate the vehicle in a way that causes the vehicle to undergo sustained loss of traction by 1 or more of the vehicle's wheels.

Examples—improper use

- burnouts
- handbrake turns
- wheelies
- drifting
- j-turns

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 improper use 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 improper use.

(2) A person commits an offence if—

(a) the person uses a motor vehicle on a road or road related area; and

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(b) the use is an improper use.

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 commits an offence if—

(a) the person engages in conduct on a road or road related area; and

(b) the conduct is other prohibited conduct.

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).

5C Failing to stop motor vehicle for police

A person commits an offence if—

(a) the person is driving a motor vehicle; and

(b) a police officer asks or signals the person to stop the motor vehicle; and

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(c) the person fails to comply with the police officer's request or signal as soon as practicable.

Maximum penalty:

(a) for an offence by a first offender—100 penalty units, imprisonment for 12 months or both; or

(b) for an offence by a repeat offender—300 penalty units, imprisonment for 3 years or both.

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) if the driving occasions actual bodily harm—50 penalty units; or

(d) if paragraphs (a), (b) and (c) do not apply—20 penalty units.

Examples—actual bodily harm

1 deep bruising received as a result of being involved in an incident between 2 motor vehicles

2 cuts and abrasions resulting in the breaking of the skin received as a result of being knocked from a bicycle onto a road

3 a pedestrian received a sprained ankle from being hit by a car on a pedestrian crossing

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(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:

(a) for an aggravated offence by a first offender in which a circumstance mentioned in section 7A (1) (a) (i) exists—300 penalty units, imprisonment for 3 years or both; or

(b) for an aggravated offence by a repeat offender in which a circumstance mentioned in section 7A (1) (a) (i) exists—500 penalty units, imprisonment for 5 years or both; or

(c) for any other aggravated offence—200 penalty units, imprisonment for 2 years or both; or

(d) in any other case—100 penalty units, imprisonment for 12 months or both.

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(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).

7A Aggravated offence—furious, reckless or dangerous driving

(1) An offence committed by a person against section 7 (the ***current offence***) is an ***aggravated offence*** if—

(a) any of the following circumstances existed at the time of the current offence:

(i) the person failed to comply, as soon as practicable, with a request or signal given by a police officer to stop the motor vehicle;

(ii) the person was driving with the prescribed concentration of alcohol in their blood or breath;

(iii) the person was driving with a prescribed drug in their oral fluid or blood;

(iv) the person was driving while under the influence of intoxicating liquor or of a drug to such an extent as to be incapable of having proper control of the vehicle;

(v) the person was driving at a speed that exceeded the speed limit by more than 30%;

(vi) the person was driving in a way that put at risk the safety of a vulnerable road user;

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(vii) the person was driving with a person younger than 17 years old in the vehicle; or

(b) the person is a repeat offender.

(2) For subsection (1) (a) (ii), evidence may be given of the concentration of alcohol in the person's blood or breath based on—

(a) for proof of the concentration of alcohol in the person's blood or breath—an analysis of a sample of the person's breath carried out in accordance with the *Road Transport (Alcohol and Drugs) Act 1977*; or

(b) for proof of the concentration of alcohol in the person's blood—an analysis of the sample of the person's blood carried out at an approved laboratory and certified accurate by an analyst in accordance with the *Road Transport (Alcohol and Drugs) Act 1977*.

(3) For subsection (1) (a) (iii), evidence may be given that a person has a prescribed drug in the person's oral fluid or blood based on—

(a) for proof of presence of a prescribed drug in the person's oral fluid—an analysis of a part of a sample of the person's oral fluid under the *Road Transport (Alcohol and Drugs) Act 1977*, section 13G (Oral fluid—confirmatory analysis) that indicates that a prescribed drug is present in the sample; or

(b) for proof of the presence of a prescribed drug in the person's blood—an analysis of a part of a sample of the person's blood under the *Road Transport (Alcohol and Drugs) Act 1977*, section 15A (Analysis of blood samples) that indicates that a prescribed drug is present in the sample.

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(4) In this section:

repeat offender—a person is a ***repeat offender*** if—

(a) the person has been convicted or found guilty of an offence against section 7 or the *Crimes Act 1900*, section 29 (Culpable driving of motor vehicle) that was committed at any time before the current offence was committed (whether or not the person has been convicted or found guilty of the offence when the person committed the current offence); or

(b) the person is convicted or found guilty of 1 or more offences against section 7 or the *Crimes Act 1900*, section 29 concurrently with being convicted of the current offence, and 1 or more of the offences were committed before the current offence.

7B Alternative verdicts—furious, reckless or dangerous driving—aggravated offence

(1) This section applies if, in a prosecution for an aggravated offence against section 7, the trier of fact is satisfied beyond reasonable doubt that the defendant committed an offence against section 7 but is not satisfied that the defendant committed the aggravated offence.

(2) The trier of fact may find the defendant guilty of an offence against section 7 but not guilty of the aggravated offence charged, but only if the defendant has been given procedural fairness in relation to that finding of guilt.

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.

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(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).

8A Registered operator and interested people to be notified of prosecution

(1) This section applies if a prosecution is started against a person for an offence involving a motor vehicle against—

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

(b) section 5B (Improper use of motor vehicle); or

(c) section 5C (Failing to stop motor vehicle for police); or

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(d) section 8 (Menacing driving).

(2) The chief police officer must give notice of the prosecution to—

(a) if the prosecution is against a person other than the 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.

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

(3) The notice must be given within 7 days after the day the prosecution starts.

(4) The notice must—

(a) state—

(i) either—

(A) the short description prescribed by regulation under the *Road Transport (General) Act 1999* for the offence for which the prosecution has been started; or

(B) 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 identifying particulars prescribed by regulation under the *Road Transport (General) Act 1999* for the vehicle; and

Note The short descriptions and identifying particulars are prescribed in the *Road Transport (Offences) Regulation 2005*.

(b) if the vehicle is not a light rail vehicle—tell the person that the vehicle may be subject to impounding or, if appropriate, forfeiture under section 10B.

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(5) In this section:

registered interest, in relation to a motor vehicle, means an interest in the vehicle that is registered under the *Personal Property Securities Act 2009* (Cwlth).

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

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(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

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(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

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(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

10AAA Application—div 2.3

This division does not apply to a motor vehicle that is a light rail vehicle.

10AA Meaning of *first offender* and *repeat offender*—div 2.3

(1) A person who is convicted or found guilty of an impounding offence is a ***first offender*** in relation to the offence if the person is not a repeat offender in relation to the offence.

(2) A person who is convicted or found guilty of an impounding offence (the ***relevant offence***) is a ***repeat offender*** in relation to the offence if—

(a) the person has been convicted or found guilty of an impounding offence committed at any time before the relevant offence was committed (whether or not the person has been convicted or found guilty of the impounding offence when the person committed the relevant offence); or

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(b) the person is convicted or found guilty of 1 or more impounding offences concurrently with being convicted of the relevant offence, and 1 or more of the impounding offences were committed before the relevant offence.

Note ***Found guilty***, of an offence, includes having the offence taken into account under the *Crimes (Sentencing) Act 2005*, s 57 (Outstanding additional offences taken into account in sentencing) (see Legislation Act, dict, pt 1).

(3) In this section:

impounding offence means an offence against—

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

(b) section 5B (Improper use of motor vehicle); or

(c) section 5C (Failing to stop motor vehicle for police); or

(d) section 7 (Furious, reckless or dangerous driving); or

(e) section 8 (Menacing driving); or

(f) the *Road Transport (Road Rules) Regulation 2017*, section 20 (Obeying speed limit), if the person exceeded the speed limit applying to the person by more than 45km/h.

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.

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(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 10BA (Powers of police officers to issue surrender notices for motor vehicles) 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.

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(8) If the court makes an order under this section and the motor vehicle has not already been impounded under section 10BA or 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) This section applies if a court convicts a person, or finds a person guilty, of an impounding offence.

(2) 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 (3); or

(b) for a repeat offender—forfeited to the Territory, unless the court otherwise orders under subsection (3).

(3) 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.

(4) In deciding whether to make an order under subsection (3), 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.

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(5) Subsection (4) 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.

(6) 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), section 10BA (Powers of police officers to issue surrender notices for motor vehicles) 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.

(7) A court may order the responsible person for a motor vehicle to surrender the vehicle to the chief police officer within a stated time and in a stated way if—

(a) the court convicts a person, or finds a person guilty, of an impounding offence; and

(b) the vehicle—

(i) was used in committing the offence; and

(ii) is subject to impounding or forfeiture under this section; and

(iii) has not already been impounded under section 10A, section 10BA or section 10C.

(8) The court may also make an order authorising any police officer to seize the vehicle from any place if the order under subsection (7) is not complied with.

(9) The impounding or forfeiture of a motor vehicle under this section is in addition to any other penalty imposed for the offence.

(10) 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.

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(11) In this section:

impounding offence—see section 10AA (3).

10BA Powers of police officers to issue surrender notices for motor vehicles

(1) This section applies to a motor vehicle if a police officer believes on reasonable grounds that the vehicle is being or has been used by a person in committing an offence against—

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

(b) section 5B (Improper use of motor vehicle); or

(c) section 5C (Failing to stop motor vehicle for police); or

(d) section 7 (Furious, reckless or dangerous driving) that is an aggravated offence.

(2) This section also applies to a motor vehicle if a police officer believes on reasonable grounds that—

(a) the vehicle is being, or has been used, by a person in committing an offence against the *Road Transport (Road Rules) Regulation 2017*, section 20 (Obeying speed limit); and

(b) the person, in committing the offence, exceeded the speed limit applying to the person by more than 45km/h.

(3) A police officer may, by notice (a ***surrender notice***), require the responsible person for the vehicle to surrender the vehicle for impounding at the place and by the date stated in the notice.

Note A police officer may seize a motor vehicle under s 10C without giving the responsible person for the vehicle a surrender notice.

(4) However, the police officer may only give a person a surrender notice within 10 days after the day of the commission of the offence mentioned in subsection (1).

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(5) The notice must state—

(a) the details of the alleged offence; and

(b) the service number of the police officer giving the notice; and

(c) a reasonable date and time by which the motor vehicle must be surrendered; and

(d) that it is an offence to fail to comply with a surrender notice; and

(e) that a police officer may seize the vehicle under section 10C if the person fails to comply with the notice; and

(f) anything else prescribed by regulation.

(6) The responsible person for a motor vehicle commits an offence if the person—

(a) is given a surrender notice for the vehicle; and

(b) fails to comply with the notice.

Maximum penalty: 20 penalty units.

(7) An offence against subsection (6) is a strict liability offence.

(8) Subsection (6) does not apply if the person has a reasonable excuse for failing to comply with the notice.

Note The defendant has an evidential burden in relation to the matters mentioned in s (8) (see Criminal Code, s 58).

(9) If a person fails to comply with a surrender notice, a police officer may seize the vehicle under section 10C.

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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—

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

(ii) section 5B (Improper use of motor vehicle); or

(iii) section 5C (Failing to stop motor vehicle for police); or

(iv) section 7 (Furious, reckless or dangerous driving) that is an aggravated offence; or

(b) the police officer believes on reasonable grounds that—

(i) the vehicle is being, or has been, used by a person in committing an offence against the *Road Transport (Road Rules) Regulation 2017*, section 20 (Obeying speed limit); and

(ii) the person, in committing the offence, exceeded the speed limit applying to the person by more than 45km/h; or

(c) the vehicle is subject to impounding under section 10A (Impounding of vehicles used for menacing driving on court order before conviction etc); or

(d) 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 30 days after the later of—

(a) the commission of the offence; and

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(b) if a surrender notice has been given to the responsible person for the vehicle under section 10BA and the person fails to comply with the notice—the date and time by which the motor vehicle was to be surrendered under the notice.

(3) The police officer may seize the motor vehicle 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 (8) for the seizure of the vehicle.

(4) If subsection (1) (a) (iii) applies, the police officer may seize the motor vehicle from a place other than a road or road related area or other public place without the consent of the owner or occupier of the place if the police officer believes on reasonable grounds that the motor vehicle is at the place, but in seizing the vehicle may not—

(a) enter any building on the place, other than a garage, shed or other structure where the police officer believes on reasonable grounds that the motor vehicle is located; or

(b) remain at the place for longer than is necessary to seize the vehicle or determine that the vehicle is not at the property.

(5) For subsection (4) the police officer may use the force that is necessary and reasonable in the circumstances to—

(a) enter a place or structure where the police officer believes on reasonable grounds the motor vehicle is located; and

(b) seize the vehicle.

(6) After seizing the motor vehicle, the police officer must move the vehicle to a place decided by the chief police officer.

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(7) The motor vehicle may, subject to the regulations, be impounded at the place where it is moved under subsection (6), or may be moved to and impounded at any other place decided by the chief police officer.

(8) 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.

(9) 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.

(10) In this section:

garage includes a garage attached to a residential building.

public place includes any place that members of the public are entitled to use.

10D Registered operator to be notified of seizure

(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) The notice must be given within 7 days after the day the vehicle is seized.

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(3) The notice must—

(a) state—

(i) either—

(A) the short description prescribed by regulation under the *Road Transport (General) Act 1999* for the offence for which the motor vehicle has been seized; or

(B) 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 identifying particulars prescribed by regulation under the *Road Transport (General) Act 1999* for the vehicle; and

Note The short descriptions and identifying particulars are prescribed in the *Road Transport (Offences) Regulation 2005*.

(b) 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.

10E Keeping of certain vehicles seized or surrendered

(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) This section also applies if a motor vehicle is surrendered under section 10BA (Powers of police officers to issue surrender notices for motor vehicles) in the circumstances mentioned in section 10BA (1).

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(3) 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.

(4) However, subsection (3) does not apply if the vehicle is sooner released under—

(a) section 10G (Certain vehicles seized or surrendered—release by chief police officer); or

(b) section 10H (Certain vehicles seized or surrendered—release by Magistrates Court).

(5) If the person is convicted, or found guilty of, the offence, the chief police officer must keep the vehicle as required under section 10F.

(6) In this section:

relevant offence means an offence against—

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

(b) section 5B (Improper use of motor vehicle); or

(c) section 5C (Failing to stop motor vehicle for police); or

(d) section 7 (Furious, reckless or dangerous driving) that is an aggravated offence; or

(e) section 8 (Menacing driving); or

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(f) the *Road Transport (Road Rules) Regulation 2017*, section 20 (Obeying speed limit), if the person exceeded the speed limit applying to the person by more than 45km/h.

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 Certain vehicles seized or surrendered—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—

(a) seized under section 10C (1) (a); or

(b) surrendered in the circumstances mentioned in section 10BA (1).

(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

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(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 to 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 Certain vehicles seized or surrendered—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—

(a) seized under section 10C (1) (a); or

(b) surrendered in the circumstances mentioned in section 10BA (1).

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(2) This section applies whether or not an application has been made to the chief police officer under section 10G for the release of the vehicle.

(3) 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.

(4) 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.

(5) 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.

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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 10BA (1) (Powers of police officers to issue surrender notices for motor vehicles) or section 10C (1) (a) or (c) (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.

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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.

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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.

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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.

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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.

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(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.

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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.

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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.

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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;

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(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.

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Part 6 Traffic offence detection devices

Division 6.1 Definitions—pt 6

22A Definitions—pt 6

(1) In this part:

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.

shortest practicable distance means the distance between 2 detection points 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 a provision of the road transport legislation.

speeding offence means an offence against a provision of the road transport legislation of failing to obey a speed limit.

speed measuring device means a device designed to measure the speed at which a vehicle is travelling.

(2) In this section:

minimum travel time, for a shortest practicable route, means a time prescribed by regulation that a driver could travel the route without committing a speeding offence.

shortest practicable route, between 2 detection points, means a route prescribed by regulation, used to determine the minimum travel time between the points.

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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:

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

(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 Meaning of *traffic offence detection device*

(1) For this Act, a ***traffic offence detection device*** means a device or system—

(a) designed to detect or take images of 1 or more of the following:

(i) a vehicle being driven in contravention of a provision of the road transport legislation;

(ii) the driver of a vehicle mentioned in subparagraph (i);

(iii) a passenger in a vehicle mentioned in subparagraph (i); and

(b) approved in accordance with a regulation made under section 24 (1).

(2) However, subsection (1) (a) does not include a device or system designed only to detect or take images of a vehicle parked in contravention of a provision of the road transport legislation.

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24 Regulation for approval etc of device or system

(1) A regulation may provide for the approval of a device or system designed to detect or take images of 1 or more of the following:

(a) a vehicle being driven in contravention of a provision of the road transport legislation;

(b) the driver of a vehicle mentioned in paragraph (a);

(c) a passenger in a vehicle mentioned in paragraph (a).

(2) A regulation may provide for the following for a device or system mentioned in subsection (1):

(a) requirements for an image taken by the device or system;

(b) the requirements for testing, sealing, certification, maintenance or operation of the device or system;

(c) the approval of people to test, seal, certify, maintain or operate the device or system;

(d) the use, disclosure and retention of data collected by the device or system;

(e) requirements in relation to signage for the device or system.

Note Power to make a regulation includes power to make different provision in relation to different matters or different classes of matters (see Legislation Act, s 48).

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Division 6.3 Traffic offence detection devices—other matters

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.

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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 a 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.

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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—

(i) a regulation made under section 24 (2); or

(ii) an approval made in accordance with a regulation under section 24 (1);

(c) the recording of an electronic file created by a traffic offence detection device;

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

(3) Without limiting subsection (2), a certificate given for a traffic offence detection device may state any of the following matters:

(a) that the device has been tested, sealed, certified, maintained or operated as required or permitted by the following:

(i) a regulation made under section 24 (2) (b);

(ii) an approval made in accordance with a regulation under section 24 (1);

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(b) the results of a test of the device under paragraph (a) at a stated time or within a stated period, including—

(i) the accuracy, or accuracy to a stated extent, of the device; or

(ii) if the device was working properly within the stated period;

(c) that a stated image, or series of images, is an accurate copy of an image, or series of images, taken by the device—

(i) at a stated date, time and place; or

(ii) within a stated period;

(d) if the device is a 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 or any 1 of a series of images taken by a traffic offence detection device is evidence of everything indicated on, or shown by, the image.

Note Information etc that is indicated on an image includes information 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;

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(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 use of a mobile device by the driver of the vehicle—that the vehicle was moving, or stationary but not parked, when the image was taken;

(f) if the information indicates whether the driver of the vehicle, or a passenger in the vehicle, was wearing a seatbelt—that the vehicle was moving, or stationary but not parked, when the image was taken;

(g) 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;

(h) 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) Evidence may be given by a police officer or authorised person about any matter mentioned in subsections (2) and (3).

(7) Without limiting subsection (6), 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.

(8) 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.

(9) This section does not limit evidence that can be presented apart from this section.

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(10) In this section:

image includes a video recording.

mobile device—

(a) includes a mobile phone and any other wireless hand-held or wearable device designed or capable of being used for telecommunication; but

(b) does not include a CB radio or any other two-way radio.

Examples—other wireless hand-held or wearable devices

tablet computer, smart watch

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 in an illegal user declaration, known user declaration or sold vehicle declaration under the *Road Transport (General) Act 1999*, division 3.3 (Infringement notice offences involving registrable and rail vehicles) by the responsible person for a vehicle shown in an image taken by a traffic offence detection device.

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(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.

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29 Use, retention and disclosure of data by road transport authority and other people

(1) The road transport authority may use or disclose data collected in relation to a traffic offence detection device only—

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

Examples

1 disclosure to a police officer for issuing an infringement notice

2 disclosure to a prosecutor preparing prosecutions

3 disclosure to or use by a contractor engaged to provide services in relation to the operation of a traffic offence detection device

4 use of data to test and maintain a traffic offence detection device

(b) to issue a written warning in connection with the enforcement of the road transport legislation; or

(c) if the use or disclosure of the data is reasonably necessary for the enforcement of the criminal law or a law imposing a monetary penalty; or

(d) for research relating to improving road safety and transport efficiency, but only if identifying information about people cannot be ascertained from the data; or

(e) if the use or disclosure of the data is required or authorised by—

(i) a law of the Territory; or

Example

a person asks for a copy of an image under s 27

(ii) a law of the Commonwealth; or

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

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(2) A person to whom data collected by a traffic offence detection device is disclosed under subsection (1)—

(a) may use the data only for the purpose for which it was disclosed and in accordance with any applicable laws; and

(b) must not retain the data for longer than required by or for that purpose, or as required by law; and

(c) must not disclose the data 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.

(3) A person mentioned in subsection (2) includes a contractor engaged to operate a traffic offence detection device.

Note A public sector agency must not enter into a government contract unless the contract contains appropriate provisions for privacy protections (see *Information Privacy Act 2014*, s 21).

(4) The road transport authority, and any person to whom data collected by a traffic offence detection device is disclosed under this section, must ensure that the data is protected by security safeguards that are reasonable in the circumstances to prevent—

(a) loss; and

(b) unauthorised access, use, modification or disclosure; and

(c) other misuse.

(5) In this section:

data includes an image or a series of images.

law of the Territory, in relation to data collected by a traffic offence detection device, means a law that expressly requires or authorises the use of the data.

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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.

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(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.

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(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.

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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 has 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.

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34 Regulations may apply certain documents

A regulation may apply a publication of the National Transport Commission or any other instrument as in force from time to time.

Note The text of an applied, adopted or incorporated law or instrument, whether applied as in force from time to time or 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)).

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.

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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;

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(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

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(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) 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.

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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;

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(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.

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(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.

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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).

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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
- found guilty
- 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:

- Australian driver
- driver
- driver licence
- external driver licence
- illegal user declaration
- infringement notice
- known user declaration
- light rail vehicle
- motor vehicle
- National Transport Commission
- offence of culpable driving
- registered operator
- responsible person
- ride
- rider
- road
- road related area
- road transport authority (or authority) (see s 16)
- road transport legislation (see s 6)

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- sold vehicle declaration
- traffic
- trailer
- vehicle.

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).

aggravated offence—

(a) against section 5A (Races, attempts on speed records, speed trials etc)—see section 5AAA; and

(b) against section 7 (Furious, reckless or dangerous driving)—see section 7A.

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 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 22A (1).

detection point, for part 6 (Traffic offence detection devices)—see section 22A (1).

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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.

first offender—

(a) for division 2.1 (Speeding and other dangerous driving offences)—see section 5AB; and

(b) for division 2.3 (Seizure, impounding and forfeiture of vehicles for certain offences)—see section 10AA.

indicated on, an image of a vehicle or the driver of a vehicle taken by a traffic offence detection device, includes accompanying or reasonably associated with the image.

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, for part 3 (Unsafe loads)—see section 11.

prescribed concentration, of alcohol in a person's blood or breath—see the *Road Transport (Alcohol and Drugs) Act 1977*, section 4C.

prescribed drug—see the *Road Transport (Alcohol and Drugs) Act 1977*, dictionary.

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.

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repeat offender—

(a) for division 2.1 (Speeding and other dangerous driving offences)—see section 5AB; and

(b) for division 2.3 (Seizure, impounding and forfeiture of vehicles for certain offences)—see section 10AA.

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

road user—see the *Road Transport (Road Rules) Regulation 2017*, section 14.

shortest practicable distance, for part 6 (Traffic offence detection devices)—see section 22A (1).

speeding offence, for part 6 (Traffic offence detection devices)—see section 22A (1).

speed measuring device, for part 6 (Traffic offence detection devices)—see section 22A (1).

traffic accident—see section 15.

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

traffic offence detection device—see section 23.

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.

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vulnerable road user means a road user other than the driver of, or passenger in, an enclosed motor vehicle.

Examples—vulnerable road users

- pedestrians
- cyclists
- motorcyclists
- riders of animals
- users of personal mobility devices

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

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3 Legislation history

Road Transport (Safety and Traffic Management) Act 1999 A1999-80
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 A2000-4 pt 3
notified 1 March 2000 (Gaz 2000 No S8)
commenced 1 March 2000 (s 2)

as modified by

Road Transport Legislation Regulations Amendment SL2000-33 reg 7
notified 2 August 2000 (Gaz 2000 No S41)
commenced 2 August 2000 (reg 1)

Road Transport Legislation Regulations Amendment SL2000-52 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 A2001-27 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 A2001-29 pt 2
notified 24 May 2001 (Gaz 2001 No 21)
commenced 24 May 2001 (s 2)

Legislation (Consequential Amendments) Act 2001 A2001-44 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)

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Road Transport (Safety and Traffic Management) Amendment Act 2001 (No 2) A2001-59
notified 10 September 2001 (Gaz 2001 No S66)
commenced 10 September 2001 (s 2)

Road Transport (Public Passenger Services) Act 2001 A2001-62 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 A2001-63 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) A2001-86
notified 10 September 2001 (Gaz 2001 No S66)
commenced 10 September 2001 (s 2)

Statute Law Amendment Act 2002 A2002-30 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) A2002-49 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 A2002-51 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))

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))

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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)

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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)

Road Transport (General) Amendment Act 2012 A2012-7 sch 1 pt 1.2

notified LR 3 April 2012
s 1, s 2 commenced 3 April 2012 (LA s 75 (1))
sch 1 pt 1.2 commenced 4 April 2012 (s 2)

Road Transport Legislation Amendment Act 2013 A2013-13 pt 4

notified LR 17 April 2013
s 1, s 2 commenced 17 April 2013 (LA s 75 (1))
pt 4 commenced 24 May 2013 (s 2 (2) and see Road Transport (General) (Infringement Notices) Amendment Act 2012 A2012-24 s 2 (2))

Statute Law Amendment Act 2013 A2013-19 sch 3 pt 3.44

notified LR 24 May 2013
s 1, s 2 commenced 24 May 2013 (LA s 75 (1))
sch 3 pt 3.44 commenced 14 June 2013 (s 2)

Statute Law Amendment Act 2013 (No 2) A2013-44 sch 3 pt 3.21

notified LR 11 November 2013
s 1, s 2 commenced 11 November 2013 (LA s 75 (1))
sch 3 pt 3.21 commenced 25 November 2013 (s 2)

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Heavy Vehicle National Law (Consequential Amendments) Act 2013 A2013-52 pt 12

notified LR 9 December 2013
s 1, s 2 commenced 9 December 2013 (LA s 75 (1))
pt 12 commenced 10 February 2014 (s 2 and see Heavy Vehicle National Law (ACT) Act 2013 A2013-51, s 2 (1) and CN2014-2)

Road Transport Legislation Amendment Act 2014 A2014-25 pt 5

notified LR 12 June 2014
s 1, s 2 commenced 12 June 2014 (LA s 75 (1))
pt 5 commenced 13 June 2014 (s 2 (1))

Road Transport Legislation Amendment Act 2015 A2015-30 pt 7

notified LR 21 August 2015
s 1, s 2 commenced 21 August 2015 (LA s 75 (1))
pt 7 commenced 22 August 2015 (s 2)

Statute Law Amendment Act 2015 (No 2) A2015-50 sch 3 pt 3.29

notified LR 25 November 2015
s 1, s 2 commenced 25 November 2015 (LA s 75 (1))
sch 3 pt 3.29 commenced 9 December 2015 (s 2)

Road Transport Legislation Amendment Act 2016 (No 2) A2016-14 pt 4

notified LR 17 March 2016
s 1, s 2 commenced 17 March 2016 (LA s 75 (1))
pt 4 commenced 18 March 2016 (s 2)

Justice and Community Safety Legislation Amendment Act 2017 (No 2) A2017-14 pt 19

notified LR 17 May 2017
s 1, s 2 commenced 17 May 2017 (LA s 75 (1))
pt 19 commenced 30 April 2018 (s 2 (2) (a) and see Road Transport (Road Rules) Regulation 2017 SL2017-43 s 2)

Road Transport Reform (Light Rail) Legislation Amendment Act 2017 A2017-21 pt 7

notified LR 8 August 2017
s 1, s 2 commenced 8 August 2017 (LA s 75 (1))
pt 7 commenced 15 August 2017 (s 2)

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Motor Accident Injuries Act 2019 A2019-12 sch 3 pt 3.14
notified LR 31 May 2019
s 1, s 2 commenced 31 May 2019 (LA s 75 (1))
sch 3 pt 3.14 commenced 1 February 2020 (s 2 (1) and CN2019-13)

Road Transport Legislation Amendment Act 2019 A2019-21 pt 13
notified LR 8 August 2019
s 1, s 2 commenced 8 August 2019 (LA s 75 (1))
pt 13 commenced 22 August 2019 (s 2 (4))

Litter Legislation Amendment Act 2019 A2019-39 sch 1
notified LR 31 October 2019
s 1, s 2 commenced 31 October 2019 (LA s 75 (1))
sch 1 commenced 1 November 2019 (s 2 (1))

Road Transport (Safety and Traffic Management) Amendment Act 2021 A2021-14 pt 2
notified LR 1 July 2021
s 1, s 2 commenced 1 July 2021 (LA s 75 (1))
pt 2 commenced 12 August 2021 (s 2)

Road Transport Legislation Amendment Act 2022 A2022-3 pt 4
notified LR 30 March 2022
s 1, s 2 commenced 30 March 2022 (LA s 75 (1))
pt 4 commenced 13 April 2022 (s 2)

Road Transport Legislation Amendment Act 2022 (No 2) A2022-5 pt 7
notified LR 13 April 2022
s 1, s 2 commenced 13 April 2022 (LA s 75 (1))
pt 7 commenced 27 April 2022 (s 2 (1))

Road Safety Legislation Amendment Act 2023 A2023-19 pt 6
notified LR 21 June 2023
s 1, s 2 commenced 21 June 2023 (LA s 75 (1))
pt 6 commenced 22 June 2023 (s 2 (1))

Road Safety Legislation Amendment Act 2024 A2024-20 pt 8
notified LR 24 May 2024
s 1, s 2 commenced 24 May 2024 (LA s 75 (1))
pt 8 commenced 25 May 2024 (s 2 (1))

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Road Transport (Safety and Traffic Management) Amendment Act 2025 A2025-21 pt 2

notified LR 12 September 2025

s 1, s 2 commenced 12 September 2025 (LA s 75 (1))

pt 2 commenced 3 November 2025 (s 2)

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4 Amendment history

Preliminary

pt 1 hdg note	am A2001-44 amdt 1.3788; A2001-62 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; A2013-52 s 63, s 64; A2019-12 amdt 3.98, amdt 3.99

Commencement

s 2	om A2001-27 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 sub A2022-5 s 30

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 A2002-30 amdt 3.762 (2), (3) exp 17 September 2002 (s 5 (3))

Offences against Act—application of Criminal Code etc

s 5AA	ins A2015-30 s 16 am A2016-14 s 20

Meaning of *first offender* and *repeat offender*—div 2.1

s 5AB	ins A2016-14 s 21 (3), (4) exp 18 March 2021 (s 5AB (4)) ss renum R34 LA am A2023-19 s 15, s 16; A2024-20 s 65

Races, attempts on speed records, speed trials etc

s 5A hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 5A	ins A2000-4 s 6 am A2002-49 amdt 3.232; A2023-19 s 17

Aggravated offence—races, attempts on speed records, speed trials etc

s 5AAA	ins A2023-19 s 18

Alternative verdicts—races, attempts on speed records, speed trials etc—aggravated offence

s 5AAB	ins A2023-19 s 18

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Improper use of motor vehicle

s 5B hdg	bracketed note exp 17 September 2002 (s 5 (3))
	sub A2015-30 s 17
s 5B	ins A2000-4 s 6
	am A2002-49 amdt 3.232; A2015-30 ss 18-22

Failing to stop motor vehicle for police

s 5C	ins A2016-14 s 22

Negligent driving

s 6 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 6	am A2022-3 s 11

Furious, reckless or dangerous driving

s 7 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 7	am A2014-25 s 9; A2016-14 s 23

Aggravated offence—furious, reckless or dangerous driving

s 7A	ins A2014-25 s 10
	am A2016-14 s 24; A2022-3 s 12; A2023-19 s 19; A2024-20 s 66

Alternative verdicts—furious, reckless or dangerous driving—aggravated offence

s 7B	ins A2014-25 s 10

Menacing driving

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

Registered operator and interested people to be notified of prosecution

s 8A	ins A2017-21 s 54

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 A2001-63 ss 60-68; A2002-30 amdt 3.763

Seizure, impounding and forfeiture of vehicles for certain offences

div 2.3 hdg	ins A2000-4 s 7

Application—div 2.3

s 10AAA	ins A2017-21 s 55

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Meaning of *first offender* and *repeat offender*—div 2.3

s 10AA **orig s 10AA**
renum as s 10A
pres s 10AA
ins A2012-7 amdt 1.2
am A2013-44 amdt 3.185; A2015-30 s 23; A2016-14 s 25; pars renum R27 LA
(3), (4) exp 4 April 2017 (s 10AA (4))
ss renum R28 LA
am A2023-19 s 20, s 21

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

s 10A (prev s 10AA) ins A2001-29 s 4
renum R3 LA (see A2001-59 s 8; A2001-86 s 9)
am A2015-30 s 24, s 25

Impounding or forfeiture of vehicles on conviction etc for certain offences

s 10B hdg (prev s 10A hdg) sub A2000-29 s 5 (a)
bracketed note exp 17 September 2002 (s 5 (3))
s 10B (prev s 10A) ins A2000-4 s 7
am A2001-29 s 5 (b)-(e)
renum R3 LA (see A2001-59 s 8; A2001-86 s 9)
am A2012-7 amdt 1.3; A2015-30 ss 26-28; A2016-14 s 26, s 27; ss renum R27 LA; A2023-19 ss 22-24

Powers of police officers to issue surrender notices for motor vehicles

s 10BA ins A2015-30 s 29
am A2016-14 s 28; A2023-19 s 25, s 26; ss renum R38 LA

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 A2000-4 s 7
am A2001-29 s 6; A2001-59 s 4; R3 LA (see A2001-59 s 5); A2001-86 s 4; R3 LA (see A2001-86 s 5)
renum R3 LA (see A2001-59 s 8; A2001-86 s 9)
am A2015-30 s 30, s 31; A2016-14 ss 29-32; ss renum R27 LA; A2023-19 ss 27-29; pars renum R38 LA

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Registered operator to be notified of seizure

s 10D hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 10D	(prev s 10C) ins A2000-4 s 7 am A2001-29 s 7 om A2001-59 s 6 ins A2001-86 s 6 renum R3 LA (see A2001-89 s 9) am A2002-30 amdt 3.763; A2013-44 amdt 3.186; A2015-30 s 32; A2016-14 s 33 sub A2017-21 s 56

Keeping of certain vehicles seized or surrendered

s 10E hdg	(prev s 10D) sub A2000-29 s 8 (a) bracketed note exp 17 September 2002 (s 5 (3)) sub A2015-30 s 33
s 10E	ins A2000-4 s 7 am A2001-29 s 8 (b) om A2001-59 s 6 ins A2001-86 s 6 renum R3 LA (see A2001-89 s 9) sub A2006-39 s 4 am A2015-30 ss 34-36; ss renum R25 LA; A2016-14 s 34; pars renum R27 LA; A2023-19 s 30

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

s 10F hdg	(prev s 10E) sub A2000-29 s 9 (a) bracketed note exp 17 September 2002 (s 5 (3))
s 10F	ins A2000-4 s 7 am A2001-29 s 9 (b) renum R3 LA (see A2001-59 s 8; A2001-86 s 9)

Certain vehicles seized or surrendered—release by chief police officer

s 10G hdg	bracketed note exp 17 September 2002 (s 5 (3)) sub A2015-30 s 37
s 10G	(prev s 10F) ins A2000-4 s 7 am A2001-29 s 10 om A2001-59 s 6 ins A2001-86 s 7 renum R3 LA (see A2001-89 s 9) am A2015-30 s 38; A2015-50 amdt 3.143

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

s 10H hdg	bracketed note exp 17 September 2002 (s 5 (3))
	sub A2015-30 s 39
s 10H	(prev s 10G) ins A2000-4 s 7
	am A2001-29 s 11
	om A2001-59 s 6
	ins A2001-86 s 7
	renum R3 LA (see A2001-59 s 8; A2001-86 s 9)
	am A2015-30 s 40; ss renum R25 LA

Safekeeping of vehicles

s 10I hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 10I	(prev s 10H) ins A2000-4 s 7
	am A2001-59 s 7
	renum R3 LA (see A2001-59 s 8; A2001-86 s 9)

Failure to prosecute

s 10J hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 10J	(prev s 10I) ins A2000-4 s 7
	am A2001-29 s 12; A2001-59 s 7
	sub A2001-86 s 8
	renum R3 LA (see A2001-59 s 8; A2001-86 s 9)
	am A2015-30 s 41

Disposal of vehicles

s 10K hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 10K	(prev s 10J) ins A2000-4 s 7
	renum R3 LA (see A2001-89 s 9)
	am A2002-49 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

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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 A2002-49 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 A2002-30 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
om A2021-14 s 4
def ***average speed*** ins A2011-38 s 4
om A2021-14 s 4
def ***average speed detection system*** ins A2011-38 s 4
om A2021-14 s 4
def ***average speed limit*** ins A2011-38 s 4
om A2021-14 s 4
def ***detection point*** ins A2011-38 s 4
om A2021-14 s 4
def ***relevant information*** ins A2011-38 s 4
om A2021-14 s 4
def ***shortest practicable distance*** ins A2011-38 s 4
om A2021-14 s 4
def ***shortest practicable route*** ins A2011-38 s 4
om A2021-14 s 4
def ***speeding offence*** ins A2011-38 s 4
om A2021-14 s 4

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Definitions—pt 6

s 22A hdg — sub A2011-38 s 5

s 22A — ins A2001-27 amdt 5.2
am A2009-5 s 13; A2011-38 ss 5-9
sub A2021-14 s 4; A2025-21 s 4
def ***average speed detection system*** ins A2021-14 s 4
om A2025-21 s 4
def ***average speed limit*** ins A2021-14 s 4
sub A2025-21 s 4
def ***detection point*** ins A2021-14 s 4
sub A2025-21 s 4
def ***minimum travel time*** ins A2021-14 s 4
om A2025-21 s 4
def ***mobile device*** ins A2021-14 s 4
sub A2024-20 s 67
om A2025-21 s 4
def ***mobile device detection system*** ins A2021-14 s 4
om A2025-21 s 4
def ***shortest practicable distance*** ins A2021-14 s 4
sub A2025-21 s 4
def ***shortest practicable route*** ins A2021-14 s 4
om A2025-21 s 4
def ***speeding offence*** ins A2021-14 s 4
sub A2025-21 s 4
def ***speed measuring device*** ins A2021-14 s 4
sub A2025-21 s 4

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

Meaning of *traffic offence detection device*

s 23 hdg — bracketed note exp 17 September 2002 (s 5 (3))

s 23 — sub A2001-27 amdt 5.2
am A2009-5 s 14; A2011-38 s 12, s 13
sub A2021-14 s 5
am A2025-21 s 5, s 6

Use of average speed detection systems

s 23A — ins A2011-38 s 14
om A2021-14 s 5

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

s 23B — ins A2011-38 s 15
om A2021-14 s 5

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Average speed detection systems—signs

s 23C	ins A2011-38 s 15 om A2021-14 s 5

Regulation for approval etc of device or system

s 24 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 24	am A2001-27 amdt 5.3; A2002-49 amdt 3.233; A2011-38 s 16, s 17 sub A2021-14 s 5 am A2025-21 s 7, s 8

Traffic offence detection devices—other matters

div 6.3 hdg	ins A2021-14 s 5

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 am A2021-14 s 6

Use of camera detection devices and average speed detection systems

s 24C	ins A2011-38 s 19 om A2021-14 s 7

Evidentiary certificates etc

s 25 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 25	am A2001-27 amdts 5.4-5.7; A2009-5 s 15; A2011-38 ss 20-26; pars renum R18 LA; A2012-7 amdt 1.4; ss renum R19 LA; A2013-44 amdt 3.187; A2021-14 ss 8-12; ss, pars renum R35 LA; A2025-21 ss 9-11; pars renum R40 LA

Interfering with traffic offence detection devices

s 26 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 26	am A2001-27 amdt 5.8

Inspection and purchase of images taken by traffic offence detection devices

s 27 hdg	sub A2001-27 amdt 5.9 bracketed note exp 17 September 2002 (s 5 (3)) sub A2011-38 s 27
s 27	am A2001-27 amdt 5.10; A2013-13 s 36; A2013-19 amdt 3.435; A2017-21 s 57

Notice of intention to challenge certain issues

s 28 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 28	am A2002-30 amdt 3.763; A2011-38 s 28, s 29

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Use, retention and disclosure of data by road transport authority and other people

s 29	om A2001-59 s 9
	ins A2011-38 s 30
	sub A2021-14 s 13

Disclosure of images by road transport authority

s 29A	ins A2011-38 s 30
	om A2021-14 s 13

Use, retention and disclosure of images by other people

s 29B	ins A2011-38 s 30
	om A2021-14 s 13

Protection of images against loss etc

s 29C	ins A2011-38 s 30
	om A2021-14 s 13

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 A2001-44 amdt 1.3789; A2013-44 amdt 3.188

Regulations may apply certain documents

s 34	sub A2002-30 amdt 3.764
	am A2002-51 amdt 1.37
	sub A2005-20 amdt 3.381; A2022-5 s 31

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 A2002-49 amdt 3.233

Regulations about safe operation of vehicles

s 37 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 37	am A2002-49 amdt 3.233

Regulations about child safety

s 38 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 38	am A2002-49 amdt 3.233

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Regulations about traffic management generally

s 39 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 39	am A2002-49 amdt 3.233

Regulations about seizure, impounding etc of vehicles

s 40 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 40	am A2002-49 amdt 3.233; A2019-39 amdt 1.1

Regulations about towing fees

s 41 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 41	am A2002-49 amdt 3.233

Regulations about parking

s 42 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 42	am A2002-49 amdt 3.233

Regulations about marking tyres

s 43 hdg	bracketed note exp 17 September 2002 (s 5 (3))
s 43	am A2002-49 amdt 3.233

References to Motor Traffic Act, Traffic Act etc

s 44	am A2001-44 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 SL2000-33 reg 7 om SL2000-52 reg 10 ins as mod SL2000-52 reg 10 exp 1 June 2001 (s 49A (2))

Expiry of pt 10

s 50	am A2001-27 amdt 5.11 exp 1 June 2001 (s 50)

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Dictionary

dict

am A2002-30 amdt 3.765; A2010-18 amdt 3.89; A2013-19 amdt 3.436, amdt 3.437; A2013-44 amdts 3.189-3.192; A2017-21 s 58; A2019-21 s 101; A2022-5 s 32; A2023-19 s 31

def ***aggravated offence*** ins A2014-25 s 11
sub A2023-19 s 32

def ***another jurisdiction*** om A2010-18 amdt 3.90

def ***approved average speed detection system*** ins A2011-38 s 31
om A2021-14 s 14

def ***approved camera detection device*** om A2021-14 s 14

def ***approved speed measuring device*** om A2021-14 s 14

def ***Australian driver licence*** om A2013-44 amdt 3.193

def ***Australian Transport Council*** sub A2005-20 amdt 3.382
om A2010-18 amdt 3.90

def ***authorised person*** sub A2002-30 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
sub A2021-14 s 15
om A2025-21 s 12

def ***average speed limit*** ins A2011-38 s 31
sub A2021-14 s 15
am A2025-21 s 13

def ***camera detection device*** om A2021-14 s 16

def ***detection point*** ins A2011-38 s 31
sub A2021-14 s 17
am A2025-21 s 13

def ***driver*** om A2010-18 amdt 3.92

def ***driver licence*** om A2013-44 amdt 3.193

def ***exercise*** om A2002-30 amdt 3.767

def ***external driver licence*** om A2013-44 amdt 3.193

def ***first offender*** ins A2012-7 amdt 1.5
sub A2016-14 s 35

def ***function*** om A2002-30 amdt 3.767

def ***indicated on*** ins A2001-27 amdt 5.12
am A2011-38 s 32
sub A2021-14 s 17

def ***infringement notice*** om A2013-44 amdt 3.193

def ***jurisdiction*** om A2010-18 amdt 3.92

def ***loaded unsafely*** sub A2013-19 amdt 3.438

def ***minimum travel time*** ins A2021-14 s 18
om A2025-21 s 14

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def ***mobile device*** ins A2021-14 s 18
sub A2024-20 s 68
om A2025-21 s 14
def ***mobile device detection system*** ins A2021-14 s 18
om A2025-21 s 14
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 ***prescribed concentration*** ins A2023-19 s 33
def ***prescribed drug*** ins A2023-19 s 33
def ***red traffic arrow*** ins A2001-27 amdt 5.12
def ***red traffic light*** ins A2001-27 amdt 5.12
def ***registered interest*** ins A2000-4 s 8
am A2013-19 amdt 3.439
om A2013-44 amdt 3.193
def ***registered operator*** ins A2000-4 s 8
om A2013-44 amdt 3.193
def ***relevant information*** ins A2001-27 amdt 5.12
sub A2011-38 s 33
om A2021-14 s 19
def ***repeat offender*** ins A2012-7 amdt 1.5
sub A2016-14 s 35
def ***responsible person*** om A2013-44 amdt 3.193
def ***restricted licence*** om A2013-19 amdt 3.440
def ***retention area*** sub A2007-3 amdt 3.458
def ***ride*** om A2010-18 amdt 3.92
def ***rider*** om A2013-44 amdt 3.193
def ***road*** am A2002-30 amdt 3.768
om A2019-21 s 102
def ***road related area*** am A2002-30 amdt 3.768
om A2019-21 s 102
def ***road transport authority*** om A2010-18 amdt 3.92
def ***road transport legislation*** om A2010-18 amdt 3.92
def ***road user*** ins A2014-25 s 11
sub A2017-14 s 55
def ***shortest practicable distance*** ins A2011-38 s 34
sub A2021-14 s 20
am A2025-21 s 15
def ***shortest practicable route*** ins A2013-19 amdt 3.441
sub A2021-14 s 20
om A2025-21 s 16

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def ***speeding offence*** ins A2011-38 s 34
sub A2021-14 s 20
am A2025-21 s 17
def ***speed measuring device*** sub A2021-14 s 20
am A2025-21 s 17
def ***the regulations*** om A2001-44 amdt 1.3792
def ***this Act*** (or ***the Act***) om A2001-44 amdt 1.3792
def ***traffic*** om A2013-44 amdt 3.193
def ***traffic lights*** ins A2001-27 amdt 5.12
def ***traffic offence detection device*** sub A2011-38 s 35
sub A2021-14 s 20
def ***trailer*** om A2010-18 amdt 3.92
def ***vehicle*** om A2013-19 amdt 3.442
def ***vulnerable road user*** ins A2023-19 s 33

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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

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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
R18 15 Jan 2012	15 Jan 2012– 3 Apr 2012	A2011-38	amendments by A2011-38
R19* 4 Apr 2012	4 Apr 2012– 23 May 2013	A2012-7	amendments by A2012-7
R20 24 May 2013	24 May 2013– 13 June 2013	A2013-13	amendments by A2013-13
R21 14 June 2013	14 June 2013– 24 Nov 2013	A2013-19	amendments by A2013-19
R22 25 Nov 2013	25 Nov 2013– 9 Feb 2014	A2013-44	amendments by A2013-44

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Republication No and date	Effective	Last amendment made by	Republication for
R23 10 Feb 2014	10 Feb 2014– 12 June 2014	A2013-52	amendments by A2013-52
R24 13 June 2014	13 June 2014– 21 Aug 2015	A2014-25	amendments by A2014-25
R25 22 Aug 2015	22 Aug 2015– 8 Dec 2015	A2015-30	amendments by A2015-30
R26 9 Dec 2015	9 Dec 2015– 17 Mar 2016	A2015-50	amendments by A2015-50
R27 18 Mar 2016	18 Mar 2016– 4 Apr 2017	A2016-14	amendments by A2016-14
R28 5 Apr 2017	5 Apr 2017– 14 Aug 2017	A2016-14	expiry of provision (s 10AA (3), (4))
R29 15 Aug 2017	15 Aug 2017– 29 Apr 2018	A2017-21	amendments by A2017-21
R30 30 Apr 2018	30 Apr 2018– 21 Aug 2019	A2017-21	amendments by A2017-14
R31 22 Aug 2019	22 Aug 2019– 31 Oct 2019	A2019-21	amendments by A2019-21
R32 1 Nov 2019	1 Nov 2019– 31 Jan 2020	A2019-39	amendments by A2019-39
R33 1 Feb 2020	1 Feb 2020– 18 Mar 2021	A2019-39	amendments by A2019-12
R34 19 Mar 2021	19 Mar 2021– 11 Aug 2021	A2019-39	expiry of provisions (s 5AB (3), (4))
R35 12 Aug 2021	12 Aug 2021– 12 Apr 2022	A2021-14	amendments by A2021-14
R36 13 Apr 2022	13 Apr 2022– 26 Apr 2022	A2022-3	amendments by A2022-3
R37 27 Apr 2022	27 Apr 2022– 21 June 2023	A2022-5	amendments by A2022-5
R38 22 June 2023	22 June 2023– 24 May 2024	A2023-19	amendments by A2023-19

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Republication No and date	Effective	Last amendment made by	Republication for
R39 25 May 2024	25 May 2024– 2 Nov 2025	A2024-20	amendments by A2024-20

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