

South Australia

Road Traffic Act 1961

An Act to consolidate and amend certain enactments relating to road traffic; and for other purposes.

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Legislative history

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Road Traffic Act 1961*.

2—Crown is bound

- (1) This Act binds the Crown in right of the State and also, so far as the legislative power of the State extends, in all its other capacities.
- (2) No criminal liability attaches to the Crown itself (as distinct from its agents, instrumentalities, officers and employees) under this Act.

5—Interpretation

- (1) In this Act, unless the contrary intention appears—

accident includes—

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

air cushioned vehicle means a motor vehicle (commonly known as a ground effect machine or hovercraft) which is supported during operation, above land or water, by air vertically displaced by means of the power plant of the vehicle;

approved road transport compliance scheme means a scheme, agreement or arrangement that—

- (a) is prescribed by the regulations; or
- (b) is identified by, or is of a class identified by, the regulations,

and that makes provision for compliance with and enforcement of any Australian road laws, including (for example) a scheme, agreement or arrangement that provides for—

- (c) a system of accreditation-based compliance; or
- (d) an intelligent transport system; or
- (e) a system applying alternative legal entitlements to those otherwise applicable, such as one based on performance-based standards;

area means a municipality or district council district;

articulated motor vehicle means a combination consisting of a prime mover towing one semi-trailer;

associate—see section 9;

Australian Authority means the Minister, the Registrar of Motor Vehicles or a corresponding Authority;

Australian police officer means—

- (a) a police officer; or
- (b) a member (however described) of the police force or police service of another jurisdiction;

Australian road law means a road law or a corresponding road law;

Australian road law offence means an offence against an Australian road law;

Australian Road Rules—see section 80;

authorised officer means a person appointed as an authorised officer, or of a class of persons appointed as authorised officers, under Part 2 Division 4;

axle means one or more shafts positioned in a line across a vehicle, on which one or more wheels intended to support the vehicle turn;

axle group means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad-axle group;

base of a driver—see section 8;

bicycle means a vehicle with one or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor), and—

- (a) includes a pedicab, penny-farthing, scooter, tricycle and unicycle; but
- (b) does not include a wheelchair, wheeled recreational device, wheeled toy, or any vehicle with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating);

body corporate includes the Crown in any capacity and any body or entity that is not a natural person;

breach of a mass, dimension or load restraint requirement, breach of a mass, dimension or load restraint requirement in this State and breach of a mass, dimension or load restraint requirement in another jurisdiction—see section 119;

breach of a vehicle standards or maintenance requirement—see section 116;

bus means a motor vehicle built mainly to carry people that seats over 12 adults (including the driver);

capabilities of a vehicle means the functional capabilities of the vehicle or any of its components, as determined by the vehicle's manufacturer or by an Australian Authority, and includes—

- (a) its GCM and GVM; and
- (b) its speed capabilities;

combination means a group of vehicles consisting of a motor vehicle connected to one or more vehicles;

commercial motor vehicle means—

- (a) a motor vehicle constructed or adapted solely or mainly for the carriage of goods; or
- (b) a motor vehicle of the type commonly called a utility; or

- (c) a bus;

condition includes a limitation;

conduct means an act or an omission to perform an act;

consignee of goods means—

- (a) a person who, with the person's authority, is named or otherwise identified as the intended consignee of the goods in the transport documentation relating to the transport of the goods by road; or
- (b) a person who actually receives the goods after the goods are transported by road,

but does not include a person who merely unloads the goods;

consignor of goods means—

- (a) a person who, with the person's authority, is named or otherwise identified as the consignor of the goods in the transport documentation relating to the transport of the goods by road; or
- (b) a person who engages an operator of a vehicle, either directly or indirectly or through an agent or other intermediary, to transport the goods by road; or
- (c) a person who has possession of, or control over, the goods immediately before the goods are transported by road; or
- (d) a person who loads a vehicle with the goods, for transport by road, at a place where goods in bulk are stored or temporarily held and that is usually unattended (except by the driver of the vehicle, a trainee driver or any person necessary for the normal operation of the vehicle) during loading; or
- (e) if paragraphs (a) to (d) do not apply and the goods are imported into Australia—a person who imports the goods;

container weight declaration means a declaration referred to in Part 4 Division 3B Subdivision 5, and includes a copy of such a declaration or a version of such a declaration in electronic or other form;

contravene includes fail to comply with;

corresponding Authority means—

- (a) the Authority as defined in a corresponding road law (except in the case of a jurisdiction for which a declaration is made under paragraph (b)); or
- (b) a person declared under the regulations to be the corresponding Authority for another jurisdiction for the purposes of this Act;

corresponding law means a law of another jurisdiction that is declared under the regulations to be a corresponding law;

corresponding road law means—

- (a) a law declared under the regulations to be a corresponding road law for another jurisdiction for the purposes of this Act; or
- (b) except in the case of a jurisdiction for which a declaration is made under paragraph (a), a road law, or applicable road law, as defined in a corresponding law;

council means a municipal or district council;

cycle means a bicycle or a motor bike;

drink driving offence means—

- (a) an offence against section 47(1) involving the driving of a motor vehicle, or attempting to put a motor vehicle in motion, while so much under the influence of intoxicating liquor as to be incapable of exercising effective control of the vehicle; or
- (b) an offence against section 47B(1), 47E(3) or 47I(14);

drive includes be in control of;

driver means a driver of a vehicle (except a motor bike, bicycle, animal or animal-drawn vehicle); the term includes a two-up driver of a vehicle who is present in or near the vehicle, but does not include a person pushing a motorised wheelchair;

driver's licence means a licence under the *Motor Vehicles Act 1959* and includes a learner's permit;

drug driving offence means—

- (a) an offence against section 47(1) involving the driving of a motor vehicle, or attempting to put a motor vehicle in motion, while so much under the influence of a drug as to be incapable of exercising effective control of the vehicle; or
- (b) an offence against section 47BA(1), 47EAA(9) or 47I(14);

employee means a natural person who works under a contract of employment, apprenticeship or training;

employer means a person who employs persons under—

- (a) contracts of employment, apprenticeship or training; or
- (b) contracts for services;

engage in conduct means—

- (a) do an act; or
- (b) omit to perform an act;

equipment, in relation to a vehicle, includes tools, devices and accessories in or on the vehicle;

extract from a record, device or other thing means a copy of any information contained in the record, device or other thing;

freight container means—

- (a) a re-usable container of the kind referred to in Australian/New Zealand Standard AS/NZS 3711.1:2000, *Freight containers—Classification, dimensions and ratings*, that is designed for repeated use for the transport of goods by one or more modes of transport; or
- (b) a re-usable container of the same or a similar design and construction to a container referred to in paragraph (a) though of different dimensions; or
- (c) a container of a kind prescribed by the regulations,

but does not include anything declared by the regulations to be excluded from this definition;

garage address, in relation to a vehicle, means—

- (a) the address of the place of residence or business at which the vehicle is ordinarily kept when not in use; or
- (b) the principal depot or base of operation of the vehicle;

GCM of a vehicle means the greatest possible sum of the maximum loaded mass of the vehicle and of any vehicles that may lawfully be towed by it at any one time—

- (a) as specified by the vehicle's manufacturer; or
- (b) as specified by an Australian Authority if—
 - (i) the manufacturer has not specified the sum of the maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

goods includes—

- (a) animals (whether alive or dead); and
- (b) a container (whether empty or not),

but does not include—

- (c) people; or
- (d) fuel, water, lubricants and equipment required for the normal operation of the vehicle in which they are carried;

GVM of a vehicle means the maximum loaded mass of the vehicle—

- (a) as specified by the vehicle's manufacturer; or
- (b) as specified by an Australian Authority if—
 - (i) the manufacturer has not specified a maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

heavy vehicle means a motor vehicle or trailer that has a GVM greater than 4.5 tonnes;

home address of a person means—

- (a) in the case of a natural person—the person's residential address or place of abode in Australia; or
- (b) in the case of a body corporate that has a registered office in Australia—the address of the registered office; or
- (c) in any other case—the address of the person's principal or only place of business in Australia;

installation, in relation to a traffic control device, includes the painting or formation of any marks or structure that constitute, or form part of, the traffic control device;

intelligent transport system means a system involving the use of electronic or other technology (whether located in or on a vehicle, or on or near a road, or elsewhere) that has the capacity and capability to monitor, collect, store, display, analyse, transmit or report information relating to—

- (a) a vehicle or its equipment or load, the driver of a vehicle, the operator of a fleet of vehicles or another person involved in road transport; and
- (b) without limiting the above, the operation of a vehicle in relation to its legal entitlements;

journey documentation means any documentation (other than transport documentation) directly or indirectly associated with—

- (a) the actual or proposed physical transport of goods or passengers by road or any previous transport of the goods or passengers by any mode; or
- (b) goods or passengers themselves so far as the documentation is relevant to their actual or proposed physical transport,

whether the documentation is in paper, electronic or any other form, and whether or not the documentation has been transmitted physically, electronically or in any other manner, and whether or not the documentation relates to a particular journey or to journeys generally, and includes (for example) any of the following:

- (c) records kept, used or obtained by a responsible person in connection with the transport of the goods or passengers;
- (d) workshop, maintenance and repair records relating to a vehicle used, or claimed to be used, for the transport of the goods or passengers;
- (e) a subcontractor's payment advice relating to the goods or passengers or the transport of the goods or passengers;
- (f) records kept, used or obtained by the driver of the vehicle used, or claimed to be used, for the transport of the goods or passengers, including (for example) a driver's run sheet, a log book entry, a fuel docket or receipt, a food receipt, a tollway receipt, pay records and mobile or other phone records;
- (g) information reported through the use of an intelligent transport system;
- (h) driver manuals and instruction sheets;
- (i) advice in any form from check weighing performed before, during or after a journey;

jurisdiction means the Commonwealth or a State or Territory;

learner's permit means a learner's permit under the *Motor Vehicles Act 1959*;

legal entitlements of a vehicle (or component of a vehicle) means the particulars of the entitlements, conferred under an Australian road law, that authorise the vehicle (or component) to be operated on a road, and includes—

- (a) any entitlements arising under or as affected by a permit, registration, authorisation, approval, exemption, notice or anything else given or issued in writing under such a law; and

- (b) any entitlements arising under or as affected by restrictions, or by the application of restrictions, under an Australian road law or other laws (for example, sign-posted mass limits for bridges, hazardous weather condition permits, and special road protection limits); and
- (c) any entitlements arising under or as affected by an approved road transport compliance scheme;

load of a vehicle, or in or on a vehicle, means—

- (a) all the goods, passengers and drivers in or on the vehicle; and
- (b) all fuel, water, lubricants and readily removable equipment carried in or on the vehicle and required for its normal operation; and
- (c) personal items used by a driver of the vehicle; and
- (d) anything that is normally removed from the vehicle when not in use,

and includes a part of a load as so defined;

loader of goods means a person who—

- (a) loads a vehicle with the goods for transport by road; or
- (b) loads a vehicle with a freight container (whether or not containing goods) for transport by road; or
- (c) without limiting the above, loads a freight container already in or on a vehicle with the goods for transport by road; or
- (d) supervises an activity mentioned in paragraph (a), (b) or (c); or
- (e) manages or controls an activity mentioned in paragraph (a), (b), (c) or (d);

mass and loading requirements—see section 113;

mass, dimension or load restraint requirement means any of the following:

- (a) the mass and loading requirements;
- (b) requirements of the *Australian Road Rules* relating to mass limits where the mass limits are indicated by signs (for example, sign-posted bridge limits);
- (c) a law of another jurisdiction that is defined in the corresponding law of the jurisdiction as a mass, dimension or load restraint requirement or mass, dimension or load restraint limit or requirement or taken under the corresponding law of the jurisdiction to be a mass, dimension or load restraint requirement or mass, dimension or load restraint limit or requirement;

mass limit means a mass limit specified in or applying under mass, dimension or load restraint requirements;

minor risk breach—see section 120;

motor bike means a motor vehicle with two wheels, and includes a two wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel;

motor vehicle means a vehicle built to be propelled by a motor that forms part of the vehicle;

night means the period between sunset on one day and sunrise on the next day;

operator of a vehicle means—

- (a) in the case of a vehicle other than a combination but including a vehicle in a combination—a person controlling or directing the operation of the vehicle;
or
- (b) in the case of a combination—a person controlling or directing the operation of the towing vehicle in the combination,

and includes the registered operator of the vehicle; (however, a person is not an **operator** of a vehicle merely because the person does any or all of the following:

- (c) owns the vehicle;
- (d) drives the vehicle;
- (e) maintains or arranges for the maintenance of the vehicle;
- (f) arranges for the registration of the vehicle);

owner of a vehicle means—

- (a) in the case of a vehicle other than a combination but including a vehicle in a combination—
 - (i) a person who is the sole owner, a joint owner or a part owner of the vehicle; or
 - (ii) a person who has possession or use of the vehicle under a credit, hire-purchase, lease or other agreement, except an agreement requiring the vehicle to be registered in the name of someone else; or
- (b) in the case of a combination—
 - (i) a person who is the sole owner, a joint owner or a part owner of the towing vehicle in the combination; or
 - (ii) a person who has possession or use of the towing vehicle in the combination under a credit, hire-purchase, lease or other agreement, except an agreement requiring the vehicle to be registered in the name of someone else,

and includes a registered owner of the vehicle;

package of goods means the complete product of the packing of the goods for transport by road, consisting of the goods and their packaging;

packaging of goods means the container (including a freight container) in which the goods are received or held for transport by road, and includes anything that enables the container to receive or hold the goods or to be closed;

packer of goods means a person who—

- (a) puts the goods in a packaging for transport by road; or
- (b) assembles the goods as packaged goods in an outer packaging or unit load for transport by road; or
- (c) supervises an activity mentioned in paragraph (a) or (b); or
- (d) manages or controls an activity mentioned in paragraph (a), (b) or (c);

park includes stop;

pedestrian includes—

- (a) a person driving a motorised wheelchair that cannot travel at over 10 kilometres per hour (on level ground); and
- (b) a person in a non-motorised wheelchair; and
- (c) a person pushing a motorised or non-motorised wheelchair; and
- (d) a person in or on a wheeled recreational device or wheeled toy;

photograph includes an image produced from an electronic record made by a digital or other electronic camera, and **photographic** has a corresponding meaning;

photographic detection device means an apparatus of a kind approved by the Governor as a photographic detection device;

premises includes any structure, building, vessel or place (whether built on or not), and any part of any such structure, building, vessel or place;

prime mover means a motor vehicle built to tow a semi-trailer;

public authority means—

- (a) a police force or police service or the Crown in any other capacity; or
- (b) a body established under law, or the holder of an office established under law, for a public purpose, including a local government authority;

public place includes a place—

- (a) of public resort open to or used by the public as of right; or
- (b) for the time being—
 - (i) used for a public purpose; or
 - (ii) open to access by the public, whether on payment or otherwise; or
- (c) open to access by the public by the express or tacit consent or sufferance of the owner of that place, whether the place is or is not always open to the public,

but does not include—

- (d) a track that at the material time is being used as a course for racing or testing motor vehicles and from which other traffic is excluded during that use; or
- (e) a place declared by the regulations not to be a public place;

public safety means the safety of persons or property, including the safety of—

- (a) the drivers of and passengers in vehicles; and
- (b) persons in or in the vicinity of (or likely to be in or in the vicinity of) roads, road infrastructure and public places; and
- (c) vehicles and any loads in or on them;

quad-axle group means a group of 4 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 3.2 metres, but not more than 4.9 metres;

reasonable steps defence—see section 173AA;

records means any documents, documentation or records, whether in paper, electronic or any other form;

registered industry code of practice means an instrument that is registered by an Australian Authority as an industry code of practice under section 174F or under a corresponding road law;

registered operator of a vehicle means—

- (a) in the case of a vehicle other than a combination but including a vehicle in a combination—the person registered or recorded as the operator of the vehicle by the Registrar of Motor Vehicles under the *Motor Vehicles Act 1959* or by another Australian Authority on a register maintained under an Australian road law; or
- (b) in the case of a combination—the person registered or recorded as the operator of the towing vehicle in the combination by the Registrar of Motor Vehicles under the *Motor Vehicles Act 1959* or by another Australian Authority on a register maintained under an Australian road law;

registered owner of a vehicle means—

- (a) in the case of a vehicle other than a combination but including a vehicle in a combination—a person registered or recorded as an owner of the vehicle by the Registrar of Motor Vehicles under the *Motor Vehicles Act 1959* or by another Australian Authority on a register maintained under an Australian road law; or
- (b) in the case of a combination—a person registered or recorded as an owner of the towing vehicle in the combination by the Registrar of Motor Vehicles under the *Motor Vehicles Act 1959* or by another Australian Authority on a register maintained under an Australian road law;

Registrar of Motor Vehicles or **Registrar** means the person holding or acting in the office of Registrar of Motor Vehicles under the *Motor Vehicles Act 1959*, and includes any person acting on behalf of the Registrar in accordance with that Act;

responsible entity in relation to a freight container—see section 131;

responsible person means any person having, at a relevant time, a role or responsibilities associated with road transport, and includes any of the following:

- (a) an owner of a vehicle;
- (b) a driver of a vehicle;
- (c) an operator or registered operator of a vehicle;
- (d) a person in charge or apparently in charge of a vehicle;
- (e) a person in charge or apparently in charge of the garage address of a vehicle or the base of the driver or drivers of a vehicle;
- (f) a person appointed under an approved road transport compliance scheme to have monitoring or other responsibilities under the scheme, including (for example) responsibilities for certifying, monitoring or approving vehicles under the scheme;

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- (g) an operator of an intelligent transport system;
 - (h) a person in charge of premises entered by an authorised officer or police officer under this Act;
 - (i) a person who consigns goods for transport by road;
 - (j) a person who packs goods in a freight container or other container or in a package or on a pallet for transport by road;
 - (k) a person who loads goods or a container on a vehicle for transport by road;
 - (l) a person who unloads goods or a container containing goods consigned for transport by road;
 - (m) a person to whom goods are consigned for transport by road;
 - (n) a person who receives goods packed outside Australia in a freight container or other container or as a unit load for transport by road in Australia;
 - (o) an owner or operator of a weighbridge, or weighing facility, used to weigh vehicles or an occupier of premises where such a weighbridge or weighing facility is located;
 - (p) a responsible entity for a freight container;
 - (q) a person who controls or directly influences the loading or operation of a vehicle;
 - (r) an agent, employer, employee, contractor or subcontractor of any person referred to in the preceding paragraphs of this definition;

ride, for the rider of a motor bike or animal-drawn vehicle, includes be in control of;

rider means a rider of a motor bike, bicycle, animal or animal-drawn vehicle; the term does not include a passenger or a person walking beside and pushing a bicycle;

road means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving of motor vehicles;

road authority means—

- (a) an authority, person or body that is responsible for the care, control or management of a road; or
- (b) any person or body prescribed by the regulations for the purposes of this definition, in relation to specified roads or specified classes of roads;

road infrastructure includes—

- (a) a road, including its surface or pavement; and
- (b) anything under or supporting a road or its surface or pavement and maintained by a road authority; and
- (c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of a road system or supporting a road; and
- (d) any bridge or other work or structure located above, in or on a road and maintained by a road authority; and

- (e) any traffic control devices, railway or tramway equipment, electricity equipment, emergency telephone systems or any other facilities (whether of the same or a different kind) in, on, over, under or connected with anything referred to in paragraphs (a)–(d); and

- (f) anything declared by the regulations to be included in this definition,

but does not include anything declared by the regulations to be excluded from this definition;

road law means this Act, the *Motor Vehicles Act 1959* or rules or regulations under either of the Acts;

road law offence means an offence against a road law;

road-related area means any of the following:

- (a) an area that divides a road;
- (b) a footpath or nature strip adjacent to a road;
- (c) an area that is not a road and that is open to the public and designated for use by cyclists or animals;
- (d) any public place that is not a road and on which a vehicle may be driven, whether or not it is lawful to drive a vehicle there;

run the engine of a vehicle includes to start or stop the engine;

seat belt means a belt or device fitted to a motor vehicle and designed to restrain or limit the movement of a person who is seated in the motor vehicle if it suddenly accelerates or decelerates;

semi-trailer means a trailer that has—

- (a) one axle group or single axle towards the rear; and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover;

severe risk breach—see section 120;

single axle means an axle not forming part of an axle group;

single axle group means a group of 2 or more axles, in which the horizontal distance between the centre-lines of the outermost axles is less than 1 metre;

specifications of a vehicle means the physical dimensions and other physical attributes of the vehicle and its fittings;

substantial risk breach—see section 120;

tandem axle group means a group of at least 2 axles, in which the horizontal distance between the centre-lines of the outermost axles is at least 1 metre, but not more than 2 metres;

traffic includes vehicles and pedestrians;

traffic control device means a sign, signal, marking, structure or other device or thing, to direct or warn traffic on, entering or leaving a road, and includes—

- (a) a traffic cone, barrier, structure or other device or thing to wholly or partially close a road or part of a road; and

- (b) a parking ticket-vending machine and parking meter;

traffic speed analyser means an apparatus of a kind approved by the Governor as a traffic speed analyser;

trailer, in relation to a motor vehicle, means a vehicle that is built to be towed or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed;

tram includes a light rail vehicle;

transport documentation means—

- (a) any contractual documentation directly or indirectly associated with—
- (i) a transaction for or relating to the actual or proposed transport of goods or passengers by road or any previous transport of the goods or passengers by any mode; or
 - (ii) goods or passengers themselves so far as the documentation is relevant to their actual or proposed transport; or
- (b) any associated documentation—
- (i) contemplated in the contractual documentation; or
 - (ii) required by law, or customarily provided, in connection with the contractual documentation or with the transaction,

whether the documentation is in paper, electronic or any other form, and whether or not the documentation has been transmitted physically, electronically or in any other manner, and includes (for example) an invoice, vendor declaration, delivery order, consignment note, load manifest, export receipt advice, bill of lading, contract of carriage, sea carriage document, or container weight declaration, relating to the goods or passengers;

tri-axle group means a group of at least 3 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 2 metres, but not more than 3.2 metres;

trolley includes a shopping trolley and any other kind of handcart;

twinsteer axle group means a group of 2 axles:

- (a) with single tyres; and
- (b) fitted to a motor vehicle; and
- (c) connected to the same steering mechanism; and
- (d) the horizontal distance between whose centre-lines is at least 1 metre, but not more than 2 metres;

two-up driver means a person accompanying a driver of a heavy vehicle on a journey or part of a journey, who has been, is or will be sharing the task of driving the vehicle during the journey;

unit load means a load of packaged goods that are—

- (a) wrapped in plastics, and strapped or otherwise secured to a pallet or other base and to each other, for transport; or

- (b) placed together in a protective outer container (except a freight container) for transport; or
- (c) secured together in a sling for transport;

unladen mass, in relation to a vehicle, means the mass of the vehicle without any load other than the petrol, oil, tools or prescribed equipment carried (either habitually or intermittently) on the vehicle;

vehicle includes—

- (a) a motor vehicle, trailer and a tram; and
- (b) a bicycle; and
- (c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
- (d) a combination; and
- (e) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground),

but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy;

vehicle standards—see section 111;

walk includes run;

wheelchair means a chair mounted on two or more wheels that is built to transport a person who is unable to walk or has difficulty in walking, but does not include a pram, stroller or trolley;

wheeled recreational device means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play, and—

- (a) includes rollerblades, rollerskates, a skateboard or similar wheeled device; but
- (b) does not include a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy;

wheeled toy means a child's pedal car, scooter or tricycle or a similar toy, but only when it is being used only by a child who is under 12 years old.

- (2) For the purposes of this Act the mass carried on an axle, or axle group, of a vehicle will be taken to be the force required to counterbalance the aggregate of the gravitational forces exerted on the surface of the road by the wheels of that axle or axle group.
- (3) For the purposes of this Act, a vehicle will be taken to be attached to another vehicle if it is drawn by that other vehicle, notwithstanding that the vehicles are not directly attached to each other.
- (4) For the purposes of this Act, an act or omission of a person **causes** a thing to occur if the person's act or omission substantially contributes to the occurrence of the thing.

5A—Application of Act to vehicles and road users on roads

This Act applies to vehicles and drivers, riders, passengers and pedestrians on roads.

6—Drivers and riders

Unless it is otherwise expressly stated, a reference in this Act to a driver includes a reference to a rider, and a reference to driving includes a reference to riding.

6A—Roads and road-related areas

A reference in this Act to a road includes a reference to a road-related area unless it is otherwise expressly stated.

7—Drivers of trailers

For the purposes of this Act, a person who drives a motor vehicle or bicycle to which a trailer is attached will be taken to be the driver of the trailer and the trailer will be taken to be driven by that person.

8—Driver's base

- (1) For the purposes of this Act, the base of a driver of a vehicle is—
 - (a) the place recorded for the time being as the driver's base in the log book kept by the driver of the vehicle; or
 - (b) if no place is recorded as specified in paragraph (a)—the garage address of the vehicle (or, in the case of a combination, the towing vehicle of the combination), as recorded by an Australian Authority; or
 - (c) if no place is recorded as specified in paragraph (a) or (b)—the place from which the driver normally works and receives instructions.
- (2) For the purposes of this section, if a driver is a self-employed driver and an employed driver at different times, the driver may have one base as a self-employed driver and another base as an employed driver.
- (3) For the purposes of this section, if a driver has 2 or more employers, the driver may have a different base in relation to each employer.

9—Associates

- (1) For the purposes of this Act, a person is an associate of another if—
 - (a) one is a spouse, domestic partner, parent, brother, sister or child of the other; or
 - (b) they are members of the same household; or
 - (c) they are partners; or
 - (d) they are both trustees or beneficiaries of the same trust, or one is a trustee and the other is a beneficiary of the same trust; or
 - (e) one is a body corporate and the other is a director or member of the governing body of the body corporate; or
 - (f) one is a body corporate (other than a public company whose shares are listed on a stock exchange) and the other is a shareholder in the body corporate; or
 - (g) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or

(h) a chain of relationships can be traced between them under one or more of the above paragraphs.

(2) For the purposes of subsection (1)—

beneficiary of a trust includes an object of a discretionary trust;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

spouse—a person is the spouse of another if they are legally married.

10—Act in addition to and not in derogation of other Acts

This Act is in addition to, and does not derogate from, the provisions of any other Act.

Part 2—Administrative provisions

Division 1—The Minister

11—Delegation by Minister

- (1) The Minister may, by instrument in writing, delegate any of the powers or functions conferred on, or assigned to, the Minister by or under this Act—
 - (a) to a particular person or committee; or
 - (b) to the person for the time being occupying a particular position; or
 - (c) to a council.
- (2) Where a delegation is made to a committee under this section, the instrument of delegation may regulate the procedures to be followed by the committee and (without limiting the generality of that power) may empower the committee to act by decision of the majority of its members present at a meeting.
- (2a) A power or function delegated under this section may, subject to the conditions of the instrument of delegation, be further delegated by instrument in writing.
- (3) A delegation under this section—
 - (a) may be unconditional or subject to conditions specified by the delegator; and
 - (b) does not derogate from the power of the delegator to act personally in any matter; and
 - (c) is revocable at will by the delegator.

12—Power of Minister in relation to approvals

For the purposes of this Act, any approval of the Minister required under this Act—

- (a) may, if the Minister thinks fit, be of a general nature extending to matters specified by the Minister; and
- (b) may be unconditional or subject to conditions specified by the Minister.

Division 2—Traffic control devices

16—Roads under care etc of Commissioner of Highways

- (2) For the purposes of this Part, a road is under the care, control and management of the Commissioner of Highways if the Commissioner has, pursuant to the *Highways Act 1926* taken over the maintenance and repair of that road.

17—Installation etc of traffic control devices

- (1) A road authority may, with the approval of the Minister, install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road.
- (2) A road authority may, with the approval of the Minister, remove a traffic control device or cause a traffic control device to be removed.

- (3) Any authority, body or person may, with the approval of the Minister, install, display, alter, operate or remove traffic control devices—
- (a) in relation to an area where persons are engaged in work or an area affected by works in progress; or
 - (b) in relation to a part of a road temporarily closed to traffic under this or any other Act; or
 - (c) for any temporary purposes.

18—Direction as to installation etc of traffic control devices

- (1) The Minister may direct a road authority to install, maintain, alter, operate or remove a traffic control device on, above or near a road in accordance with the direction of the Minister.
- (5) The road authority to which a direction is given under this section is obliged to comply with the direction.
- (6) Where a road authority fails to comply with a direction under this section, the Minister may direct—
- (a) the Commissioner of Highways; or
 - (b) the council for the area in which the work is to be carried out,
- to carry out the direction with which the road authority has failed to comply.
- (7) Subject to subsection (8), the Commissioner of Highways or a council may recover, as a debt due from the defaulting road authority, any expenses incurred in carrying out a direction under subsection (6).
- (8) The Commissioner or the council is not entitled to recover under subsection (7) any amount that is to be borne by the Commissioner or the council, as the case may be, in accordance with this Part.

19—Cost of traffic control devices and duty to maintain

- (1) Subject to this section, the cost of installing, maintaining, altering, operating or removing a traffic control device must be borne by the road authority in which the care, control or management of the road to which the device relates is vested.
- (2) Subsection (1) applies subject to any provision of another Act or a regulation under this Act that declares that the cost of installing, maintaining, altering, operating or removing traffic control devices of a specified class must be borne by a specified authority, body or person (other than the road authority referred to in that subsection).
- (5) The cost of installing, maintaining, altering, operating or removing a traffic control device—
- (a) the purpose of which is to regulate, restrict or prohibit the parking of vehicles; and
 - (b) which has been, or is to be, installed by a council or other road authority in pursuance of powers conferred by statute,

must (except where the traffic control device is a device of a class declared by regulation to be a class of traffic control device to which the provisions of subsection (1) apply notwithstanding this subsection) be borne by that council or other road authority.

- (6) An authority, body or person that is liable to bear the costs in relation to a traffic control device, must maintain the traffic control device in good order.

19A—Recovery of cost of installing certain traffic control devices

- (1) Where—
- (a) a person carries on a business or other activity beside or near a road; and
 - (b) the Minister is of the opinion that the installation, maintenance, alteration or operation of a traffic control device is required in view of the nature and extent of the business or activity and the volume of traffic generated by the conduct of that business or activity,

the Minister may, by notice served personally or by post, require the person by whom the business or other activity is conducted to pay to the road authority in which the care, control and management of the road is vested such amount, or periodical amounts, as may be specified in the notice towards defraying the cost of installing, maintaining, altering or operating the traffic control device.

- (2) A person of whom a requirement has been made under subsection (1) may, within 30 days after service of the notice by which the requirement was made, appeal to the Supreme Court against the requirement and the Court may, on the hearing of the appeal, vary the requirement in such manner as it considers just in view of the extent to which the business or activity conducted by the appellant renders the installation, maintenance, alteration or operation of the traffic control device to which the requirement relates necessary or expedient.
- (3) A road authority may recover any amount due to it in pursuance of a requirement under this section as a debt, and must apply any amount paid to, or recovered by, it in pursuance of any such requirement towards the cost of installing, maintaining, altering or operating the traffic control device to which the requirement relates.
- (4) Where the amount recovered in respect of a traffic control device in pursuance of a requirement under this section is not sufficient to defray the whole of the cost of installing, maintaining, altering or operating the traffic control device, the remainder of the cost must be borne in accordance with the appropriate provisions of this Part.

20—Duty to place speed limit signs in relation to work areas or work sites

- (1) In this section—

hazardous work area means a work area—

- (a) where—
 - (i) workers may be working on a part of a carriageway for vehicles proceeding in a particular direction and there is no adjoining marked lane outside the work area for vehicles proceeding in the same direction; or
 - (ii) workers may be working less than 1.5 metres from vehicles proceeding on a carriageway,

and the work is carried out on foot and not exclusively through the use of vehicles; or

- (b) where an unusually high level of hazard for workers or persons using the road is created as a consequence of the existence of the work area;

public authority means—

- (a) a Minister of the Crown; and
(b) the Commissioner of Highways; and
(c) a council; and
(d) any other authority or company authorised by statute to carry out works on roads; and
(e) a police officer making investigations on a road at a place where an accident has occurred;

work area means a portion of road on which workers are, or may be, engaged;

work site means a portion of road affected by works in progress, together with any additional portion of road used to regulate traffic in relation to those works or for associated purposes.

- (2) A public authority must, with the approval of the Minister and in accordance with this Part, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of that authority.
- (2a) The maximum speed to be indicated by signs placed on a road in pursuance of this section is—
- (a) in relation to a work area—a maximum speed not exceeding 40 kilometres an hour; or
(b) in relation to a hazardous work area—a maximum speed not exceeding 25 kilometres an hour; or
(c) in relation to a work site—a maximum speed not exceeding 80 kilometres an hour.
- (3) If a public authority has engaged a contractor to carry out works on a road on behalf of the authority, this section applies to the contractor in relation to those works in the same way as it applies to the authority.

21—Offences relating to traffic control devices

- (1) A person who, without proper authority—
- (a) installs or displays a sign, signal, marking, structure or other device or thing on, above or near a road intending that it will be taken to be a traffic control device installed or displayed under this Act; or
(b) intentionally alters, damages, destroys or removes a traffic control device installed or displayed under this Act,

is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for one year.

- (2) In proceedings for an offence against subsection (1)(a), an apparently genuine document purporting to be a certificate of the Minister or a road authority certifying that there was not proper authority for the installation or display of a specified sign, signal, marking, structure or other device or thing as a traffic control device on, above or near a specified part of a road is to be accepted as proof of the matters so certified in the absence of proof to the contrary.

22—Proof of lawful installation etc of traffic control devices

In proceedings for an offence against this Act, other than an offence against section 21(1)(a), commenced on the complaint of a police officer or otherwise on behalf of the Crown, or on the complaint of an officer or employee of a council, a traffic control device proved to have been on, above or near a road will be conclusively presumed to have been lawfully installed or displayed there under this Act.

31—Action to deal with false devices or hazards to traffic

- (1) In this section—

false traffic control device means any device, structure or thing that, although it is not a traffic control device installed or displayed under this Act, might be taken to be such a traffic control device;

light means a lamp, sign, advertisement or device of any kind from which light is projected.

- (2) Despite any other law, the road authority in which the care, control or management of a road is vested may remove from the road and dispose of any false traffic control device or any device, structure or thing that the road authority is satisfied might constitute a hazard to traffic.
- (2a) Despite any other law, if the Minister is satisfied that a false traffic control device or a light or source of reflected light or any other device, structure or thing is on land near a road and might—
- (a) reasonably be confused with a lawfully installed traffic control device; or
 - (b) detract from the visibility of a traffic control device to drivers or pedestrians on the road; or
 - (c) in any way constitute a hazard to traffic on the road,

the Minister may, by notice in writing, require the owner or occupier of the land to take such action by way of removing, modifying, screening or otherwise dealing with the device, structure or thing as is specified in the notice within the time so specified.

- (3) A notice under this section may be served either by post, by means of a letter addressed to the usual place of residence or business of the person to be served, or by delivering it to that person personally.
- (4) A person to whom a notice under this section is duly given must comply with it.
- (5) If within the time specified in a notice duly given under this section the person required to comply with the notice does not comply with it, the Minister may take the action specified in the notice and recover the cost of doing so from that person as a debt, by action in a court of competent jurisdiction.

Division 3—Road closing provisions

32—Road closing by councils for traffic management purposes

- (1) If a council proposes, by the installation or alteration of a traffic control device—
 - (a) to close a road or a part of a road to all vehicles or vehicles of a specified class (whether or not the closure is to apply every day in a week or for all hours in a day); or
 - (b) to close a road as a through road for motor vehicles,
for the purposes of rationalising the flow or impact of traffic within a part of the council's area, the council may only do so in pursuance of a resolution of the council and must, at least one month before the meeting at which the resolution is first to be considered, cause notice of the proposal—
 - (c) to be published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council; and
 - (d) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal; and
 - (e) if the road is a prescribed road, to be given to each affected council; and
 - (f) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.
- (2) The council must give due consideration to all written submissions made on the proposal that are received by the council before the meeting.
- (3) A resolution for a road closure to which subsection (1) applies is not effective unless a majority of all members of the council concur in it.
- (4) A resolution for a road closure to which subsection (1) applies that would have the effect of the closure being operative in relation to a highway is not effective unless—
 - (a) the Commissioner of Highways concurs with it; or
 - (b) the closure is consistent with a notice of the Commissioner of Highways under section 26 of the *Highways Act 1926*.
- (5) A resolution for a road closure to which subsection (1) applies that would have the effect of the closure being operative—
 - (a) for a continuous period of more than 6 months; or
 - (b) for periods that, in aggregate, exceed 6 months in any 12 month period,
is not effective unless—
 - (c) if the road runs into or intersects with a highway, the Commissioner of Highways concurs with it; and
 - (d) if the road is a prescribed road, each affected council concurs with it.
- (6) A council must, as soon as practicable after a resolution for a road closure to which subsection (1) applies has been passed and, if required, concurred with under subsection (4) or (5), cause notice of the resolution to be published and given in the manner set out in subsection (1).

(7) In this section—

affected council, in relation to a prescribed road, means a council into whose area or along the boundary of which the road runs;

highway means—

- (a) a main road or a controlled access road within the meaning of the *Highways Act 1926*; or
- (b) a road vested in the name of the Commissioner of Highways or the Minister to whom the administration of the *Highways Act 1926* is committed; or
- (c) a road that is subject to a notice under section 26 of the *Highways Act 1926*;

prescribed road means a road that runs into the area, or along the boundary, of another council.

(8) For the purposes of this section, a road that runs up to—

- (a) the boundary of another council area; or
- (b) another road running along or containing the boundary of another council area,

will be taken to run into that area.

33—Road closing and exemptions for certain events

(1) On the application of any person interested, the Minister may declare an event to be an event to which this section applies and may make an order directing—

- (a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Minister, should be closed for the purposes of the event) be closed to traffic for a specified period; and
- (b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe an enactment, regulation or by-law prescribing a rule to be observed on roads by pedestrians or drivers of vehicles.

(2) An order to close a road under subsection (1) can only be made with the consent of every council within whose area a road intended to be closed by the order is situated.

(3) At least two clear days before an order to close a road under subsection (1) takes effect, the Minister must, at the cost of the applicant, cause the order to be advertised in the prescribed manner.

(4) An order under this section is subject to any conditions which the Minister thinks fit to impose and, upon breach of any condition, ceases to have effect.

(5) An order under this section renders lawful anything done in accordance with the order.

(6) An order under this section may apply to the whole or a part of a road.

(7) In addition to any other power to regulate traffic conferred by this or any other Act, a police officer may give such reasonable directions to—

- (a) the driver of a vehicle on a road; or
- (b) the owner or person apparently in charge of or with care or custody of a vehicle on a road; or

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- (c) a person who appears to have left a vehicle standing on a road (whether the vehicle is attended by another person or not); or
 - (d) a pedestrian on a road,
- as are, in the police officer's opinion, necessary for the safe and efficient conduct of an event to which this section applies.
- (8) Such directions may include directions for clearing vehicles or persons from a road or part of a road or temporarily closing a road or part of a road and may be given on the day of an event in preparation for, during or immediately after the conclusion of, the event.
 - (9) A person to whom a direction of a police officer is given pursuant to this section must forthwith comply with it.
 - (9a) Where a direction is given under subsection (7) to a person who appears—
 - (a) to have charge, care or custody of a vehicle on a road; or
 - (b) to have left a vehicle standing on a road,that person is not guilty of an offence against this Act of failing to comply with the direction if it is proved that he or she did not have charge, care or custody of the vehicle and did not leave the vehicle standing on the road.
 - (10) In this section—

event means an organised sporting, recreational, political, artistic, cultural or other activity, and includes a street party.

34—Road closing for emergency use by aircraft

- (1) A prescribed police officer may close a road to enable an aircraft to use the road in response to an emergency.
- (2) For the purpose of closing a road and enabling its use by an aircraft under this section, a prescribed police officer (or a police officer acting under his or her direction) may—
 - (a) install or display traffic control devices on or near a road; or
 - (b) give such reasonable directions to—
 - (i) the driver of a vehicle on a road; or
 - (ii) the owner or person apparently in charge of or with care or custody of a vehicle on a road; or
 - (iii) a person who appears to have left a vehicle standing on a road (whether or not the vehicle is attended by another person); or
 - (iv) a pedestrian; or
 - (v) the pilot of the aircraft,as are, in the opinion of the police officer giving the directions, necessary for the safe use of the road by the aircraft or the safety of other road users.
- (3) A police officer must, in exercising a power conferred by this section, comply with such procedures and requirements as may be stipulated by the Minister by notice in writing to the Commissioner of Police.

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- (4) A person to whom a direction of a police officer is given under this section must forthwith comply with it.
- (5) Where a direction is given under subsection (2)(b) to a person who appears—
- (a) to have charge, care or custody of a vehicle on a road; or
 - (b) to have left a vehicle standing on a road,
- that person is not guilty of an offence against this Act of failing to comply with the direction if it is proved that he or she did not have charge, care or custody of the vehicle and did not leave the vehicle standing on the road.
- (6) If action is taken under this section by a police officer to close a road or enable an aircraft to use a road—
- (a) nothing in this Act is to be taken to prevent the use of the road by the aircraft; and
 - (b) the aircraft is not to be taken to be a vehicle for the purposes of this Act; and
 - (c) no liability will be incurred by the police officer or the Crown in respect of injury, damage or loss arising out of the use of the road by the aircraft.
- (7) The powers conferred by this section are in addition to and do not derogate from any other power conferred by this or any other Act.
- (8) A road closed for the purposes of enabling an aircraft to use it in response to an emergency must be re-opened for ordinary traffic as soon as practicable after the road is no longer required for that purpose.
- (9) In this section—
- prescribed police officer*** means a police officer who is—
- (a) in charge of a police station; or
 - (b) of the rank of inspector or above;
- road*** includes a road closed under this section and part of a road.

Division 4—Enforcement officers for Australian road laws

35—Authorised officers

- (1) The Minister may, by instrument in writing, appoint—
- (a) a specified person to be an authorised officer; or
 - (b) persons of a specified class to be authorised officers.
- (2) An authorised officer may but need not be an employee in the public service or an employee of a government or government body.
- (3) An authorised person as defined in the *Local Government Act 1999* is an authorised officer under this Act for the purposes of—
- (a) enforcing prescribed provisions of this Act in the area of the council for which he or she is an authorised person; or
 - (b) exercising the powers of an authorised officer under prescribed provisions of this Act in the area of the council for which he or she is an authorised person.

- (4) Every person for the time being in charge of a ferry established by a council or established, maintained or operated by the Commissioner of Highways is an authorised officer under this Act.
- (5) Without limiting the above, an authorised officer as defined in a corresponding road law may be appointed as an authorised officer under this section.

36—Exercise of powers by authorised officers

- (1) This section applies to the powers conferred on authorised officers by a road law.
- (2) The Minister may, by instrument in writing applicable to a specified authorised officer or each authorised officer of a specified class, impose conditions on the exercise of powers.

37—Exercise of powers by police officers

A police officer has the powers conferred on police officers by a road law in addition to the officer's powers under other Acts or at law.

38—Identification cards

- (1) The Minister may—
 - (a) issue an authorised officer with an identification card; or
 - (b) designate a card, issued to an authorised officer by another person, body or authority (whether or not of this State), as an identification card for the purposes of this Act.
- (2) An identification card issued by the Minister must—
 - (a) contain a photograph of the officer and either—
 - (i) the name and signature of the officer; or
 - (ii) a unique number that has been assigned to the officer by the Minister; and
 - (b) identify the officer as an authorised officer.
- (3) The Minister must not designate a card issued to an authorised officer by another person, body or authority as an identification card for the purposes of this Act unless the card—
 - (a) contains a photograph of the officer, the name of the other person, body or authority and either—
 - (i) the name and signature of the officer; or
 - (ii) a unique number that has been assigned to the officer by the other person, body or authority; and
 - (b) identifies in some way (however expressed) the officer as an authorised officer under another law or as having official functions under another law.

39—Production of identification

- (1) This section applies to powers conferred on authorised officers or police officers under a road law, but only where the physical presence of an officer at the scene is necessary for the exercise of the power.

- (2) An authorised officer must not exercise a power unless an identification card has been issued to or designated for the officer.
- (3) An authorised officer who is exercising or about to exercise a power is required to comply with a request to identify himself or herself, by producing his or her identification card.
- (4) A police officer who is exercising or about to exercise a power is required to comply with a request to identify himself or herself, by—
 - (a) producing his or her police identification; or
 - (b) stating orally or in writing his or her surname, rank and identification number.
- (5) An authorised officer or police officer is required to comply with a requirement under subsection (3) or (4)—
 - (a) immediately; or
 - (b) if it is not practicable to comply with the requirement immediately—as soon as practicable afterwards.
- (6) An authorised officer or police officer need only identify himself or herself once to a particular person during the course of an incident, even though more than one power is being exercised during the course of the incident.
- (7) In this section—

incident means—

 - (a) a single incident; or
 - (b) a connected series of incidents involving the same or substantially the same parties and occurring during a period of 72 hours;

power means a power under an Australian road law;

request, in relation to the exercise of a power, means a request made by a person (if any) in respect of whom the power is being or is about to be exercised.

40—Return of identification cards

- (1) A person commits an offence if—
 - (a) the Minister has issued an identification card to the person; and
 - (b) the person was but has stopped being an authorised officer; and
 - (c) the Minister has requested the person to return the card to the Minister within a specified period; and
 - (d) the person did not return the card during the period.

Maximum penalty: \$2 500.

- (2) Subsection (1) does not apply if the person has a reasonable excuse.

40A—Reciprocal powers of officers

- (1) This section has effect in relation to another jurisdiction while the corresponding law of the other jurisdiction contains provisions corresponding to this section.
- (2) The Minister may enter into agreements with a Minister of the other jurisdiction for the purposes of this section, and to amend or revoke any such agreement.

- (3) To the extent envisaged by such an agreement—
- (a) authorised officers or police officers of this State may, in this State or the other jurisdiction, exercise powers conferred respectively on authorised officers or police officers of the other jurisdiction under the corresponding law of the other jurisdiction; and
 - (b) authorised officers or police officers of the other jurisdiction may, in this State or the other jurisdiction, exercise powers conferred respectively on authorised officers or police officers under this Act.
- (4) Anything done or omitted to be done by an authorised officer or police officer of this State under subsection (3)(a) is taken to have been done under this Act as well as under the corresponding law.
- (5) The regulations may make provision for or with respect to the exercise of powers under this section.
- (6) Nothing in this section affects the appointment under this Division of persons as authorised officers for the purposes of this Act.

40B—Registrar may exercise powers of authorised officers

- (1) The Registrar of Motor Vehicles may exercise any power conferred under a road law on an authorised officer.
- (2) Accordingly, in this Act (except this Division) references to an authorised officer include references to the Registrar of Motor Vehicles.

Division 5—General enforcement powers for Australian road laws

Subdivision 1—Interpretation

40C—Meaning of qualified, fit or authorised to drive or run engine

- (1) For the purposes of this Division, a person is *qualified* to drive a vehicle (or to run its engine) if the person—
 - (a) holds a driver's licence of the appropriate class to drive it and the driver's licence is not suspended; and
 - (b) is not prevented under a law (including, for example, by the conditions of the licence) from driving it at the relevant time.
- (2) For the purposes of this Division, a person is *fit* to drive a vehicle (or to run its engine) if—
 - (a) the person is apparently physically and mentally fit to drive the vehicle; and
 - (b) (without limiting the above) the person is not apparently affected by—
 - (i) alcohol; or
 - (ii) any drug that affects the person's fitness to drive,or both; and
 - (c) the person has not at the time been found to have, and there are not any reasonable grounds to suspect that the person has, a concentration of alcohol in the person's blood that exceeds the amount permitted by a road law; and

- (d) the person has not at the time been found to have, and there are not any reasonable grounds to suspect that the person has, a prescribed drug in his or her oral fluid or blood.
- (3) For the purposes of this Division, a person is *authorised*—
- (a) to drive a vehicle if the person is its operator or has the authority of the operator to drive it; or
- (b) to run the engine of a vehicle if the person is its operator or has the authority of the operator to drive it or to run the engine,
- regardless of whether or not the person is qualified to drive the vehicle (or run its engine) as mentioned in subsection (1).

40D—Meaning of unattended vehicle and driver of disconnected trailer

- (1) For the purposes of this Division, a vehicle is *unattended* if—
- (a) where the authorised officer or police officer concerned—
- (i) is present at the scene—there is, after inspection and enquiry by the officer that is reasonable in the circumstances, apparently no person in, on or in the vicinity of the vehicle who appears to be a driver of the vehicle; or
- (ii) is not present at the scene but is able to inspect the scene by means of camera or other remote surveillance system—there is, after inspection by the officer that is reasonable in the circumstances, apparently no person in, on or in the vicinity of the vehicle who appears to be a driver of the vehicle; or
- (b) where there is apparently such a person in, on or in the vicinity of the vehicle—the officer believes on reasonable grounds that—
- (i) the person is not qualified, not fit or not authorised to drive it; or
- (ii) the person is or appears to be unwilling to drive it; or
- (iii) the person is subject to a direction under section 40K in relation to the vehicle.
- (2) For the purposes of this Division, a person is the *driver* of a vehicle if, in a case where the vehicle is a trailer and is not connected (either directly or by one or more other trailers) to a towing vehicle, the person is the driver of the towing vehicle to which the trailer was or apparently was last connected.

40E—Meaning of broken down vehicle

- (1) For the purposes of this Division, a vehicle that is a motor vehicle is *broken down* if it is not possible to drive the vehicle because it is disabled through damage, mechanical failure, lack of fuel or any similar reason.
- (2) For the purposes of this Division, a vehicle that is a trailer is *broken down* if it is not connected (either directly or by one or more other trailers) to a towing vehicle, whether or not the trailer is also disabled through damage, mechanical power or any similar reason.

- (3) For the purposes of this Division, a vehicle that is a combination is ***broken down*** if it is not possible to drive the combination because the combination or a vehicle comprised in the combination is disabled through damage, mechanical failure, lack of fuel or any similar reason.
- (4) For the purposes of this Division, a vehicle of a kind not referred to in subsection (1), (2) or (3) is ***broken down*** if it is not connected to a towing vehicle or an animal by which it could be drawn or if it is not possible to tow or draw the vehicle because it is disabled through damage, mechanical failure or any similar reason.

40F—Meaning of compliance purposes

For the purposes of this Division, a power is exercised ***for compliance purposes*** in relation to a person if the power is exercised—

- (a) to find out whether the Australian road laws or an approved road transport compliance scheme are being complied with by that or any other person; or
- (b) to investigate a breach or suspected breach of an Australian road law or an approved road transport compliance scheme by that or any other person; or
- (c) to investigate an accident in which that person or any other person has been involved.

Subdivision 2—Directions to stop, move or leave vehicles

40G—Application of Subdivision

- (1) This Subdivision applies to a vehicle located—
 - (a) on any road; or
 - (b) in or on any premises occupied or owned by a public authority; or
 - (c) in or on any premises where the officer is lawfully present after entry under Subdivision 4.
- (2) This Subdivision applies to the driver of a vehicle who is apparently in, on or in the vicinity of the vehicle.

40H—Direction to stop vehicle to enable exercise of other powers

- (1) An authorised officer or police officer may, for the purpose of or in connection with exercising other powers under a road law, direct—
 - (a) the driver of a vehicle to stop the vehicle; or
 - (b) the driver of a vehicle or any other person not to do one or more of the following:
 - (i) move the vehicle;
 - (ii) interfere with it or any equipment in or on it;
 - (iii) interfere with its load.
- (2) A direction to stop a vehicle may require that it be stopped without delay, or that it be stopped at the nearest place for it to be safely stopped as indicated by the officer.

- (3) A direction to stop the vehicle, or not to move it, or not to interfere with it or any equipment in or on it or with its load, does not prevent an authorised officer or police officer from giving the driver or another person any later inconsistent directions under a road law or any other law.
- (4) A direction ceases to be operative to the extent that an authorised officer or police officer—
- (a) gives the driver or other person a later inconsistent direction; or
 - (b) indicates to the driver or other person that the direction is no longer operative.
- (5) A person commits an offence if—
- (a) the person is subject to a direction under subsection (1); and
 - (b) the person engages in conduct that results in a contravention of the direction.
- Maximum penalty: \$5 000.
- (6) In this section—
- stop* a vehicle means to stop the vehicle and keep it stationary.

40I—Direction to move vehicle to enable exercise of other powers

- (1) An authorised officer or police officer may, for the purpose of or in connection with the exercise of other powers under this Act, direct the driver or operator of a vehicle to move it or cause it to be moved to the nearest suitable location that is within the prescribed distance and specified by the officer.
- (2) A person commits an offence if—
- (a) the person is subject to a direction under subsection (1); and
 - (b) the person engages in conduct that results in a contravention of the direction.
- Penalty:
- (a) in the case of a direction to move the vehicle for the purpose of determining whether there has been a breach of a mass limit—not less than \$5 000 and not more than \$10 000;
 - (b) in any other case—\$5 000.
- (3) A court may not reduce or mitigate in any way a minimum penalty prescribed by subsection (2).
- (4) In proceedings for an offence in relation to a contravention of a direction under subsection (1), it is a defence if the person charged establishes that—
- (a) it was not possible to move the vehicle concerned because it was broken down; and
 - (b) the breakdown occurred for a physical reason beyond the driver's or operator's control; and
 - (c) the breakdown could not be readily rectified in a way that would enable the direction to be complied with within a reasonable time.

(5) In this section—

prescribed distance means a distance (in any direction) within a radius of 30 kilometres of—

- (a) the location of the vehicle when the direction is given; or
- (b) any point along the forward route of the journey, if the direction is given in the course of a journey of the vehicle;

suitable location means a location that the authorised officer or police officer concerned believes on reasonable grounds to be a suitable location having regard to any matters the officer considers relevant in the circumstances.

40J—Direction to move vehicle if danger or obstruction

(1) This section applies if an authorised officer or police officer believes on reasonable grounds that a vehicle on a road is—

- (a) causing serious harm, or creating an imminent risk of serious harm, to public safety, the environment or road infrastructure; or
- (b) causing or likely to cause an obstruction to traffic or any event lawfully authorised to be held on the road; or
- (c) obstructing or hindering, or likely to obstruct or hinder, vehicles from entering or leaving land adjacent to the road.

(2) The officer may direct the driver or operator of the vehicle to do either or both of the following:

- (a) to move it, or cause it to be moved, to the extent necessary to avoid the harm or obstruction;
- (b) to do anything else reasonably required by the officer, or to cause anything else reasonably required by the officer to be done, to avoid the harm or obstruction.

(3) A person commits an offence if—

- (a) the person is subject to a direction under subsection (2); and
- (b) the person engages in conduct that results in a contravention of the direction.

Maximum penalty: \$5 000.

(4) In proceedings for an offence in relation to the contravention of a direction under subsection (2)(a), it is a defence if the person charged establishes that—

- (a) it was not possible to move the vehicle concerned because it was broken down; and
- (b) the breakdown occurred for a physical reason beyond the driver's or operator's control; and
- (c) the breakdown could not be readily rectified in a way that would enable the direction to be complied with within a reasonable time.

40K—Direction to leave vehicle

- (1) This section applies if—
 - (a) the driver of a vehicle fails to comply with a direction given by an authorised officer or police officer under another provision of this Subdivision; or
 - (b) an authorised officer or police officer believes on reasonable grounds that the driver of a vehicle is not qualified, is not fit or is not authorised to drive the vehicle.
- (2) The officer may do one or more of the following:
 - (a) direct the driver to vacate the driver's seat;
 - (b) direct the driver to leave the vehicle;
 - (c) direct the driver not to occupy the driver's seat until permitted to do so by an authorised officer or police officer;
 - (d) direct the driver not to enter the vehicle until permitted to do so by an authorised officer or police officer.
- (3) The officer may direct any other person to do either or both of the following:
 - (a) to leave the vehicle;
 - (b) not to enter the vehicle until permitted to do so by an authorised officer or police officer.
- (4) The officer, being a police officer, may do one or more of the following if the officer believes on reasonable grounds that the driver is not fit to drive the vehicle because of the consumption of alcohol or a drug:
 - (a) direct the driver to secure the vehicle and surrender to the officer all keys to the vehicle that are in the person's immediate possession or in the vehicle;
 - (b) immobilise the vehicle;
 - (c) direct the driver not to drive any other vehicle until permitted to do so by a police officer.
- (5) A person commits an offence if—
 - (a) the person is subject to a direction under this section; and
 - (b) the person engages in conduct that results in a contravention of the direction.Maximum penalty: \$5 000.
- (6) If a police officer takes possession of keys or (in order to immobilise the vehicle) components of a vehicle, the officer must—
 - (a) advise the driver that the keys or components may be recovered from a specified police station; and
 - (b) cause the keys or components to be taken to the police station.
- (7) A police officer on duty at the police station to which the keys or components are taken under this section must deliver possession of the keys or components to any person who the officer is satisfied is lawfully entitled to them and who makes a request for them at the police station, provided that the officer has no reason to believe that the person will drive the vehicle but not be qualified or fit to do so.

- (8) In this section—

keys means keys or electronic or other devices for starting or securing a vehicle.

40L—Manner of giving directions under Subdivision

- (1) A direction under this Subdivision may be given to a driver orally or by means of a sign or signal (electronic or otherwise), or in any other manner.
- (2) A direction under this Subdivision may be given to an operator orally or by telephone, facsimile, electronic mail or radio, or in any other manner.

40M—Moving unattended vehicle to enable exercise of other powers

- (1) This section applies if an authorised officer or police officer—
- (a) believes on reasonable grounds that a vehicle is unattended on a road; and
 - (b) is seeking to exercise other powers under this Act; and
 - (c) believes on reasonable grounds that the vehicle should be moved to enable or to facilitate the exercise of those powers.
- (2) The officer may—
- (a) move the vehicle (by driving or towing it or otherwise); or
 - (b) authorise another person to move it (by driving or towing it or otherwise),
- to the extent reasonably necessary to enable or to facilitate the exercise of the powers concerned.
- (3) The officer may enter the vehicle, or authorise another person to enter it, for the purpose of moving the vehicle.
- (4) The officer or person authorised by the officer may use reasonable force to do any or all of the following:
- (a) to open unlocked doors and other unlocked panels and objects;
 - (b) to gain access to the vehicle, or its engine or other mechanical components, to enable the vehicle to be moved;
 - (c) to enable the vehicle to be towed.
- (5) The officer or person authorised by the officer may drive the vehicle only if qualified and fit to drive it.

Subdivision 3—Power to move or remove unattended or broken down vehicles

40N—Removing unattended or broken down vehicle if danger or obstruction

- (1) This section applies if—
- (a) an authorised officer or police officer believes on reasonable grounds that a vehicle is unattended or broken down on a bridge, culvert or freeway; or
 - (b) an authorised officer or police officer believes on reasonable grounds that—
 - (i) a vehicle is unattended or broken down on any road; and
 - (ii) the vehicle is—

- (A) causing harm, or creating a risk of harm, to public safety, the environment or road infrastructure; or
 - (B) causing or likely to cause an obstruction to traffic or any event lawfully authorised to be held on the road; or
 - (C) obstructing or hindering, or likely to obstruct or hinder, vehicles from entering or leaving land adjacent to the road.
- (2) The officer may—
- (a) remove the vehicle, or, in the case of a vehicle that is a combination, any vehicle forming part of the combination (by driving or towing it or otherwise); or
 - (b) authorise another person to remove it (by driving or towing it or otherwise), to a convenient place.
- (3) The officer may—
- (a) enter the vehicle, or authorise another person to enter it, for the purpose of removing the vehicle; or
 - (b) in the case of a vehicle that is a combination, separate any or all of the vehicles forming part of the combination, or authorise another person to separate them, for the purpose of removing any or all of the vehicles.
- (4) The officer may drive the vehicle even though the officer is not qualified to drive it, if the officer believes on reasonable grounds that there is no other person in, on or in the vicinity of the vehicle who is more capable of driving it than the officer and who is fit and willing to drive it.
- (5) The person authorised by the officer may drive the vehicle even though the authorised person is not qualified to drive it, if the officer believes on reasonable grounds that there is no other person in, on or in the vicinity of the vehicle who is more capable of driving it than the authorised person and who is fit and willing to drive it.
- (6) The officer or person driving a vehicle under the authority of this section is exempt from any other road law to the extent that the other law would require him or her to be licensed or otherwise authorised to drive it.
- (7) The officer or person authorised by the officer may use reasonable force to the extent reasonably necessary for the purpose of entering or removing the vehicle.
- (8) In this section—
- authorised officer** has the meaning assigned to the term by section 5, and includes—
- (a) in relation to a vehicle unattended or broken down on a freeway—a person authorised by the Minister for the purposes of this section; and
 - (b) in relation to a vehicle unattended or broken down on any road within the area of a council—an officer of the council;

event has the same meaning as in section 33;

freeway means a length of road to which a freeway sign applies in accordance with the *Australian Road Rules*.

40O—Operator’s authorisation not required for driving under Subdivision

It is immaterial that the officer or person driving a vehicle under the authority of this Subdivision is not authorised to drive it.

40P—Notice of removal of vehicle and disposal of vehicle if unclaimed

- (1) This section applies if a vehicle is removed to a convenient place under section 40N.
- (2) The person who removed the vehicle must ensure that the owner of the vehicle is notified of the removal of the vehicle and of the place to which the vehicle was removed—
 - (a) by written notice—
 - (i) served on the owner personally; or
 - (ii) sent by registered post to the owner's last-known residential address, forthwith after the removal of the vehicle; or
 - (b) by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.
- (3) If the owner of the vehicle does not, within 1 month after service or publication of the notice relating to the removal of the vehicle—
 - (a) take possession of the vehicle; and
 - (b) pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice,the relevant authority must, subject to subsection (4), offer the vehicle for sale by public auction.
- (4) If—
 - (a) the vehicle is offered for sale by public auction but is not sold at the auction; or
 - (b) the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle,the relevant authority may dispose of the vehicle in such manner as the relevant authority thinks fit.
- (5) The relevant authority must apply any proceeds of sale of the vehicle as follows:
 - (a) firstly, in payment of the costs of and incidental to the sale;
 - (b) secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and
 - (c) thirdly, in payment of the balance to the owner of the vehicle.
- (6) If after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, the balance of the proceeds of the sale will be paid—
 - (a) if the vehicle was sold by the Commissioner of Police or the Minister—to the Treasurer to be credited to the Consolidated Account; or
 - (b) if the vehicle was sold by a council—to the council.

(7) In this section—

relevant authority means—

- (a) in relation to a vehicle removed by a police officer—the Commissioner of Police; or
- (b) in relation to a vehicle removed by an officer of a council—the council; or
- (c) in relation to a vehicle removed by a person approved by the Minister—the Minister.

Subdivision 4—Powers of inspection and search

40Q—Power to inspect vehicle on road or certain official premises

(1) This section applies to a vehicle located at a place—

- (a) on a road; or
- (b) in or on premises occupied or owned by a public authority,

whether or not the vehicle is unattended.

- (2) An authorised officer or police officer may inspect a vehicle for compliance purposes.
- (3) The officer may enter the vehicle for the purpose of or in connection with conducting the inspection.
- (4) The officer may exercise powers under this section at any time, and without the consent of the driver or other person apparently in charge of the vehicle or any other person.
- (5) Without limiting the above, the power to inspect a vehicle under this section includes any or all of the following:
 - (a) the power to weigh, test, measure or take photographs of the vehicle or any part of it or its equipment or load;
 - (b) the power to check the existence or details of, or take photographs of, placards or other information required under an Australian road law or under an approved road transport compliance scheme to be displayed in or on the vehicle, including placards or other information relating to its specifications, capabilities or legal entitlements;
 - (c) the power to inspect and take copies of or extracts from any records that are located in or on the vehicle and that are required to be carried in or on the vehicle under an Australian road law or under an approved road transport compliance scheme;
 - (d) the power to access or download information that is required to be kept under an Australian road law or under an approved road transport compliance scheme and that is—
 - (i) stored electronically in equipment located in or on the vehicle; or
 - (ii) accessible electronically from equipment located in or on the vehicle.

- (6) This section does not authorise the use of force, but the officer may under this section do any or all of the following:
- (a) open unlocked doors and other unlocked panels and objects;
 - (b) inspect anything that has been opened or otherwise accessed under the power to use reasonable force in the exercise of a power to enter or move a vehicle under Subdivision 3;
 - (c) move but not take away anything that is not locked up or sealed.

40R—Power to search vehicle on road or certain official premises

- (1) This section applies to a vehicle located at a place—
- (a) on a road; or
 - (b) in or on premises occupied or owned by a public authority,
- whether or not the vehicle is unattended.
- (2) An authorised officer or police officer may search a vehicle for compliance purposes, if the officer believes on reasonable grounds that—
- (a) the vehicle has been used, is being used, or is likely to be used, in the commission of an Australian road law offence or in the commission of a breach of an approved road transport compliance scheme; or
 - (b) the vehicle has been or may have been involved in an accident.
- (3) The officer may form the necessary belief during or after an inspection or independently of an inspection.
- (4) The officer may enter the vehicle for the purpose of or in connection with conducting the search.
- (5) The officer may exercise powers under this section at any time, and without the consent of the driver or other person apparently in charge of the vehicle or any other person.
- (6) Without limiting the above, the power to search a vehicle under this section includes any or all of the following:
- (a) the power to search for evidence of an Australian road law offence or a breach of an approved road transport compliance scheme;
 - (b) the power to search for and inspect any records, devices or other things that relate to the vehicle or any part of its equipment or load and that are located in or on the vehicle;
 - (c) the power to take copies of or extracts from any or all of the following:
 - (i) any records that are located in or on the vehicle and that are required to be carried in or on the vehicle under an Australian road law or under an approved road transport compliance scheme;
 - (ii) any transport documentation or journey documentation located in or on the vehicle;

- (iii) any other records, or any readout or other data obtained from any device or thing, located in or on the vehicle that the officer believes on reasonable grounds provide, or may on further inspection provide, evidence of an Australian road law offence or a breach of an approved road transport compliance scheme;
 - (d) any powers that may be exercised during an inspection of a vehicle under section 40Q(5).
- (7) The power to search a vehicle under this section does not include a power to search a person.
- (8) The officer may seize and remove any records, devices or other things from the vehicle that the officer believes on reasonable grounds provide, or may on further inspection provide, evidence of an Australian road law offence or a breach of an approved road transport compliance scheme.
- (9) The officer may use reasonable force in the exercise of powers under this section.

40S—Power to inspect premises

- (1) This section applies to the following premises:
 - (a) premises at or from which a responsible person carries on business, or that are occupied by a responsible person in connection with such a business, or that are a registered office of a responsible person;
 - (b) the garage address of a vehicle;
 - (c) the base of the driver or drivers of a vehicle;
 - (d) premises where records required to be kept under an Australian road law or under an approved road transport compliance scheme are located or where any such records are required to be located.
- (2) An authorised officer or police officer may inspect the premises for compliance purposes.
- (3) The officer may enter the premises for the purpose of conducting the inspection.
- (4) Without limiting the above, the officer may inspect, or enter and inspect, any vehicle at the premises.
- (5) The inspection may be made—
 - (a) at any time with the consent of the occupier or other person apparently in charge of the premises; or
 - (b) if a business is carried on at the premises—at any time during the usual business operating hours applicable at the premises (whether or not the premises are actually being used for that purpose), and without consent.
- (6) This section does not authorise, without consent, the entry or inspection of—
 - (a) premises that are apparently unattended, unless the officer believes on reasonable grounds that the premises are not unattended; or
 - (b) premises that are, or any part of premises that is, used predominantly for residential purposes.

- (7) Without limiting the above, the power to inspect premises under this section includes any or all of the following:
- (a) the power to inspect and take copies of or extracts from any records located at the premises and required to be kept under an Australian road law or under an approved road transport compliance scheme;
 - (b) the power to check the existence of and inspect any devices (including weighing, measuring, recording or monitoring devices) required to be installed, used or maintained under an Australian road law or under an approved road transport compliance scheme, and to inspect and take copies of or extracts from any readout or other data obtained from any such device;
 - (c) the power to exercise with respect to a vehicle located at the premises any powers that may be exercised during an inspection of a vehicle under section 40Q(5);
 - (d) the power to use photocopying equipment on the premises free of charge for the purpose of copying any records or other material.
- (8) This section does not authorise the use of force, but the officer may under this section do any or all of the following:
- (a) open unlocked doors and other unlocked panels and objects;
 - (b) inspect anything that has been opened or otherwise accessed under the power to use reasonable force in the exercise of a power to enter or move a vehicle under Subdivision 3;
 - (c) move but not take away anything that is not locked up or sealed.

40T—Power to search premises

- (1) This section applies to the following premises:
- (a) premises at or from which a responsible person carries on business, or that are occupied by a responsible person in connection with such a business, or that are a registered office of a responsible person;
 - (b) the garage address of a vehicle;
 - (c) the base of the driver or drivers of a vehicle;
 - (d) premises where records required to be kept under an Australian road law or under an approved road transport compliance scheme are located or where any such records are required to be located;
 - (e) premises where the officer concerned believes on reasonable grounds that—
 - (i) a vehicle is or has been located; or
 - (ii) transport documentation or journey documentation is located.
- (2) An authorised officer or police officer may search premises for compliance purposes, if the officer believes on reasonable grounds—
- (a) that there may be at the premises records, devices or other things that may provide evidence of an Australian road law offence or of the commission of a breach of an approved road transport compliance scheme; or
 - (b) that—

- (i) a vehicle has been or may have been involved in an accident; and
 - (ii) the vehicle is connected with the premises.
- (3) For the purposes of this section, a vehicle is *connected* with the premises if—
 - (a) the premises are the garage address of the vehicle; or
 - (b) the vehicle is, or has within the past 72 hours been, located at the premises; or
 - (c) the premises are or may be otherwise connected (directly or indirectly) with the vehicle or any part of its equipment or load.
- (4) The officer may form the necessary belief during or after an inspection or independently of an inspection.
- (5) The officer may enter the premises for the purpose of conducting the search.
- (6) Without limiting the above, the officer may search, or enter and search, any vehicle at the premises.
- (7) The search may be conducted—
 - (a) at any time under the authority of a warrant under this Act; or
 - (b) at any time with the consent of the occupier or other person apparently in charge of the premises; or
 - (c) if a business is carried on at the premises—at any time during the ordinary business hours applicable at the premises (whether or not the premises are actually being used at that time for that purpose), and without a warrant and without the consent of the occupier or other person apparently in charge of the premises or any other person; or
 - (d) if the officer believes on reasonable grounds that subsection (2)(b) applies—at any time, and without a warrant and without the consent of the occupier or other person apparently in charge of the premises or any other person.
- (8) This section does not authorise, without a warrant or consent, the entry or searching of—
 - (a) premises that are unattended, unless the officer believes on reasonable grounds that the premises are not unattended; or
 - (b) premises that are, or any part of premises that is, used predominantly for residential purposes.
- (9) Without limiting the above, the power to search premises under this section includes any or all of the following:
 - (a) the power to search for evidence of an Australian road law offence or a breach of an approved road transport compliance scheme;
 - (b) the power to search for and inspect any records, devices or other things that relate to a vehicle or any part of its equipment or load and that are located at the premises;
 - (c) the power to take copies of or extracts from any or all of the following:

- (i) any records that are located at the premises and are required to be kept under an Australian road law or under an approved road transport compliance scheme;
 - (ii) any transport documentation or journey documentation located at the premises;
 - (iii) any other records, or any readout or other data obtained from any device or thing, located at the premises that the officer believes on reasonable grounds provide, or may on further inspection provide, evidence of an Australian road law offence or a breach of an approved road transport compliance scheme;
- (d) the power to use photocopying equipment on the premises free of charge for the purpose of copying any records or other material;
 - (e) the power to exercise with respect to a vehicle located at the premises any powers that may be exercised during a search of a vehicle under section 40R(6);
 - (f) any powers that may be exercised during an inspection of premises under section 40S(7).
- (10) The power to search premises under this section does not include a power to search a person.
- (11) The officer may seize and remove any records, devices or other things from the premises that the officer believes on reasonable grounds provide, or may on further inspection provide, evidence of an Australian road law offence or a breach of an approved road transport compliance scheme.
- (12) The officer may use reasonable force in the exercise of powers under this section.

40U—Residential purposes

For the purposes of this Subdivision, premises are, or any part of premises is, taken not to be used for residential purposes merely because temporary or casual sleeping or other accommodation is provided there for drivers of vehicles.

Subdivision 5—Other directions

40V—Direction to give name and other personal details

- (1) In this section—
- personal details*, in relation to a person, means—
- (a) the person's full name; and
 - (b) the person's date of birth; and
 - (c) the address of where the person is living; and
 - (d) the address of where the person usually lives; and
 - (e) the person's business address.

- (2) If an authorised officer or police officer suspects on reasonable grounds that a natural person whose personal details are unknown to the officer—
- (a) is or may be a responsible person; or
 - (b) has committed or is committing or is about to commit an Australian road law offence; or
 - (c) may be able to assist in the investigation of an Australian road law offence or a suspected Australian road law offence; or
 - (d) is or may be the driver or other person in charge of a vehicle that has been or may have been involved in an accident,

the officer may direct the person to give the officer then and there any or all of the person's personal details.

- (3) If an authorised officer or police officer suspects on reasonable grounds that a personal detail given by a person in response to a direction is false or misleading, the officer may direct the person to produce evidence then and there of the correctness of the detail.
- (4) A person commits an offence if—
- (a) the person is subject to a direction under subsection (2) or (3); and
 - (b) the person—
 - (i) engages in conduct that results in a contravention of the direction; or
 - (ii) gives any detail that is false or misleading in a material particular in purported response to the direction; or
 - (iii) produces any evidence that is false or misleading in a material particular in purported response to the direction.

Maximum penalty: \$5 000.

- (5) Subsection (4)(b)(iii) does not apply if the person has a reasonable excuse.
- (6) In proceedings for an offence of contravening a direction under subsection (2) in relation to a failure to state a business address, it is a defence if the person charged establishes that—
- (a) the person did not have a business address; or
 - (b) the person's business address was not connected (directly or indirectly) with road transport involving vehicles.

40W—Direction to produce records, devices or other things

- (1) An authorised officer or police officer may, for compliance purposes, direct any responsible person to produce—
- (a) any records required to be kept under an Australian road law; or
 - (b) any records comprising transport documentation or journey documentation in the person's possession or under the person's control; or
 - (c) any records, or any devices or other things that contain or may contain records, in the person's possession or under the person's control relating to or indicating—

- (i) the use, performance or condition of a vehicle; or
 - (ii) ownership, insurance or registration of a vehicle; or
 - (iii) any load or equipment carried or intended to be carried by a vehicle (including insurance of any such load or equipment); or
 - (d) any records, or any devices or other things that contain or may contain records, in the person's possession or under the person's control demonstrating that a vehicle's garage address recorded in the relevant register is or is not the vehicle's actual garage address.
- (2) The direction must—
- (a) specify—
 - (i) the records, devices or other things; or
 - (ii) the classes of records, devices or other things, that are to be produced; and
 - (b) state where, when and to whom the records, devices or other things are to be produced.
- (3) The officer may do any or all of the following:
- (a) inspect records, devices or other things that are produced;
 - (b) make copies of, or take extracts from, records, devices or other things that are produced;
 - (c) seize and remove records, devices or other things that are produced that the officer believes on reasonable grounds may on further inspection provide evidence of an Australian road law offence.
- (4) A person commits an offence if—
- (a) the person is subject to a direction under subsection (1); and
 - (b) the person engages in conduct that results in a contravention of the direction.
- Maximum penalty: \$5 000.
- (5) Subsection (4) does not apply if the person has a reasonable excuse.

40X—Direction to provide information

- (1) An authorised officer or police officer may, for compliance purposes, direct a responsible person to provide information to the officer about a vehicle or any load or equipment carried or intended to be carried by a vehicle.
- (2) Without limiting the above, a direction under subsection (1) may require a responsible person who is associated with a particular vehicle to do any or all of the following:
 - (a) to state the name, home address and business address of—
 - (i) other responsible persons of specified types who are associated with the vehicle; and
 - (ii) if so requested, in the case of a combination, the registered operator of each vehicle in the combination;

- (b) to provide information about the current or intended trip of the vehicle, including—
 - (i) the location of the start or intended start of the trip; and
 - (ii) the route or intended route of the trip; and
 - (iii) the location of the destination or intended destination of the trip.
- (3) A person commits an offence if—
 - (a) the person is subject to a direction under subsection (1); and
 - (b) the person—
 - (i) engages in conduct that results in a contravention of the direction; or
 - (ii) the person provides any information that is false or misleading in a material particular in purported response to the direction.

Maximum penalty: \$10 000.

- (4) In proceedings for an offence of contravening a direction under subsection (1), it is a defence if the person charged establishes that the person did not know and could not be reasonably expected to know or ascertain the required information.
- (5) In proceedings for an offence of contravening a direction under subsection (1) in relation to a failure to state another person's business address, it is a defence if the person charged establishes that—
 - (a) the other person did not have a business address; or
 - (b) the other person's business address was not connected (directly or indirectly) with road transport involving vehicles.

40Y—Direction to provide reasonable assistance for powers of inspection and search

- (1) An authorised officer or police officer may direct a responsible person to provide assistance to the officer to enable the officer effectively to exercise a power under Subdivision 4.
- (2) Without limiting the above, the assistance may include helping the officer to do any or all of the following:
 - (a) to find and gain access to any records or information, including, but not limited to, electronically stored information;
 - (b) to weigh or measure—
 - (i) the whole or any part of a vehicle, including an axle or axle group; or
 - (ii) the whole or any part of its equipment or load;
 - (c) to operate equipment or facilities for a purpose relevant to the power being or proposed to be exercised;
 - (d) to provide access free of charge to photocopying equipment for the purpose of copying any records or other material.
- (3) This section authorises the giving of a direction to run the engine of a vehicle, but not otherwise to drive the vehicle.

- (4) A direction—
- (a) can only be given in relation to a power under Subdivision 4 (the *principal power*) while the principal power can lawfully be exercised; and
 - (b) ceases to be operative if the principal power ceases to be exercisable.
- (5) A person commits an offence if—
- (a) the person is subject to a direction under subsection (1); and
 - (b) the person engages in conduct that results in a contravention of the direction.
- Maximum penalty: \$10 000.
- (6) Subsection (5) does not apply if—
- (a) the direction is unreasonable; or
 - (b) without limiting the above, the direction or its subject-matter is outside the scope of the business or other activities of the person.
- (7) If the responsible person to whom a direction to run the engine of a vehicle is given under this section fails to comply with the direction or no responsible person is available or willing to do so, the officer may—
- (a) enter the vehicle and run its engine; or
 - (b) authorise any other person to do so.

40Z—Provisions relating to running engine

- (1) This section applies to a person (the *authorised person*) who is—
- (a) a responsible person to whom a direction is given by an officer under section 40Y; or
 - (b) an officer authorised by section 40Y(7) to run the engine of a vehicle; or
 - (c) a person authorised by an officer under section 40Y(7) to run the engine of a vehicle.
- (2) The authorised person may run the engine even though the person is not qualified to drive the vehicle, if the officer believes on reasonable grounds that there is no other person in, on or in the vicinity of the vehicle who is more capable of running the engine than the authorised person and who is fit and willing to run the engine.
- (3) The authorised person may use reasonable force in complying with the direction to run the engine or when acting under the authority of section 40Y(7) to run the engine.
- (4) It is immaterial that the authorised person is not authorised to run the engine.
- (5) The authorised person is, in complying with the direction to run the engine or when acting under the authority of section 40Y(7) to run the engine, exempt from any other road law to the extent that the other law would require him or her to be licensed or otherwise authorised to do so.

41—Manner of giving directions under Subdivision

- (1) A direction under this Subdivision may be given orally, in writing or in any other manner.

- (2) A direction not given in person may be sent or transmitted by post, telephone, facsimile, electronic mail, radio or in any other manner.

41A—Directions to state when to be complied with

- (1) If given orally, a direction under this Subdivision must state whether it is to be complied with then and there or within a specified period.
- (2) If given in writing, a direction under this Subdivision must state the period within which it is to be complied with.

Subdivision 6—Warrants

41B—Warrants

- (1) This section applies if an authorised officer or police officer believes on reasonable grounds that—
 - (a) there may be at particular premises, then or within the next 72 hours, records, devices or other things that may provide evidence of an Australian road law offence; or
 - (b) a vehicle has been or may have been involved in an accident and—
 - (i) the vehicle is or has been located at particular premises; or
 - (ii) particular premises are or may be otherwise connected (directly or indirectly) with the vehicle or any part of its equipment or load.
- (2) The officer may apply to a magistrate for a warrant authorising the officer to exercise a power to enter and search the premises under section 40T.
- (3) An application for a warrant may be made personally or by telephone or other means authorised under the regulations.
- (4) A magistrate may, on an application for a warrant under this section, issue the warrant if satisfied that the warrant is reasonably required in the circumstances.
- (5) A warrant under this section—
 - (a) must specify—
 - (i) the name of the magistrate issuing the warrant; and
 - (ii) the person authorised to exercise the powers conferred by the warrant; and
 - (iii) the period for which the warrant will be in force (being a period not longer than 45 days); and
 - (b) may contain conditions and limitations; and
 - (c) may, on application by the person named in the warrant, be varied or renewed (and the provisions of this Act will apply in relation to such an application in the same way as if it were an application for the issue of a warrant).
- (6) The Governor may make regulations governing the making of applications and the issuing of warrants under this section.

Subdivision 7—Other provisions regarding inspections and searches

41C—Use of assistants and equipment

- (1) An authorised officer or police officer may exercise powers under this Division with the aid of such assistants and equipment as the officer considers reasonably necessary in the circumstances.
- (2) Powers that may be exercised by an authorised officer or police officer under this Division may be exercised by an assistant authorised and supervised by the officer, but only if the officer considers that it is reasonably necessary in the circumstances that the powers be exercised by an assistant.

41D—Use of equipment to examine or process things

- (1) Without limiting section 41C, an authorised officer or police officer exercising a power under this Division may bring to, or onto, a vehicle or premises any equipment reasonably necessary for the examination or processing of things found in, on or at the vehicle or premises in order to determine whether they are things that may be seized.
- (2) If—
 - (a) it is not practicable to examine or process the things at the vehicle or premises; or
 - (b) the occupier of the vehicle or premises consents in writing,the things may be moved to another place so that the examination or processing can be carried out in order to determine whether they are things that may be seized.
- (3) The officer, or a person assisting the officer, may operate equipment already in, on or at the vehicle or premises to carry out the examination or processing of a thing found in, on or at the vehicle or premises in order to determine whether it is a thing that may be seized, if the officer or person assisting believes on reasonable grounds that—
 - (a) the equipment is suitable for the examination or the processing; and
 - (b) the examination or processing can be carried out without damage to the equipment or the thing.

41E—Use or seizure of electronic equipment

- (1) If—
 - (a) a thing found in, on or at a vehicle or premises is, or includes, a disk, tape or other device for the storage of information; and
 - (b) equipment in, on or at the vehicle or premises may be used with the disk, tape or other storage device; and
 - (c) the authorised officer or police officer concerned believes on reasonable grounds that the information stored on the disk, tape or other storage device is relevant to determine whether a relevant law or scheme has been contravened,the officer or a person assisting the officer may operate the equipment to access the information.

- (2) If the officer or a person assisting the officer finds that a disk, tape or other storage device in, on or at the vehicle or premises contains information of a kind referred to in subsection (1)(c), he or she may—
- (a) put the information in documentary form and seize the documents so produced; or
 - (b) copy the information to another disk, tape or other storage device and remove that storage device from the vehicle or premises; or
 - (c) if it is not practicable to put the information in documentary form or to copy the information, seize the disk, tape or other storage device and the equipment that enables the information to be accessed.
- (3) An officer or a person assisting an officer must not operate or seize equipment for the purpose mentioned in this section unless the officer or person assisting believes on reasonable grounds that the operation or seizure of the equipment can be carried out without damage to the equipment.

Subdivision 8—Other provisions regarding seizure

41F—Receipt for and access to seized material

If a record, device or other thing is seized and removed under this Division, the authorised officer or police officer concerned must—

- (a) give a receipt for it to the person from whom it is seized and removed; and
- (b) if practicable, allow the person who would normally be entitled to possession of it reasonable access to it.

41G—Embargo notices

- (1) This section applies if—
- (a) an authorised officer or police officer is authorised to seize any record, device or other thing under this Division; and
 - (b) the record, device or other thing cannot, or cannot readily, be physically seized and removed.
- (2) The officer may issue an embargo notice under this section.
- (3) An **embargo notice** is a notice forbidding the movement, sale, leasing, transfer, deletion of information from or other dealing with the record, device or other thing, or any part of it, without the written consent of the officer, the Minister or the Commissioner of Police.
- (4) The embargo notice—
- (a) must be in the form, or contain the particulars, required by the regulations; and
 - (b) must list the activities that it forbids; and
 - (c) must set out a copy of subsections (6) and (8).

- (5) The officer may issue the notice—
- (a) by causing a copy of the notice to be served on the occupier of the vehicle or premises concerned; or
 - (b) if that person cannot be located after all reasonable steps have been taken to do so, by affixing a copy of the notice to the record, device or other thing in a prominent position.
- (6) A person commits an offence if—
- (a) the person knows that an embargo notice relates to a record, device or other thing; and
 - (b) the person—
 - (i) does anything that is forbidden by the notice under this section; or
 - (ii) instructs any other person to do anything that is forbidden by the notice under this section or to do anything that the person is forbidden to do by the notice.

Maximum penalty: \$10 000.

- (7) It is a defence to a prosecution for an offence against subsection (6) to establish that the person charged—
- (a) moved the record, device or other thing, or part of it, for the purpose of protecting or preserving it; or
 - (b) notified the officer who issued the notice of the move, and of the new location of the record, device or other thing or part of it, within 48 hours after the move.
- (8) A person commits an offence if—
- (a) an embargo notice has been served on the person; and
 - (b) the person fails to take reasonable steps to prevent any other person from doing anything forbidden by the notice.

Maximum penalty: \$10 000.

- (9) Despite anything in any other Act, a sale, lease or transfer or other dealing with a record, device or other thing, or part of it, in contravention of this section is void.

Subdivision 9—Miscellaneous

41H—Power to use force against persons to be exercised only by police officers

A provision of this Division that authorises a person to use reasonable force does not authorise a person who is not a police officer to use force against a person.

41I—Various powers may be exercised on same occasion

An authorised officer or police officer may exercise various powers under road laws on the same occasion, whether the exercise of the powers is for the same purpose or different purposes and whether the opportunity to exercise one power arises only as a result of the exercise of another power.

41J—Restoring vehicle or premises to original condition after action taken

If—

- (a) an authorised officer or police officer or a person authorised by the officer takes any action in the exercise or purported exercise of any power under this Division in relation to a vehicle or its equipment or load or in relation to any premises; and
- (b) damage was caused by the unreasonable exercise of the power or by the use of force that was not authorised under this Division,

the officer must take reasonable steps to return the vehicle, equipment, load or premises to the condition it was in immediately before the action was taken or, instead, at the option of the operator of the vehicle or the occupier of the premises, the Crown must pay reasonable compensation for the damage caused to the vehicle, equipment, load or premises.

41K—Self-incrimination

- (1) It is not an excuse for a person to refuse or fail to provide or produce any information, document, record, device or other thing in compliance with a direction under this Division on the ground that to do so might tend to incriminate the person or make the person liable to a penalty.
- (2) If compliance by a natural person with a direction under this Division to provide or produce any information, document, record, device or other thing might tend to incriminate the person or make the person liable to a penalty, then—
 - (a) in the case of a person who is directed to produce any document, record, device or other thing—the fact of production (as distinct from the contents of the document, record, device or other thing); or
 - (b) in any other case—the information provided in compliance with the direction,

is not admissible in evidence against the person in proceedings for an offence or for the imposition of a penalty (other than proceedings in respect of the making of a false or misleading statement).

41L—Providing evidence to other authorities

Any records, devices or other things seized under this Act, or any information obtained under this Act, may, for the purposes of law enforcement, be given to any public authority of any jurisdiction (including any corresponding Authority) considered appropriate by the Minister or the Commissioner of Police, but only after consultation with the public authority concerned.

41M—Obstructing or hindering authorised officers or police officers

A person commits an offence if—

- (a) an authorised officer or police officer is exercising a power under a road law; and
- (b) the person obstructs or hinders the officer in the exercise of the power.

Maximum penalty: \$10 000.

41N—Impersonating authorised officers

A person commits an offence if the person impersonates an authorised officer.

Maximum penalty: \$10 000.

41O—Division not to affect other powers

This Division does not derogate from any other law that confers powers on an authorised officer or police officer.

Part 2A—Mutual recognition and corresponding road laws

41P—Effect of administrative actions of authorities of other jurisdictions

- (1) In this section—

administrative action means an action of an administrative nature, as in force from time to time;

administrative authority means—

- (a) a corresponding Authority; or
 - (b) a person holding an office constituted by or under the law of another jurisdiction and prescribed by the regulations; or
 - (c) a body constituted by or under the law of another jurisdiction and prescribed by the regulations.
- (2) An administrative action of an administrative authority under or in connection with a corresponding road law has the same effect in this State as it has in the other jurisdiction.
- (3) Nothing in this section gives an administrative action effect in this State or in a particular place in this State—
- (a) in so far as the action is incapable of having effect in or in relation to this State or that place; or
 - (b) if any terms of the action expressly provide that the action does not extend or apply to or in relation to this State or that place; or
 - (c) if any terms of the action expressly provide that the action has effect only in the other jurisdiction or a specified place in the other jurisdiction.
- (4) This section applies only to administrative actions of kinds prescribed by the regulations.

41Q—Effect of court orders of other jurisdictions

- (1) In this section—

order means an order in any judicial or other proceedings, civil or criminal, as in force from time to time.

- (2) An order of a court or tribunal of another jurisdiction under or in connection with a corresponding road law has the same effect in this State as it has in the other jurisdiction.
- (3) Nothing in this section gives an order effect in this State or in a particular place in this State—
- (a) in so far as the order is incapable of having effect in or in relation to this State or that place; or
 - (b) if any terms of the order expressly provide that the order does not extend or apply to or in relation to this State or that place; or
 - (c) if any terms of the order expressly provide that the order has effect only in the other jurisdiction or a specified place in the other jurisdiction.

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Part 2A—Mutual recognition and corresponding road laws

- (4) This section applies only to orders of kinds prescribed by the regulations.

Part 3—Duties of drivers, passengers and pedestrians

Division 2—Duty to stop and give assistance where person killed or injured

43—Duty to stop, give assistance and present to police where person killed or injured

- (1) The driver of a vehicle involved in an accident in which a person is killed or injured must—
- (a) immediately after the accident—
 - (i) stop the vehicle; and
 - (ii) give all possible assistance; and
 - (b) not more than 90 minutes after the accident, present himself or herself to a police officer at the scene of the accident or at a police station for the purpose of providing particulars of the accident and submitting to any requirement to undergo a test relating to the presence of alcohol or a drug in his or her blood or oral fluid.

Penalty:

- (a) imprisonment for 5 years; and
 - (b) disqualification from holding or obtaining a driver's licence for such period, being not less than 1 year, as the court thinks fit.
- (2) Where a court convicts a person of an offence against subsection (1)—
- (a) the disqualification prescribed by that subsection cannot be reduced or mitigated in any way unless, in the case of a first offence, the court is satisfied that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than one month;
 - (b) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.
- (3) It is a defence to a charge of an offence against subsection (1) to prove that—
- (a) the defendant was unaware that the accident had occurred and that the defendant's lack of awareness was reasonable in the circumstances; or
 - (b) in relation only to a failure to comply with subsection (1)(a), the defendant—
 - (i) genuinely believed on reasonable grounds that compliance with subsection (1)(a) would endanger his or her physical safety, or the physical safety of another person; and
 - (ii) at the earliest opportunity notified police, ambulance or some other authority responsible for providing emergency services of the accident; or
 - (c) in relation only to a failure to comply with subsection (1)(b), the defendant—

- (i) had a reasonable excuse for the failure to comply; and
- (ii) presented himself or herself to a police officer as soon as possible after the accident.

Division 3—Fraudulent use of motor vehicles

44A—Procuring use of vehicle by fraud

A person must not procure the use or hire of a motor vehicle by dishonest misrepresentation.

Maximum penalty: \$300 or imprisonment for not more than six months or both.

Division 4—Vehicle misuse and careless and dangerous driving

44B—Misuse of motor vehicle

- (1) For the purposes of this section, a person misuses a motor vehicle if the person—
 - (a) drives a motor vehicle, in a public place, in a race between vehicles, a vehicle speed trial, a vehicle pursuit or any competitive trial to test drivers' skills or vehicles; or
 - (b) operates a motor vehicle in a public place so as to produce sustained wheel spin; or
 - (c) drives a motor vehicle in a public place so as to cause engine or tyre noise, or both, that is likely to disturb persons residing or working in the vicinity; or
 - (d) drives a motor vehicle onto an area of park or garden (whether public or private) or a road related area so as to break up the ground surface or cause other damage.
- (2) However, conduct of a type described in subsection (1) does not constitute misuse of a motor vehicle if it occurs in a place with the consent of the owner or occupier of the place or the person who has the care, control and management of the place.
- (3) A person who misuses a motor vehicle is guilty of an offence.
- (4) A person who promotes or organises an event involving the misuse of a motor vehicle, knowing that it will involve the misuse of a motor vehicle, is guilty of an offence.
- (5) Where a court convicts a person of an offence against this section, the court must, if satisfied that the offending caused damage to, or the destruction of, any property or damage to an area of park or garden or a road related area, order the convicted person to pay to the owner of the property, or the owner, occupier or person who has the care, control and management of the area, such compensation as the court thinks fit.

45—Careless driving

- (1) A person must not drive a vehicle without due care or attention or without reasonable consideration for other persons using the road.
- (2) If a court convicts a person of an offence against this section that is an aggravated offence, the following provisions apply:
 - (a) the maximum penalty for the offence is 12 months imprisonment; and

- (b) the court must order that the person be disqualified from holding or obtaining a driver's licence for such period, being not less than 6 months, as the court thinks fit; and
 - (c) the disqualification prescribed by paragraph (b) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence.
- (3) For the purposes of this section, an aggravated offence is—
- (a) an offence that caused the death of, or serious harm to, a person; or
 - (b) an offence committed in any of the following circumstances:
 - (i) the offender committed the offence in the course of attempting to escape pursuit by a police officer;
 - (ii) the offender was, at the time of the offence, driving a vehicle knowing that he or she was disqualified, under the law of this State or another State or Territory of the Commonwealth, from holding or obtaining a driver's licence or that his or her licence was suspended by notice given under this Act;
 - (iii) the offender committed the offence while there was present in his or her blood a concentration of .08 grams or more of alcohol in 100 millilitres of blood;
 - (iv) the offender was, at the time of the offence, driving a vehicle in contravention of section 45A or 47.
- (4) If a person is charged with an aggravated offence against this section, the circumstances alleged to aggravate the offence must be stated in the instrument of charge.
- (5) In this section—
- serious harm* means—
- (a) harm that endangers, or is likely to endanger, a person's life; or
 - (b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or
 - (c) harm that consists of, or is likely to result in, serious disfigurement.

45A—Excessive speed

- (1) A person who drives a vehicle at a speed exceeding, by 45 kilometres an hour or more, a speed limit that applies under this Act or the *Motor Vehicles Act 1959* is guilty of an offence.
- Penalty:
- For a first offence—a fine of not less than \$600 and not more than \$1 000;
- For a subsequent offence—a fine of not less than \$700 and not more than \$1 200.
- (2) For the purposes of this section, signs placed on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site in accordance with section 20 will not be taken to be of any effect unless one or more workers are present at the work area or work site.

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Part 3—Duties of drivers, passengers and pedestrians

Division 4—Vehicle misuse and careless and dangerous driving

- (3) Where a court convicts a person of an offence against subsection (1), the following provisions apply:
- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (i) in the case of a first offence—for such period, being not less than 6 months, as the court thinks fit; or
 - (ii) in the case of a subsequent offence—for such period, being not less than 2 years, as the court thinks fit;
 - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;
 - (c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.
- (4) In determining whether an offence is a first or subsequent offence for the purposes of this section—
- (a) any previous offence against subsection (1); and
 - (b) any previous offence against section 46 (whether committed before or after the commencement of this section),
- for which the defendant has been convicted or that the defendant has expiated will be taken into account, but only if the previous offence was committed or alleged to have been committed within the period of 5 years immediately preceding the date on which the offence under consideration was allegedly committed.
- (5) This section is in addition to, and does not derogate from, any other provision relating to speed limits contained in this or any other Act or in any regulation, rule or by-law made under this or any other Act.

45B—Power of police to impose licence disqualification or suspension

- (1) Subject to this section, if a person is given an expiation notice for—
- (a) an offence against section 45A; or
 - (b) an offence against section 79B constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45A,
- a police officer may give the person a notice of licence disqualification or suspension in the prescribed form.
- (2) If a person is given a notice of licence disqualification or suspension under subsection (1)—
- (a) in the case of a person who does not hold a driver's licence—the person is disqualified from holding or obtaining a driver's licence for the relevant period; or
 - (b) in the case of a person who holds a driver's licence—the person's driver's licence is suspended for the relevant period.

- (3) The Commissioner of Police must ensure that prescribed particulars of a notice of licence disqualification or suspension given to a person under this section are forwarded to the Registrar of Motor Vehicles.
- (4) The Registrar of Motor Vehicles must, on receiving particulars of a notice of licence disqualification or suspension from the Commissioner of Police, send, by post, a notice to the person of the name and address specified by the Commissioner containing the prescribed particulars of the notice of licence disqualification or suspension.
- (5) The operation of a notice of licence disqualification or suspension is not affected by any failure to comply with subsection (4).
- (6) If a person is given a notice of licence disqualification or suspension in accordance with subsection (1) and the expiration notice referred to in that subsection is withdrawn or the person elects to be prosecuted in accordance with the *Expiation of Offences Act 1996*—
 - (a) the notice of licence disqualification or suspension is cancelled (and, if the relevant period has commenced, any licence held by the person at the commencement of the relevant period is taken to be in force again); and
 - (b) the Commissioner must give written notice of the cancellation to the Registrar of Motor Vehicles.
- (7) If—
 - (a) a period of licence disqualification or suspension has applied to a person as a result of the person having been given a notice of licence disqualification or suspension under this section; and
 - (b) a court convicts the person of the offence in relation to which the notice was given or another offence arising out of the same course of conduct; and
 - (c) a mandatory minimum period of disqualification would (apart from this subsection) be required to be imposed for the offence,then—
 - (d) the court must order that the person be disqualified from holding or obtaining a driver's licence for a period determined by the court (and if the person is the holder of a driver's licence, the disqualification operates to cancel the licence from the commencement of that period); and
 - (e) despite any other provision of this or any other Act, the court must, in determining the period, take into account the period of licence disqualification or suspension that has applied to the person as a result of the notice and may impose a period that is less than the mandatory minimum period of disqualification (provided that the period imposed is not less than the difference between the mandatory minimum and the period that has applied as a result of the notice).
- (8) Subject to subsection (9), no compensation is payable by the Crown or a police officer in respect of the exercise, or purported exercise, of powers under this section.
- (9) Subsection (8) does not protect a police officer from liability in respect of the exercise, or purported exercise, of powers otherwise than in good faith.

- (10) For the purposes of this section—
- (a) the *relevant period* commences—
 - (i) in the case of a notice given to a person who has been given an expiation notice for an offence against section 45A—
 - (A) 24 hours after the notice of licence disqualification or suspension is given to the person; or
 - (B) if, at the time referred to in subparagraph (A), the person is already disqualified from holding or obtaining a driver's licence or holds a driver's licence that is suspended—at the end of that period of disqualification or suspension; or
 - (ii) in the case of a notice given to a person who has been given an expiation notice for an offence against section 79B—
 - (A) 28 days after the notice of licence disqualification or suspension is given to the person; or
 - (B) if, at the time referred to in subparagraph (A), the person is already disqualified from holding or obtaining a driver's licence or holds a driver's licence that is suspended—at the end of that period of disqualification or suspension;
 - (b) the *relevant period* ends—
 - (i) if the notice is cancelled in accordance with subsection (6); or
 - (ii) if the notice is not cancelled—at the end of 6 months from the commencement of the relevant period.
- (11) A regulation made before the commencement of this subsection prescribing the form of a notice of licence disqualification or suspension under this section or varying such a form is declared to be, and to have always been, valid.
- (12) A notice given to a person by a police officer before the commencement of this subsection that purported to be a notice of licence disqualification or suspension under this section is declared to be, and to have always been, valid if the notice was completed in the prescribed form and was given in the circumstances specified in subsection (1).

46—Reckless and dangerous driving

- (1) A person must not drive a vehicle recklessly or at a speed or in a manner which is dangerous to the public.
Maximum penalty: Imprisonment for 2 years.
- (2) In considering whether an offence has been committed under this section, the court must have regard to—
- (a) the nature, condition and use of the road on which the offence is alleged to have been committed; and
 - (b) the amount of traffic on the road at the time of the offence; and
 - (c) the amount of traffic which might reasonably be expected to enter the road from other roads and places; and

- (d) all other relevant circumstances, whether of the same nature as those mentioned or not.
- (3) Where a court convicts a person of an offence against subsection (1), the following provisions apply:
 - (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (i) in the case of a first offence—for such period, being not less than 12 months, as the court thinks fit; or
 - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;
 - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than one month.
- (4) In determining whether an offence is a first or subsequent offence for the purposes of this section, only a previous offence against subsection (1) for which the defendant has been convicted that was committed within the period of five years immediately preceding the commission of the offence under consideration will be taken into account.

Division 5—Drink driving and drug driving

47—Driving under influence

- (1) A person must not—
 - (a) drive a vehicle; or
 - (b) attempt to put a vehicle in motion,

while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle.

Penalty:

If the vehicle concerned was a motor vehicle—

- (a) for a first offence—
 - (i) a fine of not less than \$700 and not more than \$1 200; or
 - (ii) imprisonment for not more than three months; and
- (b) for a subsequent offence—
 - (i) a fine of not less than \$1 500 and not more than \$2 500; or
 - (ii) imprisonment for not more than six months.

If the vehicle concerned was not a motor vehicle—\$300.

- (2) For the purposes of subsection (1), a person is incapable of exercising effective control of a vehicle if, owing to the influence of intoxicating liquor or a drug, the use of any mental or physical faculty of that person is lost or appreciably impaired.

This subsection does not restrict the meaning of the words "incapable of exercising effective control of a vehicle".

- (3) Where a court convicts a person of an offence against subsection (1) in which the vehicle concerned was a motor vehicle, the following provisions apply:
- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (i) in the case of a first offence—for such period, being not less than twelve months as the court thinks fit; or
 - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;
 - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than one month;
 - (d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
 - (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.
- (4) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous drink driving offence or drug driving offence for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence under consideration was committed.

47A—Interpretation

- (1) In this Act—

alcotest means a test by means of an apparatus of a kind approved by the Governor for the conduct of alcotests;

analyst means—

- (a) a person appointed by the Minister as an analyst for the purposes of this Act; or
- (b) a person holding an office of a class approved by the Minister for the purposes of this Act;

approved blood test kit means a kit of a kind declared by the Governor by regulation to be an approved blood test kit;

breath analysing instrument means an apparatus of a kind approved as a breath analysing instrument by the Governor;

breath analysis means an analysis of breath by a breath analysing instrument;

category 1 offence means an offence against section 47B(1) involving a concentration of alcohol of less than .08 grams in 100 millilitres of blood;

category 2 offence means an offence against section 47B(1) involving a concentration of alcohol of less than .15 grams, but not less than .08 grams, in 100 millilitres of blood;

category 3 offence means an offence against section 47B(1) involving a concentration of alcohol of .15 grams or more in 100 millilitres of blood;

driver testing station means a driver testing station established under section 47DA;

drug screening test means a test by means of an apparatus of a kind approved by the Governor for the conduct of drug screening tests;

gross vehicle mass, in relation to a vehicle, means—

- (a) if the vehicle is registered in this State and a gross vehicle mass limit has been fixed in respect of that vehicle by the Registrar of Motor Vehicles—the mass by reference to which that limit has been fixed;
- (b) if the vehicle is registered in another State or a Territory of the Commonwealth and a limitation or restriction on the mass of the vehicle has been imposed by or under the law of that State or Territory—the mass by reference to which that limitation or restriction has been imposed;
- (c) in any other case—the unladen mass of the vehicle;

oral fluid includes saliva;

oral fluid analysis means an analysis of oral fluid by means of an apparatus of a kind approved by the Governor for the conduct of oral fluid analyses;

prescribed circumstances—a requirement to submit to an alcotest, breath analysis or drug screening test under section 47E or 47EAA, or a direction to stop a vehicle for the purpose of making such a requirement, is made or given in prescribed circumstances if the police officer who makes the requirement or gives the direction believes on reasonable grounds that the person of whom the requirement is, or is to be, made has, within the preceding 8 hours—

- (a) committed an offence of a prescribed class; or
- (b) behaved in a manner that indicates that his or her ability to drive a motor vehicle is impaired; or
- (c) been involved as a driver in an accident;

prescribed concentration of alcohol means—

- (a) in relation to a person who is not authorised under the *Motor Vehicles Act 1959* to drive the vehicle—any concentration of alcohol in the blood;
- (ab) in relation to a person who is driving a prescribed vehicle—any concentration of alcohol in the blood;

- (b) in relation to any other person—a concentration of .05 grams or more of alcohol in 100 millilitres of blood;

prescribed drug means a substance declared by the regulations to be a prescribed drug;

prescribed vehicle means—

- (a) a vehicle with a gross vehicle mass exceeding 15 tonnes; or
- (b) a prime mover with an unladen mass exceeding 4 tonnes; or
- (c) a bus designed to carry more than 12 persons (including the driver); or
- (d) a motor vehicle that is—
- (i) designed for the principal purpose of carrying passengers; and
 - (ii) designed to carry more than 8 persons, but not more than 12 persons, (including the driver); and
 - (iii) used regularly for the purpose of carrying passengers for hire or for a business or community purpose; or
- (e) a vehicle that is being used for the purpose of carrying passengers for hire; or
- (f) a vehicle that—
- (i) is used to transport dangerous substances within the meaning of the *Dangerous Substances Act 1979* or has such substances aboard; and
 - (ii) is required under that Act to be marked with a label.
- (2) For the purposes of this Act, a person **acts as a qualified supervising driver** for the holder of a permit or licence if the person would, for the purposes of the *Motor Vehicles Act 1959*, be taken to be acting as a qualified supervising driver for the holder of a permit or licence (see section 72A of that Act).
- (2a) For the purposes of this Act, a police officer **exercises random testing powers** if, in accordance with section 47E or 47EAA—
- (a) the police officer requires a person to submit to an alcotest, breath analysis or drug screening test or directs a person driving a motor vehicle to stop the vehicle for the purpose of requiring a person to submit to an alcotest or breath analysis; and
 - (b) the requirement is made, or the direction is given, otherwise than in prescribed circumstances.
- (3) For the purposes of section 47(4), 47B(4), 47B(6), 47BA(5), 47BA(7), 47E(7), 47EAA(17) and 47I(14b), the prescribed period is—
- (a) in the case of a previous offence that is a category 1 offence—3 years;
 - (b) in any other case—5 years.

47B—Driving while having prescribed concentration of alcohol in blood

- (1) A person must not—
- (a) drive a motor vehicle; or
 - (b) attempt to put a motor vehicle in motion,

while there is present in his or her blood the prescribed concentration of alcohol as defined in section 47A.

Penalty:

For a first offence—

- (a) being a category 1 offence—\$700;
- (b) being a category 2 offence—a fine of not less than \$500 and not more than \$900;
- (c) being a category 3 offence—a fine of not less than \$700 and not more than \$1 200.

For a second offence—

- (a) being a category 1 offence—\$700;
- (b) being a category 2 offence—a fine of not less than \$700 and not more than \$1 200;
- (c) being a category 3 offence—a fine of not less than \$1 200 and not more than \$2 000.

For a third or subsequent offence—

- (a) being a category 1 offence—\$700;
- (b) being a category 2 offence—a fine of not less than \$1 100 and not more than \$1 800;
- (c) being a category 3 offence—a fine of not less than \$1 500 and not more than \$2 500.

- (3) Where a court convicts a person of an offence against subsection (1), the following provisions apply:
 - (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (i) in the case of a first offence—
 - (AA) being a category 1 offence—for such period, being not less than 3 months, as the court thinks fit;
 - (A) being a category 2 offence—for such period, being not less than 6 months, as the court thinks fit;
 - (B) being a category 3 offence—for such period, being not less than 12 months, as the court thinks fit;
 - (ii) in the case of a second offence—
 - (A) being a category 1 offence—for such period, being not less than 6 months, as the court thinks fit;
 - (B) being a category 2 offence—for such period, being not less than 12 months, as the court thinks fit;
 - (C) being a category 3 offence—for such period, being not less than 3 years, as the court thinks fit;
 - (iii) in the case of a third offence—

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- (A) being a category 1 offence—for such period, being not less than 9 months, as the court thinks fit;
 - (B) being a category 2 offence—for such period, being not less than 2 years, as the court thinks fit;
 - (C) being a category 3 offence—for such period, being not less than 3 years, as the court thinks fit;
- (iv) in the case of a subsequent offence—
- (A) being a category 1 offence—for such period, being not less than 12 months, as the court thinks fit;
 - (B) being a category 2 offence—for such period, being not less than 2 years, as the court thinks fit;
 - (C) being a category 3 offence—for such period, being not less than 3 years, as the court thinks fit;
- (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than one month;
- (d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
- (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.
- (4) In determining whether an offence is a first, second, third or subsequent offence for the purposes of this section (other than subsection (5)), any previous drink driving offence or drug driving offence for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence under consideration was committed.
- (5) If a person aged 16 years or more is alleged to have committed a category 1 offence that is a first offence, the person cannot be prosecuted for that offence unless he or she has been given an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act.
- (6) In determining whether a category 1 offence is a first offence for the purposes of subsection (5), any previous drink driving offence or drug driving offence for which the defendant has been convicted or that the defendant has expiated will be taken into account, but only if the previous offence was committed or alleged to have been committed within the prescribed period immediately preceding the date on which the offence under consideration was allegedly committed.

47BA—Driving with prescribed drug in oral fluid or blood

- (1) A person must not—
 - (a) drive a motor vehicle; or
 - (b) attempt to put a motor vehicle in motion,while a prescribed drug is present in his or her oral fluid or blood.
Penalty:
 - (a) for a first offence—a fine of not less than \$500 and not more than \$900;
 - (b) for a second offence—a fine of not less than \$700 and not more than \$1 200;
 - (c) for a third or subsequent offence—a fine of not less than \$1 100 and not more than \$1 800.
- (2) Subject to subsection (3), it is a defence to a charge of an offence against subsection (1) if the defendant proves that he or she did not knowingly consume the prescribed drug present in his or her oral fluid or blood.
- (3) Subsection (2) does not apply if the defendant consumed the prescribed drug believing that he or she was consuming a substance unlawfully but was mistaken as to, unaware of or indifferent to the identity of the prescribed drug.
- (4) If a court convicts a person of an offence against subsection (1), the following provisions apply:
 - (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (ai) in the case of a first offence—for such period, being not less than 3 months, as the court thinks fit;
 - (i) in the case of a second offence—for such period, being not less than 6 months, as the court thinks fit;
 - (ii) in the case of a third offence—for such period, being not less than 12 months, as the court thinks fit;
 - (iii) in the case of a subsequent offence—for such period, being not less than 2 years, as the court thinks fit;
 - (b) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
 - (c) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.
- (5) In determining whether an offence is a first, second, third or subsequent offence for the purposes of this section (other than subsection (6)), any previous drink driving offence or drug driving offence for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence under consideration was committed.

- (6) If a person aged 16 years or more is alleged to have committed an offence against this section that is a first offence, the person cannot be prosecuted for that offence unless he or she has been given an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act.
- (7) In determining whether an offence is a first offence for the purposes of subsection (6), any previous drink driving offence or drug driving offence for which the person has been convicted or that the person has expiated will be taken into account, but only if the previous offence was committed or alleged to have been committed within the prescribed period immediately preceding the date on which the offence under consideration was allegedly committed.

47C—Relation of conviction under section 47B or 47BA to contracts of insurance etc

- (1) A person is not, by reason only of having been convicted or found guilty of an offence against section 47B(1) or 47BA(1) or having expiated such an offence, to be taken, for the purposes of any law, or of any contract, agreement, policy of insurance or other document, to have been under the influence of, or in any way affected by, intoxicating liquor or a prescribed drug, or incapable of driving, or of exercising effective control of, a motor vehicle, at the time of the commission of that offence or alleged offence.
- (2) The provisions of subsection (1) have effect notwithstanding anything contained in any law, or any covenant, term, condition or provision of, or contained in, any contract, agreement, policy of insurance or other document, and a covenant, term, condition or provision purporting to exclude, limit, modify or restrict the operation of that subsection is void.
- (3) Any covenant, term, condition or provision contained in a contract, policy of insurance or other document purporting to exclude or limit the liability of an insurer in the event of the owner or driver of a motor vehicle being convicted or found guilty of, or expiating, an offence against section 47B(1) or 47BA(1) is void.

47D—Payment by convicted person of costs incidental to apprehension etc

- (1) The court by which a person is convicted of an offence under section 47(1), 47B(1), 47BA(1), 47E(3) or 47EAA(9) on the complaint of a police officer may, in addition to imposing any other penalty, order, on the application of the complainant, that the defendant pay to the complainant a reasonable sum to cover the expenses of all or any of the following matters:
 - (a) apprehending the defendant; and
 - (b) conveying the defendant to a police station; and
 - (c) keeping the defendant in custody until trial; and
 - (d) medically examining the defendant; and
 - (e) facilitating the taking of a sample of the defendant's blood and providing for the presence of a police officer.
- (2) Any sum of money received by the complainant in consequence of an order under subsection (1) must be paid into the General Revenue of the State.

47DA—Driver testing stations

- (1) A driver testing station may be established by police officers at any time on or in the vicinity of any road for the purpose of enabling screening tests to be conducted in relation to persons driving motor vehicles on the road.
- (2) A driver testing station must be established in such a way, and consist of such facilities and warning and other devices, as the Commissioner of Police considers necessary in order to enable vehicles to be stopped in a safe and orderly manner and the screening tests to be made in quick succession.
- (3) If a driver testing station is established in the vicinity of an event being held outside Metropolitan Adelaide for the purpose of enabling screening tests to be conducted in relation to persons who have attended the event, signs advising of the establishment of the driver testing station must be displayed in positions where people arriving at the event are likely to see them (however a prosecution for an offence will not fail because of any non-compliance with this subsection).
- (4) In subsection (3)—

Metropolitan Adelaide has the same meaning as in the *Development Act 1993*;
screening test means an alcotest or drug screening test.

47E—Police may require alcotest or breath analysis

- (1) Subject to this Act, if a police officer (whether or not performing duties at or in connection with a driver testing station) believes on reasonable grounds that a person—
 - (a) is driving, or has driven, a motor vehicle; or
 - (b) is attempting, or has attempted, to put a motor vehicle in motion; or
 - (c) is acting, or has acted, as a qualified supervising driver for the holder of a permit or licence,

the police officer may require the person to submit to an alcotest or a breath analysis, or both.

- (2) A police officer may direct a person driving a motor vehicle to stop the vehicle and may give other reasonable directions for the purpose of making a requirement under this section that a person submit to an alcotest or a breath analysis.
 - (2a) A person must forthwith comply with a direction under subsection (2).
 - (2ab) A person must not, in the exercise of random testing powers, be required to submit to a breath analysis unless an alcotest conducted under subsection (1) indicates that the prescribed concentration of alcohol may be present in the blood of the person.
 - (2b) Without derogating from section 47DA or 47EA, an alcotest or breath analysis to which a person has been required to submit under subsection (1) may not be commenced more than 8 hours after the conduct of the person giving rise to the requirement.
 - (2d) The performance of an alcotest or breath analysis commences when a direction is first given by a police officer that the person concerned exhale into the alcotest apparatus or breath analysing instrument to be used for the alcotest or breath analysis.

Road Traffic Act 1961—1.7.2010 to 3.9.2010

Part 3—Duties of drivers, passengers and pedestrians

Division 5—Drink driving and drug driving

- (2e) The regulations may prescribe the manner in which an alcotest or breath analysis is to be conducted and may, for example, require that more than one sample of breath is to be provided for testing or analysis and, in such a case, specify which reading of the apparatus or instrument will be taken to be the result of the alcotest or breath analysis for the purposes of this and any other Act.
- (3) A person required under this section to submit to an alcotest or breath analysis must not refuse or fail to comply with all reasonable directions of a police officer in relation to the requirement and, in particular, must not refuse or fail to exhale into the apparatus by which the alcotest or breath analysis is conducted in accordance with the directions of a police officer.

Penalty:

For a first offence—a fine of not less than \$700 and not more than \$1 200.

For a subsequent offence—a fine of not less than \$1 500 and not more than \$2 500.

- (4) It is a defence to a prosecution under subsection (3) that—
- (a) the requirement or direction to which the prosecution relates was not lawfully made; or
 - (ab) the person was not allowed the opportunity to comply with the requirement or direction after having been given the prescribed oral advice in relation to—
 - (i) the consequences of refusing or failing to comply with the requirement or direction; and
 - (ii) the person's right to request the taking of a blood sample under subsection (4a); or
 - (b) there was, in the circumstances of the case, good cause for the refusal or failure of the defendant to comply with the requirement or direction.
- (4a) If a person refuses or fails to comply with the requirement or direction under this section by reason of some physical or medical condition of the person and forthwith makes a request of a police officer that a sample of his or her blood be taken by a medical practitioner, a police officer must do all things reasonably necessary to facilitate the taking of a sample of the person's blood—
- (a) by a medical practitioner nominated by the person; or
 - (b) if—
 - (i) it becomes apparent to the police officer that there is no reasonable likelihood that a medical practitioner nominated by the person will be available to take the sample within 1 hour of the time of the request at some place not more than 10 kilometres distant from the place of the request; or
 - (ii) the person does not nominate a particular medical practitioner, by any medical practitioner who is available to take the sample.

- (5) No person is entitled to refuse or fail to comply with a requirement or direction under this section on the ground that—
- (a) the person would, or might, by complying with that requirement or direction, furnish evidence that could be used against himself or herself; or
 - (b) the person consumed alcohol after the person last drove a motor vehicle or attempted to put a motor vehicle in motion and before the requirement was made or the direction given.
- (5a) A person may not raise a defence that the person had good cause for a refusal or failure to comply with a requirement or direction under this section by reason of some physical or medical condition of the person unless—
- (a) a sample of the person's blood was taken in accordance with subsection (4a); or
 - (b) the person made a request as referred to in subsection (4a), but—
 - (i) a police officer failed to facilitate the taking of a sample of the person's blood as required by that subsection; or
 - (ii) a medical practitioner was not reasonably available for the purpose of taking such a sample; or
 - (c) the taking of a sample of the person's blood in accordance with subsection (4a) was not possible or reasonably advisable or practicable in the circumstances by reason of some physical or medical condition of the person.
- (6) Where a court convicts a person of an offence against subsection (3), the following provisions apply:
- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (i) in the case of a first offence—for such period, being not less than twelve months, as the court thinks fit; or
 - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;
 - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case the court may order a period of disqualification that is less than the prescribed minimum period but not less than one month;
 - (d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
 - (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.

Road Traffic Act 1961—1.7.2010 to 3.9.2010

Part 3—Duties of drivers, passengers and pedestrians

Division 5—Drink driving and drug driving

- (7) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous drink driving offence or drug driving offence for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence under consideration was committed.
- (7a) If a person—
- (a) refuses or fails to comply with a direction under this section; or
 - (b) submits to an alcotest and the alcotest indicates that the prescribed concentration of alcohol may be present in the blood of the person,
- there will be reasonable ground to suspect that the prescribed concentration of alcohol is present in his or her blood for the purposes of the exercise of any power conferred on a police officer (including a power of arrest) to prevent the person committing an offence by driving a vehicle in contravention of this Division.
- (7b) Subsection (7a) does not limit the circumstances in which such a power may otherwise be exercised by a police officer under this or any other Act.
- (8) The Commissioner of Police must, in his or her annual report to the Minister responsible for the administration of the *Police Act 1998*, include the numbers of drivers required to submit to an alcotest in the course of the exercise of random testing powers (otherwise than at breath testing stations established in accordance with section 47DA).

47EAA—Police may require drug screening test, oral fluid analysis and blood test

- (1) Subject to this Act, if a person has submitted to an alcotest or breath analysis as a result of a requirement under section 47E, a police officer may require the person to submit to a drug screening test.
- (2) If—
- (a) a person has submitted to a drug screening test as a result of a requirement under subsection (1) and the drug screening test indicates the presence of a prescribed drug in the person's oral fluid; or
 - (b) a person has submitted to an alcotest or breath analysis as a result of a requirement under section 47E that was made in prescribed circumstances,
- a police officer may require the person to submit to an oral fluid analysis or a blood test.
- (2a) If a person submits to an oral fluid analysis in compliance with a requirement made under subsection (2) but the person is unable to produce sufficient oral fluid for a sample to be taken, a police officer may require that the person submit to a blood test.
- (3) A police officer may give reasonable directions for the purpose of making a requirement under this section that a person submit to a drug screening test, oral fluid analysis or blood test.
- (4) A person must forthwith comply with a direction under subsection (3).

- (5) Without derogating from section 47DA or 47EA, a drug screening test, oral fluid analysis or blood test to which a person has been required to submit under this section may not be commenced more than 8 hours after the conduct of the person giving rise to the requirement that the person submit to the alcotest or breath analysis.
- (6) The performance of a drug screening test, oral fluid analysis or blood test that has been required under this section commences when a direction is first given by a police officer that the person concerned provide a sample of oral fluid or blood (as the case may be) to be used for the drug screening test, oral fluid analysis or blood test.
- (7) A drug screening test or an oral fluid analysis may only be conducted by a police officer authorised by the Commissioner of Police to conduct such tests or analyses.
- (8) The regulations may prescribe the manner in which a drug screening test, oral fluid analysis or blood test is to be conducted.
- (9) A person required under this section to submit to a drug screening test, oral fluid analysis or blood test must not refuse or fail to comply with all reasonable directions of a police officer in relation to the requirement and, in particular, must not refuse or fail to allow a sample of oral fluid or blood to be taken in accordance with the directions of a police officer.

Penalty:

- (a) for a first offence—a fine of not less than \$500 and not more than \$900;
 - (b) for a subsequent offence—a fine of not less than \$1 100 and not more than \$1 800.
- (10) It is a defence to a prosecution under subsection (9) that—
- (a) the requirement or direction to which the prosecution relates was not lawfully made; or
 - (b) the person was not allowed the opportunity to comply with the requirement or direction after having been given the prescribed oral advice in relation to—
 - (i) the consequences of refusing or failing to comply with the requirement or direction; and
 - (ii) in the case of—
 - (A) a drug screening test or an oral fluid analysis—the person's right to request the taking of a blood sample under subsection (11); or
 - (B) a blood test—the person's right to request an oral fluid analysis under subsection (12); or
 - (c) there was, in the circumstances of the case, good cause for the refusal or failure of the defendant to comply with the requirement or direction.
- (11) If a person of whom a requirement is made or to whom a direction is given under this section relating to a drug screening test or oral fluid analysis refuses or fails to comply with the requirement or direction by reason of some physical or medical condition of the person and forthwith makes a request of a police officer that a sample of his or her blood be taken by a medical practitioner, a police officer must do all things reasonably necessary to facilitate the taking of a sample of the person's blood—
- (a) by a medical practitioner nominated by the person; or

- (b) if—
 - (i) it becomes apparent to the police officer that there is no reasonable likelihood that a medical practitioner nominated by the person will be available to take the sample within 1 hour of the time of the request at some place not more than 10 kilometres distant from the place of the request; or
 - (ii) the person does not nominate a particular medical practitioner, by any medical practitioner who is available to take the sample.
- (12) If a person of whom a requirement is made or to whom a direction is given under this section relating to a blood test refuses or fails to comply with the requirement or direction by reason of some physical or medical condition of the person and forthwith makes a request of a police officer that an oral fluid analysis be conducted, a police officer must do all things reasonably necessary to facilitate the conduct of an oral fluid analysis unless—
 - (a) a requirement or direction under this section relating to a drug screening test or oral fluid analysis has been made of, or been given to, the person; and
 - (b) —
 - (i) the person refused or failed to comply with that requirement or direction on the ground of some physical or medical condition of the person and made a request under subsection (11) for a sample of his or her blood to be taken in accordance with that subsection; or
 - (ii) the person was unable to produce sufficient oral fluid for a sample to be taken.
- (13) No person is entitled to refuse or fail to comply with a requirement or direction under this section on the ground that—
 - (a) the person would, or might, by complying with that requirement or direction, furnish evidence that could be used against himself or herself; or
 - (b) the person consumed a prescribed drug after the person last drove a motor vehicle or attempted to put a motor vehicle in motion and before the requirement was made or the direction given.
- (14) A person may not raise a defence that the person had good cause for a refusal or failure to comply with a requirement or direction under this section relating to a drug screening test or oral fluid analysis by reason of some physical or medical condition of the person unless—
 - (a) a sample of the person's blood was taken in accordance with subsection (11); or
 - (b) the person made a request as referred to in subsection (11), but—
 - (i) a police officer failed to facilitate the taking of a sample of the person's blood as required by that subsection; or
 - (ii) a medical practitioner was not reasonably available for the purpose of taking such a sample; or

- (c) the taking of a sample of the person's blood in accordance with subsection (11) was not possible or reasonably advisable or practicable in the circumstances by reason of some physical or medical condition of the person.
- (15) A person may not raise a defence that the person had good cause for a refusal or failure to comply with a requirement or direction under this section relating to a blood test by reason of some physical or medical condition of the person unless—
 - (a) an oral fluid analysis was conducted in accordance with subsection (12); or
 - (b) the person made a request as referred to in subsection (12), but a police officer failed to facilitate the conduct of an oral fluid analysis as required by that subsection; or
 - (c) the taking of a sample of the person's oral fluid in accordance with subsection (12) was not possible or reasonably advisable or practicable in the circumstances by reason of some physical or medical condition of the person.
- (16) Where a court convicts a person of an offence against subsection (9), the following provisions apply:
 - (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (i) in the case of a first offence—for such period, being not less than 6 months, as the court thinks fit; or
 - (ii) in the case of a subsequent offence—for such period, being not less than 2 years, as the court thinks fit;
 - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case the court may order a period of disqualification that is less than the prescribed minimum period but not less than one month;
 - (c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
 - (d) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.
- (17) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous drink driving offence or drug driving offence for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence under consideration was committed.
- (18) If a person—
 - (a) refuses or fails to comply with a requirement or direction under this section; or

- (b) submits to a drug screening test or oral fluid analysis and the drug screening test or preliminary result of the oral fluid analysis indicates the presence of a prescribed drug in the person's oral fluid,

there will be reasonable ground to suspect that a prescribed drug is present in the person's oral fluid for the purposes of the exercise of any power conferred on a police officer (including a power of arrest) to prevent the person committing an offence by driving a vehicle in contravention of this Division.

- (19) Subsection (18) does not limit the circumstances in which such a power may otherwise be exercised by a police officer under this or any other Act.

47EA—Exercise of random testing powers

The following provisions apply in relation to the exercise of random testing powers consisting of the giving of a direction to stop a motor vehicle or the making of a requirement to submit to an alcotest or drug screening test:

- (a) a police officer must not give such a direction or make such a requirement unless the police officer is in uniform;
- (b) if the police officer is driving or riding in or on a vehicle at the time of giving such a direction—the vehicle must be marked as a police vehicle or must be displaying a flashing blue or red light (whether or not it is also displaying other lights) or sounding an alarm;
- (c) a police officer must not make such a requirement relating to an alcotest unless he or she has in his or her possession, or a police officer in the immediate vicinity of the place at which the requirement is made has in his or her possession, an apparatus of a kind approved by the Governor for the conduct of alcotests;
- (ca) a police officer must not make such a requirement relating to a drug screening test unless he or she has in his or her possession, or a police officer in the immediate vicinity of the place at which the requirement is made has in his or her possession, an apparatus of a kind approved by the Governor for the conduct of drug screening tests;
- (d) the Commissioner of Police must establish procedures to be followed by police officers in the exercise of such powers, being procedures designed to prevent as far as reasonably practicable any undue delay or inconvenience to persons being subjected to the powers.

47EB—Concentration of alcohol in breath taken to indicate concentration of alcohol in blood

Where a person submits to an alcotest or a breath analysis and the alcotest apparatus or the breath analysing instrument produces a reading in terms of a number of grams of alcohol in 210 litres of the person's breath, the reading will, for the purposes of this Act and any other Act, be taken to be that number of grams of alcohol in 100 millilitres of the person's blood.

47F—Schedule 1 further regulates oral fluid and blood sample processes

Schedule 1 makes further provision regulating oral fluid and blood sample processes for the purposes of this Division.

47GA—Breath analysis where drinking occurs after driving

- (1) This section applies to proceedings for an offence against section 47(1) or 47B(1) in which the results of a breath analysis under this Act are relied on to establish the commission of the offence.
- (2) If in proceedings to which this section applies the defendant satisfies the court—
 - (a) that the defendant consumed alcohol during the relevant period; and
 - (b) that the alcohol was not consumed by the defendant after a police officer first exercised powers under section 47E preliminary to the performance of the breath analysis; and
 - (c) where the requirement to submit to the breath analysis was made after the defendant's involvement as a driver in an accident—that the defendant discharged the duties required under section 43 and any other duties under this Act required to be discharged at the scene of an accident by a driver of a vehicle involved in the accident; and
 - (d) that, after taking into account the quantity of alcohol consumed by the defendant during the relevant period and its likely effect on the concentration of alcohol indicated as being present in the defendant's blood by the breath analysis, the defendant should not be found guilty of the offence charged or, in the case of an offence against section 47B, should be found guilty of an offence of a less serious category,

the court may, despite the other provisions of this Act, find the defendant not guilty of the offence charged or guilty of an offence of a less serious category.

- (3) In subsection (2)—

relevant period means the period between—

 - (a) the conduct of the defendant giving rise to the making of the requirement under section 47E(1) that the defendant submit to the breath analysis; and
 - (b) the performance of the breath analysis.

47GB—Oral fluid analysis or blood test where consumption of prescribed drug occurs after driving

- (1) This section applies to proceedings for an offence against section 47(1) or 47BA(1) in which the results of an oral fluid analysis or blood test under section 47EAA are relied on to establish the commission of the offence.
- (2) If in proceedings to which this section applies the defendant satisfies the court—
 - (a) that the defendant consumed the prescribed drug during the relevant period; and
 - (b) that the prescribed drug was not consumed by the defendant after a police officer first exercised powers under section 47E preliminary to the performance of the alcotest or breath analysis referred to in section 47EAA; and

- (c) where the requirement to submit to the alcotest or breath analysis referred to in section 47EAA was made after the defendant's involvement as a driver in an accident—that the defendant discharged the duties under this Act required to be discharged at the scene of an accident by a driver of a vehicle involved in the accident,

the court may, despite the other provisions of this Act, find the defendant not guilty of the offence charged.

- (3) In subsection (2)—

relevant period means the period between—

- (a) the conduct of the defendant giving rise to the making of the requirement that the defendant submit to the alcotest or breath analysis referred to in section 47EAA; and
- (b) the performance of the oral fluid analysis or blood test (as the case may be) under section 47EAA.

47H—Approval of apparatus for the purposes of breath analysis, alcotests, drug screening tests and oral fluid analysis

- (1) The Governor may, by notice published in the Gazette—
 - (a) approve apparatus of a specified kind as breath analysing instruments; or
 - (b) approve apparatus of a specified kind for the purpose of conducting alcotests; or
 - (c) approve apparatus of a specified kind for the purpose of conducting drug screening tests or oral fluid analyses or both.
- (2) The Governor may, by subsequent notice, vary or revoke any such notice.

47I—Compulsory blood tests

- (1) Where a motor vehicle is involved in any accident and, within eight hours after the accident, a person apparently of or above the age of 10 years who suffered injury in the accident attends at, or is admitted into, a hospital for the purpose of receiving treatment for that injury, it is, subject to this section and Schedule 1, the duty of the legally qualified medical practitioner by whom that patient is attended to take, as soon as practicable, a sample of that patient's blood (notwithstanding that the patient may be unconscious) in accordance with this section.
- (4) Where a motor vehicle is involved in any accident and a person apparently of or above the age of 10 years who suffered injury in the accident is dead on arrival at the hospital, or dies before a sample of blood has been taken in accordance with this section and within eight hours after admission to the hospital, it is the duty of the medical practitioner who, pursuant to Part 5 of the *Coroners Act 2003*, notifies the State Coroner or a police officer of the death—
 - (a) to take a sample of blood from the body of the deceased in accordance with this section; or
 - (b) to notify the State Coroner as soon as practicable that, in view of the circumstances in which the death of the deceased occurred, a sample of blood should be taken from the body under this section.

- (5) The State Coroner, on receiving a notification under subsection (4), may authorise and direct a pathologist to take a sample of blood from the body of the deceased in accordance with this section.
- (6) A medical practitioner is not obliged to take a sample of blood under this section where a sample of blood has been taken in accordance with this section by any other medical practitioner.
- (14) Any person who, on being requested to submit to the taking of a sample of blood under this section, refuses or fails to comply with that request and who—
- (a) fails to assign any reason based on genuine medical grounds for that refusal or failure; or
 - (b) assigns a reason for that refusal or failure that is false or misleading; or
 - (c) makes any other false or misleading statement in response to the request,
- is guilty of an offence.

Penalty:

Where the convicted person was the driver of a motor vehicle involved in the accident—

- (a) for a first offence—a fine of not less than \$700 and not more than \$1 200; and
- (b) for a subsequent offence—a fine of not less than \$1 500 and not more than \$2 500.

In any other case—\$300.

- (14a) Where a court convicts a person of an offence against subsection (14) in which the person was the driver of a motor vehicle involved in the accident, the following provisions apply:
- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (i) in the case of a first offence—for such period, being not less than twelve months, as the court thinks fit; or
 - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;
 - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case the court may order a period of disqualification that is less than the prescribed minimum period but not less than one month;
 - (d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;

- (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.
- (14b) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous drink driving offence or drug driving offence for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence under consideration was committed.
- (19) In this section—
- hospital* means any institution at which medical care or attention is provided for injured persons, declared by regulation to be a hospital for the purposes of this section.

47IAA—Power of police to impose immediate licence disqualification or suspension

- (1) This section applies to the following offences:
- (a) a category 2 offence;
 - (b) a category 3 offence;
 - (c) an offence against section 47E(3);
 - (d) an offence against section 47I(14) committed by a person who was the driver of a motor vehicle involved in the accident.
- (2) Subject to this section, if a police officer reasonably believes that a person has, after the commencement of this section, committed an offence to which this section applies, the police officer may give the person a notice of immediate licence disqualification or suspension in the prescribed form.
- (3) The notice must specify the offence to which the notice relates.
- (4) If a person is given a notice of immediate licence disqualification or suspension under subsection (2)—
- (a) in the case of a person who does not hold a driver's licence—the person is disqualified from holding or obtaining a driver's licence for the relevant period; or
 - (b) in the case of a person who holds a driver's licence—the person's driver's licence is suspended for the relevant period.
- (5) The Commissioner of Police must ensure that prescribed particulars of a notice of immediate licence disqualification or suspension given to a person under this section are forwarded to the Registrar of Motor Vehicles.
- (6) The Registrar of Motor Vehicles must, on receiving particulars of a notice of immediate licence disqualification or suspension from the Commissioner of Police, send, by post, a notice to the person of the name and address specified by the Commissioner containing the prescribed particulars of the notice of immediate licence disqualification or suspension.
- (7) The operation of a notice of immediate licence disqualification or suspension is not affected by any failure to comply with subsection (6).

- (7a) If a person is given a notice of immediate licence disqualification or suspension under this section, the Commissioner of Police must ensure—
- (a) that a determination is made, within a reasonable time, as to whether to charge the person with an offence to which this section applies; and
 - (b) if a determination is made that the person should not be charged with any offence to which this section applies, that the person is given, or sent by post, written notice of that determination.
- (7b) The laying of charges against a person is not prevented by a failure to comply with subsection (7a) in relation to the person or by the making of a determination referred to in that subsection or the notification of such a determination.
- (7c) Subject to the making of an order under section 47IAB(2)(a)(ii), the operation of a notice of immediate licence disqualification or suspension is not affected by any failure to comply with subsection (7a).
- (8) If the person is not charged with the offence specified in the notice as the offence to which the notice relates but is charged with another offence to which this section applies arising out of the same course of conduct, that offence will then be taken to be the offence to which the notice relates.
- (9) If—
- (a) a period of licence disqualification or suspension has applied to a person as a result of the person having been given a notice of immediate licence disqualification or suspension under this section; and
 - (b) a court convicts the person of the offence to which the notice relates or another offence arising out of the same course of conduct; and
 - (c) a mandatory minimum period of disqualification would (apart from this subsection) be required to be imposed for the offence,
- then—
- (d) the court must order that the person be disqualified from holding or obtaining a driver's licence for a period determined by the court (and if the person is the holder of a driver's licence, the disqualification operates to cancel the licence from the commencement of that period); and
 - (e) despite any other provision of this or any other Act, the court must, in determining the period, take into account the period of licence disqualification or suspension that has applied to the person as a result of the notice and may impose a period that is less than the mandatory minimum period of disqualification (provided that the period imposed is not less than the difference between the mandatory minimum and the period that has applied as a result of the notice).
- (10) Subject to subsection (11), no compensation is payable by the Crown or a police officer in respect of the exercise, or purported exercise, of powers under this section.
- (11) Subsection (10) does not protect a police officer from liability in respect of the exercise, or purported exercise, of powers otherwise than in good faith.
- (12) For the purposes of this section—
- (a) the *relevant period* commences—

- (i) at the time at which the person is given the notice of immediate licence disqualification or suspension or, if the police officer giving the notice is satisfied that, in the circumstances, it would be appropriate to postpone the commencement of the relevant period and indicates in the notice that the commencement is to be postponed, 48 hours after the time at which the person is given the notice; or
 - (ii) if the person is already disqualified from holding or obtaining a driver's licence or holds a driver's licence that is suspended, at the end of that period of disqualification or suspension; and
 - (b) the *relevant period* ends—
 - (i) if the Magistrates Court, on application under section 47IAB, makes an order that the person given the notice is not disqualified, or that the driver's licence held by the person is not suspended, by the notice; or
 - (ii) if the Magistrates Court reduces the period of disqualification or suspension on application under section 47IAB, when that period ends; or
 - (iia) if the person given the notice is notified in writing by or on behalf of the Commissioner of Police (whether that notification is given personally or by post) that he or she is not to be charged with any offence to which this section applies arising out of the course of conduct to which the notice of immediate licence disqualification or suspension relates; or
 - (iii) if proceedings for the offence to which the notice relates are determined by a court or are withdrawn or otherwise discontinued; or
 - (iv) in any event—
 - (A) if the offence to which the notice relates is a category 2 offence—at the end of 6 months from the commencement of the relevant period; or
 - (B) in any other case—at the end of 12 months from the commencement of the relevant period.
- (14) The Commissioner of Police must establish procedures to be followed by police officers giving notices of immediate licence disqualification or suspension under this section for the purpose of determining whether the commencement of the relevant period should be postponed under subsection (12)(a)(i).
- (15) A regulation made before the commencement of this subsection prescribing the form of a notice of immediate licence disqualification or suspension under this section or varying such a form is declared to be, and to have always been, valid.
- (16) A notice given to a person by a police officer before the commencement of this subsection that purported to be a notice of immediate licence disqualification or suspension under this section is declared to be, and to have always been, valid if the notice was completed in the prescribed form and was given in the circumstances specified in subsection (2).

- (17) The following provisions apply in relation to a prescribed notice:
- (a) if the notice specified that the person was alleged to have had a blood alcohol concentration of 0.08 - 0.149, the notice will be taken to have specified that the person was alleged to have committed a category 2 offence;
 - (b) if the notice specified that the person was alleged to have had a blood alcohol concentration of or above 0.15, the notice will be taken to have specified that the person was alleged to have committed a category 3 offence;
 - (c) the relevant period under such a notice will be taken to have ended on 26 June 2006 (unless the period ended before that date in accordance with subsection (12)).
- (18) For the purposes of subsection (17)—

prescribed notice means a notice that purported to be a notice of immediate licence disqualification or suspension under this section and that was given to a person before 27 June 2006, other than a notice that specified, as the offence to which the notice relates, an offence described in subsection (1)(c) or (d).

47IAB—Application to Court to have disqualification or suspension lifted

- (1) A person who has been given a notice of immediate licence disqualification or suspension under section 47IAA or has been sent particulars of such a notice by the Registrar of Motor Vehicles may apply to the Magistrates Court for an order—
- (a) that the person is not disqualified, or the person's driver's licence is not suspended, by the notice; or
 - (b) reducing the period of disqualification or suspension applicable under the notice.
- (2) The Magistrates Court may, on an application under subsection (1), make an order—
- (a) that the person is not disqualified, or the person's driver's licence is not suspended, by the notice if—
 - (i) the Court is satisfied, on the basis of oral evidence given on oath by the applicant that there is a reasonable prospect that the applicant would, in proceedings for the offence to which the notice relates, be acquitted of the offence and the evidence before the Court does not suggest that the applicant may be guilty of another offence to which section 47IAA applies; or
 - (ii) the Court is satisfied that the person has not been charged with any offence to which section 47IAA applies and that the prosecution authorities have had a reasonable time, in the circumstances, within which to make a determination as to the laying of charges against the person; or
 - (b) reducing the period of disqualification or suspension applicable under the notice if—

- (i) the offence to which the notice relates is a category 2 or category 3 offence that is a first offence and the Court is satisfied, on the basis of oral evidence given on oath by the applicant, that there is a reasonable prospect that the applicant might, in proceedings for the offence to which the notice relates, successfully argue that the offence was trifling (in which case the Court must order that the period of disqualification or suspension be reduced to a period of 1 month); or
 - (ii) the offence to which the notice relates is a category 3 offence and the Court is satisfied, on the basis of oral evidence given on oath by the applicant, that there is a reasonable prospect that the applicant would, in proceedings for the offence to which the notice relates, be acquitted of the offence but the evidence before the Court suggests that the applicant may be guilty of a category 2 offence (in which case the Court must order that the period be reduced to a period of 6 months).
- (3) The application must be commenced by lodging written application with the Magistrates Court, in the form prescribed by rules of the Court, setting out the grounds on which the application is made and particulars of the evidence that will be relied on by the applicant.
- (4) The Commissioner of Police—
 - (a) must be served, by an applicant for an order under this section, with a copy of the application as soon as practicable after the application is made; and
 - (b) is a party to the application; and
 - (c) may (but is not required to) appear at the hearing represented by legal counsel or a police officer.
- (4a) Any legal counsel or police officer representing the Commissioner of Police at the hearing may make submissions in relation to the application but is not entitled to cross-examine the applicant.
- (5) If the Commissioner of Police does not appear at the hearing, the clerk of the Court must notify the Commissioner of Police, in writing, of the date on which the application was determined and the nature and effect of any order made in relation to the application.

47IA—Certain offenders to attend lectures

- (1) Where the court before which a person is charged with a prescribed first or second offence convicts the person of the offence, or finds that the charge is proved but does not proceed to conviction, the court must, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court being not more than six months from the making of the order, a lecture conducted pursuant to the regulations.
- (2) A person must not fail, without reasonable excuse, to comply with an order under subsection (1).
Maximum penalty: \$100.

- (3) In this section—

prescribed first or second offence means an offence against section 47(1), 47B(1), 47E(3) or 47I(14), being an offence that is, within the meaning of that section, a first or second offence against that section.

- (4) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (1) is, in the absence of proof to the contrary, proof of the matter so certified.

47J—Recurrent offenders

- (1) Where a person—

- (a) is convicted of a prescribed offence that was committed in Metropolitan Adelaide before the prescribed day; and
- (b) has previously been convicted of a prescribed offence committed within three years before the date of the later offence,

the court before which the person is convicted of the later offence must, before imposing any penalty, order the person to attend an assessment clinic, at a time or over a period specified by the court, for the purpose of submitting to an examination to determine whether the person is dependent on alcohol or drugs, or both.

- (2) The superintendent of the assessment clinic must, as soon as practicable after an examination of a convicted person has been completed under this section, furnish a report on the examination to the court by which the examination was ordered, and send a copy of the report to the convicted person.
- (3) Before the court imposes any sentence on the convicted person, it must allow that person a reasonable opportunity to call or give evidence as to any matter contained in the report.
- (4) Where—
- (a) the court is satisfied, on the report of the superintendent of an assessment clinic, that a convicted person is dependent on alcohol or drugs; or
 - (b) the convicted person fails to comply with an order under subsection (1) or to submit to the examination to which the order relates,

the court must, notwithstanding any other provision of this Act, order that the convicted person be disqualified from holding or obtaining a driver's licence until further order.

- (4a) A court that convicts a person of a prescribed offence and makes an order under subsection (4) must also determine a period, being not less than 6 months, that must elapse before the person may make an application for revocation of the disqualification (and the court must, in determining the length of such period, have regard to the minimum period of disqualification applicable to the offence and the effect (if any) of section 45B(7) or 47IAA(9) on that period).
- (5) A person who is disqualified from holding or obtaining a driver's licence under this section may, at any time after the period determined by the court in accordance with subsection (4a) has elapsed, apply to a court of summary jurisdiction for the revocation of the disqualification.

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- (7) Before an application under subsection (5) is heard by the court, the applicant must attend an assessment clinic and submit to such examination as may be directed by the superintendent of the clinic.
- (8) The superintendent of an assessment clinic must furnish a report on an examination conducted under subsection (7) to the court, and send a copy of the report to the applicant.
- (9) Where the court is satisfied, on an application under subsection (5)—
 - (a) that the applicant is no longer dependent on alcohol or drugs; or
 - (b) that there is other proper cause for revocation of the disqualification,it may order that the disqualification be revoked.
- (10) On revoking a disqualification under subsection (9), the court may order that a driver's licence issued to the applicant be subject to such conditions as the court thinks desirable to protect the safety of the public.
- (11) In any proceedings to which this section relates, an apparently genuine document purporting to be a report of the superintendent of an assessment clinic is admissible in evidence without further proof.

- (12) In this section—

assessment clinic means a place approved as an assessment clinic for the purposes of this section by the Minister to whom the administration of the *Health Care Act 2008* is committed;

prescribed day means a day prescribed by the regulations for the purposes of this section;

prescribed offence means an offence against section 47(1), 47B(1), 47E(3) or 47I(14), but does not include an offence against section 47B(1) that is a category 1 offence.

47K—Evidence

- (1) Without affecting the admissibility of evidence that might be given otherwise than in pursuance of this section, evidence may be given, in any proceedings for an offence, of the concentration of alcohol indicated as being present in the blood of the defendant by a breath analysing instrument operated by a person authorised to operate the instrument by the Commissioner of Police and, where the requirements and procedures in relation to breath analysing instruments and breath analysis under this Act, including subsections (2) and (2a), have been complied with, it must be presumed, in the absence of proof to the contrary, that the concentration of alcohol so indicated was present in the blood of the defendant at the time of the analysis and throughout the preceding period of 2 hours.
- (1a) No evidence can be adduced in rebuttal of the presumption created by subsection (1) except—
 - (a) evidence of the concentration of alcohol in the blood of the defendant as indicated by analysis of a sample of blood taken and dealt with in accordance with section 47I and Schedule 1 or in accordance with the procedures prescribed by regulation; and

- (b) evidence as to whether the results of analysis of the sample of blood demonstrate that the breath analysing instrument gave an exaggerated reading of the concentration of alcohol present in the blood of the defendant.
- (1ab) If, in any proceedings for an offence, it is proved—
 - (a) that the defendant drove a vehicle, or attempted to put a vehicle in motion; and
 - (b) that a concentration of alcohol was present in the defendant's blood at the time of a breath analysis performed within the period of 2 hours immediately following the conduct referred to in paragraph (a),it must be conclusively presumed that that concentration of alcohol was present in the defendant's blood at the time of the conduct referred to in paragraph (a).
- (1b) No evidence can be adduced as to a breath or blood alcohol reading obtained from a coin-operated breath testing or breath analysing machine installed in any hotel or other licensed premises.
- (2) As soon as practicable after a person has submitted to an analysis of breath by means of a breath analysing instrument, the person operating the instrument must deliver to the person whose breath has been analysed a statement in writing specifying—
 - (a) the reading produced by the breath analysing instrument; and
 - (b) the date and time of the analysis.
- (2a) Where a person has submitted to an analysis of breath by means of a breath analysing instrument and the concentration of alcohol indicated as being present in the blood of that person by the breath analysing instrument is the prescribed concentration of alcohol, the person operating the instrument must forthwith—
 - (a) give the person the prescribed oral advice and deliver to the person the prescribed written notice as to the operation of this Act in relation to the results of the breath analysis and as to the procedures prescribed for the taking and analysis of a sample of the person's blood; and
 - (b) at the request of the person made in accordance with the regulations, deliver an approved blood test kit to the person.
- (3) A certificate—
 - (a) purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate is authorised by the Commissioner of Police to operate breath analysing instruments; or
 - (b) purporting to be signed by a person authorised under subsection (1) and to certify that—
 - (i) the apparatus used by the authorised person was a breath analysing instrument within the meaning of this Act; and
 - (ii) the breath analysing instrument was in proper order and was properly operated; and
 - (iii) the provisions of this Act with respect to breath analysing instruments and the manner in which an analysis of breath by means of a breath analysing instrument is to be conducted were complied with,

is, in the absence of proof to the contrary, proof of the matters so certified.

- (3a) A certificate purporting to be signed by a police officer and to certify that an apparatus referred to in the certificate is or was of a kind approved under this Act for the purpose of performing alcotests, a drug screening test or an oral fluid analysis is, in the absence of proof to the contrary, proof of the matter so certified.
- (3b) A certificate purporting to be signed by a police officer and to certify that a person named in the certificate submitted to an alcotest on a specified day and at a specified time and that the alcotest indicated that the prescribed concentration of alcohol may then have been present in the blood of that person is, in the absence of proof to the contrary, proof of the matters so certified.
- (3c) A certificate purporting to be signed by a police officer and to certify that a driver testing station had been established pursuant to section 47DA at a place and during a period referred to in the certificate is, in the absence of proof to the contrary, proof of the matters so certified.
- (4) Subject to subsection (17) a certificate purporting to be signed by an analyst, certifying as to the concentration of alcohol, or any drug, found in a specimen of blood identified in the certificate expressed in grams in 100 millilitres of blood is, in the absence of proof to the contrary, proof of the matters so certified.
- (5) Subject to subsection (17) a certificate purporting to be signed by a person authorised under subsection (1) and to certify that—
 - (a) a person named in the certificate submitted to an analysis of breath by means of a breath analysing instrument on a day and at a time specified in the certificate; and
 - (b) the breath analysing instrument produced a reading specified in the certificate; and
 - (c) a statement in writing required by subsection (2) was delivered in accordance with that subsection,

is, in the absence of proof to the contrary, proof of the matters so certified.

- (7) A certificate purporting to be signed by a person authorised under subsection (1) and to certify—
 - (a) that, on a date and at a time specified in the certificate, a person named in the certificate submitted to an analysis of breath by means of a breath analysing instrument; and
 - (b) that the prescribed oral advice and the prescribed written notice were given and delivered to the person in accordance with subsection (2a)(a); and
 - (c) that—
 - (i) the person did not make a request for an approved blood test kit in accordance with the regulations; or
 - (ii) at the request of the person, a kit that, from an examination of its markings, appeared to the person signing the certificate to be an approved blood test kit was delivered to the person in accordance with subsection (2a)(b),

is, in the absence of proof to the contrary, proof that the requirements of subsection (2a) were complied with in relation to the person.

- (8) A prosecution for an offence will not fail because of a deficiency of a kit delivered to the defendant in purported compliance with subsection (2a)(b) and the presumption under subsection (1) will apply despite such a deficiency unless it is proved—
- (a) that the defendant delivered the kit unopened to a medical practitioner for use in taking a sample of the defendant's blood; and
 - (b) by evidence of the medical practitioner, that the medical practitioner was, because of a deficiency of the kit, unable to comply with the prescribed procedures governing the manner in which a sample of a person's blood must be taken and dealt with for the purposes of subsection (1a).
- (9) A certificate—
- (a) purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate is authorised by the Commissioner of Police to conduct oral fluid analyses or drug screening tests; or
 - (b) purporting to be signed by a person authorised to conduct oral fluid analyses or drug screening tests under section 47EAA and to certify that the apparatus used to conduct an oral fluid analysis or a drug screening test was in proper order and the oral fluid analysis or drug screening test was properly conducted,

is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matters so certified.

- (10) A certificate purporting to be signed by a police officer and to certify that a person named in the certificate submitted to a drug screening test on a specified day and at a specified time and that the drug screening test indicated that a prescribed drug may then have been present in the oral fluid of the person is, in the absence of proof to the contrary, proof of the matters so certified.
- (11) Subject to subsection (17), an apparently genuine document purporting to be a certificate under Schedule 1 and purporting to be signed by a police officer, medical practitioner or analyst, or copy of such a certificate, is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matters stated in the certificate.
- (12) If a certificate of an analyst relating to a sample of blood taken under section 47E or 47I is received as evidence in proceedings before a court and states that the prescribed concentration of alcohol has been found to be present in the sample of blood to which the certificate relates, it will be presumed, in the absence of proof to the contrary, that the concentration of alcohol stated in the certificate was present in the sample when the sample was taken.
- (13) If it is proved by the prosecution in proceedings for an offence that a concentration of alcohol was present in the defendant's blood at the time at which a sample of blood was taken under section 47E or 47I, it will be conclusively presumed that that concentration of alcohol was present in the defendant's blood throughout the period of 2 hours immediately preceding the taking of the sample.

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- (14) If a certificate of an analyst relating to a sample of oral fluid or blood taken under section 47EAA, or a sample of blood taken under section 47E or 47I, is received as evidence in proceedings before a court and states that a prescribed drug has been found to be present in the sample of oral fluid or blood to which the certificate relates, it will be presumed, in the absence of proof to the contrary, that the prescribed drug stated in the certificate was present in the sample when the sample was taken.
- (15) If it is proved by the prosecution in proceedings for an offence that a prescribed drug was present in the defendant's blood or oral fluid at the time at which a sample of oral fluid or blood was taken under section 47EAA, or a sample of blood was taken under section 47E or 47I, it will be conclusively presumed that that prescribed drug was present in the defendant's oral fluid or blood (as the case may require) throughout the period of 3 hours immediately preceding the taking of the sample.
- (16) If certificates of a police officer and analyst, or a medical practitioner and analyst, under Schedule 1 are received as evidence in proceedings before a court and contain the same identification number for the samples of oral fluid or blood to which they relate, the certificates will be presumed, in the absence of proof to the contrary, to relate to the same sample of oral fluid or blood.
- (17) A certificate referred to in subsection (4), (5) or (11) cannot be received as evidence in proceedings for an offence—
- (a) unless a copy of the certificate proposed to be put in evidence at the trial of a person for the offence has, not less than 7 days before the commencement of the trial, been served on that person; or
 - (b) if the person on whom a copy of the certificate has been served under paragraph (a) has, not less than 2 days before the commencement of the trial, served written notice on the complainant or informant requiring the attendance at the trial of the person by whom the certificate was signed; or
 - (c) if the court, in its discretion, requires the person by whom the certificate was signed to attend at the trial.
- (18) The provisions of this section apply in relation to proceedings for an offence against this Act or the *Motor Vehicles Act 1959* or a driving-related offence, subject to the following exceptions:
- (a) subsections (1a), (1ab) and (13) apply only in relation to proceedings for an offence against section 47(1) or 47B(1), or an offence against the *Motor Vehicles Act 1959*;
 - (b) subsection (3)(b)(ii) does not apply in relation to an offence against section 47E(3);
 - (c) subsection (15) applies only in relation to proceedings for an offence against section 47(1) or 47BA(1), or an offence against the *Motor Vehicles Act 1959*.
- (19) In this section—
- proceedings for a driving-related offence*** means proceedings for an offence where the conduct with which the defendant is charged involves driving a vehicle or attempting to put a vehicle in motion.

Division 6—Traffic speed analysers and radar detectors and jammers

53A—Approval of apparatus as traffic speed analysers

The Governor may, by regulation, approve apparatus of a specified kind as traffic speed analysers.

53B—Sale and seizure of radar detectors, jammers and similar devices

- (1) A person must not sell a radar detector or jammer, or store or offer a radar detector or jammer for sale.
- (2) A police officer may seize, retain and test any device that he or she has reasonable cause to suspect is a radar detector or jammer.
- (3) A device seized under this section is forfeited to the Crown if a person is found guilty of or expiates an offence against this Act in relation to the device.
- (4) A device forfeited pursuant to this section must be disposed of in such manner as the Commissioner of Police directs.
- (5) In proceedings for an offence against this Act, an allegation in the complaint that a specified device is a radar detector or jammer is proof of the matter so alleged, in the absence of proof to the contrary.
- (6) In this section—

radar detector or jammer includes any device for detecting the use, or preventing the effective use, of a speed measuring device (whether or not the speed measuring device employs radar in its operation).

Division 7—Photographic detection devices

79A—Approval of apparatus as photographic detection devices

The Governor may, by regulation, approve apparatus of a specified kind as photographic detection devices.

79B—Provisions applying where certain offences are detected by photographic detection devices

- (1) In this section—

owner, in relation to a vehicle, has the meaning assigned to the term by section 5, and includes the operator of the vehicle;

owner registration offence means an offence against subsection (2) constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a registration offence;

prescribed offence means—

- (a) an offence against section 45A; or
- (b) an offence against a prescribed provision of this Act; or
- (c) a registration offence; or

(d) an offence against a prescribed provision of the *Motor Vehicles Act 1959*;

red light offence means a prescribed offence relating to traffic lights or traffic arrows defined by the regulations as a red light offence;

registration of a motor vehicle means registration of the vehicle under the *Motor Vehicles Act 1959*;

registration offence means—

(a) an offence against section 9(1) of the *Motor Vehicles Act 1959* constituted of driving an unregistered motor vehicle on a road; or

(b) an offence against section 102(1) of the *Motor Vehicles Act 1959* constituted of driving an uninsured motor vehicle on a road;

speeding offence means a prescribed offence defined by the regulations as a speeding offence;

uninsured motor vehicle means a motor vehicle in relation to which no policy of insurance as required by Part 4 of the *Motor Vehicles Act 1959* is in force;

unregistered motor vehicle means a motor vehicle without registration in force under the *Motor Vehicles Act 1959*.

(2) Where a vehicle appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence, the owner of the vehicle is guilty of an offence against this section unless it is proved—

(a) that although the vehicle appears to have been involved in the commission of a prescribed offence, no such offence was in fact committed; or

(b) that the owner, or, if the owner is a body corporate, an officer of the body corporate acting with the authority of the body corporate, has furnished to the Commissioner of Police a statutory declaration stating the name and address of some person other than the owner who was driving the vehicle at the time; or

(c) that—

(i) if the owner is a body corporate—the vehicle was not being driven at the time by any officer or employee of the body corporate acting in the ordinary course of his or her duties as such; and

(ii) the owner does not know and could not by the exercise of reasonable diligence have ascertained the identity of the person who was driving the vehicle at the time; and

(iii) the owner, or, if the owner is a body corporate, an officer of the body corporate acting with the authority of the body corporate, has furnished to the Commissioner of Police a statutory declaration stating the reasons why the identity of the driver is not known to the owner and the inquiries (if any) made by the owner to identify the driver.

Maximum penalty:

If the vehicle appears to have been involved in a red light offence and a speeding offence arising out of the same incident—

- (a) where the owner is a body corporate—\$4 000;
- (b) where the owner is a natural person—\$2 500.

In any other case—

- (a) where the owner is a body corporate—\$2 000;
- (b) where the owner is a natural person—\$1 250.

(2a) The expiation fee for an alleged offence against this section is as follows:

- (a) if the vehicle appears to have been involved in a red light offence and a speeding offence arising out of the same incident—
 - (i) where the owner is a body corporate—an amount equal to the sum of the amount of the expiation fees for such alleged offences where the owner is a natural person and \$600;
 - (ii) where the owner is a natural person—an amount equal to the sum of the amount of the expiation fees fixed by the regulations for such alleged offences;
- (b) in any other case—
 - (i) where the owner is a body corporate—an amount equal to the sum of the amount of the expiation fee for the alleged offence in which the vehicle appears to have been involved where the owner is a natural person and \$300;
 - (ii) where the owner is a natural person—the amount of the expiation fee fixed by the regulations for the alleged offence in which the vehicle appears to have been involved.

(2b) Where a court convicts a natural person of an offence against this section constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45A, the following provisions apply:

- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence for such period, being not less than 6 months, as the court thinks fit;
- (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;
- (c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.

(2c) If—

- (a) the registration of a motor vehicle has expired; and
- (b) the owner of the vehicle is given an expiation notice for an owner registration offence involving the vehicle (the *first owner registration offence*); and
- (c) the vehicle was last registered in the name of that owner; and

- (d) since the vehicle was last registered, that owner has not been charged with, or been given an expiation notice for, a registration offence involving that vehicle,

the first owner registration offence subsumes all other owner registration offences involving that vehicle and committed by that owner within 7 days of the date of the commission of the first owner registration offence.

- (2d) However, if within 7 days of the date of the commission of the first owner registration offence, the owner is charged with, or given an expiation notice for, a registration offence involving the same vehicle, any owner registration offences involving that vehicle and committed by that owner after the commission of the registration offence are not subsumed by the first owner registration offence.
- (3) Where there are two or more owners of the same vehicle—
 - (a) a prosecution for an offence against subsection (2) may be brought against one of the owners or against some or all of the owners jointly as co-defendants; and
 - (b) if the case for the prosecution is proved and a defence is not established under subsection (2)(a), the defendant or each of the defendants who does not establish a defence under subsection (2)(b) or (c) is liable to be found guilty of an offence against subsection (2).
- (4) A prosecution must not be commenced against an owner (other than a body corporate) for an expiable offence against this section unless the owner has first been given an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act.
- (4a) Subsection (4) does not apply in relation to an owner registration offence if—
 - (a) the owner of the vehicle involved in the offence has, within the immediately preceding period of 5 years, expiated or been found guilty of an owner registration offence; or
 - (b) there is in operation an order under section 70F of the *Criminal Law (Sentencing) Act 1988* restricting the owner of the vehicle involved in the offence from transacting any business with the Registrar of Motor Vehicles.
- (5) Where an offence against this section is alleged, an expiation notice, an expiation reminder notice or summons in respect of that offence must be accompanied by a notice in the prescribed form containing—
 - (a) a statement that a copy of the photographic evidence on which the allegation is based—
 - (i) will, on written application to the Commissioner of Police by the person to whom the expiation notice, reminder notice or summons is issued, be sent by post to the address nominated in that application or (in the absence of such a nomination) to the last known address of the applicant; and
 - (ii) may be viewed on application to the Commissioner of Police; and

- (b) a statement that the Commissioner of Police will, in relation to the question of withdrawal of the expiation notice, reminder notice or complaint, give due consideration to any exculpatory evidence that is verified by statutory declaration and furnished to the Commissioner within a period specified in the notice; and
 - (c) such other information or instructions as is prescribed.
- (6) Where a prescribed offence is alleged and the allegation is based on photographic evidence obtained through the operation of a photographic detection device, an expiation notice, an expiation reminder notice or summons in respect of the offence must be accompanied by a notice in the prescribed form stating that a copy of the photographic evidence—
 - (a) will, on written application to the Commissioner of Police by the person to whom the expiation notice, reminder notice or summons is issued, be sent by post to the address nominated in that application or (in the absence of such a nomination) to the last known address of the applicant; and
 - (b) may be viewed on application to the Commissioner of Police.
- (6a) If—
 - (a) an expiation notice for a prescribed offence is given to a person named as the alleged driver in a statutory declaration under this section; or
 - (b) proceedings for a prescribed offence are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- (6b) The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.
- (7) Where a person is found guilty of, or expiates, a prescribed offence, neither that person nor any other person is liable to be found guilty of, or to expiate, an offence against this section in relation to the same incident.
- (8) Where a person is found guilty of, or expiates, an offence against this section, neither that person nor any other person is liable to be found guilty of, or to expiate, a prescribed offence in relation to the same incident.
- (9) In proceedings for an offence against this section, a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or any other police officer of or above the rank of inspector, and purporting to certify that the defendant had, before the prosecution was commenced, been given an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act will be accepted as proof, in the absence of proof to the contrary, of the facts so certified.
- (10) In proceedings for an offence against this section or proceedings for a prescribed offence—
 - (a) a photograph or series of photographs produced by the prosecution will be admitted in evidence if—

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Part 3—Duties of drivers, passengers and pedestrians

Division 7—Photographic detection devices

- (i) the photograph or each of the photographs was produced from an exposure taken, or electronic record made, by a photographic detection device; and
 - (ii) the requirements of this Act and the regulations as to the operation and testing of photographic detection devices were complied with in connection with that use of the device,
- and a denotation as to date, time and location that appears as part of such a photograph will be accepted as proof, in the absence of proof to the contrary, of the date, time and location at which the exposure was taken or the electronic record made by the photographic detection device; and
- (b) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or any other police officer of or above the rank of inspector, and purporting to certify—
 - (i) that a specified device used at a specified location during a specified period was a photographic detection device; and
 - (ii) that the requirements of this Act and the regulations as to the operation and testing of photographic detection devices were complied with in connection with the use of that device during that period,will be accepted as proof, in the absence of proof to the contrary, of the facts so certified; and
 - (c) where it is also certified in a document of a kind referred to in paragraph (b) that the device was designed and set to operate according to a specified system during that period, it will be presumed, in the absence of proof to the contrary, that the device was designed and set to operate according to that system during that period and did, in fact, so operate.

79C—Interference with photographic detection devices

A person who, without proper authority or reasonable excuse, interferes with a photographic detection device or its proper functioning is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for 1 year.

Division 8—*Australian Road Rules* and ancillary or miscellaneous regulations

80—*Australian Road Rules* and ancillary or miscellaneous regulations

The Governor may make—

- (a) rules (*Australian Road Rules*) to regulate traffic movement, flows and conditions, vehicle parking, the use of roads, and any aspect of driver, passenger or pedestrian conduct; and
- (b) regulations to deal with matters ancillary to this Part and the *Australian Road Rules* and to make miscellaneous provisions relating to matters of a kind referred to in paragraph (a).

Division 9—Miscellaneous provisions

82—Speed limit while passing school bus

- (1) A person must not drive a vehicle at a greater speed than 25 kilometres per hour while passing a school bus that has stopped on a road apparently for the purpose of permitting children to board or alight.
- (2) In this section—
school bus means a bus that displays the warning signs and devices required by the vehicle standards for buses used mainly for carrying children.

83—Speed while passing emergency vehicle with flashing lights

- (1) A person must, while passing an emergency vehicle that has stopped on a road and is displaying a flashing blue or red light (whether or not it is also displaying other lights)—
 - (a) drive at a speed no greater than 40 kilometres per hour; or
 - (b) if a lesser speed is required in the circumstances to avoid endangering any person—drive at that lesser speed.
- (2) Subsection (1) does not apply if the person is driving on a road that is divided by a median strip and the emergency vehicle is on the other side of the road beyond the median strip.
- (3) In this section—
emergency vehicle means a vehicle used by—
 - (a) a police officer; or
 - (b) a person who is an emergency worker as defined by the regulations for the purposes of this section.

83A—Restriction on sale of goods on roads

- (1) A person must not stand or place himself or herself or any goods or sign on a carriageway, dividing strip or traffic island for the purpose of—
 - (a) soliciting any business or contribution from the occupant of any vehicle;
 - (b) inducing the driver of a vehicle to take the person into or onto the vehicle;
 - (c) offering or exposing goods for sale.
- (2) A person must not buy, or offer to buy, goods from a person who is standing or has placed himself or herself on a carriageway, dividing strip or traffic island in contravention of subsection (1).
- (3) The Minister may, by instrument in writing, exempt any person, or persons of a specified class, from any provision of this section.

85—Control of parking near Parliament House

- (1) The Governor may, by proclamation—
 - (a) declare—

- (i) any part of a street that abuts on the site of either House of Parliament or of the old Legislative Council building; or
 - (ii) any part of the site of the old Legislative Council building, to be a prohibited area;
- (b) revoke or amend any such proclamation.
- (2) A person (whether holding any other licence, permit or other authority or not) must not leave a vehicle stationary in a prohibited area proclaimed under this section without the permission of the chairperson of the Joint Parliamentary Services Committee.
- (3) This section has effect notwithstanding any other Act, regulation or by-law.

87—Walking without care or consideration

A person must not walk without due care or attention or without reasonable consideration for other persons using the road.

91—Duty to comply with direction of authorised person

- (1) An authorised person may give to any other person reasonable directions relating to the movement or positioning of vehicles or persons on, or in the vicinity of, a ferry.
- (2) An authorised person may request the driver of a vehicle that has entered, or is about to enter, a ferry to inform the authorised person of the total mass of the vehicle, any attached vehicle and the loads (if any) on the vehicle or attached vehicle, or to supply the authorised person with information from which that total mass might be estimated.
- (3) A person who fails forthwith to comply with a direction or request under this section, or gives false information, is guilty of an offence.
- (4) In this section—

authorised person means the person in charge of the ferry or any other person engaged in the loading or operation of the ferry.

95—Riding without driver's consent

A person must not ride on a vehicle without the consent of the driver of the vehicle.

99A—Cyclists on footpaths etc to give warning

A person who is riding a bicycle on a footpath or other road-related area must, where it is necessary to do so for the purpose of averting danger, give warning (by sounding a warning device attached to the cycle or by other means) to pedestrians or other persons using that footpath or other road-related area.

99B—Wheeled recreational devices and wheeled toys

- (1) A person must not ride a wheeled recreational device or wheeled toy on a road without due care or attention or without reasonable consideration for other persons using the road.
- (2) A person must not, on a footpath or other road-related area, ride a wheeled recreational device or wheeled toy abreast of a vehicle or another wheeled recreational device or wheeled toy.

- (3) A person who is riding a wheeled recreational device or wheeled toy on a footpath or other road-related area must, where it is necessary to do so for the purpose of averting danger, give warning (by a warning device or other means) to pedestrians or other persons using the footpath or other road-related area.
- (4) A road authority incurs no civil liability because of an act or omission on its part in the design, construction, maintenance or management of a road to take account of the fact that the users or potential users of the road include riders of wheeled recreational devices or wheeled toys.
- (5) In this section—

management of a road includes placement, design, construction or maintenance of traffic control devices, barriers, trees or other objects or structures on the road;

road authority means—

 - (a) the Minister; or
 - (b) the Commissioner of Highways; or
 - (c) a council; or
 - (d) any body or person in whom the care, control or management of a road is vested.

107—Damage to road infrastructure

- (1) A person must not—
 - (a) drive or haul over a road any implement constructed in such a manner as to injure or damage any portion of the road;
 - (b) draw or drag over a road any sledge, timber, tree or other heavy material in contact with the surface of the road;
 - (c) except in crossing a road, drive on, or within two metres of any part of, the metalled, gravelled or other prepared surface of a road a vehicle having an articulated track instead of road wheels, unless the grips on the track are covered with road plates having an even bearing surface across the full width of the track when in contact with the road surface.
- (2) A person must not remove or interfere with road infrastructure or damage it in any way other than through reasonable use.
- (3) A person who damages road infrastructure other than through reasonable use must immediately report full particulars of the damage to a police officer or road authority.

107A—Vehicle fitted with metal tyres

- (1) If a vehicle fitted with metal tyres is driven on, or drawn along, a road, the surfaces of the tyres that come into contact with the surface of the road must be smooth and at least 33 millimetres in width.
- (2) A person who drives a vehicle on a road, or draws a vehicle along a road, in contravention of subsection (1) is guilty of an offence.

108—Depositing material on roads

- (1) A person must not—
 - (a) without the permission of the Commissioner of Highways in writing, stack or deposit any wood, sand, stone or other material on a road, or part of a road, which is being maintained by the Commissioner; or
 - (b) deposit on a road any article or material likely to damage the surface of the road or to cause damage to vehicles or injury to persons.
- (2) If any article or material falls from a vehicle onto a road, the driver of the vehicle will be taken to have deposited the article or material on the road, unless it is proved that the driver had taken reasonable precautions to prevent the article or material from falling from the vehicle.
- (3) In this section—

material includes substances of all kinds whether solid or liquid.

110—Driving on sealed surface

A person driving a vehicle on a road which has portion of its surface sealed with bitumen, cement or other sealing substance must, whenever it is reasonably practicable to do so, keep the whole of the vehicle on the sealed portion of the surface.

110AAA—Certain provisions not to apply to drivers of emergency vehicles

- (1) Sections 44B, 45A, 82, 83 and 110 do not apply to the driver of an emergency vehicle if—
 - (a) in the circumstances—
 - (i) the driver is taking reasonable care; and
 - (ii) it is reasonable that the provision should not apply; and
 - (b) if the vehicle is a motor vehicle that is moving—the vehicle is displaying a blue or red flashing light or sounding an alarm.
- (2) Subsection (1)(b) does not apply to a vehicle used by a police officer if, in the circumstances, it is reasonable—
 - (a) not to display the light or sound the alarm; or
 - (b) for the vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.
- (3) In this section—

emergency vehicle means a vehicle used by—

 - (a) a police officer; or
 - (b) a person who is an emergency worker as defined by the regulations for the purposes of this section.

Part 3AA—Provisions related to management of heavy vehicles

110AA—Fatigue

- (1) The Governor may make regulations to establish a scheme for the management of fatigue in drivers of regulated heavy vehicles.
- (2) Without limiting the effect of subsection (1), the regulations under this section may make provision relating to—
 - (a) the periods that drivers of regulated heavy vehicles spend working and resting; and
 - (b) the keeping, production and inspection of records; and
 - (c) the specifying of, and obligations of, parties in the chain of responsibility in relation to a regulated heavy vehicle; and
 - (d) powers of police officers and authorised officers in relation to the enforcement of the regulations; and
 - (e) powers of police officers and authorised officers to give directions to drivers of regulated heavy vehicles; and
 - (f) the recognition of administrative decisions in other jurisdictions in relation to the management of fatigue in drivers of regulated heavy vehicles.
- (3) The regulations under this section may—
 - (a) make provision for periods spent by drivers of regulated heavy vehicles driving, working or resting outside the State to be taken into account for the purposes of the regulations; and
 - (b) provide for the granting, variation, revocation and suspension of exemptions (whether conditional or otherwise) from any provision of the regulations; and
 - (c) prescribe and provide for the payment of fees in respect of specified matters; and
 - (d) make provisions of a savings or transitional nature; and
 - (e) prescribe penalties, not exceeding \$50 000, for offences against the regulations; and
 - (f) fix expiation fees, not exceeding \$750, for alleged offences against the regulations.

- (4) In this section—

regulated heavy vehicle means a motor vehicle of a class declared by the regulations to be a regulated heavy vehicle.

110AB—Speed

- (1) The Governor may make regulations to establish a scheme for the management of speeding by drivers of heavy vehicles.

- (2) Without limiting the effect of subsection (1), the regulations under this section may make provision relating to—
 - (a) the specifying of, and obligations of, parties in the chain of responsibility in relation to heavy vehicles; and
 - (b) powers of police officers and authorised officers in relation to the enforcement of the regulations.
- (3) The regulations under this section may—
 - (a) make provisions of a savings or transitional nature; and
 - (b) prescribe penalties, not exceeding \$50 000, for offences against the regulations; and
 - (c) fix expiation fees, not exceeding \$750, for alleged offences against the regulations.

110AC—Intelligent Access Program

- (1) The Governor may make regulations to establish a scheme to provide increased access to the road network for heavy vehicles (the *Intelligent Access Program*).
- (2) Without limiting the effect of subsection (1), the regulations under this section may make provision relating to—
 - (a) the monitoring of heavy vehicles for the purposes of the Intelligent Access Program; and
 - (b) the keeping, production and inspection of records for the purposes of the Intelligent Access Program; and
 - (c) the obligations of persons or bodies involved in the Intelligent Access Program; and
 - (d) powers of police officers, authorised officers and other specified persons in relation to the enforcement of the regulations; and
 - (e) the recognition of administrative decisions in other jurisdictions in relation to the Intelligent Access Program.
- (3) The regulations under this section may—
 - (a) provide for and prescribe fees (including the waiving, remission or refund of such fees) in respect of the Intelligent Access Program; and
 - (b) make provisions of a savings or transitional nature; and
 - (c) prescribe penalties, not exceeding \$50 000, for offences against the regulations; and
 - (d) fix expiation fees, not exceeding \$750, for alleged offences against the regulations.

Part 3A—Vehicle identification

110A—Interpretation

In this Part—

approved authority means an authority approved by the Minister for the purposes of this Part;

chassis number means a unique number consisting of letters or figures (or a combination of both) allotted to a particular motor vehicle or trailer chassis as a means of identifying it;

Commonwealth Act means the *Motor Vehicle Standards Act 1989* of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act;

Commonwealth identification plate for a motor vehicle or trailer means an identification plate within the meaning of the Commonwealth Act approved for placement on that motor vehicle or trailer by the Commonwealth Minister under the Commonwealth Act, and includes a compliance plate authorised by the Australian Motor Vehicle Certification Board for placement on that motor vehicle or trailer;

Commonwealth Minister means Minister within the meaning of the Commonwealth Act;

engine number means a unique number consisting of letters or figures (or a combination of both) allotted to a particular motor vehicle engine as a means of identifying it, but does not include any casting number or any number used as a means of identifying a class of motor vehicle engines;

place a number or plate on a motor vehicle or trailer includes to engrave, stamp or otherwise permanently affix or mark on the vehicle or trailer the number or information that would otherwise be contained on a plate;

plate includes a label or sticker;

State includes a Territory;

State identification plate for a motor vehicle or trailer means a plate issued by—

- (a) an authorised officer under the regulations; or
- (b) an approved authority under a law of another State,

for placement on that motor vehicle or trailer in substitution for a Commonwealth identification plate;

trailer includes a semi-trailer;

vehicle identification number means a unique number consisting of 17 letters or figures (or a combination of both) allotted to a particular motor vehicle or trailer as a means of identifying it;

vehicle identification plate for a motor vehicle or trailer means a Commonwealth identification plate or State identification plate for that motor vehicle or trailer.

110B—Motor vehicle or trailer must bear vehicle identification plate

- (1) A motor vehicle or trailer must bear a vehicle identification plate for that motor vehicle or trailer.
- (2) Subsection (1) does not apply to a motor vehicle or trailer if the Australian Design Rules applicable to the vehicle or trailer at the time of its manufacture did not require it to bear a vehicle identification plate.

110C—Offences

- (1) A person who manufactures a motor vehicle or trailer that does not bear a vehicle identification plate for that motor vehicle or trailer is guilty of an offence.
Maximum penalty: \$2 500.
- (2) A person who sells or offers for sale for use on roads a motor vehicle or trailer that does not bear a vehicle identification plate for that motor vehicle or trailer is guilty of an offence.
Maximum penalty:
 In the case of an offence committed in the course of trade or business—\$2 500;
 In any other case—\$1 250;
- (3) A person must not, except as permitted by the regulations, drive a motor vehicle or trailer that does not bear a vehicle identification plate for that motor vehicle or trailer.
Maximum penalty: \$1 250.
- (4) Subsections (2) and (3) do not apply in relation to a motor vehicle or trailer if the Australian Design Rules applicable to the vehicle or trailer at the time of its manufacture did not require it to bear a vehicle identification plate.
- (5) A person must not place on a motor vehicle or trailer a plate that could be taken to be a vehicle identification plate approved or authorised for placement on that motor vehicle or trailer by—
 - (a) the Commonwealth Minister under the Commonwealth Act; or
 - (b) an authorised officer under the regulations; or
 - (c) an approved authority under a law of another State,knowing that it is not such a vehicle identification plate.
Maximum penalty: \$10 000 or imprisonment for 2 years.
- (6) A person must not place on a motor vehicle or trailer a number that could be taken to be a vehicle identification number allotted to that motor vehicle or trailer by—
 - (a) the manufacturer of that motor vehicle or trailer; or
 - (b) an authorised officer under the regulations; or
 - (c) an approved authority under a law of another State,knowing that it is not such a vehicle identification number.
Maximum penalty: \$10 000 or imprisonment for 2 years.

- (7) A police officer or authorised officer may remove from a motor vehicle or trailer a plate or number that he or she reasonably suspects has been placed on the motor vehicle or trailer in contravention of subsection (5) or (6).
- (8) A person must not, except in prescribed circumstances, remove, alter, deface or obliterate a vehicle identification plate or vehicle identification number lawfully placed on a motor vehicle or trailer.
Maximum penalty: \$5 000 or imprisonment for 12 months.
- (9) A person must not, without the approval of the Minister, manufacture or sell or offer for sale a vehicle identification plate.
Maximum penalty: \$5 000 or imprisonment for 12 months.
- (10) A person must not, without reasonable excuse, be in possession of a vehicle identification plate.
Maximum penalty: \$2 500 or imprisonment for 6 months.
- (11) A person must not—
- (a) place on the engine block of a motor vehicle a number other than the engine number allotted to the engine of that motor vehicle by—
 - (i) the manufacturer of the engine; or
 - (ii) an authorised officer under the regulations; or
 - (iii) an approved authority under a law of another State; or
 - (b) without reasonable excuse, remove, alter, deface or obliterate an engine number lawfully placed on the engine block of a motor vehicle.
Maximum penalty: \$5 000 or imprisonment for 12 months.
- (12) A person must not—
- (a) place on the chassis of a motor vehicle or trailer a number other than the chassis number allotted to the chassis of that motor vehicle or trailer (as the case requires) by the manufacturer of the chassis; or
 - (b) without reasonable excuse, remove, alter, deface or obliterate a chassis number lawfully placed on the chassis of a motor vehicle or trailer.
Maximum penalty: \$5 000 or imprisonment for 12 months.

Part 4—Vehicle standards, mass and loading requirements and safety provisions

Division 1—Vehicle standards

111—Rules prescribing vehicle standards

The Governor may make rules to set standards (*vehicle standards*) about the design, construction, efficiency and performance of, and the equipment to be carried on, motor vehicles, trailers and combinations.

Division 2—Mass and loading requirements

113—Regulations prescribing mass and loading requirements

The Governor may make regulations to prescribe requirements (*mass and loading requirements*) about the mass and loading of motor vehicles, trailers and combinations, including dimensions and securing of loads and the coupling of vehicles.

Division 3—Oversize or overmass vehicle exemptions

115—Standard form conditions for oversize or overmass vehicle exemptions

- (1) The Governor may make regulations to prescribe standard form conditions to apply to the driving on a road of a vehicle the subject of an oversize or overmass vehicle exemption.
- (2) For the purposes of this section, an oversize or overmass vehicle exemption is an exemption granted under this Part by the Minister in respect of a vehicle from—
 - (a) a dimension limit in the vehicle standards; or
 - (b) a mass or dimension limit in the mass and loading requirements.
- (3) If the Minister grants an oversize or overmass vehicle exemption in respect of a class of vehicles by notice published in the Gazette, the exemption is—
 - (a) except as otherwise provided in the notice, to be subject to the standard form conditions prescribed by the regulations for vehicles travelling under notices and the class of vehicles to which the notice applies; and
 - (b) to be subject to any other conditions the Minister thinks fit and specifies in the notice.
- (4) If the Minister grants an oversize or overmass vehicle exemption in respect of a specified vehicle by instrument in writing, the exemption is—
 - (a) except as otherwise provided in the instrument, to be subject to the standard form conditions that are declared by the regulations to apply to a vehicle subject to such an exemption; and
 - (b) to be subject to any other conditions the Minister thinks fit and specifies in the instrument.

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Part 4—Vehicle standards, mass and loading requirements and safety provisions

Division 3—Oversize or overmass vehicle exemptions

- (5) An oversize or overmass vehicle exemption granted by notice published in the Gazette may designate an area or road to which the exemption applies to be in a particular category for the purposes of the operation of a standard form condition prescribed by the regulations.
- (6) The standard form conditions may be incorporated in the notice or instrument by which the exemption is granted by referring to them rather than by setting them out in full.

Division 3A—Provisions relating to breaches of vehicle standards or maintenance requirements

116—Meaning of breach of vehicle standards or maintenance requirement

- (1) For the purposes of this Act, there is a *breach of a vehicle standards or maintenance requirement* if—
 - (a) a vehicle is driven on a road; and
 - (b) the vehicle—
 - (i) does not comply with a requirement of the vehicle standards; or
 - (ii) has not been maintained in a safe condition; or
 - (iii) has not been maintained with an emission control system fitted to it of each kind that was fitted to it when it was built and in a condition that ensures that each emission control system fitted to it continues operating essentially in accordance with the system's original design; or
 - (iv) does not comply with the requirements of section 162A.
- (2) For the purposes of this section, a vehicle is not *maintained in a safe condition* if driving the vehicle would endanger the person driving the vehicle, anyone else in or on the vehicle or a vehicle attached to it or other road users.
- (3) This section does not apply to vehicles excluded by the vehicle standards from the application of those standards.

117—Liability of driver

- (1) A person commits an offence if—
 - (a) there is a breach of a vehicle standards or maintenance requirement; and
 - (b) the person is the driver of the vehicle concerned.

Maximum penalty: \$2 500.

- (2) It is a defence to a charge for an offence against this section if the person charged establishes that the person—
 - (a) did not cause or contribute to the condition of the vehicle and had no responsibility for or control over the maintenance of the vehicle at any relevant time; and
 - (b) did not know and could not reasonably be expected to have known of the condition of the vehicle; and

- (c) could not reasonably be expected to have sought to ascertain whether there were or were likely to be deficiencies in the vehicle.

118—Liability of operator

- (1) A person commits an offence if—
 - (a) there is a breach of a vehicle standards or maintenance requirement; and
 - (b) the person is the operator of the vehicle concerned.
 Maximum penalty: \$2 500.
- (2) It is a defence to a charge for an offence against this section if the person charged establishes that the vehicle was being used at the relevant time by—
 - (a) another person not entitled (whether by express or implied authority or otherwise) to use it, other than an employee or agent of the person; or
 - (b) by an employee of the person who was acting at the relevant time outside the scope of the employment; or
 - (c) by an agent of the person who was acting at the relevant time outside the scope of the agency.

Division 3B—Provisions relating to breaches of mass, dimension and load restraint requirements

Subdivision 1—Preliminary

119—Meaning of breach of mass, dimension or load restraint requirement

- (1) For the purposes of this Act, there is a *breach of a mass, dimension or load restraint requirement* if—
 - (a) a vehicle is driven on a road (whether in this State or another jurisdiction); and
 - (b) the vehicle does not comply with a mass, dimension or load restraint requirement.
- (2) For the purposes of this Act, there is a *breach of a mass, dimension or load restraint requirement in this State* if—
 - (a) a vehicle is driven on a road in this State; and
 - (b) the vehicle does not comply with a mass, dimension or load restraint requirement that is a law of this State.
- (3) For the purposes of this Act, there is a *breach of a mass, dimension or load restraint requirement in another jurisdiction* if—
 - (a) a vehicle is driven on a road in another jurisdiction; and
 - (b) the vehicle does not comply with a mass, dimension or load restraint requirement that is a law of the other jurisdiction.

120—Meaning of minor, substantial or severe risk breaches

- (1) For the purposes of this Act, a breach of a mass, dimension or load restraint requirement is a *minor risk breach* if the breach is categorised as a minor risk breach under the regulations.
- (2) For the purposes of this Act, a breach of a mass, dimension or load restraint requirement is a *substantial risk breach* if the breach is categorised as a substantial risk breach under the regulations.
- (3) For the purposes of this Act, a breach of a mass, dimension or load restraint requirement is a *severe risk breach* if the breach is categorised as a severe risk breach under the regulations.

Subdivision 2—Reasonable steps defence—special provisions

121—Reasonable steps defence—taking reasonable steps

In determining whether things done or omitted to be done by a person charged with an offence against this Division constitute reasonable steps for the purposes of section 173AA, a court may have regard to—

- (a) the circumstances of the alleged offence, including (if relevant) the risk category to which the breach concerned belongs; and
- (b) without limiting paragraph (a), the measures available and measures taken for any or all of the following:
 - (i) to accurately and safely weigh or measure the vehicle or its load or to safely restrain the load in or on the vehicle;
 - (ii) to provide and obtain sufficient and reliable evidence from which the weight or measurement of the vehicle or its load might be calculated;
 - (iii) to manage, reduce or eliminate a potential breach arising from the location of the vehicle, or from the location of the load in or on the vehicle, or from the location of goods in the load;
 - (iv) to manage, reduce or eliminate a potential breach arising from weather and climatic conditions, or from potential weather and climatic conditions, affecting or potentially affecting the weight or measurement of the load;
 - (v) to exercise supervision or control over others involved in activities leading to the breach; and
- (c) the measures available and measures taken for any or all of the following:
 - (i) to include compliance assurance conditions in relevant commercial arrangements with other responsible persons;
 - (ii) to provide information, instruction, training and supervision to employees to enable compliance with relevant laws;
 - (iii) to maintain equipment and work systems to enable compliance with relevant laws;
 - (iv) to address and remedy similar compliance problems that may have occurred in the past; and

- (d) whether the person charged had, either personally or through an agent or employee, custody or control of the vehicle, or of its load, or of any of the goods included or to be included in the load; and
- (e) the personal expertise and experience that the person charged had or ought to have had or that an agent or employee of the person charged had or ought to have had.

122—Reasonable steps defence—reliance on container weight declaration

- (1) This section applies if the operator or driver of a vehicle is charged with an offence relating to a breach of a mass limit and is seeking to establish the reasonable steps defence in relation to the offence.
- (2) To the extent that the weight of a freight container together with its contents is relevant to the offence, the person charged may rely on the weight stated in the relevant container weight declaration, unless it is established that the person knew or ought reasonably to have known that—
 - (a) the stated weight was lower than the actual weight; or
 - (b) the distributed weight of the container and its contents, together with—
 - (i) the mass or location of any other load in or on the vehicle; or
 - (ii) the mass of the vehicle or any part of it,would cause one or more breaches of mass limits.

Subdivision 3—Liability for breaches of mass, dimension or load restraint requirements

123—Liability of driver

- (1) A person commits an offence if—
 - (a) there is a breach of a mass, dimension or load restraint requirement in this State; and
 - (b) the person is the driver of the vehicle concerned.
- (2) If the breach concerned is a minor risk breach, the person charged has the benefit of the reasonable steps defence for an offence against this section.
- (3) If the breach concerned is a substantial risk breach or a severe risk breach, the person charged has the benefit of the reasonable steps defence for an offence against this section, but only so far as it relates to reliance on the weight stated in a container weight declaration.

124—Liability of operator

- (1) A person commits an offence if—
 - (a) there is a breach of a mass, dimension or load restraint requirement; and
 - (b) the person is the operator of the vehicle concerned.
- (2) This section applies to—
 - (a) a breach of a mass, dimension or load restraint requirement in this State; or

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- (b) a breach of a mass, dimension or load restraint requirement in another jurisdiction if the journey of the vehicle during which the breach occurs resulted from action taken by the person as the operator of the vehicle in this State.
- (3) If the breach concerned is a minor risk breach, the person charged has the benefit of the reasonable steps defence for an offence against this section.
- (4) If the breach concerned is a substantial risk breach or a severe risk breach, the person charged has the benefit of the reasonable steps defence for an offence against this section, but only so far as it relates to reliance on the weight stated in a container weight declaration.
- (5) It is a defence to a charge for an offence against this section if the person charged establishes that the vehicle was being used at the relevant time by—
 - (a) another person not entitled (whether by express or implied authority or otherwise) to use it, other than an employee or agent of the person; or
 - (b) by an employee of the person who was acting at the relevant time outside the scope of the employment; or
 - (c) by an agent of the person who was acting at the relevant time outside the scope of the agency.

125—Liability of consignor

- (1) This section applies to the transport of goods by a heavy vehicle by road.
- (2) A person commits an offence if—
 - (a) there is a breach of a mass, dimension or load restraint requirement; and
 - (b) the person is the consignor of any goods that are in or on the vehicle concerned.
- (3) Subsection (2) applies to—
 - (a) a breach of a mass, dimension or load restraint requirement in this State; or
 - (b) a breach of a mass, dimension or load restraint requirement in another jurisdiction if the person is the consignor of the goods—
 - (i) because of action taken by the person in this State; or
 - (ii) because the person had possession of, or control over, the goods in this State immediately before their transport by road.
- (4) A person commits an offence if—
 - (a) the weight of a freight container containing goods consigned for road transport exceeds the maximum gross weight as marked on the container or on the container's safety approval plate; and
 - (b) the person is the consignor of any of the goods contained in the freight container.
- (5) Subsection (4) applies to—
 - (a) the transport of the freight container in this State; or

- (b) the transport of the freight container in another jurisdiction if the person is the consignor of the goods—
 - (i) because of action taken by the person in this State; or
 - (ii) because the person had possession of, or control over, the goods in this State immediately before their transport by road.
- (6) The person charged has the benefit of the reasonable steps defence for an offence against this section.
- (7) Proceedings for an offence against this section may be commenced at any time within 2 years after the date of the alleged commission of the offence or, with the authorisation of the Attorney-General, at any later time within 3 years after the date of the alleged commission of the offence.
- (8) An apparently genuine document purporting to be signed by the Attorney-General authorising the commencement of proceedings for an offence against this section must be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.

126—Liability of packer

- (1) This section applies to the transport of goods by a heavy vehicle by road.
- (2) A person commits an offence if—
 - (a) there is a breach of a mass, dimension or load restraint requirement; and
 - (b) the person is the packer of any goods that are in or on the vehicle concerned.
- (3) Subsection (2) applies to—
 - (a) a breach of a mass, dimension or load restraint requirement in this State; or
 - (b) a breach of a mass, dimension or load restraint requirement in another jurisdiction if the person is the packer of the goods because of action taken by the person in this State.
- (4) A person commits an offence if—
 - (a) the weight of a freight container containing goods consigned for road transport exceeds the maximum gross weight as marked on the container or on the container's safety approval plate; and
 - (b) the person is the packer of any of the goods contained in the freight container.
- (5) Subsection (4) applies to—
 - (a) the transport of the freight container in this State; or
 - (b) the transport of the freight container in another jurisdiction if the person is the packer of the goods because of action taken by the person in this State.
- (6) The person charged has the benefit of the reasonable steps defence for an offence against this section.
- (7) Proceedings for an offence against this section may be commenced at any time within 2 years after the date of the alleged commission of the offence or, with the authorisation of the Attorney-General, at any later time within 3 years after the date of the alleged commission of the offence.

- (8) An apparently genuine document purporting to be signed by the Attorney-General authorising the commencement of proceedings for an offence against this section must be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.

127—Liability of loader

- (1) This section applies to the transport of goods by a heavy vehicle by road.
- (2) A person commits an offence if—
- (a) there is a breach of a mass, dimension or load restraint requirement; and
 - (b) the person is the loader of any goods that are in or on the vehicle concerned.
- (3) This section applies to—
- (a) a breach of a mass, dimension or load restraint requirement in this State; or
 - (b) a breach of a mass, dimension or load restraint requirement in another jurisdiction if the person is the loader of the goods because of action taken by the person in this State.
- (4) The person charged has the benefit of the reasonable steps defence for an offence against this section.
- (5) Proceedings for an offence against this section may be commenced at any time within 2 years after the date of the alleged commission of the offence or, with the authorisation of the Attorney-General, at any later time within 3 years after the date of the alleged commission of the offence.
- (6) An apparently genuine document purporting to be signed by the Attorney-General authorising the commencement of proceedings for an offence against this section must be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.

128—Liability of consignee

- (1) This section applies to the transport of goods by a heavy vehicle by road.
- (2) A person commits an offence if—
- (a) there is a breach of a mass, dimension or load restraint requirement; and
 - (b) the person is the consignee of any goods that are in or on the vehicle concerned; and
 - (c) the person engaged in conduct that resulted or was likely to result in inducing or rewarding the breach; and
 - (d) the person intended or was reckless or negligent as to whether there would be that result.
- (3) This section applies to—
- (a) a breach of a mass, dimension or load restraint requirement in this State; or
 - (b) a breach of a mass, dimension or load restraint requirement in another jurisdiction if the person engaged in conduct in this State that resulted or was likely to result in inducing or rewarding the breach.

- (4) Proceedings for an offence against this section may be commenced at any time within 2 years after the date of the alleged commission of the offence or, with the authorisation of the Attorney-General, at any later time within 3 years after the date of the alleged commission of the offence.
- (5) An apparently genuine document purporting to be signed by the Attorney-General authorising the commencement of proceedings for an offence against this section must be accepted in legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.

129—Penalties for offences against Subdivision

- (1) The penalty for an offence against this Subdivision involving a heavy vehicle is as follows:

| Offence | Penalty if first offence by natural person against provision concerned | Penalty if subsequent offence by natural person against provision concerned | Penalty if first offence by body corporate against provision concerned | Penalty if subsequent offence by body corporate against provision concerned |
|---|--|---|---|---|
| Offence involving minor risk breach of mass, dimension or load restraint requirement (not being offence against section 128) | Maximum \$1 250 | Maximum \$2 500; minimum \$300 | Maximum \$5 000 | Maximum \$10 000; minimum \$300 |
| Offence involving substantial risk breach of mass, dimension or load restraint (not being offence against section 128) | Maximum \$2 500 | Maximum \$5 000; minimum \$600 | Maximum \$10 000 | Maximum \$20 000; minimum \$600 |
| Offence involving severe risk breach of mass limit (not being offence against section 128) | Maximum \$5 000 plus maximum \$500 for each additional 1% over 120% overload | Maximum \$10 000 plus maximum \$1 000 for each additional 1% over 120% overload; minimum \$2 000 plus minimum \$200 for each additional 1% over 120% overload | Maximum \$20 000 plus maximum \$2 500 for each additional 1% over 120% overload | Maximum \$50 000 plus maximum \$5 000 for each additional 1% over 120% overload; plus minimum \$200 for each additional 1% over 120% overload |
| Any other offence involving severe risk breach of mass, dimension or load restraint requirement (not being offence against section 128) | Maximum \$5 000 | Maximum \$10 000; minimum \$2 000 | Maximum \$20 000 | Maximum \$50 000; minimum \$2 000 |
| Offence against section 125(4), 126(4) or 128 | Maximum \$5 000 | Maximum \$10 000; minimum \$2 000 | Maximum \$20 000 | Maximum \$50 000; minimum \$2 000 |

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- (2) The penalty for an offence against this Subdivision involving a vehicle other than a heavy vehicle is—
 - (a) in the case of an offence involving a minor risk breach of a mass, dimension or load restraint requirement—a maximum penalty of \$750; or
 - (b) in the case of an offence involving a substantial risk breach of a mass, dimension or load restraint requirement—a maximum penalty of \$1 250; or
 - (c) in the case of an offence involving a severe risk breach of a mass, dimension or load restraint requirement—a maximum penalty of \$2 500.
- (3) A court may not reduce or mitigate in any way a minimum penalty prescribed by this section.
- (4) In proceedings, if the court is satisfied that—
 - (a) there has been a breach of a mass, dimension or load restraint requirement but is not satisfied that the breach is a substantial risk breach or a severe risk breach, the court may treat the breach as a minor risk breach; or
 - (b) there has been a breach of a mass, dimension or load restraint requirement and that the breach is at least a substantial risk breach but is not satisfied that the breach is a severe risk breach, the court may treat the breach as a substantial risk breach.
- (5) The following provisions apply for the purpose of determining whether an offence relating to a breach of a mass, dimension or load restraint requirement is a first offence or a second or subsequent offence:
 - (a) a person is found guilty of a second or subsequent offence only if the occasion in respect of which the second or subsequent offence occurred was different from the occasion in respect of which the first offence for which the person was found guilty occurred;
 - (b) it is immaterial in which order the offences were committed or whether the breaches concerned are of the same risk category or of different risk categories;
 - (c) if the court is satisfied that a person is guilty of an offence but is unable to ascertain (from the information available to the court) whether or not the offence is a first offence for which the person was found guilty, the court may only impose a penalty for the offence as if it were a first offence;
 - (d) in determining whether a person has been found guilty of a previous offence relating to a breach of a mass, dimension or load restraint requirement, regard is to be had to findings of guilt for offences against the corresponding provisions of corresponding road laws;
 - (e) the regulations may make provision for or with respect to determining what are or are not to be treated as corresponding provisions of the corresponding road laws.

Subdivision 4—Sanctions

130—Matters to be taken into consideration by courts

- (1) The purpose of this section is to bring to the attention of courts the general implications and consequences of breaches of mass, dimension or load restraint requirements when determining the kinds and levels of sanctions to be imposed.
- (2) In determining the sanctions (including the level of fine) that are to be imposed in respect of breaches of mass, dimension or load restraint requirements, courts are to take into consideration the following matters:
 - (a) minor risk breaches involve either or both of the following:
 - (i) an appreciable risk of accelerated road wear;
 - (ii) an appreciable risk of unfair commercial advantage;
 - (b) substantial risk breaches involve one or more of the following:
 - (i) a substantial risk of accelerated road wear;
 - (ii) an appreciable risk of damage to road infrastructure;
 - (iii) an appreciable risk of increased traffic congestion;
 - (iv) an appreciable risk of diminished public amenity;
 - (v) a substantial risk of unfair commercial advantage;
 - (c) severe risk breaches involve one or more of the following:
 - (i) an appreciable risk of harm to public safety or the environment;
 - (ii) a serious risk of accelerated road wear;
 - (iii) a serious risk of harm to road infrastructure;
 - (iv) a serious risk of increased traffic congestion;
 - (v) a serious risk of diminished public amenity;
 - (vi) a serious risk of unfair commercial advantage.
- (3) Nothing in this section affects any other matters that may or must be taken into consideration by a court.
- (4) Nothing in this section authorises or requires a court to assign the breach to a different category of breach.
- (5) Nothing in this section requires evidence to be adduced in relation to the matters that are to be taken into consideration by a court under this section.

Subdivision 5—Container weight declarations

131—Application of Subdivision

This Subdivision applies to the transport of a freight container by a heavy vehicle by road.

132—Meaning of responsible entity

A *responsible entity*, in relation to a freight container, is—

- (a) a person who consigned the container for transport by a heavy vehicle by road in this State; or
- (b) a person who, on behalf of the consignor, arranged for the transport of the container by a heavy vehicle by road in this State; or
- (c) a person who physically offered the container for transport by a heavy vehicle by road in this State.

133—Container weight declarations

- (1) A *container weight declaration* for a freight container is a declaration that states or purports to state the weight of the freight container and its contents.
- (2) Subject to the regulations, a container weight declaration—
 - (a) may be comprised in one or more documents or other formats, including in electronic form; or
 - (b) without limiting the above, may be comprised wholly or partly in a placard attached or affixed to the freight container.

134—Complying container weight declarations

- (1) A container weight declaration for a freight container complies with this Subdivision (a *complying container weight declaration*) if it contains the following additional information:
 - (a) the number and other particulars of the freight container necessary to identify the container;
 - (b) the name, home address or business address in Australia of the responsible entity;
 - (c) the date of the declaration;
 - (d) any other information required by the regulations.
- (2) However, a container weight declaration does not comply with this Subdivision if—
 - (a) the contents of the container weight declaration are not readily available to an authorised officer or police officer who seeks to ascertain its contents, there and then in the presence of the freight container (whether by examining documents located in or on the vehicle or by obtaining the information by radio or mobile telephone or by any other means); or
 - (b) it is not in a form that can be used or adapted for evidentiary purposes; or
 - (c) it is not in a form that satisfies requirements prescribed by the regulations.

135—Duty of responsible entity

- (1) This section applies if a responsible entity offers a freight container to an operator of a heavy vehicle for transport in this State by the vehicle.

- (2) The responsible entity must ensure that the operator or driver of the vehicle is provided, before the start of the transport of the freight container in this State, with a complying container weight declaration relating to the freight container.
- (3) The responsible entity is guilty of an offence if the responsible entity engages in conduct that contravenes subsection (2).

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
 - (b) if the offender is a body corporate—\$20 000.
- (4) The person charged has the benefit of the reasonable steps defence for an offence against this section.

136—Duty of operator

- (1) This section applies if an operator arranges for a freight container to be transported in this State by a heavy vehicle.
- (2) The operator must ensure that the driver of the vehicle is provided, before the start of the driver's journey in the course of the transport of the freight container in this State, with a complying container weight declaration relating to the freight container.
- (3) If the freight container is to be transported by another road or rail carrier, the operator must ensure that the other carrier is provided with a complying container weight declaration relating to the freight container (or with the prescribed particulars contained in the declaration) by the time the other carrier receives the freight container.
- (4) If the driver does not have a complying container weight declaration (or the prescribed particulars contained in the declaration), the operator is taken to have contravened subsection (2) unless the operator establishes that the driver was provided with the declaration (or the prescribed particulars).
- (5) The operator is guilty of an offence if the operator engages in conduct that contravenes subsection (2) or (3).

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
 - (b) if the offender is a body corporate—\$20 000.
- (6) The person charged has the benefit of the reasonable steps defence for an offence against this section.

137—Duty of driver

- (1) A person must not drive a heavy vehicle loaded with a freight container on a road in this State without first having been provided with the relevant container weight declaration.
- (2) If a container weight declaration relating to a freight container is provided to a driver of a heavy vehicle with the container, the driver must, during the course of a journey in this State, keep the declaration in or about the vehicle or in a manner that enables it to be readily accessed from the vehicle.

- (3) The driver is guilty of an offence if the driver engages in conduct that contravenes subsection (1) or (2).

Maximum penalty: \$5 000.

- (4) The person charged has the benefit of the reasonable steps defence for an offence against this section.

138—Liability of consignee—knowledge of matters relating to container weight declaration

Without limiting section 128, a consignee of goods is taken to have intended the result referred to in section 128(2) if—

- (a) the conduct concerned related to a freight container; and
- (b) the person knew or ought reasonably to have known that—
 - (i) a container weight declaration for the container was not provided as required by this Act; or
 - (ii) a container weight declaration provided for the container contained information about the weight of the container and its contents that was false or misleading in a material particular.

Note—

Section 128 provides for an offence that may be committed by an assignee of goods if the person engages in conduct that results or is likely to result in inducing or rewarding a breach of a mass, dimension or load restraint requirement and the person intends that result.

Subdivision 6—Recovery of losses resulting from non-provision of or inaccurate container weight declarations

139—Recovery of losses for non-provision of container weight declaration

- (1) This section applies if—
- (a) a container weight declaration has not been provided as required; and
 - (b) a person suffered loss as a result of the non-provision of the declaration.
- (2) A person (the *plaintiff*) has a right to recover under this Act, from the responsible entity for the freight container, the monetary value of any loss incurred by the plaintiff consequent on the non-provision of the container weight declaration.
- (3) Losses that may be recovered include any or all of the following:
- (a) any loss incurred from delays in the delivery of the freight container or any goods contained in it or of other goods;
 - (b) any loss incurred from spoliation of or damage to the goods;
 - (c) any loss incurred from the need to provide another vehicle, and any loss incurred from any delay in the provision of another vehicle;
 - (d) any costs or expenses incurred in weighing the freight container or any of its contents or both.
- (4) The plaintiff may enforce that right by bringing proceedings in a court of competent jurisdiction for an order for payment of the monetary value of the loss.

140—Recovery of losses for provision of inaccurate container weight declaration

- (1) This section applies if—
 - (a) a container weight declaration has been provided as required; and
 - (b) the declaration contains information about a freight container—
 - (i) that is false or misleading in a material particular by understating the weight of the container; or
 - (ii) that is otherwise false or misleading in a material particular by indicating that the weight of the container is lower than its actual weight; and
 - (c) a breach of a mass limit occurred as a result of the reliance, by an operator or driver of a vehicle, on the information in the declaration when transporting the container by road (whether or not enforcement action has been or may be taken in relation to the breach); and
 - (d) the operator or driver of the vehicle—
 - (i) had at the time a reasonable belief that the vehicle concerned was not in breach of a mass limit; and
 - (ii) did not know, and ought not reasonably to have known, at the time that the minimum weight stated in the declaration was lower than the actual weight of the container; and
 - (e) a person suffered loss as a result of the provision of the declaration.
- (2) A person (the *plaintiff*) has a right to recover under this Act, from the responsible entity for the freight container, the monetary value of any loss incurred by the plaintiff consequent on the provision of the container weight declaration.
- (3) Losses that may be recovered include any or all of the following:
 - (a) any fine, expiation fee, infringement penalty or other penalty imposed on the plaintiff under an Australian road law;
 - (b) any fine, expiation fee, infringement penalty or other penalty imposed on an agent or employee of the plaintiff under an Australian road law and reimbursed by the plaintiff;
 - (c) any loss incurred from delays in the delivery of the freight container or any goods contained in it or of other goods;
 - (d) any loss incurred from spoliation of, or damage to, the goods;
 - (e) any loss incurred from the need to provide another vehicle, and any loss incurred from any delay in the provision of another vehicle;
 - (f) any costs or expenses incurred in weighing the freight container or any of its contents or both.
- (4) The plaintiff may enforce that right by bringing proceedings in a court of competent jurisdiction for an order for payment of the monetary value of the loss.

141—Recovery of amount by responsible entity

- (1) This section applies if an order under section 140 has been made or is being sought against a responsible entity for payment of the monetary value of any loss incurred by a person.
- (2) The responsible entity has a right to recover under this Act, from a person (the *information provider*) who provided the responsible entity with all or any of the information that was false or misleading, so much (the *attributable amount*) of the monetary value paid or payable by the responsible entity under the order as is attributable to that information.
- (3) The responsible entity may enforce that right by—
 - (a) joining, or seeking the joinder of, the information provider in the proceedings for the order under section 140 and applying to the court for an order for payment of the attributable amount to be made when the order is made under that section; or
 - (b) bringing separate proceedings in a court of competent jurisdiction for an order for payment of the attributable amount.

142—Assessment of monetary value or attributable amount

- (1) In making an order under this Subdivision, a court may assess—
 - (a) the monetary value of any loss, as referred to in—
 - (i) section 139; or
 - (ii) section 140; or
 - (b) the attributable amount, as referred to in section 141,
in such manner as the court considers appropriate.
- (2) In making such an assessment, the court may take into account such matters as it considers relevant, including any evidence adduced in connection with any prosecution brought for a breach referred to in section 140.

143—Costs

- (1) A court may award costs in relation to the proceedings for an order under this Subdivision.
- (2) A court may, in proceedings for an order under this Subdivision, order payment of any costs or expenses incurred in weighing a freight container or any of its contents or both, if—
 - (a) the minimum weight stated in the container weight declaration concerned was lower than the actual weight; or
 - (b) a container weight declaration was not provided.
- (3) An order under subsection (2) may be made in favour of a party to the proceedings, an Australian Authority or a public authority of this State or any other jurisdiction.

Subdivision 7—Transport documentation

144—False or misleading transport documentation: liability of consignor, packer, loader, receiver and others

- (1) This section applies if—
 - (a) goods are consigned for transport by a heavy vehicle by road; and
 - (b) all or any part of the transport by road occurs or is to occur in this State.
- (2) A person is guilty of an offence if—
 - (a) the transport documentation relating to the consignment is false or misleading in a material particular relating to the mass, dimension or load restraint of any or all of the goods consigned; and
 - (b) the person is the consignor of the goods.

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
 - (b) if the offender is a body corporate—\$20 000.
- (3) A person is guilty of an offence if—
 - (a) the goods are packed in Australia in a freight container or other container or in a package or on a pallet for transport by road; and
 - (b) the transport documentation relating to the consignment is false or misleading in a material particular relating to the mass, dimension or load restraint of any or all of the goods consigned; and
 - (c) the person is the packer of the goods.

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
 - (b) if the offender is a body corporate—\$20 000.
- (4) A person is guilty of an offence if—
 - (a) the goods are loaded on a vehicle for transport by road; and
 - (b) the transport documentation relating to the consignment is false or misleading in a material particular relating to the mass, dimension or load restraint of any or all of the goods consigned; and
 - (c) the person is the loader of the goods.

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
 - (b) if the offender is a body corporate—\$20 000.
- (5) A person is guilty of an offence if—
 - (a) the goods are packed outside Australia in a freight container or other container or in a package or on a pallet for transport by road; and
 - (b) the transport documentation relating to the consignment is false or misleading in a material particular relating to the mass, dimension or load restraint of any or all of the goods consigned; and

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(c) the person is the receiver of the goods in Australia.

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
- (b) if the offender is a body corporate—\$20 000.

(6) A person is guilty of an offence if—

- (a) a container weight declaration provided to an operator of a vehicle contains information that is false or misleading in a material particular; and
- (b) the person is the responsible entity who offered the freight container concerned to the operator for transport.

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
- (b) if the offender is a body corporate—\$20 000.

(7) A person is guilty of an offence if—

- (a) a container weight declaration provided to a driver of a vehicle contains information that is false or misleading in a material particular; and
- (b) the person is the operator of the vehicle who arranged for the freight container concerned to be transported in this State.

Maximum penalty:

- (a) if the offender is a natural person—\$5 000;
- (b) if the offender is a body corporate—\$20 000.

(8) Information in a container weight declaration is not false or misleading for the purposes of this Act merely because it overstates the actual weight of the freight container and its contents.

(9) The person charged has the benefit of the reasonable steps defence for an offence against this section.

Note—

Section 122 makes provision for reliance on a container weight declaration where an operator or driver is charged with an offence involving a breach of a mass limit and is seeking to rely on the reasonable steps defence.

(10) In this section—

receiver of goods in Australia means—

- (a) the person who first receives them in Australia, otherwise than as the person who merely unloads them; or
- (b) the person who unpacks the goods after they are first unloaded in Australia,

but does not include a class of persons declared by the regulations to be excluded from this definition.

Division 4—Enforcement powers

Subdivision 1—Defect notices relating to breaches of vehicle standards or maintenance requirements

145—Defect notices

- (1) In this section—

defect notice means a notice issued under subsection (5);

repairs means repairs, replacements, reconditioning, additions, adjustments or work of any kind for remedying deficiencies or defects;

safety risk means a danger to persons, property or the environment;

vehicle registration authority means the Registrar of Motor Vehicles or the corresponding authority of another State or a Territory of the Commonwealth.

- (1aa) For the purposes of this section, a vehicle has *deficiencies* if the vehicle is in a condition such that there would be a breach of a vehicle standards or maintenance requirement if the vehicle were driven on a road.
- (1a) A police officer or an authorised officer may direct the driver of a vehicle to stop the vehicle and may examine the vehicle where the vehicle has deficiencies or the police officer or authorised officer suspects on reasonable grounds that the vehicle has deficiencies.
- (1b) Despite subsection (1a), a police officer or an authorised officer may direct the driver of a vehicle of a prescribed class to stop the vehicle and may examine the vehicle for the purposes of determining whether the vehicle has deficiencies (whether or not there is reason to suspect that the vehicle has deficiencies).
- (2) Where a police officer or an authorised officer suspects on reasonable grounds that any vehicle has deficiencies, the police officer or authorised officer may direct the owner, the operator or the person in charge of the vehicle to produce it for examination at a specified time and place.
- (2a) A police officer or an authorised officer may, at any time when any premises where vehicles are exhibited or kept for sale or hire are open for business, for the purposes of determining whether any vehicle exhibited or kept for sale or hire on those premises has deficiencies, examine the vehicle or direct the owner, the operator or the person in charge of the vehicle to produce it for examination at a time and place stated by the police officer or authorised officer.
- (3) A person must comply with a direction given under this section.
- (4) A police officer or an authorised officer may for the purposes of examining a vehicle under this section—
- (a) cause the vehicle to be examined by any other person; and
 - (b) drive or test, or cause any other person to drive or test, the vehicle.

Road Traffic Act 1961—1.7.2010 to 3.9.2010

Part 4—Vehicle standards, mass and loading requirements and safety provisions

Division 4—Enforcement powers

- (4a) If, on examination of a vehicle, a police officer or an authorised officer is of the opinion that the vehicle has deficiencies but that further use of the vehicle on roads would not give rise to a safety risk, the police officer or authorised officer may issue a formal written warning to the driver of the vehicle or, if the vehicle is unattended, cause a formal written warning to be affixed to the vehicle.
- (4b) A driver of a vehicle who is given a formal written warning must cause the warning to be sent to the registered operator of the vehicle.
- (4c) A formal written warning must—
- (a) state the date of issue of the warning; and
 - (b) identify the police officer or authorised officer who issued the warning; and
 - (c) identify the vehicle to which the warning relates; and
 - (d) state details of the vehicle's deficiencies and the repairs that should be made to the vehicle to remedy those deficiencies; and
 - (e) state such other matters as may be prescribed.
- (5) If, on examination of a vehicle, a police officer or an authorised officer is of the opinion that the vehicle has deficiencies and reasonably believes that further use of the vehicle on roads would give rise to a safety risk, the police officer or authorised officer may issue a written notice (a *defect notice*) in relation to the vehicle, being—
- (a) if the police officer or authorised officer reasonably believes that further use of the vehicle on roads after the time specified in the notice would give rise to an imminent and serious safety risk—a major vehicle defect notice; or
 - (b) in any other case—a minor vehicle defect notice.
- (5a) A police officer or authorised officer who issues a defect notice in relation to a vehicle must—
- (a) give the defect notice to the driver of the vehicle if the driver is present or, if the vehicle is unattended, cause the defect notice to be affixed to the vehicle; and
 - (b) cause a defective vehicle label to be affixed to the vehicle; and
 - (c) cause a copy of the defect notice to be sent to the Registrar of Motor Vehicles.
- (5b) A driver of a vehicle who is given a defect notice must cause the defect notice to be sent to the registered operator of the vehicle.
- (5c) A defect notice must—
- (a) state the date of issue of the notice; and
 - (b) identify the police officer or authorised officer who issued the notice; and
 - (c) identify the vehicle to which the notice relates; and
 - (d) state whether the defect notice is a major vehicle defect notice or a minor vehicle defect notice; and
 - (e) state details of the vehicle's deficiencies and the repairs that are required to be made to the vehicle to remedy those deficiencies; and

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- (f) specify the means by which the vehicle must be moved to the place at which the repairs required by the notice are to be made; and
 - (g) direct that the vehicle must not, except as provided in the defect notice, stand or be driven on a road, or be sold or otherwise disposed of, after the issue of the defect notice until—
 - (i) the vehicle has been produced at a place specified in the notice for examination; and
 - (ii) a certificate (a *clearance certificate*) has been issued by a police officer, an authorised officer or a vehicle registration authority certifying that the repairs required by the notice have been made; and
 - (iii) a police officer, an authorised officer or a vehicle registration authority has caused the defective vehicle label affixed to the vehicle under subsection (5a) to be defaced or removed from the vehicle; and
 - (h) state such other matters as may be prescribed.
- (5d) A police officer, an authorised officer or a vehicle registration authority may examine a vehicle for the purpose of determining whether the repairs required by a defect notice issued in relation to the vehicle (whether issued under this section or under provisions of a law of another State or a Territory of the Commonwealth that correspond to this section) have been made and whether the vehicle has any other deficiencies.
- (5e) A defective vehicle label must—
- (a) state the date of issue of the label; and
 - (b) identify the police officer or authorised officer who issued the label; and
 - (c) state the number allotted to the vehicle under section 46 of the *Motor Vehicles Act 1959*; and
 - (d) state the time and date after which the vehicle must not be used on roads; and
 - (e) specify the means by which the vehicle must be moved to the place at which the repairs required by the defect notice issued in relation to the vehicle are to be made; and
 - (f) state the serial number of the defect notice to which the label relates; and
 - (g) state such other matters as may be prescribed.
- (5f) A person must not, without lawful authority, deface, alter or obscure a defective vehicle label or remove a defective vehicle label from a vehicle to which it is affixed.
- (5g) A police officer or authorised officer—
- (a) may at any time vary or withdraw a defect notice; and
 - (b) must cause notice of the withdrawal of a defect notice to be sent to the Registrar of Motor Vehicles and the registered operator of the vehicle in relation to which the defect notice was given.
- (5h) A police officer or authorised officer who issues a clearance certificate must cause a copy of the certificate to be sent to the Registrar of Motor Vehicles.

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Part 4—Vehicle standards, mass and loading requirements and safety provisions

Division 4—Enforcement powers

- (6) A person must not drive a vehicle, or cause or permit a vehicle to be driven or to stand, on a road, or sell or otherwise dispose of a vehicle, contrary to the terms of a defect notice.
- (6a) It is a defence to a charge under subsection (6) of having sold or otherwise disposed of a vehicle contrary to the terms of a defect notice if the defendant satisfies the court that at the time of the sale or disposal he or she had reason to believe that the vehicle was not intended to be used on a road after the sale or disposal.
- (7) The Registrar of Motor Vehicles must—
- (a) record on the register of motor vehicles—
 - (i) details of any defect notice issued under this section; or
 - (ii) if a defect notice is issued under provisions of a law of another State or a Territory of the Commonwealth that correspond to this section in relation to a vehicle registered in this State—details of that defect notice;
 - (b) remove from the register details of any such notice if the Registrar is satisfied—
 - (i) that a clearance certificate has been issued in respect of the vehicle in relation to which the defect notice was issued; or
 - (ii) that the defect notice has been withdrawn.
- (8) The Minister may, by notice in writing, authorise a person in accordance with the regulations to exercise any of the powers of an authorised officer under this section specified in the notice.
- (9) An authorisation issued under subsection (8) may be subject to conditions and may be revoked at any time.
- (10) The Minister may, for the purposes of this section, establish a code of practice to be observed by persons authorised under subsection (8).
- (11) A person who contravenes a code of practice established under subsection (10) is guilty of an offence.
Maximum penalty: \$5 000.
- (12) The Commissioner of Police—
- (a) must, on the request of the Minister; and
 - (b) may, at any other time,
- provide the Minister with such information as may be relevant to the question of whether a particular person is a fit and proper person to be authorised under subsection (8).
- (13) No liability attaches to a person authorised to exercise powers under this section for an honest act or omission in the performance or purported performance of functions under this section.
- (14) A liability that would, but for subsection (13), attach to a person attaches instead to the Crown.

- (15) Where a copy of a defect notice or clearance certificate is required to be sent to the Registrar of Motor Vehicles, the notice or certificate may be sent in electronic form.

Subdivision 2—Formal warnings relating to breaches of mass, dimension or load restraint requirements

146—Formal warnings

- (1) An authorised officer or police officer may, instead of charging a person, or issuing an expiation notice to a person, for a minor risk breach of a mass, dimension or load restraint requirement, formally warn the person if the officer believes—
- (a) the person was unaware of the breach; and
 - (b) it is appropriate to deal with the breach by way of a formal warning under this section.
- (2) A formal warning must be in writing.

147—Withdrawal of formal warnings

- (1) A formal warning may be withdrawn by a prescribed person or a person of a prescribed class by serving on the alleged offender a written notice of withdrawal within 21 days after the formal warning was given.
- (2) After the formal warning has been withdrawn, the person may be charged, or issued with an expiation notice, for the breach.

Subdivision 3—Directions powers relating to breaches of mass, dimension or load restraint requirements

148—Directions power if minor risk breach

- (1) This section applies to a vehicle if an authorised officer or police officer believes on reasonable grounds that—
- (a) the vehicle is the subject of one or more minor risk breaches of mass, dimension or load restraint requirements; and
 - (b) the vehicle is not the subject of a substantial risk breach or a severe risk breach.
- (2) The officer may—
- (a) if the officer does not give a direction under paragraph (b)—authorise the driver of the vehicle to continue its journey under section 151; or
 - (b) if the officer believes on reasonable grounds that particular circumstances exist for the purposes of this section warranting the giving of a direction under this paragraph—direct the driver or operator of the vehicle—
 - (i) to rectify specified breaches of mass, dimension or load restraint requirements then and there; or

- (ii) if the officer also believes on reasonable grounds that the vehicle should be moved to another location—to move it or cause it to be moved to a specified suitable location that is within the prescribed distance, and not to proceed from there until specified breaches of mass, dimension or load restraint requirements are rectified.
- (3) Without limiting the above, particular circumstances exist for the purposes of this section warranting the giving of a direction if—
 - (a) rectification is reasonable and can be carried out easily; or
 - (b) rectification is necessary in the public interest to avoid potential risk of harm to public safety, the environment, road infrastructure or public amenity.
- (4) A person commits an offence if—
 - (a) the person is subject to a direction under subsection (2); and
 - (b) the person engages in conduct that results in a contravention of the direction.

Maximum penalty: \$5 000.

- (5) In this section—

prescribed distance means a distance (in any direction) within a radius of 30 kilometres of—

- (a) the location of the vehicle when the direction is given; or
- (b) any point along the forward route of the journey, if the direction is given in the course of a journey of the vehicle;

suitable location means a location that the officer believes on reasonable grounds to be suitable for the purpose of complying with the direction, having regard to any matters the officer considers relevant in the circumstances.

149—Directions power if substantial risk breach

- (1) This section applies to a vehicle if an authorised officer or police officer believes on reasonable grounds that—
 - (a) the vehicle is the subject of one or more substantial risk breaches of mass, dimension or load restraint requirements; and
 - (b) the vehicle is not the subject of a severe risk breach.
- (2) The officer must—
 - (a) direct the driver or operator of the vehicle not to proceed until specified breaches of mass, dimension or load restraint requirements are rectified; or
 - (b) if the officer believes on reasonable grounds that—
 - (i) particular circumstances exist for the purposes of this section warranting the moving of the vehicle to another location; or
 - (ii) particular instructions have been given for the purposes of this section authorising or requiring the moving of the vehicle to another location,

direct the driver or operator of the vehicle to move it or cause it to be moved to the nearest suitable location as specified by the officer, and not to proceed from there until specified breaches of mass, dimension or load restraint requirements are rectified.

- (3) Without limiting the above, particular circumstances exist for the purposes of this section warranting the moving of a vehicle if moving the vehicle is necessary in the public interest to avoid potential risk of harm to public safety, the environment, road infrastructure or public amenity.
- (4) Particular instructions authorising or requiring the moving of a vehicle for the purposes of this section are specific instructions or standing instructions given by the Minister orally or in writing, or by telephone, facsimile, electronic mail, radio or in any other manner, authorising or requiring the moving of the vehicle in the relevant circumstances.
- (5) A person commits an offence if—
 - (a) the person is subject to a direction under subsection (2); and
 - (b) the person engages in conduct that results in a contravention of the direction.

Maximum penalty: \$5 000.

- (6) In this section—

suitable location means a location that the officer believes on reasonable grounds to be suitable for the purpose of complying with the direction, having regard to any matters the officer considers relevant in the circumstances.

- (7) Nothing in subsection (6), or in any other provision of this section, prevents—
 - (a) the intended destination of the journey concerned; or
 - (b) the depot or base of operations of the vehicle, or of a vehicle in the combination, concerned,

from being the nearest suitable location for the purposes of this section.

150—Directions power if severe risk breach

- (1) This section applies to a vehicle if an authorised officer or police officer believes on reasonable grounds that the vehicle is the subject of one or more severe risk breaches of mass, dimension or load restraint requirements.
- (2) The officer must—
 - (a) direct the driver or operator of the vehicle not to proceed until specified breaches of mass, dimension or load restraint requirements are rectified; or
 - (b) if the officer believes on reasonable grounds that—
 - (i) particular circumstances exist for the purposes of this section warranting the moving of the vehicle to another location; or
 - (ii) particular instructions have been given for the purposes of this section authorising or requiring the moving of the vehicle to another location,

direct the driver or operator of the vehicle to move it or cause it to be moved to the nearest safe location as specified by the officer, and not to proceed from there until specified breaches of mass, dimension or load restraint requirements are rectified.

- (3) Particular circumstances exist for the purposes of this section warranting the moving of a vehicle only—
- (a) if there is an appreciable risk of harm to public safety, the environment, road infrastructure or public amenity; or
 - (b) if there is a risk to the welfare of people or live animals in or on the vehicle.
- (4) Particular instructions authorising or requiring the moving of a vehicle for the purposes of this section are specific instructions or standing instructions given by the Minister orally or in writing, or by telephone, facsimile, electronic mail, radio or in any other manner, authorising or requiring the moving of the vehicle in the relevant circumstances.
- (5) A person commits an offence if—
- (a) the person is subject to a direction under subsection (2); and
 - (b) the person engages in conduct that results in a contravention of the direction.

Maximum penalty: \$5 000.

- (6) In this section—

risk of harm to public safety does not (subject to subsection (7)) include risk of harm to the safety of the vehicle or any load in or on it, but does include risk of harm to the safety of people or live animals in or on it;

safe location means a location that the officer believes on reasonable grounds poses a reduced risk or no appreciable risk of harm to public safety, the environment, road infrastructure or public amenity.

- (7) Nothing in the definition of *risk of harm to public safety* in subsection (6), or in any other provision of this section, prevents the officer from taking into account the safety of the vehicle or any load in or on it if the officer believes on reasonable grounds he or she can do so without prejudicing the safety of other property or of people, the environment, road infrastructure or public amenity.

151—Authorisation to continue journey if minor risk breach

- (1) This section applies to a vehicle if an authorised officer or police officer believes on reasonable grounds that—
- (a) the vehicle is the subject of one or more minor risk breaches of mass, dimension or load restraint requirements; and
 - (b) the vehicle is not or is no longer the subject of a substantial risk breach or a severe risk breach; and
 - (c) the driver is not or is no longer the subject of a direction for the rectification of the minor risk breach or any of the minor risk breaches.
- (2) The officer may authorise the driver of the vehicle to continue its journey.
- (3) An authorisation may be granted under this section unconditionally or subject to conditions imposed by the officer.

- (4) A person commits an offence if—
- (a) the person is granted an authorisation under this section; and
 - (b) the authorisation is subject to a condition; and
 - (c) the person engages in conduct that results in a contravention of the condition.
- Maximum penalty: \$5 000.

152—Operation of directions in relation to combinations

- (1) This section applies if a direction is given under this Subdivision in relation to a vehicle that is a combination.
- (2) Subject to subsection (3), nothing in this Subdivision prevents a component vehicle of the combination from being separately driven or moved if—
- (a) the component vehicle is not itself the subject of a breach of a mass, dimension or load restraint requirement; and
 - (b) it is not otherwise unlawful for the component vehicle to be driven or moved.
- (3) Subsection (2) does not apply if there is also a direction that prevents the component vehicle from being separately driven or moved.
- (4) In this section—
- component vehicle* of a combination means a towing vehicle or trailer of the combination.

153—Directions and authorisations to be in writing

A direction or authorisation under this Subdivision is to be in writing, except—

- (a) in the case of a direction to move a vehicle, where the moving is carried out in the presence of, or under the supervision of, an authorised officer or police officer; or
- (b) in other circumstances prescribed by the regulations.

154—Application of Subdivision in relation to other directions

- (1) This Subdivision applies to a vehicle regardless of whether or not the vehicle is, has been or becomes the subject of a direction under Part 2 Division 5.
- (2) This Subdivision does not limit or prevent the exercise of powers under Part 2 Division 5 for the purpose of finding out whether there is or has been a breach of a mass, dimension or load restraint requirement (or any other purpose).

Division 5—Further safety provisions

161A—Driving of certain vehicles subject to Ministerial approval

- (1) A person must not drive a vehicle to which this section applies on or over a road without the approval of the Minister.
- (2) An approval under subsection (1) is subject to such conditions (if any) as the Minister thinks fit and specifies in the instrument or notice of approval.

- (3) This section applies to—
- (a) air cushioned vehicles; and
 - (b) any other vehicle of a class declared by regulation to be a class of vehicles to which this section applies.

162A—Seat belts and child restraints

- (1) Subject to this section and the regulations, every motor vehicle must be equipped in accordance with the regulations with seat belts, anchorages for seat belts and anchorages for child restraints.
- (3) The Governor may, by regulation—
- (a) declare that any vehicle or vehicles of any class are exempt from the provisions of this section; and
 - (b) prescribe specifications as to the design, materials, strength, construction and installation of seat belts, anchorages for seat belts, child restraints and anchorages for child restraints; and
 - (c) prescribe the seating positions for which seat belts, anchorages for seat belts or anchorages for child restraints are required; and
 - (d) prescribe any other matters or specifications relating to seat belts, anchorages for seat belts, child restraints or anchorages for child restraints.
- (4) The Minister may, in respect of any particular vehicle or vehicles of any particular class, approve specifications in relation to the seat belts with which that vehicle or vehicles of that class are to be equipped.
- (5) A vehicle equipped with seat belts in accordance with specifications approved under subsection (4) will be taken to comply with this section.

162B—Safety helmets for riders of motor bikes and bicycles

The Governor may, by regulation—

- (a) prescribe specifications as to the design, material, strength and construction of safety helmets for use by persons riding or being carried on motor bikes or bicycles; and
- (b) prescribe any other matters or specifications relating to safety helmets for such use.

162C—Safety helmets and riders of wheeled recreational devices and wheeled toys

- (1) A person must not ride, or ride on, a wheeled recreational device or wheeled toy unless the person is wearing a safety helmet that complies with the regulations and is properly adjusted and securely fastened.
- (2) A person must not ride a wheeled recreational device or wheeled toy on which a child under the age of 16 years is carried unless the child is wearing a safety helmet that complies with the regulations and is properly adjusted and securely fastened.

- (2a) A parent or other person having the custody or care of a child under the age of 16 years must not cause or permit the child to ride or be carried on a wheeled recreational device or wheeled toy unless the child is wearing a safety helmet that complies with the regulations and is properly adjusted and securely fastened.
- (2c) It is a defence to a charge under this section for the defendant to prove that there were in the circumstances of the case special reasons justifying non-compliance with the requirements of this section.
- (3) The Governor may, by regulation—
 - (a) prescribe specifications as to the design, materials, strength and construction of safety helmets for use by persons riding or being carried on wheeled recreational devices or wheeled toys; and
 - (b) prescribe any other matters or specifications relating to safety helmets for such use.
- (4) This section does not apply to or in relation to a person who rides, rides on or is carried on a wheeled recreational device or wheeled toy where that person—
 - (a) is of the Sikh religion; and
 - (b) is wearing a turban.

Division 6—Information to be marked on certain vehicles

163—Information to be painted on certain vehicles

- (1) A vehicle of a prescribed class must have marked on it in accordance with the regulations the information prescribed in relation to that class of vehicle.
- (3) A person must not drive a vehicle that does not comply with this section.

Division 7—Power of exemption

163AA—Power of exemption

- (1) The Minister may, by instrument in writing or by notice published in the Gazette—
 - (a) exempt—
 - (i) any specified vehicle; or
 - (ii) any vehicles of a specified class; or
 - (iii) vehicles carrying loads of a specified kind,
from specified provisions of this Part; or
 - (b) vary or revoke an exemption under paragraph (a).
- (2) An exemption under subsection (1) is subject to such conditions and limitations (if any) as the Minister thinks fit and specifies in the instrument or notice of exemption.

Part 4A—Central Inspection Authority

163A—The Authority

- (1) The *Central Inspection Authority* (in this Part referred to as the *Authority*) is established.
- (2) The Minister may, by notice published in the Gazette, declare that any person, body or department of Government constitutes the Authority, and the Authority is then constituted accordingly.
- (3) The Minister may, by further notice published in the Gazette, vary or revoke any notice given under this section.
- (4) The Authority may, with the approval of the Minister, delegate to any person, body or department of Government any of the powers, duties or functions, other than this power of delegation, conferred or imposed on the Authority by this Act.
- (5) A delegation under subsection (4) is revocable at will and does not derogate from the power of the Authority to act in any matter.
- (6) The Authority is subject to the control and direction of the Minister.

163C—Application of Part

- (1) This Part applies to vehicles of a prescribed class.
 - (1a) The Minister may, by notice in writing—
 - (a) exempt a specified vehicle from this Part or from specified provisions of this Part; or
 - (b) vary or revoke an exemption under paragraph (a).
 - (1b) An exemption under subsection (1a) is subject to such conditions and limitations (if any) as the Minister thinks fit and specifies in the instrument of exemption.
- (3) Where the Registrar of Motor Vehicles suspects on reasonable grounds that a motor vehicle has been driven in contravention of this Part, the Registrar may, on the recommendation of the Authority, suspend the registration of the vehicle until such time as a certificate of inspection is issued in relation to the vehicle.

163D—Inspection of vehicles and issue of certificates of inspection

- (1) A vehicle to which this Part applies must not be driven on a road while carrying passengers (other than the driver) unless the vehicle is the subject of a current certificate of inspection.
 - (1a) The owner and the operator of a vehicle to which this Part applies must ensure that the vehicle is produced to the Authority for inspection at least once within each prescribed period or as the Authority may direct in a particular case.
- (2) Subject to subsections (3) and (3a), the Authority must, after inspection of a vehicle and on payment of the prescribed fee, issue a certificate of inspection in the prescribed form in respect of that vehicle and, subject to this Act, that certificate remains in force until the expiration of the next period, specified in the certificate, within which the vehicle must be again inspected.

- (3) The Authority must not issue a certificate of inspection—
 - (a) if the inspection reveals a mechanical defect or inadequacy that may, in the opinion of the Authority, render the vehicle unsafe; or
 - (b) if the vehicle does not comply with prescribed requirements relating to its design, construction or safety.
- (3a) The Authority may refuse a certificate of inspection where, in its opinion, the vehicle has not, since a certificate was last issued, been maintained in accordance with a prescribed scheme of maintenance that applies to the vehicle.
- (4) The Minister may exempt such persons, or persons of such class, from payment of the prescribed fee as the Minister thinks fit.
- (5) The Authority may, when issuing a certificate of inspection, attach such conditions to the certificate as it thinks fit.
- (6) If a vehicle is driven on a road in contravention of subsection (1), or when a condition of a certificate of inspection in respect of the vehicle has not been complied with, the driver, the owner and the operator of the vehicle are each guilty of an offence.

163E—Inspection of vehicles

- (1) A vehicle to which this Part applies may be inspected at any time by the Authority or an authorised officer notwithstanding that a certificate of inspection relating to the vehicle is in force.
- (2) The Authority may, by notice given to the owner or the operator of a vehicle, direct that the vehicle be presented for inspection under this section at such place and time as is specified in the notice.
- (3) A person who fails to comply with a notice served under subsection (2) is guilty of an offence.
- (4) An authorised officer may inspect a vehicle under this section at any time and place and may enter any premises for the purpose of making the inspection.

163F—Cancellation of certificates of inspection

The Authority may cancel a certificate of inspection on being satisfied—

- (a) that a notice given under section 163E in relation to the vehicle has not been complied with; or
- (b) that a condition of the certificate has not been complied with; or
- (c) that a vehicle to which the certificate relates is unsafe; or
- (d) that since the certificate was issued, there has been a failure to maintain the vehicle in accordance with a prescribed scheme of maintenance that applies to the vehicle; or
- (e) that a vehicle to which the certificate relates does not comply with prescribed requirements relating to its design, construction and safety.

163G—Inspection of certificates

An authorised officer or a police officer may require the driver of a vehicle to which this Part applies to stop the vehicle for the purpose of permitting that authorised officer or police officer to inspect any certificate of inspection that may be attached to the vehicle.

163GA—Maintenance records

- (1) If a prescribed scheme of maintenance applies to a vehicle—
 - (a) the following information must be recorded, in the English language, in a clear and legible manner, on the prescribed form in respect of the vehicle:
 - (i) particulars of all prescribed maintenance and repair work carried out on the vehicle; and
 - (ii) such other particulars as are prescribed; and
 - (b) those records must be retained in South Australia for a period of three years, or for such shorter period as may be prescribed, in a form that permits quick and convenient reference.
- (1a) If there is a failure to comply with subsection (1) in respect of a vehicle to which subsection (1) applies, the owner and the operator of the vehicle are each guilty of an offence.
- (1b) If a vehicle is not maintained in accordance with a prescribed scheme of maintenance that applies to the vehicle, the owner and operator of the vehicle are each guilty of an offence.
- (2) The Authority may, by notice in writing, exempt a person from the requirement to use the prescribed form when making records under this section if, in its opinion, the records that that person will make under this section will be of a satisfactory standard.
- (3) The Authority may, by subsequent notice in writing, vary or revoke an exemption granted under subsection (2).

163I—Evidentiary

An apparently genuine certificate purporting to be under the seal of the Authority to the effect that, at any specified time—

- (a) a vehicle was, or was not, the subject of a current certificate of inspection, is, in the absence of proof to the contrary, proof of the fact so certified.

163J—Recognition of interstate certificates of inspection

- (1) The Authority may recognise a certificate of inspection issued in respect of a vehicle pursuant to the law of another State or Territory of Australia where the Authority is satisfied that the issuing body observes standards of vehicle safety comparable to those observed by the Authority.
- (2) A certificate of inspection recognised by the Authority under this section will, for the purposes of this Part, be taken to be a certificate of inspection issued by the Authority.

163K—Limitation of liability

No person who does any act in pursuance or purported pursuance of this Part, or omits to exercise any power conferred under this Part, is under any civil or criminal liability in respect of that act or omission if the person acted, or omitted to act, in good faith and with reasonable care.

Part 4B—Special provisions relating to heavy vehicle offences

Division 1—Improvement notices

163L—Definition

In this Division—

approved officer means—

- (a) an authorised officer, or an authorised officer of a class, for the time being nominated by the Minister as an approved officer for the purposes of this Division; or
- (b) a police officer, or a police officer of a class, for the time being nominated by the Commissioner of Police as an approved officer for the purposes of this Division.

163M—Improvement notices

- (1) This section applies if an approved officer is of the opinion that a person has contravened, is contravening or is likely to contravene a provision of an Australian road law and the contravention or likely contravention involves a heavy vehicle.
- (2) The approved officer may serve on the person a notice (an *improvement notice*) requiring the person to remedy the contravention or likely contravention, or the matters or activities occasioning the contravention or likely contravention, within the period specified in the notice.
- (3) The period within which the person is required by the improvement notice to comply with the notice must be at least 7 days after service of the notice.
- (4) However, the approved officer may specify a shorter period if satisfied that it is reasonably practicable for the person to comply with the notice by the end of the shorter period.
- (5) The improvement notice must—
 - (a) state that the approved officer is of the opinion referred to in subsection (1); and
 - (b) state the reasons for that opinion; and
 - (c) specify the provisions of the Australian road laws in respect of which that opinion is held; and
 - (d) include information about obtaining a review of the notice; and
 - (e) state that it is issued under this section.
- (6) The improvement notice may but need not specify the method by which the alleged contravention or likely contravention, or the matters or activities occasioning the alleged contravention or likely contravention, are to be remedied.

163N—Contravention of improvement notice

- (1) A person commits an offence if—
 - (a) the person is subject to an improvement notice; and

- (b) the person engages in conduct that results in a contravention of a requirement of the improvement notice.

Maximum penalty: \$10 000.

- (2) Subsection (1) does not apply if the person has a reasonable excuse.
- (3) In proceedings for an offence of engaging in conduct that results in a contravention of a requirement of an improvement notice, it is a defence if the person charged establishes that—
 - (a) the alleged contravention or likely contravention; or
 - (b) the matters or activities occasioning the alleged contravention or likely contravention,

were remedied within the period specified in the notice, though by a method different from that specified in the improvement notice.

163O—Amendment of improvement notices

- (1) An improvement notice may be amended by an approved officer.
- (2) An amendment of an improvement notice is effected by service on the person affected of a notice stating the terms of the amendment.
- (3) An amendment of an improvement notice is ineffective if it purports to deal with a contravention of a different provision of an Australian road law from that dealt with in the improvement notice as first served.
- (4) A notice of an amendment of an improvement notice must—
 - (a) state the reasons for the amendment; and
 - (b) include information about obtaining a review of the notice; and
 - (c) state that it is issued under this section.

163P—Cancellation of improvement notices

- (1) An improvement notice may be cancelled by the Minister or an approved officer.
- (2) Notice of cancellation of an improvement notice is required to be served on the person affected.

163Q—Clearance certificates

- (1) An approved officer may issue a clearance certificate to the effect that all or any specified requirements of an improvement notice have been complied with.
- (2) A requirement of an improvement notice ceases to be operative on receipt, by the person on whom the notice was served, of a clearance certificate to the effect that—
 - (a) all requirements of the notice have been complied with; or
 - (b) that specific requirement has been complied with.

163R—Review of notice

- (1) A person on whom an improvement notice or a notice of an amendment of an improvement notice has been served under this Division may, within 28 days, apply to the Minister for a review of the notice.

- (2) The Minister may, in his or her discretion, extend the time fixed for making an application for review, even if the time for making such an application has ended.
- (3) The operation of the notice is stayed pending the determination of the application and any subsequent appeal relating to the notice.
- (4) The Minister may determine an application for review as the Minister thinks fit.
- (5) A review must be determined within 28 days of the application being lodged with the Minister.
- (6) If a review is not determined within that period, the Minister is to be taken to have confirmed the notice.

163S—Appeal to District Court

- (1) An applicant for a review under this Division who is not satisfied with the decision of the Minister on the review may appeal to the Administrative and Disciplinary Division of the District Court against the decision.
- (2) Subject to subsection (4), an appeal must be instituted within 28 days of the making of the decision appealed against.
- (3) The Minister must, if required by the applicant for the review, state in writing the reasons for the decision.
- (4) If the reasons of the Minister are not given to the applicant for the review in writing at the time of making the decision and that person, within 28 days of the making of the decision, requires the Minister to state the reasons in writing, the time for instituting an appeal runs from the time at which that person receives the written statement of those reasons.

Division 2—Sanctions for heavy vehicle offences

163T—Sanctions imposed by courts

- (1) A court that finds a person guilty of an offence that involves a heavy vehicle may impose one or more of the sanctions provided for by this Act.
- (2) Without affecting a court's discretion, the court is required to take into consideration, when imposing more than one of the sanctions provided for by this Act, the combined effect of the sanctions imposed.
- (3) Nothing in this Division affects any discretions or powers that a court or other person or body has apart from this Division.
- (4) If one or more courts make orders under this Division that result in both a supervisory intervention order and a prohibition order being in force at the same time in relation to the same person, the supervisory intervention order has no effect while the prohibition order has effect.

163U—Commercial benefits penalty orders

- (1) A court that finds a person guilty of an offence that involves a heavy vehicle may, on the application of the prosecutor, make an order (a *commercial benefits penalty order*) requiring the person to pay, as a fine, an amount not exceeding 3 times the amount estimated by the court to be the gross commercial benefit that—
 - (a) was received or receivable, by the person or by an associate of the person, from the commission of the offence; and
 - (b) in the case of a journey that was interrupted or not commenced because of action taken by an authorised officer or police officer in connection with the commission of the offence—would have been received or receivable, by the person or by an associate of the person, from the commission of the offence had the journey been completed.
- (2) In estimating the gross commercial benefit that was or would have been received or receivable from the commission of the offence, the court may take into account—
 - (a) benefits of any kind, whether monetary or otherwise; and
 - (b) any other matters that it considers relevant, including (for example)—
 - (i) the value of any goods involved in the offence; and
 - (ii) the distance over which any such goods were or were to be carried.
- (3) However, in estimating the gross commercial benefit that was or would have been received or receivable from the commission of the offence, the court is required to disregard any costs, expenses or liabilities incurred by the person or by an associate of the person.
- (4) Nothing in this section prevents the court from ordering payment of an amount that is—
 - (a) less than 3 times the estimated gross commercial benefit; or
 - (b) less than the estimated gross commercial benefit.

163V—Supervisory intervention orders

- (1) A court that finds a person guilty of an offence that involves a heavy vehicle may, on the application of the prosecutor, if the court considers the person to be a systematic or persistent offender against the Australian road laws, make an order (a *supervisory intervention order*) requiring the person (at the person's own expense and for a specified period not exceeding 1 year) to do any or all of the following:
 - (a) to do specified things that the court considers will improve the person's compliance with road laws or specified aspects of road laws, including (for example) the following:
 - (i) appointing or removing staff to or from particular activities or positions;
 - (ii) training and supervising staff;
 - (iii) obtaining expert advice as to maintaining appropriate compliance;

- (iv) installing monitoring, compliance, managerial or operational equipment (including, for example, intelligent transport system equipment);
 - (v) implementing monitoring, compliance, managerial or operational practices, systems or procedures;
 - (b) to conduct specified monitoring, compliance, managerial or operational practices, systems or procedures subject to the direction of the Minister or a person nominated by the Minister;
 - (c) to furnish compliance reports to the Minister or the court or both as specified in the order;
 - (d) to appoint a person to have responsibilities—
 - (i) to assist the person in improving compliance with road laws or specified aspects of road laws; and
 - (ii) to monitor the person's performance in complying with road laws or specified aspects of road laws and in complying with the requirements of the order; and
 - (iii) to furnish compliance reports to the Minister or the court or both as specified in the order.
- (2) The court may specify matters that are to be dealt with in compliance reports and the form, manner and frequency in which compliance reports are to be prepared and furnished.
- (3) The court may require that compliance reports or aspects of compliance reports be made public, and may specify the form, manner and frequency in which they are to be made public.
- (4) The court may only make a supervisory intervention order if it is satisfied that the order is capable of improving the person's ability or willingness to comply with the road laws, having regard to—
 - (a) the Australian road law offences of which the person has been previously found guilty; and
 - (b) the Australian road law offences for which the person has been proceeded against by way of unwithdrawn expiation notices or infringement notices; and
 - (c) any other offences or other matters that the court considers to be relevant to the conduct of the person in connection with road transport.
- (5) The order may direct that any other penalty or sanction imposed for the offence by the court is suspended until the court determines that there has been a substantial failure to comply with the order.
- (6) A court that has power to make supervisory intervention orders may revoke or amend a supervisory intervention order on the application of—
 - (a) the Minister; or
 - (b) the person in respect of whom the order was made, but in that case only if the court is satisfied that there has been a change of circumstances warranting revocation or amendment.

(7) In this section—

compliance report, in relation to a person in respect of whom a supervisory intervention order is made, means a report relating to—

- (a) the performance of the person in complying with—
 - (i) the road laws or aspects of the road laws specified in the order; and
 - (ii) the requirements of the order; and
- (b) without limiting the above—
 - (i) things done by the person to ensure that any failure by the person to comply with the road laws or the specified aspects of the road laws does not continue; and
 - (ii) the results of those things having been done.

163W—Contravention of supervisory intervention order

A person commits an offence if—

- (a) the person is subject to a requirement of a supervisory intervention order; and
- (b) the person engages in conduct that results in a contravention of the requirement.

Maximum penalty: \$10 000.

163X—Prohibition orders

- (1) A court that finds a person guilty of an offence that involves a heavy vehicle may, on the application of the prosecutor or the Minister, if the court considers the person to be a systematic or persistent offender against the Australian road laws, make an order (a ***prohibition order***) prohibiting the person, for a specified period, from having a specified role or responsibilities associated with road transport.
- (2) The court cannot make a prohibition order that prohibits the person from driving or registering a vehicle.
- (3) The court may only make a prohibition order if it is satisfied that the person should not continue the things the subject of the proposed order and that a supervisory intervention order is not appropriate, having regard to—
 - (a) the Australian road law offences of which the person has been previously found guilty; and
 - (b) the Australian road law offences for which the person has been proceeded against by way of unwithdrawn expiation notices or infringement notices; and
 - (c) any other offences or other matters that the court considers to be relevant to the conduct of the person in connection with road transport.
- (4) A court that has power to make prohibition orders may revoke or amend a prohibition order on the application of—
 - (a) the Minister; or
 - (b) the person in respect of whom the order was made, but in that case only if the court is satisfied that there has been a change of circumstances warranting revocation or amendment.

163Y—Contravention of prohibition order

A person commits an offence if—

- (a) the person is subject to a prohibition contained in a prohibition order; and
- (b) the person engages in conduct that results in a contravention of the prohibition.

Maximum penalty: \$10 000.

Division 3—Criminal responsibility in relation to organisations and employers

163Z—Application of Division limited to heavy vehicle offences

This Division applies in relation to an offence that involves a heavy vehicle.

163ZA—Liability of directors, managers and partners

- (1) If a body corporate commits an offence, each director of the body corporate, and each person concerned in the management of the body corporate, is taken to have committed the offence and is punishable accordingly.
- (2) If a person who is a partner in a partnership commits an offence in the course of the activities of the partnership, each other person who is a partner in the partnership, and each person concerned in the management of the partnership, is taken to have committed the offence and is punishable accordingly.
- (3) This section does not affect the liability of the body corporate or other person who actually committed the offence.
- (4) A person may be proceeded against and found guilty of an offence arising under this section whether or not the body corporate or other person who actually committed the offence has been proceeded against or been found guilty of the offence.
- (5) It is a defence to a charge for an offence arising under subsection (1) if the defendant establishes that—
 - (a) the defendant was not in a position to influence the conduct of the body corporate in relation to the actual offence; or
 - (b) the defendant, being in such a position, took all reasonable steps to prevent the commission of the actual offence.
- (6) It is a defence to a charge for an offence arising under subsection (2) if the defendant establishes that—
 - (a) the defendant was not in a position to influence the conduct of the person who actually committed the offence; or
 - (b) the defendant, being in such a position, took all reasonable steps to prevent the commission of the actual offence.
- (7) In this section—

director of a body corporate includes a member of the governing body of a body corporate.

163ZB—Vicarious responsibility

- (1) If, in proceedings for an offence, it is necessary to establish the state of mind of a body corporate in relation to particular conduct, it is sufficient to show—
 - (a) that the conduct was engaged in by a director, employee or agent of the body corporate within the scope of his or her actual or apparent authority; and
 - (b) that the director, employee or agent had the relevant state of mind.
- (2) For the purposes of a prosecution for an offence, conduct engaged in on behalf of a body corporate by a director, employee or agent of the body corporate within the scope of his or her actual or apparent authority is taken to have been engaged in also by the body corporate, unless the body corporate establishes that it took all reasonable steps to prevent the conduct.
- (3) If, in proceedings for an offence, it is necessary to establish the state of mind of a person other than a body corporate (the *employer*) in relation to particular conduct, it is sufficient to show—
 - (a) that the conduct was engaged in by an employee or agent of the employer within the scope of his or her actual or apparent authority; and
 - (b) that the employee or agent had the relevant state of mind.
- (4) For the purposes of a prosecution for an offence, conduct engaged in on behalf of a person other than a body corporate (the *employer*) by an employee or agent of the employer within the scope of his or her actual or apparent authority is taken to have been engaged in also by the employer, unless the employer establishes that the employer took all reasonable steps to prevent the conduct.
- (5) In this section—

director of a body corporate includes a member of the governing body of a body corporate;

state of mind of a person includes—

 - (a) the knowledge, intention, opinion, belief or purpose of the person; and
 - (b) the person's reasons for the intention, opinion, belief or purpose.

Part 4C—General compensation orders

163ZC—Compensation orders for damage to road infrastructure

- (1) A court that finds a person guilty of an offence may make an order (a *compensation order*) requiring the offender to pay a road authority such amount by way of compensation as the court thinks fit for damage to any road infrastructure that the road authority has incurred or is likely to incur in consequence of the offence.
- (2) A compensation order may be made on the application of the prosecutor or the road authority.
- (3) A compensation order may only be made in favour of the road authority.
- (4) The court may make a compensation order if it is satisfied on the balance of probabilities that the commission of the offence caused or contributed to the damage.
- (5) The court may make a compensation order—
 - (a) when it finds the offender guilty of the offence; or
 - (b) on an application made not later than the period within which a prosecution for the offence could have been commenced.

163ZD—Assessment of compensation

- (1) In making a compensation order, the court may assess the amount of compensation in such manner as it considers appropriate, including (for example) the estimated cost of remedying the damage.
- (2) In assessing the amount of compensation, the court may take into account such matters as it considers relevant, including—
 - (a) any evidence adduced in connection with the prosecution of the offence; and
 - (b) any evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and
 - (c) any certificate of the road authority stating that the road authority maintains the road concerned; and
 - (d) any other certificate of the road authority, such as a certificate—
 - (i) estimating the monetary value of all or any part of the road infrastructure or of the damage to it; or
 - (ii) estimating the cost of remedying the damage; or
 - (iii) estimating the extent of the offender's contribution to the damage.

163ZE—Service of certificates

- (1) If a road authority proposes to use a certificate referred to in section 163ZD in proceedings, the road authority must serve a copy of the certificate on the defendant at least 28 working days before the day on which the matter is set down for hearing.
- (2) Such a certificate cannot be used in the proceedings unless a copy of the certificate has been served in accordance with this section.

- (3) A defendant who wishes to challenge a statement in such a certificate must serve a notice in writing on the road authority at least 14 working days before the day on which the matter is set down for hearing.
- (4) The notice of intention must specify the matters in the certificate that are intended to be challenged.
- (5) If the defendant is intending to challenge the accuracy of any measurement, analysis or reading in the certificate, the defendant must specify the reason why the defendant alleges that it is inaccurate and must specify the measurement, analysis or reading that the defendant considers to be correct.
- (6) The defendant cannot challenge any matter in the certificate if the requirements of this section have not been complied with in relation to the certificate, unless the court gives leave to do so in the interests of justice.

163ZF—Limits on amount of compensation

- (1) If, in making a compensation order, the court is satisfied that the commission of the offence concerned contributed to the damage but that other factors not connected with the commission of the offence also contributed to the damage, the court must limit the amount of the compensation payable by the offender to the amount it assesses as being the offender's contribution to the damage.
- (2) The maximum amount of compensation cannot exceed the monetary jurisdictional limit of the court in civil proceedings.
- (3) The court may not include in the order any amount for—
 - (a) personal injury or death; or
 - (b) loss of income (whether sustained by a road authority or any other person or organisation); or
 - (c) damage to any property (including a vehicle) that is not part of the road infrastructure.

163ZG—Costs

The court has the same power to award costs in relation to the proceedings for a compensation order as it has in relation to civil proceedings, and the relevant provisions of laws applying to costs in relation to civil proceedings apply with any necessary adaptations to costs in relation to the proceedings for the compensation order.

163ZH—Relationship with orders or awards of other courts and tribunals

- (1) A compensation order may not be made if another court or tribunal has awarded compensatory damages or compensation in civil proceedings in respect of the damage based on the same or similar facts, and if a court purports to make an order under this Part in those circumstances—
 - (a) the order is void to the extent that it covers the same matters as those covered by the other award; and
 - (b) any payments made under the order to the extent to which it is void must be repaid by the road authority.

- (2) The making of a compensation order does not prevent another court or tribunal from afterwards awarding damages or compensation in civil proceedings in respect of the damage based on the same or similar facts, but the court or tribunal must take the order into account when awarding damages or compensation.

Part 5—Supplementary provisions

164A—Offences and penalties

- (1) A person who contravenes or fails to comply with—
 - (a) a provision of this Act; or
 - (b) a condition or restriction specified in a permit, approval or exemption granted under this Act,is guilty of an offence.
- (2) A person who is guilty of an offence against this Act for which no penalty is specifically provided is liable to a penalty not exceeding \$2 500.

164B—Permit or exemption does not operate in favour of person who contravenes a condition

- (1) If a person contravenes or fails to comply with a condition or restriction specified in a permit or exemption granted under this Act, the permit or exemption does not, while the contravention or non-compliance continues, operate in that person's favour.
- (2) Where, by virtue of subsection (1), a person is guilty of an offence against the provision of this Act from which the person was exempted by the permit or exemption, the person may be proceeded against either for that offence or for the offence of contravening, or failing to comply with, a condition or restriction of the permit or exemption.

165—False statements

- (1) A person must not in furnishing information, or compiling a record, pursuant to this Act make, or include in the record, a statement that is false or misleading in a material particular.
Maximum penalty: \$10 000 or imprisonment for 6 months.
- (2) On a charge of an offence under subsection (1), it is not necessary for the prosecutor to prove the state of mind of the defendant, but the defendant is entitled to be acquitted if the defendant proves that when making the statement he or she believed and had reasonable grounds for believing it was true.
- (3) This section applies to written and oral statements, and in respect of written and oral applications and requests.
- (4) To avoid doubt, a record compiled under this Act is not false or misleading for the purposes of this Act merely because the record contains a spelling error.

166—Double jeopardy

- (1) A person may be punished only once in relation to the same contravention of a particular provision of this Act, even if the person is liable in more than one capacity.
- (2) Despite subsection (1), a person may be punished for more than one contravention of a requirement if the contraventions relate to different parts of the same vehicle.

167—Causing or permitting certain offences

- (1) A person who causes or permits another person to commit any offence against any provision of this Act is guilty of an offence and liable to the penalty prescribed for the offence so caused or permitted.
- (2) This section does not restrict the application to any provision of this Act of section 267 of the *Criminal Law Consolidation Act 1935* which relates to the liability of persons aiding, abetting, counselling or procuring the commission of offences.

168—Power of court to make orders relating to licences or registration

- (1) A court that convicts a person of—
 - (a) an offence against this Act relating to motor vehicles; or
 - (b) an offence (under this Act or any other Act or law) in the commission of which a motor vehicle was used or the commission of which was facilitated by the use of a motor vehicle,may do one or more of the following:
 - (c) order that the person be disqualified from holding or obtaining a driver's licence for a period fixed by the court or until further order;
 - (d) order that the person so disqualified be not, at the end of the period of disqualification or on the removal of the disqualification, granted a driver's licence until the person passes a driving test as prescribed by section 79A of the *Motor Vehicles Act 1959*;
 - (e) order that a driver's licence held by the person be modified for a period fixed by the court or until further order;
 - (f) order that the registration of the motor vehicle concerned under the *Motor Vehicles Act 1959* be suspended for a period fixed by the court or until further order, or be cancelled;
 - (g) order that the person, and any associate of the person, be disqualified from obtaining registration of the motor vehicle concerned as an owner or operator under the *Motor Vehicles Act 1959* for a period fixed by the court or until further order.
- (2) If a court considers that another person who is not present in court may be substantially affected by an order under this section, the court may issue a summons to the other person to show cause why the order should not be made.
- (2a) An order under this section operates by force of this Act and takes effect either immediately or from a later specified date.
- (3) Where an order is made requiring a person disqualified under this section to pass a driving test before being granted a driver's licence, the disqualification continues, subject to subsection (4), until the expiration or removal of the disqualification.
- (4) Notwithstanding anything in this Act or in the *Motor Vehicles Act 1959* a person—
 - (a) may drive a motor vehicle for the purpose of being tested pursuant to an order made under subsection (1), notwithstanding a disqualification from holding or obtaining a driver's licence; and

- (b) will for all purposes be taken to be the holder of a driver's licence while being so tested.
- (5) Where a court has ordered that a person be disqualified from holding or obtaining a driver's licence (whether the order was made in relation to an offence under this Act or any other Act or law), the Governor may remove the disqualification from such date as the Governor may specify.

169A—Power to postpone commencement of disqualification

Where, pursuant to this Act or any other Act, a court orders that a convicted person be disqualified from holding or obtaining a driver's licence, the court may, if it is satisfied that reasonable cause exists for doing so, order that the disqualification take effect from a day or hour subsequent to the making of the order.

169B—Effect of imprisonment on disqualification

- (1) If, in sentencing a convicted person for an offence under this or any other Act, the court imposes a sentence of imprisonment (other than a suspended sentence) and orders that the person be disqualified from holding or obtaining a driver's licence for a specified period, the person will be taken to be so disqualified for a period commencing at the time the order is made and ending at a time calculated as if the specified period commenced—
 - (a) on the person's release from a period of imprisonment served by the person that consists of or includes a period attributable to the court's sentence; or
 - (b) if, on the person's release from such a period of imprisonment, the person would, apart from this subsection, already be disqualified from holding or obtaining a driver's licence or holds a driver's licence that is suspended—on the expiration of that period of disqualification or suspension.
- (2) Subsection (1) applies despite the terms of the court's order and despite the fact that it will or might result in the convicted person being disqualified from holding or obtaining a driver's licence for a period exceeding the maximum period (if any) prescribed under this or another Act in relation to the relevant offence.

170—Disqualification where vehicle used for criminal purposes

If a court of summary jurisdiction, on information or complaint duly laid, is satisfied that a person has used, or is likely to use, a motor vehicle in connection with the commission of any offence by the person or any other person or to facilitate the escape of the person or any other person from arrest or punishment, it may order that the person who used, or is likely to use, the vehicle be disqualified for a period fixed by the court or until further order from holding or obtaining a driver's licence.

172—Removal of disqualification

- (1) Where an order has been made disqualifying a person from holding or obtaining a driver's licence until further order, that person may, on complaint duly laid before a court of summary jurisdiction and served on the Commissioner of Police as defendant to the proceedings, apply to that court for an order removing the disqualification and the court may, if it thinks it expedient to do so, order that the disqualification be removed as from any date which it thinks proper.

- (2) An application cannot be made under this section within three months after the making of the original order of disqualification nor within three months after a previous application relating to the same order of disqualification.

173—Appeals and suspension of disqualification

- (1) A person who, by virtue of an order of a court under this Act, is disqualified from holding or obtaining a driver's licence may appeal against the order in the same manner as against a conviction.
- (2) Pending the hearing and determination of any such appeal, the operation of any such order may be suspended—
- (a) in the case of an order made by a court of summary jurisdiction, by the court which made the order or a judge of the Supreme Court;
 - (b) in the case of an order made by the Supreme Court, by a judge of that Court.
- (3) An order of suspension may be made before or after the institution of the appeal, but does not have effect until the defendant—
- (a) has duly instituted the appeal and paid the appropriate court fees; and
 - (b) has served on the Registrar of Motor Vehicles the order of suspension, or a copy of the order, and a notice that the appeal has been duly instituted and the fees paid.

173AA—Reasonable steps defence

- (1) If a provision of this Act states that a person has the benefit of the *reasonable steps defence* for an offence, it is a defence to a charge for the offence concerned if the person charged establishes that—
- (a) the person did not know, and could not reasonably be expected to have known, of the contravention concerned; and
 - (b) either—
 - (i) the person had taken all reasonable steps to prevent the contravention; or
 - (ii) there were no steps that the person could reasonably be expected to have taken to prevent the contravention.
- (2) If the person charged establishes that the person had complied with all relevant standards and procedures under a registered industry code of practice with respect to matters to which the breach relates, proof of compliance (as so established by the person) constitutes *prima facie* evidence that the person charged had taken reasonable steps to prevent the contravention.
- (3) Subsection (2) is not available unless the person charged has served notice of intention to establish the matters referred to in that subsection on the prosecution at least 28 days before the day on which the matter is set down for hearing.
- (4) The regulations may set out circumstances in which a requirement under this Act to take all reasonable steps to prevent the occurrence of a specified offence will be taken to have been satisfied.

173A—Defence relating to registered owner or operator

- (1) In proceedings for an offence against this Act in which a person is charged as a registered owner of a vehicle, it is a defence if the person proves—
 - (a) that before the relevant time the ownership of the vehicle had been transferred to some other specified person; or
 - (b) that the person was wrongly registered or recorded as an owner of the vehicle.
- (2) In proceedings for an offence against this Act in which a person is charged as the registered operator of a vehicle, it is a defence if the person proves that at the relevant time the person was not principally responsible for the operation or use of the vehicle.

173AB—Further defences

- (1) It is a defence to a charge for an offence against this Act if the person charged establishes that the conduct constituting the offence was—
 - (a) authorised or excused by or under a law; or
 - (b) done in compliance with a direction given by an authorised officer or police officer or an Australian Authority or a delegate of an Australian Authority; or
 - (c) done in response to circumstances of emergency.
- (2) The defence under subsection (1)(c) applies only if the person charged reasonably believed that—
 - (a) circumstances of emergency existed; and
 - (b) committing the offence was the only reasonable way to deal with the emergency; and
 - (c) the conduct was a reasonable response to the emergency.
- (3) Nothing in this section affects any other defence available at law.

173B—Service of notices etc on owners of vehicles

If a notice or other document is required or authorised by this Act to be served on or given to the owner of a vehicle, it is sufficient for the purposes of this Act, in a case where there is more than one owner of the vehicle, if it is served on or given to only one or some of the owners.

174—Liability when hired vehicles driven for hire

- (1) If—
 - (a) the owner of a motor vehicle lets it on hire to a person who, for the purpose of, or by virtue of any industrial award, is taken to be a servant of that owner; and
 - (b) while the vehicle is so let, the person taking it on hire drives it in the course of a business of carrying passengers or goods for hire,

that person will, as regards liability for any injury, loss or damage caused by that person while so driving the vehicle, be taken to be the servant of the owner and to have been so driving the vehicle in the course of employment by the owner.

- (2) In this section—

industrial award means an award, order or determination of an authority, commission, commissioner, committee, court or other tribunal of the Commonwealth or the State having jurisdiction to deal with industrial disputes or industrial matters.

174A—Liability of vehicle owners and expiation of certain offences

- (1) In this section—

owner, in relation to a vehicle, has the meaning assigned to the term by section 5, and includes the operator of the vehicle;

prescribed offence means an offence against a prescribed provision of this Act.

- (2) Without derogating from the liability of any other person, but subject to this section, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this section.
- (3) The owner and driver of a vehicle are not both liable through the operation of this section to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- (4) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against this section involving the vehicle must be accompanied by a notice inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the council or officer specified in the notice, within the period specified in the notice, with a statutory declaration—
- (a) setting out the name and address of the driver; or
 - (b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).
- (5) Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the complainant must send the owner a notice—
- (a) setting out particulars of the alleged prescribed offence; and
 - (b) inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subsection (4).
- (6) Subsection (5) does not apply to—
- (a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
 - (b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.

- (7) Subject to subsection (8), in proceedings against the owner of a vehicle for an offence against this section, it is a defence to prove—
- (a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
 - (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this section.
- (8) The defence in subsection (7)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- (9) If—
- (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this section; or
 - (b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,
- the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- (9a) The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.
- (10) In proceedings against a person named in a statutory declaration under this section for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the vehicle at the time at which the alleged offence was committed.
- (11) In proceedings against the owner or driver of a vehicle for an offence against this Act, an allegation in the complaint that a notice was given under this section on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

174AB—Marking of tyres for parking purposes

- (1) An authorised officer may place an erasable mark on a tyre of a vehicle in the course of enforcing laws relating to the parking of vehicles.
- (2) A person must not, without proper authority, erase a mark made under subsection (1).
Maximum penalty: \$750.

174B—Further offence for continued parking contravention

If a person is guilty of an offence by reason of a vehicle being parked in contravention of a prescribed provision of this Act, the person is guilty of a further offence—

- (a) in the case of an offence of being parked for longer than a permitted period of one or more hours—for each hour that the vehicle is parked continuously in the area or length of road in question in contravention of the provision; or
- (b) in the case of an offence of being parked for longer than a permitted period of less than one hour—for each such period that the vehicle is parked continuously in the area or length or road in question in contravention of the provision; or

(c) in any other case—for each hour that the contravention continues.

Maximum penalty: \$500.

174C—Council may grant exemptions from certain provisions

- (1) A council may exempt any person, or any persons of a specified class, or any specified vehicle, or any vehicles of a specified class, from compliance within its area with a prescribed provision of this Act.
- (2) An exemption under this section may be granted subject to the payment of such fee and to such other conditions (if any) as the council thinks fit and specifies in the exemption.

174D—Proceedings for certain offences may only be taken by certain officers or with certain approvals

No person, other than a police officer or an officer or employee of a council, may commence proceedings against a person for an offence against a prescribed provision of this Act without the prior approval of the Commissioner of Police, or the chief executive officer of the council of the area in which the alleged offence was committed.

174E—Presumption as to commencement of proceedings

In proceedings for an offence against this Act, if it appears from the complaint that the complainant is a police officer or an officer or employee of a council, it will be presumed that the proceedings have been commenced on the complaint of a police officer or an officer or employee of a council, as the case may be, in the absence of proof to the contrary.

174F—Industry codes of practice

- (1) The Minister may issue guidelines with respect to the preparation and contents of industry codes of practice, and may from time to time cancel, amend or replace the guidelines.
- (2) The guidelines may make provision for or with respect to—
 - (a) the review of registered industry codes of practice; and
 - (b) the period for which registration of an industry code of practice remains in force (unless sooner revoked).
- (3) The Minister may register industry codes of practice prepared in accordance with the guidelines in force under this section.
- (4) The Minister may revoke the registration of an industry code of practice.
- (5) The Minister may register an industry code of practice unconditionally or subject to conditions specified in the instrument of registration.
- (6) The Minister may attach new conditions to an existing registration, and may revoke or amend any conditions attached to a registration.
- (7) Registration of an industry code of practice remains in force (unless sooner revoked) until the earlier of the following:
 - (a) the end of the period of currency (if any) specified in the instrument of registration; or

- (b) the end of the period specified in the guidelines.

174G—Dismissal or other victimisation of employee or contractor assisting with or reporting breaches

- (1) An employer must not dismiss an employee or contractor, injure an employee or contractor in his or her employment or alter an employee's or contractor's position to his or her detriment because the employee or contractor—
- (a) has assisted or has given any information to a public agency in respect of a breach or alleged breach of an Australian road law; or
 - (b) has made a complaint about a breach or alleged breach of an Australian road law to the employer, a fellow employee or fellow contractor, a trade union or a public agency.
- (2) An employer or prospective employer must not refuse or deliberately omit to offer employment to a prospective employee or prospective contractor or treat a prospective employee or prospective contractor less favourably than another prospective employee or prospective contractor would be treated in relation to the terms on which employment is offered because the first-mentioned prospective employee or contractor—
- (a) has assisted or has given any information to a public agency in respect of a breach or alleged breach of an Australian road law; or
 - (b) has made a complaint about a breach or alleged breach of an Australian road law to a former employer, a former fellow employee or former fellow contractor, a trade union or a public agency.
- (3) A person commits an offence if—
- (a) the person engages in conduct that results in a contravention of subsection (1); and
 - (b) the person is an employer of the person concerned.
- Maximum penalty: \$10 000.
- (4) A person commits an offence if—
- (a) the person engages in conduct that results in a contravention of subsection (2); and
 - (b) the person is an employer or prospective employer of the person concerned.
- Maximum penalty: \$10 000.
- (5) In proceedings for an offence against this section, if all the facts constituting the offence other than the reason for the defendant's action are proved, the onus of proving that the defendant's action was not actuated by the reason alleged in the charge lies on the defendant.
- (6) If a person is found guilty of an offence against this section, the court may, in addition to imposing a penalty on the offender, make either or both of the following orders:
- (a) an order that the offender pay within a specified period to the employee or contractor or to the prospective employee or prospective contractor such damages as it thinks fit by way of compensation;
 - (b) an order that—

- (i) the employee or contractor be reinstated or re-employed in the employee's or contractor's former position or (if that position is not available) in a similar position; or
 - (ii) the prospective employee or prospective contractor be employed in the position for which the prospective employee or prospective contractor had applied or (if that position is not available) in a similar position.
- (7) The maximum amount of damages cannot exceed the monetary jurisdictional limit of the court in civil proceedings.
- (8) In this section—

contractor means a natural person who works under a contract for services;

public agency means an Australian Authority, an Australian authorised officer, an Australian police officer or any other public authority of any jurisdiction.

174H—False or misleading information provided between responsible persons

- (1) A person is guilty of an offence if—
 - (a) the person is a responsible person and provides information to another responsible person; and
 - (b) the person does so knowing that the information is false or misleading in a material particular or being reckless as to whether the information is false or misleading in a material particular; and
 - (c) the material particular in which the information is alleged to be false or misleading relates to an ingredient of an Australian road law offence that is or could be committed by the other or any other responsible person if that other person relies or were to rely on the material particular.

Maximum penalty: \$10 000.

- (2) In this section—

information means information in any form, whether written or not.

174I—Amendment or revocation of directions or conditions

- (1) An authorised officer may amend or revoke a direction given, or conditions imposed, by an authorised officer under this Act.
- (2) A police officer may amend or revoke a direction given, or conditions imposed, by a police officer under this Act.

174J—Minister may provide information to corresponding Authorities

- (1) The Minister may provide information to a corresponding Authority about—
 - (a) any action taken by the Minister under any road law; or
 - (b) any information obtained under this Act, including any information contained in any records, devices or other things inspected or seized under this Act.
- (2) This section neither affects nor is affected by section 41L.

174K—Contracting out prohibited

- (1) A term of any contract or agreement that purports to—
- (a) exclude, limit or modify the operation of this Act or of any provision of this Act; or
 - (b) require the payment or reimbursement by a person of all or part of any penalty that another has been ordered to pay under this Act,
- is void to the extent that it would otherwise have that effect.
- (2) A person commits an offence if the person requires or proposes that another agree to a term of a kind referred to in subsection (1).
- Maximum penalty: \$10 000.

175—Evidence

- (1) In proceedings for an offence against this Act, an allegation in a complaint that—
- (a) a specified place was a road or road-related area, or a specified kind or portion of road or road-related area; or
 - (b) a specified vehicle was parked in a specified place; or
 - (c) a specified traffic control device was on, above or near a specified place; or
 - (d) a traffic control device was of a specified form or was operating in a specified way; or
 - (e) a specified vehicle was a prescribed vehicle within the meaning of section 47A; or
 - (ea) a specified vehicle was a vehicle of a specified kind or had a specified GCM or GVM; or
 - (eb) a specified person was or was not a member of or participant in an approved road transport compliance scheme; or
 - (f) a specified person was an authorised officer; or
 - (fa) a specified person had specified powers under this Act; or
 - (g) a specified person was or was not the holder of a specified exemption or permit; or
 - (h) a specified provision was a condition of a specified exemption or permit; or
 - (i) a specified person was the owner, operator, person in charge or driver of a specified vehicle,
- is proof of the matters so alleged in the absence of proof to the contrary.
- (3) In proceedings for an offence against this Act—
- (a) a statement produced by the prosecution and purporting to be signed by an authorised officer or a police officer and stating—
 - (i) the mass of a vehicle with or without its load; or
 - (ii) the mass carried on an axle, or axle group, of a vehicle; or

- (iii) the dimensions or measurements of a vehicle or its load, or any part of a vehicle or its load; or
- (iv) that a wheel or tyre of a vehicle is of a specified type or class; or
- (v) that a vehicle has, or does not have, a specified mechanical part, or system, of a specified type or class,

is proof of the fact so stated in the absence of proof to the contrary;

- (ab) a statement produced by the prosecution and purporting to be signed by a person in charge of a weighbridge or other instrument for determining mass and stating that the weighbridge or instrument is of a specified class, or that it complies with the requirements of the regulations constitutes proof of the fact so stated in the absence of proof to the contrary;
- (ac) a statement produced by the prosecution and purporting to be signed by a person in charge of a weighbridge or other instrument for determining mass and stating that the person has complied with the requirements of the regulations in relation to the taking of certain specified measurements constitutes proof of the fact so stated in the absence of proof to the contrary;
- (b) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by any other police officer of or above the rank of inspector, and purporting to certify that a specified stopwatch or speedometer had been tested on a specified day and was shown by the test to be accurate to the extent indicated in the document constitutes, in the absence of proof to the contrary, proof of the facts certified and that the relevant instrument was accurate to that extent on the day of the test and—
 - (i) in the case of a stopwatch—throughout the 14 day period following and the 14 day period preceding the day of the test; or
 - (ii) in the case of a speedometer—throughout the 3 month period following and the 3 month period preceding the day of the test,

for the purpose of measuring the speed of any motor vehicle, whether or not the speed measured differed from the speed in relation to which the stopwatch or speedometer was tested or the circumstances of the measurement differed in any other respect from the circumstances of the test;

- (ba) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by any other police officer of or above the rank of inspector, and purporting to certify that a specified traffic speed analyser had been tested on a specified day and was shown by the test to be accurate to the extent indicated in the document constitutes, in the absence of proof to the contrary, proof of the facts certified and that the traffic speed analyser was accurate to that extent on the day on which it was so tested and, for the purpose of measuring the speed of any motor vehicle—
 - (i) in the case of a traffic speed analyser that was, at the time of measurement, mounted in a fixed housing—during the period of 27 days immediately following that day; or
 - (ii) in any other case—on the day following that day,

whether or not the speed measured differed from the speed in relation to which the analyser was tested or the circumstances of the measurement differed in any other respect from the circumstances of the test;

- (bb) a document produced by the prosecution and purporting to be signed by the Commissioner of Standards, or the Officer-in-Charge of Testing, Civil Engineering Testing Laboratories of the University of Adelaide, and certifying that a specified weighbridge or other instrument for determining mass had been tested on a specified day, such day being within 12 months before or after the date of the offence, and was shown by the test to be accurate to the extent indicated in the document constitutes, in the absence of proof to the contrary, proof that at the time of the offence the weighbridge or instrument, as the case may be, was accurate to the extent indicated in the document;
- (c) a document produced by the prosecution—
 - (i) purporting to be signed by the Minister; and
 - (ii) certifying that a vehicle specified in the document was not at a specified time exempt from any specified requirements of section 163,

constitutes, in the absence of proof to the contrary, proof of that fact.

- (4) For the purposes of subsection (3)(ba), a traffic speed analyser will be taken to have been mounted in a fixed housing at the time of measuring the speed of a motor vehicle if it was, at that time, mounted in or on a structure that was affixed to the ground.
- (5) In any proceedings under or for the purposes of a road law—
 - (a) a document purporting to be signed by an authorised officer or a police officer or issued or signed by an Australian Authority, and to certify that any specified specifications, capabilities or legal entitlements or other information relating to a specified vehicle (or a specified component of a specified vehicle) were or were not displayed on the vehicle, or were or were not recorded in an Australian Authority's records, in accordance with an Australian road law; or
 - (b) a document purporting to be signed by an authorised officer or a police officer or issued or signed by an Australian Authority, and to certify that any specified person or vehicle had or did not have specified legal entitlements; or
 - (c) a document purporting to be signed by an authorised officer or a police officer or issued or signed by an Australian Authority, and to certify as to any matter that appears in or can be calculated from records kept or accessed by the officer or Australian Authority; or
 - (d) a document purporting to be signed by an authorised officer or a police officer, and to certify as to the service of an expiation notice or the expiation of an offence,constitutes proof of the fact so certified in the absence of proof to the contrary.
- (6) Transport documentation or journey documentation is admissible in any proceedings under or for the purposes of a road law and is prima facie evidence of—
 - (a) the identity and status of the parties to the transaction to which it relates; and

- (b) the destination or intended destination of the load to which it relates.
- (7) The reference in subsection (6) to the *status* of parties includes a reference to their status as responsible persons in relation to the transaction.

176—Regulations and rules

- (1) The Governor may make such regulations and rules as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (1a) The regulations or rules may—
 - (a) provide defences for persons charged with offences; and
 - (b) confer on police officers or persons of a specified class power to give directions (including directions requiring action inconsistent with other requirements under this Act) or any other power for the safe and efficient regulation of traffic; and
 - (c) empower councils to fix (or vary) fees for the parking of vehicles within their areas, being fees payable by the operation of parking ticket-vending machines or parking meters; and
 - (d) provide for the granting of parking permits by councils, subject to such conditions or restrictions and on the payment of such fees as they think fit; and
 - (e) prescribe exemptions (which may be conditional or unconditional) from any provision of this Act; and
 - (f) provide for the granting (and variation and revocation) of exemptions by the Minister, subject to such conditions as the Minister thinks fit, from any provision of this Act; and
 - (g) prescribe and provide for the payment of fees in respect of specified matters (including fees for vehicle inspections for the purposes of this or any other Act); and
 - (ga) make provisions relating to the establishment and administration of approved road transport compliance schemes; and
 - (h) prescribe transitional provisions; and
 - (i) impose penalties, not exceeding \$2 500, for offences against the regulations or rules; and
 - (j) fix expiation fees, not exceeding \$750, for alleged offences against this Act.
- (2a) Regulations making provision relating to the establishment and administration of approved road transport compliance schemes may—
 - (a) impose penalties, not exceeding \$50 000, for offences against the regulations relating to approved road transport compliance schemes; and
 - (b) fix expiation fees, not exceeding \$750, for alleged offences against the regulations relating to approved road transport compliance schemes; and
 - (c) provide for and prescribe fees (including the waiving, remission or refund of such fees) in respect of approved road transport compliance schemes.

- (3) For the purpose of enabling traffic experiments to be conducted, the Governor may make regulations or rules—
- (a) suspending or amending any of the provisions of this Act;
 - (b) prescribing duties of road users different from, or in substitution for, any provisions so suspended and any other duties of road users, or other matters which it is necessary or convenient to prescribe, for the purpose of testing experimental traffic rules or schemes of traffic control.

Any regulations or rules suspending or amending any provisions of this Act must provide that the suspension or amendment will cease to operate on a day specified in the regulations or rules and being not later than six months from the day when the suspension or amendment takes effect, but the Governor may, by additional regulations or rules, extend the period of operation of any suspension or amendment for any period not exceeding three months for any one extension.

- (4) A discretionary power may be conferred on the Minister or any other person or body of persons by regulation or rule made under this Act.
- (4aa) Regulations or rules may be of general or limited application or vary in their application according to times, circumstances or matters in relation to which they are expressed to apply.
- (4a) The regulations or rules may impose a requirement, or make other provision, by reference to traffic control devices from time to time on, above or near roads.
- (5) The regulations or rules may impose a requirement, or make other provision, by reference to a specified standard, code or specification, as in force at a specified time, or as in force from time to time.
- (5a) If the regulations or rules make some provision by reference to a standard, code or specification—
- (a) a copy of the standard, code or specification must be kept available for inspection by members of the public, without charge and during normal office hours, at an office or offices determined by the Minister; and
 - (b) in any legal proceedings, evidence of the contents of the standard, code or specification may be given by production of a document purporting to be certified by or on behalf of the Minister as a true copy of the standard, code or specification.
- (5b) The regulations or rules may include evidentiary provisions to facilitate proof of breaches of the regulations or rules for the purposes of proceedings for offences against this Act.
- (7) Subsections (1a) and (4) to (5b) apply to any regulations or rules under this Act (whether made under this section or another section of this Act).
- (8) The matters about which regulations or rules may be made under this section are not limited by, and may include, specified matters about which regulations or rules may be made under another section of this Act.

177—Inconsistency of by-laws

If a by-law made by a council is inconsistent with this Act or a regulation or rule made under this Act, this Act or the regulation or rule prevails and the by-law is, to the extent of the inconsistency, invalid.

Schedule 1—Oral fluid and blood sample processes

Part 1—Preliminary

1—Interpretation

In this Schedule—

approved courier means a person approved by the Commissioner of Police as a courier for the purposes of this Schedule;

forensic material means any human material from which the person from whom the material was taken could be identified;

Metropolitan Adelaide has the same meaning as in the *Development Act 1993*;

registered nurse means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession.

1A—Approval of couriers

The Commissioner of Police may, by notice in the Gazette—

- (a) approve a person as a courier for the purposes of this Schedule; or
- (b) revoke an approval under paragraph (a).

Part 2—Processes relating to blood samples under section 47E, 47EAA or 47I

2—Blood sample processes generally

The following provisions apply where a sample of blood is taken under section 47E, 47EAA or 47I:

- (a) a medical practitioner by whom a sample of blood is taken must—
 - (i) place the sample of blood, in approximately equal proportions, in 2 separate containers marked with an identification number distinguishing the sample from other samples of blood and seal the containers; and
 - (ii) give to the person from whom the sample was taken, or (in the case of a sample taken under section 47I) leave with the person's personal effects at the hospital, a notice in writing—
 - (A) advising that the sample has been taken under the relevant section; and
 - (B) advising that a container containing part of the sample and marked with the identification number specified in the notice will be available for collection by or on behalf of the person at a specified place; and

- (C) containing any other information prescribed by the regulations; and
- (iii) complete and sign a certificate containing the information required under paragraph (d); and
- (iv) make the containers and the certificate available to a police officer;
- (b) each container must contain a sufficient quantity of blood to enable an analysis to be made of the concentration of alcohol present in the blood or of the presence of a prescribed drug in the blood;
- (c) it is the duty of the medical practitioner by whom the sample is taken to take such measures as are reasonably practicable in the circumstances to ensure that the blood is not adulterated and does not deteriorate so as to prevent a proper analysis of the concentration of alcohol present in the blood, or the presence of a prescribed drug in the blood;
- (d) the certificate referred to in paragraph (a) must state—
 - (i) the identification number of the sample marked on the containers referred to in that paragraph; and
 - (ii) the name and address of the person from whom the sample was taken; and
 - (iii) the name of the medical practitioner by whom the sample was taken; and
 - (iv) the date, time and place at which the sample was taken; and
 - (v) that the medical practitioner gave the notice referred to in that paragraph to the person from whom the sample was taken, or, as the case may be, left the notice with the person's personal effects;
- (e) one of the containers containing the sample must—
 - (i) as soon as reasonably practicable be taken by a police officer or an approved courier to the place specified in the notice given to the person or left with the person's personal effects under paragraph (a); and
 - (ii) be kept available at that place for collection by or on behalf of the person for the period prescribed by the regulations;
- (f) after analysis of the sample in a container made available to a police officer in accordance with paragraph (a), the analyst who performed or supervised the analysis must sign a certificate containing the following information:
 - (i) the identification number of the sample marked on the container;
 - (ii) the name and professional qualifications of the analyst;
 - (iii) the date on which the sample was received in the laboratory in which the analysis was performed;
 - (iv) the concentration of alcohol or other drug found to be present in the blood;

- (v) any factors relating to the sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;
- (vi) any other information relating to the sample or analysis or both that the analyst thinks fit to include;
- (g) on completion of an analysis of a sample, the certificate of the medical practitioner by whom the sample was taken and the certificate of the analyst who performed or supervised the analysis must be sent to the Minister or retained on behalf of the Minister and, in either event, copies of the certificates must be sent—
 - (i) to the Commissioner of Police; and
 - (ii) to the medical practitioner by whom the sample was taken; and
 - (iii) to the person from whom the sample was taken or, if the person is dead, a relative or personal representative of the deceased;
- (h) if the whereabouts of the person from whom the sample is taken, or (that person being dead) the identity or whereabouts of a relative or personal representative of the deceased, is unknown, there is no obligation to comply with paragraph (g)(iii) but copies of the certificates must, on application made within 3 years after completion of the analysis, be furnished to any person to whom they should, but for this paragraph, have been sent.

3—Blood tests by registered nurses

Where a person has made a request under section 47E(4a), 47EAA(11) or 47K(2a), or is required to submit to a blood test under section 47EAA(2), at a place outside Metropolitan Adelaide—

- (a) a sample of the person's blood may be taken by a registered nurse instead of a medical practitioner for the purposes of section 47E(4a), 47EAA(2), 47EAA(11) or the procedures prescribed by regulation for the purposes of section 47K(1a); and
- (b) the provisions of this Act and the regulations under this Act apply in relation to the taking of the sample of the person's blood and the subsequent dealing with the sample as if a reference in those provisions to a medical practitioner included a reference to a registered nurse.

4—Police officer to be present when blood sample taken

The taking of a sample of blood under section 47E(4a), 47EAA(2) or 47EAA(11) must be in the presence of a police officer.

5—Cost of blood tests under certain sections

The taking of a sample of blood under section 47E(4a), 47EAA(2), 47EAA(11) or 47I must be at the expense of the Crown.

6—Provisions relating to medical practitioners etc

- (1) No proceedings lie against a medical practitioner or registered nurse in respect of anything done in good faith and in compliance, or purported compliance, with the provisions of this Act.

- (2) A medical practitioner must not take a sample of a person's blood under this Act if, in his or her opinion, it would be injurious to the medical condition of the person to do so.
- (3) A medical practitioner is not obliged to take a sample of a person's blood under this Act if the person objects to the taking of the sample of blood and persists in that objection after the medical practitioner has informed the person that, unless the objection is made on genuine medical grounds, it may constitute an offence against this Act.
- (4) A medical practitioner who fails, without reasonable excuse, to comply with a provision of, or to perform any duty arising under, section 47I is guilty of an offence.
- (5) No proceedings can be commenced against a medical practitioner for an offence against subclause (4) unless those proceedings have been authorised by the Attorney-General.
- (6) An apparently genuine document purporting to be signed by the Attorney-General and to authorise proceedings against a medical practitioner for an offence under subclause (4) must, in the absence of proof to the contrary, be accepted by any court as proof that those proceedings have been authorised by the Attorney-General.

Part 3—Processes relating to oral fluid samples under section 47EAA

7—Oral fluid sample processes

The following provisions apply where a sample of oral fluid is taken under section 47EAA(2):

- (a) the police officer who conducts the oral fluid analysis must—
 - (i) place the sample of oral fluid (and any reagent or other substance required by the regulations to be added to the sample) in approximately equal proportions, in 2 separate containers marked with an identification number distinguishing the sample from other samples of oral fluid and seal the containers; and
 - (ii) give to the person from whom the sample was taken a notice in writing—
 - (A) advising that the sample has been taken under section 47EAA(2); and
 - (B) advising that a container containing part of the sample and marked with the identification number specified in the notice will be available for collection by or on behalf of the person at a specified place; and
 - (C) containing any other information prescribed by the regulations; and
 - (iii) complete and sign a certificate containing the information required under paragraph (d);
- (b) each container must contain a sufficient quantity of oral fluid to enable an analysis to be made of the presence of a prescribed drug in the oral fluid;

- (c) it is the duty of the police officer who conducts the oral fluid analysis to take such measures as are reasonably practicable in the circumstances to ensure that the sample is not adulterated (other than as required under paragraph (a)) and does not deteriorate so as to prevent a proper analysis of the presence of a prescribed drug in the oral fluid;
- (d) the certificate referred to in paragraph (a) must state—
 - (i) the identification number of the sample marked on the containers referred to in that paragraph; and
 - (ii) the name and address of the person from whom the sample was taken; and
 - (iii) the identification number of the police officer by whom the sample was taken; and
 - (iv) the date, time and place at which the sample was taken; and
 - (v) that the police officer gave the notice referred to in that paragraph to the person from whom the sample was taken;
- (e) one of the containers containing the sample must—
 - (i) as soon as reasonably practicable be taken by a police officer or an approved courier to the place specified in the notice given to the person under paragraph (a); and
 - (ii) be kept available at that place for collection by or on behalf of the person for the period prescribed by the regulations;
- (f) after analysis of the sample in a container referred to in paragraph (a), the analyst who performed or supervised the analysis must sign a certificate containing the following information:
 - (i) the identification number of the sample marked on the container;
 - (ii) the name and professional qualifications of the analyst;
 - (iii) the date on which the sample was received in the laboratory in which the analysis was performed;
 - (iv) the information required by the regulations in relation to any prescribed drug or drugs found to be present in the sample;
 - (v) any factors relating to the sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;
 - (vi) any other information relating to the sample or analysis or both that the analyst thinks fit to include;
- (g) on completion of an analysis of a sample, the certificate of the analyst who performed or supervised the analysis must be sent to the Minister or retained on behalf of the Minister and, in either event, copies of the certificates must be sent—
 - (i) to the Commissioner of Police; and
 - (ii) to the person from whom the sample was taken or, if the person is dead, a relative or personal representative of the deceased;

- (h) if the whereabouts of the person from whom the sample is taken, or (that person being dead) the identity or whereabouts of a relative or personal representative of the deceased is unknown, there is no obligation to comply with paragraph (g)(ii) but copies of the certificates must, on application made within 3 years after completion of the analysis, be furnished to any person to whom they should, but for this paragraph, have been sent.

Part 4—Other provisions relating to oral fluid or blood samples under Part 3 Division 5

8—Oral fluid or blood sample or results of analysis etc not to be used for other purposes

- (1) A sample of oral fluid or blood taken under section 47E, 47EAA or 47I (and any other forensic material taken incidentally during a drug screening test, oral fluid analysis or blood test) must not be used for a purpose other than that contemplated by this Act.
- (2) The results of a drug screening test, oral fluid analysis or blood test under Part 3 Division 5, an admission or statement made by a person relating to such a drug screening test, oral fluid analysis or blood test, or any evidence taken in proceedings relating to such a drug screening test, oral fluid analysis or blood test (or transcript of such evidence)—
- (a) will not be admissible in evidence against the person in any proceedings, other than proceedings for an offence against this Act or the *Motor Vehicles Act 1959* or a driving-related offence; and
 - (b) may not be relied on as grounds for the exercise of any search power or the obtaining of any search warrant.

- (3) In this clause—

proceedings for a driving-related offence means proceedings for an offence where the conduct with which the defendant is charged involves driving a vehicle.

9—Destruction of oral fluid or blood sample taken under Part 3 Division 5

The Commissioner of Police must ensure that a sample of oral fluid or blood taken under Part 3 Division 5 (and any other forensic material taken incidentally during a drug screening test, oral fluid analysis or blood test) is destroyed—

- (a) if proceedings for an offence of a kind referred to in clause 8(2)(a) based on evidence of the results of analysis of the sample are not commenced within the period allowed; or
- (b) if such proceedings are commenced within the period allowed—when the proceedings (including any proceedings on appeal) are finally determined or discontinued.

Legislative history

Notes

- This version is comprised of the following:

| | |
|------------|-----------|
| Part 1 | 1.5.2009 |
| Part 2 | 30.4.2007 |
| Part 2A | 30.4.2007 |
| Part 3 | 1.2.2010 |
| Part 3AA | 5.11.2009 |
| Part 3A | 29.9.2008 |
| Part 4 | 29.9.2008 |
| Part 4A | 30.4.2007 |
| Part 4B | 29.9.2008 |
| Part 4C | 30.4.2007 |
| Part 5 | 5.11.2009 |
| Schedule 1 | 1.7.2010 |
- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation repealed by principal Act

The *Road Traffic Act 1961* repealed the following:

Road Traffic Act 1934

Road Traffic Act Amendment Act 1936

Road Traffic Act Amendment Act 1938

Road Traffic Act Amendment Act 1939

Road Traffic Act Amendment Act (No. 2) 1939

Road Traffic Act Amendment Act (No. 3) 1939

Road Traffic Act Amendment Act 1940

Road Traffic Act Amendment Act 1941

Road Traffic Act Amendment Act (No. 2) 1941

Road Traffic Act Amendment Act 1942

Road Traffic Act Amendment Act (No. 2) 1942

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Road Traffic Act Amendment Act 1943
Road Traffic Act Amendment Act 1944
Road Traffic Act Amendment Act (No. 2) 1944
Road Traffic Act Amendment Act 1945
Road Traffic Act Amendment Act (No. 2) 1945
Road Traffic Act Amendment Act 1946
Road Traffic Act Amendment Act 1947
Road Traffic Act Amendment Act (No. 2) 1947
Road Traffic Act Amendment Act 1948
Road Traffic Act Amendment Act 1950
Road Traffic Act Amendment Act 1951
Road Traffic Act Amendment Act 1952
Road Traffic Act Amendment Act (No. 1) 1953
Road Traffic Act Amendment Act (No. 2) 1953
Road Traffic Act Amendment Act 1954
Road Traffic Act Amendment Act 1955
Road Traffic Act Amendment Act (No. 2) 1955
Road Traffic Act Amendment Act 1956
Road Traffic Act Amendment Act 1957
Road Traffic Act Amendment Act 1958
Road Traffic Act Amendment Act 1959
Road Traffic Board Act 1960

Principal Act and amendments

New entries appear in bold.

| Year | No | Title | Assent | Commencement |
|------|----|--|------------|--|
| 1961 | 50 | <i>Road Traffic Act 1961</i> | 16.11.1961 | 16.11.1961: s 2(1) except ss 4—177 & Schs—30.8.1962 (<i>Gazette</i> 30.8.1962 p493) |
| 1963 | 47 | <i>Road Traffic Act Amendment Act (No. 2) 1963</i> | 28.11.1963 | 28.11.1963 |
| 1963 | 65 | <i>Road Traffic Act Amendment Act 1963</i> | 12.12.1963 | 12.12.1963 |
| 1964 | 26 | <i>Road Traffic Act Amendment Act 1964</i> | 15.10.1964 | 15.10.1964 |
| 1964 | 58 | <i>Road Traffic Act Amendment Act (No. 2) 1964</i> | 5.11.1964 | 5.11.1964 |
| 1966 | 16 | <i>Road Traffic Act Amendment Act 1966</i> | 24.2.1966 | 24.2.1966 |
| 1966 | 37 | <i>Road Traffic Act Amendment Act (No. 2) 1966</i> | 18.8.1966 | 18.8.1966 |

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|------|-----|--|--|
| 1967 | 17 | <i>Road Traffic Act Amendment Act (No. 3) 1967</i> | 13.4.1967 |
| 1967 | 43 | <i>Road Traffic Act Amendment Act (No. 2) 1967</i> | 23.11.1967 (<i>Gazette 23.11.1967 p2269</i>) |
| 1969 | 106 | <i>Road Traffic Act Amendment Act 1969</i> | 18.12.1969 |
| | | | 8.1.1970 (<i>Gazette 8.1.1970 p2</i>) |
| 1971 | 73 | <i>Road Traffic Act Amendment Act 1971</i> | 11.11.1971 |
| 1972 | 71 | <i>Road Traffic Act Amendment Act 1972</i> | 7.9.1972 |
| | | | 1.1.1973 (<i>Gazette 21.12.1972 p2723</i>) |
| 1972 | 146 | <i>Road Traffic Act Amendment Act (No. 2) 1972</i> | 7.12.1972 |
| | | | 1.8.1973 (<i>Gazette 19.7.1973 p286</i>) |
| 1973 | 93 | <i>Road Traffic Act Amendment Act 1973</i> | 13.12.1973 |
| | | | 1.7.1974 (<i>Gazette 13.6.1974 p2330</i>) |
| 1974 | 3 | <i>Road Traffic Act Amendment Act 1974</i> | 21.3.1974 |
| | | | 1.7.1974: s 2 |
| 1974 | 48 | <i>Road Traffic Act Amendment Act (No. 2) 1974</i> | 8.8.1974 |
| 1974 | 76 | <i>Road Traffic Act Amendment Act (No. 3) 1974</i> | 24.10.1974 |
| | | | 1.2.1975 (<i>Gazette 19.12.1974 p3766</i>) |
| 1974 | 84 | <i>Statute Law Revision Act (No. 2) 1974</i> | 21.11.1974 |
| 1974 | 92 | <i>Road Traffic Act Amendment Act (No. 5) 1974</i> | 5.12.1974 |
| 1974 | 93 | <i>Road Traffic Act Amendment Act (No. 6) 1974</i> | 5.12.1974 |
| | | | 1.3.1975 (<i>Gazette 13.2.1975 p506</i>) |
| 1975 | 10 | <i>Road Traffic Act Amendment Act (No. 2) 1975</i> | 20.3.1975 |
| | | | 1.3.1975: s 2 |
| 1975 | 16 | <i>Road Traffic Act Amendment Act 1975</i> | 27.3.1975 |
| | | | 1.1.1976 (<i>Gazette 11.12.1975 p3137</i>) |
| 1975 | 31 | <i>Road Traffic Act Amendment Act (No. 3) 1975</i> | 3.4.1975 |
| 1976 | 36 | <i>Road Traffic Act Amendment Act 1976</i> | 21.10.1976 |
| 1976 | 40 | <i>Road Traffic Act Amendment Act (No. 2) 1976</i> | 22.10.1976 |
| 1976 | 103 | <i>Road Traffic Act Amendment Act (No. 3) 1976</i> | 16.12.1976 |
| | | | 1.3.1977 (<i>Gazette 3.2.1977 p274</i>) |
| 1979 | 42 | <i>Road Traffic Act Amendment Act 1979</i> | 15.3.1979 |
| | | | 1.4.1979 (<i>Gazette 29.3.1979 p834</i>) |
| 1979 | 45 | <i>Road Traffic Act Amendment Act (No. 2) 1979</i> | 15.3.1979 |
| | | | 1.7.1979 (<i>Gazette 24.5.1979 p1498</i>) |
| 1980 | 24 | <i>Road Traffic Act Amendment Act 1980</i> | 17.4.1980 |
| | | | 1.6.1980 (<i>Gazette 22.5.1980 p1372</i>) |
| 1980 | 25 | <i>Road Traffic Act Amendment Act (No. 2) 1980</i> | 17.4.1980 |
| | | | 1.6.1980 (<i>Gazette 22.5.1980 p1372</i>) |
| 1980 | 107 | <i>Road Traffic Act Amendment Act (No. 3) 1980</i> | 18.12.1980 |
| | | | 1.3.1981 (<i>Gazette 22.1.1981 p170</i>) |
| 1981 | 24 | <i>Road Traffic Act Amendment Act 1981</i> | 19.3.1981 |
| | | | 19.3.1981 (<i>Gazette 19.3.1981 p745</i>) |
| 1981 | 25 | <i>Road Traffic Act Amendment Act (No. 2) 1981</i> | 19.3.1981 |
| 1981 | 46 | <i>Road Traffic Act Amendment Act (No. 3) 1981</i> | 18.6.1981 |
| | | | 18.6.1981 (<i>Gazette 18.6.1981 p1840</i>) |
| 1981 | 90 | <i>Road Traffic Act Amendment Act (No. 4) 1981</i> | 23.12.1981 |
| 1981 | 99 | <i>Road Traffic Act Amendment Act (No. 5) 1981</i> | 23.12.1981 |
| | | | 7.1.1982 (<i>Gazette 7.1.1982 p4</i>) |

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| | | | | |
|------|-----|---|------------|--|
| 1982 | 63 | <i>Road Traffic Act Amendment Act 1982</i> | 1.7.1982 | repealed by 25/1989 without coming into operation |
| 1982 | 91 | <i>Road Traffic Act Amendment Act (No. 2) 1982</i> | 14.10.1982 | 5.7.1984 (<i>Gazette 5.7.1984 p2</i>) except ss 3—8 & 10—1.7.1985 (<i>Gazette 20.6.1985 p2182</i>) |
| 1984 | 15 | <i>Road Traffic Act Amendment Act 1984</i> | 3.5.1984 | 5.7.1984 (<i>Gazette 5.7.1984 p2</i>) |
| 1984 | 28 | <i>Road Traffic Act Amendment Act (No. 2) 1984</i> | 10.5.1984 | 17.6.1984 (<i>Gazette 14.6.1984 p1567</i>) |
| 1984 | 50 | <i>Statute Law Revision Act 1984</i> | 24.5.1984 | Sch 5—1.1.1985 (<i>Gazette 13.12.1984 p1811</i>) |
| 1984 | 84 | <i>Road Traffic Act Amendment Act (No. 3) 1984</i> | 29.11.1984 | 1.1.1985 (<i>Gazette 20.12.1984 p1883</i>) |
| 1985 | 55 | <i>Road Traffic Act Amendment Act 1985</i> | 30.5.1985 | 1.7.1985 (<i>Gazette 20.6.1985 p2182</i>) except s 10—uncommenced |
| 1985 | 69 | <i>Road Traffic Act Amendment Act (No. 2) 1985</i> | 6.6.1985 | 6.6.1985 |
| 1985 | 85 | <i>Road Traffic Act Amendment Act (No. 3) 1985</i> | 19.9.1985 | 2.12.1985 (<i>Gazette 21.11.1985 p1542</i>) |
| 1986 | 27 | <i>Road Traffic Act Amendment Act 1986</i> | 20.3.1986 | 1.7.1986 (<i>Gazette 26.6.1986 p1636</i>) |
| 1986 | 53 | <i>Road Traffic Act Amendment Act (No. 2) 1986</i> | 11.9.1986 | 1.12.1986 (<i>Gazette 30.10.1986 p1483</i>) |
| 1986 | 58 | <i>Road Traffic Act Amendment Act (No. 4) 1986</i> | 2.10.1986 | 1.1.1987 (<i>Gazette 20.11.1986 p1638</i>) |
| 1986 | 92 | <i>Road Traffic Act Amendment Act (No. 3) 1986</i> | 4.12.1986 | 18.12.1986 (<i>Gazette 18.12.1986 p1876</i>) |
| 1987 | 5 | <i>Road Traffic Act Amendment Act 1987</i> | 12.3.1987 | 1.7.1988 (<i>Gazette 30.6.1988 p2050</i>) |
| 1987 | 82 | <i>Road Traffic Act Amendment Act (No. 2) 1987</i> | 26.11.1987 | 26.11.1987 |
| 1987 | 105 | <i>Road Traffic Act Amendment Act (No. 3) 1987</i> | 17.12.1987 | 1.7.1988 (<i>Gazette 30.6.1988 p2051</i>) |
| 1988 | 14 | <i>Road Traffic Act Amendment Act 1988</i> | 7.4.1988 | 1.7.1988: s 2 |
| 1988 | 16 | <i>Road Traffic Act Amendment Act (No. 2) 1988</i> | 14.4.1988 | 26.5.1988 (<i>Gazette 26.5.1988 p1332</i>) |
| 1988 | 51 | <i>Statutes Amendment and Repeal (Sentencing) Act 1988</i> | 5.5.1988 | Pt 10 (ss 70—76)—1.1.1989 (<i>Gazette 15.12.1988 p2009</i>) |
| 1988 | 74 | <i>Road Traffic Act Amendment Act (No. 3) 1988</i> | 24.11.1988 | 1.1.1989 (<i>Gazette 15.12.1988 p2004</i>) |
| 1989 | 25 | <i>Road Traffic Act Amendment Act 1989</i> | 27.4.1989 | 1.7.1989 (<i>Gazette 29.6.1989 p1756</i>) |
| 1989 | 41 | <i>Road Traffic Act Amendment Act (No. 2) 1989</i> | 4.5.1989 | 14.8.1989 (<i>Gazette 27.7.1989 p182</i>) |
| 1989 | 55 | <i>Road Traffic Act Amendment Act (No. 3) 1989</i> | 26.10.1989 | 28.3.1990 (<i>Gazette 8.3.1990 p659</i>) |
| 1990 | 1 | <i>Road Traffic Act Amendment Act 1990</i> | 22.3.1990 | 22.3.1990 |
| 1990 | 52 | <i>Road Traffic Act Amendment Act (No. 2) 1990</i> | 22.11.1990 | 22.11.1990: s 2(2) except ss 3, 4, 6—10 & 12—1.1.1991 (<i>Gazette 20.12.1990 p1844</i>) and except s 11—29.4.1993 (<i>Gazette 29.4.1993 p1476</i>) |
| 1991 | 12 | <i>Road Traffic (Alcohol, Speed and Helmets) Amendment Act 1991</i> | 28.3.1991 | 1.7.1991 (<i>Gazette 9.5.1991 p1484</i>) |

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|------|-----|--|------------|---|
| 1991 | 14 | <i>Road Traffic (Coin-operated Breath Machines) Amendment Act 1991</i> | 4.4.1991 | 4.4.1991 |
| 1991 | 56 | <i>Road Traffic (Safety Helmet Exemption) Amendment Act 1991</i> | 28.11.1991 | 28.11.1991 |
| 1992 | 1 | <i>Motor Vehicles (Licences and Demerit Points) Amendment Act 1992</i> | 5.3.1992 | 1.6.1992 (<i>Gazette 28.5.1992 p1512</i>) |
| 1992 | 5 | <i>Road Traffic (Prescribed Vehicles) Amendment Act 1992</i> | 26.3.1992 | 1.6.1992 (<i>Gazette 30.4.1992 p1278</i>) |
| 1992 | 37 | <i>Statutes Amendment (Illegal Use of Motor Vehicles) Act 1992</i> | 21.5.1992 | 6.7.1992 (<i>Gazette 2.7.1992 p209</i>) |
| 1993 | 10 | <i>Road Traffic (Pedal Cycles) Amendment Act 1993</i> | 25.3.1993 | 30.4.1993 (<i>Gazette 29.4.1993 p1476</i>) |
| 1993 | 32 | <i>Road Traffic (Miscellaneous) Amendment Act 1993</i> | 13.5.1993 | 4.11.1993 (<i>Gazette 4.11.1993 p2176</i>) |
| 1993 | 86 | <i>Road Traffic (Breath Analysis) Amendment Act 1993</i> | 27.10.1993 | 1.2.1994 (<i>Gazette 20.1.1994 p76</i>) |
| 1994 | 30 | <i>Passenger Transport Act 1994</i> | 26.5.1994 | Sch 4 (cl 2(b)(i)—(vi))—1.7.1994 (<i>Gazette 30.6.1994 p1843</i>) except cl 2(b)(vii)—(xi)—1.8.1994 (<i>Gazette 28.7.1994 p170</i>) |
| 1994 | 88 | <i>Road Traffic (Miscellaneous) Amendment Act 1994</i> | 15.12.1994 | 5.1.1995 (<i>Gazette 5.1.1995 p5</i>) |
| 1995 | 64 | <i>Road Traffic (Small-Wheeled Vehicles) Amendment Act 1995</i> | 10.8.1995 | 1.2.1996 (<i>Gazette 7.12.1995 p1556</i>) |
| 1995 | 95 | <i>Statutes Amendment (Drink Driving) Act 1995</i> | 7.12.1995 | Pt 4 (ss 13—16)—4.4.1996 except s 17—18.4.1996 (<i>Gazette 4.4.1996 p1886</i>) |
| 1996 | 32 | <i>Road Traffic (Directions at Level Crossings) Amendment Act 1996</i> | 2.5.1996 | 2.5.1996 |
| 1996 | 33 | <i>Road Traffic (Exemption of Traffic Law Enforcement Vehicles) Amendment Act 1996</i> | 2.5.1996 | 2.5.1996 |
| 1996 | 34 | <i>Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996</i> | 2.5.1996 | Sch (cl 30)—3.2.1997 (<i>Gazette 19.12.1996 p1923</i>) |
| 1996 | 65 | <i>Motor Vehicles (Trade Plates) Amendment Act 1996</i> | 15.8.1996 | Sch—17.11.1997 (<i>Gazette 13.11.1997 p1280</i>) |
| 1996 | 66 | <i>Road Traffic (Miscellaneous) Amendment Act 1996</i> | 15.8.1996 | 6.11.1997 (<i>Gazette 6.11.1997 p1164</i>) |
| 1996 | 100 | <i>Road Traffic (Inspection) Amendment Act 1996</i> | 19.12.1996 | 1.7.1997 (<i>Gazette 26.6.1997 p3051</i>) |
| 1997 | 37 | <i>Road Traffic (U-Turns at Traffic Lights) Amendment Act 1997</i> | 10.7.1997 | 10.7.1997 |
| 1997 | 51 | <i>Motor Vehicles (Farm Implements and Machines) Amendment Act 1997</i> | 31.7.1997 | s 8—15.1.1998 (<i>Gazette 8.1.1998 p4</i>) |
| 1997 | 57 | <i>Road Traffic (Expressways) Amendment Act 1997</i> | 31.7.1997 | 11.12.1997 (<i>Gazette 11.12.1997 p1601</i>) |
| 1997 | 78 | <i>Road Traffic (Speed Zones) Amendment Act 1997</i> | 18.12.1997 | 5.2.1998 (<i>Gazette 5.2.1998 p862</i>) |
| 1998 | 18 | <i>Road Traffic (School Zones) Amendment Act 1998</i> | 2.4.1998 | 20.7.1998 (<i>Gazette 16.7.1998 p122</i>) |

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|------|----|--|------------|--|
| 1998 | 19 | <i>Road Traffic (Vehicle Identifiers) Amendment Act 1998</i> | 2.4.1998 | 6.9.1999 (<i>Gazette</i> 26.8.1999 p955) |
| 1998 | 58 | <i>Road Traffic (Miscellaneous) Amendment Act 1998</i> as amended by 28/2000 | 3.9.1998 | 3.9.1998 except s 4—22.10.1998 (<i>Gazette</i> 22.10.1998 p1170) and except s 5—27.5.1999 (<i>Gazette</i> 27.5.1999 p2657) and except ss 6 & 7 which were deleted by 28/2000 without coming into operation |
| 1998 | 76 | <i>Road Traffic (Road Events) Amendment Act 1998</i> | 17.12.1998 | 14.1.1999 (<i>Gazette</i> 14.1.1999 p378) |
| 1999 | 5 | <i>Road Traffic (Proof of Accuracy of Devices) Amendment Act 1999</i> | 11.3.1999 | 11.3.1999 |
| 1999 | 20 | <i>Road Traffic (Miscellaneous) Amendment Act 1999</i> | 1.4.1999 | 1.12.1999 (<i>Gazette</i> 25.11.1999 p2436) |
| 1999 | 34 | <i>Road Traffic (Driving Hours) Amendment Act 1999</i> | 24.6.1999 | 1.11.1999 (<i>Gazette</i> 23.9.1999 p1208) |
| 1999 | 39 | <i>Road Traffic (Road Rules) Amendment Act 1999</i> | 5.8.1999 | 1.12.1999 (<i>Gazette</i> 11.11.1999 p2254) |
| 1999 | 52 | <i>Motor Vehicles (Miscellaneous) Amendment Act 1999</i> | 12.8.1999 | s 96—9.7.2001 (<i>Gazette</i> 5.7.2001 p2536) |
| 1999 | 67 | <i>Motor Vehicles (Heavy Vehicles Speeding Control Scheme) Amendment Act 1999</i> | 18.11.1999 | s 5—9.7.2001 (<i>Gazette</i> 5.7.2001 p2536) |
| 2000 | 7 | <i>Road Traffic (Miscellaneous) Amendment Act 2000</i> | 20.4.2000 | 15.8.2000 (<i>Gazette</i> 3.8.2000 p360) |
| 2000 | 28 | <i>Road Traffic (Red Light Camera Offences) Amendment Act 2000</i> | 29.6.2000 | 31.8.2000 (<i>Gazette</i> 24.8.2000 p592) except s 3—29.6.2002 (s 7(5) <i>Acts Interpretation Act 1915</i>) |
| 2000 | 91 | <i>Road Traffic (Alcohol Interlock Scheme) Amendment Act 2000</i> | 21.12.2000 | ss 1—7 & 9—16.7.2001 (<i>Gazette</i> 12.7.2001 p2594) |
| 2001 | 17 | <i>Statutes Amendment (Transport Portfolio) Act 2001</i> | 17.5.2001 | Pt 4 (ss 24 & 25)—9.7.2001 (<i>Gazette</i> 5.7.2001 p2536) except ss 17—23 & 26—27.5.2002 (<i>Gazette</i> 23.5.2002 p1928) and except s 16—1.12.2002 (<i>Gazette</i> 21.11.2002 p4225) |
| 2002 | 26 | <i>Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2002</i> | 31.10.2002 | Sch 3 (cl 6)—5.7.2003 (<i>Gazette</i> 15.5.2003 p1979) |
| 2002 | 37 | <i>Statutes Amendment (Transport Portfolio) Act 2002</i> | 28.11.2002 | Pt 4 (ss 16 & 17)—3.7.2003 (<i>Gazette</i> 3.7.2003 p2877) |
| 2003 | 8 | <i>Statutes Amendment (Road Safety Reforms) Act 2003</i> | 12.6.2003 | Pt 4 (ss 24 & 26)—19.9.2003 (<i>Gazette</i> 18.9.2003 p3600) except ss 21—23, 25, 27—34—15.12.2003 (<i>Gazette</i> 11.12.2003 p4431) |
| 2003 | 33 | <i>Coroners Act 2003</i> | 31.7.2003 | Sch (cl 17)—1.7.2005 (<i>Gazette</i> 23.6.2005 p1899) |
| 2003 | 53 | <i>Statutes Amendment (Expiation of Offences) Act 2003</i> | 4.12.2003 | Pt 3 (ss 10 & 11)—4.12.2005 (s 7(5) <i>Acts Interpretation Act 1915</i>) |
| 2003 | 54 | <i>Passenger Transport (Dissolution of Passenger Transport Board) Amendment Act 2003</i> | 4.12.2003 | Sch 1 (cll 2 & 3)—1.1.2004 (<i>Gazette</i> 18.12.2003 p4525) |

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|------|----|--|-----------------|---|
| 2004 | 56 | <i>Statutes Amendment (Misuse of Motor Vehicles) Act 2004</i> | 16.12.2004 | Pt 2 (ss 4 & 5)—7.2.2005 (<i>Gazette 20.1.2005 p260</i>) |
| 2005 | 6 | <i>Statutes Amendment (Drink Driving) Act 2005</i> | 14.4.2005 | Pt 3 (ss 6—11)—1.6.2005 (<i>Gazette 26.5.2005 p1365</i>) except ss 12 & 13—1.12.2005 (<i>Gazette 10.11.2005 p3927</i>) |
| 2005 | 10 | <i>Motor Vehicles (Licences and Learner's Permits) Amendment Act 2005</i> | 21.4.2005 | Sch 1 (cll 1 & 2)—31.10.2005 (<i>Gazette 13.10.2005 p3698</i>) |
| 2005 | 23 | <i>Road Traffic (Excessive Speed) Amendment Act 2005</i> | 9.6.2005 | Pt 2 (ss 4—7)—1.12.2005 (<i>Gazette 10.11.2005 p3926</i>) |
| 2005 | 53 | <i>Statutes Amendment (Transport Portfolio) Act 2005</i> | 27.10.2005 | Pt 4 (ss 7—13)—17.11.2005 (<i>Gazette 17.11.2005 p3973</i>) |
| 2005 | 77 | <i>Road Traffic (Drug Driving) Amendment Act 2005</i> | 8.12.2005 | Pt 2 (ss 4—18) & Pt 3 (s 19)—1.7.2006 (<i>Gazette 8.6.2006 p1600</i>) |
| 2005 | 81 | <i>Statutes Amendment (Vehicle and Vessel Offences) Act 2005</i> | 8.12.2005 | Pt 5 (ss 18—26)—30.7.2006 (<i>Gazette 27.7.2006 p2400</i>) |
| 2006 | 13 | <i>Statutes Amendment (Road Transport Compliance and Enforcement) Act 2006</i> | 29.6.2006 | Pt 2 (s 4)—1.7.2006 (<i>Gazette 29.6.2006 p2101</i>) and Pt 3 (ss 5—45)—30.4.2007 (<i>Gazette 26.4.2007 p1353</i>) |
| 2006 | 39 | <i>Road Traffic (Notices of Licence Disqualification or Suspension) Amendment Act 2006</i> | 14.12.2006 | 14.12.2006 |
| 2006 | 43 | <i>Statutes Amendment (Domestic Partners) Act 2006</i> | 14.12.2006 | Pt 77 (s 190)—1.6.2007 (<i>Gazette 26.4.2007 p1352</i>) |
| 2008 | 22 | <i>Road Traffic (Heavy Vehicle Driver Fatigue) Amendment Act 2008</i> | 26.6.2008 | 29.9.2008 (<i>Gazette 11.9.2008 p4302</i>) |
| 2008 | 26 | <i>Statutes Amendment (Transport Portfolio) Act 2008</i> | 26.6.2008 | Pt 5 (ss 26, 27 & 29—33)—25.9.2008 (<i>Gazette 18.9.2008 p4504</i>); s 28—1.6.2009 (<i>Gazette 30.4.2009 p1543</i>) |
| 2009 | 8 | <i>Statutes Amendment (Transport Portfolio—Alcohol and Drugs) Act 2009</i> | 12.3.2009 | Pt 5 (ss 28, 29(1), 30, 31(5), 33(1), 34(1), (2), 35(3) & 39)—1.5.2009 (<i>Gazette 9.4.2009 p1349</i>); ss 29(2), 31(1)—(4), (6), (7), 32, 33(2), 34(3), 35(1), (2), (4), 37, 38 & 40)—1.2.2010 (<i>Gazette 10.12.2009 p6169</i>); s 36—uncommenced |
| 2009 | 41 | <i>Road Traffic (Miscellaneous) Amendment Act 2009</i> | 1.10.2009 | 5.11.2009 (<i>Gazette 5.11.2009 p5092</i>) |
| 2009 | 71 | <i>Motor Vehicles (Miscellaneous No 2) Amendment Act 2009</i> | 10.12.2009 | Sch 1 (cl 1)—4.9.2010 (<i>Gazette 24.6.2010 p3155</i>) |
| 2010 | 5 | <i>Health Practitioner Regulation National Law (South Australia) Act 2010</i> | 1.7.2010 | Sch 1 (cl 26)—1.7.2010 (<i>Gazette 1.7.2010 p3338</i>) |

Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 9 of The Public General Acts of South Australia 1837-1975 at page 592.

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- Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 1 January 1985 and as at 16 January 1989. Schedules of these alterations were laid before Parliament on 12 February 1985 and 14 February 1989 respectively.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|---|---|--------------|
| Pt 1 | | |
| s 2 | deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted | 16.1.1989 |
| | inserted by 39/1999 s 3 | 1.12.1999 |
| s 3 | <i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i> | 1.1.1985 |
| s 4 | <i>amended by 103/1976 s 3</i> | 1.3.1977 |
| | <i>amended by 24/1981 s 3</i> | 19.3.1981 |
| | <i>deleted in pursuance of the Acts Republication Act 1967</i> | 1.1.1985 |
| s 5 | | |
| s 5(1) | s 5 redesignated as s 5(1) by 103/1976 s 4(d) | 1.3.1977 |
| accident | inserted by 8/2003 s 21(a) | 15.12.2003 |
| <i>animal</i> | <i>deleted by 39/1999 s 4(a)</i> | 1.12.1999 |
| approved road transport compliance scheme | inserted by 13/2006 s 5(1) | 30.4.2007 |
| area | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| articulated motor vehicle | substituted by 20/1999 s 3(a) | 1.12.1999 |
| associate | inserted by 13/2006 s 5(2) | 30.4.2007 |
| Australian Authority | inserted by 13/2006 s 5(2) | 30.4.2007 |
| Australian police officer | inserted by 13/2006 s 5(2) | 30.4.2007 |
| Australian road law | inserted by 13/2006 s 5(2) | 30.4.2007 |
| Australian road law offence | inserted by 13/2006 s 5(2) | 30.4.2007 |
| Australian Road Rules | inserted by 39/1999 s 4(b) | 1.12.1999 |
| authorised officer | inserted by 13/2006 s 5(3) | 30.4.2007 |
| axle | amended by 103/1976 s 4(a) | 1.3.1977 |
| | substituted by 25/1989 s 3(a) | 1.7.1989 |
| | substituted by 20/1999 s 3(a) | 1.12.1999 |
| axle group | inserted by 20/1999 s 3(a) | 1.12.1999 |
| <i>barrier line</i> | <i>deleted by 39/1999 s 4(c)</i> | 1.12.1999 |
| base | inserted by 13/2006 s 5(4) | 30.4.2007 |
| bicycle | inserted by 39/1999 s 4(c) | 1.12.1999 |
| body corporate | inserted by 13/2006 s 5(5) | 30.4.2007 |

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| breach of a mass, dimension or load restraint requirement | inserted by 13/2006 s 5(5) | 30.4.2007 |
| breach of a vehicle standards or maintenance requirement | inserted by 13/2006 s 5(5) | 30.4.2007 |
| <i>bicycle lane</i> | <i>inserted by 10/1993 s 3(a)</i> <i>deleted by 39/1999 s 4(c)</i> | 30.4.1993 1.12.1999 |
| <i>bikeway</i> | <i>inserted by 10/1993 s 3(a)</i> <i>deleted by 39/1999 s 4(c)</i> | 30.4.1993 1.12.1999 |
| <i>box right turn</i> | <i>inserted by 10/1993 s 3(a)</i> <i>deleted by 39/1999 s 4(c)</i> | 30.4.1993 1.12.1999 |
| bus | substituted by 20/1999 s 3(b) | 1.12.1999 |
| capabilities | inserted by 13/2006 s 5(6) | 30.4.2007 |
| <i>carriageway</i> | <i>amended by 50/1984 s 3(1) (Sch 5)</i> <i>substituted by 10/1993 s 3(b)</i> <i>amended by 88/1994 s 3(a)</i> <i>deleted by 39/1999 s 4(d)</i> | 1.1.1985 30.4.1993 5.1.1995 1.12.1999 |
| combination | inserted by 20/1999 s 3(c) | 1.12.1999 |
| condition | inserted by 39/1999 s 4(e) | 1.12.1999 |
| conduct | inserted by 13/2006 s 5(7) | 30.4.2007 |
| consignee | inserted by 13/2006 s 5(7) amended by 22/2008 s 4(1)—(3) | 30.4.2007 29.9.2008 |
| consignor | inserted by 13/2006 s 5(7) amended by 22/2008 s 4(4)—(10) | 30.4.2007 29.9.2008 |
| container weight declaration | inserted by 13/2006 s 5(7) | 30.4.2007 |
| contravene | inserted by 13/2006 s 5(7) | 30.4.2007 |
| corresponding Authority | inserted by 13/2006 s 5(7) | 30.4.2007 |
| corresponding law | inserted by 13/2006 s 5(7) | 30.4.2007 |
| corresponding road law | inserted by 13/2006 s 5(7) | 30.4.2007 |
| <i>crossover</i> | <i>deleted by 39/1999 s 4(f)</i> | 1.12.1999 |
| council | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| cycle | amended by 20/1999 s 3(d) amended by 39/1999 s 4(g) | 1.12.1999 1.12.1999 |
| <i>divided road</i> | <i>deleted by 39/1999 s 4(h)</i> | 1.12.1999 |
| <i>dividing strip</i> | <i>deleted by 39/1999 s 4(h)</i> | 1.12.1999 |
| drink driving offence | inserted by 8/2009 s 28(1) | 1.5.2009 |
| drive | substituted by 39/1999 s 4(h) | 1.12.1999 |
| driver | substituted by 39/1999 s 4(h) | 1.12.1999 |

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|-------------------------------------|--|-------------------|
| | amended by 13/2006 s 5(8) | 30.4.2007 |
| driver's licence | inserted by 99/1981 s 3(a) | 7.1.1982 |
| | amended by 13/2006 s 5(9) | 30.4.2007 |
| drug driving offence | inserted by 8/2009 s 28(2) | 1.5.2009 |
| employee | inserted by 13/2006 s 5(10) | 30.4.2007 |
| employer | inserted by 13/2006 s 5(10) | 30.4.2007 |
| engage in conduct | inserted by 13/2006 s 5(10) | 30.4.2007 |
| equipment | inserted by 13/2006 s 5(10) | 30.4.2007 |
| <i>expressway</i> | <i>inserted by 57/1997 s 3</i> | <i>11.12.1997</i> |
| | <i>deleted by 39/1999 s 4(i)</i> | <i>1.12.1999</i> |
| extract | inserted by 13/2006 s 5(10) | 30.4.2007 |
| <i>footpath</i> | <i>deleted by 39/1999 s 4(i)</i> | <i>1.12.1999</i> |
| freight container | inserted by 13/2006 s 5(10) | 30.4.2007 |
| garage address | inserted by 13/2006 s 5(10) | 30.4.2007 |
| GCM | inserted by 13/2006 s 5(10) | 30.4.2007 |
| <i>give way line</i> | <i>deleted by 39/1999 s 4(i)</i> | <i>1.12.1999</i> |
| <i>give way sign</i> | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>deleted by 39/1999 s 4(i)</i> | <i>1.12.1999</i> |
| goods | inserted by 13/2006 s 5(10) | 30.4.2007 |
| <i>gross combination mass</i> | <i>inserted by 103/1976 s 4(b)</i> | <i>1.3.1977</i> |
| | <i>deleted by 25/1989 s 3(b)</i> | <i>1.7.1989</i> |
| <i>gross combination mass limit</i> | <i>inserted by 103/1976 s 4(b)</i> | <i>1.3.1977</i> |
| | <i>deleted by 25/1989 s 3(b)</i> | <i>1.7.1989</i> |
| <i>gross vehicle mass</i> | <i>inserted by 103/1976 s 4(b)</i> | <i>1.3.1977</i> |
| | <i>deleted by 25/1989 s 3(b)</i> | <i>1.7.1989</i> |
| <i>gross vehicle mass limit</i> | <i>inserted by 103/1976 s 4(b)</i> | <i>1.3.1977</i> |
| | <i>deleted by 25/1989 s 3(b)</i> | <i>1.7.1989</i> |
| <i>group of axles</i> | <i>inserted by 25/1989 s 3(b)</i> | <i>1.7.1989</i> |
| | <i>deleted by 20/1999 s 3(e)</i> | <i>1.12.1999</i> |
| GVM | inserted by 13/2006 s 5(10) | 30.4.2007 |
| heavy vehicle | inserted by 13/2006 s 5(10) | 30.4.2007 |
| home address | inserted by 13/2006 s 5(10) | 30.4.2007 |
| <i>hook right turn</i> | <i>inserted by 88/1994 s 3(b)</i> | <i>5.1.1995</i> |
| | <i>deleted by 39/1999 s 4(i)</i> | <i>1.12.1999</i> |
| <i>improved road</i> | <i>deleted by 39/1999 s 4(i)</i> | <i>1.12.1999</i> |
| <i>inspector</i> | <i>deleted by 13/2006 s 5(10)</i> | <i>30.4.2007</i> |
| intelligent transport system | inserted by 13/2006 s 5(11) | 30.4.2007 |
| <i>intersection</i> | <i>deleted by 39/1999 s 4(j)</i> | <i>1.12.1999</i> |
| journey documentation | inserted by 13/2006 s 5(11) | 30.4.2007 |

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|---|-----------------------------------|------------|
| <i>junction</i> | <i>deleted by 39/1999 s 4(j)</i> | 1.12.1999 |
| jurisdiction | inserted by 13/2006 s 5(11) | 30.4.2007 |
| learner's permit | inserted by 13/2006 s 5(11) | 30.4.2007 |
| legal entitlements | inserted by 13/2006 s 5(11) | 30.4.2007 |
| <i>level crossing</i> | <i>deleted by 39/1999 s 4(j)</i> | 1.12.1999 |
| load | inserted by 13/2006 s 5(11) | 30.4.2007 |
| loader | inserted by 13/2006 s 5(11) | 30.4.2007 |
| | amended by 22/2008 s 4(11)—(16) | 29.9.2008 |
| <i>mass</i> | <i>inserted by 25/1989 s 3(c)</i> | 1.7.1989 |
| | <i>deleted by 20/1999 s 3(f)</i> | 1.12.1999 |
| mass and loading requirements | inserted by 20/1999 s 3(f) | 1.12.1999 |
| mass, dimension or load restraint requirement | inserted by 13/2006 s 5(12) | 30.4.2007 |
| mass limit | inserted by 13/2006 s 5(12) | 30.4.2007 |
| minor risk breach | inserted by 13/2006 s 5(12) | 30.4.2007 |
| motor bike | inserted by 20/1999 s 3(f) | 1.12.1999 |
| <i>motor cycle</i> | <i>deleted by 20/1999 s 3(f)</i> | 1.12.1999 |
| motor vehicle | substituted by 20/1999 s 3(f) | 1.12.1999 |
| night | inserted by 13/2006 s 5(13) | 30.4.2007 |
| omnibus | amended by 24/1981 s 4 | 19.3.1981 |
| <i>one way carriageway</i> | <i>deleted by 39/1999 s 4(k)</i> | 1.12.1999 |
| operator | inserted by 20/1999 s 3(g) | 1.12.1999 |
| | substituted by 13/2006 s 5(13) | 30.4.2007 |
| owner | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | substituted by 20/1999 s 3(g) | 1.12.1999 |
| | substituted by 13/2006 s 5(13) | 30.4.2007 |
| package | inserted by 13/2006 s 5(13) | 30.4.2007 |
| packaging | inserted by 13/2006 s 5(13) | 30.4.2007 |
| packer | inserted by 13/2006 s 5(13) | 30.4.2007 |
| | amended by 22/2008 s 4(17)—(21) | 29.9.2008 |
| park | inserted by 39/1999 s 4(l) | 1.12.1999 |
| <i>passenger</i> | <i>deleted by 39/1999 s 4(l)</i> | 1.12.1999 |
| <i>pedal cycle</i> | <i>deleted by 39/1999 s 4(l)</i> | 1.12.1999 |
| pedestrian | inserted by 74/1988 s 3 | 1.1.1989 |
| | amended by 64/1995 s 3(a) | 1.2.1996 |
| | substituted by 39/1999 s 4(l) | 1.12.1999 |
| <i>pedestrian crossing</i> | <i>deleted by 39/1999 s 4(l)</i> | 1.12.1999 |
| <i>period of low visibility</i> | <i>deleted by 39/1999 s 4(l)</i> | 1.12.1999 |
| photograph | inserted by 8/2003 s 21(b) | 15.12.2003 |

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| photographic detection device | inserted by 8/2003 s 21(b) | 15.12.2003 |
| premises | inserted by 13/2006 s 5(14) | 30.4.2007 |
| prime mover | inserted by 5/1992 s 3(a) | 1.6.1992 |
| | substituted by 20/1999 s 3(h) | 1.12.1999 |
| public authority | inserted by 13/2006 s 5(15) | 30.4.2007 |
| public place | inserted by 13/2006 s 5(15) | 30.4.2007 |
| public safety | inserted by 13/2006 s 5(15) | 30.4.2007 |
| quad-axle group | inserted by 20/1999 s 3(h) | 1.12.1999 |
| <i>radar detector or jammer</i> | <i>inserted by 52/1990 s 3</i> | <i>1.1.1991</i> |
| | <i>deleted by 39/1999 s 4(m)</i> | <i>1.12.1999</i> |
| reasonable steps defence | inserted by 13/2006 s 5(16) | 30.4.2007 |
| | amended by 22/2008 s 4(22) | 29.9.2008 |
| records | inserted by 13/2006 s 5(16) | 30.4.2007 |
| registered industry code of practice | inserted by 13/2006 s 5(16) | 30.4.2007 |
| registered operator | inserted by 13/2006 s 5(16) | 30.4.2007 |
| | substituted by 26/2008 s 26(1) | 25.9.2008 |
| registered owner | inserted by 13/2006 s 5(16) | 30.4.2007 |
| | substituted by 26/2008 s 26(1) | 25.9.2008 |
| Registrar of Motor Vehicles | inserted by 13/2006 s 5(16) | 30.4.2007 |
| responsible entity | inserted by 13/2006 s 5(16) | 30.4.2007 |
| responsible person | inserted by 13/2006 s 5(16) | 30.4.2007 |
| <i>rider and ride</i> | <i>deleted by 39/1999 s 4(m)</i> | <i>1.12.1999</i> |
| ride | inserted by 39/1999 s 4(m) | 1.12.1999 |
| rider | inserted by 39/1999 s 4(m) | 1.12.1999 |
| road | amended by 10/1993 s 3(c) | 30.4.1993 |
| | substituted by 20/1999 s 3(i) | 1.12.1999 |
| road authority | inserted by 13/2006 s 5(17) | 30.4.2007 |
| road infrastructure | inserted by 13/2006 s 5(17) | 30.4.2007 |
| road law | inserted by 13/2006 s 5(17) | 30.4.2007 |
| road law offence | inserted by 13/2006 s 5(17) | 30.4.2007 |
| road-related area | inserted by 20/1999 s 3(i) | 1.12.1999 |
| | amended by 13/2006 s 5(18) | 30.4.2007 |
| | (e) deleted by 13/2006 s 5(18) | 30.4.2007 |
| | amended by 26/2008 s 26(2) | 25.9.2008 |
| run | inserted by 13/2006 s 5(19) | 30.4.2007 |
| <i>roundabout</i> | <i>amended by 27/1986 s 3(b)</i> | <i>1.7.1986</i> |
| | <i>deleted by 39/1999 s 4(n)</i> | <i>1.12.1999</i> |
| <i>school</i> | <i>inserted by 18/1998 s 3(a)</i> | <i>20.7.1998</i> |
| | <i>deleted by 39/1999 s 4(n)</i> | <i>1.12.1999</i> |

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|------------------------------|--|-----------|
| <i>school bus</i> | <i>deleted by 39/1999 s 4(n)</i> | 1.12.1999 |
| <i>school zone</i> | <i>inserted by 18/1998 s 3(b)</i> | 20.7.1998 |
| | <i>deleted by 39/1999 s 4(n)</i> | 1.12.1999 |
| semi-trailer | inserted by 5/1992 s 3(b) | 1.6.1992 |
| | substituted by 20/1999 s 3(j) | 1.12.1999 |
| severe risk breach | inserted by 13/2006 s 5(20) | 30.4.2007 |
| <i>shared zone</i> | <i>inserted by 88/1994 s 3(c)</i> | 5.1.1995 |
| | <i>deleted by 39/1999 s 4(o)</i> | 1.12.1999 |
| single axle | inserted by 20/1999 s 3(k) | 1.12.1999 |
| single axle group | inserted by 20/1999 s 3(k) | 1.12.1999 |
| <i>small-wheeled vehicle</i> | <i>inserted by 64/1995 s 3(b)</i> | 1.2.1996 |
| | <i>deleted by 39/1999 s 4(p)</i> | 1.12.1999 |
| specifications | inserted by 13/2006 s 5(21) | 30.4.2007 |
| <i>speed zone</i> | <i>substituted by 41/1989 s 3</i> | 14.8.1989 |
| | <i>deleted by 39/1999 s 4(p)</i> | 1.12.1999 |
| <i>the standing</i> | <i>deleted by 39/1999 s 4(p)</i> | 1.12.1999 |
| <i>stop line</i> | <i>deleted by 39/1999 s 4(p)</i> | 1.12.1999 |
| <i>stop sign</i> | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>deleted by 39/1999 s 4(p)</i> | 1.12.1999 |
| substantial risk breach | inserted by 13/2006 s 5(21) | 30.4.2007 |
| tandem axle group | inserted by 25/1989 s 3(d) | 1.7.1989 |
| | substituted by 32/1993 s 3(a) | 4.11.1993 |
| | substituted by 20/1999 s 3(l) | 1.12.1999 |
| <i>the Board</i> | <i>deleted by 27/1986 s 3(a)</i> | 1.7.1986 |
| <i>towtruck</i> | <i>inserted by 99/1981 s 3(b)</i> | 7.1.1982 |
| | <i>deleted by 39/1999 s 4(q)</i> | 1.12.1999 |
| <i>tractor</i> | <i>deleted by 39/1999 s 4(q)</i> | 1.12.1999 |
| traffic | inserted by 39/1999 s 4(q) | 1.12.1999 |
| traffic control device | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | substituted by 39/1999 s 4(q) | 1.12.1999 |
| <i>traffic lights</i> | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>deleted by 39/1999 s 4(q)</i> | 1.12.1999 |
| trailer | amended by 10/1993 s 3(d) | 30.4.1993 |
| | substituted by 20/1999 s 3(m) | 1.12.1999 |
| tram | inserted by 39/1999 s 4(r) | 1.12.1999 |
| transport documentation | inserted by 13/2006 s 5(22) | 30.4.2007 |
| tri-axle group | inserted by 25/1989 s 3(e) | 1.7.1989 |
| | substituted by 32/1993 s 3(b) | 4.11.1993 |
| | substituted by 20/1999 s 3(m) | 1.12.1999 |
| trolley | inserted by 39/1999 s 4(s) | 1.12.1999 |

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|-----------------------------|---|------------------|
| twinsteer axle group | inserted by 20/1999 s 3(m) | 1.12.1999 |
| two-up driver | inserted by 13/2006 s 5(23) | 30.4.2007 |
| <i>two way carriageway</i> | <i>deleted by 39/1999 s 4(t)</i> | <i>1.12.1999</i> |
| unit load | inserted by 13/2006 s 5(23) | 30.4.2007 |
| unladen mass | substituted by 103/1976 s 4(c) | 1.3.1977 |
| | amended by 26/2008 s 26(3) | 25.9.2008 |
| vehicle | amended by 64/1995 s 3(c) | 1.2.1996 |
| | substituted by 39/1999 s 4(u) | 1.12.1999 |
| vehicle standards | inserted by 20/1999 s 3(n) | 1.12.1999 |
| wheelchair | inserted by 10/1993 s 3(e) | 30.4.1993 |
| | substituted by 39/1999 s 4(v) | 1.12.1999 |
| wheeled recreational device | inserted by 39/1999 s 4(v) | 1.12.1999 |
| wheeled toy | inserted by 39/1999 s 4(v) | 1.12.1999 |
| s 5(2) | inserted by 103/1976 s 4(d) | 1.3.1977 |
| | substituted by 25/1989 s 3(f) | 1.7.1989 |
| | amended by 20/1999 s 3(o) | 1.12.1999 |
| s 5(3) | inserted by 99/1981 s 3(c) | 7.1.1982 |
| s 5(4) | inserted by 22/2008 s 4(23) | 29.9.2008 |
| s 5A | inserted by 46/1981 s 3 | 18.6.1981 |
| | deleted by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | inserted by 39/1999 s 5 | 1.12.1999 |
| s 6 | amended by 64/1995 s 4 | 1.2.1996 |
| | substituted by 39/1999 s 5 | 1.12.1999 |
| s 6A | inserted by 20/1999 s 4 | 1.12.1999 |
| s 7 | amended by 10/1993 s 4 | 30.4.1993 |
| | amended by 39/1999 s 6 | 1.12.1999 |
| s 8 | deleted by 39/1999 s 7 | 1.12.1999 |
| | inserted by 13/2006 s 6 | 30.4.2007 |
| s 8A | <i>deleted by 13/2006 s 6</i> | <i>30.4.2007</i> |
| s 9 | deleted by 39/1999 s 8 | 1.12.1999 |
| | inserted by 13/2006 s 6 | 30.4.2007 |
| s 9(1) | amended by 43/2006 s 190(1) | 1.6.2007 |
| s 9(2) | substituted by 43/2006 s 190(2) | 1.6.2007 |
| s 10 | inserted by 13/2006 s 6 | 30.4.2007 |
| Pt 2 | | |
| Pt 2 Div 1 | heading preceding s 10 redesignated as Div 1 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 10 | <i>deleted by 39/1999 s 9</i> | <i>1.12.1999</i> |
| heading preceding s 11 | <i>deleted by 27/1986 s 4</i> | <i>1.7.1986</i> |
| s 11 | amended by 103/1976 s 5 | 1.3.1977 |

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|-------------|---|-----------|
| | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | substituted by 27/1986 s 4 | 1.7.1986 |
| s 11(1) | amended by 39/1999 s 10(a) | 1.12.1999 |
| s 11(2a) | inserted by 39/1999 s 10(b) | 1.12.1999 |
| s 11(3) | amended by 39/1999 s 10(c) | 1.12.1999 |
| s 12 | amended by 103/1976 s 6 | 1.3.1977 |
| | substituted by 27/1986 s 4 | 1.7.1986 |
| s 13 and 14 | <i>deleted by 27/1986 s 4</i> | 1.7.1986 |
| s 15 | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | <i>deleted by 27/1986 s 4</i> | 1.7.1986 |
| Pt 2 Div 2 | heading preceding s 16 redesignated as Div 2 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 16 | | |
| | <i>s 16(1) before deletion by 13/2006</i> | |
| | <i>Authority amended by 103/1976 s 7</i> | 1.3.1977 |
| | <i>(d) deleted by 103/1976 s 7</i> | 1.3.1977 |
| | <i>amended by 30/1994 Sch 4 cl 2(b)(i)</i> | 1.7.1994 |
| | <i>amended by 54/2003 Sch 1 cl 2</i> | 1.1.2004 |
| | <i>s 16(1) deleted by 13/2006 s 7</i> | 30.4.2007 |
| s 17 | | |
| s 17(1) | amended by 27/1986 s 5(a) | 1.7.1986 |
| | amended by 39/1999 s 11(a), (b) | 1.12.1999 |
| | amended by 13/2006 s 8 | 30.4.2007 |
| s 17(2) | amended by 27/1986 s 5(a) | 1.7.1986 |
| | amended by 13/2006 s 8 | 30.4.2007 |
| s 17(3) | deleted by 27/1986 s 5(b) | 1.7.1986 |
| | inserted by 39/1999 s 11(c) | 1.12.1999 |
| s 17(4)—(7) | <i>deleted by 27/1986 s 5(b)</i> | 1.7.1986 |
| s 17(8) | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | <i>deleted by 27/1986 s 5(b)</i> | 1.7.1986 |
| s 17(9) | <i>deleted by 27/1986 s 5(b)</i> | 1.7.1986 |
| s 18 | | |
| s 18(1) | amended by 27/1986 s 6(a), (b) | 1.7.1986 |
| | amended by 39/1999 s 12 | 1.12.1999 |
| | amended by 13/2006 s 9(1) | 30.4.2007 |
| s 18(2)—(4) | <i>deleted by 27/1986 s 6(c)</i> | 1.7.1986 |
| s 18(5) | amended by 27/1986 s 6(d) | 1.7.1986 |
| | amended by 13/2006 s 9(2) | 30.4.2007 |
| s 18(6) | amended by 27/1986 s 6(e) | 1.7.1986 |
| | amended by 13/2006 s 9(1), (3) | 30.4.2007 |
| s 18(7) | amended by 13/2006 s 9(2) | 30.4.2007 |
| s 19 | | |

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| s 19(1) | substituted by 42/1979 s 3(a) | 1.4.1979 |
| | amended by 18/1998 s 4(a) | 20.7.1998 |
| | amended by 13/2006 s 10 | 30.4.2007 |
| s 19(2) | deleted by 42/1979 s 3(a) | 1.4.1979 |
| | inserted by 18/1998 s 4(b) | 20.7.1998 |
| | substituted by 39/1999 s 13(a) | 1.12.1999 |
| | amended by 13/2006 s 10 | 30.4.2007 |
| s 19(3) and (4) | <i>deleted by 42/1979 s 3(a)</i> | <i>1.4.1979</i> |
| s 19(5) | amended by 42/1979 s 3(b) | 1.4.1979 |
| | amended by 13/2006 s 10 | 30.4.2007 |
| s 19(6) | inserted by 39/1999 s 13(b) | 1.12.1999 |
| s 19A | | |
| s 19A(1) | amended by 13/2006 s 11(1) | 30.4.2007 |
| s 19A(3) | amended by 13/2006 s 11(2) | 30.4.2007 |
| s 20 | | |
| s 20(1) | | |
| hazardous work area | inserted by 66/1996 s 3(a) | 6.11.1997 |
| public authority | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| work area | inserted by 66/1996 s 3(b) | 6.11.1997 |
| work site | inserted by 66/1996 s 3(b) | 6.11.1997 |
| s 20(2) | substituted by 25/1980 s 3(a) | 1.6.1980 |
| | amended by 27/1986 s 7 | 1.7.1986 |
| | amended by 66/1996 s 3(c)—(e) | 6.11.1997 |
| | amended by 39/1999 s 14(a) | 1.12.1999 |
| s 20(2a) | inserted by 25/1980 s 3(a) | 1.6.1980 |
| | amended by 66/1996 s 3(f) | 6.11.1997 |
| s 20(3) | amended by 66/1996 s 3(g) | 6.11.1997 |
| s 20(4) | <i>inserted by 25/1980 s 3(b)</i> | <i>1.6.1980</i> |
| | <i>deleted by 39/1999 s 14(b)</i> | <i>1.12.1999</i> |
| s 21 | | |
| s 21(2) | inserted by 39/1999 s 15 | 1.12.1999 |
| | amended by 13/2006 s 12 | 30.4.2007 |
| s 22 | inserted by 39/1999 s 15 | 1.12.1999 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 23 | <i>amended by 103/1976 s 8</i> | <i>1.3.1977</i> |
| | <i>amended by 85/1985 s 3</i> | <i>2.12.1985</i> |
| | <i>amended by 27/1986 s 8</i> | <i>1.7.1986</i> |
| | <i>amended by 76/1998 s 3</i> | <i>14.1.1999</i> |
| | <i>deleted by 39/1999 s 15</i> | <i>1.12.1999</i> |
| s 25 | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>amended by 27/1986 s 9</i> | <i>1.7.1986</i> |

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| | <i>amended by 18/1998 s 5</i> | 20.7.1998 |
| | <i>deleted by 39/1999 s 15</i> | 1.12.1999 |
| s 31 | | |
| s 31(1) | | |
| <i>false traffic sign</i> | <i>substituted by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>deleted by 39/1999 s 16(a)</i> | 1.12.1999 |
| false traffic control device | inserted by 39/1999 s 16(a) | 1.12.1999 |
| s 31(2) | amended by 27/1986 s 10 | 1.7.1986 |
| | substituted by 39/1999 s 16(b) | 1.12.1999 |
| | amended by 13/2006 s 13 | 30.4.2007 |
| s 31(2a) | inserted by 39/1999 s 16(b) | 1.12.1999 |
| s 31(4) | amended by 103/1976 s 9 | 1.3.1977 |
| s 31(5) | amended by 27/1986 s 10 | 1.7.1986 |
| | amended by 39/1999 s 16(c) | 1.12.1999 |
| Pt 2 Div 3 | heading preceding s 32 substituted by 39/1999 s 17 | 1.12.1999 |
| | heading preceding s 32 redesignated as Div 3 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 32 | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 27/1986 s 11 | 1.7.1986 |
| | substituted by 41/1989 s 4 | 14.8.1989 |
| | amended by 78/1997 s 3 | 5.2.1998 |
| | substituted by 39/1999 s 17 | 1.12.1999 |
| <i>s 32A and heading</i> | <i>inserted by 88/1994 s 4</i> | 5.1.1995 |
| | <i>deleted by 39/1999 s 17</i> | 1.12.1999 |
| <i>heading preceding s 33</i> | <i>substituted by 52/1990 s 4</i> | 1.1.1991 |
| | <i>deleted by 39/1999 s 17</i> | 1.12.1999 |
| s 33 | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | substituted by 52/1990 s 4 | 1.1.1991 |
| s 33(1) | substituted by 53/2005 s 7 | 17.11.2005 |
| s 33(3) | amended by 17/2001 s 16 | 1.12.2002 |
| s 33(7) | amended by 32/1993 s 4(a) | 4.11.1993 |
| | amended by 64/1995 s 5 | 1.2.1996 |
| | amended by 13/2006 s 44(1), (4) | 30.4.2007 |
| s 33(9) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 33(9a) | inserted by 32/1993 s 4(b) | 4.11.1993 |
| s 33(10) | | |
| event | substituted by 39/1999 s 18 | 1.12.1999 |
| <i>heading preceding s 34</i> | <i>substituted by 103/1976 s 10</i> | 1.3.1977 |
| | <i>deleted by 25/1989 s 4</i> | 1.7.1989 |

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| | <i>inserted by 58/1998 s 3</i> | 3.9.1998 |
| | <i>deleted by 39/1999 s 19</i> | 1.12.1999 |
| s 34 | substituted by 103/1976 s 10 | 1.3.1977 |
| | deleted by 25/1989 s 4 | 1.7.1989 |
| | inserted by 58/1998 s 3 | 3.9.1998 |
| s 34(1) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 34(2) | amended by 39/1999 s 20 | 1.12.1999 |
| | amended by 13/2006 s 44(1), (3) | 30.4.2007 |
| s 34(3), (4) and (6) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 34(9) | | |
| prescribed police officer | prescribed member of the police force amended to read prescribed police officer by 13/2006 s 44(1) | 30.4.2007 |
| <i>Pt 2 Div 4 before substitution by 13/2006</i> | <i>heading preceding s 35 redesignated as Div 4 heading in pursuance of the Acts Republication Act 1967</i> | 1.12.1999 |
| s 35 | | |
| s 35(1) | amended by 39/1999 s 21(a) | 1.12.1999 |
| s 35(1a) | inserted by 39/1999 s 21(b) | 1.12.1999 |
| s 35(2) | amended by 42/1979 s 4 | 1.4.1979 |
| s 35(3) | inserted by 39/1999 s 21(c) | 1.12.1999 |
| s 36 | amended by 103/1976 s 11 | 1.3.1977 |
| Pt 2 Div 4 | substituted by 13/2006 s 14 | 30.4.2007 |
| <i>Pt 2 Div 5 before substitution by 13/2006</i> | <i>heading preceding s 37 substituted by 39/1999 s 22</i> | 1.12.1999 |
| | <i>heading preceding s 37 redesignated as Div 5 heading in pursuance of the Acts Republication Act 1967</i> | 1.12.1999 |
| s 38 | amended by 103/1976 s 12 | 1.3.1977 |
| | amended by 20/1999 s 5 | 1.12.1999 |
| s 38A | inserted by 39/1999 s 23 | 1.12.1999 |
| s 38A(1) | | |
| Pt 2 Div 5 | substituted by 13/2006 s 14 | 30.4.2007 |
| Pt 2A | inserted by 13/2006 s 14 | 30.4.2007 |
| Pt 3 | heading amended by 39/1999 s 24 | 1.12.1999 |
| <i>heading preceding s 39</i> | <i>deleted by 39/1999 s 25</i> | 1.12.1999 |
| s 39 | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | deleted by 39/1999 s 25 | 1.12.1999 |
| s 40 | amended by 15/1984 s 3 | 5.7.1984 |
| | amended by 85/1985 s 4 | 2.12.1985 |
| | amended by 74/1988 s 4 | 1.1.1989 |
| | amended by 33/1996 s 2 | 2.5.1996 |
| | amended by 66/1996 s 4 | 6.11.1997 |
| | amended by 58/1998 s 4 | 22.10.1998 |

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| | <i>deleted by 39/1999 s 25</i> | 1.12.1999 |
| <i>Pt 3 Div 1 before deletion by 13/2006</i> | <i>heading preceding s 41 redesignated as Div 1 heading in pursuance of the Acts Republication Act 1967</i> | 1.12.1999 |
| <i>s 41</i> | | |
| <i>s 41(1)</i> | <i>amended by 32/1993 s 5(a)</i> | 4.11.1993 |
| | <i>amended by 64/1995 s 6</i> | 1.2.1996 |
| | <i>amended by 39/1999 s 26</i> | 1.12.1999 |
| <i>s 41(2)</i> | <i>amended by 103/1976 s 13</i> | 1.3.1977 |
| <i>s 41(3)</i> | <i>inserted by 32/1993 s 5(b)</i> | 4.11.1993 |
| <i>s 42</i> | | |
| <i>s 42(1)</i> | <i>amended by 103/1976 s 14(a)</i> | 1.3.1977 |
| | <i>amended by 20/1999 s 6</i> | 1.12.1999 |
| <i>s 42(2)</i> | <i>amended by 103/1976 s 14(b)</i> | 1.3.1977 |
| <i>Pt 3 Div 1</i> | <i>deleted by 13/2006 s 15</i> | 30.4.2007 |
| <i>Pt 3 Div 2</i> | <i>heading preceding s 43 substituted by 39/1999 s 27</i> | 1.12.1999 |
| | <i>heading preceding s 43 redesignated as Div 2 heading in pursuance of the Acts Republication Act 1967</i> | 1.12.1999 |
| <i>s 43</i> | <i>amended by 103/1976 s 15</i> | 1.3.1977 |
| | <i>amended by 42/1979 s 5</i> | 1.4.1979 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>amended by 92/1986 s 3</i> | 18.12.1986 |
| | <i>amended by 105/1987 s 3</i> | 1.7.1988 |
| | <i>amended by 51/1988 s 71</i> | 1.1.1989 |
| | <i>amended by 30/1994 Sch 4 cl 2(b)(ii), (iii)</i> | 1.7.1994 |
| | <i>substituted by 39/1999 s 27</i> | 1.12.1999 |
| <i>s 43(1)</i> | <i>amended by 8/2003 s 22</i> | 15.12.2003 |
| | <i>substituted by 81/2005 s 18(1)</i> | 30.7.2006 |
| | <i>amended by 13/2006 s 44(1)</i> | 30.4.2007 |
| <i>s 43(3)</i> | <i>amended by 8/2003 s 22</i> | 15.12.2003 |
| | <i>substituted by 81/2005 s 18(2)</i> | 30.7.2006 |
| | <i>amended by 13/2006 s 44(1)</i> | 30.4.2007 |
| <i>Pt 3 Div 3</i> | <i>heading preceding s 44 amended by 37/1992 s 5</i> | 6.7.1992 |
| | <i>heading preceding s 44 redesignated as Div 3 heading in pursuance of the Acts Republication Act 1967</i> | 1.12.1999 |
| <i>s 44</i> | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>deleted by 37/1992 s 6</i> | 6.7.1992 |
| <i>s 44A</i> | <i>amended by 103/1976 s 16</i> | 1.3.1977 |
| | <i>amended by 26/2002 s 19(2) (Sch 3 cl 6)</i> | 5.7.2003 |
| <i>Pt 3 Div 4</i> | <i>heading preceding s 45 redesignated as Div 4 heading in pursuance of the Acts Republication Act 1967</i> | 1.12.1999 |

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| | heading substituted by 56/2004 s 4 | 7.2.2005 |
| s 44B | inserted by 56/2004 s 5 | 7.2.2005 |
| s 45 | | |
| s 45(1) | s 45 amended by 103/1976 s 17 | 1.3.1977 |
| | s 45 redesignated as s 45(1) by 81/2005 s 19 | 30.7.2006 |
| s 45(2) | inserted by 81/2005 s 19 | 30.7.2006 |
| s 45(3) | inserted by 81/2005 s 19 | 30.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 45(4) and (5) | inserted by 81/2005 s 19 | 30.7.2006 |
| s 45A | amended by 103/1976 s 18 | 1.3.1977 |
| | deleted by 39/1999 s 28 | 1.12.1999 |
| | inserted by 23/2005 s 4 | 1.12.2005 |
| s 45A(1) | amended by 26/2008 s 27 | 25.9.2008 |
| s 45B | inserted by 23/2005 s 4 | 1.12.2005 |
| s 45B(1) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 45B(7) | substituted by 39/2006 s 3(1) | 14.12.2006 |
| s 45B(8) | amended by 39/2006 s 3(2) | 14.12.2006 |
| s 45B(9) | amended by 39/2006 s 3(3) | 14.12.2006 |
| s 45B(11) and (12) | inserted by 39/2006 s 3(4) | 14.12.2006 |
| s 46 | | |
| s 46(1) | amended by 103/1976 s 19(a) | 1.3.1977 |
| | amended by 46/1981 s 4(a) | 18.6.1981 |
| | amended by 23/2005 s 5(1) | 1.12.2005 |
| | amended by 81/2005 s 20 | 30.7.2006 |
| s 46(3) | inserted by 103/1976 s 19(b) | 1.3.1977 |
| | substituted by 46/1981 s 4(b) | 18.6.1981 |
| | amended by 51/1988 s 72(a) | 1.1.1989 |
| | (c) deleted by 51/1988 s 72(b) | 1.1.1989 |
| | amended by 23/2005 s 5(2) | 1.12.2005 |
| s 46(4) | inserted by 42/1979 s 6 | 1.4.1979 |
| | substituted by 46/1981 s 4(b) | 18.6.1981 |
| Pt 3 Div 5 | heading preceding s 47 redesignated as Div 5 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| heading | substituted by 77/2005 s 4 | 1.7.2006 |
| s 47 | | |
| s 47(1) | amended by 103/1976 s 20(a) | 1.3.1977 |
| | amended by 46/1981 s 5(a) | 18.6.1981 |
| | amended by 1/1990 s 2(a), (b) | 22.3.1990 |
| s 47(3) | substituted by 42/1979 s 7 | 1.4.1979 |
| | substituted by 46/1981 s 5(b) | 18.6.1981 |
| | amended by 55/1985 s 3 | 1.7.1985 |
| | amended by 51/1988 s 73(a) | 1.1.1989 |

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| | (c) deleted by 51/1988 s 73(b) | 1.1.1989 |
| | amended by 1/1990 s 2(c) | 22.3.1990 |
| | amended by 52/1999 s 96(a) | 9.7.2001 |
| | amended by 91/2000 s 3 | 16.7.2001 |
| | (da) deleted by 8/2009 s 29(1) | 1.5.2009 |
| s 47(4) | amended by 103/1976 s 20(b) | 1.3.1977 |
| | substituted by 46/1981 s 5(b) | 18.6.1981 |
| | amended by 12/1991 s 3 | 1.7.1991 |
| | substituted by 8/2003 s 23 | 15.12.2003 |
| | substituted by 8/2009 s 29(2) | 1.2.2010 |
| s 47A | | |
| s 47A(1) | s 47A redesignated as s 47A(1) by 8/2003 s 24(b) | 19.9.2003 |
| alcotest | amended by 99/1981 s 4 | 7.1.1982 |
| | substituted by 17/2001 s 17 | 27.5.2002 |
| analyst | inserted by 53/1986 s 3 | 1.12.1986 |
| approved blood test kit | inserted by 95/1995 s 13 | 4.4.1996 |
| <i>breath test</i> | <i>inserted by 46/1981 s 6</i> | <i>18.6.1981</i> |
| | <i>deleted by 55/1985 s 4</i> | <i>1.7.1985</i> |
| category 1 offence | inserted by 12/1991 s 4(a) | 1.7.1991 |
| | amended by 8/2003 s 24(a) | 19.9.2003 |
| category 2 offence | inserted by 12/1991 s 4(a) | 1.7.1991 |
| | amended by 8/2003 s 24(a) | 19.9.2003 |
| category 3 offence | inserted by 12/1991 s 4(a) | 1.7.1991 |
| | amended by 8/2003 s 24(a) | 19.9.2003 |
| driver testing station | inserted by 77/2005 s 5(1) | 1.7.2006 |
| drug screening test | inserted by 77/2005 s 5(1) | 1.7.2006 |
| gross vehicle mass | inserted by 5/1992 s 4(a) | 1.6.1992 |
| oral fluid | inserted by 77/2005 s 5(2) | 1.7.2006 |
| oral fluid analysis | inserted by 77/2005 s 5(2) | 1.7.2006 |
| prescribed circumstances | inserted by 6/2005 s 6(1) | 1.6.2005 |
| | amended by 77/2005 s 5(3), (4) | 1.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| | amended by 8/2009 s 30 | 1.5.2009 |
| prescribed concentration of alcohol | substituted by 12/1991 s 4(b) | 1.7.1991 |
| | amended by 5/1992 s 4(b) | 1.6.1992 |
| prescribed drug | inserted by 77/2005 s 5(5) | 1.7.2006 |
| prescribed vehicle | inserted by 5/1992 s 4(c) | 1.6.1992 |
| s 47A(2) | inserted by 8/2003 s 24(b) | 19.9.2003 |

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| | substituted by 10/2005 Sch 1 cl 1 | 31.10.2005 |
| s 47A(2a) | inserted by 6/2005 s 6(2) | 1.6.2005 |
| | amended by 77/2005 s 5(6), (7) | 1.7.2006 |
| | amended by 13/2006 s 44(1), (3) | 30.4.2007 |
| s 47A(3) | inserted by 8/2003 s 24(b) | 19.9.2003 |
| | amended by 6/2005 s 6(3) | 1.6.2005 |
| | amended by 77/2005 s 5(8) | 1.7.2006 |
| s 47B | | |
| s 47B(1) | amended by 103/1976 s 21(a) | 1.3.1977 |
| | amended by 46/1981 s 7(a) | 18.6.1981 |
| | amended by 1/1990 s 3(a) | 22.3.1990 |
| | amended by 12/1991 s 5(a) | 1.7.1991 |
| | amended by 8/2003 s 25(a) | 15.12.2003 |
| s 47B(2) | <i>deleted by 17/2001 s 18</i> | 27.5.2002 |
| s 47B(2a) | <i>inserted by 103/1976 s 21(b)</i> | 1.3.1977 |
| | <i>deleted by 46/1981 s 7(b)</i> | 18.6.1981 |
| s 47B(3) | substituted by 42/1979 s 8 | 1.4.1979 |
| | substituted by 46/1981 s 7(b) | 18.6.1981 |
| | amended by 55/1985 s 5 | 1.7.1985 |
| | amended by 51/1988 s 74(a) | 1.1.1989 |
| | (c) deleted by 51/1988 s 74(b) | 1.1.1989 |
| | amended by 1/1990 s 3(b) | 22.3.1990 |
| | amended by 12/1991 s 5(b)—(d) | 1.7.1991 |
| | amended by 52/1999 s 96(b) | 9.7.2001 |
| | amended by 91/2000 s 4 | 16.7.2001 |
| | amended by 8/2003 s 25(b), (c) | 15.12.2003 |
| | (da) deleted by 8/2009 s 31(5) | 1.5.2009 |
| | amended by 8/2009 s 31(1)—(4) | 1.2.2010 |
| s 47B(4) | inserted by 46/1981 s 7(b) | 18.6.1981 |
| | amended by 12/1991 s 5(e) | 1.7.1991 |
| | substituted by 8/2003 s 25(d) | 15.12.2003 |
| | substituted by 8/2009 s 31(6) | 1.2.2010 |
| s 47B(5) | inserted by 46/1981 s 7(b) | 18.6.1981 |
| | substituted by 12/1991 s 5(f) | 1.7.1991 |
| | amended by 34/1996 s 4 (Sch cl 30) | 3.2.1997 |
| | substituted by 8/2003 s 25(d) | 15.12.2003 |
| s 47B(6) | inserted by 8/2003 s 25(d) | 15.12.2003 |
| | substituted by 8/2009 s 31(7) | 1.2.2010 |
| s 47B(7) | <i>inserted by 8/2003 s 25(d)</i> | 15.12.2003 |
| | <i>deleted by 6/2005 s 7</i> | 1.6.2005 |
| s 47BA | inserted by 77/2005 s 6 | 1.7.2006 |
| s 47BA(4) | amended by 8/2009 s 32(1), (2) | 1.2.2010 |
| s 47BA(5) | substituted by 8/2009 s 32(3) | 1.2.2010 |

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| s 47BA(7) | substituted by 8/2009 s 32(4) | 1.2.2010 |
| s 47C | | |
| s 47C(1) | amended by 12/1991 s 6(a), (b) | 1.7.1991 |
| | amended by 77/2005 s 7(1), (2) | 1.7.2006 |
| s 47C(2) | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| s 47C(3) | amended by 12/1991 s 6(c) | 1.7.1991 |
| | amended by 77/2005 s 7(1) | 1.7.2006 |
| s 47D | | |
| s 47D(1) | amended by 84/1984 s 3 | 1.1.1985 |
| | amended by 77/2005 s 8(1), (2) | 1.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47DA | inserted by 46/1981 s 8 | 18.6.1981 |
| s 47DA(1) | substituted by 55/1985 s 6(a) | 1.7.1985 |
| | amended by 77/2005 s 9(1), (2) | 1.7.2006 |
| | amended by 13/2006 s 44(2) | 30.4.2007 |
| s 47DA(2) | amended by 55/1985 s 6(b) | 1.7.1985 |
| | amended by 77/2005 s 9(1), (3) | 1.7.2006 |
| s 47DA(3) | substituted by 55/1985 s 6(c) | 1.7.1985 |
| | substituted by 6/2005 s 8 | 1.6.2005 |
| | amended by 77/2005 s 9(1), (4) | 1.7.2006 |
| s 47DA(4) | substituted by 55/1985 s 6(c) | 1.7.1985 |
| | substituted by 6/2005 s 8 | 1.6.2005 |
| screening test | inserted by 77/2005 s 9(5) | 1.7.2006 |
| s 47DA(5) | <i>amended by 28/1984 s 3(a)</i> | <i>17.6.1984</i> |
| | <i>substituted by 55/1985 s 6(c)</i> | <i>1.7.1985</i> |
| | <i>amended by 52/1990 s 5</i> | <i>22.11.1990</i> |
| | <i>deleted by 58/1998 s 5</i> | <i>27.5.1999</i> |
| s 47DA(6) | <i>substituted by 55/1985 s 6(c)</i> | <i>1.7.1985</i> |
| | <i>deleted by 58/1998 s 5</i> | <i>27.5.1999</i> |
| s 47DA(7) | <i>amended by 28/1984 s 3(b)</i> | <i>17.6.1984</i> |
| | <i>amended by 84/1984 s 4</i> | <i>1.1.1985</i> |
| | <i>deleted by 55/1985 s 6(d)</i> | <i>1.7.1985</i> |
| s 47E | | |
| s 47E(1) | amended by 42/1979 s 9(a) | 1.4.1979 |
| | amended by 24/1980 s 3(a) | 1.6.1980 |
| | amended by 46/1981 s 9(a) | 18.6.1981 |
| | amended by 39/1999 s 29 | 1.12.1999 |
| | (b) deleted by 39/1999 s 29 | 1.12.1999 |
| | amended by 37/2002 s 16 | 3.7.2003 |
| | substituted by 6/2005 s 9(1) | 1.6.2005 |
| | amended by 10/2005 Sch 1 cl 2 | 31.10.2005 |
| | amended by 77/2005 s 10(1) | 1.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |

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|-------------------|-------------------------------------|-----------|
| <i>s 47E(1a)</i> | <i>inserted by 42/1979 s 9(b)</i> | 1.4.1979 |
| | <i>deleted by 24/1980 s 3(b)</i> | 1.6.1980 |
| s 47E(2) | substituted by 84/1984 s 5 | 1.1.1985 |
| | substituted by 17/2001 s 19(a) | 27.5.2002 |
| | substituted by 6/2005 s 9(1) | 1.6.2005 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47E(2a) | inserted by 46/1981 s 9(b) | 18.6.1981 |
| | substituted by 55/1985 s 7(a) | 1.7.1985 |
| | substituted by 8/2003 s 26(a) | 19.9.2003 |
| | substituted by 6/2005 s 9(1) | 1.6.2005 |
| s 47E(2ab) | inserted by 8/2003 s 26(a) | 19.9.2003 |
| | substituted by 6/2005 s 9(1) | 1.6.2005 |
| <i>s 47E(2ac)</i> | <i>inserted by 8/2003 s 26(a)</i> | 19.9.2003 |
| | <i>deleted by 6/2005 s 9(1)</i> | 1.6.2005 |
| s 47E(2b) | inserted by 46/1981 s 9(b) | 18.6.1981 |
| | substituted by 6/2005 s 9(1) | 1.6.2005 |
| | substituted by 81/2005 s 21 | 30.7.2006 |
| <i>s 47E(2c)</i> | <i>inserted by 17/2001 s 19(b)</i> | 27.5.2002 |
| | <i>deleted by 6/2005 s 9(1)</i> | 1.6.2005 |
| s 47E(2d) | inserted by 17/2001 s 19(b) | 27.5.2002 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47E(2e) | inserted by 17/2001 s 19(b) | 27.5.2002 |
| <i>s 47E(2f)</i> | <i>inserted by 8/2003 s 26(b)</i> | 19.9.2003 |
| | <i>deleted by 6/2005 s 9(2)</i> | 1.6.2005 |
| s 47E(3) | amended by 103/1976 s 22(a) | 1.3.1977 |
| | amended by 46/1981 s 9(c) | 18.6.1981 |
| | amended by 1/1990 s 4(a) | 22.3.1990 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| <i>s 47E(3a)</i> | <i>inserted by 103/1976 s 22(b)</i> | 1.3.1977 |
| | <i>deleted by 46/1981 s 9(d)</i> | 18.6.1981 |
| s 47E(4) | amended by 17/2001 s 19(c) | 27.5.2002 |
| | amended by 77/2005 s 10(2) | 1.7.2006 |
| s 47E(4a) | inserted by 77/2005 s 10(3) | 1.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47E(5) | substituted by 95/1995 s 14 | 4.4.1996 |
| s 47E(5a) | inserted by 86/1993 s 3 | 1.2.1994 |
| | amended by 77/2005 s 10(4)—(7) | 1.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47E(6) | substituted by 42/1979 s 9(c) | 1.4.1979 |
| | substituted by 46/1981 s 9(e) | 18.6.1981 |
| | amended by 55/1985 s 7(b), (c) | 1.7.1985 |
| | amended by 51/1988 s 75(a) | 1.1.1989 |
| | (c) deleted by 51/1988 s 75(b) | 1.1.1989 |

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| | amended by 1/1990 s 4(b) | 22.3.1990 |
| | amended by 52/1999 s 96(c) | 9.7.2001 |
| | amended by 91/2000 s 5 | 16.7.2001 |
| | (da) deleted by 8/2009 s 33(1) | 1.5.2009 |
| s 47E(7) | inserted by 46/1981 s 9(e) | 18.6.1981 |
| | amended by 12/1991 s 7 | 1.7.1991 |
| | substituted by 8/2003 s 26(c) | 19.9.2003 |
| | substituted by 8/2009 s 33(2) | 1.2.2010 |
| s 47E(7a) and (7b) | inserted by 77/2005 s 10(8) | 1.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47E(8) | inserted by 8/2003 s 26(c) | 19.9.2003 |
| | substituted by 6/2005 s 9(3) | 1.6.2005 |
| s 47E(9) and (10) | <i>inserted by 8/2003 s 26(c)</i> | <i>19.9.2003</i> |
| | <i>deleted by 6/2005 s 9(3)</i> | <i>1.6.2005</i> |
| s 47EAA | inserted by 77/2005 s 11 | 1.7.2006 |
| s 47EAA | | |
| s 47EAA(1) and (2) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47EAA(2a) | inserted by 8/2009 s 34(1) | 1.5.2009 |
| s 47EAA(3) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47EAA(5) | substituted by 81/2005 s 22 | 30.7.2006 |
| s 47EAA(6), (7), (9) and (11) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47EAA(12) | amended by 13/2006 s 44(1) | 30.4.2007 |
| | amended by 8/2009 s 34(2) | 1.5.2009 |
| s 47EAA(14) and (15) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47EAA(17) | substituted by 8/2009 s 34(3) | 1.2.2010 |
| s 47EAA(18) and (19) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47EAB | <i>inserted by 13/2006 s 4</i> | <i>1.7.2006</i> |
| | <i>deleted by 13/2006 s 16</i> | <i>30.4.2007</i> |
| s 47EA | inserted by 6/2005 s 10 | 1.6.2005 |
| | amended by 77/2005 s 12(1)—(3) | 1.7.2006 |
| | amended by 13/2006 s 44(1), (2) | 30.4.2007 |
| s 47EA(2) | inserted by 71/2009 Sch 1 cl 1 | uncommenced—not incorporated |
| s 47EB | s 47EA inserted by 17/2001 s 20 | 27.5.2002 |
| | s 47EA redesignated as s 47EB by 6/2005 s 10 | 1.6.2005 |
| <i>s 47F before substitution by 77/2005</i> | | |
| s 47F(1) | <i>substituted by 84/1984 s 6</i> | <i>1.1.1985</i> |
| | <i>deleted by 86/1993 s 4(a)</i> | <i>1.2.1994</i> |
| s 47F(2) | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>substituted by 84/1984 s 6</i> | <i>1.1.1985</i> |

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| | <i>amended by 86/1993 s 4(b)</i> | 1.2.1994 |
| s 47F(2a) | <i>inserted by 84/1984 s 6</i> | 1.1.1985 |
| | <i>amended by 86/1993 s 4(c)</i> | 1.2.1994 |
| s 47F(3) | <i>amended by 42/1979 s 10</i> | 1.4.1979 |
| | <i>substituted by 86/1993 s 4(d)</i> | 1.2.1994 |
| s 47F(4) | <i>deleted by 86/1993 s 4(d)</i> | 1.2.1994 |
| s 47F | <i>substituted by 77/2005 s 13</i> | 1.7.2006 |
| s 47FA | <i>inserted by 86/1993 s 5</i> | 1.2.1994 |
| | <i>deleted by 77/2005 s 13</i> | 1.7.2006 |
| s 47FB before deletion by 77/2005 | <i>inserted by 86/1993 s 5</i> | 1.2.1994 |
| s 47FB(2) | | |
| registered nurse | <i>substituted by 8/2003 s 27</i> | 15.12.2003 |
| s 47FB | <i>deleted by 77/2005 s 13</i> | 1.7.2006 |
| s 47G—see s 47K | | |
| s 47GA | <i>inserted by 95/1995 s 16</i> | 4.4.1996 |
| s 47GA(2) | <i>amended by 17/2001 s 22</i> | 27.5.2002 |
| | <i>amended by 6/2005 s 11(1)</i> | 1.6.2005 |
| | <i>amended by 81/2005 s 23</i> | 30.7.2006 |
| | <i>amended by 13/2006 s 44(1)</i> | 30.4.2007 |
| s 47GA(3) | <i>inserted by 6/2005 s 11(2)</i> | 1.6.2005 |
| s 47GB | <i>inserted by 77/2005 s 15</i> | 1.7.2006 |
| s 47GB | | |
| s 47GB(2) | <i>amended by 13/2006 s 44(1)</i> | 30.4.2007 |
| s 47H | | |
| s 47H(1) | <i>amended by 77/2005 s 16</i> | 1.7.2006 |
| s 47H(3) | <i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i> | 16.1.1989 |
| 47I | | |
| s 47I(1) | <i>amended by 77/2005 s 17(1)</i> | 1.7.2006 |
| | <i>amended by 8/2009 s 35(1)</i> | 1.2.2010 |
| s 47I(2) and (3) | <i>deleted by 77/2005 s 17(2)</i> | 1.7.2006 |
| s 47I(4) | <i>amended by 33/2003 Sch (cl 17(1), (2))</i> | 1.7.2005 |
| | <i>amended by 8/2009 s 35(2)</i> | 1.2.2010 |
| s 47I(14b) | <i>substituted by 8/2009 s 35(4)</i> | 1.2.2010 |
| s 47I(5) | <i>amended by 33/2003 Sch (cl 17(3))</i> | 1.7.2005 |
| s 47I(6) | <i>amended by 42/1979 s 12(a)</i> | 1.4.1979 |
| s 47I(7) | <i>amended by 53/1986 s 5(a)</i> | 1.12.1986 |
| | <i>substituted by 95/1995 s 17(a)</i> | 18.4.1996 |
| | <i>deleted by 77/2005 s 17(3)</i> | 1.7.2006 |
| s 47I(8) and (9) | <i>deleted by 77/2005 s 17(3)</i> | 1.7.2006 |
| s 47I(10) | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>substituted by 53/1986 s 5(b)</i> | 1.12.1986 |

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| | <i>substituted by 95/1995 s 17(b)</i> | 18.4.1996 |
| | <i>deleted by 77/2005 s 17(3)</i> | 1.7.2006 |
| s 47I(10a) | <i>inserted by 95/1995 s 17(b)</i> | 18.4.1996 |
| | <i>deleted by 77/2005 s 17(3)</i> | 1.7.2006 |
| s 47I(11) | <i>substituted by 53/1986 s 5(b)</i> | 1.12.1986 |
| | <i>amended by 95/1995 s 17(c)</i> | 18.4.1996 |
| | <i>deleted by 77/2005 s 17(3)</i> | 1.7.2006 |
| s 47I(12) and (13) | <i>substituted by 53/1986 s 5(b)</i> | 1.12.1986 |
| | <i>deleted by 77/2005 s 17(3)</i> | 1.7.2006 |
| s 47I(13a) and (13b) | <i>inserted by 53/1986 s 5(b)</i> | 1.12.1986 |
| | <i>deleted by 77/2005 s 17(3)</i> | 1.7.2006 |
| s 47I(13ba) | <i>inserted by 16/1988 s 3</i> | 26.5.1988 |
| | <i>deleted by 77/2005 s 17(3)</i> | 1.7.2006 |
| s 47I(13bb) | <i>inserted by 17/2001 s 23</i> | 27.5.2002 |
| | <i>deleted by 77/2005 s 17(3)</i> | 1.7.2006 |
| s 47I(13c) | <i>inserted by 53/1986 s 5(b)</i> | 1.12.1986 |
| | <i>amended by 95/1995 s 17(d), (e)</i> | 18.4.1996 |
| | <i>deleted by 77/2005 s 17(3)</i> | 1.7.2006 |
| s 47I(14) | <i>amended by 103/1976 s 23(a)</i> | 1.3.1977 |
| | <i>amended by 46/1981 s 11(a)</i> | 18.6.1981 |
| | <i>amended by 1/1990 s 5(a), (b)</i> | 22.3.1990 |
| s 47I(14a) | <i>inserted by 103/1976 s 23(b)</i> | 1.3.1977 |
| | <i>substituted by 46/1981 s 11(b)</i> | 18.6.1981 |
| | <i>amended by 55/1985 s 9</i> | 1.7.1985 |
| | <i>amended by 51/1988 s 76(a)</i> | 1.1.1989 |
| | <i>(c) deleted by 51/1988 s 76(b)</i> | 1.1.1989 |
| | <i>amended by 1/1990 s 5(c), (d)</i> | 22.3.1990 |
| | <i>amended by 52/1999 s 96(d)</i> | 9.7.2001 |
| | <i>amended by 91/2000 s 6</i> | 16.7.2001 |
| | <i>(da) deleted by 8/2009 s 35(3)</i> | 1.5.2009 |
| s 47I(14b) | <i>inserted by 42/1979 s 12(b)</i> | 1.4.1979 |
| | <i>substituted by 46/1981 s 11(b)</i> | 18.6.1981 |
| | <i>amended by 12/1991 s 8</i> | 1.7.1991 |
| | <i>substituted by 8/2003 s 28(a)</i> | 15.12.2003 |
| s 47I(15) | <i>amended by 103/1976 s 23(c)</i> | 1.3.1977 |
| | <i>deleted by 77/2005 s 17(4)</i> | 1.7.2006 |
| s 47I(16)—(18) | <i>deleted by 77/2005 s 17(4)</i> | 1.7.2006 |
| s 47I(19) | | |
| <i>accident</i> | <i>deleted by 8/2003 s 28(b)</i> | 15.12.2003 |
| s 47IAA | <i>inserted by 6/2005 s 12</i> | 1.12.2005 |
| s 47IAA(1) | <i>amended by 8/2009 s 36(1)</i> | uncommenced—not incorporated |
| s 47IAA(2) | <i>amended by 13/2006 s 44(1)</i> | 30.4.2007 |

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| s 47IAA(7a)—(7c) | inserted by 39/2006 s 4(1) | 14.12.2006 |
| s 47IAA(8) | amended by 39/2006 s 4(2) | 14.12.2006 |
| s 47IAA(9) | substituted by 39/2006 s 4(3) | 14.12.2006 |
| s 47IAA(10) | amended by 39/2006 s 4(4) | 14.12.2006 |
| s 47IAA(11) | amended by 39/2006 s 4(5) | 14.12.2006 |
| s 47IAA(12) | amended by 39/2006 s 4(6), (7) | 14.12.2006 |
| | amended by 8/2009 s 36(2) | uncommenced—not incorporated |
| <i>s 47IAA(13)</i> | <i>deleted by 39/2006 s 4(8)</i> | <i>14.12.2006</i> |
| s 47IAA(14) | amended by 39/2006 s 4(9) | 14.12.2006 |
| | amended by 13/2006 s 44(2) | 30.4.2007 |
| s 47IAA(15)—(18) | inserted by 39/2006 s 4(10) | 14.12.2006 |
| s 47IAB | inserted by 6/2005 s 12 | 1.12.2005 |
| s 47IAB(2) | amended by 39/2006 s 5(1), (2) | 14.12.2006 |
| s 47IAB(4) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47IAB(4a) | inserted by 39/2006 s 5(3) | 14.12.2006 |
| s 47IA | inserted by 46/1981 s 12 | 18.6.1981 |
| s 47IA(3) | | |
| prescribed first or second offence | amended by 12/1991 s 9 | 1.7.1991 |
| | amended by 8/2003 s 29 | 15.12.2003 |
| s 47J | inserted by 103/1976 s 24 | 1.3.1977 |
| s 47J(1) | amended by 8/2009 s 37(1), (2) | 1.2.2010 |
| s 47J(1) | amended by 55/1985 s 10(a), (b) | uncommenced—not incorporated |
| s 47J(4) | amended by 8/2009 s 37(3) | 1.2.2010 |
| s 47J(4a) | inserted by 39/2006 s 6(1) | 14.12.2006 |
| s 47J(5) | amended by 39/2006 s 6(2) | 14.12.2006 |
| <i>s 47J(6)</i> | <i>deleted by 39/2006 s 6(3)</i> | <i>14.12.2006</i> |
| s 47J(9) | amended by 8/2009 s 37(4) | 1.2.2010 |
| s 47J(12) | | |
| assessment clinic | substituted by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | substituted by 8/2009 s 37(5) | 1.2.2010 |
| lesser offence against section 47B | inserted by 55/1985 s 10(c) | uncommenced—not incorporated |
| <i>prescribed area</i> | <i>deleted by 8/2009 s 37(5)</i> | <i>1.2.2010</i> |
| prescribed day | inserted by 8/2009 s 37(5) | 1.2.2010 |
| prescribed offence | substituted by 12/1991 s 10 | 1.7.1991 |
| s 47K | s 47G redesignated as s 47K by 77/2005 s 14(8) | 1.7.2006 |
| s 47K(1) | amended by 42/1979 s 11(a) | 1.4.1979 |
| | amended by 95/1995 s 15(a), (b) | 4.4.1996 |
| | amended by 8/2009 s 38(1) | 1.2.2010 |
| s 47K(1a) | inserted by 42/1979 s 11(b) | 1.4.1979 |
| | amended by 86/1993 s 6(a) | 1.2.1994 |
| | substituted by 95/1995 s 15(c) | 4.4.1996 |

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| | amended by 77/2005 s 14(1) | 1.7.2006 |
| s 47K(1ab) | inserted by 95/1995 s 15(c) | 4.4.1996 |
| | substituted by 81/2005 s 24 | 30.7.2006 |
| s 47K(1b) | inserted by 14/1991 s 2 | 4.4.1991 |
| | amended by 95/1995 s 15(d) | 4.4.1996 |
| | amended by 17/2001 s 21(a) | 27.5.2002 |
| s 47K(2) | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 17/2001 s 21(b) | 27.5.2002 |
| s 47K(2a) | inserted by 42/1979 s 11(c) | 1.4.1979 |
| | amended by 86/1993 s 6(b) | 1.2.1994 |
| | amended by 95/1995 s 15(e) | 4.4.1996 |
| s 47K(3) | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 95/1995 s 15(f) | 4.4.1996 |
| | amended by 17/2001 s 21(c) | 27.5.2002 |
| s 47K(3a) | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 77/2005 s 14(2) | 1.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47K(3b) | inserted by 46/1981 s 10 | 18.6.1981 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47K(3c) | inserted by 46/1981 s 10 | 18.6.1981 |
| | substituted by 84/1984 s 7(a) | 1.1.1985 |
| | substituted by 55/1985 s 8 | 1.7.1985 |
| | amended by 77/2005 s 14(3) | 1.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47K(4) | amended by 53/1986 s 4 | 1.12.1986 |
| | amended by 95/1995 s 15(g) | 4.4.1996 |
| | amended by 77/2005 s 14(4) | 1.7.2006 |
| s 47K(5) | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 84/1984 s 7(b), (c) | 1.1.1985 |
| | amended by 86/1993 s 6(c) | 1.2.1994 |
| | amended by 95/1995 s 15(h) | 4.4.1996 |
| | (d) deleted by 95/1995 s 15(i) | 4.4.1996 |
| | amended by 17/2001 s 21(d) | 27.5.2002 |
| | amended by 77/2005 s 14(5) | 1.7.2006 |
| s 47K(6) | <i>substituted by 84/1984 s 7(d)</i> | <i>1.1.1985</i> |
| | <i>amended by 95/1995 s 15(j), (k)</i> | <i>4.4.1996</i> |
| | <i>deleted by 77/2005 s 14(6)</i> | <i>1.7.2006</i> |
| s 47K(7) | inserted by 95/1995 s 15(l) | 4.4.1996 |
| | amended by 17/2001 s 21(e) | 27.5.2002 |
| s 47K(8) | inserted by 95/1995 s 15(l) | 4.4.1996 |
| s 47K(9) | inserted by 95/1995 s 15(l) | 4.4.1996 |
| | substituted by 77/2005 s 14(7) | 1.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |

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| | substituted by 8/2009 s 38(2) | 1.2.2010 |
| s 47K(10) and (11) | inserted by 77/2005 s 14(7) | 1.7.2006 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47K(12)—(15) | inserted by 77/2005 s 14(7) | 1.7.2006 |
| s 47K(16) | inserted by 77/2005 s 14(7) | 1.7.2006 |
| s 47K(16) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 47K(17)—(19) | inserted by 77/2005 s 14(7) | 1.7.2006 |
| <i>Pt 3 Div 5A before deletion by 8/2009</i> | <i>heading inserted by 91/2000 s 7</i> | <i>16.7.2001</i> |
| <i>heading preceding s 48</i> | <i>deleted by 39/1999 s 30</i> | <i>1.12.1999</i> |
| s 48 | <i>amended by 103/1976 s 25</i> | <i>1.3.1977</i> |
| | <i>substituted by 12/1991 s 11</i> | <i>1.7.1991</i> |
| | <i>deleted by 39/1999 s 30</i> | <i>1.12.1999</i> |
| | <i>inserted by 91/2000 s 7</i> | <i>16.7.2001</i> |
| s 49 | <i>amended by 103/1976 s 26</i> | <i>1.3.1977</i> |
| | <i>amended by 25/1980 s 4(a), (b)</i> | <i>1.6.1980</i> |
| | <i>amended by 12/1991 s 12</i> | <i>1.7.1991</i> |
| | <i>amended by 88/1994 s 5</i> | <i>5.1.1995</i> |
| | <i>amended by 78/1997 s 4</i> | <i>5.2.1998</i> |
| | <i>amended by 18/1998 s 6</i> | <i>20.7.1998</i> |
| | <i>deleted by 39/1999 s 30</i> | <i>1.12.1999</i> |
| | <i>inserted by 91/2000 s 7</i> | <i>16.7.2001</i> |
| s 49(2) | <i>amended by 8/2003 s 30</i> | <i>15.12.2003</i> |
| | <i>(c) deleted by 8/2003 s 30</i> | <i>15.12.2003</i> |
| s 50 | <i>amended by 103/1976 s 27</i> | <i>1.3.1977</i> |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>amended by 12/1991 s 13</i> | <i>1.7.1991</i> |
| | <i>deleted by 39/1999 s 30</i> | <i>1.12.1999</i> |
| | <i>inserted by 91/2000 s 7</i> | <i>16.7.2001</i> |
| s 51 | <i>deleted by 36/1976 s 2</i> | <i>21.10.1976</i> |
| | <i>inserted by 91/2000 s 7</i> | <i>16.7.2001</i> |
| s 51(1) | <i>amended by 13/2006 s 44(1), (3)</i> | <i>30.4.2007</i> |
| s 52 | <i>amended by 103/1976 s 28</i> | <i>1.3.1977</i> |
| | <i>deleted by 39/1999 s 30</i> | <i>1.12.1999</i> |
| | <i>inserted by 91/2000 s 7</i> | <i>16.7.2001</i> |
| | <i>substituted by 6/2005 s 13</i> | <i>1.12.2005</i> |
| s 53 | <i>amended by 103/1976 s 29</i> | <i>1.3.1977</i> |
| | <i>amended by 58/1986 s 3</i> | <i>1.1.1987</i> |
| | <i>amended by 14/1988 s 3</i> | <i>1.7.1988</i> |
| | <i>amended by 25/1989 s 5</i> | <i>1.7.1989</i> |
| | <i>amended by 20/1999 s 7</i> | <i>1.12.1999</i> |
| | <i>deleted by 39/1999 s 30</i> | <i>1.12.1999</i> |

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| | <i>inserted by 91/2000 s 7</i> | 16.7.2001 |
| s 53AA | <i>inserted by 91/2000 s 7</i> | 16.7.2001 |
| Pt 3 Div 5A | <i>deleted by 8/2009 s 39</i> | 1.5.2009 |
| Pt 3 Div 6 | heading preceding s 53A amended by 39/1999 s 31 | 1.12.1999 |
| | heading preceding s 53A redesignated as Div 6 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 53A | substituted by 41/2009 s 4 | 5.11.2009 |
| s 53B | inserted by 52/1990 s 6 | 1.1.1991 |
| s 53B(1) | substituted by 39/1999 s 32(a) | 1.12.1999 |
| s 53B(2) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 53B(3) | substituted by 34/1996 s 4 (Sch cl 30) | 3.2.1997 |
| | amended by 53/2005 s 8 | 17.11.2005 |
| s 53B(5) | amended by 39/1999 s 32(b) | 1.12.1999 |
| s 53B(6) | inserted by 39/1999 s 32(c) | 1.12.1999 |
| heading preceding s 54 | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 54 | <i>amended by 103/1976 s 30</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>substituted by 69/1985 s 2</i> | 6.6.1985 |
| | <i>amended by 10/1993 s 5</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 55 | <i>amended by 103/1976 s 31</i> | 1.3.1977 |
| | <i>amended by 10/1993 s 6</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 55A | <i>inserted by 10/1993 s 7</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 56 | <i>amended by 103/1976 s 32</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 57 | <i>amended by 103/1976 s 33</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 58 | <i>amended by 103/1976 s 34</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>amended by 10/1993 s 8</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 58A | <i>inserted by 10/1993 s 9</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 59 | <i>amended by 103/1976 s 35</i> | 1.3.1977 |
| | <i>amended by 10/1993 s 10</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 60 | <i>amended by 103/1976 s 36</i> | 1.3.1977 |
| | <i>amended by 10/1993 s 11</i> | 30.4.1993 |

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| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>heading preceding s 61</i> | <i>inserted by 10/1993 s 12</i> | 30.4.1993 |
| <i>s 61</i> | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| | <i>amended by 103/1976 s 37</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>amended by 52/1990 s 7</i> | 1.1.1991 |
| | <i>substituted by 10/1993 s 12</i> | 30.4.1993 |
| | <i>amended by 20/1999 s 8</i> | 1.12.1999 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>heading preceding s 62</i> | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 62</i> | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 63</i> | <i>amended by 103/1976 s 38</i> | 1.3.1977 |
| | <i>amended by 42/1979 s 13</i> | 1.4.1979 |
| | <i>amended by 25/1980 s 5</i> | 1.6.1980 |
| | <i>amended by 107/1980 s 3</i> | 1.3.1981 |
| | <i>amended by 10/1993 s 13</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 65</i> | <i>amended by 103/1976 s 39</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 65A</i> | <i>inserted by 10/1993 s 14</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 66</i> | <i>amended by 103/1976 s 40</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 67</i> | <i>amended by 103/1976 s 41</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 68</i> | <i>amended by 103/1976 s 42</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 68A</i> | <i>inserted by 88/1994 s 6</i> | 5.1.1995 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 69</i> | <i>amended by 103/1976 s 43</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 69A</i> | <i>inserted by 1/1992 Sch 3</i> | 1.6.1992 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>heading preceding s 70</i> | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 70</i> | <i>amended by 103/1976 s 44</i> | 1.3.1977 |
| | <i>amended by 10/1993 s 15</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 70A</i> | <i>inserted by 10/1993 s 16</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| <i>s 70B</i> | <i>inserted by 88/1994 s 7</i> | 5.1.1995 |

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| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 71 | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>amended by 37/1997 s 2</i> | 10.7.1997 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 71A | <i>amended by 103/1976 s 45</i> | 1.3.1977 |
| | <i>amended by 37/1997 s 3</i> | 10.7.1997 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 72 | <i>amended by 103/1976 s 46</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 73 | <i>amended by 103/1976 s 47</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| heading preceding s 74 | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 74 | <i>amended by 103/1976 s 48</i> | 1.3.1977 |
| | <i>amended by 10/1993 s 17</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 74A | <i>amended by 103/1976 s 49</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| heading preceding s 75 | <i>amended by 52/1990 s 8</i> | 1.1.1991 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 75 | <i>amended by 103/1976 s 50</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>amended by 52/1990 s 9</i> | 1.1.1991 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 76 | <i>amended by 103/1976 s 51</i> | 1.3.1977 |
| | <i>substituted by 15/1984 s 4</i> | 5.7.1984 |
| | <i>amended by 52/1990 s 10</i> | 1.1.1991 |
| | <i>amended by 32/1993 s 6</i> | 4.11.1993 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 77 | <i>amended by 103/1976 s 52</i> | 1.3.1977 |
| | <i>deleted by 15/1984 s 4</i> | 5.7.1984 |
| s 78 | <i>amended by 103/1976 s 53</i> | 1.3.1977 |
| | <i>amended by 42/1979 s 14</i> | 1.4.1979 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>amended by 76/1998 s 4</i> | 14.1.1999 |
| | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| s 78A | <i>amended by 103/1976 s 54</i> | 1.3.1977 |
| | <i>deleted by 15/1984 s 5</i> | 5.7.1984 |
| s 79 | <i>deleted by 39/1999 s 33</i> | 1.12.1999 |
| Pt 3 Div 7 | heading preceding s 79A inserted by 5/1987 s 3 | 1.7.1988 |
| | heading preceding s 79A redesignated as Div 7 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |

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| s 79A | inserted by 5/1987 s 3 | 1.7.1988 |
| s 79B | inserted by 5/1987 s 3 | 1.7.1988 |
| s 79B(1) | | |
| owner | inserted by 20/1999 s 9(a) | 1.12.1999 |
| owner registration offence | inserted by 26/2008 s 28(1) | 1.6.2009 |
| <i>photographic detection device</i> | <i>deleted by 8/2003 s 31(a)</i> | <i>15.12.2003</i> |
| prescribed offence | amended by 20/1999 s 9(b) | 1.12.1999 |
| | substituted by 39/1999 s 34(a) | 1.12.1999 |
| | substituted by 23/2005 s 6(1) | 1.12.2005 |
| | substituted by 26/2008 s 28(2) | 1.6.2009 |
| red light offence | inserted by 28/2000 s 3(a) | 29.6.2002 |
| <i>registered owner</i> | <i>substituted by 52/1990 s 11(a)</i> | <i>29.4.1993</i> |
| | <i>amended by 65/1996 Sch cl 2</i> | <i>17.11.1997</i> |
| | <i>deleted by 20/1999 s 9(c)</i> | <i>1.12.1999</i> |
| registration | inserted by 26/2008 s 28(3) | 1.6.2009 |
| registration offence | inserted by 26/2008 s 28(3) | 1.6.2009 |
| speeding offence | inserted by 8/2003 s 31(b) | 15.12.2003 |
| uninsured motor vehicle | inserted by 26/2008 s 28(4) | 1.6.2009 |
| unregistered motor vehicle | inserted by 26/2008 s 28(4) | 1.6.2009 |
| s 79B(2) | amended by 52/1990 s 11(b) | 29.4.1993 |
| | amended by 20/1999 s 9(d) | 1.12.1999 |
| | amended by 28/2000 s 3(b) | 29.6.2002 |
| | amended by 8/2003 s 31(c) | 15.12.2003 |
| s 79B(2a) | inserted by 28/2000 s 3(c) | 29.6.2002 |
| | substituted by 8/2003 s 31(d) | 15.12.2003 |
| s 79B(2b) | inserted by 23/2005 s 6(2) | 1.12.2005 |
| s 79B(2c) and (2d) | inserted by 26/2008 s 28(5) | 1.6.2009 |
| s 79B(3) | amended by 52/1990 s 11(c) | 29.4.1993 |
| | amended by 20/1999 s 9(d) | 1.12.1999 |
| s 79B(4) | amended by 34/1996 s 4 (Sch cl 30) | 3.2.1997 |
| | amended by 20/1999 s 9(d), (e) | 1.12.1999 |
| | amended by 28/2000 s 3(d) | 29.6.2002 |
| | substituted by 8/2003 s 31(e) | 15.12.2003 |
| | amended by 26/2008 s 28(6) | 1.6.2009 |
| s 79B(4a) | inserted by 28/2000 s 3(e) | 29.6.2002 |
| | deleted by 8/2003 s 31(e) | 15.12.2003 |
| | inserted by 26/2008 s 28(7) | 1.6.2009 |
| s 79B(5) | amended by 52/1990 s 11(d) | 29.4.1993 |
| | amended by 34/1996 s 4 (Sch cl 30) | 3.2.1997 |
| | amended by 20/1999 s 9(f) | 1.12.1999 |

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| s 79B(6) | amended by 52/1990 s 11(e) | 29.4.1993 |
| | amended by 34/1996 s 4 (Sch cl 30) | 3.2.1997 |
| | amended by 20/1999 s 9(f) | 1.12.1999 |
| s 79B(6a) and (6b) | inserted by 53/2003 s 10 | 4.12.2005 |
| s 79B(7) | substituted by 8/2003 s 31(f) | 15.12.2003 |
| s 79B(8) | substituted by 28/2000 s 3(f) | 29.6.2002 |
| | substituted by 8/2003 s 31(f) | 15.12.2003 |
| s 79B(9) | amended by 34/1996 s 4 (Sch cl 30) | 3.2.1997 |
| | amended by 20/1999 s 9(g) | 1.12.1999 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 79B(9a) | <i>inserted by 52/1990 s 11(f)</i> | 29.4.1993 |
| | <i>deleted by 39/1999 s 34(b)</i> | 1.12.1999 |
| | <i>inserted by 8/2003 s 31(g)</i> | 15.12.2003 |
| | <i>deleted by 41/2009 s 5</i> | 5.11.2009 |
| s 79B(10) | amended by 52/1990 s 11(g), (h) | 29.4.1993 |
| | amended by 20/1999 s 9(g) | 1.12.1999 |
| | amended by 8/2003 s 31(h), (i) | 15.12.2003 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 79C | inserted by 52/1990 s 12 | 1.1.1991 |
| | substituted by 8/2003 s 32 | 15.12.2003 |
| Pt 3 Div 8 | heading preceding s 80 substituted by 39/1999 s 35 | 1.12.1999 |
| | heading preceding s 80 redesignated as Div 8 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 80 | amended by 103/1976 s 55 | 1.3.1977 |
| | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 30/1994 Sch 4 cl 2(b)(iv) | 1.7.1994 |
| | amended by 32/1996 s 2 | 2.5.1996 |
| | substituted by 39/1999 s 35 | 1.12.1999 |
| Pt 3 Div 9 | heading preceding s 81 inserted by 39/1999 s 35 | 1.12.1999 |
| | heading preceding s 81 redesignated as Div 9 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 81 | <i>amended by 103/1976 s 56</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>substituted by 39/1999 s 35</i> | 1.12.1999 |
| | <i>deleted by 67/1999 s 5</i> | 9.7.2001 |
| s 82 | amended by 103/1976 s 57 | 1.3.1977 |
| | deleted by 45/1979 s 3 | 1.7.1979 |
| | inserted by 39/1999 s 35 | 1.12.1999 |
| s 82(2) | | |
| school bus | substituted by 53/2005 s 9 | 17.11.2005 |

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| <i>heading preceding s 82A</i> | <i>deleted by 39/1999 s 35</i> | <i>1.12.1999</i> |
| <i>s 82A</i> | <i>amended by 27/1986 s 12</i> | <i>1.7.1986</i> |
| | <i>deleted by 39/1999 s 35</i> | <i>1.12.1999</i> |
| <i>s 83</i> | <i>amended by 103/1976 s 58</i> | <i>1.3.1977</i> |
| | <i>amended by 42/1979 s 15</i> | <i>1.4.1979</i> |
| | <i>deleted by 45/1979 s 3</i> | <i>1.7.1979</i> |
| | <i>inserted by 7/2000 s 3</i> | <i>15.8.2000</i> |
| <i>s 83(3)</i> | | |
| <i>emergency vehicle</i> | <i>amended by 13/2006 s 44(1)</i> | <i>30.4.2007</i> |
| <i>s 83A</i> | | |
| <i>s 83A(1)</i> | <i>amended by 103/1976 s 59(a)</i> | <i>1.3.1977</i> |
| <i>s 83A(2)</i> | <i>amended by 103/1976 s 59(b)</i> | <i>1.3.1977</i> |
| <i>s 83A(3)</i> | <i>amended by 27/1986 s 13</i> | <i>1.7.1986</i> |
| <i>s 84</i> | <i>amended by 103/1976 s 60</i> | <i>1.3.1977</i> |
| | <i>deleted by 45/1979 s 3</i> | <i>1.7.1979</i> |
| <i>s 85</i> | | |
| <i>s 85(1)</i> | <i>amended by 90/1981 s 2(a)</i> | <i>23.12.1981</i> |
| | <i>amended by 39/1999 s 36(a)</i> | <i>1.12.1999</i> |
| <i>s 85(2)</i> | <i>amended by 103/1976 s 61</i> | <i>1.3.1977</i> |
| | <i>amended by 39/1999 s 36(b)</i> | <i>1.12.1999</i> |
| <i>s 85(4)</i> | <i>deleted by 90/1981 s 2(b)</i> | <i>23.12.1981</i> |
| <i>s 86 before substitution by 53/2005</i> | | |
| <i>s 86(1)</i> | <i>amended by 15/1984 s 6</i> | <i>5.7.1984</i> |
| | <i>amended by 10/1993 s 18</i> | <i>30.4.1993</i> |
| | <i>amended by 57/1997 s 4(a)</i> | <i>11.12.1997</i> |
| | <i>amended by 39/1999 s 37(a)</i> | <i>1.12.1999</i> |
| <i>s 86(1a)</i> | <i>inserted by 57/1997 s 4(b)</i> | <i>11.12.1997</i> |
| | <i>amended by 39/1999 s 37(a)</i> | <i>1.12.1999</i> |
| <i>s 86(3)</i> | <i>amended by 57/1997 s 4(c)</i> | <i>11.12.1997</i> |
| <i>s 86(4)</i> | <i>amended by 57/1997 s 4(d)</i> | <i>11.12.1997</i> |
| <i>s 86(5)</i> | <i>inserted by 39/1999 s 37(b)</i> | <i>1.12.1999</i> |
| <i>s 86</i> | <i>substituted by 53/2005 s 10</i> | <i>17.11.2005</i> |
| | <i>deleted by 13/2006 s 17</i> | <i>30.4.2007</i> |
| <i>heading preceding s 87</i> | <i>deleted by 39/1999 s 38</i> | <i>1.12.1999</i> |
| <i>s 87</i> | <i>amended by 103/1976 s 62</i> | <i>1.3.1977</i> |
| <i>s 88</i> | <i>amended by 103/1976 s 63</i> | <i>1.3.1977</i> |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>amended by 10/1993 s 19</i> | <i>30.4.1993</i> |
| | <i>amended by 88/1994 s 8</i> | <i>5.1.1995</i> |
| | <i>deleted by 39/1999 s 39</i> | <i>1.12.1999</i> |

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| s 89 | <i>amended by 103/1976 s 64</i> | 1.3.1977 |
| | <i>amended by 30/1994 Sch 4 cl 2(b)(v)</i> | 1.7.1994 |
| | <i>amended by 32/1996 s 3</i> | 2.5.1996 |
| | <i>deleted by 39/1999 s 39</i> | 1.12.1999 |
| s 90 | <i>amended by 103/1976 s 65</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 39</i> | 1.12.1999 |
| s 90A | <i>inserted by 88/1994 s 9</i> | 5.1.1995 |
| | <i>deleted by 39/1999 s 39</i> | 1.12.1999 |
| <i>heading preceding s 91</i> | <i>deleted by 39/1999 s 39</i> | 1.12.1999 |
| s 91 | | |
| s 91(1) | <i>substituted by 99/1981 s 5</i> | 7.1.1982 |
| s 91(2) | <i>amended by 103/1976 s 66(a), (b)</i> | 1.3.1977 |
| | <i>substituted by 99/1981 s 5</i> | 7.1.1982 |
| s 91(3) | <i>amended by 103/1976 s 66(c)</i> | 1.3.1977 |
| s 91(4) | | |
| <i>laden weight</i> | <i>deleted by 103/1976 s 66(d)</i> | 1.3.1977 |
| s 92 | <i>amended by 103/1976 s 67</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 40</i> | 1.12.1999 |
| <i>heading preceding s 92</i> | <i>deleted by 39/1999 s 40</i> | 1.12.1999 |
| <i>ss 92A and 92B</i> | <i>inserted by 20/1999 s 10</i> | 1.12.1999 |
| | <i>deleted by 39/1999 s 40</i> | 1.12.1999 |
| s 93 | <i>amended by 103/1976 s 68</i> | 1.3.1977 |
| | <i>amended by 10/1993 s 20</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 40</i> | 1.12.1999 |
| s 94 | <i>amended by 103/1976 s 69</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 40</i> | 1.12.1999 |
| s 94A | <i>amended by 103/1976 s 70</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>amended by 27/1986 s 14</i> | 1.7.1986 |
| | <i>amended by 20/1999 s 11</i> | 1.12.1999 |
| | <i>deleted by 39/1999 s 40</i> | 1.12.1999 |
| s 95 | <i>amended by 103/1976 s 71</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| s 96 | <i>amended by 103/1976 s 72</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>deleted by 39/1999 s 41</i> | 1.12.1999 |
| s 97 | <i>amended by 103/1976 s 73</i> | 1.3.1977 |
| | <i>amended by 10/1993 s 21</i> | 30.4.1993 |
| | <i>deleted by 39/1999 s 41</i> | 1.12.1999 |
| s 98 | <i>amended by 103/1976 s 74</i> | 1.3.1977 |
| | <i>deleted by 39/1999 s 41</i> | 1.12.1999 |

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| <i>s 99</i> | <i>amended by 103/1976 s 75</i> | <i>1.3.1977</i> |
| | <i>deleted by 39/1999 s 41</i> | <i>1.12.1999</i> |
| <i>s 99A</i> | <i>inserted by 10/1993 s 22</i> | <i>30.4.1993</i> |
| | <i>amended by 39/1999 s 42</i> | <i>1.12.1999</i> |
| <i>s 99B</i> | <i>inserted by 64/1995 s 7</i> | <i>1.2.1996</i> |
| | <i>substituted by 39/1999 s 43</i> | <i>1.12.1999</i> |
| <i>s 100</i> | <i>amended by 103/1976 s 76</i> | <i>1.3.1977</i> |
| | <i>deleted by 39/1999 s 43</i> | <i>1.12.1999</i> |
| <i>s 101</i> | <i>amended by 103/1976 s 77</i> | <i>1.3.1977</i> |
| | <i>deleted by 39/1999 s 43</i> | <i>1.12.1999</i> |
| <i>s 102</i> | <i>amended by 103/1976 s 78</i> | <i>1.3.1977</i> |
| | <i>amended by 32/1993 s 7</i> | <i>4.11.1993</i> |
| | <i>deleted by 39/1999 s 43</i> | <i>1.12.1999</i> |
| <i>s 103</i> | <i>amended by 103/1976 s 79</i> | <i>1.3.1977</i> |
| | <i>deleted by 39/1999 s 43</i> | <i>1.12.1999</i> |
| <i>s 104</i> | <i>amended by 103/1976 s 80</i> | <i>1.3.1977</i> |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>deleted by 39/1999 s 43</i> | <i>1.12.1999</i> |
| <i>s 105</i> | <i>amended by 103/1976 s 81</i> | <i>1.3.1977</i> |
| | <i>deleted by 39/1999 s 43</i> | <i>1.12.1999</i> |
| <i>heading preceding s 106</i> | <i>deleted by 39/1999 s 43</i> | <i>1.12.1999</i> |
| <i>s 106 before deletion by 13/2006</i> | | |
| <i>s 106(1)</i> | <i>amended by 103/1976 s 82(a)</i> | <i>1.3.1977</i> |
| <i>s 106(2)</i> | <i>amended by 103/1976 s 82(b), (c)</i> | <i>1.3.1977</i> |
| | <i>amended by 30/1994 Sch 4 cl 2(b)(vi)</i> | <i>1.7.1994</i> |
| | <i>amended by 54/2003 Sch 1 cl 3</i> | <i>1.1.2004</i> |
| <i>s 106(4)</i> | | |
| <i>traffic device</i> | <i>amended by 39/1999 s 44</i> | <i>1.12.1999</i> |
| <i>s 106</i> | <i>deleted by 13/2006 s 18</i> | <i>30.4.2007</i> |
| <i>s 107</i> | | |
| <i>s 107(1)</i> | <i>s 107 amended by 103/1976 s 83</i> | <i>1.3.1977</i> |
| | <i>s 107 redesignated as s 107(1) by 13/2006 s 19</i> | <i>30.4.2007</i> |
| <i>s 107(2) and (3)</i> | <i>inserted by 13/2006 s 19</i> | <i>30.4.2007</i> |
| <i>s 107A</i> | <i>inserted by 20/1999 s 12</i> | <i>1.12.1999</i> |
| <i>s 108</i> | | |
| <i>s 108(1)</i> | <i>amended by 103/1976 s 84</i> | <i>1.3.1977</i> |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| <i>s 109</i> | <i>amended by 103/1976 s 85</i> | <i>1.3.1977</i> |
| | <i>deleted by 39/1999 s 45</i> | <i>1.12.1999</i> |
| <i>s 110</i> | <i>amended by 103/1976 s 86</i> | <i>1.3.1977</i> |
| <i>s 110AAAA</i> | <i>inserted by 23/2005 s 7</i> | <i>1.12.2005</i> |

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| s 110AAAA(2) | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 110AAAA(3) | | |
| emergency vehicle | amended by 13/2006 s 44(1) | 30.4.2007 |
| s 110AAA | <i>inserted by 8/2003 s 33</i> | 15.12.2003 |
| | <i>expired: s 110AAA(3)—omitted under Legislation Revision and Publication Act 2002</i> | (15.12.2006) |
| <i>Pt 3AA before substitution by 22/2008</i> | <i>inserted by 34/1999 s 3</i> | 1.11.1999 |
| s 110AAB | | |
| s 110AAB(2) | amended by 13/2006 s 44(2) | 30.4.2007 |
| | amended by 26/2008 s 29 | 25.9.2008 |
| s 110AAC | | |
| s 110AAC(1) | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |
| s 110AAC(2) | amended by 13/2006 ss 44(1), (3), 45 | 30.4.2007 |
| s 110AAD | deleted by 13/2006 s 20 | 30.4.2007 |
| Pt 3AA | substituted by 22/2008 s 5 | 29.9.2008 |
| ss 110AB and 110AC | inserted by 41/2009 s 6 | 5.11.2009 |
| Pt 3A | inserted by 19/1998 s 3 | 6.9.1999 |
| s 110A | | |
| State identification plate | amended by 13/2006 s 45 | 30.4.2007 |
| s 110C | | |
| s 110C(2) | amended by 26/2008 s 30(1) | 25.9.2008 |
| s 110C(3) | amended by 26/2008 s 30(2) | 25.9.2008 |
| s 110C(5) and (6) | amended by 13/2006 s 45 | 30.4.2007 |
| s 110C(7) | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |
| s 110C(11) | amended by 13/2006 s 45 | 30.4.2007 |
| Pt 4 | heading substituted by 20/1999 s 13 | 1.12.1999 |
| Pt 4 Div 1 | heading preceding s 111 amended by 103/1976 s 87 | 1.3.1977 |
| | heading preceding s 111 substituted by 20/1999 s 14 | 1.12.1999 |
| | heading preceding s 111 redesignated as Div 1 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 111 | amended by 103/1976 s 88 | 1.3.1977 |
| | amended by 46/1981 s 13 | 18.6.1981 |
| | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | substituted by 20/1999 s 14 | 1.12.1999 |
| s 112 | <i>inserted by 20/1999 s 14</i> | 1.12.1999 |
| | <i>deleted by 13/2006 s 21</i> | 30.4.2007 |
| Pt 4 Div 2 | heading preceding s 113 inserted by 20/1999 s 14 | 1.12.1999 |
| | heading preceding s 113 redesignated as Div 2 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |

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| s 113 | inserted by 20/1999 s 14 | 1.12.1999 |
| s 114 | <i>inserted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| | <i>deleted by 13/2006 s 22</i> | <i>30.4.2007</i> |
| Pt 4 Div 3 | heading preceding s 115 inserted by 20/1999 s 14 | 1.12.1999 |
| | heading preceding s 115 redesignated as Div 3 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 115 | inserted by 20/1999 s 14 | 1.12.1999 |
| s 115(7) | <i>deleted by 13/2006 s 23</i> | <i>30.4.2007</i> |
| heading preceding s 116 | <i>inserted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| | <i>deleted by 39/1999 s 46</i> | <i>1.12.1999</i> |
| s 116 | <i>inserted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| | <i>deleted by 39/1999 s 46</i> | <i>1.12.1999</i> |
| s 119 | <i>amended by 103/1976 s 89</i> | <i>1.3.1977</i> |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 120 | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 121 | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 122 | <i>amended by 103/1976 s 90</i> | <i>1.3.1977</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 124 | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| heading preceding s 126 | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 126 | <i>amended by 103/1976 s 91</i> | <i>1.3.1977</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| heading preceding s 132 | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 132 | <i>amended by 103/1976 s 92</i> | <i>1.3.1977</i> |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 133 | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 134 | <i>amended by 15/1984 s 7</i> | <i>5.7.1984</i> |
| | <i>amended by 85/1985 s 5(a)</i> | <i>2.12.1985</i> |
| | <i>amended by 66/1996 s 5</i> | <i>6.11.1997</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 135 | <i>amended by 27/1986 s 15</i> | <i>1.7.1986</i> |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 136 | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| s 137 | <i>substituted by 32/1993 s 8</i> | <i>4.11.1993</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |

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| <i>s 138</i> | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 138A</i> | <i>amended by 103/1976 s 93</i> | <i>1.3.1977</i> |
| | <i>amended by 99/1981 s 6</i> | <i>7.1.1982</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 138B and heading</i> | <i>deleted by 99/1981 s 7</i> | <i>7.1.1982</i> |
| <i>heading preceding</i> | <i>substituted by 25/1989 s 6</i> | <i>1.7.1989</i> |
| <i>s 139</i> | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 139</i> | <i>amended by 103/1976 s 94</i> | <i>1.3.1977</i> |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>amended by 25/1989 s 7</i> | <i>1.7.1989</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 140</i> | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 141</i> | <i>amended by 42/1979 s 16</i> | <i>1.4.1979</i> |
| | <i>amended by 51/1997 s 8(a), (b)</i> | <i>15.1.1998</i> |
| | <i>amended by 103/1976 s 95</i> | <i>1.3.1977</i> |
| | <i>amended by 82/1987 s 2</i> | <i>26.11.1987</i> |
| | <i>amended by 32/1993 s 9</i> | <i>4.11.1993</i> |
| | <i>amended by 51/1997 s 8(c)</i> | <i>15.1.1998</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 142</i> | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 143</i> | <i>deleted by 99/1981 s 8</i> | <i>7.1.1982</i> |
| | <i>inserted by 25/1989 s 8</i> | <i>1.7.1989</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>heading preceding</i> | <i>inserted by 12/1991 s 14</i> | <i>1.7.1991</i> |
| <i>s 144</i> | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 144</i> | <i>deleted by 103/1976 s 97</i> | <i>1.3.1977</i> |
| | <i>inserted by 12/1991 s 14</i> | <i>1.7.1991</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 145</i> | <i>deleted by 103/1976 s 97</i> | <i>1.3.1977</i> |
| <i>heading preceding</i> | <i>substituted by 103/1976 s 96</i> | <i>1.3.1977</i> |
| <i>s 146</i> | <i>substituted by 25/1989 s 9</i> | <i>1.7.1989</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 146</i> | <i>amended by 103/1976 s 98</i> | <i>1.3.1977</i> |
| | <i>substituted by 25/1989 s 10</i> | <i>1.7.1989</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |
| <i>s 147</i> | <i>amended by 103/1976 s 99</i> | <i>1.3.1977</i> |
| | <i>amended by 42/1979 s 17</i> | <i>1.4.1979</i> |
| | <i>amended by 99/1981 s 9</i> | <i>7.1.1982</i> |
| | <i>substituted by 25/1989 s 10</i> | <i>1.7.1989</i> |
| | <i>deleted by 20/1999 s 14</i> | <i>1.12.1999</i> |

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| Pt 4 Div 3A | inserted by 13/2006 s 24 | 30.4.2007 |
| Pt 4 Div 3B | inserted by 13/2006 s 24 | 30.4.2007 |
| Pt 4 Div 3B Subdivision 2 | heading substituted by 22/2008 s 6 | 29.9.2008 |
| s 121 | substituted by 22/2008 s 7 | 29.9.2008 |
| Pt 4 Div 4 | heading preceding s 148 inserted by 20/1999 s 15 | 1.12.1999 |
| | heading preceding s 148 redesignated as Div 4 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| <i>s 148 before deletion by 13/2006</i> | <i>inserted by 25/1989 s 10</i> | <i>1.7.1989</i> |
| <i>s 148(1) and (2)</i> | <i>amended by 20/1999 s 16(a)</i> | <i>1.12.1999</i> |
| <i>s 148(3)</i> | <i>inserted by 20/1999 s 16(b)</i> | <i>1.12.1999</i> |
| <i>s 148</i> | <i>deleted by 13/2006 s 25</i> | <i>30.4.2007</i> |
| <i>s 149 before deletion by 13/2006</i> | <i>substituted by 25/1989 s 10</i> | <i>1.7.1989</i> |
| <i>s 149(1)</i> | <i>deleted by 20/1999 s 17(a)</i> | <i>1.12.1999</i> |
| <i>s 149(2)</i> | <i>amended by 20/1999 s 17(b)</i> | <i>1.12.1999</i> |
| <i>s 149</i> | <i>deleted by 13/2006 s 25</i> | <i>30.4.2007</i> |
| <i>s 150</i> | <i>amended by 103/1976 s 100</i> <i>substituted by 25/1989 s 10</i> <i>deleted by 20/1999 s 18</i> | <i>1.3.1977</i> <i>1.7.1989</i> <i>1.12.1999</i> |
| <i>s 151</i> | <i>deleted by 103/1976 s 101</i> | <i>1.3.1977</i> |
| <i>s 152</i> | <i>amended by 103/1976 s 102</i> <i>amended by 15/1984 s 8</i> <i>substituted by 82/1987 s 3</i> <i>deleted by 13/2006 s 25</i> | <i>1.3.1977</i> <i>5.7.1984</i> <i>26.11.1987</i> <i>30.4.2007</i> |
| <i>s 153 before deletion by 13/2006</i> | | |
| <i>s 153(1)</i> | <i>amended by 103/1976 s 103(a)—(c)</i> <i>amended by 42/1979 s 18</i> <i>amended by 20/1999 s 19</i> | <i>1.3.1977</i> <i>1.4.1979</i> <i>1.12.1999</i> |
| <i>s 153(2)</i> | <i>amended by 103/1976 s 103(d)</i> <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.3.1977</i> <i>1.1.1985</i> |
| <i>s 153</i> | <i>deleted by 13/2006 s 25</i> | <i>30.4.2007</i> |
| <i>s 154 before deletion by 13/2006</i> | | |
| <i>s 154(1)</i> | <i>amended by 20/1999 s 20</i> | <i>1.12.1999</i> |
| <i>s 154(2)</i> | <i>amended by 103/1976 s 104</i> | <i>1.3.1977</i> |
| <i>s 154</i> | <i>deleted by 13/2006 s 25</i> | <i>30.4.2007</i> |
| <i>s 155</i> | <i>deleted by 103/1976 s 105</i> | <i>1.3.1977</i> |
| <i>s 156 before deletion by 13/2006</i> | | |
| <i>s 156(1)</i> | <i>amended by 103/1976 s 106(a)—(d)</i> <i>amended by 25/1989 s 11</i> | <i>1.3.1977</i> <i>1.7.1989</i> |

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| | <i>amended by 20/1999 s 21</i> | 1.12.1999 |
| s 156(2) | <i>amended by 103/1976 s 106(e)</i> | 1.3.1977 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| s 156 | <i>deleted by 13/2006 s 25</i> | 30.4.2007 |
| heading preceding s 157 | <i>deleted by 20/1999 s 22</i> | 1.12.1999 |
| s 157 | <i>amended by 103/1976 s 107</i> | 1.3.1977 |
| | <i>substituted by 99/1981 s 10</i> | 7.1.1982 |
| | <i>deleted by 20/1999 s 22</i> | 1.12.1999 |
| s 158 | <i>amended by 103/1976 s 108</i> | 1.3.1977 |
| | <i>deleted by 99/1981 s 10</i> | 7.1.1982 |
| heading preceding s 160 | <i>deleted by 20/1999 s 22</i> | 1.12.1999 |
| s 161 | <i>amended by 20/1999 s 24</i> | 1.12.1999 |
| | <i>deleted by 39/1999 s 47</i> | 1.12.1999 |
| Pt 4 Div 4 Subdiv 1 | | |
| heading | inserted by 13/2006 s 25 | 30.4.2007 |
| s 145 | s 160 redesignated as s 145 by 13/2006 s 26(3) | 30.4.2007 |
| s 145 | | |
| s 145(1) | | |
| inspector | <i>deleted by 100/1996 s 3(a)</i> | 1.7.1997 |
| safety risk | inserted by 52/1999 s 96(e) | 9.7.2001 |
| vehicle registration authority | inserted by 52/1999 s 96(e) | 9.7.2001 |
| s 145(1aa) | inserted by 37/2002 s 17(a) | 3.7.2003 |
| | substituted by 13/2006 s 26(1) | 30.4.2007 |
| s 145(1a) | inserted by 55/1989 s 3(a) | 28.3.1990 |
| | amended by 52/1999 s 96(f), (g) | 9.7.2001 |
| | substituted by 37/2002 s 17(a) | 3.7.2003 |
| | amended by 13/2006 ss 44(1), (3), 45 | 30.4.2007 |
| s 145(1b) | inserted by 55/1989 s 3(a) | 28.3.1990 |
| | amended by 52/1999 s 96(h), (i) | 9.7.2001 |
| | substituted by 37/2002 s 17(a) | 3.7.2003 |
| | amended by 13/2006 s 44(1), 45 | 30.4.2007 |
| s 145(2) | amended by 42/1979 s 19(a) | 1.4.1979 |
| | substituted by 55/1989 s 3(b) | 28.3.1990 |
| | amended by 20/1999 s 23(a) | 1.12.1999 |
| | amended by 52/1999 s 96(j) | 9.7.2001 |
| | amended by 37/2002 s 17(b) | 3.7.2003 |
| | amended by 13/2006 ss 44(1), (3), 45 | 30.4.2007 |
| s 145(2a) | substituted by 42/1979 s 19(b) | 1.4.1979 |
| | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 105/1987 s 4(a) | 1.7.1988 |
| | amended by 20/1999 s 23(b) | 1.12.1999 |

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| | amended by 52/1999 s 96(k) | 9.7.2001 |
| | amended by 37/2002 s 17(c) | 3.7.2003 |
| | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |
| s 145(3) | amended by 103/1976 s 109(a) | 1.3.1977 |
| | amended by 55/1989 s 3(c) | 28.3.1990 |
| s 145(3a) | <i>inserted in pursuance of the Acts Republication Act 1967</i> | 16.1.1989 |
| | <i>deleted by 13/2006 ss 26(2)</i> | 30.4.2007 |
| s 145(4) | substituted by 42/1979 s 19(c) | 1.4.1979 |
| | amended by 13/2006 s 44(1), 45 | 30.4.2007 |
| s 145(4a) | amended by 42/1979 s 19(d) | 1.4.1979 |
| | deleted by 100/1996 s 3(b) | 1.7.1997 |
| | inserted by 52/1999 s 96(l) | 9.7.2001 |
| | amended by 17/2001 s 24(a) | 9.7.2001 |
| | amended by 37/2002 s 17(d) | 3.7.2003 |
| | amended by 13/2006 ss 44(1), (3), 45 | 30.4.2007 |
| s 145(4b) | inserted by 52/1999 s 96(l) | 9.7.2001 |
| | amended by 17/2001 s 24(b) | 9.7.2001 |
| s 145(4c) | inserted by 52/1999 s 96(l) | 9.7.2001 |
| | amended by 17/2001 s 24(c) | 9.7.2001 |
| | amended by 37/2002 s 17(e) | 3.7.2003 |
| | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |
| s 145(5) | amended by 20/1999 s 23(c) | 1.12.1999 |
| | substituted by 52/1999 s 96(m) | 9.7.2001 |
| | amended by 17/2001 s 24(d) | 9.7.2001 |
| | amended by 37/2002 s 17(f) | 3.7.2003 |
| | amended by 13/2006 ss 44(1), (3), 45 | 30.4.2007 |
| s 145(5a) | inserted by 52/1999 s 96(m) | 9.7.2001 |
| | amended by 17/2001 s 24(e) | 9.7.2001 |
| | amended by 37/2002 s 17(g) | 3.7.2003 |
| | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |
| s 145(5b) | inserted by 52/1999 s 96(m) | 9.7.2001 |
| | amended by 17/2001 s 24(f) | 9.7.2001 |
| s 145(5c) | inserted by 52/1999 s 96(m) | 9.7.2001 |
| | amended by 17/2001 s 24(g), (h) | 9.7.2001 |
| | amended by 37/2002 s 17(h), (i) | 3.7.2003 |
| | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |
| s 145(5d) | inserted by 52/1999 s 96(m) | 9.7.2001 |
| | amended by 17/2001 s 24(i) | 9.7.2001 |
| | amended by 37/2002 s 17(j) | 3.7.2003 |
| | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |
| s 145(5e) | inserted by 52/1999 s 96(m) | 9.7.2001 |
| | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |

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| s 145(5f) | inserted by 52/1999 s 96(m) | 9.7.2001 |
| | amended by 17/2001 s 24(j) | 9.7.2001 |
| | amended by 37/2002 s 17(k) | 3.7.2003 |
| s 145(5g) | inserted by 52/1999 s 96(m) | 9.7.2001 |
| | amended by 17/2001 s 24(k) | 9.7.2001 |
| | substituted by 37/2002 s 17(l) | 3.7.2003 |
| | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |
| s 145(5h) | inserted by 52/1999 s 96(m) | 9.7.2001 |
| | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |
| s 145(6) | amended by 103/1976 s 109(b) | 1.3.1977 |
| s 145(7) | amended by 15/1984 s 9 | 5.7.1984 |
| | substituted by 105/1987 s 4(b) | 1.7.1988 |
| | substituted by 52/1999 s 96(n) | 9.7.2001 |
| | amended by 17/2001 s 24(l) | 9.7.2001 |
| s 145(8) | inserted by 100/1996 s 3(c) | 1.7.1997 |
| | amended by 13/2006 s 45 | 30.4.2007 |
| s 145(9) and (10) | inserted by 100/1996 s 3(c) | 1.7.1997 |
| s 145(11) | inserted by 100/1996 s 3(c) | 1.7.1997 |
| | amended by 20/1999 s 23(d) | 1.12.1999 |
| s 145(12)—(14) | inserted by 100/1996 s 3(c) | 1.7.1997 |
| s 145(15) | inserted by 17/2001 s 24(m) | 9.7.2001 |
| Pt 4 Div 4 Subdiv 2 | inserted by 13/2006 s 27 | 30.4.2007 |
| Pt 4 Div 4 Subdiv 3 | inserted by 13/2006 s 27 | 30.4.2007 |
| Pt 4 Div 5 | heading preceding s 161A inserted by 20/1999 s 25 | 1.12.1999 |
| | heading preceding s 161A redesignated as Div 5 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 161A | | |
| s 161A(1) | amended by 103/1976 s 110 | 1.3.1977 |
| | amended by 27/1986 s 16(a) | 1.7.1986 |
| s 161A(2) | deleted by 27/1986 s 16(b) | 1.7.1986 |
| | inserted by 13/2006 s 28 | 30.4.2007 |
| s 162 | <i>amended by 103/1976 s 111</i> | <i>1.3.1977</i> |
| | <i>amended by 20/1999 s 26</i> | <i>1.12.1999</i> |
| | <i>deleted by 39/1999 s 47</i> | <i>1.12.1999</i> |
| s 162A | | |
| s 162A(1) | amended by 58/1986 s 4(a) | 1.1.1987 |
| s 162A(2) | <i>amended by 103/1976 s 112</i> | <i>1.3.1977</i> |
| | <i>deleted by 13/2006 s 29</i> | <i>30.4.2007</i> |
| s 162A(3) | amended by 58/1986 s 4(b)—(d) | 1.1.1987 |
| s 162A(4) | amended by 27/1986 s 17 | 1.7.1986 |
| s 162AB | <i>amended by 40/1976 s 2</i> | <i>22.10.1976</i> |
| | <i>amended by 103/1976 s 113</i> | <i>1.3.1977</i> |

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| | <i>amended by 42/1979 s 20</i> | 1.4.1979 |
| | <i>amended by 99/1981 s 11</i> | 7.1.1982 |
| | <i>amended by 27/1986 s 18</i> | 1.7.1986 |
| | <i>substituted by 58/1986 s 5</i> | 1.1.1987 |
| | <i>amended by 74/1988 s 5</i> | 1.1.1989 |
| | <i>deleted by 39/1999 s 48</i> | 1.12.1999 |
| s 162AC | <i>inserted by 25/1980 s 6</i> | 1.6.1980 |
| | <i>deleted by 58/1986 s 5</i> | 1.1.1987 |
| s 162B | amended by 103/1976 s 114 | 1.3.1977 |
| | deleted by 20/1999 s 27 | 1.12.1999 |
| | inserted by 39/1999 s 48 | 1.12.1999 |
| s 162C | | |
| s 162C(1) | amended by 103/1976 s 115 | 1.3.1977 |
| | substituted by 12/1991 s 15(a) | 1.7.1991 |
| | amended by 64/1995 s 8(a) | 1.2.1996 |
| | amended by 39/1999 s 49(a) | 1.12.1999 |
| s 162C(2) | substituted by 12/1991 s 15(a) | 1.7.1991 |
| | amended by 64/1995 s 8(a) | 1.2.1996 |
| | amended by 39/1999 s 49(a) | 1.12.1999 |
| s 162C(2a) | inserted by 12/1991 s 15(a) | 1.7.1991 |
| | amended by 64/1995 s 8(a) | 1.2.1996 |
| | amended by 39/1999 s 49(a) | 1.12.1999 |
| s 162C(2b) | <i>inserted by 12/1991 s 15</i> | 1.7.1991 |
| | <i>deleted by 39/1999 s 49(b)</i> | 1.12.1999 |
| s 162C(2c) | inserted by 12/1991 s 15(a) | 1.7.1991 |
| s 162C(3) | amended by 12/1991 s 15(b) | 1.7.1991 |
| | amended by 64/1995 s 8(b) | 1.2.1996 |
| | amended by 39/1999 s 49(c), (d) | 1.12.1999 |
| s 162C(4) | inserted by 56/1991 s 2 | 28.11.1991 |
| | amended by 64/1995 s 8(c) | 1.2.1996 |
| | amended by 39/1999 s 49(e) | 1.12.1999 |
| Pt 4 Div 6 | heading preceding s 163 redesignated as Div 6 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 163 | | |
| s 163(1) | substituted by 103/1976 s 116(a) | 1.3.1977 |
| | substituted by 99/1981 s 12(a) | 7.1.1982 |
| s 163(1a) | <i>substituted by 103/1976 s 116(a)</i> | 1.3.1977 |
| | <i>deleted by 91/1982 s 3</i> | 1.7.1985 |
| s 163(1b) | <i>deleted by 103/1976 s 116(a)</i> | 1.3.1977 |
| s 163(2) | <i>deleted by 99/1981 s 12(a)</i> | 7.1.1982 |
| s 163(3) | amended by 103/1976 s 116(b) | 1.3.1977 |
| s 163(4) and (5) | <i>deleted by 99/1981 s 12(b)</i> | 7.1.1982 |

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| Pt 4 Div 7 | heading preceding s 163AA inserted by 99/1981 s 13 | 7.1.1982 |
| | heading preceding s 163AA redesignated as Div 7 heading in pursuance of the <i>Acts Republication Act 1967</i> | 1.12.1999 |
| s 163AA | inserted by 99/1981 s 13 | 7.1.1982 |
| s 163AA(1) and (2) | amended by 27/1986 s 19(a) | 1.7.1986 |
| s 163AA(3) | <i>deleted by 27/1986 s 19(b)</i> | 1.7.1986 |
| Pt 4A | | |
| s 163A | | |
| s 163A(1) | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 30/1994 Sch 4 cl 2(b)(vii) | 1.8.1994 |
| s 163B | <i>amended by 103/1976 s 117</i> | 1.3.1977 |
| | <i>amended by 24/1981 s 5</i> | 19.3.1981 |
| | <i>amended by 30/1994 Sch 4 cl 2(b)(viii)</i> | 1.8.1994 |
| | <i>deleted by 39/1999 s 50</i> | 1.12.1999 |
| s 163C | | |
| s 163C(1) | amended by 99/1981 s 14(a) | 7.1.1982 |
| | amended by 91/1982 s 4(a) | 1.7.1985 |
| | amended by 58/1986 s 6(a) | 1.1.1987 |
| | substituted by 30/1994 Sch 4 cl 2(b)(ix) | 1.8.1994 |
| s 163C(1a) | inserted by 42/1979 s 21 | 1.4.1979 |
| | substituted by 91/1982 s 4(b) | 1.7.1985 |
| | substituted by 30/1994 Sch 4 cl 2(b)(ix) | 1.8.1994 |
| s 163C(1b) | inserted by 91/1982 s 4(b) | 1.7.1985 |
| | amended by 30/1994 Sch 4 cl 2(b)(x) | 1.8.1994 |
| s 163C(2) | <i>amended by 103/1976 s 118</i> | 1.3.1977 |
| | <i>substituted by 99/1981 s 14(b)</i> | 7.1.1982 |
| | <i>substituted by 91/1982 s 4(c)</i> | 1.7.1985 |
| | <i>substituted by 58/1986 s 6(b)</i> | 1.1.1987 |
| | <i>deleted by 20/1999 s 28</i> | 1.12.1999 |
| s 163C(3) | amended by 53/2005 s 11 | 17.11.2005 |
| s 163D | | |
| s 163D(1) | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | substituted by 20/1999 s 29(a) | 1.12.1999 |
| s 163D(1a) | inserted by 20/1999 s 29(a) | 1.12.1999 |
| s 163D(2) | amended by 91/1982 s 5(a) | 1.7.1985 |
| | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| s 163D(3) | amended by 103/1976 s 119(a) | 1.3.1977 |
| | substituted by 99/1981 s 15 | 7.1.1982 |
| | substituted by 91/1982 s 5(b) | 1.7.1985 |
| s 163D(3a) | inserted by 91/1982 s 5(b) | 1.7.1985 |
| s 163D(5) | substituted by 91/1982 s 5(c) | 1.7.1985 |
| s 163D(6) | amended by 103/1976 s 119(b) | 1.3.1977 |

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| | substituted by 20/1999 s 29(b) | 1.12.1999 |
| s 163E | substituted by 91/1982 s 6 | 1.7.1985 |
| | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| s 163E(1) | amended by 13/2006 s 45 | 30.4.2007 |
| s 163E(2) | amended by 20/1999 s 30 | 1.12.1999 |
| s 163E(4) | amended by 13/2006 s 45 | 30.4.2007 |
| s 163F | amended by 99/1981 s 16 | 7.1.1982 |
| | amended by 91/1982 s 7 | 1.7.1985 |
| | amended by 20/1999 s 31 | 1.12.1999 |
| s 163G | amended by 13/2006 ss 44(1), 45 | 30.4.2007 |
| s 163GA | inserted by 91/1982 s 8 | 1.7.1985 |
| s 163GA(1) | substituted by 20/1999 s 32(a) | 1.12.1999 |
| s 163GA(1a) | inserted by 20/1999 s 32(a) | 1.12.1999 |
| s 163GA(1b) | inserted by 53/2005 s 12 | 17.11.2005 |
| s 163GA(4) | <i>deleted by 13/2006 s 30</i> | 30.4.2007 |
| s 163GA(5) | <i>amended by 20/1999 s 32(b)</i> | 1.12.1999 |
| | <i>deleted by 13/2006 s 30</i> | 30.4.2007 |
| s 163GA(6)—(8) | <i>deleted by 13/2006 s 30</i> | 30.4.2007 |
| s 163H | <i>amended by 103/1976 s 120</i> | 1.3.1977 |
| | <i>deleted by 13/2006 s 31</i> | 30.4.2007 |
| s 163I | (b) deleted by 13/2006 s 32 | 30.4.2007 |
| ss 163J and 163K | inserted by 103/1976 s 121 | 1.3.1977 |
| s 163KA | <i>inserted by 15/1984 s 10</i> | 5.7.1984 |
| | <i>deleted by 13/2006 s 33</i> | 30.4.2007 |
| Pt 4B | <i>inserted by 24/1981 s 6</i> | 19.3.1981 |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| | <i>deleted by 30/1994 Sch 4 cl 2(b)(xi)</i> | 1.8.1994 |
| Pt 4B | inserted by 13/2006 s 33 | 30.4.2007 |
| s 163L | | |
| approved officer | substituted by 26/2008 s 31 | 25.9.2008 |
| Pt 4C | inserted by 13/2006 s 33 | 30.4.2007 |
| Pt 5 | | |
| s 164 | <i>deleted by 81/2005 s 25</i> | 30.7.2006 |
| s 164A | inserted by 103/1976 s 122 | 1.3.1977 |
| s 164A(1) | amended by 13/2006 s 34(1) | 30.4.2007 |
| s 164A(2) | amended by 91/1982 s 9 | 5.7.1984 |
| | amended by 39/1999 s 51 | 1.12.1999 |
| | amended by 13/2006 s 34(2) | 30.4.2007 |
| s 164B | inserted by 99/1981 s 17 | 7.1.1982 |
| s 165 | deleted by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | inserted by 53/2005 s 13 | 17.11.2005 |
| s 165(1) | amended by 13/2006 s 35 | 30.4.2007 |
| s 165(4) | inserted by 22/2008 s 8 | 29.9.2008 |

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| s 166 | amended by 103/1976 s 123 | 1.3.1977 |
| | amended by 42/1979 s 22 | 1.4.1979 |
| | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | substituted by 13/2006 s 36 | 30.4.2007 |
| s 167 | | |
| s 167(2) | amended by 17/2001 s 25 | 9.7.2001 |
| s 168 | | |
| s 168(1) | amended by 99/1981 s 18(a) | 7.1.1982 |
| | substituted by 13/2006 s 37 | 30.4.2007 |
| s 168(2) | deleted by 103/1976 s 124 | 1.3.1977 |
| | inserted by 13/2006 s 37 | 30.4.2007 |
| s 168(2a) | inserted by 13/2006 s 37 | 30.4.2007 |
| s 168(4) | amended by 99/1981 s 18(b) | 7.1.1982 |
| s 168(5) | inserted by 42/1979 s 23 | 1.4.1979 |
| s 169 | <i>amended by 103/1976 s 125</i> | <i>1.3.1977</i> |
| | <i>amended by 42/1979 s 24</i> | <i>1.4.1979</i> |
| | <i>amended by 99/1981 s 19</i> | <i>7.1.1982</i> |
| | <i>amended by 50/1984 s 3(1) (Sch 5)</i> | <i>1.1.1985</i> |
| | <i>amended by 92/1986 s 4</i> | <i>18.12.1986</i> |
| | <i>deleted by 39/1999 s 52</i> | <i>1.12.1999</i> |
| s 169A | inserted by 103/1976 s 126 | 1.3.1977 |
| s 169B | inserted by 81/2005 s 26 | 30.7.2006 |
| s 170 | amended by 99/1981 s 20 | 7.1.1982 |
| s 171 | <i>deleted by 103/1976 s 127</i> | <i>1.3.1977</i> |
| s 172 | amended by 99/1981 s 21 | 7.1.1982 |
| s 173 | | |
| s 173(1) | amended by 99/1981 s 22 | 7.1.1982 |
| s 173(3) | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| s 173AA | inserted by 22/2008 s 9 | 29.9.2008 |
| s 173AA(4) | inserted by 41/2009 s 7 | 5.11.2009 |
| s 173A | inserted by 20/1999 s 33 | 1.12.1999 |
| s 173A(2) | amended by 13/2006 s 38(1) | 30.4.2007 |
| s 173A(3) | <i>deleted by 13/2006 s 38(2)</i> | <i>30.4.2007</i> |
| s 173AB | inserted by 13/2006 s 39 | 30.4.2007 |
| s 173B | inserted by 20/1999 s 33 | 1.12.1999 |
| s 174A | inserted by 39/1999 s 53 | 1.12.1999 |
| s 174A(9a) | inserted by 53/2003 s 11 | 4.12.2005 |
| s 174AB | inserted by 13/2006 s 40 | 30.4.2007 |
| ss 174B and 174C | inserted by 39/1999 s 53 | 1.12.1999 |
| ss 174D and 174E | inserted by 39/1999 s 53 | 1.12.1999 |
| | amended by 13/2006 s 44(1) | 30.4.2007 |
| ss 174F—174K | inserted by 13/2006 s 41 | 30.4.2007 |
| s 175 | | |

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| s 175(1) | amended by 42/1979 s 25(a), (b) | 1.4.1979 |
| | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 5/1992 s 5 | 1.6.1992 |
| | amended by 88/1994 s 10 | 5.1.1995 |
| | amended by 57/1997 s 5 | 11.12.1997 |
| | amended by 78/1997 s 5 | 5.2.1998 |
| | amended by 18/1998 s 7(a) | 20.7.1998 |
| | amended by 20/1999 s 34(a) | 1.12.1999 |
| | substituted by 39/1999 s 54(a) | 1.12.1999 |
| | amended by 13/2006 ss 42(1), (2), 45 | 30.4.2007 |
| s 175(2) | <i>deleted by 20/1999 s 34(b)</i> | 1.12.1999 |
| s 175(2a) | <i>inserted by 18/1998 s 7(b)</i> | 20.7.1998 |
| | <i>deleted by 39/1999 s 54(b)</i> | 1.12.1999 |
| s 175(3) | amended by 103/1976 s 128 | 1.3.1977 |
| | amended by 42/1979 s 25(c), (d) | 1.4.1979 |
| | amended by 25/1981 s 2(a) | 19.3.1981 |
| | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 27/1986 s 20 | 1.7.1986 |
| | amended by 25/1989 s 12 | 1.7.1989 |
| | amended by 5/1999 s 2 | 11.3.1999 |
| | amended by 20/1999 s 34(c)—(e) | 1.12.1999 |
| | amended by 8/2003 s 34(a) | 15.12.2003 |
| | amended by 13/2006 ss 42(3), 44(1) | 30.4.2007 |
| | amended by 26/2008 s 32(1)—(3) | 25.9.2008 |
| | amended by 41/2009 s 8(1) | 5.11.2009 |
| s 175(4) | inserted by 25/1981 s 2(b) | 19.3.1981 |
| | deleted by 39/1999 s 54(c) | 1.12.1999 |
| | inserted by 8/2003 s 34(b) | 15.12.2003 |
| | amended by 41/2009 s 8(2), (3) | 5.11.2009 |
| s 175(5)—(7) | inserted by 13/2006 s 42(4) | 30.4.2007 |
| s 176 | | |
| s 176(1) | amended by 103/1976 s 129(a)—(d) | 1.3.1977 |
| | amended by 45/1979 s 4(a)—(d) | 1.7.1979 |
| | amended by 99/1981 s 23 | 7.1.1982 |
| | amended by 91/1982 s 10 | 1.7.1985 |
| | amended by 15/1984 s 11 | 5.7.1984 |
| | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 27/1986 s 21(a) | 1.7.1986 |
| | amended by 25/1989 s 13 | 1.7.1989 |
| | amended by 52/1990 s 13 | 22.11.1990 |
| | amended by 10/1993 s 23 | 30.4.1993 |
| | amended by 32/1993 s 10 | 4.11.1993 |
| | amended by 88/1994 s 11 | 5.1.1995 |

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| | amended by 64/1995 s 9 | 1.2.1996 |
| | amended by 34/1996 s 4 (Sch cl 30) | 3.2.1997 |
| | amended by 57/1997 s 6 | 11.12.1997 |
| | amended by 20/1999 s 35(a)—(k) | 1.12.1999 |
| | substituted by 39/1999 s 55(a) | 1.12.1999 |
| s 176(1a) | inserted by 39/1999 s 55(a) | 1.12.1999 |
| | amended by 13/2006 ss 43(1), (2), 44(2) | 30.4.2007 |
| | amended by 22/2008 s 10(1) | 29.9.2008 |
| s 176(2) | <i>deleted by 103/1976 s 129(e)</i> | 1.3.1977 |
| | <i>inserted by 34/1996 s 4 (Sch cl 30)</i> | 3.2.1997 |
| | <i>amended by 20/1999 s 35(b), (l), (m)</i> | 1.12.1999 |
| | <i>deleted by 26/2008 s 33</i> | 25.9.2008 |
| s 176(2a) | inserted by 22/2008 s 10(2) | 29.9.2008 |
| s 176(3) | amended by 50/1984 s 3(1) (Sch 5) | 1.1.1985 |
| | amended by 20/1999 s 35(a) | 1.12.1999 |
| | amended by 39/1999 s 55(b) | 1.12.1999 |
| s 176(4) | amended by 27/1986 s 21(b) | 1.7.1986 |
| | amended by 20/1999 s 35(b) | 1.12.1999 |
| s 176(4aa) | inserted by 7/2000 s 4 | 15.8.2000 |
| s 176(4a) | inserted by 39/1999 s 55(c) | 1.12.1999 |
| s 176(5) | substituted by 20/1999 s 35(n) | 1.12.1999 |
| s 176(5a) and (5b) | inserted by 20/1999 s 35(n) | 1.12.1999 |
| s 176(6) | <i>inserted by 45/1979 s 4(e)</i> | 1.7.1979 |
| | <i>amended by 20/1999 s 35(b)</i> | 1.12.1999 |
| | <i>deleted by 39/1999 s 55(d)</i> | 1.12.1999 |
| s 176(7) and (8) | inserted by 39/1999 s 55(e) | 1.12.1999 |
| s 177 | amended by 39/1999 s 56 | 1.12.1999 |
| Schs 1 and 2 | <i>deleted by 50/1984 s 3(1) (Sch 5)</i> | 1.1.1985 |
| Sch 1 | inserted by 77/2005 s 18 | 1.7.2006 |
| cl 1 | | |
| approved courier | inserted by 8/2009 s 40(1) | 1.2.2010 |
| registered nurse | substituted by 5/2010 Sch 1 cl 26 | 1.7.2010 |
| cl 1A | inserted by 8/2009 s 40(2) | 1.2.2010 |
| cl 2 | amended by 13/2006 s 44(1) | 30.4.2007 |
| | amended by 8/2009 s 40(3) | 1.2.2010 |
| cl 4 | amended by 13/2006 s 44(1) | 30.4.2007 |
| cl 7 | amended by 13/2006 s 44(1) | 30.4.2007 |
| | amended by 8/2009 s 40(4) | 1.2.2010 |
| cl 9 | amended by 8/2009 s 40(5) | 1.2.2010 |

Transitional etc provisions associated with Act or amendments

Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996

5—Transitional provision

An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

Road Traffic (Road Rules) Amendment Act 1999

57—Transitional provision

An exemption from a provision of the *Local Government (Parking) Regulations 1991* granted by a council under Part 22A of the *Local Government Act 1934* and in force at the commencement of this section is to be taken to be an exemption granted by the council under section 174C of the principal Act authorising the activity authorised by the former exemption subject to any conditions to which the former exemption was subject.

58—Report on operation of amended Act and *Australian Road Rules*

The Minister must, within six sitting days after the first anniversary of the date of commencement of this Act, cause a report on the operation of the principal Act as amended by this Act and the *Australian Road Rules* to be laid before each House of Parliament.

Road Traffic (Alcohol Interlock Scheme) Amendment Act 2000

9—Report on operation of amendments

The Minister must, within six sitting days after the second anniversary of the date of commencement of section 50 of the *Road Traffic Act 1961* as inserted by this Act, cause a report on the operation of the *Road Traffic Act 1961* as amended by this Act and the *Motor Vehicles Act 1959* as amended by this Act to be laid before each House of Parliament.

Statutes Amendment (Transport Portfolio) Act 2001

26—Transitional provisions

- (1) An approval of the Governor issued for the purposes of the definition of *alcotest* in section 47A of the principal Act before the commencement of section 17 continues to operate as such an approval for the purposes of that definition as substituted by section 17.
- (2) An amendment to the principal Act effected by a provision of this Part does not apply in relation to an offence committed before the commencement of that provision.

Road Traffic (Drug Driving) Amendment Act 2005, Pt 3

19—Review of operation of Act

- (1) The Minister must cause a review to be undertaken and a report prepared on the first year's operation of the *Road Traffic Act 1961* as amended by this Act in relation to drug testing.

- (2) The review and report must be completed not later than 15 months after the date of commencement of this section.
- (3) The Minister must cause a copy of the report under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving it.

Road Traffic (Notices of Licence Disqualification or Suspension) Amendment Act 2006, Sch 1—Transitional provision

The amendments to the *Road Traffic Act 1961* effected by this Act apply in relation to a notice given, or purportedly given, under section 45B or 47IAA of that Act before or after the commencement of this Act (but not so as to affect any proceedings determined before the commencement of this Act).

Historical versions

Reprint No 1—15.11.1991
Reprint No 2—28.11.1991
Reprint No 3—1.6.1992
Reprint No 4—6.7.1992
Reprint No 5—30.4.1993
Reprint No 6—4.11.1993
Reprint No 7—1.2.1994
Reprint No 8—1.7.1994
Reprint No 9—1.8.1994
Reprint No 10—5.1.1995
Reprint No 11—1.2.1996
Reprint No 12—2.5.1996
Reprint No 13—3.2.1997
Reprint No 14—1.7.1997
Reprint No 15—10.7.1997
Reprint No 16—17.11.1997
Reprint No 17—11.12.1997
Reprint No 18—15.1.1998
Reprint No 19—5.2.1998
Reprint No 20—20.7.1998
Reprint No 21—3.9.1998
Reprint No 22—22.10.1998
Reprint No 23—14.1.1999
Reprint No 24—11.3.1999
Reprint No 25—27.5.1999
Reprint No 26—6.9.1999
Reprint No 27—1.11.1999
Reprint No 28—1.12.1999
Reprint No 29—15.8.2000
Reprint No 30—9.7.2001
Reprint No 31—16.7.2001

Road Traffic Act 1961—1.7.2010 to 3.9.2010

Legislative history

Reprint No 32—27.5.2002

Reprint No 33—29.6.2002

Reprint No 34—1.12.2002

Reprint No 35—5.7.2003

Reprint No 36—19.9.2003

Reprint No 37—15.12.2003

Reprint No 38—1.1.2004

7.2.2005

1.6.2005

1.7.2005

31.10.2005

17.11.2005

1.12.2005 (electronic only)

4.12.2005

1.7.2006

30.7.2006

14.12.2006

15.12.2006 (electronic only)

30.4.2007

1.6.2007

25.9.2008 (electronic only)

29.9.2008

1.5.2009

1.6.2009

5.11.2009

1.2.2010