Western Australia

Road Traffic (Administration) Act 2008

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Defined terms

Western Australia

Road Traffic (Administration) Act 2008

An Act to provide for the administration and enforcement of the *Road Traffic Act 1974*, the *Road Traffic (Authorisation to Drive) Act 2008* and the *Road Traffic (Vehicles) Act 2012* and for other matters relating to road traffic.

[Long title amended: No. 8 of 2012 s. 207.]

Part 1 — Preliminary

Division 1 — General

1. Short title

This is the *Road Traffic (Administration) Act 2008*.

2. Commencement

This Act comes into operation as follows:

(a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;

(b) the rest of the Act — on a day fixed by proclamation.

3. Crown bound

(1) Each of the road laws binds the Crown in right of the State and, so far as the legislative power of the Parliament of the State permits, the Crown in all its other capacities.

(2) Despite subsection (1), the road laws do not apply to —

(a) a vehicle —

(i) for the personal use of the Governor; and

(ii) the use of which is authorised by the Governor;

or

(b) a person driving or in charge of a vehicle for the personal use of the Governor while carrying out the Governor's personal directions.

Division 2 — Terms used in road laws

4. Terms used in road laws

In a road law, unless the contrary intention appears —

Australian driver licence has the meaning given to that term in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1);

Australian driver licensing authority has the meaning given to that term in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1);

Australian police officer means —

(a) a police officer; or

(b) a member of the police force of another jurisdiction;

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) a single axle group, namely a group of at least 2 axles in which the horizontal distance between the centres of the outermost axles is under 1 m; or

(b) a tandem axle group, namely a group of at least 2 axles in which the horizontal distance between the centres of the outermost axles is at least 1 m, but not over 2 m; or

(c) a twinsteer axle group, namely a group of 2 axles —

(i) with single tyres; and

(ii) fitted to a motor vehicle and connected to the same steering mechanism; and

(iii) the horizontal distance between the centres of which is at least 1 m, but not over 2 m;

or

(d) a tri-axle group, namely a group of at least 3 axles in which the horizontal distance between the centres of the outermost axles is over 2 m, but not over 3.2 m; or

(e) a quad-axle group, namely a group of 4 axles in which the horizontal distance between the centres of the outermost axles is over 3.2 m, but not over 4.9 m;

bodily harm has the meaning given to that term in *The Criminal Code* section 1(1);

business address, in relation to an individual, means the place from which that person normally works or carries on business;

CEO means the chief executive officer of the department of the Public Service principally assisting in the administration of this Act;

co-driver has the meaning given to that term in section 28;

Commissioner of Police means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

condition includes a limitation or restriction;

corresponding, in relation to the law of another jurisdiction and a law of this State, includes —

(a) a law of the other jurisdiction that substantially corresponds to the law of this State; and

(b) a law of the other jurisdiction that is declared under the regulations to be a law corresponding to the law of this State, whether or not the law corresponds, or substantially corresponds, to the law of this State;

corresponding authority means —

(a) a person whose functions under the law of another jurisdiction correspond or substantially correspond to any function of the CEO under a road law; or

(b) a person prescribed by the regulations as the corresponding authority for another jurisdiction for the purposes of a road law;

demerit points information means information contained in the demerit points register;

demerit points register has the meaning given to that term in the *Road Traffic (Authorisation to Drive) Act 2008* section 40;

disclose includes to provide, to release and to give access to;

district means a district under the *Local Government Act 1995*;

drive includes —

(a) in relation to a vehicle, to have control over the steering, movement or propulsion of the vehicle;

(b) in relation to an animal, to be in control of the animal,

regardless of whether the vehicle or animal is usually referred to as being ridden rather than driven;

driver means any person driving a vehicle or animal;

driver's licence has the meaning given to that term in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1);

driver's licence information means information about driver's licences including —

(a) details of the persons who have made applications for or in relation to those licences; and

(b) details of the persons who hold or have held those licences; and

(c) information contained in the driver's licence register,

but not including photographs and signatures provided to the CEO under the *Road Traffic (Authorisation to Drive) Act 2008* Part 2;

driver's licence register means the register mentioned in the *Road Traffic (Authorisation to Drive) Act 2008* section 4(1)(a)(ii);

DVO has the meaning given in the *Domestic Violence Orders (National Recognition) Act 2017* section 4(1);

electronic means includes —

(a) an electronic database or document system; and

(b) any other means by which a document can be accessed electronically;

equipment, in relation to a vehicle, has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

extension infringement notice has the meaning given in section 90(1);

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

Family Court injunction means an injunction under the *Family Court Act 1997* section 235 or 235A or the *Family Law Act 1975* (Commonwealth) section 68B or 114;

family violence has the meaning given in the *Restraining Orders Act 1997* section 5A;

family violence evidentiary document, in relation to an individual, means any of the following —

(a) a DVO in relation to the individual;

(b) a Family Court injunction or an application for a Family Court injunction in relation to the individual;

(c) a copy of a prosecution notice or indictment containing a charge relating to violence against the individual or a court record of a conviction of the charge;

(d) a report of family violence, in a form approved by the Minister, completed by a person who has worked with the individual and is 1 of the following —

(i) a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the medical profession;

(ii) a person registered under the *Health Practitioner Regulation National Law (Western Australia)* in the psychology profession;

(iii) a social worker as defined in the *Mental Health Act 2014* section 4;

(iv) a police officer;

(v) a person in charge of a women's refuge;

(vi) a prescribed person or class of persons;

GCM has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

GVM has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

heavy vehicle has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

home address —

(a) in the case of an individual, means 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, means the address of the registered office; or

(c) in any other case, means the address of the person's principal or only place of business in Australia;

incident information means —

(a) information provided in relation to an incident reported under the *Road Traffic Act 1974* section 56(1) or (4); and

(b) details of any evidence, statement, report or other information obtained as a result of any investigation made into the incident; and

(c) a copy of a statement or a report produced as a result of any investigation made into the incident;

infringement notice means any of the following —

(a) an infringement notice (alleged offender);

(b) an infringement notice (vehicle);

(c) an infringement notice (visual evidence);

(d) an extension infringement notice;

infringement notice (alleged offender) has the meaning given in section 81(1);

infringement notice (vehicle) has the meaning given in section 83(2);

infringement notice (visual evidence) has the meaning given in section 86(2);

initial infringement notice means any of the following —

(a) an infringement notice (alleged offender);

(b) an infringement notice (vehicle);

(c) an infringement notice (visual evidence);

inspection station has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 70;

instructor information means information about licences and permits under the *Motor Vehicle Drivers Instructors Act 1963* including —

(a) details of the persons who have made applications for or in relation to those licences and permits; and

(b) details of the persons who hold or have held those licences and permits;

involved person has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

journey documentation has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

jurisdiction means —

(a) the Commonwealth; or

(b) a State; or

(c) an internal Territory, as defined in the *Acts Interpretation Act 1901* of the Commonwealth;

learner's permit has the meaning given to that term in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1);

light vehicle has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

load, when used as a noun in relation to a vehicle, has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

MDLR compliance purposes has the meaning given to that term in section 28;

MDLR offence has the meaning given to that term in section 28;

motor vehicle —

(a) in relation to authorisation to drive, means a vehicle that is built to be propelled by a motor that forms part of the vehicle;

(b) otherwise, means a self-propelled vehicle that is not operated on rails and —

(i) includes a trailer, semi-trailer or caravan while attached to the vehicle; but

(ii) does not include a power assisted pedal cycle;

occupier of premises includes any person who appears to have the control or management of the place;

optional plates information means information about optional number plates to which regulations mentioned in the *Road Traffic (Vehicles) Act 2012* section 136 apply including —

(a) details of the person who have the right to use those number plates; and

(b) details of the persons to whom those number plates have been supplied;

owner, in relation to a vehicle, has the meaning given to that term in section 5;

notice requesting information has the meaning given in section 96(2);

Part 5 document means —

(a) an infringement notice, other than an infringement notice (vehicle); or

(b) a notice requesting information; or

(c) a notice served under section 94(1) or 99;

passenger, in relation to a vehicle, has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

permit information means information about learner's permits or permits under the *Road Traffic (Vehicles) Act 2012* section 13 including —

(a) details of the persons who have made applications for or in relation to those permits; and

(b) details of the persons who hold or have held those permits,

but not including photographs and signatures provided to the CEO under the *Road Traffic (Authorisation to Drive) Act 2008* Part 2;

photograph includes an electronic record of a photograph;

power assisted pedal cycle means a vehicle —

(a) designed to be propelled through a mechanism operated solely by human power; and

(b) to which is attached one or more auxiliary propulsion motors having a combined maximum output not exceeding the amount of power prescribed for the purposes of this definition;

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

public authority means —

(a) a Minister of the State; or

(b) a department of the Public Service; or

(c) a local government, regional local government or regional subsidiary; or

(d) a body, whether incorporated or not, or the holder of an office, being a body or office that is established for a public purpose under a written law and that, under the authority of a written law, performs a function on behalf of the State;

public safety has the meaning given to that term in section 28;

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

responsible person, for a vehicle, means a person responsible for the vehicle under section 6;

road means any highway, road or street open to, or used by, the public and includes every carriageway, footway, reservation, median strip and traffic island on it;

road infrastructure has the meaning given to that term in section 123;

road law means any of the following enactments —

(a) this Act;

(b) the *Road Traffic Act 1974*;

(c) the *Road Traffic (Authorisation to Drive) Act 2008*;

(d) the *Road Traffic (Vehicles) Act 2012*;

road transport has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

RTA Part 6A compliance purposes has the meaning given in section 28;

signature includes an electronic record of a signature;

traffic includes vehicular traffic, pedestrian traffic and all other forms of road traffic;

transport documentation has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1);

use, in relation to the use of a vehicle on a road, includes the drawing or propelling, in any manner, of a vehicle on a road;

vehicle includes —

(a) every conveyance, not being a train, vessel or aircraft, and every object capable of being propelled or drawn, on wheels or tracks, by any means; and

(b) where the context permits, an animal being driven or ridden;

vehicle licence means a vehicle licence granted under the *Road Traffic (Vehicles) Act 2012*;

vehicle licence information means information about vehicle licences including —

(a) details of the persons who have made applications for or in relation to those licences; and

(b) details of the persons who hold or have held those licences; and

(c) information contained in the register of vehicle licences mentioned in the *Road Traffic (Vehicles) Act 2012* section 14;

warden means a person who is authorised under section 22 or 23 to perform a function that can be performed by a warden.

[Section 4 amended: No. 18 of 2011 s. 17; No. 8 of 2012 s. 208 and 232; No. 26 of 2016 s. 89; No. 38 of 2020 s. 7; No. 30 of 2020 s. 86; No. 8 of 2022 s. 4; No. 15 of 2024 s. 4.]

5. Owner of vehicle

(1) In a road law —

owner, in relation to a vehicle, means —

(a) the person who is entitled to the immediate possession of the vehicle; or

(b) if there are several persons entitled to its immediate possession, the person whose entitlement is paramount,

but if one of 2 or more persons fitting that description has been nominated for the purposes of subsection (2) it means only the person nominated.

(2) If a vehicle is owned by more than one person and one of those persons is nominated by all such persons, by notice in writing given to the CEO, then for the purposes of a road law, the nominated person is to be taken to be the owner of the vehicle.

6. Person responsible for vehicle

(1) In this section —

licence holder, in relation to a vehicle, means a person in whose name the vehicle is licensed;

licensed, in relation to a vehicle, means licensed under the *Road Traffic (Vehicles) Act 2012*, registered under the *Control of Vehicles (Off-road Areas) Act 1978* or licensed or registered under a law of another jurisdiction corresponding to either of those Acts.

(2) For the purposes of a road law a person responsible for a vehicle is —

(a) if the vehicle is licensed — any licence holder who has not given a notice as described in paragraph (b); or

(b) if a licence holder has given notice under the *Road Traffic (Vehicles) Act 2012* section 10(1), or a law of another jurisdiction corresponding to that provision, of a change in ownership of the vehicle and subsection (3) does not apply — the new owner as specified in the notice or, if more than one is specified, each of them; or

(c) if the vehicle is not licensed but was previously licensed and subsection (3) does not apply — a person responsible under paragraph (a) or (b) before the vehicle last ceased to be licensed; or

(d) in any other case —

(i) the person who is entitled to the immediate possession of the vehicle; or

(ii) if there are several persons entitled to its immediate possession, the person whose entitlement is paramount.

(3) Despite subsection (2), a person is not responsible for a vehicle under subsection (2)(b), if it can be shown that the person did not agree to becoming an owner of the vehicle and has notified

the CEO in writing accordingly or has given a notice to a similar effect to a corresponding authority.

[Section 6 amended: No. 8 of 2012 s. 232; No. 15 of 2024 s. 5.]

7. Abbreviations

In provisions of a road law dealing with penalties for offences —

(a) these abbreviations are used —

Disq for minimum period of disqualification;

Max for maximum fine;

Min for minimum fine;

PU for penalty unit or penalty units;

and

(b) a reference to a number of PU is a reference to an amount (in dollars) that is that number multiplied by 50.

Part 2 — Administration — general matters

8. Delegation of CEO's functions

(1) The CEO may delegate to a person any power or duty of the CEO under another provision of a road law.

(2) The delegation must be in writing signed by the CEO.

(3) If a person is not employed in the department of the Public Service principally assisting in the administration of this Act, a power or duty can only be delegated to the person under this section if the person has been approved by the Minister for the purposes of this section.

(4) An approval under subsection (3) may be given in respect of —

(a) a specified person or persons of a specified class; or

(b) the holder or holders for the time being of a specified office or class of office.

(5) Despite subsection (3), the CEO may delegate to the Commissioner of Main Roads the power to give specific or standing instructions requiring the moving of vehicles for the purposes of the *Road Traffic (Vehicles) Act 2012* section 64(1)(b) or 65(1)(b).

(6) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.

(7) A person exercising or performing a power or duty that has been delegated to the person under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(8) Nothing in this section limits the ability of the CEO to perform a function through an officer or agent.

[Section 8 amended: No. 8 of 2012 s. 209.]

9. Delegation of functions of Commissioner of Police

(1) The Commissioner of Police may delegate to —

(a) a specified police officer; or

(b) a police officer of a specified class; or

(c) a person who is employed in the department of the Public Service principally assisting in the administration of the *Police Act 1892*,

any power or duty of the Commissioner under another provision of a road law.

(2) The delegation must be in writing signed by the Commissioner of Police.

(3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.

(4) A person exercising or performing a power or duty that has been delegated to the person under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this section limits the ability of the Commissioner of Police to perform a function through an officer or agent.

10. Delegation of functions of Commissioner of Main Roads

(1) The Commissioner of Main Roads may delegate to a person appointed under the *Main Roads Act 1930* section 10(1) to be an officer of the Commissioner or to a police officer a power or duty of the Commissioner under the *Road Traffic (Vehicles) Act 2012* Part 4, including any regulation made under or for the purposes of that Part.

(2) The delegation must be in writing signed by the Commissioner of Main Roads.

(3) A person to whom a power or duty is delegated under this section cannot delegate that power or duty.

(4) A person exercising or performing a power or duty that has been delegated to the person under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.

(5) Nothing in this section limits the ability of the Commissioner of Main Roads to perform a function through an officer or agent.

[Section 10 amended: No. 8 of 2012 s. 232.]

11. Agreements for performance of functions

(1) The CEO may enter into an agreement providing for the CEO's functions under a road law that are described in the agreement to be performed on behalf of the CEO.

(2) The agreement may be with the Commissioner of Police, a local government, or any other person or body, whether or not the person or body has itself functions of a public nature.

(3) A function described in the agreement may be performed —

(a) in accordance with the agreement; and

(b) on and subject to terms and conditions in the agreement.

(4) If the performance of a function is dependent upon the opinion, belief, or state of mind of the CEO it may be performed under the agreement upon the opinion, belief, or state of mind of the body or person with whom the agreement is made or another person provided for in the agreement.

(5A) The CEO may disclose the following to the body or person with whom the agreement is made if the CEO considers that the disclosure is required for the purposes of performing a function under the agreement —

(a) driver's licence information;

(b) permit information;

(c) vehicle licence information;

(da) optional plates information;

(db) information obtained by the CEO under the *Road Traffic Act 1974* Part 6A;

(d) demerit points information;

(e) instructor information;

(f) photographs and signatures provided to the CEO under the *Road Traffic (Authorisation to Drive) Act 2008* Part 2.

(5) For the purposes of this Act or any other written law, an act or thing done by, to, by reference to, or in relation to, a body or person in connection with the performance by that body or person under the agreement of a function of the CEO is as effectual as if it had been done by, to, by reference to or in relation to, the CEO.

[Section 11 amended: No. 18 of 2011 s. 18; No. 8 of 2012 s. 210; No. 38 of 2020 s. 8; No. 8 of 2022 s. 5.]

12. Exchange of information between CEO and Commissioner of Police

(1) In this section —

offence information means details of —

(a) any offence of which a person has been convicted whether within the State or elsewhere and whether relating to a road traffic matter or any other matter; and

(b) any penalty, suspension, cancellation or disqualification arising from any such conviction; and

(c) the instances in which a person has paid a penalty under an infringement notice;

relevant authorisation means —

(a) a driver's licence; or

(b) a vehicle licence; or

(c) a learner's permit; or

(da) a permit under the *Road Traffic (Vehicles) Act 2012* section 13; or

(d) a licence or permit under the *Motor Vehicle Drivers Instructors Act 1963*.

(2) The CEO must disclose the following information to the Commissioner of Police —

(a) driver's licence information;

(b) permit information;

(c) vehicle licence information;

(da) optional plates information;

(d) demerit points information;

(e) instructor information;

(ea) information obtained by the CEO under the *Road Traffic Act 1974* Part 6A;

(f) information obtained from a relevant authority under section 13A.

(3) Information disclosed under subsection (2) —

(a) may be used in the performance of the Commissioner of Police's functions, whether under a road law or otherwise, but not for any other purpose; and

(b) may be disclosed by the Commissioner of Police to an officer, department or instrumentality of this State, another State, a Territory, the Commonwealth or another country for use in the performance of the functions of that officer, department or instrumentality but not for any other purpose.

(4) The Commissioner of Police must disclose the following information to the CEO —

(a) incident information about a person who has applied for, holds or has held a relevant authorisation;

(b) offence information about a person who has applied for, holds or has held a relevant authorisation;

(c) information about the impounding or confiscation of vehicles under the *Road Traffic Act 1974* Part V Division 4;

(d) information of a class prescribed by the regulations for the purposes of this subsection.

(5) Information disclosed under subsection (4) may be used in the performance of the CEO's functions under a road law, the *Towing Services Act 2024*, the *Transport (Road Passenger Services) Act 2018* or the *Motor Vehicle Drivers Instructors Act 1963* but not for any other purpose.

(6) The disclosure of information under subsection (2) or (4) is to be free of charge.

[Section 12 inserted: No. 18 of 2011 s. 19; amended: No. 8 of 2012 s. 211; No. 25 of 2016 s. 14; No. 26 of 2018 s. 314; No. 38 of 2020 s. 9; No. 15 of 2024 s. 6; No. 37 of 2024 s. 171.]

13A. Exchange of information between CEO and other authorities

(1) In this section —

infringement notice (ATD) means an infringement notice as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 40(1);

relevant authority means —

(a) an Australian driver licensing authority; or

(b) a corresponding authority; or

(c) an external licensing authority as defined in the *Road Traffic (Authorisation to Drive) Act 2008* section 3(1); or

(d) a person prescribed, or of a class prescribed, by the regulations for the purposes of this definition.

(2) The CEO may disclose the following information to a relevant authority if the CEO considers that the information is required by the relevant authority for the purposes of performing its functions —

(a) driver's licence information;

(b) permit information;

(c) vehicle licence information;

(da) optional plates information;

(d) demerit points information;

(e) instructor information.

(3) The disclosure of information under subsection (2) is to be free of charge.

(4) If information disclosed under subsection (2) includes information about an offence of which a person has been convicted or for which a person has been given an infringement notice (ATD), the CEO must also disclose to the relevant authority —

(a) any quashing of the conviction; or

(b) any withdrawal of the infringement notice (ATD) or the matter coming before a court for determination; or

(c) any withdrawal of proceedings under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 in respect of the infringement notice (ATD); or

(d) anything else known to the CEO concerning the offence, the disclosure of which is likely to be favourable to that person.

(5) The CEO may seek from a relevant authority any information that the CEO considers is required for the purposes of performing the CEO's functions under a road law.

(6) The CEO may, for the purposes of performing the CEO's functions under a road law, use information obtained from a relevant authority.

[Section 13A inserted: No. 18 of 2011 s. 19; amended: No. 8 of 2012 s. 212; No. 15 of 2024 s. 7.]

13B. Disclosure of information to Commissioner of Main Roads

(1) The CEO must disclose the following information to the Commissioner of Main Roads —

(a) driver's licence information;

(b) permit information;

(c) vehicle licence information;

(d) information obtained from a relevant authority under section 13A.

(2) Information disclosed under subsection (1) may be used in the performance of the functions of the Commissioner of Main Roads under a road law but not for any other purpose.

(3) The disclosure of information under subsection (1) is to be free of charge.

[Section 13B inserted: No. 18 of 2011 s. 19.]

13C. Disclosure of information in compliance with request under *Fines, Penalties and Infringement Notices Enforcement Act 1994*

(1) If the CEO is given a request to disclose information under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 100A, the CEO must disclose information in compliance with the request.

(2) The information disclosed in compliance with a request referred to in subsection (1) may include the following —

(a) driver's licence information;

(b) permit information;

(c) vehicle licence information.

(3) The disclosure of information under subsection (1) is to be free of charge.

[Section 13C inserted: No. 25 of 2020 s. 122.]

13D. Disclosure of incident information to ICWA

(1) In this section —

ICWA means the Commission as defined in the *Insurance Commission of Western Australia Act 1986* section 3.

(2) The Commissioner of Police may disclose incident information to ICWA.

(3) Information disclosed under subsection (2) may be used in the performance of ICWA's functions under the *Motor Vehicle (Third Party Insurance) Act 1943* but not for any other purpose.

(4) The disclosure of information under subsection (2) is to be free of charge.

[Section 13D inserted: No. 25 of 2016 s. 15; amended: No. 15 of 2024 s. 8.]

13E. Disclosure of abridged incident information to involved persons

(1) In this section —

abridged incident information means —

(a) information provided in relation to an incident reported under the *Road Traffic Act 1974* section 56(1) or (4); and

(b) details of any evidence, statement, report or other information obtained as a result of any investigation made into the incident.

(2) The Commissioner of Police may, in relation to an incident, disclose abridged incident information to any of the following —

(a) a person, or a representative of the person, who suffered bodily harm in the incident;

(b) the driver, or a representative of the driver, of a vehicle involved in the incident;

(c) an owner, or a representative of the owner, of a vehicle involved in the incident;

(d) an owner, or a representative of the owner, of property damaged in the incident.

[Section 13E inserted: No. 25 of 2016 s. 15; amended: No. 15 of 2024 s. 9.]

13. Disclosure of information to corresponding authorities

(1) The CEO may disclose information to a corresponding authority about —

(a) any action taken by or on behalf of the CEO or the Commissioner for Main Roads under a road law; or

(b) a direction, authorisation or notice of a kind mentioned in section 18(2)(a), (b), (c), (d), (e) or (f); or

(c) any information obtained under a road law, including any information contained in any records, devices or other things inspected or seized under a road law.

(2) This section neither affects nor is affected by section 13A or 78.

[Section 13 amended: No. 18 of 2011 s. 20.]

14. Disclosure of information to prescribed persons

(1) In this section —

authorised purpose means —

(a) the purpose of performing functions under a written law or a law of another jurisdiction; or

(b) a purpose related to the administration or enforcement of a written law or a law of another jurisdiction; or

(c) a purpose prescribed by the regulations for the purposes of this definition;

prescribed person means a person prescribed, or of a class prescribed, by the regulations for the purposes of this definition.

(2) The CEO may disclose the following information to a prescribed person if the CEO considers that the information is required by the person for an authorised purpose —

(a) driver's licence information;

(b) permit information;

(c) vehicle licence information;

(d) demerit points information;

(e) instructor information.

(3) A person —

(a) to whom information is disclosed under subsection (2); or

(b) who is employed or engaged by a person to whom information is disclosed under subsection (2),

must not use the information for a purpose other than the authorised purpose for which it was disclosed.

Penalty for this subsection: imprisonment for 12 months or a fine of 240 PU.

[Section 14 inserted: No. 18 of 2011 s. 21; amended: No. 26 of 2018 s. 315.]

15. Disclosure of information for road safety purposes

(1) In this section —

road safety purpose means —

(a) the purpose of research directed to the promotion of road safety; or

(b) the purpose of distributing information about road safety.

(2) The CEO may disclose the following information to a person if the CEO considers that the information is required by the person for a road safety purpose —

(a) driver's licence information;

(b) permit information;

(c) vehicle licence information;

(d) demerit points information;

(e) instructor information.

(3A) The Commissioner of Police may disclose incident information to a person if the Commissioner considers that the information is required by the person for a road safety purpose.

(3) A person —

(a) to whom information is disclosed under subsection (2) or (3A); or

(b) who is employed or engaged by a person to whom information is disclosed under subsection (2) or (3A),

must not use the information for a purpose other than the road safety purpose for which it was disclosed.

Penalty for this subsection: imprisonment for 12 months or a fine of 240 PU.

[Section 15 inserted: No. 18 of 2011 s. 21; amended: No. 25 of 2016 s. 16; No. 26 of 2018 s. 316; No. 15 of 2024 s. 10.]

16A. Disclosure of information for purposes of *Personal Property Securities Act 2009* (Commonwealth)

The CEO may disclose the following information to the Registrar as defined in the *Personal Property Securities Act 2009* (Commonwealth) section 10 —

(a) information relating to vehicles that have been stolen or written off;

(b) vehicle licence information that the CEO considers to be relevant to the operation of the register as defined in that Act.

[Section 16A inserted: No. 8 of 2012 s. 213.]

16B. Disclosure of information with consent

The CEO may disclose information about a person obtained in the administration of a road law to another person with the consent of the person to whom the information relates.

[Section 16B inserted: No. 8 of 2022 s. 6.]

16C. Disclosure by means of automated system

(1) If the CEO is authorised to disclose a photograph, signature or information under a road law, the disclosure may, subject to the regulations, be made by means of an automated system.

(2) The automated system must comply with any requirements set out in the regulations.

(3) The automated system may, subject to the regulations, allow relevant persons to retrieve data in the system and to be sent alerts about data that has been modified or added to the system.

[Section 16C inserted: No. 8 of 2022 s. 6.]

16. Information about new motor vehicles

(1) A person who manufactures or distributes a new type of motor vehicle that is manufactured in, or imported into, the State must

provide to the CEO such of the following information as is known to the person and requested by the CEO —

(a) particulars of the construction of the vehicle;

(b) the vehicle's unloaded mass;

(c) the vehicle's GVM;

(d) the vehicle's GCM.

Penalty for this subsection: a fine of 16 PU.

(2) In subsection (1)(b) —

unloaded mass means the mass of the vehicle in running order, equipped with all standard equipment and with all fuel and other fluid reservoirs filled to nominal capacity, but unoccupied and without any other load.

[Section 16 amended: No. 15 of 2024 s. 37.]

17. Reciprocal powers of officers

(1) This section has effect in relation to another jurisdiction while a law of the other jurisdiction contains provisions corresponding to this section.

(2) The Minister to whom the administration of a particular road law (the ***road law***) is for the time being committed by the Governor may enter into agreements about the road law 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) police officers may, in this State or the other jurisdiction, exercise powers or perform other functions conferred respectively on authorised officers or members of the police force of the other jurisdiction under a law of the other jurisdiction corresponding to the road law; and

(b) authorised officers or members of the police force of the other jurisdiction may, in this State or the other

jurisdiction, exercise powers or perform other functions conferred on police officers under the road law.

(4) Anything done or omitted to be done by a police officer as mentioned in subsection (3)(a) is to be taken to have been done under the road law as well as under the law of the other jurisdiction corresponding to the road law.

(5) Regulations may make provision for or with respect to the exercise of powers or performance of other functions under this section.

18. Effect of directions etc., administrative actions of other jurisdictions

(1) In this section —

administrative action means any action of an administrative nature that is prescribed by the regulations except the issue of a direction, notice or certificate mentioned in subsection (2);

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) The regulations are to provide for the recognition of anything under the law of another jurisdiction corresponding to —

(a) a direction under section 39, 40, 41 or 42; or

(b) a direction under Part 4 Division 6; or

(c) a direction under the *Road Traffic (Vehicles) Act 2012* section 63(2) or (3), 64(2) or (5) or 65(3) or (5); or

(d) an authorisation under the *Road Traffic (Vehicles) Act 2012* section 67(2); or

(e) a defect notice issued under *Road Traffic (Vehicles) Act 2012* section 71(1); or

(f) an improvement notice, a notice of an amendment of an improvement notice, or a clearance certificate given or issued under the *Road Traffic (Vehicles) Act 2012* Part 6 Division 4,

and, if they do, are to specify the effects of that recognition for the purposes of this Act or any other relevant road law.

(3) An administrative action of an administrative authority under or in connection with a law of another jurisdiction corresponding to a road law has effect in this State as if it were made or done under the road law.

(4) 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.

[Section 18 amended: No. 8 of 2012 s. 214 and 232.]

19. Effect of court orders of other jurisdictions

(1) In this section —

order means an order, of a kind that is prescribed by regulations, 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 law of the other jurisdiction corresponding to

a road law has effect in this State as if it were made under the road law.

(3) Nothing in this section enables an order to have 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.

20. Funds to which charges and fees credited

(1) The CEO, on or before the 15th day of the month next following that in which the CEO receives them, is to credit to the Consolidated Account all vehicle licence charges payable under the *Road Traffic (Vehicles) Act 2012* section 7(3).

(2) All recording fees paid under the *Road Traffic (Vehicles) Act 2012* section 7(1) to the CEO may be retained by the CEO.

(3) All fees taken under regulations mentioned in the *Road Traffic (Vehicles) Act 2012* section 37(h), 43(g) or 45(j) are to be credited to the Consolidated Account.

(4) An amount equal to the amounts credited to the Consolidated Account under subsections (1) and (3) is to be —

(a) credited to the Main Roads Trust Account maintained under the *Main Roads Act 1930*; and

(b) charged to the Consolidated Account,

and this subsection appropriates the Consolidated Account accordingly.

[Section 20 amended: No. 8 of 2012 s. 215 and 232.]

Part 3 — Wardens and police officers

21. Terms used

In this Part —

issuing authority —

(a) in relation to a person authorised under section 22 means the CEO;

(b) in relation to a person authorised under section 23 means the Commissioner of Police;

warden's function means a function —

(a) that is prescribed by regulations mentioned in section 22 or 23(c) as a function that can be performed by a warden; or

(b) under section 23(a) or (b).

22. CEO may authorise persons to perform certain warden functions

(1) The CEO may authorise a person to perform one or more of the functions relating to any provision of a road law that are prescribed by the regulations as functions that can be performed by a warden.

(2) A reference in subsection (1) to a provision of a road law does not include a provision of the *Road Traffic Act 1974*, other than a provision in Part 6A of that Act or a regulation made for the purposes of Part 6A of that Act.

[Section 22 amended: No. 38 of 2020 s. 10.]

23. Commissioner of Police may authorise persons to perform certain warden functions

The Commissioner of Police may authorise a person to perform one or more of the functions relating to any of the following —

(a) the control of vehicles and pedestrians at children's crossings and pedestrian crossings;

(b) the escort and movement of oversize vehicles;

(c) the functions under the *Road Traffic Act 1974* that are prescribed by the regulations as functions that can be performed by a warden.

24. Powers of wardens

(1) In performing a warden's function that a warden is authorised to perform —

(a) the warden has such of the powers conferred under a road law on a police officer in relation to the function as are prescribed by the regulations; and

(b) a reference in a road law to a police officer is to be read as including a warden if the regulations so provide.

(2) The regulations cannot authorise a warden to use force against a person.

(3) The regulations may authorise a warden to amend or revoke a direction given, or a condition imposed, under a road law by another warden but cannot authorise a warden to amend or revoke a direction given, or a condition imposed, under a road law by a police officer.

(4) The CEO has all the powers necessary for the performance of a warden's function mentioned in section 22 except a power that requires the physical presence of a person at the scene to exercise the power.

[Section 24 amended: No. 15 of 2024 s. 11.]

25. Identification cards

(1) The issuing authority is to issue a warden with an identification card.

(2) An identification card is to —

(a) contain a photograph of the warden, the name of the issuing authority and either —

(i) the name and signature of the warden; or

(ii) a unique number that has been assigned to the warden by the issuing authority;

and

(b) specify that the person to whom the card is issued is a warden and the nature of the warden's functions.

26. Production of identification

(1) 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.

(2) This section applies to a power conferred on a person under a road law, but only if the physical presence of the person at the scene is necessary for the exercise of the power.

(3) A warden who is exercising or about to exercise a power for MDLR compliance purposes or RTA Part 6A compliance purposes is required to identify himself or herself and to produce the warden's identification card for inspection.

(4) A police officer who is exercising or about to exercise a power is required to identify himself or herself, by either of the following methods (at the officer's choice) —

(a) producing his or her police identification;

(b) stating orally or in writing his or her name, rank and place of duty.

(5) A warden or police officer is required to comply with a requirement under subsection (3) or (4) as soon as is reasonably practicable.

(6) A warden 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.

[Section 26 amended: No. 38 of 2020 s. 11.]

27. Return of identification cards

(1) An issuing authority may request a person who is no longer a warden to return any identification card issued to the person by the issuing authority and to do so within a period specified by the issuing authority.

(2) A person to whom a request is made under subsection (1) must not, without reasonable excuse, fail to comply with the request.

Penalty for this subsection: a fine of 10 PU.

[Section 27 amended: No. 15 of 2024 s. 37.]

Part 4 — Enforcement of road laws

Division 1 — Terms used in this Part

28. Terms used

In this Part —

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

driver or ***co-driver***, in relation to a vehicle that is a trailer that is not connected (either directly or by one or more other trailers) to a towing vehicle, means the driver or co-driver of the towing vehicle to which the trailer was last connected;

instructor has the meaning given in the *Road Traffic Act 1974* section 49AAA;

learner driver has the meaning given in the *Road Traffic Act 1974* section 49AAA;

MDLR compliance purposes (which stands for "mass, dimension or loading requirement compliance purposes") means either or both of the following purposes —

(a) to find out whether any of the following provisions is being complied with —

(i) a provision in the *Road Traffic (Vehicles) Act 2012* Part 4, 6, 7, 8 or 11;

(ii) any regulation made under or for the purposes of a provision mentioned in subparagraph (i);

(b) to investigate a breach or suspected breach of a provision mentioned in paragraph (a);

MDLR offence (which stands for "mass, dimension or loading requirement offence") means an offence under any of the following provisions —

(a) a provision in the *Road Traffic (Vehicles) Act 2012* Part 4, 6, 7, 8 or 11;

(b) any regulation made under or for the purposes of a provision mentioned in paragraph (a);

(c) section 44 in relation to a direction under section 39, 40 or 42 if the direction was for the purpose of, or in connection with, exercising a power in relation to a breach or suspected breach of a provision mentioned in paragraph (a) or (b);

(d) section 56(4);

(e) section 57(3) or (4);

(f) section 58(5);

(g) section 71(5) or (7);

provide driving instruction has the meaning given in the *Road Traffic Act 1974* section 49AAA;

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 road; or

(f) 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, road infrastructure and public places; and

(c) vehicles and their loads;

RTA Part 6A compliance purposes means either or both of the following purposes —

(a) to find out whether any of the following provisions is being complied with —

(i) a provision in the *Road Traffic Act 1974* Part 6A;

(ii) any regulation made under or for the purposes of a provision mentioned in subparagraph (i);

(b) to investigate a breach or suspected breach of a provision mentioned in paragraph (a);

RTA Part 6A documentation means any documentation, whether in paper, electronic or any other form, that is directly or indirectly associated with the immobilisation, towing or detention of motor vehicles;

RTA Part 6A offence means an offence under any of the following provisions —

(a) a provision in the *Road Traffic Act 1974* Part 6A;

(b) any regulation made under or for the purposes of a provision mentioned in paragraph (a);

(c) section 44 in relation to a direction under section 39, 40 or 42 if the direction was for the purpose of, or in connection with, exercising a power in relation to a breach or suspected breach of a provision mentioned in paragraph (a) or (b);

(d) section 61C(4);

(e) section 61D(2) or (3);

(f) section 61E(3);

(g) section 71(5A) or (7A);

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

[Section 28 amended: No. 8 of 2012 s. 232; No. 25 of 2016 s. 56; No. 38 of 2020 s. 12.]

29. Qualified, fit or authorised to drive or run engine

(1) In this Part, a person is ***qualified to drive a vehicle or to run its engine*** if the person —

(a) holds an Australian driver licence of the appropriate class to drive it and the licence is in effect; 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) In this Part, a person is ***fit to drive a vehicle or to run its engine*** if at the relevant time —

(a) the person is apparently physically and mentally fit to drive the vehicle; and

(b) the person is not apparently impaired by alcohol or drugs; and

(c) the person's blood alcohol content, as defined in the *Road Traffic Act 1974* section 65, is not of or above a level specified under that Act or a court order in relation to the person; and

(d) a prescribed illicit drug, as defined in the *Road Traffic Act 1974* section 65, is not present in the person's oral fluid or blood.

(3) In this Part, a person is —

(a) ***authorised to drive a vehicle*** if the person is a responsible person for the vehicle or has the authority of a responsible person for the vehicle to drive it;

(b) ***authorised to run the engine of a vehicle*** if the person is a responsible person for the vehicle or has the authority of a responsible person for the vehicle 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).

30. Unattended vehicle

(1) In this Part, a vehicle is ***unattended*** if —

(a) a police officer reasonably believes, after inspection and enquiry by the officer that is reasonable in the circumstances, that there is no person in, on or in the vicinity of, the vehicle who is the driver or a co-driver of the vehicle; or

(b) a police officer reasonably believes that the driver or a co-driver of the vehicle is in, on or in the vicinity of, the vehicle but that —

(i) the person is not qualified, not fit or not authorised to drive it; or

(ii) the person is unwilling to drive it; or

(iii) the person is subject to a direction under section 42 in relation to the vehicle.

(2) For the purposes of subsection (1)(a), inspection may be conducted by means of camera or other remote surveillance system.

31. Broken down vehicle

In this Part, a vehicle is ***broken down*** if it is not possible to drive the vehicle in the usual manner because it or one of its parts is disabled through damage, mechanical failure, lack of fuel or any similar reason.

Division 2A — When person taken to be instructor or in charge of vehicle

[Heading inserted: No. 25 of 2016 s. 57.]

32A. Circumstances in which person taken to be instructor or in charge of motor vehicle

(1) For the purposes of this Part, unless the contrary is shown, a person is to be taken to be an instructor providing driving instruction to a learner driver if the person is —

(a) seated beside the learner driver in a motor vehicle driven by the learner driver; or

(b) if there is no seat directly beside the learner driver —

(i) seated in the seat nearest the learner driver that faces forward in a motor vehicle driven by the learner driver; or

(ii) standing near the learner driver in a motor vehicle driven by the learner driver;

or

(c) riding in a side car attached, or on a pillion seat fitted, to a motor cycle driven by the learner driver.

(2) Without limiting the circumstances in which a person is in charge of a motor vehicle, an instructor providing driving instruction to a learner driver is, for the purposes of this Part, to be taken to be in charge of the motor vehicle driven by the learner driver.

(3) Subsection (2) does not affect any liability of a learner driver for any offence committed by that person while driving or being in charge of a vehicle.

[Section 32A inserted: No. 25 of 2016 s. 57.]

Division 2 — General obligations

32. Giving name, address etc.

(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) A police officer may direct a person to give the officer then and there any or all of the person's personal details if those personal details are unknown to the officer and the officer reasonably suspects that the person —

(a) is or may be the driver or a person in charge of a vehicle that has been or may have been involved in an incident involving death or bodily harm or damage to property; or

(b) has committed or is committing or is about to commit an offence under a road law; or

(c) is or may be an involved person; or

(d) may be able to assist in the investigation of an offence, or a suspected offence, under a road law; or

(e) may be able to give information or evidence in relation to an incident that involved a vehicle and at the scene of which the person was present.

(3) If a police officer reasonably suspects that a personal detail given by a person in response to a direction under subsection (2) 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 to whom a direction is given under subsection (2) or (3) must not —

(a) without reasonable excuse, fail to comply with the direction; or

(b) give any detail or produce any evidence that is false or misleading in a material particular in purported compliance with the direction.

Penalty for this subsection: a fine of 50 PU.

(5) In a prosecution for an offence under subsection (4)(a), it is a defence for the person charged to prove that the officer did not warn the person that failure to comply with the direction is an offence.

(6) In a prosecution for an offence involving the failure to state a business address —

(a) it is a reasonable excuse that the person did not have a business address; and

(b) it is a defence for the person charged to prove that the person's business address was not directly or indirectly connected with road transport.

[Section 32 amended: No. 15 of 2024 s. 37.]

33. Production of driver's licence document, learner's permit

(1) A police officer may direct the driver of any vehicle, or an instructor providing driving instruction to a learner driver, to produce then and there the person's driver's licence document or learner's permit, as is relevant in the case.

(2) A person to whom a direction is given under subsection (1) must not, without reasonable excuse, fail to comply with the direction.

Penalty for this subsection: a fine of 50 PU.

(3) In a prosecution for an offence under subsection (2) it is a defence for the person charged to prove that within a reasonable

time after the direction was given, the person produced the driver's licence document or learner's permit to the CEO or the Commissioner of Police.

[Section 33 amended: No. 25 of 2016 s. 58; No. 15 of 2024 s. 37.]

34. Duty to identify offending driver or person in charge of vehicle

(1) In this section —

responsible person includes a person to whom the possession or control of the vehicle was entrusted at the time of the alleged offence mentioned in subsection (2)(a) or (3)(a), as the case may be.

(2) A responsible person for a vehicle commits an offence if —

(a) an offence under any written law is alleged to have occurred an element of which is driving or being in charge of the vehicle; and

(b) a police officer requests the responsible person to give information which may lead to the identification of the driver or person in charge of the vehicle at the time of the alleged offence; and

(c) the responsible person has, or could reasonably have ascertained, the information; and

(d) the responsible person fails to give the information.

Penalty for this subsection:

(a) for an individual —

(i) for a first offence, a fine of 24 PU;

(ii) for a subsequent offence, a fine of 48 PU;

(b) for a body corporate, a fine of 100 PU.

(3) A responsible person for a vehicle commits an offence if —

(a) an offence under any written law is alleged to have occurred an element of which is driving or being in charge of the vehicle; and

(b) a police officer requests the responsible person to give information which may lead to the identification of the driver or person in charge of the vehicle at the time of the alleged offence; and

(c) the responsible person gives false information in response to the request.

Penalty for this subsection:

(a) for an individual —

(i) for a first offence, a fine of 24 PU;

(ii) for a subsequent offence, a fine of 48 PU;

(b) for a body corporate, a fine of 100 PU.

(3A) Subsection (2) does not apply if the responsible person for the vehicle supplies to the police officer who has made the request for information a statutory declaration —

(a) that the responsible person was not the driver or person in charge of the vehicle at the relevant time; and

(b) that the responsible person is concerned about providing information in response to the request because of a risk or apprehended risk of being subjected to family violence if the responsible person took steps to find or provide that information.

(3B) A statutory declaration under subsection (3A) must be accompanied by a family violence evidentiary document that relates to the responsible person.

(3C) Subsection (3A) does not apply if the request for information was made under the *Road Traffic Act 1974* section 57.

(3D) The provision of information under subsection (3A) does not give rise to a requirement for a police officer to carry out an investigation under the *Restraining Orders Act 1997* section 62A (but this subsection does not prevent such an investigation occurring if the police officer thinks fit).

(4) Subsection (2) does not apply if the request for information was made in a notice requesting information.

(5) If a person is charged with an offence under subsection (2) the person may be convicted of an offence under section 35.

[Section 34 amended: No. 30 of 2020 s. 87; No. 15 of 2024 s. 12.]

35. Duty to take reasonable measures to be able to comply with identity request

(1) In this section —

identity request means a request made under a road law for information as to the identity of the person who was driving or in charge of a vehicle at any particular time.

(2) A responsible person for a vehicle commits an offence if the responsible person fails to take reasonable measures, or make reasonable arrangements, to ensure that if an identity request is made in relation to the vehicle, the responsible person will be able to comply with it.

Penalty for this subsection:

(a) for an individual —

(i) for a first offence, a fine of 24 PU;

(ii) for a subsequent offence, a fine of 48 PU;

(b) for a body corporate, a fine of 100 PU.

(3) Subsection (2) does not apply if the responsible person for the vehicle supplies to the person who has made the identity request a statutory declaration —

(a) that the responsible person was not the driver or person in charge of the vehicle at the relevant time; and

(b) that the responsible person is concerned about providing information in response to the identity request because of a risk or apprehended risk of being subjected to family violence if the responsible person took steps to find or provide that information.

(4) A statutory declaration under subsection (3) must be accompanied by a family violence evidentiary document that relates to the responsible person.

(5) Subsection (3) does not apply if the request for information was made under the *Road Traffic Act 1974* section 57.

(6) The provision of information under subsection (3) does not give rise to a requirement for a police officer to carry out an investigation under the *Restraining Orders Act 1997* section 62A (but this subsection does not prevent such an investigation occurring if the police officer thinks fit).

[Section 35 amended: No. 25 of 2016 s. 59; No. 30 of 2020 s. 88; No. 15 of 2024 s. 37.]

36. Other offences

(1) A person must not give information that the person knows to be false or misleading in a material particular to a person performing a function under a road law.

Penalty for this subsection: a fine of 50 PU.

(2) A person must not —

(a) while disqualified from obtaining a driver's licence apply for or obtain such a licence, except that a person

may apply for such a licence during the last 6 weeks of the period of disqualification; or

(ba) while disqualified from obtaining any particular licence other than a driver's licence apply for or obtain such a licence; or

(b) forge or fraudulently alter a driver's licence document, vehicle licence, number plate or label; or

(c) use a forged or fraudulently altered driver's licence document, vehicle licence, number plate or label, or use a driver's licence document, vehicle licence, number plate or label to which the person is not entitled; or

(d) fraudulently permit the person's driver's licence document, vehicle licence, number plate or label to be used by another person; or

(e) drive a vehicle or cause or permit a vehicle to be driven on any road while it has on it —

(i) a forged or fraudulently altered number plate or label; or

(ii) a replica or imitation of a number plate or label; or

(iii) a number plate or label other than one issued for that vehicle;

or

(f) without lawful excuse have in the person's possession with intent to deceive a driver's licence document or vehicle licence or an article resembling such a document or licence, or a label or any article resembling a label; or

(g) lend or allow to be used by another person a driver's licence document or vehicle licence or a number plate or label.

Penalty for this subsection: a fine of 50 PU.

(3) In subsection (2) —

driver's licence document includes a learner's permit;

label means a label issued under a regulation mentioned in the *Road Traffic (Vehicles) Act 2012* section 15 or 27;

number plate has the meaning given to that term in the *Road Traffic (Vehicles) Act 2012* section 3(1).

[Section 36 amended: No. 39 of 2009 s. 11; No. 8 of 2012 s. 216 and 232; No. 2 of 2015 s. 15 No. 8 of 2022 s. 7; No. 15 of 2024 s. 37.]

37. Manner of giving directions etc. under this Division

A direction or request under this Division may be given orally or in writing.

Division 3 — Directions to stop, move or leave vehicles

38. Vehicles and drivers to which this Division applies

In this Division —

co-driver, in relation to a vehicle, means a person whom the police officer concerned reasonably believes to be a co-driver of the vehicle;

driver, in relation to a vehicle, means the person whom the police officer concerned reasonably believes to be the driver of the vehicle;

vehicle means a vehicle located —

(a) on a road; or

(b) in or on a public place; or

(c) in or on premises occupied or owned by the CEO, the Commissioner of Police or other public authority but not including premises that are, or any part of premises that is, used predominantly for residential purposes; or

(d) in or on premises where the officer is lawfully present after entry under Division 5 or 6A.

[Section 38 amended: No. 38 of 2020 s. 13.]

39. Direction to stop vehicle: to enable exercise of other powers

(1) In this section —

stop a vehicle means to stop the vehicle and keep it stationary.

(2) A 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 any 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.

(3) A direction to stop a vehicle may require that the vehicle is to be stopped without delay, or that it be stopped at the nearest place for it to be safely stopped, as indicated by the officer.

(4) 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 a police officer from giving the driver or another person any later inconsistent direction.

(5) A direction ceases to have effect to the extent that a 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 no longer has effect.

40. Direction to move vehicle: to enable exercise of other powers

(1) In this section —

prescribed area means —

(a) a place within a 30 km radius of 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 police officer concerned reasonably believes to be a suitable location having regard to any matters the officer considers relevant in the circumstances.

(2) A police officer may, for the purpose of or in connection with exercising other powers under a road law, direct the driver or a co-driver of, or a responsible person for, a vehicle to move it or cause it to be moved to the nearest suitable location that is within the prescribed area and specified by the officer.

(3) In a prosecution for an offence under section 44 in relation to a direction given under subsection (2), it is a defence for the person charged to prove that —

(a) at the time the direction was given the vehicle was broken down; and

(b) the breakdown occurred for a physical reason beyond the control of the person charged; and

(c) the breakdown could not be readily rectified, or the vehicle could not otherwise be moved, in a way that would enable the direction to be complied with within a reasonable time.

41. Direction to move vehicle: where danger or obstruction

(1) This section applies where a police officer reasonably believes that a vehicle 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.

(2) The officer may direct the driver or a co-driver of, or a responsible person for, the vehicle, to do any of the following —

(a) move the vehicle, or cause it to be moved, to the extent necessary to avoid or minimise the harm or obstruction;

(b) do anything else reasonably required by the officer, or cause anything else reasonably required by the officer to be done, to avoid or minimise the harm or obstruction.

(3) In a prosecution for an offence under section 44 in relation to a direction given under subsection (2)(a), it is a defence for the person charged to prove that —

(a) at the time the direction was given the vehicle was broken down; and

(b) the breakdown occurred for a physical reason beyond the control of the person charged; and

(c) the breakdown could not be readily rectified, or the vehicle could not otherwise be moved, in a way that would enable the direction to be complied with within a reasonable time.

42. Direction to leave vehicle

(1) This section applies where —

(a) the driver or a co-driver of a vehicle fails to comply with a direction given by a police officer under section 39, 40 or 41; or

(b) a police officer reasonably believes that the driver or co-driver of a vehicle is not qualified, is not fit or is not authorised to drive the vehicle in order to comply with such a direction.

(2) The officer may direct the driver or co-driver —

(a) to vacate the driver's seat; or

(b) to leave the vehicle; or

(c) not to occupy the driver's seat until permitted to do so by a police officer; or

(d) not to enter the vehicle until permitted to do so by a police officer.

(3) The officer may direct any other person —

(a) to leave the vehicle; or

(b) not to enter the vehicle until permitted to do so by a police officer.

43. Manner of giving directions under this Division

(1) A direction under section 39, 40, 41 or 42 may be given to the driver, a co-driver or other person orally or by means of a sign or signal (electronic or otherwise), or in any other manner.

(2) A direction under section 39, 40, 41 or 42 may be given to a responsible person for a vehicle orally or by telephone, facsimile, electronic mail or radio, or in any other manner.

44. Directions to be complied with

A person to whom a direction is given under section 39, 40, 41 or 42 must not, without reasonable excuse, fail to comply with the direction.

Penalty:

(a) unless paragraph (b) applies — a fine of 100 PU;

(b) if the person was given the direction under section 39 and the person was, at the time the direction was

given, driving the vehicle so as to escape pursuit by a police officer — imprisonment for 2 years, but the minimum penalty is a fine of 100 PU; and, in any event, the court convicting the person must order that the offender is disqualified from holding or obtaining a driver's licence for a period of not less than 2 years.

[Section 44 amended: No. 59 of 2012 s. 14.]

Division 4 — Power to move vehicles

45. Moving unattended vehicle to exercise Division 5 powers

(1) This section applies where a police officer —

(a) reasonably believes that a vehicle on a road is unattended; and

(b) is seeking to exercise powers under Division 5; and

(c) reasonably believes that the vehicle should be moved to enable or to facilitate the exercise of those powers.

(2) The officer may move the vehicle, or authorise another person to move the vehicle, by driving or towing it or otherwise, to the extent reasonably necessary to exercise 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) open unlocked doors and other unlocked panels and objects;

(b) gain access to the vehicle, or its engine or other mechanical parts, to enable the vehicle to be moved;

(c) 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.

46. Moving unattended or broken down vehicle where danger or obstruction

(1) This section applies where a police officer reasonably believes that —

(a) a vehicle on a road is unattended or broken down; and

(b) the vehicle —

(i) is causing serious harm, or creating an imminent risk of serious harm, to public safety, the environment or road infrastructure; or

(ii) is causing or likely to cause an obstruction to traffic.

(2) The officer may move the vehicle, or authorise another person to move the vehicle, by driving or towing it or otherwise, to the extent reasonably necessary to prevent or minimise the harm or risk or prevent or remove the obstruction.

(3) The officer may —

(a) enter a vehicle, or authorise another person to enter it, for the purpose of moving the vehicle; or

(b) separate a vehicle from another vehicle, or authorise another person to do so, for the purpose of moving a vehicle.

(4) The officer may drive a vehicle even though the officer is not qualified to drive it, if the officer reasonably believes 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) A person authorised by the officer may drive a vehicle even though the person is not qualified to drive it, if the officer reasonably believes that there is no one else in, on or in the vicinity of the vehicle who is more capable of driving it than that 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 the vehicle.

(7) The officer or person authorised by the officer may use reasonable force to the extent reasonably necessary to prevent or minimise the harm or risk or prevent or remove the obstruction.

47. Moving vehicles parked without authority in certain areas

(1) In this section —

authorised person, in relation to land, means any of the following —

(a) a police officer;

(b) the owner or person in possession of the land;

(c) an employee of the owner or person in possession of the land;

prescribed area means any area defined for the purposes of this section by the Governor by order published in the *Gazette*.

(2) A person must not, within a prescribed area, park a vehicle on land which is not a road, unless the person is authorised to do so by the owner or person in possession of the land.

Penalty for this subsection: a fine of 5 PU.

(3) An authorised person may direct the driver or person in charge of a vehicle parked contrary to subsection (2) to remove the vehicle from the place where it is parked if the vehicle is causing or is likely to cause an obstruction or danger to traffic.

(4) A person to whom a direction is given under subsection (3) must not, without reasonable excuse, fail to comply with the direction.

Penalty for this subsection: a fine of 3 PU.

(5) If no person appears to be in immediate charge of a vehicle mentioned in subsection (2), an authorised person may remove the vehicle from the place where it is parked and if the person does so the person must move the vehicle either to a place where the parking of vehicles is permitted or to the police station nearest to the land.

(6) An authorised person who under subsection (5) removes and parks a vehicle, must forthwith give particulars to a police officer at the police station nearest to the place where the authorised person has parked the vehicle, of his or her name and address, the registered number of the vehicle, the place where he or she parked the vehicle, and the time that the vehicle was removed.

[Section 47 amended: No. 15 of 2024 s. 37.]

(7) A person who incurs costs in removing a vehicle under subsection (5) may recover the costs in a court of competent jurisdiction from the person who parked the vehicle as mentioned in subsection (2).

48. Moving vehicles involved in offence

A police officer may drive or convey a vehicle to any police station or other place for safe custody if the officer —

(a) reasonably believes that the vehicle has been used in connection with an offence under any written law; or

(b) has charged a person with an offence an element of which is the use or driving of the vehicle.

49. Removal of other unattended vehicles

(1) A police officer may remove an unattended vehicle or cause it to be removed, from a road to a police station, or any other place where it may conveniently be detained, if —

(a) the officer reasonably believes it is an unlicensed vehicle, or is fitted with an identification tablet or plate

that was not issued for the vehicle by the CEO or a corresponding authority; or

(b) it is not fitted with an identification tablet or plate; or

(c) it is apparently abandoned; or

(d) the officer reasonably believes it has been involved in an incident on a road.

(2) A person who incurs costs in removing a vehicle under subsection (1) may recover the costs from an owner of the vehicle in a court of competent jurisdiction.

50. Authorisation of responsible person not required

A person may, under section 45, 46, 47, 48 or 49, drive a vehicle whether or not the person is authorised to do so by a responsible person for the vehicle.

Division 5 — Powers of inspection and search for MDLR compliance purposes

51. Residential purposes

(1) In this Division —

(a) premises are not to be taken to be used for ***residential purposes***; and

(b) any part of premises is not to be taken to be used for ***residential purposes***,

merely because temporary or casual sleeping facilities are provided there for drivers.

(2) If a vehicle is kept, or a business is carried on, at premises used predominantly for residential purposes, the place where the vehicle is kept or from which the business is carried on is, for the purposes of sections 54(7) and 55(7), to be taken to be used ***predominantly for residential purposes***.

52. Inspection of vehicles on roads, in public places or certain official premises

(1) In this section —

vehicle means a vehicle (whether attended or unattended) located —

(a) on a road; or

(b) in or on a public place; or

(c) in or on premises occupied or owned by the CEO, the Commissioner of Police or other public authority but not including premises that are, or any part of premises that is, used predominantly for residential purposes; or

(d) at an inspection station.

(2) A police officer may inspect a vehicle —

(a) for MDLR compliance purposes; or

(b) for any defect as defined in the *Road Traffic (Vehicles) Act 2012* section 70.

(3) A police officer may enter a vehicle for the purpose of or in connection with conducting an inspection under this section.

(4) A police officer may exercise powers under this section at any time, and without the consent of the driver or other person apparently in charge of a vehicle or any other person.

(5) The power to inspect a vehicle under this section includes —

(a) the power to examine, weigh, test (including test drive), measure or take photographs of the vehicle or any part of it, its equipment or load; and

(b) the power to check the existence or details of, or take photographs of, placards or other information required under a road law to be displayed in or on the vehicle; and

(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 the

Road Traffic (Vehicles) Act 2012 Part 4 (including any regulation made, or requirement imposed, under or for the purposes of that Part); and

(d) the power to access or download information that is required to be kept under the *Road Traffic (Vehicles) Act 2012* Part 4 (including any regulation made, or requirement imposed, under or for the purposes of that Part) 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 a police officer may, in the exercise of powers under this section —

(a) open unlocked doors and other unlocked panels and objects; and

(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 Division 4; and

(c) move but not take away anything that is not locked up or sealed.

[Section 52 amended: No. 8 of 2012 s. 217 and 232.]

53. Search of vehicles on roads, in public places or certain official premises

(1) In this section —

vehicle has the meaning given to that term in section 52(1).

(2) A police officer may search a vehicle for MDLR compliance purposes.

(3) A police officer may enter a vehicle for the purpose of or in connection with conducting a search under this section.

(4) A police officer may exercise powers under this section at any time, and without the need to obtain the consent of any person.

(5) The power to search a vehicle under this section includes —

(a) 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; and

(b) the power to take copies of or extracts from any or all of the following —

(i) any transport documentation or journey documentation located in or on the vehicle;

(ii) any other records, or any readout or other data obtained from any device or thing, located in or on the vehicle that the officer reasonably believes provide, or may on further inspection provide, evidence of an MDLR offence;

and

(c) any power that may be exercised during an inspection of a vehicle under section 52(5).

(6) The power to search a vehicle under this section does not include a power to search a person.

(7) During the search of a vehicle under this section a police officer may seize and remove any records, devices or other things from the vehicle that the officer reasonably believes provide, or may on further inspection provide, evidence of an MDLR offence.

(8) A police officer may use reasonable force in the exercise of powers under this section.

54. Inspection of premises

(1) In this section —

premises means —

(a) premises at or from which an involved person carries on business relating to road transport; or

(b) premises that are occupied by an involved person in connection with a business relating to road transport; or

(c) premises that are a registered office of an involved person in connection with a business relating to road transport; or

(d) a base, as defined in the *Road Traffic (Vehicles) Act 2012* section 3(1), of the driver of a vehicle; or

(e) premises where records required to be kept under the *Road Traffic (Vehicles) Act 2012* Part 4 (including any regulation made, or requirement imposed, under or for the purposes of that Part) are located or where any such records are required to be located.

(2) A police officer may inspect premises for MDLR compliance purposes.

(3) A police officer may enter premises for the purpose of conducting an inspection under this section.

(4) Without limiting the above, a police officer may inspect, or enter and inspect, any vehicle at premises being inspected under this section.

(5) An inspection under this section may be made —

(a) at any time with the consent of the occupier 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 the consent of the occupier of the premises.

(6) A police officer must not exercise the power to enter and inspect premises mentioned in subsection (5)(b) without the consent of the occupier unless the police officer reasonably believes that the premises are attended.

(7) A police officer must not exercise the power to enter and inspect premises mentioned in subsection (5)(b) without the consent of the occupier if the premises are, or any part of premises is, used predominantly for residential purposes.

(8) The power to inspect premises under this section includes —

(a) the power to inspect and take copies of or extracts from any records located at the premises and required to be kept under the *Road Traffic (Vehicles) Act 2012* Part 4 (including any regulation made, or requirement imposed, under or for the purposes of that Part); and

(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 the *Road Traffic (Vehicles) Act 2012* Part 4 (including any regulation made, or requirement imposed, under or for the purposes of that Part) and to inspect and take copies of or extracts from any readout or other data obtained from any such device; and

(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 52(5); and

(d) the power to use photocopying equipment on the premises free of charge for the purpose of copying any records or other material.

(9) This section does not authorise the use of force, but a police officer may, in the exercise of powers under this section —

(a) open unlocked doors and other unlocked panels and objects; and

(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 Division 4; and

(c) move but not take away anything that is not locked up or sealed.

[Section 54 amended: No. 8 of 2012 s. 232.]

55. Search of premises

(1) In this section —

premises has the meaning given to that term in section 54(1) and includes premises where the officer concerned reasonably believes that —

(a) a vehicle used or to be used in connection with road transport is or has been located; or

(b) transport documentation or journey documentation is located.

(2) A police officer may search premises for MDLR compliance purposes.

(3) A police officer may enter premises for the purpose of conducting a search under this section.

(4) A police officer may, for MDLR compliance purposes, search, or enter and search, any vehicle at premises being searched under this section.

(5) A search of premises under this section may be conducted —

(a) at any time if a warrant to enter the premises has been issued under section 65; or

(b) at any time with the consent of the occupier of the premises; or

(c) 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 a warrant and without the consent of the occupier of the premises or any other person.

(6) A police officer must not exercise the power to search premises mentioned in subsection (5)(c) without a warrant or the consent of the occupier unless the police officer reasonably believes that the premises are attended.

(7) A police officer must not exercise the power to search premises mentioned in subsection (5)(c) without a warrant or the consent of the occupier if the premises are, or any part of premises is, used predominantly for residential purposes.

(8) The power to search premises under this section includes —

(a) 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; and

(b) the power to take copies of or extracts from any of the following —

(i) any transport documentation or journey documentation located at the premises;

(ii) any other records, or any readout or other data obtained from any device or thing, located at the premises that the officer reasonably believes provide, or may on further inspection provide, evidence of an MDLR offence;

and

(c) the power to use photocopying equipment on the premises free of charge for the purpose of copying any records or other material; and

(d) 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 53(5); and

(e) any powers that may be exercised during an inspection of premises under section 54(8).

(9) The power to search premises under this section does not include a power to search a person.

(10) During a search of premises under this section a police officer may seize and remove any records, devices or other things from the premises that the officer reasonably believes provide, or may on further inspection provide, evidence of an MDLR offence.

(11) A police officer may use reasonable force in the exercise of powers under this section.

Division 6 — Other directions in relation to MDLR compliance purposes

56. Direction to produce records, devices or other things

(1) A police officer may, for MDLR compliance purposes, direct an involved person to produce any of the following —

(a) a record required to be kept under the *Road Traffic (Vehicles) Act 2012* Part 4 (including any regulation made, or requirement imposed, under or for the purposes of that Part);

(b) a record comprising transport documentation or journey documentation in the involved person's possession or under that person's control;

(c) a record, device or other thing that contains or may contain a record, 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) the ownership, insurance or licensing status of a vehicle; or

(iii) the load or equipment carried or intended to be carried by a vehicle (including the insurance status of any such load or equipment).

(2) A direction under subsection (1) must —

(a) specify —

(i) the record, device or other thing that must be produced; or

(ii) the classes of record, device or other thing that must be produced;

and

(b) state the manner in which each record, device or other thing must be produced; and

(c) state that the direction must be complied with —

(i) then and there; or

(ii) within a specified period.

Example for this subsection:

A direction may state that a record must be produced by sending an electronic version of the record to a specified email address within a specified period.

(3) A police officer may do any or all of the following —

(a) inspect a record, device or other thing that is produced;

(b) make copies of, or take extracts from, a record, device or other thing that is produced;

(c) seize and remove a record, device or other thing that is produced that the officer reasonably believes may on

further inspection provide evidence of an MDLR offence.

(4) A person to whom a direction is given under subsection (1) must not, without reasonable excuse, fail to comply with the direction.

Penalty for this subsection: a fine of 50 PU.

(5) In subsection (4) —

reasonable excuse does not include the excuse that the production of a record, device or other thing that contains or may contain a record might tend to incriminate the person or make the person liable to a penalty.

(6) Despite subsection (5), a record, device or other thing produced by a person in compliance with a direction under subsection (1) is not admissible in evidence in any proceedings against the person.

[Section 56 amended: No. 8 of 2012 s. 232; No. 15 of 2024 s. 13.]

57. Direction to provide information

(1) A police officer may, for MDLR compliance purposes, direct an involved person who is associated with a particular vehicle to provide information to the officer about the vehicle or any load or equipment carried or intended to be carried by the vehicle.

(2) Without limiting the above, a direction under subsection (1) may require the involved person to do any or all of the following —

(a) state the name and home address and, in the case of an individual, the business address of any of the following —

(i) other involved persons of specified classes who are associated with the vehicle;

(ii) a responsible person for the vehicle;

(b) provide information about the current or intended trip of the vehicle, including any of the following —

(i) the location of the start or intended start of the trip;

(ii) the route or intended route of the trip;

(iii) the location of the destination or intended destination of the trip.

(2A) A direction under subsection (1) must state that the direction must be complied with —

(a) then and there; or

(b) within a specified period.

(3) A person to whom a direction is given under subsection (1) must not, without reasonable excuse, fail to comply with the direction.

Penalty for this subsection: a fine of 50 PU.

(4) A person to whom a direction is given under subsection (1) must not provide information that is false or misleading in a material particular in purported compliance with the direction.

Penalty for this subsection: a fine of 100 PU.

(5) In subsection (3) —

reasonable excuse includes —

(a) that the person did not know and could not have been reasonably expected to know or ascertain the required information; and

(b) in relation to a failure to state another person's business address —

(i) that the other person did not have a business address; or

(ii) that the business conducted by the other person at that address was not directly or indirectly connected with road transport,

but does not include the excuse that the required information might tend to incriminate the person or make the person liable to a penalty.

(6) Despite subsection (5), information provided by a person in compliance with a direction under subsection (1) is not admissible in evidence in any proceedings against the person other than a prosecution for an offence under subsection (4).

[Section 57 amended: No. 15 of 2024 s. 14.]

58. Direction to provide reasonable assistance for powers of inspection and search

(1) A police officer may direct an involved person to provide assistance to the officer to enable the officer to effectively exercise a power under section 52(2)(a), 53, 54 or 55.

(2) Without limiting the above, the assistance may include helping the officer to do any or all of the following —

(a) find and gain access to any records or information relating to a vehicle, including any of the following —

(i) records and information required to be carried in or on the vehicle under the *Road Traffic (Vehicles) Act 2012* Part 4 (including any regulation made, or requirement imposed, under or for the purposes of that Part);

(ii) records and information in a useable form for the purpose of ascertaining the vehicle's compliance with requirements imposed under the *Road Traffic (Vehicles) Act 2012* Part 4 (including any regulation made, or requirement imposed, under or for the purposes of that Part);

(b) find and gain access to electronically stored information;

(c) weigh or measure any of the following —

(i) the whole or any part of a vehicle, including an axle or axle group;

(ii) the whole or any part of a vehicle's equipment or load;

(d) operate equipment or facilities for a purpose relevant to the power being or proposed to be exercised;

(e) provide access free of charge to photocopying equipment for the purpose of copying any records or other material.

(2A) A direction under subsection (1) must state that the direction must be complied with —

(a) then and there; or

(b) within a specified period.

(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 under subsection (1) —

(a) can be given in relation to a power under section 52(2)(a), 53, 54 or 55 only while the power can lawfully be exercised; and

(b) ceases to have effect when that power is no longer exercisable.

(5) A person to whom a direction given under subsection (1) must not, without reasonable excuse, fail to comply with the direction.

Penalty for this subsection: a fine of 50 PU.

(6) In subsection (5) —

reasonable excuse includes —

(a) that the direction was unreasonable; or

(b) that the direction or its subject matter was outside the scope of the business or other activities of the person,

but does not include the excuse that the assistance may result in information being provided that might tend to incriminate the person or make the person liable to a penalty.

(7) Despite subsection (6), information that resulted from the assistance provided by a person in compliance with a direction under subsection (1) is not admissible in evidence in any proceedings against the person.

(8) If a 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 involved person is available or willing to do so, a police officer may —

(a) enter the vehicle and run its engine; or

(b) authorise any other person to enter the vehicle and run its engine.

[Section 58 amended: No. 8 of 2012 s. 232; No. 15 of 2024 s. 15.]

59. Provisions relating to running engine

(1) In this section —

authorised person means a person —

(a) to whom a direction is given under section 58(1) to run the engine of a vehicle; or

(b) authorised under section 58(8)(a) or (b) to run the engine of a vehicle.

(2) An authorised person may run the engine of a vehicle even though the person is not qualified to drive the vehicle, if a police officer reasonably believes 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) An authorised person may use reasonable force to comply with a direction to run the engine of a vehicle or when acting under the authority of section 58(8)(a) or (b) to enter a vehicle and run its engine.

(4) An authorised person may run the engine of a vehicle even though the person —

(a) is not a responsible person for the vehicle; or

(b) does not have the authority of a responsible person for the vehicle to run the engine.

(5) The authorised person, in complying with the direction given under section 58(1) to run the engine of a vehicle or when acting under the authority of section 58(8)(a) or (b) to run the engine of a vehicle, is exempt from any other road law to the extent that the other law would require the authorised person to be licensed or otherwise authorised to do so.

60. Manner of giving directions under this Division

(1) A direction under this Division 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.

*[**61.** Deleted: No. 15 of 2024 s. 16.]*

Division 6A — Powers of inspection and search for RTA Part 6A compliance purposes

[Heading inserted: No. 38 of 2020 s. 14.]

61A. Inspection of premises

(1) In this section —

premises means —

(a) premises at or from which a person carries on business relating to or involving the immobilisation, towing or detention of motor vehicles; or

(b) premises that are occupied by a person in connection with a business relating to or involving the immobilisation, towing or detention of motor vehicles; or

(c) premises that are a registered office of a person in connection with a business relating to or involving the immobilisation, towing or detention of motor vehicles; or

(d) premises where records required to be kept under the *Road Traffic Act 1974* Part 6A (including any regulation made, or requirement imposed, under or for the purposes of that Part) are located or where any such records are required to be located; or

(e) a storage yard, as defined in the *Road Traffic Act 1974* section 91.

(2) A police officer may inspect premises for RTA Part 6A compliance purposes.

(3) The power to inspect premises under this section includes —

(a) the power to inspect and take copies of or extracts from any records located at the premises (including in any vehicle located at the premises) and required to be kept under the *Road Traffic Act 1974* Part 6A (including any

regulation made, or requirement imposed, under or for the purposes of that Part); and

(b) the power to use photocopying equipment on the premises free of charge for the purpose of copying any records or other material.

(4) Section 54(3), (4), (5), (6), (7) and (9) apply to an inspection of premises or exercise of powers under this section as if it were an inspection of premises or exercise of powers under section 54.

[Section 61A inserted: No. 38 of 2020 s. 14.]

61B. Search of premises

(1) In this section —

premises has the meaning given to that term in section 61A(1) and includes premises where the officer concerned reasonably believes that any RTA Part 6A documentation is located.

(2) A police officer may search premises for RTA Part 6A compliance purposes.

(3) A police officer may, for RTA Part 6A compliance purposes, search, or enter and search, any vehicle at premises being searched under this section.

(4) The power to search premises under this section includes —

(a) the power to search for and inspect any records, devices or other things that are located at the premises (including in any vehicle located at the premises) that the officer reasonably believes are or contain RTA Part 6A documentation or are relevant to RTA Part 6A compliance purposes; and

(b) the power to take copies of or extracts from any of the following —

(i) any RTA Part 6A documentation located at the premises;

(ii) any other records, or any readout or other data obtained from any device or thing, located at the premises that the officer reasonably believes provide, or may on further inspection provide, evidence of an RTA Part 6A offence;

and

(c) the power to use photocopying equipment on the premises free of charge for the purpose of copying any records or other material.

(5) During a search of premises under this section a police officer may seize and remove any records, devices or other things from the premises that the officer reasonably believes provide, or may on further inspection provide, evidence of an RTA Part 6A offence.

(6) Section 55(3), (5), (6), (7), (9) and (11) apply to a search of premises or exercise of powers under this section as if it were a search of premises or exercise of powers under section 55.

[Section 61B inserted: No. 38 of 2020 s. 14.]

Division 6B — Other directions in relation to RTA Part 6A compliance purposes

[Heading inserted: No. 38 of 2020 s. 14.]

61C. Direction to produce records, devices or other things

(1) A police officer may, for RTA Part 6A compliance purposes, direct a person to produce any of the following —

(a) a record required to be kept under the *Road Traffic Act 1974* Part 6A (including any regulation made, or requirement imposed, under or for the purposes of that Part);

(b) a record comprising RTA Part 6A documentation in the person's possession or under the person's control;

(c) a device or other thing that contains or may contain a record referred to in paragraph (a) or (b), in the person's possession or under the person's control.

(2) A direction under subsection (1) must —

(a) specify —

(i) the record, device or other thing that must be produced; or

(ii) the classes of record, device or other thing that must be produced;

and

(b) state the manner in which each record, device or other thing must be produced; and

(c) state that the direction must be complied with —

(i) then and there; or

(ii) within a specified period.

Example for this subsection:

A direction may state that a record must be produced by sending an electronic version of the record to a specified email address within a specified period.

(3) A police officer may do any or all of the following —

(a) inspect a record, device or other thing that is produced;

(b) make copies of, or take extracts from, a record, device or other thing that is produced;

(c) seize and remove a record, device or other thing that is produced that the officer reasonably believes may on further inspection provide evidence of an RTA Part 6A offence.

(4) A person to whom a direction is given under subsection (1) must not, without reasonable excuse, fail to comply with the direction.

Penalty for this subsection: a fine of 50 PU.

(5) In subsection (4) —

reasonable excuse does not include the excuse that the production of a record, device or other thing that contains or may contain a record might tend to incriminate the person or make the person liable to a penalty.

(6) Despite subsection (5), a record, device or other thing produced by a person in compliance with a direction under subsection (1) is not admissible in evidence in any proceedings against the person.

[Section 61C inserted: No. 38 of 2020 s. 14; amended: No. 15 of 2024 s. 17.]

61D. Direction to provide information

(1) A police officer may, for RTA Part 6A compliance purposes, direct a person to provide information to the officer in relation to any matter related to the RTA Part 6A compliance purposes.

(1A) A direction under subsection (1) must state that the direction must be complied with —

(a) then and there; or

(b) within a specified period.

(2) A person to whom a direction is given under subsection (1) must not, without reasonable excuse, fail to comply with the direction.

Penalty for this subsection: a fine of 50 PU.

(3) A person to whom a direction is given under subsection (1) must not provide information that is false or misleading in a material particular in purported compliance with the direction.

Penalty for this subsection: a fine of 100 PU.

(4) In subsection (2) —

reasonable excuse —

(a) includes that the person did not know and could not have been reasonably expected to know or ascertain the required information; but

(b) does not include the excuse that the required information might tend to incriminate the person or make the person liable to a penalty.

(5) Despite subsection (4), information provided by a person in compliance with a direction under subsection (1) is not admissible in evidence in any proceedings against the person other than a prosecution for an offence under subsection (3).

[Section 61D inserted: No. 38 of 2020 s. 14; amended: No. 15 of 2024 s. 18.]

61E. Direction to provide reasonable assistance for powers of inspection and search

(1) A police officer may direct a person to provide assistance to the officer to enable the officer to effectively exercise a power under section 61A or 61B.

(1A) A direction under subsection (1) must state that the direction must be complied with —

(a) then and there; or

(b) within a specified period.

(2) A direction under subsection (1) —

(a) can be given in relation to a power under section 61A or 61B only while the power can lawfully be exercised; and

(b) ceases to have effect when that power is no longer exercisable.

(3) A person to whom a direction is given under subsection (1) must not, without reasonable excuse, fail to comply with the direction.

Penalty for this subsection: a fine of 50 PU.

(4) In subsection (3) —

reasonable excuse —

(a) includes —

(i) that the direction was unreasonable; or

(ii) that the direction or its subject matter was outside the scope of the business or other activities of the person;

but

(b) does not include the excuse that the assistance may result in information being provided that might tend to incriminate the person or make the person liable to a penalty.

(5) Despite subsection (4), information that resulted from the assistance provided by a person in compliance with a direction under subsection (1) is not admissible in evidence in any proceedings against the person.

[Section 61E inserted: No. 38 of 2020 s. 14; amended: No. 15 of 2024 s. 19.]

61F. Directions under this Division

Section 60 applies to a direction under this Division as if the direction were a direction under Division 6.

[Section 61F inserted: No. 38 of 2020 s. 14; amended: No. 15 of 2024 s. 20.]

Division 7 — Warrants to enter premises for MDLR compliance purposes or RTA Part 6A compliance purposes

[Heading amended: No. 38 of 2020 s. 15.]

62. Terms used

In this Division —

remote communication means any way of communicating at a distance including by telephone, fax, email and radio;

warrant means a warrant authorising entry to premises.

63. Warrant, grounds for application

(1) A police officer may apply for a warrant.

(2) An application for a warrant must be made to a JP in accordance with section 64.

(3) An application for a warrant must —

(a) state the applicant's full name, rank and number assigned to the applicant for official purposes; and

(b) describe the premises that it is desired to search; and

(c) state the MDLR compliance purposes or RTA Part 6A compliance purposes in respect of which it is desired to search the premises; and

(d) in the case where it is desired to investigate a breach or suspected breach of a provision mentioned in paragraph (a) of the definition of ***MDLR compliance purposes*** in section 28 or in paragraph (a) of the definition of ***RTA Part 6A compliance purposes*** in section 28, state —

(i) the provision; and

(ii) that the applicant reasonably believes there has been such a breach; and

(iii) the grounds on which the applicant holds that belief;

and

(e) state whether the premises are, or any part of premises is, used predominantly for residential purposes; and

(f) state the grounds on which the applicant believes that the premises are unattended or will be unattended at the time of the proposed entry; and

(g) state, to the best of the applicant's knowledge, whether an application for a warrant for the same premises has been made to any other JP within the previous 72 hours and if so whether a warrant was issued or not; and

(h) include any other information that is prescribed.

[Section 63 amended: No. 38 of 2020 s. 16.]

64. Warrant, manner of application

(1) A reference in this section to making an application includes a reference to giving information in support of the application.

(2) This section applies to and in respect of an application to a JP for a warrant.

(3) The application must be made in person before the JP unless —

(a) the warrant or order is needed urgently; and

(b) the applicant reasonably believes that a JP is not available within a reasonable distance of the applicant,

in which case —

(c) it may be made to a JP by remote communication; and

(d) the JP must not grant it unless satisfied about the matters in paragraphs (a) and (b).

(4) The application must be made in writing unless —

(a) the application is made by remote communication; and

(b) it is not practicable to send the JP written material,

in which case —

(c) it may be made orally; and

(d) the JP must make a written record of the application and any information given in support of it.

(5) The application must be made on oath unless —

(a) the application is made by remote communication; and

(b) it is not practicable for the JP to administer an oath to the applicant,

in which case —

(c) it may be made in an unsworn form; and

(d) if the JP issues a warrant, the applicant must as soon as practicable send the JP an affidavit verifying the application and any information given in support of it.

(6) If on an application made by remote communication a JP issues a warrant the JP must, if practicable, send a copy of the original warrant to the applicant by remote communication, but otherwise —

(a) the JP must give the applicant by remote communication any information that must be set out in the warrant; and

(b) the applicant must complete a form of a warrant with the information received and give the JP a copy of the form as soon as practicable after doing so; and

(c) the JP must attach the copy of the form to the original warrant and any affidavit received from the applicant and make them available for collection by the applicant.

(7) The copy of the original warrant sent, or the form of the warrant completed, as the case may be, under subsection (6) has the same force and effect as the original warrant.

65. Warrant, issue of

(1) On an application made under section 63, a JP may issue a warrant if satisfied that, in respect of each of the matters in section 63(3) that the applicant believes, there are reasonable grounds for the applicant to have that belief.

(2) A warrant must specify —

(a) the applicant's full name, rank and number assigned to the applicant for official purposes; and

(b) each suspected offence (if any) to which it relates; and

(c) the premises that may be entered under the warrant; and

(d) the period, not exceeding 30 days, during which it may be executed; and

(e) the name of the JP who issued it; and

(f) the date and time when it was issued.

(3) A warrant must be in the form prescribed by the regulations.

(4) If a JP refuses to issue a warrant, the JP must record on the application the fact of, the date and time of, and the reasons for, the refusal.

[Section 65 amended: No. 15 of 2024 s. 21.]

66. Warrant, duration and execution of

(1) A warrant comes into force when it is issued by a JP.

(2) A warrant can only be executed during the period specified in the warrant under section 65(2)(d).

(3) A warrant may be executed by any police officer.

(4) A warrant must be executed between 6 a.m. and 9 p.m. unless the officer executing it reasonably suspects that if it were, the safety of any person, including the officer, may be endangered or the effectiveness of the proposed search may be jeopardised.

(5) On completing the execution of a warrant the officer in charge of executing it must record the following matters on it —

(a) the officer's full name, rank and number assigned to the officer for official purposes;

(b) the date and time when the warrant was executed;

(c) any other matter that is prescribed by the regulations.

[Section 66 amended: No. 15 of 2024 s. 22.]

Division 8 — Other provisions regarding inspections and searches for MDLR compliance purposes or RTA Part 6A compliance purposes

[Heading amended: No. 38 of 2020 s. 17.]

67. Use of assistants and equipment

(1) A police officer may exercise powers under Division 5 or 6A with the aid of such assistants and equipment as the officer considers reasonably necessary in the circumstances.

(2) Powers that may be exercised by a police officer under Division 5 or 6A may be exercised by an assistant authorised and supervised by the officer, but only if the officer —

(a) considers that it is reasonably necessary in the circumstances that the powers are exercised by an assistant; and

(b) authorises the assistant accordingly.

(3) Subsection (2) does not authorise an assistant to use force against a person.

[Section 67 amended: No. 38 of 2020 s. 18.]

68. Use of equipment to examine or process things

(1) Without limiting section 67, a police officer exercising a power under Division 5 or 6A may bring to, or on to, a vehicle or premises any equipment reasonably necessary for 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.

(2) A thing may be moved to another place so that the examination or processing can be carried out in order to determine whether it is a thing that may be seized if —

(a) it is not practicable to examine or process the thing in or at the vehicle or premises; or

(b) the occupier of the vehicle or premises consents in writing.

(3) A police officer, or a person assisting a police 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 reasonably believes 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.

[Section 68 amended: No. 38 of 2020 s. 19.]

69. Use or seizure of electronic equipment

(1) A police officer or a person assisting a police officer may operate equipment to access information if —

(a) the information is stored in a thing found in, on or at a vehicle or premises including a disk, tape or other device for the storage of information; and

(b) the equipment is in, on or at the vehicle or premises and can be used with the disk, tape or other storage device; and

(c) the police officer reasonably believes that the information may provide evidence of an MDLR offence or an RTA Part 6A offence.

(2) If a police officer or a person assisting a police officer finds that a disk, tape or other storage device in, on or at the vehicle or premises contains information of a kind mentioned 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) A police officer or a person assisting a police officer must not operate or seize equipment for the purpose mentioned in this section unless the officer or person assisting reasonably believes that the operation or seizure of the equipment can be carried out without damage to the equipment.

[Section 69 amended: No. 38 of 2020 s. 20.]

Division 9 — Other provisions regarding seizure for MDLR compliance purposes or RTA Part 6A compliance purposes

[Heading amended: No. 38 of 2020 s. 21.]

70. Seized material: receipts, copies, access to originals

(1) In this section —

entitled person, in relation to a seized record, means a person who —

(a) appears entitled to possession of the record; and

(b) does not already have a copy of the record.

(2) A police officer who seizes and removes a record, device or other thing under Division 5, 6, 6A or 6B must give a receipt for it to the person from whom it is seized and removed.

(3) A police officer must give a copy of a seized record to an entitled person, on the request of the entitled person to do so, as soon as possible after the request is received but in any event not later than the period ending 6 months after the day on which the request is received.

(4) A police officer must return a seized record to an entitled person, on the request of the entitled person to do so, unless the officer reasonably suspects that doing so will jeopardise the evidentiary value of the record.

(5) A police officer must allow an entitled person to inspect a seized record and make and keep a copy of it, on the request of the entitled person to do so, unless the officer reasonably suspects that doing so will jeopardise the evidentiary value of the record.

(6) Unless a police officer reasonably suspects that complying with a request mentioned in subsection (4) or (5) will jeopardise the evidentiary value of a seized record, the officer must comply with the request as soon as possible after the request is received but in any event not later than the period ending 6 months after the day on which the request is received.

[Section 70 inserted: No. 8 of 2012 s. 218; amended: No. 38 of 2020 s. 22.]

71. Embargo notices

(1) A police officer may issue an embargo notice if —

(a) the officer is authorised to seize any record, device or other thing under Division 5, 6, 6A or 6B; and

(b) the record, device or other thing cannot, or cannot readily, be physically seized and removed.

(2) An embargo notice may prohibit a person from such of the following activities as are listed in the notice unless the person has the written consent of the officer, the CEO or the Commissioner of Police —

(a) the movement, sale, leasing, transfer, or other dealing with the record, device or other thing, or any part of it;

(b) the deletion of information from the record, device or other thing, or any part of it.

(3) An embargo notice must —

(a) contain the particulars prescribed by the regulations; and

(aa) be in a form approved by the CEO; and

(b) list the activities that are prohibited by the notice; and

(c) set out the terms of subsections (5) and (7) or subsections (5A) and (7A), whichever are applicable.

(4) An embargo notice is to be issued —

(a) by causing a copy of the notice to be served on the occupier of the premises, or a person who is a responsible person for the vehicle, as is relevant to the case; 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.

(5) If an embargo notice (an ***MDLR embargo notice***) is issued in relation to a record, device or other thing that a police officer is authorised to seize under Division 5 or 6, a person commits an offence if the person knows that the embargo notice relates to the record, device or other thing and the person —

(a) does anything that is prohibited by the notice; or

(b) instructs another person to do anything that is prohibited by the notice; or

(c) instructs another person to do anything that the notice prohibits the first-mentioned person from doing.

Penalty for this subsection: a fine of 100 PU.

(5A) If an embargo notice (an ***RTA Part 6A embargo notice***) is issued in relation to a record, device or other thing that a police officer is authorised to seize under Division 6A or 6B, a person commits an offence if the person knows that the embargo notice relates to the record, device or other thing and the person —

(a) does anything that is prohibited by the notice; or

(b) instructs another person to do anything that is prohibited by the notice; or

(c) instructs another person to do anything that the notice prohibits the first-mentioned person from doing.

Penalty for this subsection: a fine of 100 PU.

(6) In a prosecution for an offence under subsection (5) or (5A) it is a defence for the person charged to prove that they —

(a) moved the record, device or other thing, or part of it, for the purpose of protecting or preserving it; and

(b) notified the person who issued the embargo 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.

(7) A person commits an offence if —

(a) an MDLR 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.

Penalty for this subsection: a fine of 100 PU.

(7A) A person commits an offence if —

(a) an RTA Part 6A 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.

Penalty for this subsection: a fine of 100 PU.

(8) Despite any other written law, the sale, lease or transfer or other dealing with a record, device or other thing, or part of it, that is the subject of an embargo notice in contravention of the notice has no effect.

[Section 71 amended: No. 38 of 2020 s. 23; No. 15 of 2024 s. 23.]

Division 10 — Miscellaneous

72. Power to use force against persons to be exercised only by police officers

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

73. Consent

(1) A police officer must, before obtaining the consent of a person for the purposes of a provision of this Part, inform the person that he or she may refuse to give consent.

(2) An entry by or the exercise of any other power under this Part by a police officer on the basis that the officer has a person's consent is not lawful unless the person voluntarily consented to the entry or exercise of the power.

(3) Consent to the exercise of a power may be withdrawn after it has been given, and if it is withdrawn, the power cannot be exercised on the basis that there is consent to do so.

74. Occupier's rights

(1) This section applies to and in respect of the entry of premises where the entry is to be made under this Part.

(2) If the occupier of premises is present when it is proposed to enter the premises, a police officer must, before any police officer enters the premises —

(a) identify himself or herself to the occupier; and

(b) inform the occupier that it is intended to enter the premises; and

(c) if the premises are to be entered under a warrant issued under section 65, give the occupier a copy of the warrant; and

(d) if the premises are to be entered under section 54(5) or 55(5)(b) or (c) (including under any of those sections as applied by section 61A(4) or 61B(6)), inform the occupier of the relevant provision and the reason for the entry; and

(e) give the occupier an opportunity to consent to the premises being entered,

unless the police officer reasonably suspects that to do so will endanger any person, including the officer, or jeopardise the purpose of the proposed entry or the effectiveness of any search of the place.

(3) If subsection (2) is not complied with before premises are entered, then as soon as practicable after the place is entered a police officer must —

(a) identify himself or herself to the occupier; and

(b) if the entry was under warrant issued under section 65, give the occupier a copy of the warrant; and

(c) if the entry was under section 54(5) or 55(5)(b) or (c) (including under any of those sections as applied by

section 61A(4) or 61B(6)), inform the occupier of the relevant provision and the reason for the entry.

(4) If the occupier of premises is present in the premises during a search, a police officer doing the search must not prevent the occupier, or a person nominated by the occupier, from observing the search, unless —

(a) the officer reasonably suspects that the occupier or person might be endangered if the occupier or person were to observe the search; or

(b) the occupier or person obstructs the search; or

(c) it is impracticable for the occupier or person to observe the search.

(5) If no occupier is present at premises that are entered by 1 or more police officers, the officer in charge must, before leaving the premises, leave in a prominent position in the premises —

(a) a notice stating —

(i) the officer's official details; and

(ii) that the premises have been entered;

and

(b) if the entry was under warrant issued under section 65 — a copy of the warrant completed in accordance with section 66(5); and

(c) if the entry was under section 54(5) or 55(5)(b) or (c) (including under any of those sections as applied by section 61A(4) or 61B(6)) — a notice informing the occupier of the relevant provision and the reason for the entry.

(6) The copy of a warrant given under subsection (2)(c) or (3)(b) or left under subsection (5)(b) must omit the name of the judicial officer who issued it.

[Section 74 amended: No. 38 of 2020 s. 24; No. 15 of 2024 s. 24.]

75. Directions may be given under more than one provision

(1) A police officer may, on the same occasion, give directions under one or more provisions of this Part.

(2) Without limiting the above, a police officer may, in the course of exercising a power under a provision of this Part, give any of the following —

(a) a further direction under the provision;

(b) a direction under one or more other provisions of this Part.

76. Defence of compliance with direction

In a prosecution for an offence under a road law, it is a defence for the person charged to prove that the conduct constituting the offence was done in compliance with a direction given by —

(a) a police officer; or

(b) the CEO or a delegate of the CEO.

77. Restoring vehicle or premises to original condition after action taken

A police officer must take reasonable steps to return a vehicle or its equipment or load, or premises to the condition they were in immediately before action was taken in the exercise or purported exercise of any power under this Part in relation to the vehicle, equipment, load or premises if —

(a) the action was taken by the officer or a person authorised by the officer; and

(b) damage was caused by the unreasonable exercise of the power or by the use of force that was not authorised under this Part.

78. Providing evidence to other authorities

Any record, device or other thing seized, or any information obtained, under Division 5, 6, 6A or 6B may, for the purposes of law enforcement, be given to an Australian police officer or any public authority of any jurisdiction (including any corresponding authority) considered appropriate by the CEO or the Commissioner of Police, but only after consultation with the police force or public authority concerned.

[Section 78 amended: No. 38 of 2020 s. 25.]

Part 5 — Infringement notices and notices requesting information

[Heading inserted: No. 15 of 2024 s. 25.]

Division 1 — Preliminary

[Heading inserted: No. 15 of 2024 s. 25.]

79. Terms used

In this Part —

designated departmental officer means a person who is designated under section 80(1)(a);

extended payment period has the meaning given in section 90(2)(b);

initial payment period has the meaning given in section 91(2)(a);

issuing officer means —

(a) a police officer; or

(b) a person who is designated under section 80(1)(b); or

(c) in relation to public transport offences — a person who is designated under section 80(2);

modified penalty, in relation to an infringement notice, means the applicable penalty prescribed for the purposes of section 95(1)(b) for the alleged offence to which the infringement notice relates;

Notes for this definition:

1. The modified penalty in relation to an infringement notice that relates to an alleged offence under the *Road Traffic (Vehicles) Act 2012* section 10(6) also includes other amounts for the purposes of sections 89, 90, 91(1)(c) and (2), 92, 93, 94 and 95 and the *Fines, Penalties and Infringement Notices Enforcement Act 1994*: see section 82(3).
2. The modified penalty in relation to an infringement notice that relates to an alleged offence under section 97(1) is determined in accordance with section 98(2).

period for complying has the meaning given in section 96(3)(d)(i);

prescribed road law offence has the meaning given in section 95(1)(a);

Note for this definition:

An offence under section 97(1) is also a prescribed road law offence: see section 98(1).

Public Transport Authority means the Public Transport Authority of Western Australia established under the *Public Transport Authority Act 2003* section 5;

public transport offence means a prescribed road law offence prescribed by the regulations for the purposes of this definition;

visual evidence means 1 of the following —

(a) a photograph or digital image, including an image produced from a video or other form of recording;

(b) a video or other form of recording;

withdrawing officer means —

(a) a police officer who is, or is of a class, prescribed by the regulations for the purposes of this definition; or

(b) a person who is designated under section 80(1)(c).

[Section 79 inserted: No. 15 of 2024 s. 25.]

80. Designating persons as designated departmental officers, issuing officers or withdrawing officers

(1) The CEO may, by written notice, designate persons employed in, or engaged for the purposes of, the department of the Public Service principally assisting in the administration of this Act as —

(a) designated departmental officers; or

(b) issuing officers; or

(c) withdrawing officers.

(2) The chief executive officer of the Public Transport Authority may, by written notice, designate persons employed in, or engaged for the purposes of, the Public Transport Authority as issuing officers in relation to public transport offences.

(3) A designation under subsection (1) or (2) that designates persons by reference to a class of persons designates all members of that class from time to time.

(4) The CEO must publish a designation that designates persons by reference to a class of persons on the website of the department of the Public Service principally assisting in the administration of this Act.

[Section 80 inserted: No. 15 of 2024 s. 25.]

Division 2 — Infringement notices

[Heading inserted: No. 15 of 2024 s. 25.]

Subdivision 1 — Infringement notices (alleged offender)

[Heading inserted: No. 15 of 2024 s. 25.]

81. Service of infringement notice on alleged offender

(1) An issuing officer who reasonably believes that a person has committed a prescribed road law offence may serve on that person a notice (an ***infringement notice (alleged offender)***) in relation to the alleged offence.

(2) An infringement notice (alleged offender) must —

(a) comply with the requirements in section 91; and

(b) contain or be accompanied by a statement explaining the operation of sections 92 (other than subsection (2)(b)(ii) and (iii)) and 93(1) and (2); and

(c) if an infringement notice (visual evidence) or notice requesting information was served in relation to the alleged offence, either —

(i) contain or be accompanied by the visual evidence that provided a basis for serving the infringement notice (visual evidence) or notice requesting information; or

(ii) set out a way in which the visual evidence can be accessed electronically.

[Section 81 inserted: No. 15 of 2024 s. 25.]

82. Infringement notices for not applying for transfer of vehicle licence

(1) This section applies if the alleged offence to which an infringement notice (alleged offender) relates is an offence under the *Road Traffic (Vehicles) Act 2012* section 10(6) in relation to the transfer of a vehicle licence.

(2) The infringement notice (alleged offender) must, in addition to setting out the modified penalty in accordance with section 91(1)(b)(iii), set out —

(a) the prescribed transfer fee (the ***transfer fee***) within the meaning of the *Road Traffic (Vehicles) Act 2012*; and

(b) the amount (the ***transfer duty***) payable under a taxation Act, as defined in the *Taxation Administration Act 2003* Glossary, in respect of the transfer of the vehicle licence.

(3) For the purposes of sections 89, 90, 91(1)(c) and (2), 92, 93, 94 and 95 and the *Fines, Penalties and Infringement Notices Enforcement Act 1994* —

(a) the modified penalty is the sum of —

(i) the modified penalty; and

(ii) the transfer fee; and

(iii) the transfer duty;

and

(b) any part payments towards the sum of the amounts referred to in paragraph (a) are applied in satisfaction of the obligation to pay the amounts in the following order —

(i) the transfer fee;

(ii) the transfer duty;

(iii) the modified penalty.

(4) Despite subsection (3)(a), a transfer fee or transfer duty paid under an infringement notice cannot be refunded under section 94(3) or the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 22(5) or 95ZC.

[Section 82 inserted: No. 15 of 2024 s. 25.]

Subdivision 2 — Infringement notices (vehicle)

[Heading inserted: No. 15 of 2024 s. 25.]

83. Service of infringement notice on responsible person by leaving notice on vehicle

(1) This section applies if —

(a) a police officer reasonably believes that a prescribed road law offence, of which the standing, parking or leaving of a vehicle is an element, has been committed; and

(b) the identity of the person who stood, parked or left the vehicle is not known and cannot immediately be ascertained.

(2) The police officer may serve a notice (an ***infringement notice (vehicle)***) in relation to the alleged offence on the responsible person for the vehicle, without naming the person or stating the

person's address, by leaving a hard copy of the notice in or upon, or attaching it to, the vehicle.

(3) An infringement notice (vehicle) must —

(a) comply with the requirements in section 91; and

(b) contain or be accompanied by a statement explaining the operation of sections 84, 85, 92 (other than subsection (2)(b)(iii)), 93(1) and (2) and 101; and

(c) specify the manner in which a written notice, evidence or a family violence evidentiary document can be given under section 84.

(4) If there is more than 1 responsible person for the vehicle, the infringement notice (vehicle) is taken to have been served on —

(a) if only 1 responsible person responds to the notice — that responsible person; or

(b) otherwise — not more than 1 responsible person chosen by the Commissioner of Police.

[Section 83 inserted: No. 15 of 2024 s. 25.]

84. Responsible person presumed to have committed offence in certain circumstances

(1) If a police officer serves an infringement notice (vehicle) on a responsible person, the responsible person is presumed to have committed the alleged offence to which the infringement notice (vehicle) relates unless subsection (2), (3), (4), (5), (6), (7) or (8) applies.

(2) This subsection applies if —

(a) if the responsible person is an individual —

(i) the modified penalty, or a first instalment of the modified penalty, is paid within the initial payment period; or

(ii) an extension infringement notice in relation to the alleged offence is served on the responsible person and the modified penalty is paid within the extended payment period;

or

(b) otherwise — the modified penalty is paid within the initial payment period.

(3) This subsection applies if the infringement notice (vehicle) is withdrawn under section 94(1).

(4) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (vehicle), the responsible person gives a written notice stating —

(a) that the responsible person was not the person who stood, parked or left the vehicle (as relevant to the alleged offence); and

(b) the name and address of the person who stood, parked or left the vehicle (as relevant to the alleged offence).

(5) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (vehicle), the responsible person gives —

(a) a written notice stating that —

(i) the responsible person was not the person who stood, parked or left the vehicle (as relevant to the alleged offence); and

(ii) the vehicle was stolen or unlawfully taken or used at the time the vehicle was stood, parked or left (as relevant to the alleged offence);

and

(b) evidence to support those statements.

(6) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (vehicle), the responsible person gives a written notice stating that —

(a) the responsible person was not the person who stood, parked or left the vehicle (as relevant to the alleged offence); and

(b) the responsible person does not know, and cannot reasonably ascertain, the name and address of the person who stood, parked or left the vehicle (as relevant to the alleged offence).

(7) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (vehicle), the responsible person gives a written notice stating —

(a) that the responsible person was not the person who stood, parked or left the vehicle (as relevant to the alleged offence); and

(b) that the responsible person had sold the vehicle before the time of the alleged offence; and

(c) the name and address of the person to whom the responsible person sold the vehicle.

(8) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (vehicle), the responsible person gives —

(a) a written notice stating that the responsible person —

(i) was not the person who stood, parked or left the vehicle (as relevant to the alleged offence); and

(ii) is concerned about providing information in response to the infringement notice (vehicle) because of a risk or apprehended risk of an individual being subjected to family violence if the responsible person took steps to find or provide the information;

and

(b) a family violence evidentiary document that relates to the individual who is at risk or apprehended risk.

(9) The provision of information under subsection (8) does not give rise to a requirement for a police officer to carry out an investigation under the *Restraining Orders Act 1997* section 62A (but this subsection does not prevent such an investigation occurring if the police officer thinks fit).

Note for this section:

If the modified penalty or a first instalment of the modified penalty is paid, a written notice cannot be given under subsection (4), (5), (6), (7) or (8): see section 92(2)(b)(ii).

[Section 84 inserted: No. 15 of 2024 s. 25.]

85. Effect of giving notice under s. 84

If section 84(4), (5), (6), (7) or (8) applies in relation to an infringement notice (vehicle), the infringement notice (vehicle) is withdrawn.

[Section 85 inserted: No. 15 of 2024 s. 25.]

Subdivision 3 — Infringement notices (visual evidence)

[Heading inserted: No. 15 of 2024 s. 25.]

86. Service of infringement notice on responsible person if there is visual evidence in relation to offence

(1) This section applies if —

(a) an issuing officer reasonably believes that a prescribed road law offence, of which driving a vehicle is an element, has been committed; and

(b) the belief is based on visual evidence; and

(c) the identity of the driver of the vehicle is not known and cannot immediately be ascertained; and

(d) the identity of the vehicle can be ascertained from the visual evidence; and

(e) a responsible person for the vehicle is an individual.

(2) The issuing officer may serve a notice (an ***infringement notice (visual evidence)***) in relation to the alleged offence on the responsible person.

(3) An infringement notice (visual evidence) must —

(a) comply with the requirements in section 91; and

(b) either —

(i) contain or be accompanied by the visual evidence; or

(ii) set out a way in which the visual evidence can be accessed electronically;

and

(c) contain or be accompanied by a statement explaining the operation of sections 87, 88, 92 (other than subsection (2)(b)(ii)), 93(1) and (2) and 101; and

(d) specify the manner in which a written notice, evidence or a family violence evidentiary document can be given under section 87.

(4) If more than 1 responsible person for the vehicle is an individual, the infringement notice (visual evidence) may be served on not more than 1 of those persons chosen by the CEO.

[Section 86 inserted: No. 15 of 2024 s. 25.]

87. Responsible person presumed to be driver in certain circumstances

(1) If an issuing officer serves an infringement notice (visual evidence) on a responsible person, the responsible person is presumed to be the driver of the vehicle at the time of the alleged offence to which the infringement notice (visual evidence) relates unless subsection (2), (3), (4), (5), (6), (7) or (8) applies.

(2) This subsection applies if —

(a) the modified penalty, or a first instalment of the modified penalty, is paid within the initial payment period; or

(b) an extension infringement notice in relation to the alleged offence is served on the responsible person and the modified penalty is paid within the extended payment period.

(3) This subsection applies if the infringement notice (visual evidence) is withdrawn under section 94(1).

(4) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (visual evidence), the responsible person gives a written notice stating —

(a) that the responsible person was not the driver of the vehicle at the time of the alleged offence; and

(b) the name and address of the driver of the vehicle at that time.

(5) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (visual evidence), the responsible person gives —

(a) a written notice stating that —

(i) the responsible person was not the driver of the vehicle at the time of the alleged offence; and

(ii) the vehicle was stolen or unlawfully taken or used at that time;

and

(b) evidence to support those statements.

(6) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (visual

evidence), the responsible person gives a written notice stating that —

(a) the responsible person was not the driver of the vehicle at the time of the alleged offence; and

(b) the responsible person does not know, and cannot reasonably ascertain, the name and address of the driver of the vehicle at that time.

(7) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (visual evidence), the responsible person gives a written notice stating —

(a) that the responsible person was not the driver of the vehicle at the time of the alleged offence; and

(b) that the responsible person had sold the vehicle before the time of the alleged offence; and

(c) the name and address of the person to whom the responsible person sold the vehicle.

(8) This subsection applies if, within the initial payment period and in the manner specified in the infringement notice (visual evidence), the responsible person gives —

(a) a written notice stating that the responsible person —

(i) was not the driver of the vehicle at the time of the alleged offence; and

(ii) is concerned about providing information in response to the infringement notice (visual evidence) because of a risk or apprehended risk of an individual being subjected to family violence if the responsible person took steps to find or provide the information;

and

(b) a family violence evidentiary document that relates to the individual who is at risk or apprehended risk.

(9) The provision of information under subsection (8) does not give rise to a requirement for a police officer to carry out an investigation under the *Restraining Orders Act 1997* section 62A (but this subsection does not prevent such an investigation occurring if the police officer thinks fit).

Note for this section:

If the modified penalty or a first instalment of the modified penalty is paid, a written notice cannot be given under subsection (4), (5), (6), (7) or (8): see section 92(2)(b)(iii).

[Section 87 inserted: No. 15 of 2024 s. 25.]

88. Effect of giving notice under s. 87

If section 87(4), (5), (6), (7) or (8) applies in relation to an infringement notice (visual evidence), the infringement notice (visual evidence) is withdrawn.

[Section 88 inserted: No. 15 of 2024 s. 25.]

Subdivision 4 — Extension infringement notices

[Heading inserted: No. 15 of 2024 s. 25.]

89. Individual may apply for more time to pay modified penalty

(1) This section applies if —

(a) an initial infringement notice is served on an individual; and

(b) neither the modified penalty nor an instalment of the modified penalty is paid; and

(c) the initial infringement notice is not withdrawn; and

(d) the initial payment period set out in the initial infringement notice has not ended.

(2) The individual may, in the manner specified in the initial infringement notice, apply to the CEO for more time to pay the modified penalty.

[Section 89 inserted: No. 15 of 2024 s. 25.]

90. Service of extension infringement notices

(1) If an individual applies under section 89(2) for more time to pay a modified penalty, a designated departmental officer must serve on the individual a notice (an ***extension infringement notice***) in relation to the alleged offence to which the initial infringement notice relates.

(2) The extension infringement notice must —

(a) comply with the requirements in section 91(1); and

(b) inform the person on whom the extension infringement notice is served that the person may, within the period (the ***extended payment period***) set out in the extension infringement notice and in the manner specified in the extension infringement notice —

(i) pay the modified penalty; or

(ii) make an election in writing to have a charge for the alleged offence heard and determined by a court;

and

(c) state that the initial infringement notice is withdrawn; and

(d) contain or be accompanied by a statement explaining the operation of sections 92 (other than subsection (2)(b)(ii) and (iii)) and 93(3) and (4); and

(e) if the initial infringement notice is an infringement notice (alleged offender) in relation to which section 81(2)(b) applies —contain or be accompanied by the visual evidence referred to in that section or set out a way in which the visual evidence can be accessed electronically; and

(f) if the initial infringement notice is an infringement notice (vehicle) — contain or be accompanied by a statement explaining the operation of section 84(1) and (2)(a)(ii); and

(g) if the initial infringement notice is an infringement notice (visual evidence) —

(i) contain or be accompanied by the visual evidence referred to in section 86 or set out a way in which the visual evidence can be accessed electronically; and

(ii) contain or be accompanied by a statement explaining the operation of section 87(1) and (2)(b).

(3) The extended payment period cannot end less than 28 days after the day on which the extension infringement notice is served.

(4) If an extension infringement notice is served under subsection (1), the initial infringement notice is withdrawn.

[Section 90 inserted: No. 15 of 2024 s. 25.]

Subdivision 5 — General provisions in relation to infringement notices

[Heading inserted: No. 15 of 2024 s. 25.]

91. General requirements for infringement notices

(1) For the purposes of sections 81(2)(a), 83(3)(a), 86(3)(a) and 90(2)(a), the requirements are that the infringement notice —

(a) is in a form approved by the CEO; and

(b) sets out —

(i) the alleged offence, including details of the act or omission that constitutes the alleged offence; and

(ii) the day on which the alleged offence was allegedly committed; and

(iii) the modified penalty; and

(iv) if the alleged offence is a demerit point offence in WA as defined in the *Road Traffic*

(Authorisation to Drive) Act 2008 section 40(1) — the number of demerit points applying to the offence;

and

(c) if the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3 applies to the notice — informs the person on whom the notice is served that the notice may be enforced under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* if the person does not —

(i) pay the modified penalty; or

(ii) make an election in writing to have a charge for the alleged offence heard and determined by a court;

and

(d) sets out any other matter prescribed by the regulations.

(2) For the purposes of sections 81(2)(a), 83(3)(a) and 86(3)(a), it is also a requirement that the initial infringement notice inform the person on whom the notice is served that the person may, in the manner specified in the notice —

(a) pay the modified penalty within the period (the ***initial payment period***) set out in the notice; or

(b) make an election in writing within the initial payment period to have a charge for the alleged offence heard and determined by a court; or

(c) if the person is an individual —

(i) apply within the initial payment period to the CEO under section 89(2) for more time to pay the modified penalty; or

(ii) pay a first instalment of the modified penalty within the initial payment period and the remainder of the instalments in accordance with

regulations made for the purposes of section 95(4).

(3) The initial payment period cannot end less than 28 days after the day on which the notice is served.

[Section 91 inserted: No. 15 of 2024 s. 25.]

92. Effect of payment of modified penalty

(1) This section applies if —

(a) an infringement notice is served on a person; and

(b) either —

(i) if the person is an individual and the infringement notice is an initial infringement notice — the modified penalty or a first instalment of the modified penalty is paid; or

(ii) otherwise — the modified penalty is paid.

(2) If this section applies —

(a) a person cannot be prosecuted for the alleged offence to which the infringement notice relates unless the infringement notice is withdrawn; and

(b) unless the infringement notice is withdrawn and a subsequent infringement notice is issued in relation to the alleged offence —

(i) the person on whom the infringement notice is served cannot make an election to have a charge for the alleged offence heard and determined by a court; and

(ii) if the infringement notice is an infringement notice (vehicle) — the person cannot give a written notice under section 84(4), (5), (6), (7) or (8) in relation to the alleged offence; and

(iii) if the infringement notice is an infringement notice (visual evidence) — the person cannot

give a written notice under section 87(4), (5), (6), (7) or (8) in relation to the alleged offence;

and

(c) unless the infringement notice is withdrawn, the person on whom the infringement notice is served is taken to be convicted of the alleged offence for the purposes of —

(i) the Road Traffic (Authorisation to Drive) Act 2008 section 35(4)(b)(v); and

(ii) the Road Traffic (Vehicles) Act 2012 sections 126(6) and 128(4); and

(iii) unless the person is already taken under the Fines, Penalties and Infringement Notices Enforcement Act 1994 section 26 to be convicted of the alleged offence for the purposes of the Road Traffic (Authorisation to Drive) Act 2008 section 16(1)(a) — the Road Traffic (Authorisation to Drive) Act 2008 section 16(1)(a);

and

(d) the payment is not to be regarded as an admission of liability for the purpose of, nor in any way to affect or prejudice, any civil claim, action or proceeding arising out of the occurrence by reason of which the notice was given.

Note for this subsection:

Paragraph (c) does not apply in relation to an infringement notice (alleged offender) that relates to an alleged offence under section 97(1): see section 98(3).

(3) This section applies even if the payment referred to in subsection (1)(b) is made by means of a dishonoured payment as defined in the *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 3(1).

(4) This section applies whether the payment referred to in subsection (1)(b) is made before or after any enforcement

processes in relation to the infringement notice occur under the *Fines, Penalties and Infringement Notices Enforcement Act 1994* Part 3.

[Section 92 inserted: No. 15 of 2024 s. 25.]

93. Effect of election to have charge for alleged offence heard and determined by court

(1) Subsection (2) applies if —

(a) an initial infringement notice in relation to an alleged offence is served on a person; and

(b) during the initial payment period, the person makes an election to have a charge for the alleged offence heard and determined by a court; and

(c) during the initial payment period, none of the following occur —

(i) the modified penalty or a first instalment of the modified penalty is paid;

(ii) the person applies under section 89(2) for more time to pay the modified penalty;

(iii) the initial infringement notice is withdrawn.

(2) The initial infringement notice is withdrawn at the end of the initial payment period.

(3) Subsection (4) applies if —

(a) an extension infringement notice in relation to an alleged offence is served on a person; and

(b) during the extended payment period, the person makes an election to have a charge for the alleged offence heard and determined by a court; and

(c) during the extended payment period, none of the following occur —

(i) the modified penalty is paid;

(ii) the extension infringement notice is withdrawn.

(4) The extension infringement notice is withdrawn at the end of the extended payment period.

[Section 93 inserted: No. 15 of 2024 s. 25.]

94. Withdrawal of infringement notices

(1) A withdrawing officer may withdraw an infringement notice by serving on the person on whom the infringement notice is served written notice, in a form approved by the CEO, stating that the infringement notice is withdrawn.

(2) An infringement notice may be withdrawn regardless of whether the modified penalty or an instalment of the modified penalty is paid.

(3) If an infringement notice is withdrawn, any amount of the modified penalty that is paid must be refunded.

Note for this subsection:

If the alleged offence to which an infringement notice relates is the offence under the *Road Traffic (Vehicles) Act 2012* section 10(6), particular amounts paid under the infringement notice cannot be refunded: see section 82(4).

[Section 94 inserted: No. 15 of 2024 s. 25.]

95. Regulations relating to infringement notices

(1) Regulations may prescribe —

(a) an offence (a ***prescribed road law offence***) under a road law as an offence in respect of which an infringement notice may be served under this Part; and

(b) the penalty applicable in relation to a prescribed road law offence if the offence is dealt with by infringement notice.

(2) An offence prescribed for the purposes of subsection (1)(a) cannot be —

(a) an offence punishable by imprisonment; or

(b) an offence in respect of which a court is required to disqualify the offender from holding or obtaining a driver's licence; or

(c) an offence under the *Road Traffic (Vehicles) Act 2012* section 4(2), the commission of which involves a heavy vehicle.

(3) A penalty prescribed for the purposes of subsection (1)(b) cannot be greater than —

(a) if the maximum penalty for the offence is less than 40 PU — the maximum penalty for the offence; or

(b) otherwise — 40 PU.

(4) Regulations may make provision for or in relation to the payment by instalments of a modified penalty set out in an initial infringement notice served on an individual, including —

(a) the number of instalments by which the modified penalty can be paid; and

(b) the amount to be paid for each instalment; and

(c) the day by which each instalment (other than the first instalment) must be paid.

[Section 95 inserted: No. 15 of 2024 s. 25.]

Division 3 — Notices requesting information

[Heading inserted: No. 15 of 2024 s. 25.]

96. Service of notice requesting information

(1) This section applies if —

(a) an infringement notice (visual evidence) in relation to an alleged offence could be served on a responsible person for a vehicle; but

(b) an infringement notice (visual evidence) cannot be served because there is no individual who is a responsible person for the vehicle.

(2) An issuing officer may serve a notice (a ***notice requesting information***) in relation to the alleged offence on a responsible person for the vehicle.

(3) A notice requesting information must —

(a) be in a form approved by the CEO; and

(b) set out —

(i) the alleged offence, including details of the act or omission that constitutes the alleged offence; and

(ii) the day on which the alleged offence was allegedly committed;

and

(c) either —

(i) contain or be accompanied by the visual evidence referred to in section 86; or

(ii) set out a way in which the visual evidence can be accessed electronically;

and

(d) direct the responsible person to give a written notice stating the name and address of the driver of the vehicle at the time of the alleged offence —

(i) within the period (the ***period for complying***) set out in the notice; and

(ii) in the manner specified in the notice;

and

(e) contain or be accompanied by a statement explaining the operation of sections 97, 98 and 101; and

(f) specify the manner in which a written notice, evidence or a family violence evidentiary document can be given under section 97; and

(g) set out any other matter prescribed by the regulations.

(4) The period for complying cannot end less than 28 days after the day on which the notice requesting information is served.

[Section 96 inserted: No. 15 of 2024 s. 25.]

97. Offence of failing to provide information

(1) A responsible person on which a notice requesting information is served commits an offence if, at the end of the period for complying set out in the notice, none of subsections (2), (3), (4), (5), (6) and (7) applies.

Penalty for this subsection:

(a) if more than 1 penalty is provided under a road law for the alleged offence to which the notice relates — double the lowest penalty;

(b) otherwise — double the penalty provided under a road law for the alleged offence to which the notice relates.

(2) This subsection applies if, within the period for complying and in the manner specified in the notice requesting information, the responsible person gives a written notice stating the name and address of the driver of the vehicle at the time of the alleged offence.

(3) This subsection applies if the notice requesting information is withdrawn under section 99.

(4) This subsection applies if, within the period for complying and in the manner specified in the notice requesting information, the responsible person gives —

(a) a written notice stating that the vehicle was stolen or unlawfully taken or used at the time of the alleged offence; and

(b) evidence to support that statement.

(5) This subsection applies if, within the period for complying and in the manner specified in the notice requesting information, the responsible person gives a written notice stating that the responsible person does not know, and cannot reasonably ascertain, the name and address of the driver of the vehicle at the time of the alleged offence.

(6) This subsection applies if, within the period for complying and in the manner specified in the notice requesting information, the responsible person gives a written notice stating —

(a) that the responsible person had sold the vehicle before the time of the alleged offence; and

(b) the name and address of the person to whom the responsible person sold the vehicle.

(7) This subsection applies if, within the period for complying and in the manner specified in the notice requesting information, the responsible person gives —

(a) a written notice stating that the responsible person is concerned about providing information in response to the notice requesting information because of a risk or apprehended risk of an individual being subjected to family violence if the responsible person took steps to find or provide the information; and

(b) a family violence evidentiary document that relates to the individual who is at risk or apprehended risk.

(8) The provision of information under subsection (7) does not give rise to a requirement for a police officer to carry out an investigation under the *Restraining Orders Act 1997* section 62A (but this subsection does not prevent such an investigation occurring if the police officer thinks fit).

[Section 97 inserted: No. 15 of 2024 s. 25.]

98. Offence under s. 97(1) is prescribed road law offence

(1) An offence under section 97(1) is a prescribed road law offence.

(2) The modified penalty in relation to an infringement notice (alleged offender) that relates to an alleged offence under section 97(1) is double the amount of the applicable penalty prescribed for the purposes of section 95(1)(b) for the alleged offence to which the notice requesting information relates.

(3) If section 92 applies in relation to an infringement notice (alleged offender) that relates to an alleged offence under section 97(1), section 92(2)(c) does not apply.

(4) The *Fines, Penalties and Infringement Notices Enforcement Act 1994* section 26 does not apply in relation to an infringement notice (alleged offender) that relates to an alleged offence under section 97(1).

[Section 98 inserted: No. 15 of 2024 s. 25.]

99. Withdrawal of notices requesting information

A withdrawing officer may withdraw a notice requesting information at any time before the end of the period for complying set out in the notice requesting information by serving on the person on whom the notice requesting information is served written notice, in a form approved by the CEO, stating that the notice requesting information is withdrawn.

[Section 99 inserted: No. 15 of 2024 s. 25.]

Division 4 — Miscellaneous

[Heading inserted: No. 15 of 2024 s. 25.]

100. Service methods for Part 5 documents

(1) A Part 5 document may be served on a person —

(a) personally; or

(b) by posting it to —

(i) the person's address as provided by the person at the time of, or immediately following, the act or omission that constitutes the alleged offence to which the Part 5 document relates; or

(ii) the person's address as provided by a responsible person under section 34, 84, 87 or 97; or

(iii) the person's current address shown in the records of the CEO;

or

(c) if the person consents to being served Part 5 documents by particular electronic means — by those means in accordance with regulations made for the purposes of subsection (2)(b).

(2) Regulations may make provision for or in relation to the following —

(a) the time at which a Part 5 document is taken to have been served under subsection (1);

(b) the service of a Part 5 document by electronic means under subsection (1)(c);

(c) the manner in which the consent referred to in subsection (1)(c) must be obtained.

[Section 100 inserted: No. 15 of 2024 s. 25.]

101. Offence to give information known to be false

A responsible person must not give information that the person knows to be false or misleading in a material particular in a written notice, evidence or a family violence evidentiary document the person gives under section 84, 87 or 97.

Penalty for this section: imprisonment for 18 months and a fine of 360 PU.

[Section 101 inserted: No. 15 of 2024 s. 25.]

*[**102-104.** Deleted: No. 15 of 2024 s. 25.]*

Part 6 — Prosecutions

Division 1 — Commencing prosecutions

105. Who may commence prosecution

(1) A prosecution for an offence under the *Road Traffic Act 1974*, other than an offence under Part 6A of that Act or a regulation made for the purposes of Part 6A of that Act, can be commenced only by —

(a) a police officer; or

(b) a person authorised under section 23; or

(c) a person authorised to do so by the Commissioner of Police; or

(d) a person authorised to do so by the CEO.

(2) A prosecution for an offence under a road law, other than an offence to which subsection (1) applies, can be commenced only by —

(a) a police officer; or

(b) a person authorised under section 22; or

(c) a person authorised to do so by the CEO.

(3) Nothing in this section affects the operation of the *Director of Public Prosecutions Act 1991* section 11.

(3A) A prosecution for an offence under the *Road Traffic (Vehicles) Act 2012* section 29(1) requires the approval of a prescribed person or a person of a prescribed class of persons.

(3B) Failure to comply with subsection (3A) does not affect the validity of the prosecution notice.

[Section 105 amended: No. 8 of 2012 s. 219; No. 38 of 2020 s. 26; No. 15 of 2024 s. 26.]

106. When prosecution can be commenced

[(1) deleted]

(2) A prosecution of a person for an offence under a road law must be commenced within 2 years after the date on which the offence was allegedly committed.

(3) Subsection (2) does not apply to an indictable offence.

(4) Subsection (3) has effect, in relation to an offence that was allegedly committed before the day on which the *Road Traffic Legislation Amendment Act 2016* section 19 comes into operation, as if that section had come into operation on the day on which this Act (other than sections 1 and 2) came into operation (that is, 27 April 2015).

[Section 106 amended: No. 8 of 2012 s. 232; No. 25 of 2016 s. 19; No. 15 of 2024 s. 27.]

107. Limitation on period for which previous offences taken into account

If —

(a) a person is convicted of an offence under a road law (the ***present offence***); and

(b) the penalty or penalties which may or are required to be imposed for the present offence vary according to whether the person has been convicted previously of an offence under a road law,

any previous offence the conviction for which was recorded more than 20 years before the commission of the present offence is not to be taken into account in determining the penalty or penalties to be imposed for the present offence.

108. Production of licences, permits at hearings

A person who is —

(a) the holder of a driver's licence or learner's permit; and

(b) charged with an offence under a road law,

must produce his or her driver's licence document or learner's permit on demand to the court hearing the charge.

Penalty: a fine of 50 PU.

Division 2 — Evidentiary provisions

109. Averments etc. in prosecution notices

(1) In a prosecution for an offence under a road law an averment in the prosecution notice as to any of the following matters is to be taken to be proved in the absence of proof to the contrary —

(a) that on a specified date a person was or was not an owner of, or a responsible person for, a vehicle or became an owner of, or a responsible person for, a vehicle;

(b) that on a specified date a person was or was not the holder of a driver's licence, learner's permit or vehicle licence (either generally or in respect of a particular vehicle);

(c) that on a specified date a specified driver's licence, learner's permit or vehicle licence was or was not granted, renewed, varied, suspended, cancelled or surrendered under a road law;

(d) that on a specified date a person was disqualified from holding or obtaining a driver's licence for a specified period;

(e) that on a specified date a vehicle was driven or used on a road or any place to which the public is permitted, whether on payment of a fee or otherwise, to have access;

(f) that the alleged offender was, at the time of the alleged offence, a person to whom the *Road Traffic Act 1974* section 62B(4) or 64A(1) applied;

(gaa) that the vehicle to which the alleged offence relates was, at the time of the alleged offence, a motor vehicle referred to in the *Road Traffic Act 1974* section 62B(5);

(ga) that the vehicle to which the alleged offence relates was, at the time of the alleged offence, a motor vehicle to which the *Road Traffic Act 1974* section 64A(4) applied;

(gb) that the vehicle to which the alleged offence relates was, at the time of the alleged offence, required under a written law to be fitted with a seatbelt in order for a vehicle licence to be granted in respect of the vehicle;

(g) that the person by whom the prosecution was commenced is authorised to commence the prosecution;

(h) that an offence was committed within a local government district or any part of the State specified in the prosecution notice;

(i) that an offence was committed at a time, on a date or during a period specified in the prosecution notice;

(j) that on a specified date a vehicle was a heavy vehicle or a light vehicle or of a particular class of heavy or light vehicle;

(k) that a specified exemption granted under a road law did or did not apply to a specified person or a specified vehicle at a specified time;

(l) that a mass or dimension requirement modified under the *Road Traffic (Vehicles) Act 2012* Part 4 Division 2 Subdivision 2 in a specified manner did or did not apply to a specified person or a specified vehicle at a specified time;

(m) that an access approval given under the *Road Traffic (Vehicles) Act 2012* section 40 did or did not apply to a specified person or a specified vehicle at a specified time;

(n) that a specified requirement imposed under a road law did or did not apply to a specified person or a specified vehicle at a specified time;

(o) that at a specified time a specified vehicle, with or without a load, or a specified part of a specified vehicle, with or without a load, was weighed on a specified weighbridge or by the use of a specified weighing device and that a specified mass was the mass of the vehicle or part;

(p) that on a specified date a specified road was closed for a specified period or subject to a specified condition;

(q) that on a specified date, specified premises were an inspection station;

(r) that a specified person had or had not notified the CEO of a change of address;

(s) that a specified document was or was not lodged, or a specified fee was or was not paid, by a specified person.

(2) If, in a prosecution notice for an offence under a road law, the name of the accused is that given by the alleged offender at the time of, or immediately following, the occurrence giving rise to the charge, there is a presumption, rebuttable by evidence to the contrary, that the accused is the alleged offender.

(3) In the absence of evidence to the contrary, proof is not required in any proceedings for an offence under a road law —

(a) that the prosecutor is authorised to commence the prosecution; or

(b) that the prosecutor has any approval that is required under section 105(3A); or

(c) that a signature on the prosecution notice alleging the offence is the signature of a person authorised to commence the prosecution.

[Section 109 amended: No. 14 of 2011 s. 18; No. 8 of 2012 s. 220 and 232; No. 25 of 2016 s. 60; No. 15 of 2024 s. 28.]

110. Certificate evidence

(1) For the purposes of a prosecution for an offence under a road law or verifying the accuracy of information provided to corresponding authority under section 13(1) or to another Australian driver licensing authority under section 14(2), the CEO or a person authorised by the CEO may issue a certificate stating that a fact specified in the certificate appears in or is derived from the driver's licence register or another record kept by the CEO or the Commissioner for Main Roads under a road law.

(1A) In subsection (1) —

road law includes the *Towing Services Act 2024* and the *Transport (Road Passenger Services) Act 2018*.

(2) A certificate purporting to be issued under subsection (1) or under a law in force in another jurisdiction that corresponds to that subsection is evidence of any fact stated in the certificate.

(3) For the purposes of a prosecution for an offence under any written law the CEO or any person authorised by the CEO for that purpose may issue a certificate which states —

(a) that on a specified date or during a specified period —

(i) a vehicle was registered; or

(ii) a vehicle was not registered,

under a road law in the name of any person specified in the certificate; or

(b) that as at a specified date or during a specified period a specified person in the certificate was —

(i) registered as the holder of a vehicle licence in respect of a specified vehicle; or

(ii) nominated under section 5(2) as the owner of a specified vehicle.

(4) In a prosecution for an offence under any written law —

(a) a certificate issued or purporting to be issued under subsection (3) is evidence of the facts stated in the certificate; and

(b) a certificate or other document issued or purporting to be issued under a law of a State or Territory of the Commonwealth which states that on a specified date or during a specified period —

(i) a vehicle was registered in the name of a specified person; or

(ii) a vehicle was not registered in the State or Territory in respect of which the certificate or other document is issued,

is evidence of the facts stated in the certificate or other document.

(5) In a prosecution for an offence under any written law a certificate purporting to have been issued by the CEO or a corresponding authority or an Australian police officer as to any matter that appears in or can be surmised or calculated from records kept or accessed by the CEO, corresponding authority or officer is evidence of the matters stated in the certificate.

[Section 110 amended: No. 26 of 2018 s. 317; No. 37 of 2024 s. 172.]

111. Proof of authority of warden, vehicle examiner

(1) A document purporting to be an authorisation, or a copy of an authorisation of —

(a) the CEO under section 22; or

(b) the Commissioner under section 23; or

(c) the CEO for the purposes of —

(i) paragraph (b) of the definition of "inspection station" in the *Road Traffic (Vehicles) Act 2012* section 70; or

(ii) paragraph (b) of the definition of "vehicle examiner" in the *Road Traffic (Vehicles) Act 2012* section 70,

is admissible in any proceedings and is prima facie evidence of the matters stated.

(2) An identification card purporting to have been issued under section 25 is evidence in any proceedings that the person concerned has the functions specified in the card.

(3) A statement in a certificate purporting to have been issued by —

(a) the CEO as to a person's authority under section 22 to perform a function that can be performed by a warden; or

(b) the Commissioner of Police as to a person's authority under section 23 to perform a function that can be performed by a warden; or

(c) the CEO as to a public service officer's functions relating to the examination and testing of vehicles for the purposes of the *Road Traffic (Vehicles) Act 2012*; or

(d) the CEO as to a person's authority under paragraph (b) of the definition of "vehicle examiner" in the *Road Traffic (Vehicles) Act 2012* section 70,

is admissible in any proceedings and is prima facie evidence of the matters stated.

[Section 111 amended: No. 8 of 2012 s. 221 and 232.]

112. Ascertainment of mass by weighbridge

(1) The mass of a vehicle or the mass supported on any part of a vehicle, whether loaded or not, may be ascertained by weighing the vehicle or part of the vehicle on —

(a) a public weighbridge, as defined in the *National Measurement Act 1960* (Commonwealth) section 3(1),

that is mentioned in a public weighbridge licence in force under Part XI of that Act; or

(b) a weighbridge as defined in section 3(1) of that Act, other than a public weighbridge, that is verified under that Act.

(2) Evidence of a record made by —

(a) the licensee who has been granted a licence mentioned in subsection (1)(a); or

(b) the operator of a weighbridge mentioned in subsection (1)(b); or

(c) a person employed by such a licensee or operator to operate the weighbridge,

of the mass of a vehicle or part of a vehicle weighed at the weighbridge is admissible in any proceedings under a road law and is prima facie evidence of the mass of the vehicle or part at the time it was weighed.

[Section 112 amended: No. 54 of 2010 s. 10.]

113. Ascertainment of mass by loadmeter etc.

(1) In this section —

loadmeter means a portable weighing device designed to determine —

(a) a vehicle's total mass, including its load if any; or

(b) a vehicle's wheel load; or

(c) the load of a vehicle's axle group.

(2) The mass of a vehicle or the mass supported on any part of a vehicle, whether loaded or not, may be ascertained by use of one or more loadmeters or other prescribed device.

(3) If one or more loadmeters are used to ascertain the mass of a vehicle, including its load if any, then for the purpose of determining whether or not the vehicle and load comply with a road law, the mass of the vehicle and load is to be taken to be

the mass ascertained by aggregating the relevant readings of the loadmeter or loadmeters.

(4) If a loadmeter is used to ascertain the mass supported on a particular part of a vehicle, then for the purpose of determining whether or not the vehicle and its load if any comply with a road law, the mass supported on the part is to be taken to be the mass as ascertained less the prescribed amount.

(5) If a loadmeter is used to ascertain the mass of a vehicle and its load, this section does not prevent a person charged with an offence related to the mass of the vehicle and load as calculated in accordance from adducing evidence of the actual mass of the vehicle and load at the material time.

114. Ascertainment of mass by reference to manufacturer's specifications

If the mass of a vehicle or the mass supported on any part of a vehicle, whether loaded or not, cannot be, or cannot conveniently be, ascertained under section 112 or 113 —

(a) if the load comprises only equipment, the mass of the equipment, ascertained by reference to the manufacturer's specification (if any) relating to the equipment, is to be taken to be the mass of the load; and

(b) the unloaded mass of the vehicle as defined in section 16(2) and as ascertained by reference to the manufacturer's specification (if any) relating to the vehicle, is to be taken to be the mass of the vehicle; and

(c) the aggregate of the masses ascertained under paragraphs (a) and (b), together with the mass of 10 L of fuel, is to be taken to be the mass of the vehicle and its load.

115. Evidence regarding manufacturer's ratings

(1) Evidence of a written statement purporting to be made by the manufacturer of a vehicle or part of a vehicle regarding the mass

rating of the vehicle or part determined by the manufacturer is admissible in any proceedings under a road law and is prima face evidence —

(a) of the mass rating; and

(b) of any conditions to which the rating is subject included in the statement; and

(c) that the statement was made by the manufacturer of the vehicle or part.

(2) Evidence of a written statement purporting to be made by the manufacturer of load restraint equipment designed for use on a vehicle or a part of a vehicle regarding the strength or performance rating of the equipment determined by the manufacturer is admissible in any proceedings and is prima face evidence —

(a) of the strength or performance rating; and

(b) that the equipment was designed for that use; and

(c) of any conditions to which the rating is subject included in the statement; and

(d) that the statement was made by the manufacturer of the equipment.

(3) Evidence of a written statement purporting to be made by the manufacturer of equipment that comprises a load is admissible in any proceedings and is prima face evidence of the mass of the equipment.

116. Proof of appointments and signatures unnecessary

(1) In this section —

office holder means —

(a) the CEO; or

(b) the Commissioner of Police or any other police officer; or

(c) a person authorised under section 22 or 23; or

(ca) a person authorised by the Commissioner of Police for the purposes of section 105(1)(c); or

(d) a person authorised by the CEO for the purposes of section 105(1)(d) or (2)(c); or

(e) a person who may give an approval for the purposes of section 105(3A); or

(f) an approved officer, as that term is defined in the *Road Traffic (Vehicles) Act 2012* section 77.

(2) For the purposes of a road law, it is not necessary to prove the appointment of an office holder.

(3) For the purposes of a road law, a signature purporting to be the signature of an office holder is evidence of the signature it purports to be.

[Section 116 amended: No. 8 of 2012 s. 222; No. 15 of 2024 s. 29.]

117. Road law offence detection equipment

(1) In this section and section 117A —

authorised person —

(a) in relation to distance measuring equipment, means —

(i) a police officer; or

(ii) a person certified by the Commissioner of Police as being competent to use the equipment;

and

(b) in relation to speed measuring equipment, means —

(i) a police officer; or

(ii) a person certified by the Commissioner of Police as being competent to use the equipment;

and

(c) in relation to speed measuring and recording equipment, means —

(i) a police officer; or

(ii) a person certified by the Commissioner of Police as being competent to install, set up, test or obtain data produced by, the equipment or produce images from the data;

and

(d) in relation to visual detection equipment, means —

(i) a police officer; or

(ii) a person certified by the Commissioner of Police as being competent to install, set up, test or obtain data produced by, the equipment or produce images or video from the data;

distance measuring equipment means apparatus of a type approved by the Minister under subsection (2)(b);

Minister means the Minister to whom the administration of the *Police Act 1892* is committed;

road law offence detection equipment means —

(a) distance measuring equipment; or

(b) speed measuring and recording equipment; or

(c) speed measuring equipment; or

(d) visual detection equipment;

speed measuring and recording equipment means apparatus of a type approved by the Minister under subsection (2)(c);

speed measuring equipment means apparatus of a type approved by the Minister under subsection (2)(a);

visual detection equipment means apparatus of a type approved by the Minister under subsection (2)(d).

(2) The Minister may, from time to time, by notice published in the *Gazette*, approve of types of apparatus for the purposes of —

(a) ascertaining the speed at which a vehicle is moving; or

(b) ascertaining distances on roads; or

(c) ascertaining the speed at which a vehicle is moving, recording an image of the vehicle and recording —

(i) the speed at which the vehicle was moving; and

(ii) the date on which the image was recorded; and

(iii) the time and location at which the image was recorded; and

(iv) the speed limit applicable at that location at that time;

or

(d) doing all of the following —

(i) ascertaining the occurrence of an act or omission, prescribed by the regulations, that is an element of an offence under a road law of which the driving or being in charge of a vehicle is an element;

(ii) recording images or videos of the vehicle and the prescribed act or omission;

(iii) recording the date on which the images or videos were recorded;

(iv) recording the time and location at which the images or videos were recorded.

(3) The Minister may, by notice published in the *Gazette*, revoke an approval under subsection (2).

(4) In a prosecution for an offence under any written law evidence may be given of the use of speed measuring equipment by an authorised person in relation to a vehicle and of the speed at which that vehicle was moving as ascertained by the use of that equipment, and that evidence is prima facie evidence of the

speed at which that vehicle was moving at the time of the use of that equipment in relation to that vehicle.

(5) In a prosecution for an offence under any written law evidence may be given of the use of distance measuring equipment by an authorised person on a road, of the distance between 2 identified points on the road as ascertained by the use of that equipment and of the ascertainment of the speed at which a vehicle was moving by the measurement of the time taken by that vehicle to travel that distance, and that evidence is prima facie evidence of the speed at which that vehicle was moving when it travelled that distance.

(6) In a prosecution for an offence under a written law evidence may be given of —

(a) the use of speed measuring and recording equipment at a particular location; and

(b) the identity of a vehicle as recorded by that equipment at a particular time; and

(c) the speed at which a vehicle was moving as ascertained and recorded by that equipment at that time.

(7A) The evidence referred to in subsection (6) is prima facie evidence of the identity of the vehicle and the speed at which it was moving at that time and location.

(7B) In a prosecution mentioned in subsection (6), evidence of the matters referred to in that subsection may be given in the form of an image of the vehicle on which is recorded the matters referred to in subsection (2)(c), as ascertained and recorded by the speed measuring and recording equipment at the time and location referred to in subsection (6).

(7C) In a prosecution for an offence under a written law evidence may be given of —

(a) the use of visual detection equipment at a particular location; and

(b) the identity of a vehicle as recorded by the equipment at a particular time; and

(c) the occurrence of an act or omission prescribed by the regulations for the purposes of subsection (2)(d)(i) as recorded by the equipment at that time.

(7D) The evidence referred to in subsection (7C) is prima facie evidence of the identity of the vehicle and the occurrence of the act or omission at that time and location.

(7E) In a prosecution mentioned in subsection (7C), evidence of the matters referred to in that subsection must be given in the form of images or videos —

(a) at least 1 of which is of the vehicle; and

(b) at least 1 of which reasonably indicates the occurrence of the prescribed act or omission; and

(c) on each of which is recorded the date on which the image or video was recorded and the time and location at which the image or video was recorded, as ascertained and recorded by the visual detection equipment at the time and location referred to in subsection (7C).

(7) In a prosecution mentioned in subsection (4), (5), (6) or (7C), evidence by an authorised person that apparatus used by the person was road law offence detection equipment is prima facie evidence of that fact.

(8) In a prosecution mentioned in subsection (4), (5), (6) or (7C), a certificate purporting to be signed by the Commissioner of Police certifying that a specified person is, or was at the material time, a person certified by the Commissioner as being competent to —

(a) use distance measuring equipment; or

(b) use speed measuring equipment; or

(c) install, set up, test or obtain data produced by, speed measuring and recording equipment or visual detection equipment, or produce images or videos from the data,

is prima facie evidence of the matters in the certificate, without proof of the signature of the person purporting to have signed it or proof that the purported signatory was the Commissioner.

(9) Nothing in this section is to be construed as precluding or restricting the introduction of any competent evidence, whether in addition to, or independent of, any evidence for which provision is made by this section, bearing on the question of whether a person was or was not guilty of an offence under a written law.

[Section 117 amended: No. 51 of 2010 s. 17; No. 25 of 2016 s. 66; No. 15 of 2024 s. 30.]

117A. Evidentiary provisions for images or video recorded by speed measuring and recording equipment or visual detection equipment

(1) If, in a prosecution mentioned in section 117(6), evidence is given in the form of an image as described in section 117(7B) and the image is accompanied by a certificate under subsection (2), the image —

(a) is to be accepted as having been recorded as described in section 117(7B), unless there is evidence to the contrary; and

(b) is prima facie evidence of the matters shown in or recorded on the image.

(1A) If, in a prosecution mentioned in section 117(7C), evidence is given in the form of an image or video as described in

section 117(7E) and the image or video is accompanied by a certificate under subsection (2), the image or video —

(a) is to be accepted as having been recorded as described in section 117(7E), unless there is evidence to the contrary; and

(b) is prima facie evidence of the matters shown in or recorded on the image or in the video.

(2) For the purposes of subsections (1) and (1A), the certificate is a certificate purporting to be signed by the Commissioner of Police, certifying that —

(a) the equipment, specified in the certificate, was speed measuring and recording equipment or visual detection equipment; and

(b) the equipment was installed or set up by an authorised person, named in the certificate, in accordance with the approved procedure on a day specified in the certificate; and

(c) the equipment was tested by an authorised person, named in the certificate, in accordance with the approved procedure on a day, specified in the certificate, that was within the prescribed number of days (for that type of equipment) before the day on which the alleged offence was committed; and

(d) on the specified day referred to in paragraph (c) and on the day on which the alleged offence was committed, the equipment was accurate and operating properly; and

(e) if subsection (1) applies — data relating to the vehicle and its speed, and the time and place at which its speed was ascertained and the data recorded, was produced by the equipment and obtained by an authorised person, named in the certificate, in accordance with the approved procedure; and

(ea) if subsection (1A) applies — data relating to the vehicle, the prescribed act or omission and the time and place at which the data was recorded, was produced by the equipment and obtained by an authorised person, named in the certificate, in accordance with the approved procedure; and

(f) the data referred to in paragraph (e) or (ea) (as applicable) was used to produce the image or video by an authorised person, named in the certificate, in accordance with the approved procedure.

(2A) In subsection (2) —

approved means approved by the Commissioner of Police.

(3) The certificate is prima facie evidence of the matters in it.

(4) A certificate under subsection (2) is not admissible in evidence in a prosecution mentioned in section 117(6) or (7C) unless a copy of the certificate and a copy of the relevant image or video are given to the accused at least 28 days before the day on which the proceedings begin or within a shorter period that is agreed by the accused.

(5) If a copy of the image or video and the certificate have been given as required by subsection (4), the accused cannot challenge or call into question a matter certified in the certificate unless —

(a) notice in writing of the accused's intention is given to the prosecutor at least 14 days before the proceedings begin; or

(b) the court, in the interests of justice, gives the accused leave to so do.

(6) A notice under subsection (5)(a) must specify the matter that is to be challenged or called into question.

(7) In a prosecution mentioned in section 117(6) or (7C), it is to be presumed, in the absence of evidence to the contrary, that a certificate under subsection (2) purporting to have been signed by the Commissioner of Police was so signed, without proof of the signature of the person purporting to have signed it or proof that the purported signatory was the Commissioner.

[Section 117A inserted: No. 25 of 2016 s. 67; amended: No. 15 of 2024 s. 31.]

117B. Evidence of average speed as actual speed

(1) In this section and in sections 117C to 117I —

authorised person means —

(a) a police officer; or

(b) a person certified by the Commissioner of Police as being competent to install, set up, test or obtain data produced by, an average speed detection system or produce images from the data;

average speed detection system means a system, comprising electronic equipment linked to an information technology system and computer programs, of a type approved by the Minister under section 117C;

carriageway means a portion of a road that is designed or ordinarily used for vehicular traffic;

detection points means the different points on a carriageway by reference to which the average speed of a vehicle is proposed to be calculated;

Minister means the Minister to whom the administration of the *Police Act 1892* is committed;

shortest practicable distance, that could be travelled by a vehicle on a carriageway between detection points, means the shortest distance between those points that a driver of the

vehicle could have used to travel between the points without contravening any road law applicable to the driver.

(2) In a prosecution for an offence under any written law evidence may be given of —

(a) the use of an average speed detection system in respect of a particular location; and

(b) the identity of a vehicle as ascertained by that system at a particular time; and

(c) the average speed of a vehicle between detection points calculated in accordance with section 117D.

(3) The evidence referred to in subsection (2)(b) is prima facie evidence of the identity of the vehicle.

(4) The average speed of a vehicle referred to in subsection (2)(c) is prima facie evidence of the actual speed of the vehicle between the detection points.

(5) In a prosecution mentioned in subsection (2), evidence of the matters referred to in that subsection may be given in the form of an image of the vehicle on which is recorded —

(a) the location referred to in subsection (2)(a); and

(b) the time referred to in subsection (2)(b); and

(c) the average speed of the vehicle between detection points calculated in accordance with section 117D (which may have been calculated using an average speed detection system).

(6) In a prosecution mentioned in subsection (2), evidence by an authorised person that a system used in respect of a particular location was an average speed detection system is prima facie evidence of that fact.

(7) In a prosecution mentioned in subsection (2), a certificate purporting to be signed by the Commissioner of Police certifying that a specified person is, or was at the material time, an authorised person is prima facie evidence of the matters in the certificate, without proof of the signature of the person purporting to have signed it or proof that the purported signatory was the Commissioner.

(8) This section is in addition to, and does not derogate from, any other mode of proof of the speed of a vehicle.

[Section 117B inserted: No. 25 of 2016 s. 67; amended: No. 15 of 2024 s. 32.]

117C. Average speed detection systems

(1) The Minister may, from time to time, by notice published in the *Gazette*, approve types of average speed detection systems for the purposes of —

(a) ascertaining the average speed of a vehicle between detection points; and

(b) recording —

(i) an image of the vehicle; and

(ii) the date on which the image was recorded; and

(iii) the time and location at which the image was recorded.

(2) The Minister may, by notice published in the *Gazette*, revoke an approval under subsection (1).

[Section 117C inserted: No. 25 of 2016 s. 67.]

117D. How average speed is to be calculated

The average speed of a vehicle between detection points is to be calculated in accordance with the following formula and

expressed in kilometres per hour rounded down to the next whole number —

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

where —

D_T is the total shortest practicable distance, expressed in kilometres and rounded down to 2 decimal places, that could be travelled by a vehicle on a carriageway between the detection points;

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

[Section 117D inserted: No. 25 of 2016 s. 67.]

117E. How average speed limit is to be calculated

The average speed limit for a driver of a vehicle on a carriageway between detection points in circumstances where more than one speed limit applied to the driver between those points is to be calculated in accordance with the following formula and expressed in kilometres per hour rounded up to the next whole number —

$$\frac{D_T}{\frac{D_1}{S_1} + \frac{D_2}{S_2} + \ldots \frac{D_n}{S_n}}$$

where —

D_T is the total shortest practicable distance, expressed in kilometres and rounded down to 2 decimal places, that could be travelled by a vehicle on a carriageway between the detection points;

D_1, D_2 ... D_n are each part of the total shortest practicable distance D_T between the detection points, expressed in kilometres and rounded down to 2 decimal places, for

the different speed limits S_1, S_2 ... S_n that would have applied to the driver of the vehicle between the detection points;

S_1, S_2 ... S_n are each of the speed limits, expressed in kilometres per hour, that would have applied to the driver of the vehicle if the vehicle were travelling along the shortest practicable distance D_T on a carriageway between the detection points.

[Section 117E inserted: No. 25 of 2016 s. 67.]

117F. Evidence of, proceedings for, certain matters related to evidence of average speed

(1) The following provisions apply in a prosecution mentioned in section 117B(2) —

(a) for the purposes of calculating the vehicle's average speed and any average speed limit, the vehicle and any of its drivers are to be taken to have travelled between the detection points by means of the shortest practicable distance between those points regardless of the actual route taken by any of the drivers between the points;

(b) if more than one speed limit applied to a driver of a vehicle between detection points —

(i) the average speed limit for the driver on a carriageway between the points calculated in accordance with section 117E is to be taken (subject to section 117B(8)) to be the speed limit that applied to the driver at all times on the carriageway between those points; and

(ii) a driver of, and any responsible person for, the vehicle may be dealt with under a road law accordingly;

(c) if there was more than one driver of the vehicle between the detection points, each driver is to be taken to have driven the vehicle at the average speed of the vehicle

calculated in accordance with section 117D, except as provided by subsection (2).

(2) Subsection (1)(c) does not apply to a driver —

(a) who satisfies the court that he or she did not, at any time whilst driving the vehicle between the detection points, drive at a speed that exceeded the speed limit applicable to that driver; or

(b) in prescribed circumstances.

(3) If there is evidence of the average speed of a vehicle between detection points calculated in accordance with section 117D, one or more drivers of the vehicle may be prosecuted for, and found guilty or convicted of, an offence in respect of which the evidence was given.

[Section 117F inserted: No. 25 of 2016 s. 67.]

117G. Evidentiary provisions for images recorded by average speed detection systems

(1) If, in a prosecution mentioned in section 117B(2), evidence is given in the form of an image as described in section 117B(5) and the image is accompanied by a certificate under subsection (2), the image —

(a) is to be accepted as having been recorded as described in section 117B(5), unless there is evidence to the contrary; and

(b) is prima facie evidence of the matters shown in or recorded on the image.

(2) For the purposes of subsection (1), the certificate is a certificate purporting to be signed by the Commissioner of Police certifying that —

(a) the system, specified in the certificate, was an average speed detection system; and

(b) components of the system were tested by an authorised person, named in the certificate, in accordance with the approved procedure on a day, specified in the certificate, that was within the prescribed number of days (for each component) before the day on which the alleged offence was committed; and

(c) on the specified day referred to in paragraph (b) and on the day on which the alleged offence was committed, the components were operating properly and were accurate; and

(d) data obtained from the system was obtained by an authorised person, named in the certificate, in accordance with the approved procedure; and

(e) the image was produced by an authorised person, named in the certificate, in accordance with the approved procedure, from data obtained from the system.

(3) In subsection (2) —

approved means approved by the Commissioner of Police.

(4) A certificate under subsection (2) may also certify any one or more of the following matters —

(a) the average speed calculated in accordance with section 117D at which the vehicle travelled between detection points (which may have been calculated using the average speed detection system);

(b) if one speed limit applied to a driver of the vehicle between detection points (measured along the shortest practicable distance), the speed limit;

(c) if more than one speed limit applied to a driver of the vehicle between detection points (measured along the shortest practicable distance) —

(i) each distance for which each speed limit applied to the driver, expressed in kilometres and rounded down to 2 decimal places; and

(ii) the average speed limit calculated in accordance with section 117E that applied to the driver between the detection points (which may have been calculated using the average speed detection system).

(5) The certificate is prima facie evidence of the matters in it.

(6) In a prosecution mentioned in section 117B(2), it is to be presumed, in the absence of evidence to the contrary, that a certificate under subsection (2) purporting to have been signed by the Commissioner of Police was so signed, without proof of the signature of the person purporting to have signed it or proof that the purported signatory was the Commissioner.

[Section 117G inserted: No. 25 of 2016 s. 67]

117H. Certificate evidence as to shortest practicable distance

(1) In this section —

licensed surveyor has the meaning given in the *Licensed Surveyors Act 1909* section 3(1).

(2) In a prosecution mentioned in section 117B(2), a certificate purporting to be signed by a licensed surveyor certifying any one or more of the following matters is prima facie evidence of the matters that are certified, without proof of the signature of the person purporting to have signed it or proof that the purported signatory was a licensed surveyor —

(a) the shortest practicable distance, expressed in kilometres and rounded down to 2 decimal places, that could be travelled by a vehicle on a carriageway between detection points;

(b) if more than one speed limit between detection points applied (measured along the shortest practicable distance), each distance for which each speed limit

applied, expressed in kilometres and rounded down to 2 decimal places.

[Section 117H inserted: No. 25 of 2016 s. 67.]

117I. Certificate, image copies to be given before proceedings

(1) A certificate of the Commissioner of Police under section 117G is not admissible in evidence in a prosecution mentioned in section 117B(2) unless a copy of the certificate and a copy of the relevant image are given to the accused at least 28 days before the day on which the proceedings begin or within a shorter period that is agreed by the accused.

(2) A certificate of a licensed surveyor under section 117H is not admissible in evidence in a prosecution mentioned in section 117B(2) unless a copy of the certificate is given to the accused at least 28 days before the day on which the proceedings begin or within a shorter period that is agreed by the accused.

(3) If a copy of a certificate has been given as required by subsection (1) or (2), the accused cannot challenge or call into question a matter certified in the certificate unless —

(a) notice in writing of the accused's intention is given to the prosecutor at least 14 days before the proceedings begin; or

(b) the court, in the interests of justice, gives the accused leave to do so.

(4) A notice under subsection (3)(a) must specify the matter that is to be challenged or called into question.

[Section 117I inserted: No. 25 of 2016 s. 67.]

118. Proof of transport, journey documentation

In a prosecution for an offence under a road law, transport documentation or journey documentation is admissible without further proof and the following matters mentioned in the

documentation are to be taken to be proved in the absence of proof to the contrary —

(a) the identity and status of the parties to the transaction to which it relates, including a person's status as an involved person;

(b) the destination or intended destination of the load to which it relates.

119. Bodies corporate or employers, conduct on behalf of

(1) In this section —

director of a body corporate, includes a constituent member of a body corporate incorporated for a public purpose by a written law or a law of the Commonwealth, another State or a Territory;

engaging in conduct includes failing or refusing to engage in conduct;

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.

(2) This section applies to and in relation to proceedings for an offence under a road law.

(3) If 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.

(4) 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 to be taken to have been engaged in also by the body corporate, unless the body corporate establishes that it took reasonable precautions and exercised due diligence to avoid the conduct.

(5) If it is necessary to establish the state of mind of a person other than a body corporate in relation to particular conduct, it is sufficient to show —

(a) that the conduct was engaged in by an employee or agent of the person within the scope of his or her actual or apparent authority; and

(b) that the employee or agent had the relevant state of mind.

(6) Conduct engaged in on behalf of an employer other than a body corporate by an employee or agent of the employer within the scope of his or her actual or apparent authority is to be taken to have been engaged in also by the employer unless the employer establishes that the employer took reasonable precautions and exercised due diligence to avoid the conduct.

120. Burden of proof where load falls off vehicle

If the prosecution in proceedings for an offence of breaching a loading requirement under the *Road Traffic (Vehicles) Act 2012* proves that a load, or part of a load, had fallen off a vehicle, the burden of proof is on the accused to show that the load was secured so that it was unlikely to fall or be dislodged from the vehicle.

[Section 120 amended: No. 8 of 2012 s. 232.]

Division 3 — Sentencing matters

121. Minimum fines

Without limiting the *Sentencing Act 1995*, and despite any other written law, a pecuniary penalty provided for or in relation to an offence under a road law that is expressed to be a minimum

penalty, whether by the use of the expression "minimum penalty" or "not less than" or another like expression, is irreducible in mitigation.

122. Penalties for bodies corporate

The provision in a road law of a penalty for a body corporate does not affect the operation of the *Sentencing Act 1995* section 40(5) in relation to an offence under a road law that does not provide for a penalty for a body corporate.

Part 7 — Damage to road infrastructure

123. Terms used

In this Part —

compensation order means an order under section 124(1);

road authority means —

(a) a public authority that is responsible for the care, control or management of roads; or

(b) any person or body (whether or not a public authority) 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 mentioned in paragraphs (a) to (d); and

(f) any trees or other vegetation on a road reservation, median strip or traffic island; and

(g) 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.

124. Compensation orders for damage to road infrastructure in consequence of MDLR offences

(1) The court that finds a person guilty of an MDLR offence may make 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, the road authority or the CEO.

(3) A compensation order is to be made in favour of the road authority.

(4) The court may make a compensation order where 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 when it finds the offender guilty of the offence or at any time afterwards, but not later than the period within which a prosecution for the offence could have been commenced.

125. 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) evidence adduced in connection with the prosecution of the offence; and

(b) evidence not adduced in connection with the prosecution of the offence but adduced in connection with the making of the proposed order; and

(c) a 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.

126. Service of certificates

(1) In this section —

certificate means a certificate mentioned in section 125(2).

(2) If a road authority proposes to use a certificate, the road authority must serve a copy of the certificate on the accused at least 28 days before the day on which the matter is set down for hearing.

(3) A certificate cannot be used in the proceedings unless a copy of the certificate has been served in accordance with this section.

(4) An accused who wishes to challenge a statement in a certificate must serve a notice in writing on the road authority at least 14 days before the day on which the matter is set down for hearing.

(5) The notice of intention is to specify the matters in the certificate that are intended to be challenged.

(6) If the accused intends to challenge the accuracy of any measurement, analysis or reading in the certificate, the accused must specify the reasons in support of the accused's allegations that it is inaccurate and must specify the measurement, analysis or reading that the accused considers to be correct.

(7) The accused 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.

127. Limits on amount of compensation

(1) When making a compensation order, if 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 is to 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 is not to exceed the monetary jurisdictional limit of the court in civil proceedings.

(3) The court is not to 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.

128. 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.

129. Enforcement of compensation order and costs

A compensation order, and any award of costs, are enforceable as if they were a judgment of the court in civil proceedings.

130. Relationship with orders or awards of other courts and tribunals

(1) A compensation order is not to 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 has no effect 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 has no effect 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.

131. Liability for damage to road infrastructure

(1) Each responsible person for a vehicle is jointly and severally liable in damages to a road authority for any expense or loss incurred by that road authority because of damage to road infrastructure caused by, or happening as a result of —

(a) the use of the vehicle on a road; or

(b) the passage along a road of the vehicle or of anything carried, drawn, or propelled by the vehicle.

(2) Those damages may be recovered by proceedings in a court of competent jurisdiction.

(3) If any damage of a kind mentioned in subsection (1) causes a hazard to other traffic, the person in charge of the vehicle —

(a) must immediately place a conspicuous warning mark or sign on or near the road infrastructure that is damaged; and

(b) must, as soon as practicable, inform the officer in charge of the nearest police station of the damage.

Penalty for this subsection: a fine of 50 PU.

(4) In any proceedings for the recovery of damages under this section a certificate of the kind mentioned in section 110(4) is evidence for the purposes of proving who is a responsible person for the vehicle as though the proceedings were a prosecution for an offence.

[Section 131 amended: No. 15 of 2024 s. 37.]

132. Road authority may recover expenses of damage caused by heavy traffic

(1) In this section —

Government road means —

(a) a road declared by Order in Council under the *Public Works Act 1902* section 86(2) to be a Government road; or

(b) a highway or main road as those terms are defined in the *Main Roads Act 1930*;

heavy traffic includes —

(a) traffic comprising heavy vehicles; or

(b) a high volume of traffic.

(2) Where it appears to the road authority that has functions in relation to the repair of road infrastructure that, having regard to the average expense of repairing road infrastructure in the vicinity, extraordinary expenses have been incurred by the road authority in repairing the road infrastructure because of damage

caused by heavy traffic, the road authority may recover the amount of the expenses as may be proved to the satisfaction of the court to have been incurred by the road authority because of damage caused by heavy traffic.

(3) Those expenses may be recovered —

(a) from a person by, or in consequence of, whose directions the heavy traffic has been conducted; and

(b) by proceedings in a court of competent jurisdiction.

(4) A person against whom expenses are or may be recoverable under this section may enter into an agreement with the road authority for payment to it in respect of heavy traffic, and on making the payment as agreed the person is not to be subject to any proceedings under this section.

(5) For the purposes of this section the Minister is to be taken to be the road authority that has functions in relation to the repair of a Government road, and the Minister may bring an action for recovery of expenses under this section accordingly and any money recovered is to be credited to the Consolidated Account.

(6) Proceedings for the recovery of expenses under this section cannot be commenced —

(a) in the case where the damage is the consequence of a particular building contract or work extending over a long period, if 6 months have elapsed since the completion of the contract or work; and

(b) in any other case, if 12 months have elapsed since the damage occurred.

Part 8 — Miscellaneous

133. Review of decisions under road laws

(1) The regulations are to provide for the review of a decision —

(a) of the CEO made under the *Road Traffic (Authorisation to Drive) Act 2008* Part 2 and give the Commissioner of Police a right to be heard in proceedings for the review of a decision of the CEO made under that Part; or

(b) to grant, renew, transfer, vary, cancel or suspend a licence, under the *Road Traffic (Vehicles) Act 2012* Part 2, or to refuse to do any of those things; or

(c) under the *Road Traffic (Vehicles) Act 2012* Part 4 Division 2 to modify a mass or dimension requirement or to vary, suspend or cancel a modified mass or dimension requirement, or to specify in an order or permit a matter in relation to a modified mass or dimension requirement, to refuse to do any of those things; or

(d) under the *Road Traffic (Vehicles) Act 2012* Part 4 Division 3 to give, vary, suspend or cancel an access approval, or to specify in an order or permit a matter in relation to an access approval, or to refuse to do any of those things; or

(e) to accredit a person under the *Road Traffic (Vehicles) Act 2012* Division 4 or to vary, suspend or cancel an accreditation, or to impose a requirement in relation to an accreditation, or to refuse to do any of those things; or

(f) of an approved officer, as that term is defined in the *Road Traffic (Vehicles) Act 2012* section 77, to give or amend an improvement notice as defined in that section and give whoever of the CEO or the Commissioner of Police who nominated a person as the approved officer a

right to be heard in proceedings for the review of such a decision; or

(g) to grant, vary, suspend or cancel an exemption defined in the *Road Traffic (Vehicles) Act 2012* section 135, or to impose a condition in relation to such an exemption, or to refuse to do any of those things; or

(h) of the CEO to grant, or refuse to grant, an approval under the *Road Traffic Act 1974* section 104(3).

(2) The regulations may provide for the review of a decision by a court, the State Administrative Tribunal or other tribunal, or any other body or person.

[Section 133 amended: No. 8 of 2012 s. 223 and 232; No. 38 of 2020 s. 27.]

134. Amendment or revocation of directions or conditions

A police officer may amend or revoke a direction given, or a condition imposed, under a road law by a police officer or a warden.

135. Protection from liability for wrongdoing

(1) An action in tort does not lie against a person for anything that the person has done, in good faith, in the performance or purported performance of a function under a road law.

(2) The Minister to whom the administration of a particular road law is for the time being committed by the Governor, the CEO, the Commissioner of Police, the Commissioner for Main Roads, and the Crown are also relieved of any liability that any of them might otherwise have had for another person having done anything as described in subsection (1).

(3) A local government is also relieved of any liability that it might otherwise have had for another person having done anything as described in subsection (1) in relation to a function of a local government under section 11, 139 or 141.

(4) The protection given by this section applies even though the thing done as described in subsection (1) may have been capable of being done whether or not this Act had been enacted.

(5) Subsection (1) does not relieve a contractor of any liability that the contractor might otherwise have for anything done or omitted to be done, as described in that subsection, by the contractor or another person.

(6) In subsection (5) —

contractor means a person who has entered into a contract with the Commissioner of Police under the *Road Traffic Act 1974* section 78D.

(7) In this section, a reference to the doing of anything includes a reference to an omission to do anything.

136. Protection of people testing or examining or giving certain information

(1) The protection given by this section is in addition to any protection given by section 135.

(2) A person is not to be prosecuted for an offence for expressing to the CEO, in good faith, an opinion formed as a result of having carried out a test or examination under a road law.

(3) An action in tort does not lie against a person, and a person is not to be prosecuted for an offence, for reporting to the CEO, in good faith, information that discloses or suggests that —

(a) another person is or may be unfit to drive; or

(b) it may be dangerous to —

(i) allow another person to hold a driver's licence or learner's permit; or

(ii) grant a driver's licence or learner's permit to another person; or

(iii) vary, or not to vary, another person's driver's licence or learner's permit.

137. Liability of director etc. of body corporate that is owner of vehicle

(1) In this section —

director, in relation to a body corporate, includes any person occupying the position of director of the body corporate by whatever name and includes a person in accordance with whose directions or instructions the directors of the body corporate are accustomed to act.

(2) If a person, by reason only of being director of a body corporate, has been required under a road law to discharge any obligation to pay a sum of money that the body corporate was obliged to pay, whether pursuant to a judgment or order of a court or not, that person —

(a) is entitled to recover from the body corporate any amount so paid as a civil debt due to the person by the body corporate; and

(b) if any amount so paid cannot be recovered from the body corporate, is entitled to recover contribution from any other director of the body corporate who would have been liable in respect of the amount so paid except that the amount which may be recovered by a director from any other director is not to exceed the proportion of the total amount that that person has paid as one bears to the total number of directors of the body corporate.

(3) Nothing in this section affects the liability of a body corporate that is a responsible person for a vehicle to pay any amount to the CEO in accordance with any of the provisions of a road law.

138. Contracting out prohibited

A provision in, or condition of, any contract that purports to exclude, limit or modify the operation of a road law has no effect but without prejudice to the other provisions or conditions of the contract.

139. Temporary suspension of road law

(1) If a person or club requests the Minister to temporarily suspend the operation of any provision of a road law for the purpose of enabling a race meeting or speed test to take place, the Minister may —

(a) refuse to suspend the provision for such purpose; or

(b) subject to subsection (2), by notice published in the *Gazette* temporarily suspend the provision for such purpose.

(2) The Minister is not to temporarily suspend the operation of any provision unless the Minister has first obtained the consent of the local government of the district within which the race meeting or speed test will be held.

(3) Any temporary suspension of a provision under this section is subject to such conditions as are specified by the Minister.

(4) Where a person does not comply with a condition under which a provision is temporarily suspended under this section, the provision is to be taken to have effect in relation to that person.

(5) Despite subsection (4), a person who does not comply with a condition under which a provision is temporarily suspended under this section commits an offence.

Penalty for this subsection: a fine of 12 PU.

(6) The Minister may delegate to the Commissioner of Police or a police officer specified in the instrument of delegation all or any of the powers conferred upon the Minister under subsection (1).

[Section 139 amended: No. 15 of 2024 s. 37.]

140. Confusing lights affecting traffic on roads

(1) In this section —

Commissioner means the Commissioner of Main Roads;

light includes any fire, lamp, light, illuminated sign, street light, or other mechanical manufactured or constructed illumination, and also the glow from any such light;

owner includes the owner, lessee, tenant, purchaser, hirer, or other person in possession or entitled to the possession of a light, and, in the case of a street light, means the local government of the district in which such street light is erected or installed.

(2) If a light is used, kept, burnt, or exhibited at a place or in a manner that in the opinion of the Commissioner is likely to confuse traffic on a road or create circumstances or conditions likely to adversely affect or to cause risk of danger to traffic on a road, the Commissioner may by notice in writing require the owner of or the person in charge of the light or the occupier of the place or premises where the light is used, kept, burnt, or exhibited to take effectual means —

(a) to extinguish the light; or

(b) to remove the light entirely or to some other position; or

(c) to modify the light or to alter its character or colour, or to screen the light to the extent and in the manner as directed by the Commissioner; or

(d) to refrain from using, keeping, burning, or exhibiting the light either entirely or for the period or during the hours as directed by the Commissioner; or

(e) to do or refrain from doing any other act, matter, or thing in relation to using, keeping, burning, or exhibiting the light as directed by the Commissioner.

(3) A notice under subsection (2) must state —

(a) the time by which the notice must be complied with; and

(b) that a failure to comply with the notice may constitute an offence.

(3A) A notice under subsection (2) may be served —

(a) on the owner, or person in charge, of the light, or the occupier of the place or premises; or

(b) by affixing it in some conspicuous place on or near the place or premises upon or in which the light to which the notice relates is used, kept, burnt, or exhibited.

(4) A person who is served with a notice under subsection (2) must not, without reasonable excuse, fail to comply with the notice.

Penalty for this subsection:

(a) a fine of 8 PU;

(b) a daily penalty of a fine of 1 PU for each day or part of a day during which the offence continues.

(5) If a person served with a notice under subsection (2) fails in any respect to comply with the notice within the time specified in the notice for compliance, the Commissioner or any person given written authorisation by the Commissioner may enter upon the place or premises at which the light to which the notice relates is used, kept, burnt or exhibited, and take effectual means (but doing no unnecessary damage) to carry out and otherwise give effect to the notice to the extent to which it has not been complied with.

(6) Any expense incurred by the Commissioner or the person authorised by the Commissioner under subsection (5) is a debt owing to the Commissioner by the person upon whom the notice was served and is recoverable by the Commissioner in a court of competent jurisdiction.

(7) A person who is injured or whose property is damaged as a result of a light to which a notice under subsection (2) relates confusing traffic on a road or creating circumstances or conditions that adversely affected or caused risk of danger to traffic on a road may, by way of civil proceedings, recover compensation or damages in respect of the injury or damage

from a person who was served, but failed to comply with, the notice within the time specified in the notice for compliance.

(8) The omission on the part of the Commissioner to give any notice under subsection (2), or the failure on the part of the Commissioner to exercise the power conferred by subsection (5), does not make the Commissioner responsible or liable in any way for an injury to a person or damage to property that occurred as a result of a light confusing traffic on a road or creating circumstances or conditions that adversely affected or caused risk of danger to traffic on a road.

[Section 140 amended: No. 15 of 2024 s. 33.]

141. Closure of roads

(1) The Minister may cause a road to be closed for such period that the Minister considers necessary if the Minister considers that the road is unsafe for traffic.

(2) A local government may cause a road in its district to be closed for such period that the local government considers necessary if the local government considers that the road is unsafe for traffic but the road cannot be closed by the local government for more than one month without with the Minister's written approval to do so.

(3) A person must not drive, take, or use any vehicle on to or on a road while it is closed under subsection (1) or (2).

Penalty for this subsection: a fine of 50 PU.

[Section 141 amended: No. 15 of 2024 s. 37.]

142. Liability under other laws

Nothing in a road law takes away or diminishes any liability of the driver of, an owner of, or a responsible person for, a vehicle under any other enactment or at common law.

143A. Confidentiality of information

(1) A person who is or has been engaged in the performance of functions under a road law must not, directly or indirectly, record, disclose or make use of information obtained under a road law except —

(a) for a purpose related to the administration or enforcement of a road law; or

(b) as required or authorised under a road law or another written law; or

(c) with the consent of the person to whom the information relates; or

(d) in circumstances prescribed by the regulations.

Penalty for this subsection: imprisonment for 12 months or a fine of 240 PU.

(2) Subsection (1) does not prevent the disclosure of statistical or other information that could not reasonably be expected to lead to the identification of any person to whom it relates.

(3) Subsection (2) does not apply to information relating to particular commercial operations, even if its disclosure could not reasonably be expected to lead to the identification of the commercial operation to which it relates.

[Section 143A inserted: No. 18 of 2011 s. 22; amended: No. 8 of 2012 s. 224; No. 26 of 2018 s. 318.]

143. Regulations

(1) The Governor may make regulations prescribing any matter that is required or permitted by this Act to be prescribed, or that is necessary or convenient to be prescribed for giving effect to the purposes of this Act.

(2) The regulations may make it an offence to contravene a condition imposed by or under the regulations, but this subsection does not limit the other consequences that the regulations may attach to a contravention.

(3) Without limiting subsection (1), regulations may —

(aa) impose penalties not exceeding a fine of 64 PU for a first offence, and not exceeding a fine of 96 PU for any subsequent offence, under any regulation made under this Act; and

(a) prescribe matters for or in respect of which fees may be charged or charges may be made under this Act and prescribing the amounts of such fees or charges; and

(b) require a statutory declaration to be made about a matter; and

(c) make the following provision for or in relation to a record required or permitted to be given under this Act (other than a Part 5 document) —

(i) the giving of the record (including the giving of the record by electronic means);

(ii) the time at which the record is taken to have been given;

(iii) the means of satisfying a requirement under this Act in relation to a record in writing (for example, a requirement that the original of a record be given or that a record be signed) if the record is given by electronic means.

Note for this subsection:

In relation to paragraph (c), section 100(2) sets out what regulations may provide in relation to service of Part 5 documents.

(4) For the purposes of subsection (3)(a), a reference in the *Interpretation Act 1984* section 45(1)(f) and (2) to a reduction is to be read as if it included a reference to a deferral.

(5) Subsection (3)(c) applies to a requirement or permission to give a record whether the term "give", "send", "produce", "disclose" or "serve", or any other similar term, is used.

[Section 143 amended: No. 10 of 2015 s. 8; No. 15 of 2024 s. 34.]

144. Minister's declarations to apply regulations to areas other than roads etc.

(1) The Minister may declare that a regulation made under a road law and specified in the declaration applies to a specified area of the State that is open to or used by the public.

(2) A declaration has effect for the period specified in it unless it is sooner revoked.

145. Minister's declarations that specified regulations do not apply to specified persons or vehicles

Regulations may provide for the Minister to declare, in writing in accordance with the regulations, that a specified requirement of the regulations does not apply to a specified person or vehicle.

146. Regulations may refer to published documents

(1) Regulations made for the purposes of this Act may adopt the text of any published document specified in the regulations —

(a) as that text exists at a particular date; or

(b) as that text may from time to time be amended.

(2) The text may be adopted —

(a) wholly or in part; or

(b) as modified by the regulations.

(3) The adoption may be direct (by reference made in the regulations), or indirect (by reference made in any text that is itself directly or indirectly adopted).

(4) The adoption of text is of no effect unless —

(a) the adopted text; and

(b) if text is adopted as it may be amended from time to time, either —

(i) the amendments to the text; or

(ii) the text as amended,

can at all reasonable times be inspected or purchased by the public.

146A. Approved forms must be published on website

The CEO must ensure that a form approved by the CEO under section 71(3)(aa), 91(1)(a), 94(1), 96(3)(a) or 99 is published on the website of the department of the Public Service principally assisting in the administration of this Act.

[Section 146A inserted: No. 15 of 2024 s. 35.]

Part 9 — Transitional and consequential provisions

Division 1 — Transitional provisions arising from certain amendments made by the *Road Traffic Legislation Amendment Act 2012*

[Heading amended: No. 8 of 2012 s. 225.]

Subdivision 1 — Transitional provisions arising from certain amendments made to the *Road Traffic Act 1974* by the *Road Traffic Legislation Amendment Act 2012*

[Heading amended: No. 8 of 2012 s. 226.]

147. Terms used

In this Subdivision —

amending Act means the *Road Traffic Legislation Amendment Act 2012*;

commencement day means the day on which the *Road Traffic Legislation Amendment Act 2012* Part 3 comes into operation;

RT Act means the *Road Traffic Act 1974* as in force immediately before commencement day.

[Section 147 amended: No. 8 of 2012 s. 227.]

148. Application of *Interpretation Act 1984*

The provisions of this Division do not prejudice or affect the application of the *Interpretation Act 1984* to and in relation to the repeals of provisions of the RT Act effected by the amending Act.

149. Notices by which person nominated as vehicle owner

A notice under the RT Act section 5(4) that was given to the Director General before commencement day is, on and from commencement day, to be taken to be a notice under section 5(2).

150. Notices as to corresponding laws about persons responsible for vehicle

A law declared to be a corresponding law for the purposes of the RT Act section 5A(3) by a notice published under that provision and in effect immediately before commencement day is, on and from commencement day, to be taken to be a law declared for the purposes of the definition in section 4 of "corresponding", in relation to the law of another jurisdiction and a law of this State.

151. Delegations and approvals

(1) A delegation of the Director General under the RT Act section 6A that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a delegation of the CEO under section 8.

(2) An approval of the Director General under the RT Act section 6A(3) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an approval of the CEO under section 8(3).

152. Agreements as to Director General's functions

An agreement entered into by the Director General under the RT Act section 6B that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an agreement entered into by the CEO under section 11.

153. Use of certain particulars

(1) Particulars supplied to the Commissioner of Police under the RT Act section 8(2) before commencement day are, on and from commencement day, to be taken to be particulars supplied under section 12(2).

(2) Offence particulars supplied to the Director General under the RT Act section 8(5) before commencement day are, on and from commencement day, to be taken to be offence particulars supplied under section 12(6).

154. Applications for grant or transfer of vehicle licences

An application under the RT Act section 17(4) made before commencement day may, on and after commencement day, be taken to be notice of the nomination of the applicant for the purposes of section 5(2).

155. Notices and delegations as to temporary suspension of laws

(1) A notice published under the RT Act section 83(1)(b) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a notice published under section 139(1)(b).

(2) A delegation of the Minister under the RT Act section 83(6) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a delegation of the Minister under section 139(6).

156. Agreements as to expenses for repairing damage to roads caused by heavy traffic

An agreement entered into under the RT Act section 85(2) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an agreement entered into under section 132(4).

157. Unauthorised parking areas

A notice published under the RT Act section 86(1)(b) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an order mentioned in the definition of ***prescribed area*** in section 47(1).

158. Confusing lights affecting traffic on roads

A notice under the RT Act section 87(2) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a notice under section 140(2).

159. Closure of roads

(1) The closure of a road under the RT Act section 92(1) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a closure under section 141(1).

(2) The closure of a road under the RT Act section 92(2) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a closure under section 141(2).

160. Notices, certificates and delegations as to evidence about measuring equipment

(1) A notice published under the RT Act section 98A(2) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a notice published under section 117(2).

(2) A certificate given by the Commissioner of Police or the Commissioner's delegate under the RT Act section 98A(4b) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a certificate of the Commissioner of Police or the Commissioner's delegate, as is applicable in the case, under section 117(8).

(3) A delegation of the Commissioner of Police under the RT Act section 98A(6) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a delegation of the Commissioner of Police under section 117(10).

161. Infringement notices

If, before commencement day —

(a) a traffic infringement notice as defined in the RT Act section 5(1) had been served; and

(b) the notice had not been withdrawn; and

(c) payment of the whole or part of a penalty under the notice had not been made,

on and from commencement day, the notice is to be taken to be an infringement notice for the purposes of this Act.

162. Notices requesting information

(1) If, before commencement day —

(a) a notice had been served under the RT Act section 102C(1) without enclosing photographic evidence; and

(b) the notice had not been withdrawn; and

(c) the information mentioned in the RT Act section 102C(2)(a) or (b) had not been supplied,

on and from commencement day, the notice is to be taken to be a notice served under section 98 without enclosing photographic evidence.

(2) If, before commencement day —

(a) a notice enclosing photographic evidence had been served under the RT Act section 102C(1) or (2); and

(b) the notice had not been withdrawn; and

(c) the information or statutory declaration mentioned in the RT Act section 102C(3)(a), (b) or (c) had not been supplied,

on and from commencement day, the notice is to be taken to be a notice enclosing photographic evidence served under section 98 or 99, as is relevant to the case.

163. Minister's declarations to apply regulations to areas other than roads etc.

A declaration made under the RT Act section 111AA that was in effect immediately before commencement day is, on and from commencement day, to be taken to be a declaration made under section 144.

164. Transitional regulations

The regulations may contain provisions that are necessary or convenient for dealing with matters concerning the transition from the provisions of any written law applying before commencement day to the provisions of this Act, including regulations made under this Act, applying after commencement day.

Subdivision 2 — Transitional provisions arising from amendments made to other written laws by the *Road Traffic Legislation Amendment Act 2012*

[Heading amended: No. 8 of 2012 s. 228.]

165. Transitional regulations for laws other than road laws

The regulations may contain provisions that are necessary or convenient for dealing with matters concerning the transition from the provisions of an Act before it was amended by the *Road Traffic Legislation Amendment Act 2012* Part 4, to the provisions of the first mentioned Act as amended by the *Road Traffic Legislation Amendment Act 2012* Part 4.

[Section 165 amended: No. 8 of 2012 s. 229.]

Division 2 — Transitional provisions arising from certain amendments made by the *Road Traffic Legislation Amendment Act 2016*

[Heading inserted: No. 25 of 2016 s. 68.]

166. Terms used

In this Division —

commencement day means the day on which the *Road Traffic Legislation Amendment Act 2016* section 66 comes into operation;

RT(A) Act means the *Road Traffic (Administration) Act 2008* as in force before commencement day.

[Section 166 inserted: No. 25 of 2016 s. 68.]

167. Approval of apparatus for ascertaining vehicle speed

An approval under the RT(A) Act section 117(2) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an approval for the purposes mentioned in section 117(2)(a).

[Section 167 inserted: No. 25 of 2016 s. 68.]

168. Approval of apparatus for ascertaining distances on roads

An approval under the RT(A) Act section 117(3) that was in effect immediately before commencement day is, on and from commencement day, to be taken to be an approval for the purposes mentioned in section 117(2)(b).

[Section 168 inserted: No. 25 of 2016 s. 68.]

169. Certain authorised persons to be authorised persons for speed measuring and recording equipment, average speed detection systems

(1) In this section —

speed measuring equipment has the meaning given in the RT(A) Act section 117(1).

(2) A person who, immediately before commencement day, is a person certified by the Commissioner of Police as being competent to use speed measuring equipment is, on and from commencement day, to be taken to be a person certified by the Commissioner of Police as being competent to install, set up, test and retrieve data from speed measuring and recording equipment as defined in section 117(1) and produce images from the data.

(3) A person who, immediately before commencement day, is a person certified by the Commissioner of Police as being competent to use speed measuring equipment is, on and from commencement day, to be taken to be a person certified by the Commissioner of Police as being competent to install, set up, test and retrieve data from an average speed detection system as defined in section 117B(1) and produce images from the data.

[Section 169 inserted: No. 25 of 2016 s. 68.]

Division 3 — Transitional provisions arising from certain amendments made by the *Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024*

[Heading inserted: No. 15 of 2024 s. 36.]

170. Terms used

In this Division —

commencement day means the day on which the Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024 Part 2 comes into operation;

former, in relation to a provision, means that provision as in force immediately before commencement day.

[Section 170 inserted: No. 15 of 2024 s. 36.]

171. Infringement notices and notices requesting information served under former Part 5

Former Part 5 continues to apply in relation to the following notices served before commencement day as if former Part 5 had not been amended by the *Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024* section 25 —

(a) an infringement notice served under former Part 5;

(b) a notice served under former section 98 or 99;

(c) a notice served under former section 98 or 99 that is regarded as an infringement notice under former section 104(2).

[Section 171 inserted: No. 15 of 2024 s. 36.]

172. Prosecutions for relevant offences must be commenced within 12 months

(1) In this section —

relevant offence means an offence under a road law to which former section 106(2) applied before commencement day.

(2) Former section 106(2) continues to apply to a relevant offence that was allegedly committed before commencement day.

[Section 172 inserted: No. 15 of 2024 s. 36.]

173. Authorised persons in relation to speed measuring and recording equipment data

(1) In this section —

speed measuring and recording equipment has the meaning given in section 117(1).

(2) This section applies if, immediately before commencement day, a person has a certification by the Commissioner of Police under section 117(1) in relation to competence to retrieve data from speed measuring and recording equipment and produce images from the data.

(3) On and from commencement day, the person's certification is taken to be certification in relation to competence to obtain data produced by speed measuring and recording equipment and produce images from the data.

[Section 173 inserted: No. 15 of 2024 s. 36.]

174. Authorised persons in relation to average speed detection system data

(1) In this section —

average speed detection system has the meaning given in section 117B(1).

(2) This section applies if, immediately before commencement day, a person has a certification by the Commissioner of Police under section 117B(1) in relation to competence to retrieve data from an average speed detection system and produce images from the data.

(3) On and from commencement day, the person's certification is taken to be a certification in relation to competence to obtain data produced by an average speed detection system and produce images from the data.

[Section 174 inserted: No. 15 of 2024 s. 36.]

Notes

This is a compilation of the *Road Traffic (Administration) Act 2008* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

Compilation table

Short title	Number and year	Assent	Commencement
Road Traffic (Administration) Act 2008	39 of 2008	15 Aug 2008	s. 1 and 2: 15 Aug 2008 (see s. 2(a)); Act other than s. 1 and 2: 27 Apr 2015 (see s. 2(b) and *Gazette* 17 Apr 2015 p. 1371)
Road Traffic Legislation Amendment (Registration Labels) Act 2009 Pt. 3	39 of 2009	3 Dec 2009	1 Jan 2010 (see s. 2(b))
Road Traffic Legislation Amendment (Disqualification by Notice) Act 2010 Pt. 3	51 of 2010	8 Dec 2010	1 Aug 2012 (see s. 2(c) and *Gazette* 27 Jul 2012 p. 3664)
Trade Measurement Legislation (Amendment and Expiry) Act 2010 s. 10	54 of 2010	8 Dec 2010	8 Dec 2010 (see s. 2(b)(ii))
Road Traffic Amendment (Alcohol and Drug Related Offences) Act 2011 Pt. 3	14 of 2011	25 May 2011	27 Apr 2015 (see s. 2(b) and *Gazettes* 30 Aug 2011 p. 3503 and 17 Apr 2015 p. 1371)
Road Traffic Legislation Amendment (Information) Act 2011 Pt. 3	18 of 2011	2 Jun 2011	27 Apr 2015 (see s. 2(b) and *Gazettes* 29 Jun 2011 p. 2611 and 17 Apr 2015 p. 1371)
Road Traffic Legislation Amendment Act 2012 Pt. 5	8 of 2012 (as amended by No. 10 of 2015 s. 19)	21 May 2012	Pt. 5 (s. 208(1), 210, 211, 212 and 224): 27 Apr 2015 (see s. 2(e) and *Gazettes* 29 Jun 2011 p. 2611 and 17 Apr 2015 p. 1371); Pt. 5 (other than s. 208(1), 210, 211, 212 and 224): 27 Apr 2015 (see s. 2(f) and *Gazette* 17 Apr 2015 p. 1371)
Road Traffic (Miscellaneous Amendments) Act 2012 Pt. 3	59 of 2012	11 Dec 2012	27 Apr 2015 (see s. 2(c)(ii) and *Gazette* 17 Apr 2015 p. 1371)

Short title	Number and year	Assent	Commencement
Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015 Pt. 3 Div. 2	2 of 2015	25 Feb 2015	24 Oct 2016 (see s. 2(1)(b) and (2) and *Gazette* 20 Sep 2016 p. 3965)
Road Traffic Legislation Amendment Act 2015 Pt. 3	10 of 2015	1 Apr 2015	2 Apr 2015 (see s. 2(b))
Reprint 1: The *Road Traffic (Administration) Act 2008* as at 15 May 2015 (includes amendments listed above except those in the *Road Traffic Amendment (Alcohol Interlocks and Other Matters) Act 2015* Pt. 3 Div. 2)			
Road Traffic Legislation Amendment Act 2016 Pt. 2 Div. 2 and Pt. 3 Div. 3 Subdiv. 2 and Div. 4 Subdiv. 2	25 of 2016	21 Sep 2016	Pt. 2 Div. 2: 22 Sep 2016 (see s. 2(b)); Pt. 3 Div. 3 Subdiv. 2: 28 Nov 2016 (see s. 2(c) and *Gazette* 25 Nov 2016 p. 5279); Pt. 3 Div. 4 Subdiv. 2: 6 Sep 2017 (see s. 2(c) and *Gazette* 22 Aug 2017 p. 4501)
Local Government Legislation Amendment Act 2016 Pt. 3 Div. 31	26 of 2016	21 Sep 2016	21 Jan 2017 (see s. 2(b) and *Gazette* 20 Jan 2017 p. 648)
Reprint 2: The *Road Traffic (Administration) Act 2008* as at 14 Dec 2018 (includes amendments listed above)			
Transport (Road Passenger Services) Act 2018 Pt. 14 Div. 2 Subdiv. 4	26 of 2018	30 Oct 2018	28 Feb 2019 (see s. 2(b) and *Gazette* 26 Feb 2019 p. 449-50)
Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020 Pt. 3 Div. 5	25 of 2020	19 Jun 2020	29 Sep 2020 (see s. 2(1)(c) and SL 2020/159 cl. 2(a))
Family Violence Legislation Reform Act 2020 Pt. 8	30 of 2020	9 Jul 2020	1 Jan 2021 (see s. 2(1)(c) and SL 2020/125 cl. 2(c)(iv))
Road Traffic Amendment (Immobilisation, Towing and Detention of Vehicles) Act 2020 Pt. 3	38 of 2020	10 Nov 2020	14 Dec 2020 (see s. 2(1)(b) and SL 2020/229 cl. 2)
Transport Legislation Amendment (Identity Matching Services) Act 2022 Pt. 2	8 of 2022	14 Apr 2022	15 Apr 2022 (see s. 2(b))

Short title	Number and year	Assent	Commencement
Road Traffic Legislation Amendment (Infringement Management Reform) Act 2024 Pt. 2	15 of 2024	14 May 2024	7 Oct 2024 (see s. 2(b) and SL 2024/200 cl. 2)
Towing Services Act 2024 Pt. 11 Div. 3	37 of 2024	29 Oct 2024	10 Jan 2025 (see s. 2(c) and SL 2025/3 cl. 2(h))

Defined terms

[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]

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