

South Australia

# Road Traffic Act 1961

An Act to prescribe the duties of road users; to provide for nationally consistent road rules; to provide for vehicle standards, mass and loading requirements and other safety measures in relation to light vehicles; to regulate the identification of vehicles; to provide for the installation, use and maintenance of traffic control devices; to provide for the closing of roads for traffic management and other purposes; to provide for the use of photographic detection devices; to provide for the enforcement of Australian road laws and the recognition of administrative actions and court orders of other Australian jurisdictions; and for other purposes.

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Crown is bound
- 5 Interpretation
- 5A Application of Act to vehicles and road users on roads
- 6 Drivers and riders
- 6A Roads and road-related areas
- 7 Drivers of trailers
- 8 References to *Australian Road Rules*
- 10 Act in addition to and not in derogation of other Acts

### Part 2—Administrative provisions

#### Division 1—The Minister

- 11 Delegation by Minister
- 12 Power of Minister in relation to approvals

#### Division 2—Traffic control devices

- 16 Roads under care etc of Commissioner of Highways
- 17 Installation etc of traffic control devices—general provision
- 18 Direction as to installation etc of traffic control devices
- 19 Cost of traffic control devices and duty to maintain
- 19A Recovery of cost of installing certain traffic control devices
- 20 Work areas and work sites
- 20A Appeal to District Court
- 21 Offences relating to traffic control devices
- 21A Payments to Highways Fund
- 22 Proof of lawful installation etc of traffic control devices
- 23 Regulations fixing expiation fees

31 Action to deal with false devices or hazards to traffic

### Division 3—Road closing provisions

32 Road closing by councils for traffic management purposes

33 Road closing and exemptions for certain events

34 Road closing for emergency use by aircraft

### Division 4—Enforcement officers for Australian road laws

35 Appointment of authorised officers

37 Exercise of powers by police officers

38 Identity cards

39 Production of identification

40 Return of identity cards

40B Registrar may exercise powers of authorised officers

### Division 5—General enforcement powers for Australian road laws

#### Subdivision 1—Interpretation

40C Meaning of qualified, fit or authorised to drive or start or stop engine

40D Meaning of unattended vehicle and driver of disconnected trailer

40E Meaning of broken down vehicle

40F Meaning of compliance purposes

#### Subdivision 2—Directions to stop, move or leave vehicles

40G Application of Subdivision

40GA Interpretation

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

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

40J Direction to move vehicle if danger or obstruction

40K Direction to leave vehicle

40L Manner of giving directions under Subdivision

40M Moving unattended vehicle to enable exercise of other powers

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

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

40O Operator's authorisation not required for driving under Subdivision

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

#### Subdivision 4—Powers of inspection and search

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

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

40S Power to inspect premises

40T Power to search premises

40U Residential purposes

#### Subdivision 5—Other directions

40V Direction to give name and other personal details

40W Direction to produce records, devices or other things

40X Direction to provide information

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

40Z Provisions relating to starting or stopping engine

41 Manner of giving directions under Subdivision

- 
- 41A Directions to state when to be complied with
- Subdivision 6—Warrants
- 41B Warrants
- Subdivision 7—Other provisions regarding inspections and searches
- 41C Use of assistants and equipment
- 41D Use of equipment to examine or process things
- 41E Use or seizure of electronic equipment
- Subdivision 8—Other provisions regarding seizure
- 41F Receipt for and access to seized material
- Subdivision 9—Miscellaneous
- 41H Power to use force against persons to be exercised only by police officers
- 41I Various powers may be exercised on same occasion
- 41J Restoring vehicle or premises to original condition after action taken
- 41K Self-incrimination
- 41L Providing evidence to other authorities
- 41M Obstructing or hindering authorised officers
- 41N Impersonating authorised officers
- 41O Division not to affect other powers
- Part 2A—Mutual recognition and corresponding road laws
- 41P Effect of administrative actions of authorities of other jurisdictions
- 41Q Effect of court orders of other jurisdictions
- Part 3—Duties of drivers, passengers and pedestrians
- Division 2—Duty to stop and give assistance where person killed or injured
- 43 Duty to stop, give assistance and present to police where person killed or injured
- Division 3—Fraudulent use of motor vehicles
- 44A Procuring use of vehicle by fraud
- Division 4—Vehicle misuse and careless and dangerous driving
- 44B Misuse of motor vehicle
- 45 Careless driving
- 45A Excessive speed
- 45B Power of police to impose licence disqualification or suspension
- 45C Speed and gear restrictions for trucks and buses on prescribed roads
- 45D Power of police to impose licence disqualification or suspension for section 45C etc offences
- 45E Application to Court to have disqualification or suspension under section 45D lifted
- 46 Reckless and dangerous driving
- Division 5—Drink driving and drug driving
- 47 Driving under the influence
- 47A Interpretation
- 47B Driving while having prescribed concentration of alcohol in blood
- 47BA Driving with prescribed drug in oral fluid or blood

- 47C Relation of conviction under section 47B or 47BA to contracts of insurance etc
- 47D Payment by convicted person of costs incidental to apprehension etc
- 47DA Driver testing stations
- 47E Police may require alcotest or breath analysis
- 47EAA Police may require drug screening test, oral fluid analysis and blood test
- 47EA Exercise of random testing powers
- 47EB Concentration of alcohol in breath taken to indicate concentration of alcohol in blood
- 47F Schedule 1 further regulates oral fluid and blood sample processes
- 47GA Breath analysis where drinking occurs after driving
- 47GB Oral fluid analysis or blood test where consumption of prescribed drug occurs after driving
- 47H Approval of apparatus and kits for breath analysis etc
- 47I Compulsory blood tests
- 47IAA Power of police to impose immediate licence disqualification or suspension
- 47IAB Application to Court to have disqualification or suspension lifted
- 47IA Certain offenders to attend lectures
- 47J Recurrent offenders
- 47K Evidence

#### Division 6—Traffic speed analysers and radar detectors and jammers

- 53A Approval of apparatus as traffic speed analysers
- 53B Sale and seizure of radar detectors, jammers and similar devices

#### Division 7—Photographic detection devices

- 79A Approval of apparatus as photographic detection devices
- 79B Provisions applying where certain offences are detected by photographic detection devices
- 79BA Installation etc of photographic detection devices
- 79C Interference with photographic detection devices
- 79D Report on Community Road Safety Fund

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

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

#### Division 9—Miscellaneous provisions

- 81 Interpretation
- 82 Speed limit while passing school bus
- 83 Speed in emergency service speed zone
- 85 Control of parking near Parliament House
- 86 Council may determine that ticket for parking be obtained without fee
- 86A Parking where ticket required without payment of fee
- 87 Walking without care or consideration
- 91 Duty to comply with direction of authorised person
- 95 Riding without driver's consent
- 99A Cyclists on footpaths etc to give warning
- 99B Wheeled recreational devices and wheeled toys
- 107 Damage to road infrastructure
- 107A Vehicle fitted with metal tyres
- 108 Depositing material on roads
- 110 Driving on sealed surface
- 110AAAA Certain provisions not to apply to drivers of emergency vehicles

## Part 3A—Vehicle identification

- 110A Interpretation
- 110B Motor vehicle or trailer must bear vehicle identification plate
- 110C Offences

## Part 4—Vehicle standards, mass and loading requirements and safety provisions applying to light vehicles

### Division 1—Light vehicle standards

- 111 Rules prescribing light vehicle standards

### Division 2—Light vehicle mass and loading requirements

- 113 Regulations prescribing light vehicle mass and loading requirements

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

- 116 Meaning of breach of light vehicle standards or maintenance requirement
- 117 Liability of driver
- 118 Liability of operator

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

#### Subdivision 1—Preliminary

- 119 Meaning of breach of light vehicle mass, dimension or load restraint requirement

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

- 123 Liability of driver
- 124 Liability of operator

### Division 4—Enforcement powers

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

- 145 Defect notices

#### Subdivision 2—Powers relating to breaches of light vehicle mass, dimension or load restraint requirements

- 146 Directions and authorisations

### Division 5—Further safety provisions

- 161A Driving of certain light vehicles subject to Ministerial approval
- 162A Seat belts and child restraints
- 162B Safety helmets for riders of motor bikes and bicycles
- 162C Safety helmets and riders of wheeled recreational devices and wheeled toys

### Division 7—Power of exemption

- 163AA Power of exemption

## Part 4A—Central Inspection Authority

- 163A The Authority
- 163C Application of Part
- 163D Inspection of vehicles and issue of certificates of inspection
- 163E Inspection of vehicles
- 163F Cancellation of certificates of inspection
- 163G Inspection of certificates
- 163GA Maintenance records
- 163I Evidentiary
- 163J Recognition of interstate certificates of inspection
- 163K Limitation of liability

## Part 4C—General compensation orders

- 163ZC Compensation orders for damage to road infrastructure
- 163ZD Assessment of compensation
- 163ZE Service of certificates
- 163ZF Limits on amount of compensation
- 163ZG Costs
- 163ZH Relationship with orders or awards of other courts and tribunals

## Part 5—Supplementary provisions

- 164A Offences and penalties
- 164B Approval or exemption does not operate in favour of person who contravenes a condition
- 165 False statements
- 166 Double jeopardy
- 167 Causing or permitting certain offences
- 168 Power of court to make orders relating to licences or registration
- 169A Power to postpone commencement of disqualification
- 169B Effect of imprisonment on disqualification
- 170 Disqualification where vehicle used for criminal purposes
- 172 Removal of disqualification
- 173 Appeals and suspension of disqualification
- 173A Defence relating to registered owner or operator
- 173AB Further defences
- 173B Service of notices etc on owners of vehicles
- 174 Liability when hired vehicles driven for hire
- 174A Liability of vehicle owners and expiation of certain offences
- 174AB Marking of tyres for parking purposes
- 174B Further offence for continued parking contravention
- 174C Council may grant exemptions from certain provisions
- 174D Proceedings for certain offences may only be taken by certain officers or with certain approvals
- 174E Presumption as to commencement of proceedings
- 174G Dismissal or other victimisation of employee or contractor assisting with or reporting breaches
- 174H False or misleading information provided between responsible persons
- 174I Amendment or revocation of directions or conditions
- 174J Minister may provide information to corresponding Authorities
- 174K Contracting out prohibited
- 175 Evidence
- 175A Average speed evidence

- 176 Regulations and rules
- 177 Inconsistency of by-laws

## Schedule 1—Oral fluid and blood sample processes

### Part 1—Preliminary

- 1 Interpretation
- 1A Approval of couriers

### Part 2—Processes relating to blood samples under Part 3 Division 5

- 2 Blood sample processes generally
- 3 Blood tests by registered nurses
- 4 Police officer to be present when blood sample taken
- 5 Cost of blood tests under certain sections
- 6 Provisions relating to medical practitioners etc

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

- 7 Oral fluid sample processes

### Part 4—Other provisions relating to oral fluid or blood samples under Part 3 Division 5

- 8 Oral fluid or blood sample or results of analysis etc not to be used for other purposes
- 9 Destruction of oral fluid or blood sample taken under Part 3 Division 5

### Legislative history

---



**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

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

### **2—Crown is bound**

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

### **5—Interpretation**

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

**accident** includes—

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

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

**area** means a municipality or district council district;

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

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

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

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

**authorised officer** means—

- (a) a person appointed as an authorised officer under section 35 or a person of a class of persons appointed as authorised officers under that section; or
- (b) a police officer;

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

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

**bicycle** means a vehicle with 2 or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor), and—

- (a) includes a pedicab, penny-farthing and tricycle; and

- (b) includes a power assisted pedal cycle (within the meaning of vehicle standards determined under the *Motor Vehicle Standards Act 1989* of the Commonwealth); but
- (c) does not include a wheelchair, wheeled recreational device, wheeled toy, or any vehicle (other than a vehicle referred to in paragraph (b)) with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating);

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

**breach of a light vehicle mass, dimension or load restraint requirement**—see section 119;

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

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

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

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

**combination** means a group of vehicles consisting of a motor vehicle towing 1 or more vehicles;

**condition** includes a limitation;

**conduct** means an act, or an omission to perform an act, or a state of affairs;

**contravene** includes fail to comply with;

**corresponding Authority** means—

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

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

**corresponding road law** means—

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

**council** means a municipal or district council;

**cycle** means a bicycle or a motor bike;

**drink driving offence** means—

- (a) an offence against section 47(1) or (1a) involving the driving of a motor vehicle, or attempting to put a motor vehicle in motion, while so much under the influence of intoxicating liquor as to be incapable of exercising effective control of the vehicle; or
- (b) an offence against section 47B(1), 47B(1a), 47E(3), 47E(3a), 47I(7) or 47I(14);

**drive** a vehicle includes be in control of the steering, movement or propulsion of the vehicle;

**driver** of a vehicle (other than a motor bike, bicycle, animal or animal-drawn vehicle) means the person driving the vehicle but does not include a person pushing a motorised wheelchair;

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

**drug driving offence** means—

- (a) an offence against section 47(1) or (1a) involving the driving of a motor vehicle, or attempting to put a motor vehicle in motion, while so much under the influence of a drug as to be incapable of exercising effective control of the vehicle; or
- (b) an offence against section 47BA(1), 47BA(1a), 47EAA(9), 47EAA(9a), 47I(7) or 47I(14);

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

**employer** means a person who employs persons under—

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

**engage in conduct** means—

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

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

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

**garage address** of a vehicle means—

- (a) in the case of a vehicle normally kept at a depot when not in use—the principal depot of the vehicle; or
- (b) in any other case—the address of the place of business or residence at which the vehicle is normally kept when not in use;

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

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

**goods** includes—

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

but does not include—

- (c) people; or
- (d) fuel, water, lubricants and readily removable equipment required for the normal use of the vehicle in which they are carried; or
- (e) personal items used by the driver of the vehicle, or someone else necessary for the normal use of the vehicle, in which they are carried;

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

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

**heavy vehicle** means a vehicle that is a heavy vehicle for the purposes of the *Heavy Vehicle National Law (South Australia)*;

**Heavy Vehicle National Law (South Australia)** has the same meaning as in the *Heavy Vehicle National Law (South Australia) Act 2013*;

**Heavy Vehicle National Regulations (South Australia)** has the same meaning as in the *Heavy Vehicle National Law (South Australia) Act 2013*;

**home address** of a person means—

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

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

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

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

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

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

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

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

**jurisdiction** means the Commonwealth or a State or Territory;

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

**legal entitlements** of a vehicle (or component of a vehicle) means the particulars of the entitlements, conferred under an Australian road law or the *Heavy Vehicle National Law (South Australia) Act 2013*, that authorise the vehicle (or component) to be operated on a road, and includes—

- (a) any entitlements arising under or as affected by a permit, registration, authorisation, approval, exemption, notice or anything else given or issued in writing under an Australian road law or the *Heavy Vehicle National Law (South Australia) Act 2013*; and
- (b) any entitlements arising under or as affected by restrictions, or by the application of restrictions, under an Australian road law, the *Heavy Vehicle National Law (South Australia) Act 2013* or other laws (for example, sign-posted mass limits for bridges, hazardous weather condition permits, and special road protection limits);

**light motor vehicle** means a motor vehicle that is not a heavy vehicle;

**light vehicle** means a vehicle that is not a heavy vehicle;

**light vehicle mass and loading requirements**—see section 113;

**light vehicle mass, dimension or load restraint requirement** means—

- (a) a light vehicle mass and loading requirement; or
- (b) a requirement of the *Australian Road Rules* relating to mass limits where the mass limits are indicated by signs (for example, sign-posted bridge limits);

**light vehicle standards**—see section 111;

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

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

and includes a part of a load as so defined;

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

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

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

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

**operator** of a vehicle means—

- (a) in the case of a vehicle other than a combination but including a vehicle in a combination—a person responsible for controlling or directing the use of the vehicle; or

- (b) in the case of a combination—a person responsible for controlling or directing the use of the towing vehicle in the combination,

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

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

*owner* of a vehicle means—

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

and includes a registered owner of the vehicle;

*park* includes stop;

*pedestrian* includes—

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

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

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

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

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

**public authority** means—

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

**public place** includes a place—

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

but does not include—

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

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

- (a) the drivers of, and passengers and other persons in, vehicles; and
- (b) persons or property 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 any loads in or on them;

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

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

**registered operator** of a vehicle means—

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

**registered owner** of a vehicle means—

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

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

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

- (a) an owner of a vehicle;
- (b) a driver of a vehicle;
- (c) an operator or registered operator of a vehicle;
- (d) a person in charge or apparently in charge of a vehicle;
- (e) a person in charge or apparently in charge of the garage address of a vehicle;
- (f) a person in charge of premises entered by an authorised officer under this Act;
- (g) an owner or operator of a weighbridge, or weighing facility, used to weigh vehicles or an occupier of premises where such a weighbridge or weighing facility is located;
- (h) a person who controls or directly influences the loading or operation of a vehicle;
- (i) an agent, employer, employee, contractor or subcontractor of a person referred to in any of the preceding paragraphs of this definition;

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

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

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

**road authority** means—

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

**road infrastructure** includes—

- (a) a road, including its surface or pavement; and

- (b) anything under or supporting a road or its surface or pavement and maintained by a road authority; and
- (c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of a road system or supporting a road; and
- (d) any bridge or other work or structure located above, in or on a road and maintained by a road authority; and
- (e) any traffic control devices, railway or tramway equipment, electricity equipment, emergency telephone systems or any other facilities (whether of the same or a different kind) in, on, over, under or connected with anything referred to in paragraphs (a)—(d); and
- (f) anything declared by the regulations to be included in this definition,

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

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

**road law offence** means an offence against a road law;

**road-related area** means any of the following:

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

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

**semi-trailer** means a trailer that has—

- (a) 1 axle group or a single axle towards the rear; and
- (b) a means of attachment to a prime mover that results in some of the mass of the trailer's load being imposed on the prime mover;

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

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

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

**start**, in relation to a vehicle's engine, includes run the engine;

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

**traffic** includes vehicles and pedestrians;

---

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

- (a) a traffic cone, barrier, structure or other device or thing to wholly or partially close a road or part of a road; and
- (b) a parking ticket-vending machine and parking meter;

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

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

**tram** includes a light rail vehicle;

**transport documentation** means—

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

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

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

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

**twinsteer axle group** means a group of 2 axles:

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

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

*vehicle* includes—

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

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

*walk* includes run;

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

*wheeled recreational device* means a device or vehicle prescribed by regulation as a wheeled recreational device for the purposes of this definition;

*wheeled toy* means a device or vehicle prescribed by regulation as a wheeled toy for the purposes of this definition.

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

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

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

## **6—Drivers and riders**

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

## **6A—Roads and road-related areas**

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

## **7—Drivers of trailers**

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

## **8—References to *Australian Road Rules***

Unless the contrary intention appears, a reference in this Act or any other Act or law to the *Australian Road Rules* is a reference to the *Australian Road Rules* as they apply in this jurisdiction (the operation of the *Australian Road Rules* in this jurisdiction may be affected by this Act, or by regulations made under this Act—see section 80).

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

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



## **Part 2—Administrative provisions**

### **Division 1—The Minister**

#### **11—Delegation by Minister**

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

#### **12—Power of Minister in relation to approvals**

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

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

### **Division 2—Traffic control devices**

#### **16—Roads under care etc of Commissioner of Highways**

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

#### **17—Installation etc of traffic control devices—general provision**

- (1) A road authority may, with the approval of the Minister (or in accordance with a roadworks permit issued under section 20), install, maintain, alter or operate, or cause to be installed, maintained, altered or operated, a traffic control device on, above or near a road.

- (2) A road authority may, with the approval of the Minister (or in accordance with a roadworks permit issued under section 20), remove a traffic control device or cause a traffic control device to be removed.
- (3) Any authority, body or person may, with the approval of the Minister (or in accordance with a roadworks permit issued under section 20), install, display, alter, operate or remove traffic control devices—
  - (a) in relation to an area where persons are engaged in work or an area affected by works in progress; or
  - (b) in relation to a part of a road temporarily closed to traffic under this or any other Act; or
  - (c) for any temporary purposes.
- (4) An approval of the Minister under this section may be issued—
  - (a) in relation to an authority, body or person of a class determined (from time to time) by the Minister; or
  - (b) in relation to an authority, body or person on an application under this section.
- (5) An application for an approval of the Minister must be made in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and be accompanied by a fee fixed by, or calculated in accordance with, the regulations.
- (6) An approval issued by the Minister under this section may—
  - (a) be subject to such conditions as the Minister thinks fit; and
  - (b) be varied, suspended or revoked at any time by the Minister (including, without limitation, as a penalty for breach of conditions of the approval or while any alleged breach of conditions is under investigation).
- (7) Without limiting the circumstances in which the Minister may refuse to issue an approval for the purposes of this section, the Minister may refuse to issue an approval if any person who has been found guilty of an offence against section 21 is to be responsible for installing, displaying, altering, operating or removing traffic control devices pursuant to the approval.

## **18—Direction as to installation etc of traffic control devices**

- (1) The Minister may direct a road authority to install, maintain, alter, operate or remove a traffic control device on, above or near a road in accordance with the direction of the Minister.
- (5) The road authority to which a direction is given under this section is obliged to comply with the direction.
- (6) If a road authority fails to comply with a direction under this section, the Minister may direct—
  - (a) the Commissioner of Highways; or
  - (b) the council for the area in which the work is to be carried out,to carry out the direction with which the road authority has failed to comply.

- 
- (7) Subject to subsection (8), the Commissioner of Highways or a council may recover, as a debt due from the defaulting road authority, any expenses incurred in carrying out a direction under subsection (6).
- (8) The Commissioner or the council is not entitled to recover under subsection (7) any amount that is to be borne by the Commissioner or the council, as the case may be, in accordance with this Part.

### **19—Cost of traffic control devices and duty to maintain**

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

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

- (1) If—
- (a) a person carries on a business or other activity beside or near a road; and
  - (b) the Minister is of the opinion that the installation, maintenance, alteration or operation of a traffic control device is required in view of the nature and extent of the business or activity and the volume of traffic generated by the conduct of that business or activity,
- the Minister may, by notice served personally or by post, require the person by whom the business or other activity is conducted to pay to the road authority in which the care, control and management of the road is vested such amount, or periodical amounts, as may be specified in the notice towards defraying the cost of installing, maintaining, altering or operating the traffic control device.

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

## 20—Work areas and work sites

- (1) In this section—

**category 1 hazardous work area** means a work area that involves a hazard to workers or a greater than normal level of hazard for persons using the road;

**category 2 hazardous work area** means a work area that involves an unusually high level of hazard to workers or persons using the road;

**prescribed road** means—

- (a) a road that is under the care, control and management of the Commissioner of Highways; or
- (b) a road, or road of a class, prescribed by the regulations for the purposes of this definition;

**public authority** means any of the following:

- (a) a Minister of the Crown;
- (b) the Commissioner of Highways;
- (c) a council;
- (d) any other authority, body or person authorised by statute to carry out works on roads;
- (e) an authority, body or person prescribed by the regulations;

**roadworks permit**—see subsection (4)(a);

**speed limit signs** means signs placed on a road in accordance with subsection (3);

**work area** means a portion of road—

- (a) on which workers are, or may be, engaged; or
- (b) on which vehicles or equipment relating to any works are placed; or
- (c) that is otherwise affected by works in progress (whether those works are occurring on the road or elsewhere);

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

- (2) A person exercising powers or performing functions under, or for the purposes of, this section must, in doing so, seek to protect the safety of workers, road users and other members of the public whilst having due regard to the inconvenience caused by traffic disruptions and the need to maintain reasonable traffic flows.
- (3) An authority, body or person must, with a relevant authorisation and in accordance with this Part and any regulations made for the purposes of this Part, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of that authority, body or person.
- (4) An authority, body or person has a relevant authorisation, for the purposes of subsection (3), to place speed limit signs on a road—
  - (a) if the authority, body or person holds a permit issued by the Minister under this section (a **roadworks permit**) and the signs are placed on the road in accordance with the permit; or
  - (b) if—
    - (i) the authority, body or person is a public authority; and
    - (ii) the work is required to be undertaken by the public authority as a matter of urgency; and
    - (iii) the signs are placed on the road in accordance with an approval of the Minister under this Part; and
    - (iv) the Minister is notified of the placement of the signs as soon as is practicable (and, in any case, within 2 hours after the signs are placed on the road); and
    - (v) the signs are placed on the road for a period not exceeding 24 hours or such longer period as may be determined by the Minister on an application under subsection (9); or
  - (c) if—
    - (i) the signs will not relate to any prescribed roads; and
    - (ii) the signs are placed on the road in accordance with an approval of the Minister under this Part.

**Note—**

If any prescribed roads are to be affected by speed limit signs, a roadworks permit is required unless paragraph (b) applies (in which case an approval of the Minister is still required).

If no prescribed roads are to be affected by speed limit signs, only an approval of the Minister is required.

- (5) An authority, body or person must not close any portion of a prescribed road in connection with a work area or work site unless the authority, body or person holds a roadworks permit and closes the road in accordance with the permit.

- (6) An application for a roadworks permit must be made in a manner determined by the Minister (which may differ between applications according to factors determined by the Minister) and be accompanied by a fee fixed by, or calculated in accordance with, the regulations.
- (7) A roadworks permit—
- (a) must specify the period during which the permit remains in force; and
  - (b) may specify periods within which specified works are to be completed, or specified actions are to be taken, and may impose monetary penalties on the permit holder for a failure to complete such work, or to take such action, within the specified period (and such penalties will be recoverable by the Minister as a debt); and
  - (c) must include conditions requiring the holder of the permit to undertake risk assessment and other work site planning processes in accordance with requirements specified in the permit, or a standard or other document specified in the permit; and
  - (d) may be subject to such other conditions as the Minister thinks fit; and
  - (e) may be varied at any time by the Minister (including, without limitation, by extending any period or periods specified in the permit); and
  - (f) may be suspended or revoked at any time by the Minister (including, without limitation, as a penalty for breach of conditions of the permit or while any alleged breach of conditions is under investigation).
- (8) Without limiting the circumstances in which the Minister may refuse to issue a roadworks permit, the Minister may refuse to issue such a permit if any person who has been found guilty of an offence against section 21 is to be responsible for installing, displaying, altering, operating or removing speed limit signs pursuant to the permit.
- (9) An application to the Minister for an extension of the 24 hour period referred to in subsection (4)(b)(v)—
- (a) may be made by telephone or any other manner prescribed by the regulations; and
  - (b) must be made at least 3 hours before the end of that 24 hour period (unless the Minister is satisfied that there were good reasons for a delay in making the application).
- (10) The maximum speed to be indicated by speed limit signs is as follows:
- (a) for a category 1 hazardous work area—40 kilometres an hour;
  - (b) for a category 2 hazardous work area—25 kilometres an hour;
  - (c) for a work site—
    - (i) if the speed limit signs are placed on a road in accordance with a roadworks permit and the Minister has, either in the permit or by notice in writing to the holder of the permit, specified a maximum speed limit for the purposes of this paragraph—a maximum speed not exceeding the speed limit so specified; or

- 
- (ii) in any other case—a maximum speed not exceeding 80 kilometres an hour.
- (11) An authority, body or person that has placed speed limit signs on a road must ensure—
- (a) that the speed limit signs, or at least 1 other sign placed in, or in the vicinity of, the work area or work site, make it clear to road users that the speed limit signs relate to such an area or site (whether by including relevant symbols, the words "work area", "work site" or "roadworks" or in some other way); and
  - (b) that the speed limit signs are not in place on the road during any period during which—
    - (i) workers are not engaged at the work area; and
    - (ii) the area of road affected by the works, or by vehicles or equipment relating to the works, does not involve a greater than normal level of hazard for persons using the road.
- (12) If subsection (11)(b) is not complied with in relation to any speed limit signs—
- (a) the speed limit signs are of no effect for the purposes of this Act or any other Act or law during the period of non-compliance; and
  - (b) an authorised officer may alter or remove the speed limit signs.
- (13) If a public authority has engaged a contractor to carry out works on behalf of the authority, the contractor will, in relation to those works, be treated as if they were the authority for the purposes of this Act (and if the public authority holds an approval under section 17, or a roadworks permit, in respect of those works, the contractor will be treated as if they were the holder of that approval or permit).
- (14) This section does not apply to or in relation to—
- (a) SA Police or police officers; or
  - (b) an authority, body or person, or class of authority, body or person, prescribed by regulation; or
  - (c) a work area or work site, or class of work area or work site, prescribed by regulation.
- (15) For the purposes of this section, workers will be taken to be *engaged* at a work area—
- (a) if the workers are present in the area or in the vicinity of the area; or
  - (b) if the workers are temporarily absent from the area for a period not exceeding 2 hours.
- (16) The regulations may prescribe standards or requirements for determining, for the purposes of this section—
- (a) whether or not a work area involves a hazard to workers or a greater than normal level of hazard for persons using the road; and
  - (b) whether or not a work area involves an unusually high level of hazard to workers or persons using the road; and
  - (c) the circumstances in which a portion of road will be taken to be—

- (i) affected by works in progress; or
  - (ii) used to regulate traffic in relation to works or for associated purposes; and
- (d) the circumstances in which work will be taken to be required to be undertaken by a public authority as a matter of urgency.
- (17) This section has effect despite any other Act or law.

### **20A—Appeal to District Court**

- (1) An authority, body or person who has applied for an approval of the Minister under section 17 or for a roadworks permit under section 20 and who is dissatisfied with a decision of the Minister in relation to the application, or in relation to an approval or permit granted as a result of the application, may appeal to the District Court against the decision.
- (2) If the Minister does not give reasons in writing for a decision when the decision is made, the Minister must do so within 1 month of the making of a request by the authority, body or person to whom the decision relates (provided that the request is made within 1 month of the making of the decision).
- (3) An appeal must be instituted—
- (a) within 1 month of the making of the decision being appealed against; or
  - (b) if a request for reasons in writing for the decision has been made under subsection (2)—within 1 month of the receipt of the reasons in writing.
- (4) The Minister will be a party to an appeal under this section.

### **21—Offences relating to traffic control devices**

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

is guilty of an offence.

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

- (1a) An authority, body or person—
- (a) who contravenes section 20(3) by placing a speed limit sign on a road without obtaining the relevant authorisation required under that section; or
  - (b) who contravenes section 20(5) by closing a portion of a prescribed road without obtaining a roadworks permit,

is guilty of an offence.

Maximum penalty:

- (a) for a first offence—\$20 000;
- (b) for a subsequent offence—\$50 000.

- (2) In proceedings for an offence against subsection (1)(a) or subsection (1a), an apparently genuine document purporting to be a certificate of the Minister or a road authority certifying that there was not proper authority for the installation or display of a specified sign, signal, marking, structure or other device or thing as a traffic control device on, above or near a specified part of a road is to be accepted as proof of the matters so certified in the absence of proof to the contrary.
- (3) The holder of an approval under section 17 or a roadworks permit under section 20 must comply with any conditions of the approval or permit relating to signs placed on a road under section 20 in respect of a work area or work site or any other traffic control devices used in connection with the work area or work site.

Maximum penalty:

- (a) for a first offence—\$20 000;
  - (b) for a subsequent offence—\$50 000.
- (4) In determining whether an offence is a first or subsequent offence for the purposes of subsection (1a) or (3), any previous offence against this section for which the defendant has been convicted or that the defendant has expiated will be taken into account, but only if the previous offence was committed or alleged to have been committed within the period of 5 years immediately preceding the date on which the offence under consideration was allegedly committed.
- (5) If a court dealing with a charge of an offence against subsection (1a) or (3) is presented with evidence of—
- (a) any economic benefit to the defendant obtained by the commission of the offence; or
  - (b) the estimated costs to government or to the community, or a section of the community, as a result of the commission of the offence (including, without limitation, costs relating to increased traffic congestion resulting from the commission of the offence),

the court may, on convicting the defendant of the offence, order the defendant to pay to the Crown (in addition to any penalty imposed) the amount of such economic benefit or of such costs, or any portion of such benefit or costs, that the court thinks fit in the circumstances.

## 21A—Payments to Highways Fund

The following amounts must be paid into the Highways Fund maintained under the *Highways Act 1926*:

- (a) all fees paid for the issue of roadworks permits under section 20;
- (b) all monetary penalties of a kind referred to in section 20(7)(b) recovered from the holders of roadworks permits;
- (c) all fines paid in respect of offences against section 21(1a) or (3);
- (d) all expiation fees recovered in respect of alleged offences against section 21(1a) or (3);
- (e) all amounts ordered to be paid to the Crown under section 21(5).

## 22—Proof of lawful installation etc of traffic control devices

- (1) Subject to subsection (2), in proceedings for an offence against this Act (other than an offence against section 21(1)(a), (1a) or (3)) commenced on the complaint of a police officer or otherwise on behalf of the Crown, or on the complaint of an officer or employee of a council, a traffic control device proved to have been on, above or near a road will be conclusively presumed to have been lawfully installed or displayed there under this Act.
- (2) In proceedings for an offence involving driving at a speed over a speed limit applying by virtue of signs placed on a road under section 20, subsection (1) only applies if it is proved that—
  - (a) workers were engaged at the relevant work area at the time of the alleged offence (determined in accordance with section 20(15)); or
  - (b) the area of road affected by the relevant works, or by vehicles or equipment relating to the relevant works, involved, at the time of the alleged offence, a greater than normal level of hazard for persons using the road (determined in accordance with any relevant standards or requirements prescribed under section 20(16)).

## 23—Regulations fixing expiation fees

Despite section 176(1a)(j), the regulations may fix expiation fees not exceeding \$5 000 for alleged offences against this Division.

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

- (1) In this section—

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

**light** means a lamp, sign, advertisement or device of any kind from which light is projected.
- (2) Despite any other law, the road authority in which the care, control or management of a road is vested may remove from the road and dispose of any false traffic control device or any device, structure or thing that the road authority is satisfied might constitute a hazard to traffic.
- (2a) Despite any other law, if the Minister is satisfied that a false traffic control device or a light or source of reflected light or any other device, structure or thing is on land near a road and might—
  - (a) reasonably be confused with a lawfully installed traffic control device; or
  - (b) detract from the visibility of a traffic control device to drivers or pedestrians on the road; or
  - (c) in any way constitute a hazard to traffic on the road,the Minister may, by notice in writing, require the owner or occupier of the land to take such action by way of removing, modifying, screening or otherwise dealing with the device, structure or thing as is specified in the notice within the time so specified.

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

### Division 3—Road closing provisions

#### 32—Road closing by councils for traffic management purposes

- (1) If a council proposes, by the installation or alteration of a traffic control device—
  - (a) to close a road or a part of a road to all vehicles or vehicles of a specified class (whether or not the closure is to apply every day in a week or for all hours in a day); or
  - (b) to close a road as a through road for motor vehicles,

for the purposes of rationalising the flow or impact of traffic within a part of the council's area, the council may only do so in accordance with a resolution of the council and must, at least one month before the meeting at which the resolution is first to be considered, cause notice of the proposal—

  - (c) to be published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council; and
  - (d) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal; and
  - (e) if the road is a prescribed road, to be given to each affected council; and
  - (f) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.
- (2) The council must give due consideration to all written submissions made on the proposal that are received by the council before the meeting.
- (3) A resolution for a road closure to which subsection (1) applies is not effective unless a majority of all members of the council concur in it.
- (4) A resolution for a road closure to which subsection (1) applies that would have the effect of the closure being operative in relation to a highway is not effective unless—
  - (a) the Commissioner of Highways concurs with it; or
  - (b) the closure is consistent with a notice of the Commissioner of Highways under section 26 of the *Highways Act 1926*.
- (5) A resolution for a road closure to which subsection (1) applies that would have the effect of the closure being operative—
  - (a) for a continuous period of more than 6 months; or
  - (b) for periods that, in aggregate, exceed 6 months in any 12 month period,

is not effective unless—

- (c) if the road runs into or intersects with a highway, the Commissioner of Highways concurs with it; and
  - (d) if the road is a prescribed road, each affected council concurs with it.
- (6) A council must, as soon as practicable after a resolution for a road closure to which subsection (1) applies has been passed and, if required, concurred with under subsection (4) or (5), cause notice of the resolution to be published and given in the manner set out in subsection (1).
- (7) In this section—

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

*highway* means—

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

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

- (8) For the purposes of this section, a road that runs up to—
- (a) the boundary of another council area; or
  - (b) another road running along or containing the boundary of another council area,

will be taken to run into that area.

### 33—Road closing and exemptions for certain events

- (1) On the application of any person interested, the Minister may declare an event to be an event to which this section applies and may make an order directing—
- (a) that specified roads (being roads on which the event is to be held or roads that, in the opinion of the Minister, should be closed for the purposes of the event) be closed to traffic for a specified period; and
  - (b) that persons taking part in the event be exempted, in relation to the specified roads, from the duty to observe an enactment, regulation or by-law prescribing a rule to be observed on roads by pedestrians or drivers of vehicles.
- (2) An order to close a road under subsection (1) can only be made with the consent of every council within whose area a road intended to be closed by the order is situated.
- (3) At least two clear days before an order to close a road under subsection (1) takes effect, the Minister must, at the cost of the applicant, cause the order to be advertised in the prescribed manner.
- (4) An order under this section is subject to any conditions which the Minister thinks fit to impose and, on breach of any condition, ceases to have effect.

- (5) An order under this section renders lawful anything done in accordance with the order.
- (6) An order under this section may apply to the whole or a part of a road.
- (7) In addition to any other power to regulate traffic conferred by this or any other Act, a police officer may give such reasonable directions to—
- (a) the driver of a vehicle on a road; or
  - (b) the owner or person apparently in charge of or with care or custody of a vehicle on a road; or
  - (c) a person who appears to have left a vehicle standing on a road (whether the vehicle is attended by another person or not); or
  - (d) a pedestrian on a road,
- as are, in the police officer's opinion, necessary for the safe and efficient conduct of an event to which this section applies.
- (8) Such directions may include directions for clearing vehicles or persons from a road or part of a road or temporarily closing a road or part of a road and may be given on the day of an event in preparation for, during or immediately after the conclusion of, the event.
- (9) A person to whom a direction of a police officer is given pursuant to this section must forthwith comply with it.
- (9a) If a direction is given under subsection (7) to a person who appears—
- (a) to have charge, care or custody of a vehicle on a road; or
  - (b) to have left a vehicle standing on a road,
- that person is not guilty of an offence against this Act of failing to comply with the direction if it is proved that the person did not have charge, care or custody of the vehicle and did not leave the vehicle standing on the road.
- (10) In this section—
- event* means an organised sporting, recreational, political, artistic, cultural or other activity, and includes a street party.

### 34—Road closing for emergency use by aircraft

- (1) A prescribed police officer may close a road to enable an aircraft to use the road in response to an emergency.
- (2) For the purpose of closing a road and enabling its use by an aircraft under this section, a prescribed police officer (or a police officer acting under the direction of a prescribed police officer) may—
- (a) install or display traffic control devices on or near a road; or
  - (b) give such reasonable directions to—
    - (i) the driver of a vehicle on a road; or
    - (ii) the owner or person apparently in charge of or with care or custody of a vehicle on a road; or
    - (iii) a person who appears to have left a vehicle standing on a road (whether or not the vehicle is attended by another person); or

- (iv) a pedestrian; or
  - (v) the pilot of the aircraft,

as are, in the opinion of the police officer giving the directions, necessary for the safe use of the road by the aircraft or the safety of other road users.
- (3) A police officer must, in exercising a power conferred by this section, comply with such procedures and requirements as may be stipulated by the Minister by notice in writing to the Commissioner of Police.
- (4) A person to whom a direction of a police officer is given under this section must forthwith comply with it.
- (5) If a direction is given under subsection (2)(b) to a person who appears—
  - (a) to have charge, care or custody of a vehicle on a road; or
  - (b) to have left a vehicle standing on a road,

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

***prescribed police officer*** means a police officer who is—
  - (a) in charge of a police station; or
  - (b) of the rank of inspector or above;

***road*** includes a road closed under this section and part of a road.

## Division 4—Enforcement officers for Australian road laws

### 35—Appointment of authorised officers

- (1) The Minister may, by instrument in writing, appoint—
  - (a) a specified person to be an authorised officer; or
  - (b) persons of a specified class to be authorised officers.

- (2) An authorised officer may but need not be an employee in the public service or an employee of a government or government body.
- (3) An authorised person as defined in the *Local Government Act 1999* is an authorised officer under this Act for the purposes of—
  - (a) enforcing prescribed provisions of this Act in the area of the council for which the person is an authorised person; or
  - (b) exercising the powers of an authorised officer under prescribed provisions of this Act in the area of the council for which the person is an authorised person.
- (4) Every person for the time being in charge of a ferry established by a council or established, maintained or operated by the Commissioner of Highways is an authorised officer under this Act.
- (5) Without limiting the above, an authorised officer as defined in a corresponding road law may be appointed as an authorised officer under this section.
- (6) An appointment under this section may be subject to conditions, including—
  - (a) conditions limiting the exercise of powers by the authorised officer to the enforcement of specified provisions of the Act or the enforcement of the Act within a specified area of the State; and
  - (b) conditions on the exercise of powers conferred on authorised officers by a road law.
- (7) The Minister may, at any time, by instrument in writing applicable to a specified authorised officer or each authorised officer of a specified class—
  - (a) impose conditions of a kind referred to in subsection (6); or
  - (b) vary or revoke such conditions.

### **37—Exercise of powers by police officers**

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

### **38—Identity cards**

- (1) Subject to this section, the Minister must issue an authorised officer with an identity card.
- (2) The Minister is not required to issue an identity card if—
  - (a) the authorised officer is a police officer; or
  - (b) the Minister has designated a card issued to an authorised officer, or to a class of authorised officers, by another person, body or authority (whether or not of this State) as an identity card for the purposes of this Act.
- (3) An identity card issued under this section must—
  - (a) contain a recent photograph of the authorised officer; and
  - (b) identify the person as an authorised officer for the purposes of this Act; and
  - (c) specify the identification number issued to the authorised officer by the Minister.

### 39—Production of identification

- (1) This section applies to powers conferred on authorised officers under a road law, but only if the physical presence of an officer at the scene is necessary for the exercise of the power.
- (2) An authorised officer (other than a police officer) must not exercise a power unless an identity card has been issued to, or designated for, the officer.
- (3) An authorised officer (other than a police officer) who is exercising or about to exercise a power is required to comply with a request to identify themselves, by producing the officer's identity card.
- (4) A police officer who is exercising or about to exercise a power is required to comply with a request to identify themselves, by—
  - (a) producing the officer's police identification; or
  - (b) stating orally or in writing the officer's surname, rank and identification number.
- (5) An authorised officer is required to comply with a requirement under subsection (3) or (4)—
  - (a) immediately; or
  - (b) if it is not practicable to comply with the requirement immediately—as soon as practicable afterwards.
- (6) An authorised officer need only identify themselves once to a particular person during the course of an incident, even though more than one power is being exercised during the course of the incident.
- (7) In this section—

**incident** means—

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

**power** means a power under an Australian road law;

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

### 40—Return of identity cards

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

Maximum penalty: \$2 500.

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

#### **40B—Registrar may exercise powers of authorised officers**

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

### **Division 5—General enforcement powers for Australian road laws**

#### **Subdivision 1—Interpretation**

#### **40C—Meaning of qualified, fit or authorised to drive or start or stop engine**

For the purposes of this Division—

- (a) a person is *qualified* to drive a vehicle, or to start or stop its engine, if the person—
  - (i) holds a driver's licence of the appropriate class to drive the vehicle and the licence is not suspended; and
  - (ii) is not prevented under a law, including, for example, by the conditions of the driver's licence, from driving the vehicle at the relevant time;
- (b) a person is *fit* to drive a vehicle, or to start or stop its engine, if the person—
  - (i) is apparently physically and mentally fit to drive the vehicle, or start or stop its engine; and
  - (ii) is not apparently affected by either or both of the following:
    - (A) alcohol;
    - (B) a drug that affects a person's ability to drive a vehicle; and
  - (iii) the person has not at the time been found to have, and there are not any reasonable grounds to suspect that the person has, a concentration of alcohol in the person's blood exceeding the amount permitted under a road law; and
  - (iv) the person has not at the time been found to have, and there are not any reasonable grounds to suspect that the person has, a prescribed drug in the person's oral fluid or blood;
- (c) a person is *authorised* to drive a vehicle, or to start or stop its engine, if the person is its operator or has the authority of the operator to drive it or to start or stop its engine (regardless of whether or not the person is qualified to drive the vehicle, or to start or stop its engine).

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

- (1) For the purposes of this Division, a vehicle is *unattended* if—
  - (a) the authorised officer concerned is present at the scene and there is, after inspection and enquiry by the officer that is reasonable in the circumstances, apparently no person in, on or near the vehicle who appears to be a driver of the vehicle; or

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

#### 40E—Meaning of broken down vehicle

For the purposes of this Division, a vehicle is *broken down* if—

- (a) in the case of a motor vehicle—it is not possible to drive the vehicle because it is disabled through damage, mechanical failure, lack of fuel or any similar reason; or
- (b) in the case of a trailer—it is not connected (either directly or by 1 or more other trailers) to a towing vehicle, whether or not the trailer is also disabled through damage, mechanical power or any similar reason; or
- (c) in the case of a combination—it is not possible to drive the combination because the combination or a vehicle comprised in the combination is disabled through damage, mechanical failure, lack of fuel or any similar reason; or
- (d) in any other case—it is not connected to a towing vehicle or an animal by which it could be drawn or it is not possible to tow or draw the vehicle because it is disabled through damage, mechanical failure or any similar reason.

#### 40F—Meaning of compliance purposes

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

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

## **Subdivision 2—Directions to stop, move or leave vehicles**

### **40G—Application of Subdivision**

- (1) This Subdivision applies to a vehicle located—
  - (a) on any road; or
  - (b) in or on any premises occupied or owned by a public authority; or
  - (c) in or on any premises where an authorised officer is lawfully present after entry under Subdivision 4; or
  - (d) in or on any premises that are an authorised inspection station as defined in section 139 of the *Motor Vehicles Act 1959*.
- (2) This Subdivision applies to the driver of a vehicle who is apparently in, on or in the vicinity of the vehicle.

### **40GA—Interpretation**

In this Subdivision—

*road law* includes—

- (a) the *Heavy Vehicle National Law (South Australia)*; and
- (b) the *Heavy Vehicle National Regulations (South Australia)*; and
- (c) Part 2 Divisions 4 and 5 of the *Heavy Vehicle National Law (South Australia) Act 2013*; and
- (d) the local regulations as defined in the *Heavy Vehicle National Law (South Australia) Act 2013*.

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

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

- (b) indicates to the driver or other person that the direction is no longer operative.
- (5) A person commits an offence if—
- (a) the person is subject to a direction under subsection (1); and
  - (b) the person engages in conduct that results in a contravention of the direction.
- Maximum penalty: \$5 000.
- (6) In this section—
- stop* a vehicle means to stop the vehicle and keep it stationary.

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

- (1) An authorised officer may, for the purpose of or in connection with the exercise of other powers under a road law, direct the driver or operator of a vehicle to move it or cause it to be moved to the nearest suitable location that is within the prescribed distance and specified by the officer.
- (2) A person commits an offence if—
- (a) the person is subject to a direction under subsection (1); and
  - (b) the person engages in conduct that results in a contravention of the direction.
- Maximum penalty: \$5 000.
- (4) In proceedings for an offence in relation to a contravention of a direction under subsection (1), it is a defence if the person charged establishes that—
- (a) it was not possible to move the vehicle concerned because it was broken down; and
  - (b) the breakdown occurred for a physical reason beyond the driver's or operator's control; and
  - (c) the breakdown could not be readily rectified in a way that would enable the direction to be complied with within a reasonable time.
- (5) In this section—
- prescribed distance* means a distance (in any direction) within a radius of 30 kilometres of—
- (a) the location of the vehicle when the direction is given; or
  - (b) any point along the forward route of the journey, if the direction is given in the course of a journey of the vehicle;

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

#### **40J—Direction to move vehicle if danger or obstruction**

- (1) This section applies if an authorised officer believes on reasonable grounds that a light vehicle on a road is—
- (a) causing serious harm, or creating an imminent risk of serious harm, to public safety, the environment or road infrastructure; or

- (b) causing or likely to cause an obstruction to traffic or any event lawfully authorised to be held on the road; or
  - (c) obstructing or hindering, or likely to obstruct or hinder, vehicles from entering or leaving land adjacent to the road.
- (2) The officer may direct the driver or operator of the vehicle to do either or both of the following:
  - (a) to move it, or cause it to be moved, to the extent necessary to avoid the harm or obstruction;
  - (b) to do anything else reasonably required by the officer, or to cause anything else reasonably required by the officer to be done, to avoid the harm or obstruction.
- (3) A person commits an offence if—
  - (a) the person is subject to a direction under subsection (2); and
  - (b) the person engages in conduct that results in a contravention of the direction.Maximum penalty: \$5 000.
- (4) In proceedings for an offence in relation to the contravention of a direction under subsection (2)(a), it is a defence if the person charged establishes that—
  - (a) it was not possible to move the vehicle concerned because it was broken down; and
  - (b) the breakdown occurred for a physical reason beyond the driver's or operator's control; and
  - (c) the breakdown could not be readily rectified in a way that would enable the direction to be complied with within a reasonable time.

#### **40K—Direction to leave vehicle**

- (1) This section applies if—
  - (a) the driver of a vehicle fails to comply with a direction given by an authorised officer under another provision of this Subdivision; or
  - (b) an authorised officer believes on reasonable grounds that the driver of a vehicle is not qualified, is not fit or is not authorised to drive the vehicle.
- (2) The officer may do one or more of the following:
  - (a) direct the driver to vacate the driver's seat;
  - (b) direct the driver to leave the vehicle;
  - (c) direct the driver not to occupy the driver's seat until permitted to do so by an authorised officer;
  - (d) direct the driver not to enter the vehicle until permitted to do so by an authorised officer.
- (3) The officer may direct any other person to do either or both of the following:
  - (a) to leave the vehicle;
  - (b) not to enter the vehicle until permitted to do so by an authorised officer.

- (4) The officer, being a police officer, may do one or more of the following if the officer believes on reasonable grounds that the driver is not fit to drive the vehicle because of the consumption of alcohol or a drug:
- (a) direct the driver to secure the vehicle and surrender to the officer all keys to the vehicle that are in the person's immediate possession or in the vehicle;
  - (b) immobilise the vehicle;
  - (c) direct the driver not to drive any other vehicle until permitted to do so by a police officer.
- (5) A person commits an offence if—
- (a) the person is subject to a direction under this section; and
  - (b) the person engages in conduct that results in a contravention of the direction.
- Maximum penalty: \$5 000.
- (6) If a police officer takes possession of keys or (in order to immobilise the vehicle) components of a vehicle, the officer must—
- (a) advise the driver that the keys or components may be recovered from a specified police station; and
  - (b) cause the keys or components to be taken to the police station.
- (7) A police officer on duty at the police station to which the keys or components are taken under this section must deliver possession of the keys or components to any person who the officer is satisfied is lawfully entitled to them and who makes a request for them at the police station, provided that the officer has no reason to believe that the person will drive the vehicle but not be qualified or fit to do so.
- (8) In this section—
- keys* means keys or electronic or other devices for starting or securing a vehicle.

#### **40L—Manner of giving directions under Subdivision**

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

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

- (1) This section applies if an authorised officer—
- (a) believes on reasonable grounds that a vehicle is unattended on a road; and
  - (b) is seeking to exercise other powers under a road law; and
  - (c) believes on reasonable grounds that the vehicle should be moved to enable or to facilitate the exercise of those powers.
- (2) The officer may—
- (a) move the vehicle (by driving or towing it or otherwise); or
  - (b) authorise another person to move it (by driving or towing it or otherwise),

to the extent reasonably necessary to enable or to facilitate the exercise of the powers concerned.

- (3) The officer may enter the vehicle, or authorise another person to enter it, for the purpose of moving the vehicle.
- (4) The officer or person authorised by the officer may use reasonable force to do any or all of the following:
  - (a) to open unlocked doors and other unlocked panels and objects;
  - (b) to gain access to the vehicle, or its engine or other mechanical components, to enable the vehicle to be moved;
  - (c) to enable the vehicle to be towed.
- (5) The officer or person authorised by the officer may drive the vehicle only if qualified and fit to drive it.

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

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

- (1) This section applies if—
  - (a) an authorised officer believes on reasonable grounds that a light vehicle is unattended or broken down on a bridge, culvert or freeway; or
  - (b) an authorised officer believes on reasonable grounds that—
    - (i) a light vehicle is unattended or broken down on any road; and
    - (ii) the vehicle is—
      - (A) causing harm, or creating a risk of harm, to public safety, the environment or road infrastructure; or
      - (B) causing or likely to cause an obstruction to traffic or any event lawfully authorised to be held on the road; or
      - (C) obstructing or hindering, or likely to obstruct or hinder, vehicles from entering or leaving land adjacent to the road.
- (2) The officer may—
  - (a) remove the vehicle, or, in the case of a vehicle that is a combination, any vehicle forming part of the combination (by driving or towing it or otherwise); or
  - (b) authorise another person to remove it (by driving or towing it or otherwise), to a convenient place.
- (3) The officer may—
  - (a) enter the vehicle, or authorise another person to enter it, for the purpose of removing the vehicle; or
  - (b) in the case of a vehicle that is a combination, separate any or all of the vehicles forming part of the combination, or authorise another person to separate them, for the purpose of removing any or all of the vehicles.

- (4) The officer may drive the vehicle even though the officer is not qualified to drive it, if the officer believes on reasonable grounds that there is no other person in, on or in the vicinity of the vehicle who is more capable of driving it than the officer and who is fit and willing to drive it.
- (5) The person authorised by the officer may drive the vehicle even though the authorised person is not qualified to drive it, if the officer believes on reasonable grounds that there is no other person in, on or in the vicinity of the vehicle who is more capable of driving it than the authorised person and who is fit and willing to drive it.
- (6) The officer or person driving a vehicle under the authority of this section is exempt from any other road law to the extent that the other law would require the officer or person to be licensed or otherwise authorised to drive it.
- (7) The officer or person authorised by the officer may use reasonable force to the extent reasonably necessary for the purpose of entering or removing the vehicle.
- (8) In this section—

**authorised officer** has the meaning assigned to the term by section 5, and includes—

  - (a) in relation to a vehicle unattended or broken down on a freeway—a person authorised by the Minister for the purposes of this section; and
  - (b) in relation to a vehicle unattended or broken down on any road within the area of a council—an officer of the council;

**event** has the same meaning as in section 33;

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

#### **40O—Operator's authorisation not required for driving under Subdivision**

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

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

- (1) This section applies if a light vehicle is removed to a convenient place under section 40N.
- (2) The person who removed the vehicle must ensure that the owner of the vehicle is notified of the removal of the vehicle and of the place to which the vehicle was removed—
  - (a) by written notice—
    - (i) served on the owner personally; or
    - (ii) sent by registered post to the owner's last-known residential address, forthwith after the removal of the vehicle; or
  - (b) by public notice published in a newspaper circulating generally in the State within 14 days after the removal of the vehicle.
- (3) If the owner of the vehicle does not, within 1 month after service or publication of the notice relating to the removal of the vehicle—
  - (a) take possession of the vehicle; and

- (b) pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice,
- the relevant authority must, subject to subsection (4), offer the vehicle for sale by public auction.
- (4) If—
- (a) the vehicle is offered for sale by public auction but is not sold at the auction; or
- (b) the relevant authority reasonably believes that the proceeds of the sale of the vehicle would be unlikely to exceed the costs incurred in selling the vehicle,
- the relevant authority may dispose of the vehicle in such manner as the relevant authority thinks fit.
- (5) The relevant authority must apply any proceeds of sale of the vehicle as follows:
- (a) firstly, in payment of the costs of and incidental to the sale;
- (b) secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and of the notice served, posted or published under this section; and
- (c) thirdly, in payment of the balance to the owner of the vehicle.
- (6) If after reasonable inquiry following sale of the vehicle the owner of the vehicle cannot be found, the balance of the proceeds of the sale will be paid—
- (a) if the vehicle was sold by the Commissioner of Police or the Minister—to the Treasurer to be credited to the Consolidated Account; or
- (b) if the vehicle was sold by a council—to the council.
- (7) In this section—
- relevant authority* means—
- (a) in relation to a vehicle removed by a police officer—the Commissioner of Police; or
- (b) in relation to a vehicle removed by an officer of a council—the council; or
- (c) in relation to a vehicle removed by a person authorised by the Minister—the Minister.

#### **Subdivision 4—Powers of inspection and search**

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

- (1) This section applies to a vehicle located at a place—
- (a) on a road; or
- (b) in or on premises occupied or owned by a public authority,
- whether or not the vehicle is unattended.
- (2) An authorised officer may inspect a vehicle for compliance purposes.
- (3) The officer may enter the vehicle for the purpose of or in connection with conducting the inspection.

- (4) The officer may exercise powers under this section at any time, and without the consent of the driver or other person apparently in charge of the vehicle or any other person.
- (5) Without limiting the above, the power to inspect a vehicle under this section includes any or all of the following:
  - (a) the power to weigh, test, measure or take photographs of the vehicle or any part of it or its equipment or load;
  - (b) the power to check the existence or details of, or take photographs of, placards or other information required under an Australian road law to be displayed in or on the vehicle, including placards or other information relating to its specifications, capabilities or legal entitlements;
  - (c) the power to inspect and take copies of or extracts from any records that are located in or on the vehicle and that are required to be carried in or on the vehicle under an Australian road law;
  - (d) the power to access or download information that is required to be kept under an Australian road law and that is—
    - (i) stored electronically in equipment located in or on the vehicle; or
    - (ii) accessible electronically from equipment located in or on the vehicle.
- (6) This section does not authorise the use of force, but the officer may under this section do any or all of the following:
  - (a) open unlocked doors and other unlocked panels and objects;
  - (b) inspect anything that has been opened or otherwise accessed under the power to use reasonable force in the exercise of a power to enter or move a vehicle under Subdivision 3;
  - (c) move but not take away anything that is not locked up or sealed.

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

- (1) This section applies to a vehicle located at a place—
  - (a) on a road; or
  - (b) in or on premises occupied or owned by a public authority,whether or not the vehicle is unattended.
- (2) An authorised officer may search a vehicle for compliance purposes, if the officer believes on reasonable grounds that—
  - (a) the vehicle has been used, is being used, or is likely to be used, in the commission of an Australian road law offence; or
  - (b) the vehicle has been or may have been involved in an accident.
- (3) The officer may form the necessary belief during or after an inspection or independently of an inspection.
- (4) The officer may enter the vehicle for the purpose of or in connection with conducting the search.

- (5) The officer may exercise powers under this section at any time, and without the consent of the driver or other person apparently in charge of the vehicle or any other person.
- (6) Without limiting the above, the power to search a vehicle under this section includes any or all of the following:
  - (a) the power to search for evidence of an Australian road law offence;
  - (b) the power to search for and inspect any records, devices or other things that relate to the vehicle or any part of its equipment or load and that are located in or on the vehicle;
  - (c) the power to take copies of or extracts from any or all of the following:
    - (i) any records that are located in or on the vehicle and that are required to be carried in or on the vehicle under an Australian road law;
    - (ii) any transport documentation or journey documentation located in or on the vehicle;
    - (iii) any other records, or any readout or other data obtained from any device or thing, located in or on the vehicle that the officer believes on reasonable grounds provide, or may on further inspection provide, evidence of an Australian road law offence;
  - (d) any powers that may be exercised during an inspection of a vehicle under section 40Q(5).
- (7) The power to search a vehicle under this section does not include a power to search a person.
- (8) The officer may seize and remove any records, devices or other things from the vehicle that the officer believes on reasonable grounds provide, or may on further inspection provide, evidence of an Australian road law offence.
- (9) The officer may use reasonable force in the exercise of powers under this section.

#### **40S—Power to inspect premises**

- (1) This section applies to the following premises:
  - (a) premises at or from which a responsible person carries on business, or that are occupied by a responsible person in connection with such a business, or that are a registered office of a responsible person;
  - (b) the garage address of a vehicle;
  - (c) premises where records required to be kept under an Australian road law are located or are required to be located.
- (2) An authorised officer may inspect the premises for compliance purposes.
- (3) The officer may enter the premises for the purpose of conducting the inspection.
- (4) Without limiting the above, the officer may inspect, or enter and inspect, any vehicle at the premises.

- (5) The inspection may be made—
- (a) at any time with the consent of the occupier or other person apparently in charge of the premises; or
  - (b) if a business is carried on at the premises—at any time during the usual business operating hours applicable at the premises (whether or not the premises are actually being used for that purpose), and without consent.
- (6) This section does not authorise, without consent, the entry or inspection of—
- (a) premises that are apparently unattended, unless the officer believes on reasonable grounds that the premises are not unattended; or
  - (b) premises that are, or any part of premises that is, used predominantly for residential purposes.
- (7) Without limiting the above, the power to inspect premises under this section includes any or all of the following:
- (a) the power to inspect and take copies of or extracts from any records located at the premises and required to be kept under an Australian road law;
  - (b) the power to check the existence of and inspect any devices (including weighing, measuring, recording or monitoring devices) required to be installed, used or maintained under an Australian road law, and to inspect and take copies of or extracts from any readout or other data obtained from any such device;
  - (c) the power to exercise with respect to a vehicle located at the premises any powers that may be exercised during an inspection of a vehicle under section 40Q(5);
  - (d) the power to use photocopying equipment on the premises free of charge for the purpose of copying any records or other material.
- (8) This section does not authorise the use of force, but the officer may under this section do any or all of the following:
- (a) open unlocked doors and other unlocked panels and objects;
  - (b) inspect anything that has been opened or otherwise accessed under the power to use reasonable force in the exercise of a power to enter or move a vehicle under Subdivision 3;
  - (c) move but not take away anything that is not locked up or sealed.

#### **40T—Power to search premises**

- (1) This section applies to the following premises:
- (a) premises at or from which a responsible person carries on business, or that are occupied by a responsible person in connection with such a business, or that are a registered office of a responsible person;
  - (b) the garage address of a vehicle;
  - (c) premises where records required to be kept under an Australian road law are located or are required to be located;
  - (d) premises where the officer concerned believes on reasonable grounds that—

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

- (9) Without limiting the above, the power to search premises under this section includes any or all of the following:
- (a) the power to search for evidence of an Australian road law offence;
  - (b) the power to search for and inspect any records, devices or other things that relate to a vehicle or any part of its equipment or load and that are located at the premises;
  - (c) the power to take copies of or extracts from any or all of the following:
    - (i) any records that are located at the premises and are required to be kept under an Australian road law;
    - (ii) any transport documentation or journey documentation located at the premises;
    - (iii) any other records, or any readout or other data obtained from any device or thing, located at the premises that the officer believes on reasonable grounds provide, or may on further inspection provide, evidence of an Australian road law offence;
  - (d) the power to use photocopying equipment on the premises free of charge for the purpose of copying any records or other material;
  - (e) the power to exercise with respect to a vehicle located at the premises any powers that may be exercised during a search of a vehicle under section 40R(6);
  - (f) any powers that may be exercised during an inspection of premises under section 40S(7).
- (10) The power to search premises under this section does not include a power to search a person.
- (11) The officer may seize and remove any records, devices or other things from the premises that the officer believes on reasonable grounds provide, or may on further inspection provide, evidence of an Australian road law offence.
- (12) The officer may use reasonable force in the exercise of powers under this section.

#### **40U—Residential purposes**

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

#### **Subdivision 5—Other directions**

##### **40V—Direction to give name and other personal details**

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

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

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

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

Maximum penalty: \$5 000.

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

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

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

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

Maximum penalty: \$5 000.

- (5) Subsection (4) does not apply if the person has a reasonable excuse.

#### **40X—Direction to provide information**

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

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

Maximum penalty: \$10 000.

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

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

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

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

#### **40Z—Provisions relating to starting or stopping engine**

- (1) This section applies to a person (the *authorised person*) who is—
  - (a) a responsible person to whom a direction is given by an officer under section 40Y; or
  - (b) an officer authorised by section 40Y(7) to start or stop the engine of a vehicle; or
  - (c) a person authorised by an officer under section 40Y(7) to start or stop the engine of a vehicle.
- (2) The authorised person may start or stop the engine even though the person is not qualified to drive the vehicle, if the officer believes on reasonable grounds that there is no other person in, on or in the vicinity of the vehicle who is more capable of starting or stopping the engine than the authorised person and who is fit and willing to start or stop the engine.
- (3) The authorised person may use reasonable force in complying with the direction to start or stop the engine or when acting under the authority of section 40Y(7) to start or stop the engine.
- (4) It is immaterial that the authorised person is not authorised to start or stop the engine.
- (5) The authorised person is, in complying with the direction to start or stop the engine or when acting under the authority of section 40Y(7) to start or stop the engine, 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.

**41—Manner of giving directions under Subdivision**

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

**41A—Directions to state when to be complied with**

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

**Subdivision 6—Warrants****41B—Warrants**

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

- (6) The Governor may make regulations governing the making of applications and the issuing of warrants under this section.

### **Subdivision 7—Other provisions regarding inspections and searches**

#### **41C—Use of assistants and equipment**

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

#### **41D—Use of equipment to examine or process things**

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

#### **41E—Use or seizure of electronic equipment**

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

the officer or a person assisting the officer may operate the equipment to access the information.

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

### **Subdivision 8—Other provisions regarding seizure**

#### **41F—Receipt for and access to seized material**

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

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

### **Subdivision 9—Miscellaneous**

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

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

#### **41I—Various powers may be exercised on same occasion**

- (1) An authorised officer may exercise various powers under road laws on the same occasion, whether the exercise of the powers is for the same purpose or different purposes and whether the opportunity to exercise 1 power arises only as a result of the exercise of another power.
- (2) In this section—
- road law* includes—
- (a) the *Heavy Vehicle National Law (South Australia)*; and
  - (b) the *Heavy Vehicle National Regulations (South Australia)*; and
  - (c) Part 2 Divisions 4 and 5 of the *Heavy Vehicle National Law (South Australia) Act 2013*; and
  - (d) the local regulations as defined in the *Heavy Vehicle National Law (South Australia) Act 2013*.

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

If—

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

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

#### **41K—Self-incrimination**

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

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

#### **41L—Providing evidence to other authorities**

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

#### **41M—Obstructing or hindering authorised officers**

A person commits an offence if—

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

Maximum penalty: \$10 000.

**41N—Impersonating authorised officers**

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

Maximum penalty: \$10 000.

**41O—Division not to affect other powers**

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



## Part 2A—Mutual recognition and corresponding road laws

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

- (1) In this section—

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

*administrative authority* means—

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

### 41Q—Effect of court orders of other jurisdictions

- (1) In this section—

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

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

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

## Part 3—Duties of drivers, passengers and pedestrians

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

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

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

Penalty:

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

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

### **Division 3—Fraudulent use of motor vehicles**

#### **44A—Procuring use of vehicle by fraud**

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

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

### **Division 4—Vehicle misuse and careless and dangerous driving**

#### **44B—Misuse of motor vehicle**

- (1) For the purposes of this section, a person *misuses* a motor vehicle if the person—
  - (a) operates a motor vehicle so as to produce sustained wheel spin; or
  - (b) drives a motor vehicle so as to cause engine or tyre noise, or both, that is likely to disturb persons residing or working in the vicinity; or
  - (c) drives a motor vehicle onto an area of park or garden or other road related area so as to break up the ground surface or cause other damage.
- (2) However, conduct of a type described in subsection (1) does not constitute misuse of a motor vehicle if it occurs in a place with the consent of the owner or occupier of the place or the person who has the care, control and management of the place.
- (3) A person who misuses a motor vehicle is guilty of an offence.
- (4) A person who promotes or organises an event involving the misuse of a motor vehicle, knowing that it will involve the misuse of a motor vehicle, is guilty of an offence.
- (5) If a court convicts a person of an offence against this section, the court must, if satisfied that the offending caused damage to, or the destruction of, any property or damage to an area of park or garden or a road related area, order the convicted person to pay to the owner of the property, or the owner, occupier or person who has the care, control and management of the area, such compensation as the court thinks fit.
- (6) The power of a court under subsection (5) is in addition to, and does not derogate from, any powers of the court under the *Sentencing Act 2017*.

#### **45—Careless driving**

- (1) A person must not drive a vehicle without due care or attention or without reasonable consideration for other persons using the road.
- (2) If a court convicts a person of an offence against this section that is an aggravated offence, the following provisions apply:
  - (a) the maximum penalty for the offence is 12 months imprisonment; and
  - (b) the court must order that the person be disqualified from holding or obtaining a driver's licence for such period, being not less than 6 months, as the court thinks fit; and

- (c) the disqualification prescribed by paragraph (b) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence.
- (3) For the purposes of this section, an aggravated offence is—
- (a) an offence that caused the death of, or serious harm to, a person; or
  - (b) an offence committed in any of the following circumstances:
    - (i) the offender committed the offence in the course of attempting to escape pursuit by a police officer;
    - (ii) the offender was, at the time of the offence, driving a vehicle knowing that the offender was disqualified, under the law of this State or another State or Territory of the Commonwealth, from holding or obtaining a driver's licence or that the offender's licence was suspended by notice given under this Act;
    - (iii) the offender committed the offence while there was present in the offender's blood a concentration of .08 grams or more of alcohol in 100 millilitres of blood;
    - (iv) the offender was, at the time of the offence, driving a vehicle in contravention of section 45A or 47.
- (4) If a person is charged with an aggravated offence against this section, the circumstances alleged to aggravate the offence must be stated in the instrument of charge.
- (4a) It is a defence to a charge of an offence against this section for the defendant to prove that the defendant was, at the time of the offence—
- (a) carrying out duties as an emergency worker; and
  - (b) acting in accordance with the directions of the defendant's employing authority; and
  - (c) acting reasonably in the circumstances as the defendant believed them to be.
- (5) In this section—

***emergency worker*** means a police officer or a person who is an emergency worker as defined by the regulations for the purposes of this section;

***employing authority*** means—

- (a) in relation to a police officer—the Commissioner of Police; or
- (b) in relation to a person who is an emergency worker as defined by the regulations for the purposes of this section—the person defined by the regulations as the employing authority for that person;

***serious harm*** means—

- (a) harm that endangers, or is likely to endanger, a person's life; or
- (b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or
- (c) harm that consists of, or is likely to result in, serious disfigurement.

### **45A—Excessive speed**

- (1) A person who drives a vehicle at a speed exceeding, by 45 kilometres an hour or more, a speed limit that applies under this Act or the *Motor Vehicles Act 1959* is guilty of an offence.

Maximum penalty:

- (a) for a first offence—a fine of not less than \$2 400 and not more than \$2 800;
  - (b) for a subsequent offence—a fine of not less than \$2 500 and not more than \$3 000.
- (3) If a court convicts a person of an offence against subsection (1), the following provisions apply:
- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
    - (i) in the case of a first offence—for such period, being not less than 6 months, as the court thinks fit; or
    - (ii) in the case of a subsequent offence—for such period, being not less than 2 years, as the court thinks fit;
  - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;
  - (c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.
- (4) In determining whether an offence is a first or subsequent offence for the purposes of this section—
- (a) any previous offence against subsection (1); and
  - (b) any previous offence against section 46 (whether committed before or after the commencement of this section),

for which the defendant has been convicted or that the defendant has expiated will be taken into account, but only if the previous offence was committed or alleged to have been committed within the period of 5 years immediately preceding the date on which the offence under consideration was allegedly committed.

- (5) This section is in addition to, and does not derogate from, any other provision relating to speed limits contained in this or any other Act or in any regulation, rule or by-law made under this or any other Act.

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

- (1) Subject to this section, if a person is given an expiation notice for—
- (a) an offence against section 45A; or
  - (b) an offence against section 79B constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45A,

a police officer may give the person a notice of licence disqualification or suspension in the prescribed form.

- (2) If a person is given a notice of licence disqualification or suspension under subsection (1)—
  - (a) in the case of a person who does not hold a driver's licence—the person is disqualified from holding or obtaining a driver's licence for the relevant period; or
  - (b) in the case of a person who holds a driver's licence—the person's driver's licence is suspended for the relevant period.
- (3) The Commissioner of Police must ensure that prescribed particulars of a notice of licence disqualification or suspension given to a person under this section are forwarded to the Registrar of Motor Vehicles.
- (4) The Registrar of Motor Vehicles must, on receiving particulars of a notice of licence disqualification or suspension from the Commissioner of Police, send, by post, a notice to the person of the name and address specified by the Commissioner containing the prescribed particulars of the notice of licence disqualification or suspension.
- (5) The operation of a notice of licence disqualification or suspension is not affected by any failure to comply with subsection (4).
- (6) If a person is given a notice of licence disqualification or suspension in accordance with subsection (1) and the expiration notice referred to in that subsection is withdrawn or the person elects to be prosecuted in accordance with the *Expiation of Offences Act 1996*—
  - (a) the notice of licence disqualification or suspension is cancelled (and, if the relevant period has commenced, any licence held by the person at the commencement of the relevant period is taken to be in force again); and
  - (b) the Commissioner must give written notice of the cancellation to the Registrar of Motor Vehicles.
- (7) If—
  - (a) a period of licence disqualification or suspension has applied to a person as a result of the person having been given a notice of licence disqualification or suspension under this section; and
  - (b) a court convicts the person of the offence in relation to which the notice was given or another offence arising out of the same course of conduct; and
  - (c) a mandatory minimum period of disqualification would (apart from this subsection) be required to be imposed for the offence,then—
  - (d) the court must order that the person be disqualified from holding or obtaining a driver's licence for a period determined by the court (and if the person is the holder of a driver's licence, the disqualification operates to cancel the licence from the commencement of that period); and

- (e) despite any other provision of this or any other Act, the court must, in determining the period, take into account the period of licence disqualification or suspension that has applied to the person as a result of the notice and may impose a period that is less than the mandatory minimum period of disqualification (provided that the period imposed is not less than the difference between the mandatory minimum and the period that has applied as a result of the notice).
- (8) Subject to subsection (9), no compensation is payable by the Crown or a police officer in respect of the exercise, or purported exercise, of powers under this section.
- (9) Subsection (8) does not protect a police officer from liability in respect of the exercise, or purported exercise, of powers otherwise than in good faith.
- (10) For the purposes of this section—
  - (a) the *relevant period* commences—
    - (i) in the case of a notice given to a person who has been given an expiation notice for an offence against section 45A—
      - (A) 24 hours after the notice of licence disqualification or suspension is given to the person; or
      - (B) if, at the time referred to in subparagraph (A), the person is already disqualified from holding or obtaining a driver's licence or holds a driver's licence that is suspended—at the end of that period of disqualification or suspension; or
    - (ii) in the case of a notice given to a person who has been given an expiation notice for an offence against section 79B—
      - (A) 28 days after the notice of licence disqualification or suspension is given to the person; or
      - (B) if, at the time referred to in subparagraph (A), the person is already disqualified from holding or obtaining a driver's licence or holds a driver's licence that is suspended—at the end of that period of disqualification or suspension;
  - (b) the *relevant period* ends—
    - (i) if the notice is cancelled in accordance with subsection (6); or
    - (ii) if the notice is not cancelled—at the end of 6 months from the commencement of the relevant period.
- (11) A regulation made before the commencement of this subsection prescribing the form of a notice of licence disqualification or suspension under this section or varying such a form is declared to be, and to have always been, valid.
- (12) A notice given to a person by a police officer before the commencement of this subsection that purported to be a notice of licence disqualification or suspension under this section is declared to be, and to have always been, valid if the notice was completed in the prescribed form and was given in the circumstances specified in subsection (1).

#### 45C—Speed and gear restrictions for trucks and buses on prescribed roads

- (1) A person must not drive a truck or bus on a prescribed road at a speed exceeding a relevant speed limit by 10 kilometres an hour or more.

Maximum penalty:

- (a) for a first offence—\$5 000;
- (b) for a subsequent offence—imprisonment for 2 years.

- (2) A person driving a truck or bus on a length of prescribed road to which a trucks and buses low gear sign applies must drive the truck or bus in a gear that is low enough to enable the vehicle to be driven safely on that length of road without the use of a primary brake.

Maximum penalty:

- (a) for a first offence—\$5 000;
- (b) for a subsequent offence—imprisonment for 2 years.

- (3) If a court convicts a person of an offence against this section, the following provisions apply:

- (a) the court must order that the person is disqualified from holding or obtaining a driver's licence for the following period:
  - (i) for a first offence—such period, being not less than 6 months, as the court thinks fit;
  - (ii) for a second offence—such period, being not less than 12 months, as the court thinks fit;
  - (iii) for a subsequent offence—such period, being not less than 3 years, as the court thinks fit;
- (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;
- (c) if the person is the holder of a driver's licence—the disqualification operates to suspend the licence as from the commencement of the period of disqualification.

- (4) In determining whether an offence is a first, second or subsequent offence for the purposes of this section, any previous offence against this section for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the period of 5 years immediately preceding the date on which the offence under consideration was committed.

- (5) Subsection (1) is in addition to, and does not derogate from, any other provision relating to speed limits contained in this or any other Act or in any regulation, rule or by-law made under this or any other Act.

- (6) For the purposes of this section, a trucks and buses low gear sign applies to a length of road if it so applies for the purposes of the *Australian Road Rules*.

- (7) In this section—

**bus** means a vehicle that is a bus for the purposes of the *Australian Road Rules*;

**length**, of road, means an area of road that is a length, of road, for the purposes of the *Australian Road Rules*;

**prescribed road** means a portion of RN 04500 South Eastern Freeway, or adjacent land, defined by the regulations for the purposes of this section;

**primary brake** means the footbrake, or other brake, fitted to a truck or bus that is normally used to slow or stop the vehicle;

**relevant speed limit**, for a person who drives a truck or bus, means a speed limit that applies to the driver under this Act (other than section 82 or 83 of this Act) or the *Motor Vehicles Act 1959*;

**truck** means a vehicle that is a truck for the purposes of the *Australian Road Rules*;

**trucks and buses low gear sign** means a sign that is a trucks and buses low gear sign for the purposes of the *Australian Road Rules*.

#### **45D—Power of police to impose licence disqualification or suspension for section 45C etc offences**

- (1) This section applies to the following offences:
  - (a) an offence against section 45C that is a second or subsequent offence;
  - (b) an offence against section 79B constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45C(1) (**a section 79B offence**) that is a second or subsequent offence.
- (1a) In determining whether an offence to which this section applies is a second or subsequent offence for the purposes of this section—
  - (a) in the case of an offence against section 45C, any previous offence against section 45C for which the person has been convicted or that the person has expiated will be taken into account; and
  - (b) in the case of a section 79B offence, any previous section 79B offence for which the person has been convicted or that the person has expiated will be taken into account,

but only if the previous offence was committed or, in the case of an offence that has been expiated, was alleged to have been committed, by the person within the period of 5 years immediately preceding the date on which the offence under consideration was committed.

- (2) Subject to this section—
  - (a) if a person is given an expiation notice for an offence to which this section applies, a police officer may give the person a notice of licence disqualification or suspension in the prescribed form; or
  - (b) if a police officer reasonably believes that a person has committed an offence to which this section applies, the police officer (or another police officer authorised to do so on behalf of that officer) may give the person such a notice.
- (3) The notice must specify the offence to which the notice relates.

- (4) If a person is given a notice of licence disqualification or suspension under this section—
- (a) in the case of a person who does not hold a driver's licence—the person is disqualified from holding or obtaining a driver's licence for the relevant period; or
  - (b) in the case of a person who holds a driver's licence—the person's driver's licence is suspended for the relevant period.
- (5) If a person is given a notice of licence disqualification or suspension under this section—
- (a) the Commissioner of Police must ensure that prescribed particulars of the notice are forwarded to the Registrar of Motor Vehicles; and
  - (b) the Registrar of Motor Vehicles must, on receiving those particulars, send, by post, a notice to the person of the name and address specified by the Commissioner containing the prescribed particulars of the notice of licence disqualification or suspension (though the operation of the notice is not affected by any failure to comply with this paragraph),

and if such a notice of licence disqualification or suspension is subsequently withdrawn, the Commissioner must ensure that notice of the withdrawal (specifying the reason for the withdrawal) is forwarded to the Registrar.

- (6) If a person is given a notice of licence disqualification or suspension under this section but is not given an expiation notice for the offence to which the notice relates or another offence to which this section applies arising out of the same course of conduct (or such an expiation notice is withdrawn or the person elects to be prosecuted in accordance with the *Expiation of Offences Act 1996*), the Commissioner of Police must ensure—
- (a) that a determination is made, within a reasonable time, as to whether to charge the person with an offence to which this section applies or give the person an expiation notice in respect of such an offence; and
  - (b) if a determination is made that the person should not be charged with, or given an expiation notice in respect of, any offence to which this section applies, that—
    - (i) the person is given, or sent by post, written notice of that determination (which notice should include any prescribed particulars relating to the effect of the determination on the notice of licence disqualification or suspension); and
    - (ii) written notice of the determination is forwarded to the Registrar of Motor Vehicles,

but—

- (c) the laying of charges against a person, or the giving of an expiation notice, is not prevented by a failure to comply with this subsection in relation to the person or by the making of a determination referred to in this subsection or the notification of such a determination; and

- (d) subject to the making of an order of the Magistrate's Court under section 45E(2)(b), the operation of the notice of licence disqualification or suspension is not affected by any failure to comply with this subsection.
- (7) If a person who is given a notice of licence disqualification or suspension under this section is charged with an offence, or given an expiation notice in respect of an offence, that is not the offence specified in the notice but is instead another offence to which this section applies arising out of the same course of conduct, that offence will then be taken to be the offence to which the notice relates.
- (8) If—
- (a) a period of licence disqualification or suspension has applied to a person as a result of the person having been given a notice of licence disqualification or suspension under this section; and
  - (b) a court convicts the person of the offence to which the notice relates or another offence arising out of the same course of conduct; and
  - (c) a mandatory minimum period of disqualification would (apart from this subsection) be required to be imposed for the offence,
- then—
- (d) the court must order that the person be disqualified from holding or obtaining a driver's licence for a period determined by the court (and if the person is the holder of a driver's licence and the mandatory minimum period of disqualification required to be imposed for the offence for which the person was convicted operates to cancel such a licence, the period of disqualification ordered by the court under this subsection operates to cancel the person's licence from the commencement of that period); and
  - (e) despite any other provision of this or any other Act, the court must, in determining the period, take into account the period of licence disqualification or suspension that has applied to the person as a result of the notice and may for that purpose—
    - (i) if the relevant period of licence disqualification or suspension under the notice has not ended, order that the period imposed be taken to have commenced on the day on which the relevant period commenced (provided that the period imposed is not less than the mandatory minimum period of disqualification); or
    - (ii) if the relevant period of licence disqualification or suspension under the notice has ended, impose a period that is less than the mandatory period of disqualification (provided that the period imposed is not less than the difference between the mandatory minimum period of disqualification and the period that has applied as a result of the notice),and if the person is the holder of a driver's licence and the mandatory minimum period of disqualification required to be imposed operates to cancel the licence, the licence will be taken to have been cancelled—
    - (iii) where subparagraph (i) applies—from the day on which the order of the court is made; or

- (iv) where subparagraph (ii) applies—from the commencement of the period of disqualification ordered by the court.
- (9) If the Commissioner of Police is satisfied that a notice of licence disqualification or suspension under this section should not have been given because—
- (a) the notice has been given to a particular person in error; or
  - (b) the notice is defective; or
  - (c) there is other proper cause for which the notice should not have been given,
- the Commissioner may authorise the withdrawal of the notice.
- (10) A withdrawal referred to in subsection (9) is effected by giving notice of the withdrawal, in a manner and form determined by the Commissioner, to the person to whom the notice of licence disqualification or suspension was given.
- (11) The notice of withdrawal must specify the reason for withdrawal.
- (12) If a notice of licence disqualification or suspension under this section is withdrawn, the Commissioner of Police may, if satisfied that there are proper grounds to give a fresh notice of licence disqualification or suspension to any person, authorise the giving of such a notice (provided that the relevant period for the fresh notice must, if it is given to the same person as was given the withdrawn notice, be reduced by the period for which the withdrawn notice was (or purported to be) in operation).
- (13) Subject to subsection (14), no compensation is payable by the Crown or a police officer in respect of the exercise, or purported exercise, of powers under this section.
- (14) Subsection (13) does not protect a police officer from liability in respect of the exercise, or purported exercise, of powers otherwise than in good faith.
- (15) For the purposes of this section—
- (a) the *relevant period* commences—
    - (i) in the case of a notice of licence disqualification or suspension under this section for an offence against section 45C—
      - (A) at the time at which the person is given the notice of licence disqualification or suspension or, if a police officer referred to in subsection (2) is satisfied that, in the circumstances, it would be appropriate to postpone the commencement of the relevant period and the notice indicates that the commencement is to be postponed, 48 hours after the time at which the person is given the notice; or
      - (B) if, at the time applicable under subparagraph (A), the person is already disqualified from holding or obtaining a driver's licence or holds a driver's licence that is suspended, at the end of that period of disqualification or suspension; or
    - (ii) in the case of a notice of licence disqualification or suspension under this section for a section 79B offence—
      - (A) 28 days after the notice of licence disqualification or suspension is given to the person; or

- (B) if, at the time referred to in subsubparagraph (A), the person is already disqualified from holding or obtaining a driver's licence or holds a driver's licence that is suspended—at the end of that period of disqualification or suspension; and
- (b) the *relevant period* ends—
- (i) if the Magistrates Court, on application under section 45E, makes an order that the person given the notice is not disqualified, or that the driver's licence held by the person is not suspended, by the notice; or
  - (ii) if the person given the notice is notified in writing by or on behalf of the Commissioner of Police (whether that notification is given personally or by post) that the person—
    - (A) is not to be charged with any offence to which this section applies arising out of the course of conduct to which the notice of licence disqualification or suspension relates; and
    - (B) is not to be given an expiation notice in respect of such an offence; or
  - (iii) if proceedings for the offence to which the notice relates are determined by a court or are withdrawn or otherwise discontinued; or
  - (iv) if the person given the notice is notified in accordance with subsection (10) that the notice has been withdrawn; or
  - (v) in any event, at the end of 6 months from the commencement of the relevant period.
- (16) The Commissioner of Police must establish procedures to be followed by police officers giving notices of licence disqualification or suspension under this section for the purpose of determining whether the commencement of the relevant period should be postponed under subsection (15)(a)(i)(A).

#### **45E—Application to Court to have disqualification or suspension under section 45D lifted**

- (1) If a person is given a notice of licence disqualification or suspension under section 45D (or is sent particulars of such a notice by the Registrar of Motor Vehicles) but is not given an expiation notice for an offence to which section 45D applies (or such an expiation notice is withdrawn or the person elects to be prosecuted in accordance with the *Expiation of Offences Act 1996*), the person may apply to the Magistrates Court for an order that the person is not disqualified, or the person's driver's licence is not suspended, by the notice.
- (2) The Magistrates Court may, on an application under subsection (1), make an order that the person is not disqualified, or the person's driver's licence is not suspended, by the notice if—
  - (a) the Court is satisfied, on the basis of oral evidence given on oath by the applicant, that there is a reasonable prospect that the applicant would, in proceedings for the offence to which the notice relates, be acquitted of the offence and the evidence before the Court does not suggest that the applicant may be guilty of another offence to which section 45D applies; or

- (b) the Court is satisfied that the person has not been charged with any offence to which section 45D applies and that the prosecution authorities have had a reasonable time, in the circumstances, within which to make a determination as to the laying of charges against the person.
- (3) The application must be commenced by lodging written application with the Magistrates Court, in the form prescribed by rules of the Court, setting out the grounds on which the application is made and particulars of the evidence that will be relied on by the applicant.
- (4) The Commissioner of Police—
  - (a) must be served, by an applicant for an order under this section, with a copy of the application as soon as practicable after the application is made; and
  - (b) is a party to the application; and
  - (c) may (but is not required to) appear at the hearing represented by legal counsel or a police officer.
- (5) Any legal counsel or police officer representing the Commissioner of Police at the hearing may make submissions in relation to the application but is not entitled to cross-examine the applicant.
- (6) If the Commissioner of Police does not appear at the hearing, the clerk of the Court must notify the Commissioner, in writing, of the date on which the application was determined and the nature and effect of any order made in relation to the application.

#### **46—Reckless and dangerous driving**

- (1) A person must not drive a vehicle recklessly or at a speed or in a manner which is dangerous to any person.  
Maximum penalty: Imprisonment for 2 years.
- (2) In considering whether an offence has been committed under this section, the court must have regard to—
  - (a) the nature, condition and use of the road on which the offence is alleged to have been committed; and
  - (b) the amount of traffic on the road at the time of the offence; and
  - (c) the amount of traffic which might reasonably be expected to enter the road from other roads and places; and
  - (d) all other relevant circumstances, whether of the same nature as those mentioned or not.
- (3) If a court convicts a person of an offence against subsection (1), the following provisions apply:
  - (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
    - (i) in the case of a first offence—for such period, being not less than 12 months, as the court thinks fit; or
    - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;

- (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than one month.
- (4) In determining whether an offence is a first or subsequent offence for the purposes of this section, only a previous offence against subsection (1) for which the defendant has been convicted that was committed within the period of five years immediately preceding the commission of the offence under consideration will be taken into account.
- (5) It is a defence to a charge of an offence against this section for the defendant to prove that the defendant was, at the time of the offence—
  - (a) carrying out duties as an emergency worker; and
  - (b) acting in accordance with the directions of the defendant's employing authority; and
  - (c) acting reasonably in the circumstances as the defendant believed them to be.
- (6) In this section—

***emergency worker*** means a police officer or a person who is an emergency worker as defined by the regulations for the purposes of this section;

***employing authority*** means—

- (a) in relation to a police officer—the Commissioner of Police; or
- (b) in relation to a person who is an emergency worker as defined by the regulations for the purposes of this section—the person defined by the regulations as the employing authority for that person.

## **Division 5—Drink driving and drug driving**

### **47—Driving under the influence**

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

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

Penalty:

- (a) if the vehicle concerned was a motor vehicle—
  - (i) for a first offence—
    - (A) a fine of not less than \$1 100 and not more than \$1 600; or
    - (B) imprisonment for not more than 3 months; and
  - (ii) for a subsequent offence—
    - (A) a fine of not less than \$1 900 and not more than \$2 900; or

- (B) imprisonment for not more than 6 months;
- (b) if the vehicle concerned was not a motor vehicle—\$500.
- (1a) If a person engages in conduct involving a motor vehicle that constitutes an offence against subsection (1) while a child under the age of 16 years is present in or on that motor vehicle, the person commits an offence against this subsection and is liable to the same penalty as is prescribed for an offence against subsection (1).
- (1b) If a person is charged with an offence against subsection (1a) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (1) if the court is satisfied that an offence against subsection (1) has been so established.
- (2) For the purposes of subsection (1), a person is incapable of exercising effective control of a vehicle if, owing to the influence of intoxicating liquor or a drug, the use of any mental or physical faculty of that person is lost or appreciably impaired.
- This subsection does not restrict the meaning of the words "incapable of exercising effective control of a vehicle".
- (3) If a court convicts a person of an offence against this section in which the vehicle concerned was a motor vehicle, the following provisions apply:
- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
- (i) in the case of a first offence—for such period, being not less than twelve months as the court thinks fit; or
- (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;
- (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than one month;
- (d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
- (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.
- (4) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous drink driving offence or drug driving offence for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence under consideration was committed.

## 47A—Interpretation

(1) In this Act—

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

***analyst*** means—

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

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

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

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

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

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

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

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

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

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

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

***oral fluid*** includes saliva;

***oral fluid analysis*** means the analysis of a person's oral fluid to determine whether a prescribed drug is present in the oral fluid;

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

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

**prescribed concentration of alcohol** means—

- (a) in relation to a person who is not authorised under the *Motor Vehicles Act 1959* to drive the vehicle—any concentration of alcohol in the blood;
- (ab) in relation to a person who is driving a prescribed vehicle—any concentration of alcohol in the blood;
- (b) in relation to any other person—a concentration of .05 grams or more of alcohol in 100 millilitres of blood;

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

**prescribed vehicle** means—

- (a) a vehicle with a gross vehicle mass exceeding 15 tonnes; or
  - (b) a prime mover with an unladen mass exceeding 4 tonnes; or
  - (c) a bus designed to carry more than 12 persons (including the driver); or
  - (d) a motor vehicle that is—
    - (i) designed for the principal purpose of carrying passengers; and
    - (ii) designed to carry more than 8 persons, but not more than 12 persons, (including the driver); and
    - (iii) used regularly for the purpose of carrying passengers for hire or for a business or community purpose; or
  - (e) a vehicle that is being used for the purpose of carrying passengers for hire; or
  - (f) a vehicle that—
    - (i) is used to transport dangerous substances within the meaning of the *Dangerous Substances Act 1979* or has such substances aboard; and
    - (ii) is required under that Act to be marked with a label.
- (2) For the purposes of this Act, a person **acts as a qualified supervising driver** for the holder of a permit or licence if the person would, for the purposes of the *Motor Vehicles Act 1959*, be taken to be acting as a qualified supervising driver for the holder of a permit or licence (see section 72A of that Act).

- (2a) For the purposes of this Act, a police officer *exercises random testing powers* if, in accordance with section 47E or 47EAA—
- (a) the police officer requires a person to submit to an alcotest, breath analysis or drug screening test or directs a person driving a motor vehicle to stop the vehicle for the purpose of requiring a person to submit to an alcotest or breath analysis; and
  - (b) the requirement is made, or the direction is given, otherwise than in prescribed circumstances.
- (3) For the purposes of section 47(4), 47B(4), 47B(6), 47BA(5), 47BA(7), 47E(7), 47EAA(17) and 47I(14b), the prescribed period is—
- (a) in the case of a previous offence that is a category 1 offence—3 years;
  - (b) in any other case—5 years.

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

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

while there is present in the person's blood the prescribed concentration of alcohol as defined in section 47A.

Penalty:

- (a) for a first offence—
  - (i) being a category 1 offence—\$1 100;
  - (ii) being a category 2 offence—a fine of not less than \$900 and not more than \$1 300;
  - (iii) being a category 3 offence—a fine of not less than \$1 100 and not more than \$1 600;
- (b) for a second offence—
  - (i) being a category 1 offence—\$1 100;
  - (ii) being a category 2 offence—a fine of not less than \$1 100 and not more than \$1 600;
  - (iii) being a category 3 offence—a fine of not less than \$1 600 and not more than \$2 400;
- (c) for a third or subsequent offence—
  - (i) being a category 1 offence—\$1 100;
  - (ii) being a category 2 offence—a fine of not less than \$1 500 and not more than \$2 200;
  - (iii) being a category 3 offence—a fine of not less than \$1 900 and not more than \$2 900.

- (1a) If a person engages in conduct involving a motor vehicle that constitutes an offence against subsection (1) (other than a category 1 offence) while a child under the age of 16 years is present in or on that motor vehicle, the person commits an offence against this subsection and is liable to the same penalty as is prescribed for an offence against subsection (1).
- (1b) If a person is charged with an offence against subsection (1a) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (1) if the court is satisfied that an offence against subsection (1) has been so established.
- (3) If a court convicts a person of an offence against this section, the following provisions apply:
- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
    - (i) in the case of a first offence—
      - (AA) being a category 1 offence—for such period, being not less than 3 months, as the court thinks fit;
      - (A) being a category 2 offence—for such period, being not less than 6 months, as the court thinks fit;
      - (B) being a category 3 offence—for such period, being not less than 12 months, as the court thinks fit;
    - (ii) in the case of a second offence—
      - (A) being a category 1 offence—for such period, being not less than 6 months, as the court thinks fit;
      - (B) being a category 2 offence—for such period, being not less than 12 months, as the court thinks fit;
      - (C) being a category 3 offence—for such period, being not less than 3 years, as the court thinks fit;
    - (iii) in the case of a third offence—
      - (A) being a category 1 offence—for such period, being not less than 9 months, as the court thinks fit;
      - (B) being a category 2 offence—for such period, being not less than 2 years, as the court thinks fit;
      - (C) being a category 3 offence—for such period, being not less than 3 years, as the court thinks fit;
    - (iv) in the case of a subsequent offence—
      - (A) being a category 1 offence—for such period, being not less than 12 months, as the court thinks fit;
      - (B) being a category 2 offence—for such period, being not less than 2 years, as the court thinks fit;
      - (C) being a category 3 offence—for such period, being not less than 3 years, as the court thinks fit;

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

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

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

while a prescribed drug is present in the person's oral fluid or blood.

Penalty:

- (a) for a first offence—a fine of not less than \$900 and not more than \$1 300;
- (b) for a second offence—a fine of not less than \$1 100 and not more than \$1 600;
- (c) for a third or subsequent offence—a fine of not less than \$1 500 and not more than \$2 200.

- (1a) If a person engages in conduct involving a motor vehicle that constitutes an offence against subsection (1) while a child under the age of 16 years is present in or on that motor vehicle, the person commits an offence against this subsection and is liable to the same penalty as is prescribed for an offence against subsection (1).
- (1b) If a person is charged with an offence against subsection (1a) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (1) if the court is satisfied that an offence against subsection (1) has been so established.
- (2) Subject to subsection (3), it is a defence to a charge of an offence against this section if the defendant proves that the defendant did not knowingly consume the prescribed drug present in the defendant's oral fluid or blood.
- (3) Subsection (2) does not apply if the defendant consumed the prescribed drug believing that the defendant was consuming a substance unlawfully but was mistaken as to, unaware of or indifferent to the identity of the prescribed drug.
- (4) If a court convicts a person of an offence against this section, the following provisions apply:
  - (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
    - (i) in the case of a first offence—for such period, being not less than 6 months, as the court thinks fit;
    - (ii) in the case of a second offence—for such period, being not less than 12 months, as the court thinks fit;
    - (iii) in the case of a third offence—for such period, being not less than 2 years, as the court thinks fit;
    - (iv) in the case of a subsequent offence—for such period, being not less than 3 years, as the court thinks fit;
  - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than 1 month;
  - (c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
  - (d) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.

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

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

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

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

- (1) The court by which a person is convicted of an offence under section 47(1), 47(1a), 47B(1), 47B(1a), 47BA(1), 47BA(1a), 47E(3), 47E(3a), 47EAA(9) or 47EAA(9a) on the complaint of a police officer may, in addition to imposing any other penalty, order, on the application of the complainant, that the defendant pay to the complainant a reasonable sum to cover the expenses of all or any of the following matters:
  - (a) apprehending the defendant; and
  - (b) conveying the defendant to a police station; and
  - (c) keeping the defendant in custody until trial; and

- (d) medically examining the defendant; and
  - (e) facilitating the taking of a sample of the defendant's blood and providing for the presence of a police officer.
- (2) Any sum of money received by the complainant in consequence of an order under subsection (1) must be paid into the Consolidated Account.

#### **47DA—Driver testing stations**

- (1) A driver testing station may be established by police officers at any time on or in the vicinity of any road for the purpose of enabling screening tests to be conducted in relation to persons driving motor vehicles on the road.
- (2) A driver testing station must be established in such a way, and consist of such facilities and warning and other devices, as the Commissioner of Police considers necessary in order to enable vehicles to be stopped in a safe and orderly manner and the screening tests to be made in quick succession.
- (3) If a driver testing station is established in the vicinity of an event being held outside Metropolitan Adelaide for the purpose of enabling screening tests to be conducted in relation to persons who have attended the event, signs advising of the establishment of the driver testing station must be displayed in positions where people arriving at the event are likely to see them (however a prosecution for an offence will not fail because of any non-compliance with this subsection).
- (4) In subsection (3)—  
*Metropolitan Adelaide* has the same meaning as in the *Development Act 1993*;  
*screening test* means an alcotest or drug screening test.

#### **47E—Police may require alcotest or breath analysis**

- (1) Subject to this Act, if a police officer (whether or not performing duties at or in connection with a driver testing station) believes on reasonable grounds that a person—
  - (a) is driving, or has driven, a motor vehicle; or
  - (b) is attempting, or has attempted, to put a motor vehicle in motion; or
  - (c) is acting, or has acted, as a qualified supervising driver for the holder of a permit or licence,the police officer may require the person to submit to an alcotest or a breath analysis, or both.
- (2) A police officer may direct a person driving a motor vehicle to stop the vehicle and may give other reasonable directions for the purpose of making a requirement under this section that a person submit to an alcotest or a breath analysis.
- (2a) A person must forthwith comply with a direction under subsection (2).  
Maximum penalty: \$2 900.
- (2ab) A person must not, in the exercise of random testing powers, be required to submit to a breath analysis unless an alcotest conducted under subsection (1) indicates that the prescribed concentration of alcohol may be present in the blood of the person.

- (2b) Without derogating from section 47DA or 47EA, an alcotest or breath analysis to which a person has been required to submit under subsection (1) may not be commenced more than 8 hours after the conduct of the person giving rise to the requirement.
- (2d) The performance of an alcotest or breath analysis commences when a direction is first given by a police officer that the person concerned exhale into the alcotest apparatus or breath analysing instrument to be used for the alcotest or breath analysis.
- (2e) The regulations may prescribe the manner in which an alcotest or breath analysis is to be conducted and may, for example, require that more than one sample of breath is to be provided for testing or analysis and, in such a case, specify which reading of the apparatus or instrument will be taken to be the result of the alcotest or breath analysis for the purposes of this and any other Act.
- (3) A person required under this section to submit to an alcotest or breath analysis must not refuse or fail to comply with all reasonable directions of a police officer in relation to the requirement and, in particular, must not refuse or fail to exhale into the apparatus by which the alcotest or breath analysis is conducted in accordance with the directions of a police officer.

Penalty:

- (a) for a first offence—a fine of not less than \$1 100 and not more than \$1 600;
  - (b) for a subsequent offence—a fine of not less than \$1 900 and not more than \$2 900.
- (3a) If—
- (a) a person has engaged in conduct of a kind described in subsection (1)(a), (b) or (c) involving a motor vehicle; and
  - (b) such conduct occurred while a child under the age of 16 years was present in or on that vehicle; and
  - (c) the person refuses or fails to comply with a direction of a police officer (given in relation to such conduct) in contravention of subsection (3),
- the person commits an offence against this subsection and is liable to the same penalty as is prescribed for an offence against subsection (3).
- (3b) If a person is charged with an offence against subsection (3a) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (3) if the court is satisfied that an offence against subsection (3) has been so established.
- (4) It is a defence to a prosecution under subsection (3) or (3a) that—
- (a) the requirement or direction to which the prosecution relates was not lawfully made; or
  - (ab) the person was not allowed the opportunity to comply with the requirement or direction after having been given the prescribed oral advice in relation to—
    - (i) the consequences of refusing or failing to comply with the requirement or direction; and

- (ii) the person's right to request the taking of a blood sample under subsection (4a); or
  - (b) there was, in the circumstances of the case, good cause for the refusal or failure of the defendant to comply with the requirement or direction.
- (4a) If a person refuses or fails to comply with the requirement or direction under this section by reason of some physical or medical condition of the person and forthwith makes a request of a police officer that a sample of the person's blood be taken by a medical practitioner, a police officer must do all things reasonably necessary to facilitate the taking of a sample of the person's blood—
  - (a) by a medical practitioner nominated by the person; or
  - (b) if—
    - (i) it becomes apparent to the police officer that there is no reasonable likelihood that a medical practitioner nominated by the person will be available to take the sample within 1 hour of the time of the request at some place not more than 10 kilometres distant from the place of the request; or
    - (ii) the person does not nominate a particular medical practitioner, by any medical practitioner who is available to take the sample.
- (5) No person is entitled to refuse or fail to comply with a requirement or direction under this section on the ground that—
  - (a) the person would, or might, by complying with that requirement or direction, furnish evidence that could be used against themselves; or
  - (b) the person consumed alcohol after the person last drove a motor vehicle or attempted to put a motor vehicle in motion and before the requirement was made or the direction given.
- (5a) A person may not raise a defence that the person had good cause for a refusal or failure to comply with a requirement or direction under this section by reason of some physical or medical condition of the person unless—
  - (a) a sample of the person's blood was taken in accordance with subsection (4a); or
  - (b) the person made a request as referred to in subsection (4a), but—
    - (i) a police officer failed to facilitate the taking of a sample of the person's blood as required by that subsection; or
    - (ii) a medical practitioner was not reasonably available for the purpose of taking such a sample; or
  - (c) the taking of a sample of the person's blood in accordance with subsection (4a) was not possible or reasonably advisable or practicable in the circumstances by reason of some physical or medical condition of the person.
- (6) If a court convicts a person of an offence against subsection (3) or (3a), the following provisions apply:
  - (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—

- (i) in the case of a first offence—for such period, being not less than twelve months, as the court thinks fit; or
    - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;
  - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case the court may order a period of disqualification that is less than the prescribed minimum period but not less than one month;
  - (d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
  - (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.
- (7) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous drink driving offence or drug driving offence for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence under consideration was committed.
- (7a) If a person—
- (a) refuses or fails to comply with a direction under this section; or
  - (b) submits to an alcotest and the alcotest indicates that the prescribed concentration of alcohol may be present in the blood of the person,
- there will be reasonable ground to suspect that the prescribed concentration of alcohol is present in the person's blood for the purposes of the exercise of any power conferred on a police officer (including a power of arrest) to prevent the person committing an offence by driving a vehicle in contravention of this Division.
- (7b) Subsection (7a) does not limit the circumstances in which such a power may otherwise be exercised by a police officer under this or any other Act.
- (8) The Commissioner of Police must, in the Commissioner's annual report to the Minister responsible for the administration of the *Police Act 1998*, include the numbers of drivers required to submit to an alcotest in the course of the exercise of random testing powers (otherwise than at breath testing stations established in accordance with section 47DA).

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

- (1) Subject to this Act, if a person has submitted to an alcotest or breath analysis as a result of a requirement under section 47E, a police officer may require the person to submit to a drug screening test.

- (2) If—
- (a) a person has submitted to a drug screening test as a result of a requirement under subsection (1) and the drug screening test indicates the presence of a prescribed drug in the person's oral fluid; or
  - (b) a person has submitted to an alcotest or breath analysis as a result of a requirement under section 47E that was made in prescribed circumstances,
- a police officer may require the person to submit to an oral fluid analysis or a blood test.
- (2a) If a person submits to an oral fluid analysis in compliance with a requirement made under subsection (2) but the person is unable to produce sufficient oral fluid for a sample to be taken, a police officer may require that the person submit to a blood test.
- (3) A police officer may give reasonable directions for the purpose of making a requirement under this section that a person submit to a drug screening test, oral fluid analysis or blood test.
- (4) A person must forthwith comply with a direction under subsection (3).  
Maximum penalty: \$2 900.
- (5) Without derogating from section 47DA or 47EA, a drug screening test, oral fluid analysis or blood test to which a person has been required to submit under this section may not be commenced more than 8 hours after the conduct of the person giving rise to the requirement that the person submit to the alcotest or breath analysis.
- (6) The performance of a drug screening test, oral fluid analysis or blood test that has been required under this section commences when a direction is first given by a police officer that the person concerned provide a sample of oral fluid or blood (as the case may be) to be used for the drug screening test, oral fluid analysis or blood test.
- (7) A drug screening test may only be conducted by a police officer.
- (8) The regulations may prescribe the manner in which a drug screening test, oral fluid analysis or blood test is to be conducted.
- (9) A person required under this section to submit to a drug screening test, oral fluid analysis or blood test must not refuse or fail to comply with all reasonable directions of a police officer in relation to the requirement and, in particular, must not refuse or fail to allow a sample of oral fluid or blood to be taken in accordance with the directions of a police officer.
- Penalty:
- (a) for a first offence—a fine of not less than \$900 and not more than \$1 300;
  - (b) for a subsequent offence—a fine of not less than \$1 500 and not more than \$2 200.
- (9a) If—
- (a) a person has engaged in conduct of a kind described in section 47E(1)(a), (b) or (c) involving a motor vehicle; and
  - (b) such conduct occurred while a child under the age of 16 years was present in or on that vehicle; and

- (c) the person refuses or fails to comply with a direction of a police officer (given in relation to such conduct) in contravention of subsection (9),
- the person commits an offence against this subsection and is liable to the same penalty as is prescribed for an offence against subsection (9).
- (9b) If a person is charged with an offence against subsection (9a) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (9) if the court is satisfied that an offence against subsection (9) has been so established.
- (10) It is a defence to a prosecution under subsection (9) or (9a) that—
- (a) the requirement or direction to which the prosecution relates was not lawfully made; or
  - (b) the person was not allowed the opportunity to comply with the requirement or direction after having been given the prescribed oral advice in relation to—
    - (i) the consequences of refusing or failing to comply with the requirement or direction; and
    - (ii) in the case of—
      - (A) a drug screening test or an oral fluid analysis—the person's right to request the taking of a blood sample under subsection (11); or
      - (B) a blood test—the person's right to request an oral fluid analysis under subsection (12); or
  - (c) there was, in the circumstances of the case, good cause for the refusal or failure of the defendant to comply with the requirement or direction.
- (11) If a person of whom a requirement is made or to whom a direction is given under this section relating to a drug screening test or oral fluid analysis refuses or fails to comply with the requirement or direction by reason of some physical or medical condition of the person and forthwith makes a request of a police officer that a sample of the person's blood be taken by a medical practitioner, a police officer must do all things reasonably necessary to facilitate the taking of a sample of the person's blood—
- (a) by a medical practitioner nominated by the person; or
  - (b) if—
    - (i) it becomes apparent to the police officer that there is no reasonable likelihood that a medical practitioner nominated by the person will be available to take the sample within 1 hour of the time of the request at some place not more than 10 kilometres distant from the place of the request; or
    - (ii) the person does not nominate a particular medical practitioner, by any medical practitioner who is available to take the sample.

- (12) If a person of whom a requirement is made or to whom a direction is given under this section relating to a blood test refuses or fails to comply with the requirement or direction by reason of some physical or medical condition of the person and forthwith makes a request of a police officer that an oral fluid analysis be conducted, a police officer must do all things reasonably necessary to facilitate the conduct of an oral fluid analysis unless—
- (a) a requirement or direction under this section relating to a drug screening test or oral fluid analysis has been made of, or been given to, the person; and
  - (b) —
    - (i) the person refused or failed to comply with that requirement or direction on the ground of some physical or medical condition of the person and made a request under subsection (11) for a sample of the person's blood to be taken in accordance with that subsection; or
    - (ii) the person was unable to produce sufficient oral fluid for a sample to be taken.
- (13) No person is entitled to refuse or fail to comply with a requirement or direction under this section on the ground that—
- (a) the person would, or might, by complying with that requirement or direction, furnish evidence that could be used against themselves; or
  - (b) the person consumed a prescribed drug after the person last drove a motor vehicle or attempted to put a motor vehicle in motion and before the requirement was made or the direction given.
- (14) A person may not raise a defence that the person had good cause for a refusal or failure to comply with a requirement or direction under this section relating to a drug screening test or oral fluid analysis by reason of some physical or medical condition of the person unless—
- (a) a sample of the person's blood was taken in accordance with subsection (11); or
  - (b) the person made a request as referred to in subsection (11), but—
    - (i) a police officer failed to facilitate the taking of a sample of the person's blood as required by that subsection; or
    - (ii) a medical practitioner was not reasonably available for the purpose of taking such a sample; or
  - (c) the taking of a sample of the person's blood in accordance with subsection (11) was not possible or reasonably advisable or practicable in the circumstances by reason of some physical or medical condition of the person.
- (15) A person may not raise a defence that the person had good cause for a refusal or failure to comply with a requirement or direction under this section relating to a blood test by reason of some physical or medical condition of the person unless—
- (a) an oral fluid analysis was conducted in accordance with subsection (12); or
  - (b) the person made a request as referred to in subsection (12), but a police officer failed to facilitate the conduct of an oral fluid analysis as required by that subsection; or

- (c) the taking of a sample of the person's oral fluid in accordance with subsection (12) was not possible or reasonably advisable or practicable in the circumstances by reason of some physical or medical condition of the person.
- (16) If a court convicts a person of an offence against subsection (9) or (9a), the following provisions apply:
- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
- (i) in the case of a first offence—for such period, being not less than 12 months, as the court thinks fit; or
- (ii) in the case of a subsequent offence—for such period, being not less than 3 years, as the court thinks fit;
- (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case the court may order a period of disqualification that is less than the prescribed minimum period but not less than one month;
- (c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
- (d) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.
- (17) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous drink driving offence or drug driving offence for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence under consideration was committed.
- (18) If a person—
- (a) refuses or fails to comply with a requirement or direction under this section; or
- (b) submits to a drug screening test and the drug screening test indicates the presence of a prescribed drug in the person's oral fluid,
- there will be reasonable ground to suspect that a prescribed drug is present in the person's oral fluid for the purposes of the exercise of any power conferred on a police officer (including a power of arrest) to prevent the person committing an offence by driving a vehicle in contravention of this Division.
- (19) Subsection (18) does not limit the circumstances in which such a power may otherwise be exercised by a police officer under this or any other Act.

#### **47EA—Exercise of random testing powers**

- (1) The following provisions apply in relation to the exercise of random testing powers consisting of the giving of a direction to stop a motor vehicle or the making of a requirement to submit to an alcoltest or drug screening test:
  - (a) a police officer must not give such a direction or make such a requirement unless the police officer is in uniform;
  - (b) if the police officer is driving or riding in or on a vehicle at the time of giving such a direction—the vehicle must be marked as a police vehicle or must be displaying a flashing blue or red light (whether or not it is also displaying other lights) or sounding an alarm;
  - (c) a police officer must not make such a requirement relating to an alcoltest unless the officer has in the officer's possession, or a police officer in the immediate vicinity of the place at which the requirement is made has in the officer's possession, an apparatus of a kind approved by the Governor for the conduct of alcoltests;
  - (ca) a police officer must not make such a requirement relating to a drug screening test unless the officer has in the officer's possession, or a police officer in the immediate vicinity of the place at which the requirement is made has in the officer's possession, an apparatus of a kind approved by the Governor for the conduct of drug screening tests;
  - (d) the Commissioner of Police must establish procedures to be followed by police officers in the exercise of such powers, being procedures designed to prevent as far as reasonably practicable any undue delay or inconvenience to persons being subjected to the powers.
- (2) Despite any other provision of this Act, if a motor vehicle has stopped in response to a direction given by a police officer in the exercise of random testing powers, a police officer may delay the driver of the vehicle for as long as may be necessary to enable the police officer to ascertain whether the driver holds a current driver's licence or other authority to drive the vehicle.

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

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

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

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

#### **47GA—Breath analysis where drinking occurs after driving**

- (1) This section applies to proceedings for an offence against section 47(1), 47(1a), 47B(1) or 47B(1a) in which the results of a breath analysis under this Act are relied on to establish the commission of the offence.

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

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

- (3) In subsection (2)—

*relevant period* means the period between—

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

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

- (1) This section applies to proceedings for an offence against section 47(1), 47(1a), 47BA(1) or 47BA(1a) in which the results of an oral fluid analysis or blood test under section 47EAA are relied on to establish the commission of the offence.
- (2) If in proceedings to which this section applies the defendant satisfies the court—
- (a) that the defendant consumed the prescribed drug during the relevant period; and
  - (b) that the prescribed drug was not consumed by the defendant after a police officer first exercised powers under section 47E preliminary to the performance of the alcotest or breath analysis referred to in section 47EAA; and
  - (c) where the requirement to submit to the alcotest or breath analysis referred to in section 47EAA was made after the defendant's involvement as a driver in an accident—that the defendant discharged the duties under this Act required to be discharged at the scene of an accident by a driver of a vehicle involved in the accident,

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

- (3) In subsection (2)—

*relevant period* means the period between—

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

#### **47H—Approval of apparatus and kits for breath analysis etc**

The Governor may, by regulation, for the purposes of this Act—

- (a) approve apparatus of a prescribed kind as breath analysing instruments; or
- (b) approve apparatus of a prescribed kind for the purpose of conducting alcotests; or
- (c) approve apparatus of a prescribed kind for the purpose of conducting drug screening tests; or
- (d) declare a kit of a prescribed kind to be an approved blood test kit.

#### **47I—Compulsory blood tests**

- (1) If a motor vehicle is involved in any accident and, within eight hours after the accident, a person apparently of or above the age of 10 years who suffered injury in the accident attends at, or is admitted into, a hospital for the purpose of receiving treatment for that injury, it is, subject to this section and Schedule 1, the duty of the legally qualified medical practitioner by whom that patient is attended to take, as soon as practicable, a sample of that patient's blood (despite the fact that the patient may be unconscious) in accordance with this section.
- (4) If a motor vehicle is involved in any accident and a person apparently of or above the age of 10 years who suffered injury in the accident is dead on arrival at the hospital, or dies before a sample of blood has been taken in accordance with this section and within eight hours after admission to the hospital, it is the duty of the medical practitioner who, under Part 5 of the *Coroners Act 2003*, notifies the State Coroner or a police officer of the death—
  - (a) to take a sample of blood from the body of the deceased in accordance with this section; or
  - (b) to notify the State Coroner as soon as practicable that, in view of the circumstances in which the death of the deceased occurred, a sample of blood should be taken from the body under this section.
- (5) The State Coroner, on receiving a notification under subsection (4), may authorise and direct a pathologist to take a sample of blood from the body of the deceased in accordance with this section.
- (6) A medical practitioner is not obliged to take a sample of blood under this section if a sample of blood has been taken in accordance with this section by any other medical practitioner.
- (7) If—
  - (a) a motor vehicle is involved in an accident; and

- (b) a child under the age of 16 years was present in or on the vehicle at the time of the accident; and
- (c) the person who was driving the vehicle at the time of the accident refuses or fails to comply with a request that the person submit to the taking of a sample of blood under this section; and
- (d) the person—
  - (i) fails to assign any reason based on genuine medical grounds for that refusal or failure; or
  - (ii) assigns a reason for that refusal or failure that is false or misleading; or
  - (iii) makes any other false or misleading statement in response to the request,

the person is guilty of an offence.

Maximum penalty:

- (a) for a first offence—a fine of not less than \$1 100 and not more than \$1 600;
  - (b) for a subsequent offence—a fine of not less than \$1 900 and not more than \$2 900.
- (8) If a person is charged with an offence against subsection (7) but the court is not satisfied that an offence against that subsection has been established beyond reasonable doubt, the person may be convicted, on that charge, of an offence against subsection (14) if the court is satisfied that an offence against subsection (14) has been so established.
- (9) If a court convicts a person of an offence against subsection (7), the provisions of subsection (14a) apply.
- (14) A person who, on being requested to submit to the taking of a sample of blood under this section, refuses or fails to comply with that request and who—
- (a) fails to assign any reason based on genuine medical grounds for that refusal or failure; or
  - (b) assigns a reason for that refusal or failure that is false or misleading; or
  - (c) makes any other false or misleading statement in response to the request,

is guilty of an offence.

Penalty:

- (a) if the convicted person was the driver of a motor vehicle involved in the accident—
  - (i) for a first offence—a fine of not less than \$1 100 and not more than \$1 600;
  - (ii) for a subsequent offence—a fine of not less than \$1 900 and not more than \$2 900;
- (b) in any other case—\$500.

- (14a) If a court convicts a person of an offence against subsection (14) in which the person was the driver of a motor vehicle involved in the accident, the following provisions apply:
- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
    - (i) in the case of a first offence—for such period, being not less than twelve months, as the court thinks fit; or
    - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;
  - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case the court may order a period of disqualification that is less than the prescribed minimum period but not less than one month;
  - (d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
  - (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.
- (14b) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous drink driving offence or drug driving offence for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence under consideration was committed.
- (19) In this section—  
*hospital* means any institution at which medical care or attention is provided for injured persons, declared by regulation to be a hospital for the purposes of this section.

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

- (1) This section applies to the following offences:
- (a) a category 2 offence;
  - (b) a category 3 offence;
  - (c) an offence against section 47E(3) or (3a);
  - (ca) an offence against section 47EAA(9) or (9a);
  - (cb) an offence against section 47I(7);
  - (d) an offence against section 47I(14) committed by a person who was the driver of a motor vehicle involved in the accident.

- (2) Subject to this section, if a police officer reasonably believes that a person has, after the commencement of this section, committed an offence to which this section applies, the police officer may give the person a notice of immediate licence disqualification or suspension in the prescribed form.
- (3) The notice must specify the offence to which the notice relates.
- (4) If a person is given a notice of immediate licence disqualification or suspension under subsection (2)—
  - (a) in the case of a person who does not hold a driver's licence—the person is disqualified from holding or obtaining a driver's licence for the relevant period; or
  - (b) in the case of a person who holds a driver's licence—the person's driver's licence is suspended for the relevant period.
- (5) The Commissioner of Police must ensure that prescribed particulars of a notice of immediate licence disqualification or suspension given to a person under this section are forwarded to the Registrar of Motor Vehicles.
- (6) The Registrar of Motor Vehicles must, on receiving particulars of a notice of immediate licence disqualification or suspension from the Commissioner of Police, send, by post, a notice to the person of the name and address specified by the Commissioner containing the prescribed particulars of the notice of immediate licence disqualification or suspension.
- (7) The operation of a notice of immediate licence disqualification or suspension is not affected by any failure to comply with subsection (6).
- (7a) If a person is given a notice of immediate licence disqualification or suspension under this section, the Commissioner of Police must ensure—
  - (a) that a determination is made, within a reasonable time, as to whether to charge the person with an offence to which this section applies; and
  - (b) if a determination is made that the person should not be charged with any offence to which this section applies, that the person is given, or sent by post, written notice of that determination.
- (7b) The laying of charges against a person is not prevented by a failure to comply with subsection (7a) in relation to the person or by the making of a determination referred to in that subsection or the notification of such a determination.
- (7c) Subject to the making of an order under section 47IAB(2)(a)(ii), the operation of a notice of immediate licence disqualification or suspension is not affected by any failure to comply with subsection (7a).
- (8) If the person is not charged with the offence specified in the notice as the offence to which the notice relates but is charged with another offence to which this section applies arising out of the same course of conduct, that offence will then be taken to be the offence to which the notice relates.
- (9) If—
  - (a) a period of licence disqualification or suspension has applied to a person as a result of the person having been given a notice of immediate licence disqualification or suspension under this section; and

- (b) a court convicts the person of the offence to which the notice relates or another offence arising out of the same course of conduct; and
- (c) a mandatory minimum period of disqualification would (apart from this subsection) be required to be imposed for the offence,

then—

- (d) the court must order that the person be disqualified from holding or obtaining a driver's licence for a period determined by the court (and if the person is the holder of a driver's licence, the disqualification operates to cancel the licence from the commencement of that period); and
- (e) despite any other provision of this or any other Act, the court must, in determining the period, take into account the period of licence disqualification or suspension that has applied to the person as a result of the notice and may for that purpose—

- (i) if the relevant period of licence disqualification or suspension under the notice has not ended, order that the period imposed be taken to have commenced on the day on which the relevant period commenced (provided that the period imposed is not less than the mandatory minimum period of disqualification); or
- (ii) if the relevant period of licence disqualification or suspension under the notice has ended, impose a period that is less than the mandatory period of disqualification (provided that the period imposed is not less than the difference between the mandatory minimum period of disqualification and the period that has applied as a result of the notice),

and if the person is the holder of a driver's licence, the licence will be taken to have been cancelled—

- (iii) where subparagraph (i) applies—from the day on which the order of the court is made; or
- (iv) where subparagraph (ii) applies—from the commencement of the period of disqualification ordered by the court.

(10) Subject to subsection (11), no compensation is payable by the Crown or a police officer in respect of the exercise, or purported exercise, of powers under this section.

(11) Subsection (10) does not protect a police officer from liability in respect of the exercise, or purported exercise, of powers otherwise than in good faith.

(12) For the purposes of this section—

- (a) the *relevant period* commences—
  - (i) at the time at which the person is given the notice of immediate licence disqualification or suspension or, if the police officer giving the notice is satisfied that, in the circumstances, it would be appropriate to postpone the commencement of the relevant period and indicates in the notice that the commencement is to be postponed, 48 hours after the time at which the person is given the notice; or

- (ii) if the person is already disqualified from holding or obtaining a driver's licence or holds a driver's licence that is suspended, at the end of that period of disqualification or suspension; and
- (b) the *relevant period* ends—
  - (i) if the Magistrates Court, on application under section 47IAB, makes an order that the person given the notice is not disqualified, or that the driver's licence held by the person is not suspended, by the notice; or
  - (ii) if the Magistrates Court reduces the period of disqualification or suspension on application under section 47IAB, when that period ends; or
  - (iia) if the person given the notice is notified in writing by or on behalf of the Commissioner of Police (whether that notification is given personally or by post) that the person is not to be charged with any offence to which this section applies arising out of the course of conduct to which the notice of immediate licence disqualification or suspension relates; or
  - (iii) if proceedings for the offence to which the notice relates are determined by a court or are withdrawn or otherwise discontinued; or
  - (iv) in any event—
    - (A) if the offence to which the notice relates is a category 2 offence or an offence against section 47EAA(9) or (9a)—at the end of 6 months from the commencement of the relevant period; or
    - (B) in any other case—at the end of 12 months from the commencement of the relevant period.
- (14) The Commissioner of Police must establish procedures to be followed by police officers giving notices of immediate licence disqualification or suspension under this section for the purpose of determining whether the commencement of the relevant period should be postponed under subsection (12)(a)(i).
- (15) A regulation made before the commencement of this subsection prescribing the form of a notice of immediate licence disqualification or suspension under this section or varying such a form is declared to be, and to have always been, valid.
- (16) A notice given to a person by a police officer before the commencement of this subsection that purported to be a notice of immediate licence disqualification or suspension under this section is declared to be, and to have always been, valid if the notice was completed in the prescribed form and was given in the circumstances specified in subsection (2).
- (17) The following provisions apply in relation to a prescribed notice:
  - (a) if the notice specified that the person was alleged to have had a blood alcohol concentration of 0.08 - 0.149, the notice will be taken to have specified that the person was alleged to have committed a category 2 offence;

- (b) if the notice specified that the person was alleged to have had a blood alcohol concentration of or above 0.15, the notice will be taken to have specified that the person was alleged to have committed a category 3 offence;
- (c) the relevant period under such a notice will be taken to have ended on 26 June 2006 (unless the period ended before that date in accordance with subsection (12)).

(18) For the purposes of subsection (17)—

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

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

- (1) A person who has been given a notice of immediate licence disqualification or suspension under section 47IAA or has been sent particulars of such a notice by the Registrar of Motor Vehicles may apply to the Magistrates Court for an order—
  - (a) that the person is not disqualified, or the person's driver's licence is not suspended, by the notice; or
  - (b) reducing the period of disqualification or suspension applicable under the notice.
- (2) The Magistrates Court may, on an application under subsection (1), make an order—
  - (a) that the person is not disqualified, or the person's driver's licence is not suspended, by the notice if—
    - (i) the Court is satisfied, on the basis of oral evidence given on oath by the applicant that there is a reasonable prospect that the applicant would, in proceedings for the offence to which the notice relates, be acquitted of the offence and the evidence before the Court does not suggest that the applicant may be guilty of another offence to which section 47IAA applies; or
    - (ii) the Court is satisfied that the person has not been charged with any offence to which section 47IAA applies and that the prosecution authorities have had a reasonable time, in the circumstances, within which to make a determination as to the laying of charges against the person; or
  - (b) reducing the period of disqualification or suspension applicable under the notice if—
    - (i) the offence to which the notice relates is a category 2 or category 3 offence that is a first offence and the Court is satisfied, on the basis of oral evidence given on oath by the applicant, that there is a reasonable prospect that the applicant might, in proceedings for the offence to which the notice relates, successfully argue that the offence was trifling (in which case the Court must order that the period of disqualification or suspension be reduced to a period of 1 month); or

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

#### **47IA—Certain offenders to attend lectures**

- (1) If the court before which a person is charged with a prescribed first or second offence convicts the person of the offence, or finds that the charge is proved but does not proceed to conviction, the court must, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court being not more than six months from the making of the order, a lecture conducted in accordance with the regulations.
- (2) A person must not fail, without reasonable excuse, to comply with an order under subsection (1).  
Maximum penalty: \$250.
- (3) In this section—  
***prescribed first or second offence*** means an offence against section 47(1), 47B(1), 47E(3) or 47I(14), being an offence that is, within the meaning of that section, a first or second offence against that section.
- (4) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (1) is, in the absence of proof to the contrary, proof of the matter so certified.

#### 47J—Recurrent offenders

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

the court before which the person is convicted of the later offence must, before imposing any penalty, order the person to attend an assessment clinic, at a time or over a period specified by the court, for the purpose of submitting to an examination to determine whether the person is dependent on alcohol or drugs, or both.
- (2) The superintendent of the assessment clinic must, as soon as practicable after an examination of a convicted person has been completed under this section, furnish a report on the examination to the court by which the examination was ordered, and send a copy of the report to the convicted person.
- (3) Before the court imposes any sentence on the convicted person, it must allow that person a reasonable opportunity to call or give evidence as to any matter contained in the report.
- (4) If—
  - (a) the court is satisfied, on the report of the superintendent of an assessment clinic, that a convicted person is dependent on alcohol or drugs; or
  - (b) the convicted person fails to comply with an order under subsection (1) or to submit to the examination to which the order relates,

the court must, despite any other provision of this Act, order that the convicted person be disqualified from holding or obtaining a driver's licence until further order.
- (4a) A court that convicts a person of a prescribed offence and makes an order under subsection (4) must also determine a period, being not less than 6 months, that must elapse before the person may make an application for revocation of the disqualification (and the court must, in determining the length of such period, have regard to the minimum period of disqualification applicable to the offence and the effect (if any) of section 45B(7) or 47IAA(9) on that period).
- (5) A person who is disqualified from holding or obtaining a driver's licence under this section may, at any time after the period determined by the court in accordance with subsection (4a) has elapsed, apply to a court of summary jurisdiction for the revocation of the disqualification.
- (7) Before an application under subsection (5) is heard by the court, the applicant must attend an assessment clinic and submit to such examination as may be directed by the superintendent of the clinic.
- (8) The superintendent of an assessment clinic must furnish a report on an examination conducted under subsection (7) to the court, and send a copy of the report to the applicant.
- (9) If the court is satisfied, on an application under subsection (5)—
  - (a) that the applicant is no longer dependent on alcohol or drugs; or

- (b) that there is other proper cause for revocation of the disqualification, it may order that the disqualification be revoked.
- (10) On revoking a disqualification under subsection (9), the court may order that a driver's licence issued to the applicant be subject to such conditions as the court thinks desirable to protect the safety of the public.
- (11) In any proceedings to which this section relates, an apparently genuine document purporting to be a report of the superintendent of an assessment clinic is admissible in evidence without further proof.
- (12) In this section—
- assessment clinic* means a place approved as an assessment clinic for the purposes of this section by the Minister to whom the administration of the *Health Care Act 2008* is committed;
- prescribed day* means a day prescribed by the regulations for the purposes of this section;
- prescribed offence* means an offence against section 47(1), 47B(1), 47E(3) or 47I(14), but does not include an offence against section 47B(1) that is a category 1 offence.

#### **47K—Evidence**

- (1) Without affecting the admissibility of evidence that might be given otherwise than under this section, evidence may be given, in any proceedings for an offence, of the concentration of alcohol indicated as being present in the blood of the defendant by a breath analysing instrument operated by a person authorised to operate the instrument by the Commissioner of Police and, where the requirements and procedures in relation to breath analysing instruments and breath analysis under this Act, including subsections (2) and (2a), have been complied with, it must be presumed, in the absence of proof to the contrary, that the concentration of alcohol so indicated was present in the blood of the defendant at the time of the analysis and throughout the preceding period of 2 hours.
- (1a) No evidence can be adduced in rebuttal of the presumption created by subsection (1) except—
- (a) evidence of the concentration of alcohol in the blood of the defendant as indicated by analysis of a sample of blood taken and dealt with in accordance with section 47I and Schedule 1 or in accordance with the procedures prescribed by regulation; and
- (b) evidence as to whether the results of analysis of the sample of blood demonstrate that the breath analysing instrument gave an exaggerated reading of the concentration of alcohol present in the blood of the defendant.
- (1ab) If, in any proceedings for an offence, it is proved—
- (a) that the defendant drove a vehicle, or attempted to put a vehicle in motion; and
- (b) that a concentration of alcohol was present in the defendant's blood at the time of a breath analysis performed within the period of 2 hours immediately following the conduct referred to in paragraph (a),

it must be conclusively presumed that that concentration of alcohol was present in the defendant's blood at the time of the conduct referred to in paragraph (a).

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

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

- (3a) A certificate purporting to be signed by a police officer and to certify that—
  - (a) a sample of oral fluid for the purposes of an oral fluid analysis was taken on a specified day and at a specified time from a person named in the certificate; and
  - (b) the provisions of this Act with respect to the taking of samples of oral fluid for such purposes were complied with,

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

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

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

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

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

- (8) A prosecution for an offence will not fail because of a deficiency of a kit delivered to the defendant in purported compliance with subsection (2a)(b) and the presumption under subsection (1) will apply despite such a deficiency unless it is proved—
- (a) that the defendant delivered the kit unopened to a medical practitioner for use in taking a sample of the defendant's blood; and
  - (b) by evidence of the medical practitioner, that the medical practitioner was, because of a deficiency of the kit, unable to comply with the prescribed procedures governing the manner in which a sample of a person's blood must be taken and dealt with for the purposes of subsection (1a).
- (9) A certificate purporting to be signed by an analyst and to certify that an oral fluid analysis was properly conducted is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matter so certified.
- (9a) A certificate purporting to be signed by a police officer and to certify that the apparatus used to conduct a drug screening test was in proper order and the drug screening test was properly conducted is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matters so certified.
- (10) A certificate purporting to be signed by a police officer and to certify that a person named in the certificate submitted to a drug screening test on a specified day and at a specified time and that the drug screening test indicated that a prescribed drug may then have been present in the oral fluid of the person is, in the absence of proof to the contrary, proof of the matters so certified.
- (11) Subject to subsection (17), an apparently genuine document purporting to be a certificate under Schedule 1 and purporting to be signed by a police officer, medical practitioner or analyst, or copy of such a certificate, is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matters stated in the certificate.
- (12) If a certificate of an analyst relating to a sample of blood taken under section 47E or 47I is received as evidence in proceedings before a court and states that the prescribed concentration of alcohol has been found to be present in the sample of blood to which the certificate relates, it will be presumed, in the absence of proof to the contrary, that the concentration of alcohol stated in the certificate was present in the sample when the sample was taken.
- (13) If it is proved by the prosecution in proceedings for an offence that a concentration of alcohol was present in the defendant's blood at the time at which a sample of blood was taken under section 47E or 47I, it will be conclusively presumed that that concentration of alcohol was present in the defendant's blood throughout the period of 2 hours immediately preceding the taking of the sample.
- (14) If a certificate of an analyst relating to a sample of oral fluid or blood taken under section 47EAA, or a sample of blood taken under section 47E or 47I, is received as evidence in proceedings before a court and states that a prescribed drug has been found to be present in the sample of oral fluid or blood to which the certificate relates, it will be presumed, in the absence of proof to the contrary, that the prescribed drug stated in the certificate was present in the sample when the sample was taken.

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

## **Division 6—Traffic speed analysers and radar detectors and jammers**

### **53A—Approval of apparatus as traffic speed analysers**

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

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

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

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

## Division 7—Photographic detection devices

### 79A—Approval of apparatus as photographic detection devices

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

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

- (1) In this section—

*average speed camera location* has the same meaning as in section 175A;

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

*prescribed offence* means—

- (a) an offence against section 45A or 45C(1); or
- (b) an offence against this Act prescribed by regulation; or
- (c) an offence against the *Motor Vehicles Act 1959* prescribed by regulation; or
- (d) an offence against the *Heavy Vehicle National Law (South Australia) Act 2013* prescribed by regulation;

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

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

*traffic arrows*, *traffic lights* and *twin red lights* have the same respective meanings as in the *Australian Road Rules*.

- (2) If a vehicle appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence, the owner of the vehicle is guilty of an offence against this section unless it is proved—
- (a) that although the vehicle appears to have been involved in the commission of a prescribed offence, no such offence was in fact committed; or
  - (b) that the owner, or, if the owner is a body corporate, an officer of the body corporate acting with the authority of the body corporate, has furnished to the Commissioner of Police a statutory declaration stating the name and address of some person other than the owner who was driving the vehicle at the time; or
  - (c) that—
    - (i) if the owner is a body corporate—the vehicle was not being driven at the time by any officer or employee of the body corporate acting in the ordinary course of the officer's or employee's duties as such; and
    - (ii) the owner does not know and could not by the exercise of reasonable diligence have ascertained the identity of the person who was driving the vehicle at the time; and
    - (iii) the owner, or, if the owner is a body corporate, an officer of the body corporate acting with the authority of the body corporate, has furnished to the Commissioner of Police a statutory declaration stating the reasons why the identity of the driver is not known to the owner and the inquiries (if any) made by the owner to identify the driver.

Maximum penalty:

- (aa) if the vehicle appears to have been involved in an offence against section 45C(1)—
    - (i) where the owner is a body corporate—not less than \$10 000 and not more than \$20 000;
    - (ii) where the owner is a natural person—\$5 000;
  - (a) in any other case—
    - (i) where the owner is a body corporate—\$10 000;
    - (ii) where the owner is a natural person—\$5 000.
- (2a) The expiation fee for an alleged offence against this section is as follows:
- (aa) if the vehicle appears to have been involved in an offence against section 45C(1) and the owner is a body corporate—an amount equal to the sum of the amount of the expiation fee fixed by the regulations for an alleged offence against section 45C(1) where the owner is a natural person and a body corporate additional fee of \$5 000;
  - (a) subject to paragraph (aa), if the vehicle appears to have been involved in a red light offence and a speeding offence arising out of the same incident—

- (i) where the owner is a body corporate—an amount equal to the sum of the amount of the expiation fees for such alleged offences where the owner is a natural person and a body corporate additional fee prescribed by regulation;
  - (ii) where the owner is a natural person—an amount equal to the sum of the amount of the expiation fees fixed by the regulations for such alleged offences;
- (b) in any other case—
  - (i) where the owner is a body corporate—an amount equal to the sum of the amount of the expiation fee for the alleged offence in which the vehicle appears to have been involved where the owner is a natural person and a body corporate additional fee prescribed by regulation;
  - (ii) where the owner is a natural person—the amount of the expiation fee fixed by the regulations for the alleged offence in which the vehicle appears to have been involved.
- (2ab) A body corporate additional fee prescribed by regulation for the purposes of subsection (2a) must not exceed \$5 000, but may be prescribed even if the addition of the fee results in an expiation fee for an alleged offence against this section of an amount exceeding the maximum expiation fee that would otherwise be permitted to be prescribed by regulation under this Act.
- (2b) If a court convicts a natural person of an offence against this section constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45A, the following provisions apply:
  - (a) the court must order that the person be disqualified from holding or obtaining a driver's licence for such period, being not less than 6 months, as the court thinks fit;
  - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;
  - (c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.
- (2c) If a court convicts a natural person of an offence against this section constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45C(1), the following provisions apply:
  - (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
    - (i) in the case of a first offence—for such period, being not less than 6 months, as the court thinks fit; or
    - (ii) in the case of a second offence—for such period, being not less than 12 months, as the court thinks fit; or
    - (iii) in the case of a subsequent offence—for such period, being not less than 3 years, as the court thinks fit;

- (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;
  - (c) if the person is the holder of a driver's licence—the disqualification operates to suspend the licence as from the commencement of the period of disqualification;
  - (d) in determining whether an offence is a first, second or subsequent offence for the purposes of this subsection, any previous offence against this section constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45C(1) for which the person has been convicted or that the person has expiated will be taken into account, but only if the previous offence was committed or alleged to have been committed within the period of 5 years immediately preceding the date on which the offence under consideration was allegedly committed.
- (3) If there are two or more owners of the same vehicle—
  - (a) a prosecution for an offence against subsection (2) may be brought against one of the owners or against some or all of the owners jointly as co-defendants; and
  - (b) if the case for the prosecution is proved and a defence is not established under subsection (2)(a), the defendant or each of the defendants who does not establish a defence under subsection (2)(b) or (c) is liable to be found guilty of an offence against subsection (2).
- (4) A prosecution must not be commenced against an owner (other than a body corporate) for an expiable offence against this section unless the owner has first been given an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act.
- (4a) If, in the case of an offence against this section constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45C(1), there is a registered operator of the vehicle, an expiation notice for the offence may only be given to, and a prosecution for the offence may only be brought against, the registered operator.
- (5) If an offence against this section is alleged, an expiation notice, an expiation reminder notice or summons in respect of that offence must be accompanied by a notice in the prescribed form containing—
  - (a) a statement that a copy of the photographic evidence on which the allegation is based—
    - (i) will, on written application to the Commissioner of Police by the person to whom the expiation notice, reminder notice or summons is issued, be sent by post to the address nominated in that application or (in the absence of such a nomination) to the last known address of the applicant; and
    - (ii) may be viewed on application to the Commissioner of Police; and

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

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

- (10) In proceedings for an offence against this section or proceedings for a prescribed offence—
- (a) a photograph or series of photographs produced by the prosecution will be admitted in evidence if—
    - (i) the photograph or each of the photographs was produced from an exposure taken, or electronic record made, by a photographic detection device; and
    - (ii) the requirements of this Act and the regulations as to the operation and testing of photographic detection devices were complied with in connection with that use of the device,and a denotation as to date, time and location that appears as part of such a photograph will be accepted as proof, in the absence of proof to the contrary, of the date, time and location at which the exposure was taken or the electronic record made by the photographic detection device; and
  - (b) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or any other police officer of or above the rank of inspector, and purporting to certify—
    - (i) that a specified device used at a specified location during a specified period was a photographic detection device; and
    - (ii) that the requirements of this Act and the regulations as to the operation and testing of photographic detection devices were complied with in connection with the use of that device during that period,will be accepted as proof, in the absence of proof to the contrary, of the facts so certified; and
  - (c) if it is also certified in a document of a kind referred to in paragraph (b) that the device was designed and set to operate according to a specified system during that period, it will be presumed, in the absence of proof to the contrary, that the device was designed and set to operate according to that system during that period and did, in fact, so operate.
- (11) Where evidence referred to in subsection (2) is evidence of the average speed of the vehicle between 2 average speed camera locations calculated in accordance with section 175A—
- (a) the time of commission of the offence will be taken to be the period during which the vehicle travelled between the 2 locations; and
  - (b) subsection (2)(b) applies as if the reference to "the name and address of some person other than the owner who was driving the vehicle at the time" were a reference to—
    - (i) the name and address of each person other than the owner who drove the vehicle during the time of commission of the offence; or

- (ii) the name and address of each such driver whose name and address is known to the owner and, in relation to every other driver of the vehicle during the time of commission of the offence, the reasons why the identity of the driver is not known to the owner and the inquiries (if any) made by the owner to identify the driver; and
- (c) if the owner is not a body corporate, a statutory declaration furnished to the Commissioner of Police under subsection (2)(b) must also state whether or not the owner was also a driver of the vehicle during the time of commission of the offence; and
- (d) subsection (2)(c) applies as if—
  - (i) the reference in subparagraph (ii) to "the person who was driving the vehicle at the time" were a reference to any person who was driving the vehicle at the time; and
  - (ii) the reference in subparagraph (iii) to "the reasons why the identity of the driver is not known to the owner and the inquiries (if any) made by the owner to identify the driver" were a reference to the reasons why the owner does not know the identity of any driver and the inquiries (if any) made by the owner to identify a driver; and
- (e) subsection (7) only applies to the person who is found guilty of, or expiates, the prescribed offence and subsection (8) only applies to the person who is found guilty of, or expiates, the offence against this section.

#### **79BA—Installation etc of photographic detection devices**

- (1) The Commissioner of Highways may, with the approval of the Minister, install, maintain, alter or remove or cause to be installed, maintained, altered or removed, a photographic detection device on, above or near a road.
- (2) In proceedings for an offence against this or any other Act, a photographic detection device proved to have been on, above or near a road will be conclusively presumed to have been lawfully installed there under this Act.

#### **79C—Interference with photographic detection devices**

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

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

#### **79D—Report on Community Road Safety Fund**

- (1) The administrative unit that is, under the Minister, responsible for the administration of this Act must, on or before 30 September in each year, present a report to the Minister on the operation of the Community Road Safety Fund during the previous financial year.
- (2) The report must include details of the following:
  - (a) each source of any money paid into the Fund and the amount paid into the Fund from each source;
  - (b) the manner in which any money expended from the Fund was applied;
  - (c) any matter required by this Act or another law to be included in the report.

- (3) A report under this section may be incorporated into the annual report of the relevant administrative unit.
- (4) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after the report is received by the Minister.

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

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

The Governor may make—

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

## **Division 9—Miscellaneous provisions**

### **81—Interpretation**

In this Division, unless the contrary intention appears—

*permissive parking sign* means a sign that is a permissive parking sign for the purposes of the *Australian Road Rules*.

### **82—Speed limit while passing school bus**

- (1) A person must not drive a vehicle at a greater speed than 25 kilometres per hour while passing a school bus that has stopped on a road apparently for the purpose of permitting children to board or alight.
- (2) In this section—

*school bus* means a bus that displays the warning signs and devices required by the vehicle standards for buses used mainly for carrying children.

*vehicle standards* means—

- (a) in relation to a bus that is a heavy vehicle—the heavy vehicle standards under the *Heavy Vehicle National Law (South Australia)*;
- (b) in relation to a bus that is a light vehicle—the light vehicle standards.

### **83—Speed in emergency service speed zone**

- (1) A person must not, while driving through an emergency service speed zone, drive at a speed greater than—
  - (a) 25 kilometres per hour; or
  - (b) if a lesser speed is required in the circumstances to avoid endangering any person—that lesser speed.

**Note—**

The penalty for a contravention against this section is set out in section 164A.

- (2) Subsection (1) does not apply if the person is driving on a road that is divided by a median strip and the emergency service speed zone is on the other side of the road beyond the median strip.

- (3) In this section—

**emergency service speed zone** means an area of road—

- (a) in the immediate vicinity of an emergency vehicle that has stopped on the road and is displaying a flashing blue or red light (whether or not it is also displaying other lights); or
- (b) between 2 sets of flashing blue or red lights that have been placed by an emergency worker at either end of a length of road on which an emergency vehicle has stopped;

**emergency vehicle** means a vehicle used by an emergency worker;

**emergency worker** means a police officer or a person who is an emergency worker as defined by the regulations for the purposes of this section.

## **85—Control of parking near Parliament House**

- (1) The Governor may, by proclamation—

- (a) declare—

- (i) any part of a street that abuts on the site of either House of Parliament or of the old Legislative Council building; or
- (ii) any part of the site of the old Legislative Council building,

to be a prohibited area;

- (b) revoke or amend any such proclamation.

- (2) A person (whether holding any other licence, permit or other authority or not) must not leave a vehicle stationary in a prohibited area proclaimed under this section without the permission of the chairperson of the Joint Parliamentary Services Committee.

- (3) This section has effect despite any other Act, regulation or by-law.

## **86—Council may determine that ticket for parking be obtained without fee**

If a council has installed, or determined that it will install, permissive parking signs to apply to a length of road or an area, the council may (in addition to any other action that it may be empowered to take by or under this Act)—

- (a) determine that a ticket must be obtained for parking in the length of road or the area through the operation of parking ticket-vending machines installed or to be installed in or near the length of road or area without payment of a fee; or
- (b) vary or revoke a determination made under this section.

### **86A—Parking where ticket required without payment of fee**

- (1) This section applies to a driver who parks in a length of road, or in an area, to which a permissive parking sign applies if—
  - (a) information on or with the sign indicates that a ticket must be obtained through the operation of a parking ticket-vending machine for parking in the length of road or area; and
  - (b) information on or with the sign or the machine indicates that the ticket may be obtained without the payment of a fee.
- (2) For the purposes of subsection (1)—
  - (a) if a sign displays the words "FREE PARKING" together with a requirement (however expressed) for a ticket to be obtained—
    - (i) the sign will be taken to be a permissive parking sign for the purposes of the *Australian Road Rules* to which Part 20 of the Rules applies; and
    - (ii) the words will be taken to indicate that a ticket must be obtained through the operation of a parking ticket-vending machine without payment of a fee;
  - (b) if a permissive parking sign displays the words "FREE TICKET" or such other words as may be prescribed by regulation, the words will be taken to indicate that a ticket must be obtained through the operation of a parking ticket-vending machine without payment of a fee.
- (3) A driver referred to in subsection (1) must obtain a ticket from a parking ticket-vending machine in or near the length of road or area.  
Maximum penalty: \$1 250.
- (4) For the purposes of this section, a driver referred to in subsection (1) does not obtain a ticket from a parking ticket-vending machine unless the driver, on first stopping the vehicle, promptly—
  - (a) proceeds to a parking ticket-vending machine in or near the length of road or area; and
  - (b) obtains a ticket through the operation of the machine; and
  - (c) complies with any instructions (as to dealing with the ticket or otherwise) on or with the sign, ticket or machine.

### **87—Walking without care or consideration**

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

### **91—Duty to comply with direction of authorised person**

- (1) An authorised person may give to any other person reasonable directions relating to the movement or positioning of vehicles or persons on, or in the vicinity of, a ferry.

- (2) An authorised person may request the driver of a vehicle that has entered, or is about to enter, a ferry to inform the authorised person of the total mass of the vehicle, any attached vehicle and the loads (if any) on the vehicle or attached vehicle, or to supply the authorised person with information from which that total mass might be estimated.
- (3) A person who fails forthwith to comply with a direction or request under this section, or gives false information, is guilty of an offence.
- (4) In this section—  
*authorised person* means the person in charge of the ferry or any other person engaged in the loading or operation of the ferry.

### **95—Riding without driver's consent**

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

### **99A—Cyclists on footpaths etc to give warning**

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

### **99B—Wheeled recreational devices and wheeled toys**

- (1) A person must not ride a wheeled recreational device or wheeled toy on a road without due care or attention or without reasonable consideration for other persons using the road.
- (2) A person must not, on a footpath or other road-related area, ride a wheeled recreational device or wheeled toy abreast of a vehicle or another wheeled recreational device or wheeled toy.
- (3) A person who is riding a wheeled recreational device or wheeled toy on a footpath or other road-related area must, if it is necessary to do so for the purpose of averting danger, give warning (by a warning device or other means) to pedestrians or other persons using the footpath or other road-related area.
- (4) A road authority incurs no civil liability because of an act or omission on its part in the design, construction, maintenance or management of a road to take account of the fact that the users or potential users of the road include riders of wheeled recreational devices or wheeled toys.
- (5) In this section—  
*management* of a road includes placement, design, construction or maintenance of traffic control devices, barriers, trees or other objects or structures on the road;  
*road authority* means—
  - (a) the Minister; or
  - (b) the Commissioner of Highways; or
  - (c) a council; or
  - (d) any body or person in whom the care, control or management of a road is vested.

## 107—Damage to road infrastructure

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

## 107A—Vehicle fitted with metal tyres

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

## 108—Depositing material on roads

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

*material* includes substances of all kinds whether solid or liquid.

## 110—Driving on sealed surface

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

**110AAAA—Certain provisions not to apply to drivers of emergency vehicles**

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

***emergency vehicle*** means a vehicle used by—

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



## Part 3A—Vehicle identification

### 110A—Interpretation

In this Part—

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

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

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

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

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

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

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

**plate** includes a label or sticker;

**State** includes a Territory;

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

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

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

**trailer** includes a semi-trailer;

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

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

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

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

### **110C—Offences**

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

(7) An authorised officer may remove from a motor vehicle or trailer a plate or number that the officer reasonably suspects has been placed on the motor vehicle or trailer in contravention of subsection (5) or (6).

(8) A person must not, except in prescribed circumstances, remove, alter, deface or obliterate a vehicle identification plate or vehicle identification number lawfully placed on a motor vehicle or trailer.

Maximum penalty: \$5 000 or imprisonment for 12 months.

(9) A person must not, without the approval of the Minister, manufacture or sell or offer for sale a vehicle identification plate.

Maximum penalty: \$5 000 or imprisonment for 12 months.

(10) A person must not, without reasonable excuse, be in possession of a vehicle identification plate.

Maximum penalty: \$2 500 or imprisonment for 6 months.

(11) A person must not—

(a) place on the engine block of a motor vehicle a number other than the engine number allotted to the engine of that motor vehicle by—

(i) the manufacturer of the engine; or

(ii) an authorised officer under the regulations; or

(iii) an approved authority under a law of another State; or

(b) without reasonable excuse, remove, alter, deface or obliterate an engine number lawfully placed on the engine block of a motor vehicle.

Maximum penalty: \$5 000 or imprisonment for 12 months.

(12) A person must not—

(a) place on the chassis of a motor vehicle or trailer a number other than the chassis number allotted to the chassis of that motor vehicle or trailer (as the case requires) by the manufacturer of the chassis; or

(b) without reasonable excuse, remove, alter, deface or obliterate a chassis number lawfully placed on the chassis of a motor vehicle or trailer.

Maximum penalty: \$5 000 or imprisonment for 12 months.



## Part 4—Vehicle standards, mass and loading requirements and safety provisions applying to light vehicles

### Division 1—Light vehicle standards

#### 111—Rules prescribing light vehicle standards

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

### Division 2—Light vehicle mass and loading requirements

#### 113—Regulations prescribing light vehicle mass and loading requirements

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

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

#### 116—Meaning of breach of light vehicle standards or maintenance requirement

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

### **117—Liability of driver**

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

Maximum penalty: \$2 500.

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

### **118—Liability of operator**

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

Maximum penalty: \$2 500.

- (2) It is a defence to a charge for an offence against this section if the person charged establishes that the vehicle was being used at the relevant time by—
- (a) another person not entitled (whether by express or implied authority or otherwise) to use it, other than an employee or agent of the person; or
  - (b) by an employee of the person who was acting at the relevant time outside the scope of the employment; or
  - (c) by an agent of the person who was acting at the relevant time outside the scope of the agency.

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

### **Subdivision 1—Preliminary**

#### **119—Meaning of breach of light vehicle mass, dimension or load restraint requirement**

For the purposes of this Act, there is a *breach of a light vehicle mass, dimension or load restraint requirement* if—

- (a) a light vehicle is driven on a road; and
- (b) the vehicle does not comply with a light vehicle mass, dimension or load restraint requirement.

**Subdivision 3—Liability for breaches of light vehicle mass, dimension or load restraint requirements****123—Liability of driver**

A person commits an offence if—

- (a) there is a breach of a light vehicle mass, dimension or load restraint requirement; and
- (b) the person is the driver of the light vehicle concerned.

Maximum penalty: \$2 500.

**124—Liability of operator**

(1) A person commits an offence if—

- (a) there is a breach of a light vehicle mass, dimension or load restraint requirement; and
- (b) the person is the operator of the light vehicle concerned.

Maximum penalty: \$2 500.

(2) It is a defence to a charge for an offence against this section if the person charged establishes that the vehicle was being used at the relevant time by—

- (a) another person not entitled (whether by express or implied authority or otherwise) to use it, other than an employee or agent of the person; or
- (b) by an employee of the person who was acting at the relevant time outside the scope of the employment; or
- (c) by an agent of the person who was acting at the relevant time outside the scope of the agency.

**Division 4—Enforcement powers****Subdivision 1—Defect notices relating to breaches of light vehicle standards or maintenance requirements****145—Defect notices**

(1) In this section—

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

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

*safety risk* means a risk—

- (a) to public safety; or
- (b) of harm to the environment;

*vehicle* means a light vehicle;

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

- (1aa) For the purposes of this section, a vehicle has *deficiencies* if the vehicle is in a condition such that there would be a breach of a light vehicle standards or maintenance requirement if the vehicle were driven on a road.
- (1a) An authorised officer may direct the driver of a vehicle to stop the vehicle and may examine the vehicle if the vehicle has deficiencies or the officer suspects on reasonable grounds that the vehicle has deficiencies.
- (1b) Despite subsection (1a), an authorised officer may direct the driver of a vehicle of a prescribed class to stop the vehicle and may examine the vehicle for the purposes of determining whether the vehicle has deficiencies (whether or not there is reason to suspect that the vehicle has deficiencies).
- (2) If an authorised officer suspects on reasonable grounds that a vehicle has deficiencies, the officer may direct the owner, the operator or the person in charge of the vehicle to produce it for examination at a specified time and place.
- (2a) An authorised officer may, at any time when any premises where vehicles are exhibited or kept for sale or hire are open for business, for the purposes of determining whether a vehicle exhibited or kept for sale or hire on those premises has deficiencies, examine the vehicle or direct the owner, the operator or the person in charge of the vehicle to produce it for examination at a time and place stated by the authorised officer.
- (3) A person must comply with a direction given under this section.
- (4) An authorised officer may for the purposes of examining a vehicle under this section—
- (a) cause the vehicle to be examined by any other person; and
  - (b) drive or test, or cause any other person to drive or test, the vehicle.
- (4a) If, on examination of a vehicle, an authorised officer is of the opinion that the vehicle has deficiencies but that further use of the vehicle on roads would not give rise to a safety risk, the officer may issue a formal written warning to the driver of the vehicle or, if the vehicle is unattended, cause a formal written warning to be affixed to the vehicle.
- (4b) A driver of a vehicle who is given a formal written warning must cause the warning to be sent to the registered operator of the vehicle.
- (4c) A formal written warning must—
- (a) state the date of issue of the warning; and
  - (b) identify the authorised officer who issued the warning; and
  - (c) identify the vehicle to which the warning relates; and
  - (d) state details of the vehicle's deficiencies and the repairs that should be made to the vehicle to remedy those deficiencies; and
  - (e) state such other matters as may be prescribed.

- (5) If, on examination of a vehicle, an authorised officer is of the opinion that the vehicle has deficiencies and reasonably believes that further use of the vehicle on roads would give rise to a safety risk, the officer may issue a written notice (a *defect notice*) in relation to the vehicle, being—
- (a) if the officer reasonably believes that further use of the vehicle on roads after the time specified in the notice would give rise to an imminent and serious safety risk—a major vehicle defect notice; or
  - (b) in any other case—a minor vehicle defect notice.
- (5a) An authorised officer who issues a defect notice in relation to a vehicle must—
- (a) give the defect notice to the driver of the vehicle if the driver is present or, if the vehicle is unattended, cause the defect notice to be affixed to the vehicle; and
  - (b) cause a defective vehicle label to be affixed to the vehicle; and
  - (c) cause a copy of the defect notice to be sent to the Registrar of Motor Vehicles.
- (5b) A driver of a vehicle who is given a defect notice must cause the defect notice to be sent to the registered operator of the vehicle.
- (5c) A defect notice must—
- (a) state the date of issue of the notice; and
  - (b) identify the authorised officer who issued the notice; and
  - (c) identify the vehicle to which the notice relates; and
  - (d) state whether the defect notice is a major vehicle defect notice or a minor vehicle defect notice; and
  - (e) state details of the vehicle's deficiencies and the repairs that are required to be made to the vehicle to remedy those deficiencies; and
  - (f) specify the means by which the vehicle must be moved to the place at which the repairs required by the notice are to be made; and
  - (g) direct that the vehicle must not, except as provided in the defect notice, stand or be driven on a road, or be sold or otherwise disposed of, after the issue of the defect notice until—
    - (i) the vehicle has been produced at a place specified in the notice for examination; and
    - (ii) a certificate (a *clearance certificate*) has been issued by an authorised officer or a vehicle registration authority certifying that the repairs required by the notice have been made; and
    - (iii) an authorised officer or a vehicle registration authority has caused the defective vehicle label affixed to the vehicle under subsection (5a) to be defaced or removed from the vehicle; and
  - (h) state such other matters as may be prescribed.

- (5d) An authorised officer or a vehicle registration authority may examine a vehicle for the purpose of determining whether the repairs required by a defect notice issued in relation to the vehicle (whether issued under this section or under provisions of a law of another State or a Territory of the Commonwealth that correspond to this section) have been made and whether the vehicle has any other deficiencies.
- (5e) A defective vehicle label must—
- (a) state the date of issue of the label; and
  - (b) identify the authorised officer who issued the label; and
  - (c) state the number allotted to the vehicle under section 46 of the *Motor Vehicles Act 1959*; and
  - (d) state the time and date after which the vehicle must not be used on roads; and
  - (e) specify the means by which the vehicle must be moved to the place at which the repairs required by the defect notice issued in relation to the vehicle are to be made; and
  - (f) state the serial number of the defect notice to which the label relates; and
  - (g) state such other matters as may be prescribed.
- (5f) A person must not, without lawful authority, deface, alter or obscure a defective vehicle label or remove a defective vehicle label from a vehicle to which it is affixed.
- (5g) An authorised officer—
- (a) may at any time vary or withdraw a defect notice; and
  - (b) must cause notice of the withdrawal of a defect notice to be sent to the Registrar of Motor Vehicles and the registered operator of the vehicle in relation to which the defect notice was given.
- (5h) An authorised officer who issues a clearance certificate must cause a copy of the certificate to be sent to the Registrar of Motor Vehicles.
- (6) A person must not drive a vehicle, or cause or permit a vehicle to be driven or to stand, on a road, or sell or otherwise dispose of a vehicle, contrary to the terms of a defect notice.
- (6a) It is a defence to a charge under subsection (6) of having sold or otherwise disposed of a vehicle contrary to the terms of a defect notice if the defendant satisfies the court that at the time of the sale or disposal the defendant had reason to believe that the vehicle was not intended to be used on a road after the sale or disposal.
- (7) The Registrar of Motor Vehicles must—
- (a) record on the register of motor vehicles—
    - (i) details of any defect notice issued under this section; or
    - (ii) if a defect notice is issued under provisions of a law of another State or a Territory of the Commonwealth that correspond to this section in relation to a vehicle registered in this State—details of that defect notice;
  - (b) remove from the register details of any such notice if the Registrar is satisfied—

- (i) that a clearance certificate has been issued in respect of the vehicle in relation to which the defect notice was issued; or
  - (ii) that the defect notice has been withdrawn.
- (8) The Minister may, by notice in writing, authorise a person in accordance with the regulations to exercise any of the powers of an authorised officer under this section specified in the notice.
- (9) An authorisation issued under subsection (8) may be subject to conditions and may be revoked at any time.
- (10) The Minister may, for the purposes of this section, establish a code of practice to be observed by persons authorised under subsection (8).
- (11) A person who contravenes a code of practice established under subsection (10) is guilty of an offence.  
Maximum penalty: \$5 000.
- (12) The Commissioner of Police—
- (a) must, on the request of the Minister; and
  - (b) may, at any other time,
- provide the Minister with such information as may be relevant to the question of whether a particular person is a fit and proper person to be authorised under subsection (8).
- (13) No liability attaches to a person authorised to exercise powers under this section for an honest act or omission in the performance or purported performance of functions under this section.
- (14) A liability that would, but for subsection (13), attach to a person attaches instead to the Crown.
- (15) If a copy of a defect notice or clearance certificate is required to be sent to the Registrar of Motor Vehicles, the notice or certificate may be sent in electronic form.

## **Subdivision 2—Powers relating to breaches of light vehicle mass, dimension or load restraint requirements**

### **146—Directions and authorisations**

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

- (ii) if the officer also believes on reasonable grounds that the vehicle should be moved to another location—to move it or cause it to be moved to a specified suitable location that is within the prescribed distance, and not to proceed from there until specified breaches of light vehicle mass, dimension or load restraint requirements are rectified.
- (2) Without limiting the above, particular circumstances exist for the purposes of this section warranting the giving of a direction if—
  - (a) rectification is reasonable and can be carried out easily; or
  - (b) rectification is necessary in the public interest to avoid potential risk of harm to public safety, the environment, road infrastructure or public amenity.
- (3) A person commits an offence if—
  - (a) the person is subject to a direction under subsection (1); and
  - (b) the person engages in conduct that results in a contravention of the direction.Maximum penalty: \$5 000.
- (4) If a direction is given in relation to a light vehicle that is a combination, nothing in this section prevents a component vehicle of the combination from being separately driven or moved if—
  - (a) the component vehicle is not itself the subject of a breach of a light vehicle mass, dimension or load restraint requirement; and
  - (b) it is not otherwise unlawful for the component vehicle to be driven or moved.
- (5) However, subsection (4) does not apply if there is also a direction that prevents the component vehicle from being separately driven or moved.
- (6) If an authorised officer believes on reasonable grounds that—
  - (a) a light vehicle is the subject of 1 or more breaches of light vehicle mass, dimension or load restraint requirements; and
  - (b) the driver of the vehicle is not or is no longer the subject of a direction for the rectification of the breach or breaches,the officer may authorise the driver of the vehicle to continue its journey.
- (7) An authorisation may be granted under this section unconditionally or subject to conditions imposed by the officer.
- (8) A person commits an offence if—
  - (a) the person is granted an authorisation under this section; and
  - (b) the authorisation is subject to a condition; and
  - (c) the person engages in conduct that results in a contravention of the condition.Maximum penalty: \$5 000.
- (9) An authorised officer may give a direction or authorisation under this section orally or in writing.

(10) In this section—

***component vehicle*** of a combination means a towing vehicle or trailer of the combination;

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

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

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

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

## **Division 5—Further safety provisions**

### **161A—Driving of certain light vehicles subject to Ministerial approval**

- (1) A person must not drive a light vehicle to which this section applies on or over a road without the approval of the Minister.
- (2) An approval under subsection (1) is subject to such conditions (if any) as the Minister thinks fit and specifies in the instrument or notice of approval.
- (3) This section applies to—
  - (a) air cushioned vehicles; and
  - (b) any other vehicle of a class declared by regulation to be a class of vehicles to which this section applies.

### **162A—Seat belts and child restraints**

- (1) Subject to this section and the regulations, every motor vehicle must be equipped in accordance with the regulations with seat belts, anchorages for seat belts and anchorages for child restraints.
- (3) The Governor may, by regulation—
  - (a) declare that any vehicle or vehicles of any class are exempt from the provisions of this section; and
  - (b) prescribe specifications as to the design, materials, strength, construction and installation of seat belts, anchorages for seat belts, child restraints and anchorages for child restraints; and
  - (c) prescribe the seating positions for which seat belts, anchorages for seat belts or anchorages for child restraints are required; and

- (d) prescribe any other matters or specifications relating to seat belts, anchorages for seat belts, child restraints or anchorages for child restraints.
- (4) The Minister may, in respect of any particular vehicle or vehicles of any particular class, approve specifications in relation to the seat belts with which that vehicle or vehicles of that class are to be equipped.
- (5) A vehicle equipped with seat belts in accordance with specifications approved under subsection (4) will be taken to comply with this section.

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

The Governor may, by regulation—

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

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

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

## **Division 7—Power of exemption**

### **163AA—Power of exemption**

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



## **Part 4A—Central Inspection Authority**

### **163A—The Authority**

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

### **163C—Application of Part**

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

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

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

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

### **163E—Inspection of vehicles**

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

### **163F—Cancellation of certificates of inspection**

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

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

### **163G—Inspection of certificates**

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

### **163GA—Maintenance records**

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

### **163I—Evidentiary**

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

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

### **163J—Recognition of interstate certificates of inspection**

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

**163K—Limitation of liability**

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

## Part 4C—General compensation orders

### 163ZC—Compensation orders for damage to road infrastructure

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

### 163ZD—Assessment of compensation

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

### 163ZE—Service of certificates

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

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

### **163ZF—Limits on amount of compensation**

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

### **163ZG—Costs**

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

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

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

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



## Part 5—Supplementary provisions

### 164A—Offences and penalties

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

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

- (1) If a person contravenes or fails to comply with a condition or restriction specified in an approval or exemption, the approval or exemption does not, while the contravention or non-compliance continues, operate in that person's favour.
- (2) If, by virtue of subsection (1)—
  - (a) a person is guilty of an offence against section 161A(1); or
  - (b) a person is guilty of an offence against the provision of this Act from which the person was exempted by an exemption,

the person may be proceeded against either for that offence or for the offence of contravening, or failing to comply with, a condition or restriction of the approval or exemption.

- (3) In this section—

*approval* means an approval granted by the Minister under section 161A(1);

*exemption* means an exemption granted by the Minister under this Act.

### 165—False statements

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

### 166—Double jeopardy

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

### 167—Causing or permitting certain offences

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

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

- (1) A court that convicts a person of—
  - (a) an offence against this Act relating to motor vehicles; or
  - (b) an offence (under this Act or any other Act or law) in the commission of which a motor vehicle was used or the commission of which was facilitated by the use of a motor vehicle,

may do one or more of the following:

- (c) order that the person be disqualified from holding or obtaining a driver's licence for a period fixed by the court or until further order;
  - (d) order that the person so disqualified be not, at the end of the period of disqualification or on the removal of the disqualification, granted a driver's licence until the person passes a driving test as prescribed by section 79A of the *Motor Vehicles Act 1959*;
  - (e) order that a driver's licence held by the person be modified for a period fixed by the court or until further order;
  - (f) order that the registration of the motor vehicle concerned under the *Motor Vehicles Act 1959* be suspended for a period fixed by the court or until further order, or be cancelled;
  - (g) order that the person, and any associate of the person, be disqualified from obtaining registration of the motor vehicle concerned as an owner or operator under the *Motor Vehicles Act 1959* for a period fixed by the court or until further order.
- (2) If a court considers that another person who is not present in court may be substantially affected by an order under this section, the court may issue a summons to the other person to show cause why the order should not be made.
  - (2a) An order under this section operates by force of this Act and takes effect either immediately or from a later specified date.

- (3) If an order is made requiring a person disqualified under this section to pass a driving test before being granted a driver's licence, the disqualification continues, subject to subsection (4), until the expiration or removal of the disqualification.
- (4) Despite anything in this Act or in the *Motor Vehicles Act 1959* a person—
  - (a) may drive a motor vehicle for the purpose of being tested under an order made under subsection (1), despite a disqualification from holding or obtaining a driver's licence; and
  - (b) will for all purposes be taken to be the holder of a driver's licence while being so tested.
- (5) If a court has ordered that a person be disqualified from holding or obtaining a driver's licence (whether the order was made in relation to an offence under this Act or any other Act or law), the Governor may remove the disqualification from such date as the Governor may specify.

#### **169A—Power to postpone commencement of disqualification**

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

#### **169B—Effect of imprisonment on disqualification**

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

#### **170—Disqualification where vehicle used for criminal purposes**

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

### **172—Removal of disqualification**

- (1) If an order has been made disqualifying a person from holding or obtaining a driver's licence until further order, that person may, on complaint duly laid before a court of summary jurisdiction and served on the Commissioner of Police as defendant to the proceedings, apply to that court for an order removing the disqualification and the court may, if it thinks it expedient to do so, order that the disqualification be removed as from any date which it thinks proper.
- (2) An application cannot be made under this section within three months after the making of the original order of disqualification nor within three months after a previous application relating to the same order of disqualification.

### **173—Appeals and suspension of disqualification**

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

### **173A—Defence relating to registered owner or operator**

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

### **173AB—Further defences**

- (1) It is a defence to a charge for an offence against this Act if the person charged establishes that the conduct constituting the offence was—
  - (a) authorised or excused by or under a law; or
  - (b) done in compliance with a direction given by an authorised officer or an Australian Authority or a delegate of an Australian Authority; or

- (c) done in response to circumstances of emergency.
- (2) The defence under subsection (1)(c) applies only if the person charged reasonably believed that—
  - (a) circumstances of emergency existed; and
  - (b) committing the offence was the only reasonable way to deal with the emergency; and
  - (c) the conduct was a reasonable response to the emergency.
- (3) Nothing in this section affects any other defence available at law.

### **173B—Service of notices etc on owners of vehicles**

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

### **174—Liability when hired vehicles driven for hire**

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

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

- (2) In this section—

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

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

- (1) In this section—

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

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

- (2) Without derogating from the liability of any other person, but subject to this section, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this section.

- (3) The owner and driver of a vehicle are not both liable through the operation of this section to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- (4) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against this section involving the vehicle must be accompanied by a notice inviting the owner, if the owner was not the driver at the time of the alleged prescribed offence, to provide the council or officer specified in the notice, within the period specified in the notice, with a statutory declaration—
  - (a) setting out the name and address of the driver; or
  - (b) if the owner had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).
- (5) Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the complainant must send the owner a notice—
  - (a) setting out particulars of the alleged prescribed offence; and
  - (b) inviting the owner, if the owner was not the driver at the time of the alleged prescribed offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subsection (4).
- (6) Subsection (5) does not apply to—
  - (a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
  - (b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- (7) Subject to subsection (8), in proceedings against the owner of a vehicle for an offence against this section, it is a defence to prove—
  - (a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
  - (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this section.
- (8) The defence in subsection (7)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- (9) If—
  - (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this section; or
  - (b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

- (9a) The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.
- (10) In proceedings against a person named in a statutory declaration under this section for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the vehicle at the time at which the alleged offence was committed.
- (11) In proceedings against the owner or driver of a vehicle for an offence against this Act, an allegation in the complaint that a notice was given under this section on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

#### **174AB—Marking of tyres for parking purposes**

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

#### **174B—Further offence for continued parking contravention**

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

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

Maximum penalty: \$500.

#### **174C—Council may grant exemptions from certain provisions**

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

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

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

### **174E—Presumption as to commencement of proceedings**

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

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

- (1) An employer must not dismiss an employee or contractor, injure an employee or contractor in the employee's or contractor's employment or alter an employee's or contractor's position to the employee's or contractor's detriment because the employee or contractor—
  - (a) has assisted or has given any information to a public agency in respect of a breach or alleged breach of an Australian road law; or
  - (b) has made a complaint about a breach or alleged breach of an Australian road law to the employer, a fellow employee or fellow contractor, a trade union or a public agency.
- (2) An employer or prospective employer must not refuse or deliberately omit to offer employment to a prospective employee or prospective contractor or treat a prospective employee or prospective contractor less favourably than another prospective employee or prospective contractor would be treated in relation to the terms on which employment is offered because the first-mentioned prospective employee or contractor—
  - (a) has assisted or has given any information to a public agency in respect of a breach or alleged breach of an Australian road law; or
  - (b) has made a complaint about a breach or alleged breach of an Australian road law to a former employer, a former fellow employee or former fellow contractor, a trade union or a public agency.
- (3) A person commits an offence if—
  - (a) the person engages in conduct that results in a contravention of subsection (1); and
  - (b) the person is an employer of the person concerned.

Maximum penalty: \$10 000.

- (4) A person commits an offence if—
- (a) the person engages in conduct that results in a contravention of subsection (2); and
  - (b) the person is an employer or prospective employer of the person concerned.
- Maximum penalty: \$10 000.
- (5) In proceedings for an offence against this section, if all the facts constituting the offence other than the reason for the defendant's action are proved, the onus of proving that the defendant's action was not actuated by the reason alleged in the charge lies on the defendant.
- (6) If a person is found guilty of an offence against this section, the court may, in addition to imposing a penalty on the offender, make either or both of the following orders:
- (a) an order that the offender pay within a specified period to the employee or contractor or to the prospective employee or prospective contractor such damages as it thinks fit by way of compensation;
  - (b) an order that—
    - (i) the employee or contractor be reinstated or re-employed in the employee's or contractor's former position or (if that position is not available) in a similar position; or
    - (ii) the prospective employee or prospective contractor be employed in the position for which the prospective employee or prospective contractor had applied or (if that position is not available) in a similar position.
- (7) The maximum amount of damages cannot exceed the monetary jurisdictional limit of the court in civil proceedings.
- (8) In this section—
- contractor** means a natural person who works under a contract for services;
- public agency** means—
- (a) an Australian authority; or
  - (b) an authorised officer or police officer of any jurisdiction; or
  - (c) any other public authority of any jurisdiction.

#### **174H—False or misleading information provided between responsible persons**

- (1) A person is guilty of an offence if—
- (a) the person is a responsible person and provides information to another responsible person; and
  - (b) the person does so knowing that the information is false or misleading in a material particular or being reckless as to whether the information is false or misleading in a material particular; and

- (c) the material particular in which the information is alleged to be false or misleading relates to an ingredient of an Australian road law offence that is or could be committed by the other or any other responsible person if that other person relies or were to rely on the material particular.

Maximum penalty: \$10 000.

- (2) In this section—

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

#### **174I—Amendment or revocation of directions or conditions**

- (1) Subject to subsection (2), an authorised officer may amend or revoke a direction given, or conditions imposed, by that officer or another authorised officer under this Act.
- (2) An authorised officer who is not a police officer cannot amend or revoke a direction given, or conditions imposed, by a police officer.

#### **174J—Minister may provide information to corresponding Authorities**

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

#### **174K—Contracting out prohibited**

- (1) A term of any contract or agreement that purports to—
  - (a) exclude, limit or modify the operation of this Act or of any provision of this Act; or
  - (b) require the payment or reimbursement by a person of all or part of any penalty that another has been ordered to pay under this Act,

is void to the extent that it would otherwise have that effect.

- (2) A person commits an offence if the person requires or proposes that another agree to a term of a kind referred to in subsection (1).

Maximum penalty: \$10 000.

#### **175—Evidence**

- (1) In proceedings for an offence against this Act, an allegation in a complaint that—
  - (a) a specified place was a road or road-related area, or a specified kind or portion of road or road-related area; or
  - (ab) a specified length of road was, during a specified period, an emergency service speed zone within the meaning of section 83; or
  - (b) a specified vehicle was parked in a specified place; or
  - (c) a specified traffic control device was on, above or near a specified place; or

- (d) a traffic control device was of a specified form or was operating in a specified way; or
- (e) a specified vehicle was a prescribed vehicle within the meaning of section 47A; or
- (ea) a specified vehicle was a vehicle of a specified kind or had a specified GCM or GVM; or
- (f) a specified person was an authorised officer; or
- (fa) a specified person had specified powers under this Act; or
- (g) a specified person was or was not the holder of a specified exemption, permit or approval; or
- (h) a specified provision was a condition of a specified exemption, permit or approval; or
- (i) a specified person was the owner, operator, person in charge or driver of a specified vehicle,

is proof of the matters so alleged in the absence of proof to the contrary.

- (2) In proceedings for an offence against section 47(1a), 47B(1a), 47BA(1a), 47E(3a), 47EAA(9a) or 47I(7), an allegation in the complaint that a child under the age of 16 years was, on a specified date and at a specified time, present in or on a specified motor vehicle will be accepted as proof of that matter in the absence of proof to the contrary.

- (3) In proceedings for an offence against this Act—

- (a) a statement produced by the prosecution and purporting to be signed by an authorised officer and stating—
  - (i) the mass of a vehicle with or without its load; or
  - (ii) the mass carried on an axle, or axle group, of a vehicle; or
  - (iii) the dimensions or measurements of a vehicle or its load, or any part of a vehicle or its load; or
  - (iv) that a wheel or tyre of a vehicle is of a specified type or class; or
  - (v) that a vehicle has, or does not have, a specified mechanical part, or system, of a specified type or class,

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

- (ab) a statement produced by the prosecution and purporting to be signed by a person in charge of a weighbridge or other instrument for determining mass and stating that the weighbridge or instrument is of a specified class, or that it complies with the requirements of the regulations constitutes proof of the fact so stated in the absence of proof to the contrary;
- (ac) a statement produced by the prosecution and purporting to be signed by a person in charge of a weighbridge or other instrument for determining mass and stating that the person has complied with the requirements of the regulations in relation to the taking of certain specified measurements constitutes proof of the fact so stated in the absence of proof to the contrary;

- (b) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by any other police officer of or above the rank of inspector, and purporting to certify that a specified stopwatch or speedometer had been tested on a specified day and was shown by the test to be accurate to the extent indicated in the document constitutes, in the absence of proof to the contrary, proof of the facts certified and that the relevant instrument was accurate to that extent on the day of the test and—
- (i) in the case of a stopwatch—throughout the 14 day period following and the 14 day period preceding the day of the test; or
  - (ii) in the case of a speedometer—throughout the 3 month period following and the 3 month period preceding the day of the test,
- for the purpose of measuring the speed of any motor vehicle, whether or not the speed measured differed from the speed in relation to which the stopwatch or speedometer was tested or the circumstances of the measurement differed in any other respect from the circumstances of the test;
- (ba) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by any other police officer of or above the rank of inspector, and purporting to certify that a specified traffic speed analyser that is a photographic detection device had been tested on a specified day and was shown by the test to be accurate to the extent indicated in the document constitutes, in the absence of proof to the contrary, proof of the facts certified and that the traffic speed analyser was accurate to that extent on the day on which it was so tested and, for the purpose of measuring the speed of any motor vehicle—
- (i) in the case of such a traffic speed analyser that was, at the time of measurement, mounted in a fixed housing—during the period of 27 days immediately following that day; or
  - (ii) in any other case—on the day following that day,
- whether or not the speed measured differed from the speed in relation to which the analyser was tested or the circumstances of the measurement differed in any other respect from the circumstances of the test;
- (baa) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by any other police officer of or above the rank of inspector, and purporting to certify that a specified traffic speed analyser that is not a photographic detection device had been tested on a specified day in accordance with—
- (i) the appropriate Australian Standard for testing the analyser as in force on the day of testing; or
  - (ii) if there was no appropriate Australian Standard for testing the analyser in force on the day of testing—the manufacturer's specifications,

and was shown to be accurate to the extent indicated in the document, constitutes, in the absence of proof to the contrary, proof of the facts certified and that the traffic speed analyser was accurate to that extent on the day on which it was so tested and, for the purpose of measuring the speed of any motor vehicle, during the period of 1 year immediately following that day (whether or not the speed measured differed from the speed in relation to which the analyser was tested or the circumstances of the measurement differed in any other respect from the circumstances of the test);

- (bb) a document produced by the prosecution and purporting to be signed by the Commissioner of Standards, or the Officer-in-Charge of Testing, Civil Engineering Testing Laboratories of the University of Adelaide, and certifying that a specified weighbridge or other instrument for determining mass had been tested on a specified day, such day being within 12 months before or after the date of the offence, and was shown by the test to be accurate to the extent indicated in the document constitutes, in the absence of proof to the contrary, proof that at the time of the offence the weighbridge or instrument, as the case may be, was accurate to the extent indicated in the document.
- (4) For the purposes of subsection (3)(ba), a traffic speed analyser will be taken to have been mounted in a fixed housing at the time of measuring the speed of a motor vehicle if it was, at that time, mounted in or on a structure that was affixed to the ground.
- (5) In any proceedings under or for the purposes of a road law—
  - (a) a document purporting to be signed by an authorised officer or issued or signed by an Australian Authority, and to certify that any specified specifications, capabilities or legal entitlements or other information relating to a specified vehicle (or a specified component of a specified vehicle) were or were not displayed on the vehicle, or were or were not recorded in an Australian Authority's records, in accordance with an Australian road law; or
  - (b) a document purporting to be signed by an authorised officer or issued or signed by an Australian Authority, and to certify that any specified person or vehicle had or did not have specified legal entitlements; or
  - (c) a document purporting to be signed by an authorised officer or issued or signed by an Australian Authority, and to certify as to any matter that appears in or can be calculated from records kept or accessed by the officer or Australian Authority; or
  - (d) a document purporting to be signed by an authorised officer, and to certify as to the service of an expiation notice or the expiation of an offence,constitutes proof of the fact so certified in the absence of proof to the contrary.
- (6) Transport documentation or journey documentation is admissible in any proceedings under or for the purposes of a road law and is *prima facie* evidence of—
  - (a) the identity and status of the parties to the transaction to which it relates; and
  - (b) the destination or intended destination of the load to which it relates.
- (7) The reference in subsection (6) to the *status* of parties includes a reference to their status as responsible persons in relation to the transaction.

### 175A—Average speed evidence

- (1) This section applies to proceedings for a prescribed road law speeding offence.
- (2) Evidence of the average speed of a vehicle between 2 average speed camera locations is, in accordance with this section, evidence of the actual speed of the vehicle.
- (3) The Minister may, by notice in the Gazette, specify—
  - (a) 2 average speed camera locations; and
  - (b) the fastest practicable route between those 2 locations; and
  - (c) the shortest distance that a vehicle could travel along that route between the 2 locations,and the Minister may, by subsequent notice in the Gazette, vary or revoke a notice given under this subsection.
- (4) For the purposes of proceedings to which this section applies—
  - (a) where a fastest practicable route between 2 average speed camera locations and a shortest distance along that route are specified by notice under subsection (3), the route and distance specified in the notice will be conclusively presumed to be the fastest practicable route, and the shortest distance along that route, between the 2 locations; and
  - (b) where a vehicle appears from average speed camera evidence to have travelled between 2 such average speed camera locations—
    - (i) the vehicle will be conclusively presumed to have been driven between the 2 locations by that shortest distance along that fastest practicable route (regardless of the actual route taken); and
    - (ii) the average speed of the vehicle between the 2 locations, calculated by reference to—
      - (A) that shortest distance along that fastest practicable route; and
      - (B) the time taken for the vehicle to travel between the locations,expressed as a speed in kilometres per hour rounded down to the nearest whole number, will, subject to this section, be conclusively presumed to be the actual speed of the vehicle along the whole of the specified route between the 2 locations; and
    - (iii) subject to this section, each driver of the vehicle between the 2 locations will be conclusively presumed to have driven the vehicle at that actual speed.
- (5) Where there is evidence of the average speed of a vehicle between 2 average speed camera locations, proceedings for a prescribed road law speeding offence may, if there was more than 1 driver of the vehicle between the 2 locations, be brought against 1 driver or against some or all of the drivers jointly as co-defendants and the defendant, or each of the defendants, is liable to be convicted or found guilty of the offence.

- (6) If, in proceedings to which this section applies where there is evidence of the average speed of a vehicle between 2 average speed camera locations, the defendant satisfies the court that—
- (a) more than 1 person drove the vehicle between the 2 locations; and
  - (b) the defendant has previously furnished to the Commissioner of Police, in accordance with the regulations, a statutory declaration stating either—
    - (i) the name and address of each person other than the defendant who drove the vehicle between the 2 locations; or
    - (ii) the name and address of each such driver whose name and address is known to the defendant and, in relation to every other driver of the vehicle between the 2 locations, the reasons why the identity of the driver is not known to the defendant and the inquiries (if any) made to identify the driver; and
  - (c) in a case where the defendant has furnished a statutory declaration referred to in paragraph (b)(ii)—the defendant does not know and could not by the exercise of reasonable diligence have ascertained the identity of any driver whose name and address is not so stated; and
  - (d) that defendant did not, at any time whilst driving the vehicle between the 2 locations, drive at a speed that exceeded the speed limit applicable to the defendant,

the court may determine that subsection (4)(b)(ii) and (iii) do not apply in relation to the proceedings against that defendant.

- (7) Evidence referred to in subsection (6)(c) and (d) must be given orally on oath.
- (8) A person—
- (a) may not be convicted or found guilty of a prescribed road law speeding offence on the basis of evidence of the average speed of the vehicle between 2 average speed camera locations calculated in accordance with this section if—
    - (i) the person has been convicted or found guilty of such an offence on the basis of evidence of the actual speed of the vehicle at a particular point on its journey between the 2 locations; or
    - (ii) the person has expiated such an offence and the allegation relating to the offence was based on such evidence of actual speed; and
  - (b) may not be convicted or found guilty of a prescribed road law speeding offence on the basis of evidence of the actual speed of the vehicle at a particular point on its journey between 2 average speed camera locations if—
    - (i) the person has been convicted or found guilty of such an offence on the basis of evidence of the average speed of the vehicle between the 2 locations calculated in accordance with this section; or
    - (ii) the person has expiated such an offence and the allegation relating to the offence was based on such evidence of average speed.

- (9) The Governor may, by regulation—
- (a) make provision for or in relation to the identification of an average speed camera location in a notice under subsection (3) or on a road or otherwise; and
  - (b) regulate the manner in which distances between 2 average speed camera locations may be determined; and
  - (c) regulate the manner in which the time taken for a vehicle to travel between 2 average speed camera locations may be determined (and may, for example, identify the point at which a vehicle will be taken to have commenced or ended a journey between 2 such locations for that purpose).

- (10) In this section—

***average speed camera*** means a photographic detection device of a kind prescribed by regulation as an average speed camera and ***average speed camera evidence*** means evidence obtained through the operation of such a device;

***average speed camera location*** means a location, specified in a notice under subsection (3), at which vehicles may be photographed by an average speed camera in accordance with any requirements prescribed by regulation;

***fastest practicable route*** means a route by road specified in a notice under subsection (3) as the fastest practicable route that runs between 2 average speed camera locations specified in the notice;

***prescribed road law speeding offence*** means a road law offence defined by the regulations as a road law speeding offence;

***shortest distance***, between 2 average speed camera locations, means the distance specified in a notice under subsection (3) as the shortest distance that a vehicle could travel along the route specified in the notice as the fastest practicable route between the 2 locations.

## 176—Regulations and rules

- (1) The Governor may make such regulations and rules as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (1a) The regulations or rules may—
- (a) provide defences for persons charged with offences; and
  - (b) confer on police officers or persons of a specified class power to give directions (including directions requiring action inconsistent with other requirements under this Act) or any other power for the safe and efficient regulation of traffic; and
  - (c) empower councils to fix (or vary) fees for the parking of vehicles within their areas, being fees payable by the operation of parking ticket-vending machines or parking meters; and
  - (d) provide for the granting of parking permits by councils, subject to such conditions or restrictions and on the payment of such fees as they think fit; and

- (e) prescribe exemptions (which may be conditional or unconditional) from any provision of this Act; and
  - (f) provide for the granting (and variation and revocation) of exemptions by the Minister, subject to such conditions as the Minister thinks fit, from any provision of this Act; and
  - (g) prescribe and provide for the payment of fees in respect of specified matters (including fees for vehicle inspections for the purposes of this or any other Act); and
  - (ga) provide for the waiver, reduction or remission of any prescribed fees; and
  - (gb) approve an apparatus of a specified kind as a photographic detection device, and prescribe requirements as to the operation and testing of such a device, for the purposes of this or any other Act; and
  - (h) prescribe transitional provisions; and
  - (i) impose penalties, not exceeding \$5 000, for offences against the regulations or rules; and
  - (j) fix expiation fees, not exceeding \$2 500, for alleged offences against this Act.
- (3) For the purpose of enabling traffic experiments to be conducted, the Governor may make regulations or rules—
- (a) suspending or amending any of the provisions of this Act;
  - (b) prescribing duties of road users different from, or in substitution for, any provisions so suspended and any other duties of road users, or other matters which it is necessary or convenient to prescribe, for the purpose of testing experimental traffic rules or schemes of traffic control.

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

- (4) A discretionary power may be conferred on the Minister or any other person or body of persons by regulation or rule made under this Act.
- (4aa) Regulations or rules may be of general or limited application or vary in their application according to times, circumstances or matters in relation to which they are expressed to apply.
- (4a) The regulations or rules may impose a requirement, or make other provision, by reference to traffic control devices from time to time on, above or near roads.
- (5) The regulations or rules may impose a requirement, or make other provision, by reference to a specified standard, code or specification, as in force at a specified time, or as in force from time to time.

- (5a) If the regulations or rules make some provision by reference to a standard, code or specification—
- (a) a copy of the standard, code or specification must be kept available for inspection by members of the public, without charge and during normal office hours, at an office or offices determined by the Minister; and
  - (b) in any legal proceedings, evidence of the contents of the standard, code or specification may be given by production of a document purporting to be certified by or on behalf of the Minister as a true copy of the standard, code or specification.
- (5b) The regulations or rules may include evidentiary provisions to facilitate proof of breaches of the regulations or rules for the purposes of proceedings for offences against the Act or the regulations or rules.
- (7) Subsections (1a) and (4) to (5b) apply to any regulations or rules under this Act (whether made under this section or another section of this Act).
- (8) The matters about which regulations or rules may be made under this section are not limited by, and may include, specified matters about which regulations or rules may be made under another section of this Act.

### **177—Inconsistency of by-laws**

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

## Schedule 1—Oral fluid and blood sample processes

### Part 1—Preliminary

#### 1—Interpretation

In this Schedule—

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

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

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

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

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

#### 1A—Approval of couriers

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

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

### Part 2—Processes relating to blood samples under Part 3 Division 5

#### 2—Blood sample processes generally

The following provisions apply if a sample of blood is taken under Part 3 Division 5:

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

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

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

### **3—Blood tests by registered nurses**

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

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

### **4—Police officer to be present when blood sample taken**

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

### **5—Cost of blood tests under certain sections**

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

### **6—Provisions relating to medical practitioners etc**

- (1) No proceedings lie against a medical practitioner or registered nurse in respect of anything done in good faith and in compliance, or purported compliance, with the provisions of this Act.
- (2) A medical practitioner must not take a sample of a person's blood under this Act if, in the medical practitioner's opinion, it would be injurious to the medical condition of the person to do so.

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

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

#### **7—Oral fluid sample processes**

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

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

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

- (ii) to the person from whom the sample was taken or, if the person is dead, a relative or personal representative of the deceased;
- (h) if the whereabouts of the person from whom the sample is taken, or (that person being dead) the identity or whereabouts of a relative or personal representative of the deceased is unknown, there is no obligation to comply with paragraph (g)(ii) but copies of the certificates must, on application made within 3 years after completion of the analysis, be furnished to any person to whom they should, but for this paragraph, have been sent.

## **Part 4—Other provisions relating to oral fluid or blood samples under Part 3 Division 5**

### **8—Oral fluid or blood sample or results of analysis etc not to be used for other purposes**

- (1) A sample of oral fluid or blood taken under section 47E, 47EAA or 47I (and any other forensic material taken incidentally during a drug screening test, oral fluid analysis or blood test) must not be used for a purpose other than a purpose contemplated by this Act (including the purpose of civil proceedings of a kind referred to in subclause (2)(a)(ii)).
- (2) The results of a drug screening test, oral fluid analysis or blood test under Part 3 Division 5, an admission or statement made by a person relating to such a drug screening test, oral fluid analysis or blood test, or any evidence taken in proceedings relating to such a drug screening test, oral fluid analysis or blood test (or transcript of such evidence)—
  - (a) will not be admissible in evidence against the person who submitted to the drug screening test, oral fluid analysis or blood test in any proceedings, other than—
    - (i) proceedings for an offence against this Act or the *Motor Vehicles Act 1959* or a driving-related offence; or
    - (ii) if the test or analysis occurred in connection with the person's involvement in an accident—civil proceedings in connection with death or bodily injury caused by or arising out of the use of a motor vehicle involved in the accident (including proceedings under section 116 or 124A of the *Motor Vehicles Act 1959* for the recovery from the person of money paid or costs incurred by the nominal defendant or an insurer); and
  - (b) may not be relied on as grounds for the exercise of any search power or the obtaining of any search warrant.
- (3) In this clause—

***death or bodily injury caused by or arising out of the use of a motor vehicle***—death or bodily injury will be regarded as being caused by or arising out of the use of a motor vehicle if the death or bodily injury is regarded as being caused by or arising out of the use of a motor vehicle for the purposes of Part 4 and Schedule 4 of the *Motor Vehicles Act 1959*;

***nominal defendant*** has the same meaning as in Part 4 of the *Motor Vehicles Act 1959*;

*proceedings for a driving-related offence* means proceedings for an offence where the conduct with which the defendant is charged involves driving a vehicle.

### **9—Destruction of oral fluid or blood sample taken under Part 3 Division 5**

The Commissioner of Police must ensure that a sample of oral fluid or blood taken under Part 3 Division 5 (and any other forensic material taken incidentally during a drug screening test, oral fluid analysis or blood test) is destroyed—

- (a) if proceedings for an offence of a kind referred to in clause 8(2)(a) based on evidence of the results of analysis of the sample are not commenced within the period allowed; or
- (b) if such proceedings are commenced within the period allowed—when the proceedings (including any proceedings on appeal) are finally determined or discontinued.



## Legislative history

### Notes

- This version is comprised of the following:

Part 1	30.4.2018
Part 2	21.11.2019
Part 2A	6.12.2019
Part 3	30.11.2020
Part 3A	20.3.2018
Part 4	20.3.2018
Part 4A	20.3.2018
Part 4C	20.3.2018
Part 5	3.10.2019
Schedule 1	13.12.2018
- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation repealed by principal Act

The *Road Traffic Act 1961* repealed the following:

*Road Traffic Act 1934*

*Road Traffic Act Amendment Act 1936*

*Road Traffic Act Amendment Act 1938*

*Road Traffic Act Amendment Act 1939*

*Road Traffic Act Amendment Act (No. 2) 1939*

*Road Traffic Act Amendment Act (No. 3) 1939*

*Road Traffic Act Amendment Act 1940*

*Road Traffic Act Amendment Act 1941*

*Road Traffic Act Amendment Act (No. 2) 1941*

*Road Traffic Act Amendment Act 1942*

*Road Traffic Act Amendment Act (No. 2) 1942*

*Road Traffic Act Amendment Act 1943*

*Road Traffic Act Amendment Act 1944*

---

*Road Traffic Act Amendment Act (No. 2) 1944*  
*Road Traffic Act Amendment Act 1945*  
*Road Traffic Act Amendment Act (No. 2) 1945*  
*Road Traffic Act Amendment Act 1946*  
*Road Traffic Act Amendment Act 1947*  
*Road Traffic Act Amendment Act (No. 2) 1947*  
*Road Traffic Act Amendment Act 1948*  
*Road Traffic Act Amendment Act 1950*  
*Road Traffic Act Amendment Act 1951*  
*Road Traffic Act Amendment Act 1952*  
*Road Traffic Act Amendment Act (No. 1) 1953*  
*Road Traffic Act Amendment Act (No. 2) 1953*  
*Road Traffic Act Amendment Act 1954*  
*Road Traffic Act Amendment Act 1955*  
*Road Traffic Act Amendment Act (No. 2) 1955*  
*Road Traffic Act Amendment Act 1956*  
*Road Traffic Act Amendment Act 1957*  
*Road Traffic Act Amendment Act 1958*  
*Road Traffic Act Amendment Act 1959*  
*Road Traffic Board Act 1960*

## Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1961	50	<i>Road Traffic Act 1961</i>	16.11.1961	16.11.1961: s 2(1) except ss 4—177 & Schs—30.8.1962 ( <i>Gazette 30.8.1962 p493</i> )
1963	47	<i>Road Traffic Act Amendment Act (No. 2) 1963</i>	28.11.1963	28.11.1963
1963	65	<i>Road Traffic Act Amendment Act 1963</i>	12.12.1963	12.12.1963
1964	26	<i>Road Traffic Act Amendment Act 1964</i>	15.10.1964	15.10.1964
1964	58	<i>Road Traffic Act Amendment Act (No. 2) 1964</i>	5.11.1964	5.11.1964
1966	16	<i>Road Traffic Act Amendment Act 1966</i>	24.2.1966	24.2.1966
1966	37	<i>Road Traffic Act Amendment Act (No. 2) 1966</i>	18.8.1966	18.8.1966

1967	17	<i>Road Traffic Act Amendment Act (No. 3) 1967</i>	13.4.1967	13.4.1967
1967	43	<i>Road Traffic Act Amendment Act (No. 2) 1967</i>	12.10.1967	23.11.1967 ( <i>Gazette 23.11.1967 p2269</i> )
1969	106	<i>Road Traffic Act Amendment Act 1969</i>	18.12.1969	8.1.1970 ( <i>Gazette 8.1.1970 p2</i> )
1971	73	<i>Road Traffic Act Amendment Act 1971</i>	11.11.1971	11.11.1971
1972	71	<i>Road Traffic Act Amendment Act 1972</i>	7.9.1972	1.1.1973 ( <i>Gazette 21.12.1972 p2723</i> )
1972	146	<i>Road Traffic Act Amendment Act (No. 2) 1972</i>	7.12.1972	1.8.1973 ( <i>Gazette 19.7.1973 p286</i> )
1973	93	<i>Road Traffic Act Amendment Act 1973</i>	13.12.1973	1.7.1974 ( <i>Gazette 13.6.1974 p2330</i> )
1974	3	<i>Road Traffic Act Amendment Act 1974</i>	21.3.1974	1.7.1974: s 2
1974	48	<i>Road Traffic Act Amendment Act (No. 2) 1974</i>	8.8.1974	8.8.1974
1974	76	<i>Road Traffic Act Amendment Act (No. 3) 1974</i>	24.10.1974	1.2.1975 ( <i>Gazette 19.12.1974 p3766</i> )
1974	84	<i>Statute Law Revision Act (No. 2) 1974</i>	21.11.1974	21.11.1974
1974	92	<i>Road Traffic Act Amendment Act (No. 5) 1974</i>	5.12.1974	5.12.1974
1974	93	<i>Road Traffic Act Amendment Act (No. 6) 1974</i>	5.12.1974	1.3.1975 ( <i>Gazette 13.2.1975 p506</i> )
1975	10	<i>Road Traffic Act Amendment Act (No. 2) 1975</i>	20.3.1975	1.3.1975: s 2
1975	16	<i>Road Traffic Act Amendment Act 1975</i>	27.3.1975	1.1.1976 ( <i>Gazette 11.12.1975 p3137</i> )
1975	31	<i>Road Traffic Act Amendment Act (No. 3) 1975</i>	3.4.1975	3.4.1975
1976	36	<i>Road Traffic Act Amendment Act 1976</i>	21.10.1976	21.10.1976
1976	40	<i>Road Traffic Act Amendment Act (No. 2) 1976</i>	22.10.1976	22.10.1976
1976	103	<i>Road Traffic Act Amendment Act (No. 3) 1976</i>	16.12.1976	1.3.1977 ( <i>Gazette 3.2.1977 p274</i> )
1979	42	<i>Road Traffic Act Amendment Act 1979</i>	15.3.1979	1.4.1979 ( <i>Gazette 29.3.1979 p834</i> )
1979	45	<i>Road Traffic Act Amendment Act (No. 2) 1979</i>	15.3.1979	1.7.1979 ( <i>Gazette 24.5.1979 p1498</i> )
1980	24	<i>Road Traffic Act Amendment Act 1980</i>	17.4.1980	1.6.1980 ( <i>Gazette 22.5.1980 p1372</i> )
1980	25	<i>Road Traffic Act Amendment Act (No. 2) 1980</i>	17.4.1980	1.6.1980 ( <i>Gazette 22.5.1980 p1372</i> )
1980	107	<i>Road Traffic Act Amendment Act (No. 3) 1980</i>	18.12.1980	1.3.1981 ( <i>Gazette 22.1.1981 p170</i> )

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

1981	24	<i>Road Traffic Act Amendment Act 1981</i>	19.3.1981	19.3.1981 ( <i>Gazette 19.3.1981 p745</i> )
1981	25	<i>Road Traffic Act Amendment Act (No. 2) 1981</i>	19.3.1981	19.3.1981
1981	46	<i>Road Traffic Act Amendment Act (No. 3) 1981</i>	18.6.1981	18.6.1981 ( <i>Gazette 18.6.1981 p1840</i> )
1981	90	<i>Road Traffic Act Amendment Act (No. 4) 1981</i>	23.12.1981	23.12.1981
1981	99	<i>Road Traffic Act Amendment Act (No. 5) 1981</i>	23.12.1981	7.1.1982 ( <i>Gazette 7.1.1982 p4</i> )
1982	63	<i>Road Traffic Act Amendment Act 1982</i> repealed by 25/1989	1.7.1982	repealed by 25/1989 without coming into operation
1982	91	<i>Road Traffic Act Amendment Act (No. 2) 1982</i>	14.10.1982	5.7.1984 ( <i>Gazette 5.7.1984 p2</i> ) except ss 3—8 & 10—1.7.1985 ( <i>Gazette 20.6.1985 p2182</i> )
1984	15	<i>Road Traffic Act Amendment Act 1984</i>	3.5.1984	5.7.1984 ( <i>Gazette 5.7.1984 p2</i> )
1984	28	<i>Road Traffic Act Amendment Act (No. 2) 1984</i>	10.5.1984	17.6.1984 ( <i>Gazette 14.6.1984 p1567</i> )
1984	50	<i>Statute Law Revision Act 1984</i>	24.5.1984	Sch 5—1.1.1985 ( <i>Gazette 13.12.1984 p1811</i> )
1984	84	<i>Road Traffic Act Amendment Act (No. 3) 1984</i>	29.11.1984	1.1.1985 ( <i>Gazette 20.12.1984 p1883</i> )
1985	55	<i>Road Traffic Act Amendment Act 1985</i>	30.5.1985	1.7.1985 ( <i>Gazette 20.6.1985 p2182</i> ) except s 10—uncommenced
1985	69	<i>Road Traffic Act Amendment Act (No. 2) 1985</i>	6.6.1985	6.6.1985
1985	85	<i>Road Traffic Act Amendment Act (No. 3) 1985</i>	19.9.1985	2.12.1985 ( <i>Gazette 21.11.1985 p1542</i> )
1986	27	<i>Road Traffic Act Amendment Act 1986</i>	20.3.1986	1.7.1986 ( <i>Gazette 26.6.1986 p1636</i> )
1986	53	<i>Road Traffic Act Amendment Act (No. 2) 1986</i>	11.9.1986	1.12.1986 ( <i>Gazette 30.10.1986 p1483</i> )
1986	58	<i>Road Traffic Act Amendment Act (No. 4) 1986</i>	2.10.1986	1.1.1987 ( <i>Gazette 20.11.1986 p1638</i> )
1986	92	<i>Road Traffic Act Amendment Act (No. 3) 1986</i>	4.12.1986	18.12.1986 ( <i>Gazette 18.12.1986 p1876</i> )
1987	5	<i>Road Traffic Act Amendment Act 1987</i>	12.3.1987	1.7.1988 ( <i>Gazette 30.6.1988 p2050</i> )
1987	82	<i>Road Traffic Act Amendment Act (No. 2) 1987</i>	26.11.1987	26.11.1987
1987	105	<i>Road Traffic Act Amendment Act (No. 3) 1987</i>	17.12.1987	1.7.1988 ( <i>Gazette 30.6.1988 p2051</i> )
1988	14	<i>Road Traffic Act Amendment Act 1988</i>	7.4.1988	1.7.1988: s 2
1988	16	<i>Road Traffic Act Amendment Act (No. 2) 1988</i>	14.4.1988	26.5.1988 ( <i>Gazette 26.5.1988 p1332</i> )
1988	51	<i>Statutes Amendment and Repeal (Sentencing) Act 1988</i>	5.5.1988	Pt 10 (ss 70—76)—1.1.1989 ( <i>Gazette 15.12.1988 p2009</i> )

1988	74	<i>Road Traffic Act Amendment Act (No. 3) 1988</i>	24.11.1988	1.1.1989 ( <i>Gazette 15.12.1988 p2004</i> )
1989	25	<i>Road Traffic Act Amendment Act 1989</i>	27.4.1989	1.7.1989 ( <i>Gazette 29.6.1989 p1756</i> )
1989	41	<i>Road Traffic Act Amendment Act (No. 2) 1989</i>	4.5.1989	14.8.1989 ( <i>Gazette 27.7.1989 p182</i> )
1989	55	<i>Road Traffic Act Amendment Act (No. 3) 1989</i>	26.10.1989	28.3.1990 ( <i>Gazette 8.3.1990 p659</i> )
1990	1	<i>Road Traffic Act Amendment Act 1990</i>	22.3.1990	22.3.1990
1990	52	<i>Road Traffic Act Amendment Act (No. 2) 1990</i>	22.11.1990	22.11.1990: s 2(2) except ss 3, 4, 6—10 & 12—1.1.1991 ( <i>Gazette 20.12.1990 p1844</i> ) and except s 11—29.4.1993 ( <i>Gazette 29.4.1993 p1476</i> )
1991	12	<i>Road Traffic (Alcohol, Speed and Helmets) Amendment Act 1991</i>	28.3.1991	1.7.1991 ( <i>Gazette 9.5.1991 p1484</i> )
1991	14	<i>Road Traffic (Coin-operated Breath Machines) Amendment Act 1991</i>	4.4.1991	4.4.1991
1991	56	<i>Road Traffic (Safety Helmet Exemption) Amendment Act 1991</i>	28.11.1991	28.11.1991
1992	1	<i>Motor Vehicles (Licences and Demerit Points) Amendment Act 1992</i>	5.3.1992	1.6.1992 ( <i>Gazette 28.5.1992 p1512</i> )
1992	5	<i>Road Traffic (Prescribed Vehicles) Amendment Act 1992</i>	26.3.1992	1.6.1992 ( <i>Gazette 30.4.1992 p1278</i> )
1992	37	<i>Statutes Amendment (Illegal Use of Motor Vehicles) Act 1992</i>	21.5.1992	6.7.1992 ( <i>Gazette 2.7.1992 p209</i> )
1993	10	<i>Road Traffic (Pedal Cycles) Amendment Act 1993</i>	25.3.1993	30.4.1993 ( <i>Gazette 29.4.1993 p1476</i> )
1993	32	<i>Road Traffic (Miscellaneous) Amendment Act 1993</i>	13.5.1993	4.11.1993 ( <i>Gazette 4.11.1993 p2176</i> )
1993	86	<i>Road Traffic (Breath Analysis) Amendment Act 1993</i>	27.10.1993	1.2.1994 ( <i>Gazette 20.1.1994 p76</i> )
1994	30	<i>Passenger Transport Act 1994</i>	26.5.1994	Sch 4 (cl 2(b)(i)—(vi))—1.7.1994 ( <i>Gazette 30.6.1994 p1843</i> ) except cl 2(b)(vii)—(xi)—1.8.1994 ( <i>Gazette 28.7.1994 p170</i> )
1994	88	<i>Road Traffic (Miscellaneous) Amendment Act 1994</i>	15.12.1994	5.1.1995 ( <i>Gazette 5.1.1995 p5</i> )
1995	64	<i>Road Traffic (Small-Wheeled Vehicles) Amendment Act 1995</i>	10.8.1995	1.2.1996 ( <i>Gazette 7.12.1995 p1556</i> )
1995	95	<i>Statutes Amendment (Drink Driving) Act 1995</i>	7.12.1995	Pt 4 (ss 13—16)—4.4.1996 except s 17—18.4.1996 ( <i>Gazette 4.4.1996 p1886</i> )
1996	32	<i>Road Traffic (Directions at Level Crossings) Amendment Act 1996</i>	2.5.1996	2.5.1996
1996	33	<i>Road Traffic (Exemption of Traffic Law Enforcement Vehicles) Amendment Act 1996</i>	2.5.1996	2.5.1996

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

1996	34	<i>Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996</i>	2.5.1996	Sch (cl 30)—3.2.1997 ( <i>Gazette 19.12.1996 p1923</i> )
1996	65	<i>Motor Vehicles (Trade Plates) Amendment Act 1996</i>	15.8.1996	Sch—17.11.1997 ( <i>Gazette 13.11.1997 p1280</i> )
1996	66	<i>Road Traffic (Miscellaneous) Amendment Act 1996</i>	15.8.1996	6.11.1997 ( <i>Gazette 6.11.1997 p1164</i> )
1996	100	<i>Road Traffic (Inspection) Amendment Act 1996</i>	19.12.1996	1.7.1997 ( <i>Gazette 26.6.1997 p3051</i> )
1997	37	<i>Road Traffic (U-Turns at Traffic Lights) Amendment Act 1997</i>	10.7.1997	10.7.1997
1997	51	<i>Motor Vehicles (Farm Implements and Machines) Amendment Act 1997</i>	31.7.1997	s 8—15.1.1998 ( <i>Gazette 8.1.1998 p4</i> )
1997	57	<i>Road Traffic (Expressways) Amendment Act 1997</i>	31.7.1997	11.12.1997 ( <i>Gazette 11.12.1997 p1601</i> )
1997	78	<i>Road Traffic (Speed Zones) Amendment Act 1997</i>	18.12.1997	5.2.1998 ( <i>Gazette 5.2.1998 p862</i> )
1998	18	<i>Road Traffic (School Zones) Amendment Act 1998</i>	2.4.1998	20.7.1998 ( <i>Gazette 16.7.1998 p122</i> )
1998	19	<i>Road Traffic (Vehicle Identifiers) Amendment Act 1998</i>	2.4.1998	6.9.1999 ( <i>Gazette 26.8.1999 p955</i> )
1998	58	<i>Road Traffic (Miscellaneous) Amendment Act 1998 as amended by 28/2000</i>	3.9.1998	3.9.1998 except s 4—22.10.1998 ( <i>Gazette 22.10.1998 p1170</i> ) and except s 5—27.5.1999 ( <i>Gazette 27.5.1999 p2657</i> ) and except ss 6 & 7 which were deleted by 28/2000 without coming into operation
1998	76	<i>Road Traffic (Road Events) Amendment Act 1998</i>	17.12.1998	14.1.1999 ( <i>Gazette 14.1.1999 p378</i> )
1999	5	<i>Road Traffic (Proof of Accuracy of Devices) Amendment Act 1999</i>	11.3.1999	11.3.1999
1999	20	<i>Road Traffic (Miscellaneous) Amendment Act 1999</i>	1.4.1999	1.12.1999 ( <i>Gazette 25.11.1999 p2436</i> )
1999	34	<i>Road Traffic (Driving Hours) Amendment Act 1999</i>	24.6.1999	1.11.1999 ( <i>Gazette 23.9.1999 p1208</i> )
1999	39	<i>Road Traffic (Road Rules) Amendment Act 1999</i>	5.8.1999	1.12.1999 ( <i>Gazette 11.11.1999 p2254</i> )
1999	52	<i>Motor Vehicles (Miscellaneous) Amendment Act 1999</i>	12.8.1999	s 96—9.7.2001 ( <i>Gazette 5.7.2001 p2536</i> )
1999	67	<i>Motor Vehicles (Heavy Vehicles Speeding Control Scheme) Amendment Act 1999</i>	18.11.1999	s 5—9.7.2001 ( <i>Gazette 5.7.2001 p2536</i> )
2000	7	<i>Road Traffic (Miscellaneous) Amendment Act 2000</i>	20.4.2000	15.8.2000 ( <i>Gazette 3.8.2000 p360</i> )
2000	28	<i>Road Traffic (Red Light Camera Offences) Amendment Act 2000</i>	29.6.2000	31.8.2000 ( <i>Gazette 24.8.2000 p592</i> ) except s 3—29.6.2002 (s 7(5) <i>Acts Interpretation Act 1915</i> )
2000	91	<i>Road Traffic (Alcohol Interlock Scheme) Amendment Act 2000</i>	21.12.2000	ss 1—7 & 9—16.7.2001 ( <i>Gazette 12.7.2001 p2594</i> )

---

2001	17	<i>Statutes Amendment (Transport Portfolio) Act 2001</i>	17.5.2001	Pt 4 (ss 24 & 25)—9.7.2001 ( <i>Gazette 5.7.2001 p2536</i> ) except ss 17—23 & 26—27.5.2002 ( <i>Gazette 23.5.2002 p1928</i> ) and except s 16—1.12.2002 ( <i>Gazette 21.11.2002 p4225</i> )
2002	26	<i>Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2002</i>	31.10.2002	Sch 3 (cl 6)—5.7.2003 ( <i>Gazette 15.5.2003 p1979</i> )
2002	37	<i>Statutes Amendment (Transport Portfolio) Act 2002</i>	28.11.2002	Pt 4 (ss 16 & 17)—3.7.2003 ( <i>Gazette 3.7.2003 p2877</i> )
2003	8	<i>Statutes Amendment (Road Safety Reforms) Act 2003</i>	12.6.2003	Pt 4 (ss 24 & 26)—19.9.2003 ( <i>Gazette 18.9.2003 p3600</i> ) except ss 21—23, 25, 27—34—15.12.2003 ( <i>Gazette 11.12.2003 p4431</i> )
2003	33	<i>Coroners Act 2003</i>	31.7.2003	Sch (cl 17)—1.7.2005 ( <i>Gazette 23.6.2005 p1899</i> )
2003	53	<i>Statutes Amendment (Expiation of Offences) Act 2003</i>	4.12.2003	Pt 3 (ss 10 & 11)—4.12.2005 (s 7(5) <i>Acts Interpretation Act 1915</i> )
2003	54	<i>Passenger Transport (Dissolution of Passenger Transport Board) Amendment Act 2003</i>	4.12.2003	Sch 1 (cll 2 & 3)—1.1.2004 ( <i>Gazette 18.12.2003 p4525</i> )
2004	56	<i>Statutes Amendment (Misuse of Motor Vehicles) Act 2004</i>	16.12.2004	Pt 2 (ss 4 & 5)—7.2.2005 ( <i>Gazette 20.1.2005 p260</i> )
2005	6	<i>Statutes Amendment (Drink Driving) Act 2005</i>	14.4.2005	Pt 3 (ss 6—11)—1.6.2005 ( <i>Gazette 26.5.2005 p1365</i> ) except ss 12 & 13—1.12.2005 ( <i>Gazette 10.11.2005 p3927</i> )
2005	10	<i>Motor Vehicles (Licences and Learner's Permits) Amendment Act 2005</i>	21.4.2005	Sch 1 (cll 1 & 2)—31.10.2005 ( <i>Gazette 13.10.2005 p3698</i> )
2005	23	<i>Road Traffic (Excessive Speed) Amendment Act 2005</i>	9.6.2005	Pt 2 (ss 4—7)—1.12.2005 ( <i>Gazette 10.11.2005 p3926</i> )
2005	53	<i>Statutes Amendment (Transport Portfolio) Act 2005</i>	27.10.2005	Pt 4 (ss 7—13)—17.11.2005 ( <i>Gazette 17.11.2005 p3973</i> )
2005	77	<i>Road Traffic (Drug Driving) Amendment Act 2005</i>	8.12.2005	Pt 2 (ss 4—18) & Pt 3 (s 19)—1.7.2006 ( <i>Gazette 8.6.2006 p1600</i> )
2005	81	<i>Statutes Amendment (Vehicle and Vessel Offences) Act 2005</i>	8.12.2005	Pt 5 (ss 18—26)—30.7.2006 ( <i>Gazette 27.7.2006 p2400</i> )
2006	13	<i>Statutes Amendment (Road Transport Compliance and Enforcement) Act 2006</i>	29.6.2006	Pt 2 (s 4)—1.7.2006 ( <i>Gazette 29.6.2006 p2101</i> ) and Pt 3 (ss 5—45)—30.4.2007 ( <i>Gazette 26.4.2007 p1353</i> )
2006	39	<i>Road Traffic (Notices of Licence Disqualification or Suspension) Amendment Act 2006</i>	14.12.2006	14.12.2006
2006	43	<i>Statutes Amendment (Domestic Partners) Act 2006</i>	14.12.2006	Pt 77 (s 190)—1.6.2007 ( <i>Gazette 26.4.2007 p1352</i> )
2008	22	<i>Road Traffic (Heavy Vehicle Driver Fatigue) Amendment Act 2008</i>	26.6.2008	29.9.2008 ( <i>Gazette 11.9.2008 p4302</i> )

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

2008	26	<i>Statutes Amendment (Transport Portfolio) Act 2008</i>	26.6.2008	Pt 5 (ss 26, 27 & 29—33)—25.9.2008 ( <i>Gazette 18.9.2008 p4504</i> ); s 28—1.6.2009 ( <i>Gazette 30.4.2009 p1543</i> )
2009	8	<i>Statutes Amendment (Transport Portfolio—Alcohol and Drugs) Act 2009</i>	12.3.2009	Pt 5 (ss 28, 29(1), 30, 31(5), 33(1), 34(1), (2), 35(3) & 39)—1.5.2009 ( <i>Gazette 9.4.2009 p1349</i> ); ss 29(2), 31(1)—(4), (6), (7), 32, 33(2), 34(3), 35(1), (2), (4), 37, 38 & 40)—1.2.2010 ( <i>Gazette 10.12.2009 p6169</i> ); s 36—12.3.2011 ( <i>Gazette 27.1.2011 p292</i> )
2009	41	<i>Road Traffic (Miscellaneous) Amendment Act 2009</i>	1.10.2009	5.11.2009 ( <i>Gazette 5.11.2009 p5092</i> )
2009	71	<i>Motor Vehicles (Miscellaneous No 2) Amendment Act 2009</i>	10.12.2009	Sch 1 (cl 1)—4.9.2010 ( <i>Gazette 24.6.2010 p3155</i> )
2010	5	<i>Health Practitioner Regulation National Law (South Australia) Act 2010</i>	1.7.2010	Sch 1 (cl 26)—1.7.2010 ( <i>Gazette 1.7.2010 p3338</i> )
2010	18	<i>Statutes Amendment (Driving Offences) Act 2010</i>	14.10.2010	Pt 3 (ss 8—10)—21.8.2011 ( <i>Gazette 18.8.2011 p3490</i> )
2010	22	<i>Statutes Amendment (Budget 2010) Act 2010</i>	18.11.2010	Pt 13 (ss 86 & 87)—1.7.2011 ( <i>Gazette 29.4.2011 p1289</i> )
2010	26	<i>Road Traffic (Use of Test and Analysis Results) Amendment Act 2010</i>	2.12.2010	2.12.2010
2011	13	<i>Statutes Amendment (Transport Portfolio—Penalties) Act 2011</i>	12.5.2011	Pt 4 (ss 30—42)—30.6.2011 ( <i>Gazette 19.5.2011 p1508</i> )
2011	50	<i>Road Traffic (Red Light Offences) Amendment Act 2011</i>	8.12.2011	22.3.2012 ( <i>Gazette 22.3.2012 p1039</i> )
2012	23	<i>Road Traffic (Average Speed) Amendment Act 2012</i>	7.6.2012	1.1.2014 ( <i>Gazette 19.12.2013 p4926</i> )
2013	25	<i>Road Traffic (Emergency Service Speed Zones) Amendment Act 2013</i>	27.6.2013	1.9.2014 ( <i>Gazette 16.1.2014 p122</i> )
2013	35	<i>Statutes Amendment (Heavy Vehicle National Law) Act 2013</i>	1.8.2013	Pt 3 (ss 8, 9(1)—(3), (4) (except substitution of <i>bus</i> ), (5)—(27), 10—78 & Sch 1)—10.2.2014 ( <i>Gazette 6.2.2014 p551</i> ); s 9(4) substitution of <i>bus</i> —uncommenced
2013	64	<i>Statutes Amendment (Transport Portfolio) Act 2013</i>	21.11.2013	Pt 3 (ss 15 & 16)—16.1.2014 ( <i>Gazette 16.1.2014 p123</i> )
2013	90	<i>Statutes Amendment (Dangerous Driving) Act 2013</i>	5.12.2013	Pt 3 (s 6)—26.1.2014 ( <i>Gazette 23.1.2014 p344</i> )
2016	5	<i>Road Traffic (Issue of Free Tickets by Parking Ticket-Vending Machines) Amendment Act 2016</i>	17.3.2016	17.3.2016
2017	7	<i>Statutes Amendment and Repeal (Simplify) Act 2017</i>	15.3.2017	Pt 28 (s 102)—14.7.2017 ( <i>Gazette 22.6.2017 p2224</i> )
2017	12	<i>Road Traffic (Roadworks) Amendment Act 2017</i>	26.4.2017	1.6.2018 ( <i>Gazette 19.12.2017 p5121</i> )

---

2017	38	<i>Statutes Amendment (Transport Online Transactions and Other Matters) Act 2017</i>	10.10.2017	Pt 5 (ss 34—41)—19.12.2017; Sch 1 (Pt 5)—20.3.2018 ( <i>Gazette 19.12.2017 p5122</i> ) (Amendments to s 83A(1) and (2) purportedly made by Sch 1 Pt 5 are of no effect because of other amendments.)
2017	53	<i>Statutes Amendment (Sentencing) Act 2017</i>	28.11.2017	Pt 17 (s 27)—30.4.2018 ( <i>Gazette 6.2.2018 p612</i> )
2017	54	<i>Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Act 2017</i>	28.11.2017	Pt 3 (ss 12 to 14)—1.5.2019 ( <i>Gazette 21.3.2019 p928</i> ); s 11—21.11.2019 ( <i>Gazette 21.11.2019 p3928</i> )
2017	63	<i>Statutes Amendment (Drink and Drug Driving) Act 2017</i>	12.12.2017	Pt 5 (ss 19(4), 25(1), (7), 31(2), (3) & 33)—22.2.2018; ss 21(3), 25(5) & (6)—8.3.2018; ss 17, 18, 19(1) to (3), 20, 21(1), (2), 22 to 24, 25(2) to (4), 26 to 30, 31(1), (4) & 32—24.4.2018 ( <i>Gazette 13.2.2018 p732</i> )
2018	(229)	<i>Health Practitioner Regulation National Law (South Australia) (Amendment of Law) (No 3) Regulations 2018</i> ( <i>Gazette 29.11.2018 p4077</i> )	—	Sch 1 (cl 5)—1.12.2018: r 2
2018	41	<i>Road Traffic (Evidentiary Provisions) Amendment Act 2018</i>	13.12.2018	13.12.2018
2019	24	<i>Statutes Amendment (Budget Measures) Act 2019</i>	3.10.2019	Pt 3 (ss 13 to 15)—3.10.2019: s 2(1)
2019	25	<i>Statutes Amendment and Repeal (Simplify) Act 2019</i>	3.10.2019	Pt 43 (s 87)—uncommenced: s 2(2)
2019	39	<i>Statutes Amendment (South Eastern Freeway Offences) Act 2019</i>	6.12.2019	Pt 3 (ss 4 to 6) & Sch 1—6.12.2019
2020	20	<b><i>Statutes Amendment (Licence Disqualification) Act 2020</i></b>	<b>9.7.2020</b>	<b>Pt 3 (s 5)—30.11.2020 (<i>Gazette 26.11.2020 p5372</i>)</b>
2021	17	<i>Statutes Amendment (Transport Portfolio) Act 2021</i>	20.5.2021	Pt 8 (ss 46 to 64)—uncommenced

## Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 9 of The Public General Acts of South Australia 1837-1975 at page 592.
- Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 1 January 1985 and as at 16 January 1989. Schedules of these alterations were laid before Parliament on 12 February 1985 and 14 February 1989 respectively.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 35/2013 s 8	10.2.2014
Pt 1		

## Road Traffic Act 1961—30.11.2020 to 2.10.2021

### Legislative history

s 2	deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted	16.1.1989
	inserted by 39/1999 s 3	1.12.1999
s 3	<i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i>	1.1.1985
s 4	<i>amended by 103/1976 s 3</i>	1.3.1977
	<i>amended by 24/1981 s 3</i>	19.3.1981
	<i>deleted in pursuance of the Acts Republication Act 1967</i>	1.1.1985
s 5		
s 5(1)	s 5 redesignated as s 5(1) by 103/1976 s 4(d)	1.3.1977
accident	inserted by 8/2003 s 21(a)	15.12.2003
animal	<i>deleted by 39/1999 s 4(a)</i>	1.12.1999
approved road transport compliance scheme	inserted by 13/2006 s 5(1)	30.4.2007
	<i>deleted by 35/2013 s 9(1)</i>	10.2.2014
area	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
articulated motor vehicle	substituted by 20/1999 s 3(a)	1.12.1999
associate	inserted by 13/2006 s 5(2)	30.4.2007
	<i>deleted by 35/2013 s 9(1)</i>	10.2.2014
Australian Authority	inserted by 13/2006 s 5(2)	30.4.2007
Australian police officer	inserted by 13/2006 s 5(2)	30.4.2007
	<i>deleted by 35/2013 s 9(1)</i>	10.2.2014
Australian road law	inserted by 13/2006 s 5(2)	30.4.2007
Australian road law offence	inserted by 13/2006 s 5(2)	30.4.2007
Australian Road Rules	inserted by 39/1999 s 4(b)	1.12.1999
	<i>deleted by 38/2017 s 34(1)</i>	19.12.2017
authorised officer	inserted by 13/2006 s 5(3)	30.4.2007
	substituted by 35/2013 s 9(2)	10.2.2014
axle	amended by 103/1976 s 4(a)	1.3.1977
	substituted by 25/1989 s 3(a)	1.7.1989
	substituted by 20/1999 s 3(a)	1.12.1999
axle group	inserted by 20/1999 s 3(a)	1.12.1999
barrier line	<i>deleted by 39/1999 s 4(c)</i>	1.12.1999
base	inserted by 13/2006 s 5(4)	30.4.2007
	<i>deleted by 35/2013 s 9(3)</i>	10.2.2014
bicycle	inserted by 39/1999 s 4(c)	1.12.1999
	amended by 64/2013 s 15	16.1.2014

	amended by 38/2017 s 34(2), (3)	19.12.2017
body corporate	inserted by 13/2006 s 5(5)	30.4.2007
breach of a light vehicle mass, dimension or load restraint requirement	inserted by 35/2013 s 9(4)	10.2.2014
breach of a light vehicle standards or maintenance requirement	inserted by 35/2013 s 9(4)	10.2.2014
<i>breach of a mass, dimension or load restraint requirement</i>	<i>inserted by 13/2006 s 5(5)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(4)</i>	<i>10.2.2014</i>
<i>breach of a mass, dimension or load restraint requirement in another jurisdiction</i>	<i>deleted by 35/2013 s 9(4)</i>	<i>10.2.2014</i>
<i>breach of a mass, dimension or load restraint requirement in this State</i>	<i>deleted by 35/2013 s 9(4)</i>	<i>10.2.2014</i>
<i>breach of a vehicle standards or maintenance requirement</i>	<i>inserted by 13/2006 s 5(5)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(4)</i>	<i>10.2.2014</i>
<i>bicycle lane</i>	<i>inserted by 10/1993 s 3(a)</i>	<i>30.4.1993</i>
	<i>deleted by 39/1999 s 4(c)</i>	<i>1.12.1999</i>
<i>bikeway</i>	<i>inserted by 10/1993 s 3(a)</i>	<i>30.4.1993</i>
	<i>deleted by 39/1999 s 4(c)</i>	<i>1.12.1999</i>
<i>box right turn</i>	<i>inserted by 10/1993 s 3(a)</i>	<i>30.4.1993</i>
	<i>deleted by 39/1999 s 4(c)</i>	<i>1.12.1999</i>
bus	substituted by 20/1999 s 3(b)	1.12.1999
	substituted by 35/2013 s 9(4)	uncommenced—not incorporated
capabilities	inserted by 13/2006 s 5(6)	30.4.2007
carriageway	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>substituted by 10/1993 s 3(b)</i>	<i>30.4.1993</i>
	<i>amended by 88/1994 s 3(a)</i>	<i>5.1.1995</i>
	<i>deleted by 39/1999 s 4(d)</i>	<i>1.12.1999</i>
combination	inserted by 20/1999 s 3(c)	1.12.1999
	amended by 35/2013 s 9(5)	10.2.2014

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

<i>commercial motor vehicle</i>	<i>deleted by 35/2013 s 9(6)</i>	10.2.2014
condition	inserted by 39/1999 s 4(e)	1.12.1999
conduct	inserted by 13/2006 s 5(7)	30.4.2007
	substituted by 35/2013 s 9(7)	10.2.2014
<i>consignee</i>	<i>inserted by 13/2006 s 5(7)</i>	30.4.2007
	<i>amended by 22/2008 s 4(1)—(3)</i>	29.9.2008
	<i>deleted by 35/2013 s 9(8)</i>	10.2.2014
<i>consignor</i>	<i>inserted by 13/2006 s 5(7)</i>	30.4.2007
	<i>amended by 22/2008 s 4(4)—(10)</i>	29.9.2008
	<i>deleted by 35/2013 s 9(8)</i>	10.2.2014
<i>container weight declaration</i>	<i>inserted by 13/2006 s 5(7)</i>	30.4.2007
	<i>deleted by 35/2013 s 9(8)</i>	10.2.2014
contravene	inserted by 13/2006 s 5(7)	30.4.2007
corresponding Authority	inserted by 13/2006 s 5(7)	30.4.2007
corresponding law	inserted by 13/2006 s 5(7)	30.4.2007
corresponding road law	inserted by 13/2006 s 5(7)	30.4.2007
<i>crossover</i>	<i>deleted by 39/1999 s 4(f)</i>	1.12.1999
council	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
cycle	amended by 20/1999 s 3(d)	1.12.1999
	amended by 39/1999 s 4(g)	1.12.1999
<i>divided road</i>	<i>deleted by 39/1999 s 4(h)</i>	1.12.1999
<i>dividing strip</i>	<i>deleted by 39/1999 s 4(h)</i>	1.12.1999
drink driving offence	inserted by 8/2009 s 28(1)	1.5.2009
	substituted by 63/2017 s 17(1)	24.4.2018
drive	substituted by 39/1999 s 4(h)	1.12.1999
	substituted by 35/2013 s 9(9)	10.2.2014
driver	substituted by 39/1999 s 4(h)	1.12.1999
	amended by 13/2006 s 5(8)	30.4.2007
	substituted by 35/2013 s 9(9)	10.2.2014
driver's licence	inserted by 99/1981 s 3(a)	7.1.1982
	amended by 13/2006 s 5(9)	30.4.2007
drug driving offence	inserted by 8/2009 s 28(2)	1.5.2009
	substituted by 63/2017 s 17(2)	24.4.2018
employee	inserted by 13/2006 s 5(10)	30.4.2007
	amended by 35/2013 s 9(10)	10.2.2014
employer	inserted by 13/2006 s 5(10)	30.4.2007
engage in conduct	inserted by 13/2006 s 5(10)	30.4.2007
equipment	inserted by 13/2006 s 5(10)	30.4.2007

<i>expressway</i>	<i>inserted by 57/1997 s 3</i>	11.12.1997
	<i>deleted by 39/1999 s 4(i)</i>	1.12.1999
extract	inserted by 13/2006 s 5(10)	30.4.2007
<i>footpath</i>	<i>deleted by 39/1999 s 4(i)</i>	1.12.1999
<i>freight container</i>	<i>inserted by 13/2006 s 5(10)</i>	30.4.2007
	<i>deleted by 35/2013 s 9(11)</i>	10.2.2014
garage address	inserted by 13/2006 s 5(10)	30.4.2007
	substituted by 35/2013 s 9(11)	10.2.2014
GCM	inserted by 13/2006 s 5(10)	30.4.2007
<i>give way line</i>	<i>deleted by 39/1999 s 4(i)</i>	1.12.1999
<i>give way sign</i>	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>deleted by 39/1999 s 4(i)</i>	1.12.1999
goods	inserted by 13/2006 s 5(10)	30.4.2007
	amended by 35/2013 s 9(12)	10.2.2014
<i>gross combination mass</i>	<i>inserted by 103/1976 s 4(b)</i>	1.3.1977
	<i>deleted by 25/1989 s 3(b)</i>	1.7.1989
<i>gross combination mass limit</i>	<i>inserted by 103/1976 s 4(b)</i>	1.3.1977
	<i>deleted by 25/1989 s 3(b)</i>	1.7.1989
<i>gross vehicle mass</i>	<i>inserted by 103/1976 s 4(b)</i>	1.3.1977
	<i>deleted by 25/1989 s 3(b)</i>	1.7.1989
<i>gross vehicle mass limit</i>	<i>inserted by 103/1976 s 4(b)</i>	1.3.1977
	<i>deleted by 25/1989 s 3(b)</i>	1.7.1989
<i>group of axles</i>	<i>inserted by 25/1989 s 3(b)</i>	1.7.1989
	<i>deleted by 20/1999 s 3(e)</i>	1.12.1999
GVM	inserted by 13/2006 s 5(10)	30.4.2007
heavy vehicle	inserted by 13/2006 s 5(10)	30.4.2007
	substituted by 35/2013 s 9(13)	10.2.2014
Heavy Vehicle National Law (South Australia)	inserted by 35/2013 s 9(13)	10.2.2014
Heavy Vehicle National Regulations (South Australia)	inserted by 35/2013 s 9(13)	10.2.2014
home address	inserted by 13/2006 s 5(10)	30.4.2007
<i>hook right turn</i>	<i>inserted by 88/1994 s 3(b)</i>	5.1.1995
	<i>deleted by 39/1999 s 4(i)</i>	1.12.1999
<i>improved road</i>	<i>deleted by 39/1999 s 4(i)</i>	1.12.1999
<i>inspector</i>	<i>deleted by 13/2006 s 5(10)</i>	30.4.2007
intelligent transport system	inserted by 13/2006 s 5(11)	30.4.2007
<i>intersection</i>	<i>deleted by 39/1999 s 4(j)</i>	1.12.1999

## Road Traffic Act 1961—30.11.2020 to 2.10.2021

### Legislative history

journey documentation	inserted by 13/2006 s 5(11)	30.4.2007
	amended by 38/2017 s 34(4)	19.12.2017
<i>junction</i>	<i>deleted by 39/1999 s 4(j)</i>	<i>1.12.1999</i>
jurisdiction	inserted by 13/2006 s 5(11)	30.4.2007
learner's permit	inserted by 13/2006 s 5(11)	30.4.2007
legal entitlements	inserted by 13/2006 s 5(11)	30.4.2007
	substituted by 35/2013 s 9(14)	10.2.2014
	substituted by 38/2017 s 34(5)	19.12.2017
<i>level crossing</i>	<i>deleted by 39/1999 s 4(j)</i>	<i>1.12.1999</i>
light motor vehicle	inserted by 35/2013 s 9(14)	10.2.2014
light vehicle	inserted by 35/2013 s 9(14)	10.2.2014
light vehicle mass and loading requirements	inserted by 35/2013 s 9(14)	10.2.2014
light vehicle mass, dimension or load restraint requirement	inserted by 35/2013 s 9(14)	10.2.2014
light vehicle standards	inserted by 35/2013 s 9(14)	10.2.2014
load	inserted by 13/2006 s 5(11)	30.4.2007
	substituted by 35/2013 s 9(14)	10.2.2014
<i>loader</i>	<i>inserted by 13/2006 s 5(11)</i>	<i>30.4.2007</i>
	<i>amended by 22/2008 s 4(11)–(16)</i>	<i>29.9.2008</i>
	<i>deleted by 35/2013 s 9(15)</i>	<i>10.2.2014</i>
<i>mass</i>	<i>inserted by 25/1989 s 3(c)</i>	<i>1.7.1989</i>
	<i>deleted by 20/1999 s 3(f)</i>	<i>1.12.1999</i>
<i>mass and loading requirements</i>	<i>inserted by 20/1999 s 3(f)</i>	<i>1.12.1999</i>
	<i>deleted by 35/2013 s 9(15)</i>	<i>10.2.2014</i>
<i>mass, dimension or load restraint requirement</i>	<i>inserted by 13/2006 s 5(12)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(15)</i>	<i>10.2.2014</i>
mass limit	inserted by 13/2006 s 5(12)	30.4.2007
	amended by 35/2013 s 9(16)	10.2.2014
<i>minor risk breach</i>	<i>inserted by 13/2006 s 5(12)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(17)</i>	<i>10.2.2014</i>
motor bike	inserted by 20/1999 s 3(f)	1.12.1999
<i>motor cycle</i>	<i>deleted by 20/1999 s 3(f)</i>	<i>1.12.1999</i>
motor vehicle	substituted by 20/1999 s 3(f)	1.12.1999
night	inserted by 13/2006 s 5(13)	30.4.2007
omnibus	amended by 24/1981 s 4	19.3.1981
<i>one way carriageway</i>	<i>deleted by 39/1999 s 4(k)</i>	<i>1.12.1999</i>

operator	inserted by 20/1999 s 3(g)	1.12.1999
	substituted by 13/2006 s 5(13)	30.4.2007
	amended by 35/2013 s 9(18)	10.2.2014
owner	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	substituted by 20/1999 s 3(g)	1.12.1999
	substituted by 13/2006 s 5(13)	30.4.2007
<i>package</i>	<i>inserted by 13/2006 s 5(13)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(19)</i>	<i>10.2.2014</i>
<i>packaging</i>	<i>inserted by 13/2006 s 5(13)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(19)</i>	<i>10.2.2014</i>
<i>packer</i>	<i>inserted by 13/2006 s 5(13)</i>	<i>30.4.2007</i>
	<i>amended by 22/2008 s 4(17)—(21)</i>	<i>29.9.2008</i>
	<i>deleted by 35/2013 s 9(19)</i>	<i>10.2.2014</i>
park	inserted by 39/1999 s 4(l)	1.12.1999
<i>passenger</i>	<i>deleted by 39/1999 s 4(l)</i>	<i>1.12.1999</i>
<i>pedal cycle</i>	<i>deleted by 39/1999 s 4(l)</i>	<i>1.12.1999</i>
pedestrian	inserted by 74/1988 s 3	1.1.1989
	amended by 64/1995 s 3(a)	1.2.1996
	substituted by 39/1999 s 4(l)	1.12.1999
<i>pedestrian crossing</i>	<i>deleted by 39/1999 s 4(l)</i>	<i>1.12.1999</i>
<i>period of low visibility</i>	<i>deleted by 39/1999 s 4(l)</i>	<i>1.12.1999</i>
photograph	inserted by 8/2003 s 21(b)	15.12.2003
photographic detection device	inserted by 8/2003 s 21(b)	15.12.2003
premises	inserted by 13/2006 s 5(14)	30.4.2007
prime mover	inserted by 5/1992 s 3(a)	1.6.1992
	substituted by 20/1999 s 3(h)	1.12.1999
	amended by 35/2013 s 9(20)	10.2.2014
public authority	inserted by 13/2006 s 5(15)	30.4.2007
public place	inserted by 13/2006 s 5(15)	30.4.2007
public safety	inserted by 13/2006 s 5(15)	30.4.2007
	substituted by 35/2013 s 9(21)	10.2.2014
quad-axle group	inserted by 20/1999 s 3(h)	1.12.1999
	deleted by 35/2013 s 9(21)	10.2.2014
	inserted by 38/2017 s 34(6)	19.12.2017
<i>radar detector or jammer</i>	<i>inserted by 52/1990 s 3</i>	<i>1.1.1991</i>
	<i>deleted by 39/1999 s 4(m)</i>	<i>1.12.1999</i>
<i>reasonable steps defence</i>	<i>inserted by 13/2006 s 5(16)</i>	<i>30.4.2007</i>
	<i>amended by 22/2008 s 4(22)</i>	<i>29.9.2008</i>
	<i>deleted by 35/2013 s 9(22)</i>	<i>10.2.2014</i>

## Road Traffic Act 1961—30.11.2020 to 2.10.2021

### Legislative history

---

records	inserted by 13/2006 s 5(16)	30.4.2007
<i>registered industry code of practice</i>	<i>inserted by 13/2006 s 5(16)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(22)</i>	<i>10.2.2014</i>
registered operator	inserted by 13/2006 s 5(16)	30.4.2007
	substituted by 26/2008 s 26(1)	25.9.2008
registered owner	inserted by 13/2006 s 5(16)	30.4.2007
	substituted by 26/2008 s 26(1)	25.9.2008
Registrar of Motor Vehicles	inserted by 13/2006 s 5(16)	30.4.2007
<i>responsible entity</i>	<i>inserted by 13/2006 s 5(16)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(22)</i>	<i>10.2.2014</i>
responsible person	inserted by 13/2006 s 5(16)	30.4.2007
	substituted by 35/2013 s 9(23)	10.2.2014
<i>rider and ride</i>	<i>deleted by 39/1999 s 4(m)</i>	<i>1.12.1999</i>
ride	inserted by 39/1999 s 4(m)	1.12.1999
rider	inserted by 39/1999 s 4(m)	1.12.1999
road	amended by 10/1993 s 3(c)	30.4.1993
	substituted by 20/1999 s 3(i)	1.12.1999
road authority	inserted by 13/2006 s 5(17)	30.4.2007
road infrastructure	inserted by 13/2006 s 5(17)	30.4.2007
road law	inserted by 13/2006 s 5(17)	30.4.2007
road law offence	inserted by 13/2006 s 5(17)	30.4.2007
road-related area	inserted by 20/1999 s 3(i)	1.12.1999
	amended by 13/2006 s 5(18)	30.4.2007
	(e) deleted by 13/2006 s 5(18)	30.4.2007
	amended by 26/2008 s 26(2)	25.9.2008
<i>roundabout</i>	<i>amended by 27/1986 s 3(b)</i>	<i>1.7.1986</i>
	<i>deleted by 39/1999 s 4(n)</i>	<i>1.12.1999</i>
<i>run</i>	<i>inserted by 13/2006 s 5(19)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(23)</i>	<i>10.2.2014</i>
<i>school</i>	<i>inserted by 18/1998 s 3(a)</i>	<i>20.7.1998</i>
	<i>deleted by 39/1999 s 4(n)</i>	<i>1.12.1999</i>
<i>school bus</i>	<i>deleted by 39/1999 s 4(n)</i>	<i>1.12.1999</i>
<i>school zone</i>	<i>inserted by 18/1998 s 3(b)</i>	<i>20.7.1998</i>
	<i>deleted by 39/1999 s 4(n)</i>	<i>1.12.1999</i>
semi-trailer	inserted by 5/1992 s 3(b)	1.6.1992
	substituted by 20/1999 s 3(j)	1.12.1999
	substituted by 35/2013 s 9(24)	10.2.2014
<i>severe risk breach</i>	<i>inserted by 13/2006 s 5(20)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(24)</i>	<i>10.2.2014</i>
<i>shared zone</i>	<i>inserted by 88/1994 s 3(c)</i>	<i>5.1.1995</i>
	<i>deleted by 39/1999 s 4(o)</i>	<i>1.12.1999</i>

single axle	inserted by 20/1999 s 3(k)	1.12.1999
single axle group	inserted by 20/1999 s 3(k)	1.12.1999
<i>small-wheeled vehicle</i>	<i>inserted by 64/1995 s 3(b)</i>	<i>1.2.1996</i>
	<i>deleted by 39/1999 s 4(p)</i>	<i>1.12.1999</i>
specifications	inserted by 13/2006 s 5(21)	30.4.2007
<i>speed zone</i>	<i>substituted by 41/1989 s 3</i>	<i>14.8.1989</i>
	<i>deleted by 39/1999 s 4(p)</i>	<i>1.12.1999</i>
<i>the standing</i>	<i>deleted by 39/1999 s 4(p)</i>	<i>1.12.1999</i>
start	inserted by 35/2013 s 9(25)	10.2.2014
<i>stop line</i>	<i>deleted by 39/1999 s 4(p)</i>	<i>1.12.1999</i>
<i>stop sign</i>	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>deleted by 39/1999 s 4(p)</i>	<i>1.12.1999</i>
<i>substantial risk breach</i>	<i>inserted by 13/2006 s 5(21)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(25)</i>	<i>10.2.2014</i>
tandem axle group	inserted by 25/1989 s 3(d)	1.7.1989
	substituted by 32/1993 s 3(a)	4.11.1993
	substituted by 20/1999 s 3(l)	1.12.1999
<i>the Board</i>	<i>deleted by 27/1986 s 3(a)</i>	<i>1.7.1986</i>
<i>towtruck</i>	<i>inserted by 99/1981 s 3(b)</i>	<i>7.1.1982</i>
	<i>deleted by 39/1999 s 4(q)</i>	<i>1.12.1999</i>
<i>tractor</i>	<i>deleted by 39/1999 s 4(q)</i>	<i>1.12.1999</i>
traffic	inserted by 39/1999 s 4(q)	1.12.1999
traffic control device	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	substituted by 39/1999 s 4(q)	1.12.1999
<i>traffic lights</i>	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>deleted by 39/1999 s 4(q)</i>	<i>1.12.1999</i>
trailer	amended by 10/1993 s 3(d)	30.4.1993
	substituted by 20/1999 s 3(m)	1.12.1999
tram	inserted by 39/1999 s 4(r)	1.12.1999
transport documentation	inserted by 13/2006 s 5(22)	30.4.2007
	amended by 35/2013 s 9(26)	10.2.2014
tri-axle group	inserted by 25/1989 s 3(e)	1.7.1989
	substituted by 32/1993 s 3(b)	4.11.1993
	substituted by 20/1999 s 3(m)	1.12.1999
trolley	inserted by 39/1999 s 4(s)	1.12.1999
twinsteer axle group	inserted by 20/1999 s 3(m)	1.12.1999
<i>two-up driver</i>	<i>inserted by 13/2006 s 5(23)</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 9(27)</i>	<i>10.2.2014</i>

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**  
Legislative history

---

<i>two way carriageway</i>	<i>deleted by 39/1999 s 4(t)</i>	1.12.1999
<i>unit load</i>	<i>inserted by 13/2006 s 5(23)</i>	30.4.2007
	<i>deleted by 35/2013 s 9(27)</i>	10.2.2014
unladen mass	substituted by 103/1976 s 4(c)	1.3.1977
	amended by 26/2008 s 26(3)	25.9.2008
vehicle	amended by 64/1995 s 3(c)	1.2.1996
	substituted by 39/1999 s 4(u)	1.12.1999
<i>vehicle standards</i>	<i>inserted by 20/1999 s 3(n)</i>	1.12.1999
	<i>deleted by 35/2013 s 9(27)</i>	10.2.2014
wheelchair	inserted by 10/1993 s 3(e)	30.4.1993
	substituted by 39/1999 s 4(v)	1.12.1999
wheeled recreational device	inserted by 39/1999 s 4(v)	1.12.1999
	substituted by 38/2017 s 34(7)	19.12.2017
wheeled toy	inserted by 39/1999 s 4(v)	1.12.1999
	substituted by 38/2017 s 34(7)	19.12.2017
s 5(2)	inserted by 103/1976 s 4(d)	1.3.1977
	substituted by 25/1989 s 3(f)	1.7.1989
	amended by 20/1999 s 3(o)	1.12.1999
s 5(3)	inserted by 99/1981 s 3(c)	7.1.1982
	amended by 35/2013 Sch 1	10.2.2014
s 5(4)	inserted by 22/2008 s 4(23)	29.9.2008
s 5A	inserted by 46/1981 s 3	18.6.1981
	deleted by 50/1984 s 3(1) (Sch 5)	1.1.1985
	inserted by 39/1999 s 5	1.12.1999
s 6	amended by 64/1995 s 4	1.2.1996
	substituted by 39/1999 s 5	1.12.1999
s 6A	inserted by 20/1999 s 4	1.12.1999
s 7	amended by 10/1993 s 4	30.4.1993
	amended by 39/1999 s 6	1.12.1999
s 8	deleted by 39/1999 s 7	1.12.1999
	inserted by 13/2006 s 6	30.4.2007
	deleted by 35/2013 s 10	10.2.2014
	inserted by 38/2017 s 35	19.12.2017
s 8A	<i>deleted by 13/2006 s 6</i>	30.4.2007
<i>s 9 before deletion by 35/2013</i>	<i>deleted by 39/1999 s 8</i>	1.12.1999
	<i>inserted by 13/2006 s 6</i>	30.4.2007
s 9(1)	<i>amended by 43/2006 s 190(1)</i>	1.6.2007
s 9(2)	<i>substituted by 43/2006 s 190(2)</i>	1.6.2007
s 9	<i>deleted by 35/2013 s 10</i>	10.2.2014
s 10	inserted by 13/2006 s 6	30.4.2007

Pt 2

Pt 2 Div 1	heading preceding s 10 redesignated as Div 1 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
<i>s 10</i>	<i>deleted by 39/1999 s 9</i>	<i>1.12.1999</i>
<i>heading preceding s 11</i>	<i>deleted by 27/1986 s 4</i>	<i>1.7.1986</i>
s 11	amended by 103/1976 s 5	1.3.1977
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	substituted by 27/1986 s 4	1.7.1986
s 11(1)	amended by 39/1999 s 10(a)	1.12.1999
s 11(2)	amended by 35/2013 Sch 1	10.2.2014
s 11(2a)	inserted by 39/1999 s 10(b)	1.12.1999
s 11(3)	amended by 39/1999 s 10(c)	1.12.1999
s 12	amended by 103/1976 s 6	1.3.1977
	substituted by 27/1986 s 4	1.7.1986
<i>s 13 and 14</i>	<i>deleted by 27/1986 s 4</i>	<i>1.7.1986</i>
<i>s 15</i>	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>deleted by 27/1986 s 4</i>	<i>1.7.1986</i>
Pt 2 Div 2	heading preceding s 16 redesignated as Div 2 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
s 16		
<i>s 16(1) before deletion by 13/2006</i>		
<i>Authority</i>	<i>amended by 103/1976 s 7</i>	<i>1.3.1977</i>
	<i>(d) deleted by 103/1976 s 7</i>	<i>1.3.1977</i>
	<i>amended by 30/1994 Sch 4 cl 2(b)(i)</i>	<i>1.7.1994</i>
	<i>amended by 54/2003 Sch 1 cl 2</i>	<i>1.1.2004</i>
<i>s 16(1)</i>	<i>deleted by 13/2006 s 7</i>	<i>30.4.2007</i>
s 16(2)	amended by 35/2013 Sch 1	10.2.2014
s 17		
s 17(1)	amended by 27/1986 s 5(a)	1.7.1986
	amended by 39/1999 s 11(a), (b)	1.12.1999
	amended by 13/2006 s 8	30.4.2007
	amended by 12/2017 s 4(1)	1.6.2018
s 17(2)	amended by 27/1986 s 5(a)	1.7.1986
	amended by 13/2006 s 8	30.4.2007
	amended by 12/2017 s 4(1)	1.6.2018
s 17(3)	deleted by 27/1986 s 5(b)	1.7.1986
	inserted by 39/1999 s 11(c)	1.12.1999
	amended by 12/2017 s 4(1)	1.6.2018
s 17(4)—(7)	deleted by 27/1986 s 5(b)	1.7.1986
	inserted by 12/2017 s 4(2)	1.6.2018
<i>s 17(8)</i>	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

	<i>deleted by 27/1986 s 5(b)</i>	1.7.1986
s 17(9)	<i>deleted by 27/1986 s 5(b)</i>	1.7.1986
s 18		
s 18(1)	amended by 27/1986 s 6(a), (b)	1.7.1986
	amended by 39/1999 s 12	1.12.1999
	amended by 13/2006 s 9(1)	30.4.2007
s 18(2)—(4)	<i>deleted by 27/1986 s 6(c)</i>	1.7.1986
s 18(5)	amended by 27/1986 s 6(d)	1.7.1986
	amended by 13/2006 s 9(2)	30.4.2007
s 18(6)	amended by 27/1986 s 6(e)	1.7.1986
	amended by 13/2006 s 9(1), (3)	30.4.2007
	amended by 35/2013 Sch 1	10.2.2014
s 18(7)	amended by 13/2006 s 9(2)	30.4.2007
s 19		
s 19(1)	substituted by 42/1979 s 3(a)	1.4.1979
	amended by 18/1998 s 4(a)	20.7.1998
	amended by 13/2006 s 10	30.4.2007
s 19(2)	deleted by 42/1979 s 3(a)	1.4.1979
	inserted by 18/1998 s 4(b)	20.7.1998
	substituted by 39/1999 s 13(a)	1.12.1999
	amended by 13/2006 s 10	30.4.2007
s 19(3) and (4)	<i>deleted by 42/1979 s 3(a)</i>	1.4.1979
s 19(5)	amended by 42/1979 s 3(b)	1.4.1979
	amended by 13/2006 s 10	30.4.2007
	amended by 35/2013 Sch 1	10.2.2014
s 19(6)	inserted by 39/1999 s 13(b)	1.12.1999
s 19A		
s 19A(1)	amended by 13/2006 s 11(1)	30.4.2007
	amended by 35/2013 Sch 1	10.2.2014
s 19A(3)	amended by 13/2006 s 11(2)	30.4.2007
	amended by 35/2013 Sch 1	10.2.2014
s 19A(4)	amended by 35/2013 Sch 1	10.2.2014
s 20 before substitution by 12/2017		
s 20(1)		
hazardous work area	<i>inserted by 66/1996 s 3(a)</i>	6.11.1997
public authority	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>amended by 13/2006 s 44(1)</i>	30.4.2007
work area	<i>inserted by 66/1996 s 3(b)</i>	6.11.1997
work site	<i>inserted by 66/1996 s 3(b)</i>	6.11.1997
s 20(2)	<i>substituted by 25/1980 s 3(a)</i>	1.6.1980
	<i>amended by 27/1986 s 7</i>	1.7.1986

	<i>amended by 66/1996 s 3(c)—(e)</i>	6.11.1997
	<i>amended by 39/1999 s 14(a)</i>	1.12.1999
s 20(2a)	<i>inserted by 25/1980 s 3(a)</i>	1.6.1980
	<i>amended by 66/1996 s 3(f)</i>	6.11.1997
	<i>amended by 35/2013 Sch 1</i>	10.2.2014
s 20(3)	<i>amended by 66/1996 s 3(g)</i>	6.11.1997
s 20(4)	<i>inserted by 25/1980 s 3(b)</i>	1.6.1980
	<i>deleted by 39/1999 s 14(b)</i>	1.12.1999
s 20	substituted by 12/2017 s 5	1.6.2018
s 20A	inserted by 12/2017 s 5	1.6.2018
s 21		
s 21(1a)	inserted by 12/2017 s 6(1)	1.6.2018
s 21(2)	inserted by 39/1999 s 15	1.12.1999
	amended by 13/2006 s 12	30.4.2007
	amended by 12/2017 s 6(2)	1.6.2018
s 21(3)—(5)	inserted by 12/2017 s 6(3)	1.6.2018
s 21A	inserted by 12/2017 s 7	1.6.2018
s 22	inserted by 39/1999 s 15	1.12.1999
	amended by 13/2006 s 44(1)	30.4.2007
	substituted by 12/2017 s 7	1.6.2018
s 23	amended by 103/1976 s 8	1.3.1977
	amended by 85/1985 s 3	2.12.1985
	amended by 27/1986 s 8	1.7.1986
	amended by 76/1998 s 3	14.1.1999
	deleted by 39/1999 s 15	1.12.1999
	inserted by 12/2017 s 7	1.6.2018
s 25	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>amended by 27/1986 s 9</i>	1.7.1986
	<i>amended by 18/1998 s 5</i>	20.7.1998
	<i>deleted by 39/1999 s 15</i>	1.12.1999
s 31		
s 31(1)		
false traffic control device	inserted by 39/1999 s 16(a)	1.12.1999
false traffic sign	<i>substituted by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>deleted by 39/1999 s 16(a)</i>	1.12.1999
s 31(2)	amended by 27/1986 s 10	1.7.1986
	substituted by 39/1999 s 16(b)	1.12.1999
	amended by 13/2006 s 13	30.4.2007
s 31(2a)	inserted by 39/1999 s 16(b)	1.12.1999
s 31(4)	amended by 103/1976 s 9	1.3.1977
s 31(5)	amended by 27/1986 s 10	1.7.1986
	amended by 39/1999 s 16(c)	1.12.1999

## Road Traffic Act 1961—30.11.2020 to 2.10.2021

### Legislative history

Pt 2 Div 3	heading preceding s 32 substituted by 39/1999 s 17	1.12.1999
	heading preceding s 32 redesignated as Div 3 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
s 32	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 27/1986 s 11	1.7.1986
	substituted by 41/1989 s 4	14.8.1989
	amended by 78/1997 s 3	5.2.1998
	substituted by 39/1999 s 17	1.12.1999
s 32(1)	amended by 35/2013 Sch 1	10.2.2014
s 32A and heading	<i>inserted by 88/1994 s 4</i>	5.1.1995
	<i>deleted by 39/1999 s 17</i>	1.12.1999
heading preceding s 33	<i>substituted by 52/1990 s 4</i>	1.1.1991
	<i>deleted by 39/1999 s 17</i>	1.12.1999
s 33	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	substituted by 52/1990 s 4	1.1.1991
s 33(1)	substituted by 53/2005 s 7	17.11.2005
	substituted by 25/2019 s 87(1)	uncommenced—not incorporated
s 33(3)	amended by 17/2001 s 16	1.12.2002
	amended by 25/2019 s 87(2)	uncommenced—not incorporated
s 33(4)	amended by 35/2013 Sch 1	10.2.2014
s 33(7)	amended by 32/1993 s 4(a)	4.11.1993
	amended by 64/1995 s 5	1.2.1996
	amended by 13/2006 s 44(1), (4)	30.4.2007
s 33(9)	amended by 13/2006 s 44(1)	30.4.2007
s 33(9a)	inserted by 32/1993 s 4(b)	4.11.1993
	amended by 35/2013 Sch 1	10.2.2014
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 33(10) event	substituted by 39/1999 s 18	1.12.1999
heading preceding s 34	<i>substituted by 103/1976 s 10</i>	1.3.1977
	<i>deleted by 25/1989 s 4</i>	1.7.1989
	<i>inserted by 58/1998 s 3</i>	3.9.1998
	<i>deleted by 39/1999 s 19</i>	1.12.1999
s 34	substituted by 103/1976 s 10	1.3.1977
	deleted by 25/1989 s 4	1.7.1989
	inserted by 58/1998 s 3	3.9.1998
s 34(1)	amended by 13/2006 s 44(1)	30.4.2007
s 34(2)	amended by 39/1999 s 20	1.12.1999
	amended by 13/2006 s 44(1), (3)	30.4.2007

	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 34(3) and (4)	amended by 13/2006 s 44(1)	30.4.2007
s 34(5)	amended by 35/2013 Sch 1	10.2.2014
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 34(6)	amended by 13/2006 s 44(1)	30.4.2007
s 34(9)		
prescribed police officer	prescribed member of the police force amended to read prescribed police officer by 13/2006 s 44(1)	30.4.2007
<i>Pt 2 Div 4 before substitution by 13/2006</i>	<i>heading preceding s 35 redesignated as Div 4 heading in pursuance of the Acts Republication Act 1967</i>	<i>1.12.1999</i>
s 35		
s 35(1)	amended by 39/1999 s 21(a)	1.12.1999
s 35(1a)	inserted by 39/1999 s 21(b)	1.12.1999
s 35(2)	amended by 42/1979 s 4	1.4.1979
s 35(3)	inserted by 39/1999 s 21(c)	1.12.1999
s 36	amended by 103/1976 s 11	1.3.1977
Pt 2 Div 4	substituted by 13/2006 s 14	30.4.2007
s 35		
s 35(3)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 35(6) and (7)	inserted by 35/2013 s 11	10.2.2014
s 36	deleted by 35/2013 s 12	10.2.2014
s 38	substituted by 35/2013 s 13	10.2.2014
s 39		
s 39(1)	amended by 35/2013 s 14(1), Sch 1	10.2.2014
s 39(2)	substituted by 35/2013 s 14(2)	10.2.2014
s 39(3)	amended by 35/2013 s 14(3), (4)	10.2.2014
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 39(4)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 39(5)	amended by 35/2013 s 14(5)	10.2.2014
s 39(6)	amended by 35/2013 s 14(6)	10.2.2014
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 40		
s 40(1)	amended by 35/2013 s 15	10.2.2014
s 40A	deleted by 35/2013 s 16	10.2.2014
<i>Pt 2 Div 5 before substitution by 13/2006</i>	<i>heading preceding s 37 substituted by 39/1999 s 22</i>	<i>1.12.1999</i>
	<i>heading preceding s 37 redesignated as Div 5 heading in pursuance of the Acts Republication Act 1967</i>	<i>1.12.1999</i>
s 38	amended by 103/1976 s 12	1.3.1977
	amended by 20/1999 s 5	1.12.1999
s 38A	inserted by 39/1999 s 23	1.12.1999
Pt 2 Div 5	substituted by 13/2006 s 14	30.4.2007

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

s 40C	substituted by 35/2013 s 17	10.2.2014
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 40D		
s 40D(1)	substituted by 35/2013 s 18	10.2.2014
ss 40E and 40F	substituted by 35/2013 s 19	10.2.2014
s 40G		
s 40G(1)	amended by 35/2013 s 20	10.2.2014
	amended by 54/2017 s 11	21.11.2019
s 40GA	inserted by 35/2013 s 21	10.2.2014
s 40H		
s 40H(1)	amended by 35/2013 s 22(1)	10.2.2014
s 40H(2)	amended by 35/2013 s 22(2)	10.2.2014
s 40H(3) and (4)	amended by 35/2013 s 22(1)	10.2.2014
s 40I		
s 40I(1)	amended by 35/2013 s 23(1), (2)	10.2.2014
s 40I(2)	amended by 35/2013 s 23(3)	10.2.2014
s 40I(3)	<i>deleted by 35/2013 s 23(4)</i>	<i>10.2.2014</i>
s 40I(5)		
suitable location	amended by 35/2013 s 23(5)	10.2.2014
s 40J		
s 40J(1)	amended by 35/2013 s 24(1), (2)	10.2.2014
s 40K		
s 40K(1)—(3)	amended by 35/2013 s 25	10.2.2014
s 40M		
s 40M(1)	amended by 35/2013 s 26(1), (2)	10.2.2014
s 40N		
s 40N(1)	amended by 35/2013 s 27(1)—(3)	10.2.2014
s 40N(6)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 40P		
s 40P(1)	amended by 35/2013 s 28	10.2.2014
s 40P(7)		
relevant authority	amended by 38/2017 s 36	19.12.2017
s 40Q		
s 40Q(2)	amended by 35/2013 s 29(1)	10.2.2014
s 40Q(5)	amended by 35/2013 s 29(2)	10.2.2014
s 40R		
s 40R(2)	amended by 35/2013 s 30(1), (2)	10.2.2014
s 40R(6)	amended by 35/2013 s 30(3)—(5)	10.2.2014
s 40R(8)	amended by 35/2013 s 30(6)	10.2.2014
s 40S		
s 40S(1)	substituted by 35/2013 s 31(1)	10.2.2014
s 40S(2)	amended by 35/2013 s 31(2)	10.2.2014
s 40S(7)	amended by 35/2013 s 31(3)	10.2.2014

s 40T		
s 40T(1)	substituted by 35/2013 s 32(1)	10.2.2014
s 40T(2)	amended by 35/2013 s 32(2), (3)	10.2.2014
s 40T(9)	amended by 35/2013 s 32(4)—(6)	10.2.2014
s 40T(11)	amended by 35/2013 s 32(7)	10.2.2014
s 40V		
s 40V(2)	amended by 35/2013 s 33(1)	10.2.2014
s 40V(3)	amended by 35/2013 s 33(2)	10.2.2014
s 40W		
s 40W(1)	amended by 35/2013 s 34	10.2.2014
s 40X		
s 40X(1)	amended by 35/2013 s 35	10.2.2014
s 40Y		
s 40Y(1)	amended by 35/2013 s 36(1)	10.2.2014
s 40Y(3)	amended by 35/2013 s 36(2)	10.2.2014
s 40Y(7)	amended by 35/2013 s 36(3)	10.2.2014
s 40Z		
s 40Z(1)	amended by 35/2013 s 37(1)	10.2.2014
s 40Z(2)	amended by 35/2013 s 37(1), (2)	10.2.2014
s 40Z(3)	amended by 35/2013 s 37(1)	10.2.2014
s 40Z(4)	amended by 35/2013 s 37(1)	10.2.2014
s 40Z(5)	amended by 35/2013 s 37(1)	10.2.2014
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 41B		
s 41B(1)	amended by 35/2013 s 38	10.2.2014
s 41C		
s 41C(1) and (2)	amended by 35/2013 s 39	10.2.2014
s 41D		
s 41D(1)	amended by 35/2013 s 40	10.2.2014
s 41E		
s 41E(1)	amended by 35/2013 s 41	10.2.2014
s 41E(2)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 41F	amended by 35/2013 s 42	10.2.2014
s 41G	<i>deleted by 35/2013 s 43</i>	<i>10.2.2014</i>
s 41I	substituted by 35/2013 s 44	10.2.2014
s 41J	amended by 35/2013 s 45	10.2.2014
s 41M	amended by 35/2013 s 46	10.2.2014
s 41O	amended by 35/2013 s 47	10.2.2014
Pt 2A	inserted by 13/2006 s 14	30.4.2007
Pt 3	heading amended by 39/1999 s 24	1.12.1999
<i>heading preceding s 39</i>	<i>deleted by 39/1999 s 25</i>	<i>1.12.1999</i>
s 39	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**  
Legislative history

---

	<i>deleted by 39/1999 s 25</i>	1.12.1999
s 40	<i>amended by 15/1984 s 3</i>	5.7.1984
	<i>amended by 85/1985 s 4</i>	2.12.1985
	<i>amended by 74/1988 s 4</i>	1.1.1989
	<i>amended by 33/1996 s 2</i>	2.5.1996
	<i>amended by 66/1996 s 4</i>	6.11.1997
	<i>amended by 58/1998 s 4</i>	22.10.1998
	<i>deleted by 39/1999 s 25</i>	1.12.1999
<i>Pt 3 Div 1 before deletion by 13/2006</i>	<i>heading preceding s 41 redesignated as Div 1 heading in pursuance of the Acts Republication Act 1967</i>	1.12.1999
s 41		
s 41(1)	<i>amended by 32/1993 s 5(a)</i>	4.11.1993
	<i>amended by 64/1995 s 6</i>	1.2.1996
	<i>amended by 39/1999 s 26</i>	1.12.1999
s 41(2)	<i>amended by 103/1976 s 13</i>	1.3.1977
s 41(3)	<i>inserted by 32/1993 s 5(b)</i>	4.11.1993
s 42		
s 42(1)	<i>amended by 103/1976 s 14(a)</i>	1.3.1977
	<i>amended by 20/1999 s 6</i>	1.12.1999
s 42(2)	<i>amended by 103/1976 s 14(b)</i>	1.3.1977
<i>Pt 3 Div 1</i>	<i>deleted by 13/2006 s 15</i>	30.4.2007
<i>Pt 3 Div 2</i>	<i>heading preceding s 43 substituted by 39/1999 s 27</i>	1.12.1999
	<i>heading preceding s 43 redesignated as Div 2 heading in pursuance of the Acts Republication Act 1967</i>	1.12.1999
s 43	<i>amended by 103/1976 s 15</i>	1.3.1977
	<i>amended by 42/1979 s 5</i>	1.4.1979
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>amended by 92/1986 s 3</i>	18.12.1986
	<i>amended by 105/1987 s 3</i>	1.7.1988
	<i>amended by 51/1988 s 71</i>	1.1.1989
	<i>amended by 30/1994 Sch 4 cl 2(b)(ii), (iii)</i>	1.7.1994
	<i>substituted by 39/1999 s 27</i>	1.12.1999
s 43(1)	<i>amended by 8/2003 s 22</i>	15.12.2003
	<i>substituted by 81/2005 s 18(1)</i>	30.7.2006
	<i>amended by 13/2006 s 44(1)</i>	30.4.2007
	<i>amended by 38/2017 Sch 1 Pt 5</i>	20.3.2018
s 43(2)	<i>amended by 35/2013 Sch 1</i>	10.2.2014
s 43(3)	<i>amended by 8/2003 s 22</i>	15.12.2003
	<i>substituted by 81/2005 s 18(2)</i>	30.7.2006
	<i>amended by 13/2006 s 44(1)</i>	30.4.2007
	<i>amended by 38/2017 Sch 1 Pt 5</i>	20.3.2018

Pt 3 Div 3	heading preceding s 44 amended by 37/1992 s 5	6.7.1992
	heading preceding s 44 redesignated as Div 3 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
s 44	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	deleted by 37/1992 s 6	6.7.1992
s 44A	amended by 103/1976 s 16	1.3.1977
	amended by 26/2002 s 19(2) (Sch 3 cl 6)	5.7.2003
Pt 3 Div 4	heading preceding s 45 redesignated as Div 4 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
	heading substituted by 56/2004 s 4	7.2.2005
s 44B	inserted by 56/2004 s 5	7.2.2005
s 44B(1)	substituted by 18/2010 s 8(1)	21.8.2011
s 44B(5)	amended by 35/2013 Sch 1	10.2.2014
s 44B(6)	inserted by 18/2010 s 8(2)	21.8.2011
	amended by 53/2017 s 27	30.4.2018
s 45		
s 45(1)	s 45 amended by 103/1976 s 17	1.3.1977
	s 45 redesignated as s 45(1) by 81/2005 s 19	30.7.2006
s 45(2)	inserted by 81/2005 s 19	30.7.2006
s 45(3)	inserted by 81/2005 s 19	30.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 45(4)	inserted by 81/2005 s 19	30.7.2006
s 45(4a)	inserted by 18/2010 s 9(1)	21.8.2011
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 45(5)	inserted by 81/2005 s 19	30.7.2006
emergency worker	inserted by 18/2010 s 9(2)	21.8.2011
employing authority	inserted by 18/2010 s 9(2)	21.8.2011
s 45A	amended by 103/1976 s 18	1.3.1977
	deleted by 39/1999 s 28	1.12.1999
	inserted by 23/2005 s 4	1.12.2005
s 45A(1)	amended by 26/2008 s 27	25.9.2008
	amended by 13/2011 s 30	30.6.2011
	amended by 24/2019 s 13	3.10.2019
s 45A(2)	deleted by 12/2017 s 8	1.6.2018
s 45A(3)	amended by 35/2013 Sch 1	10.2.2014
s 45B	inserted by 23/2005 s 4	1.12.2005
s 45B(1)	amended by 13/2006 s 44(1)	30.4.2007
s 45B(7)	substituted by 39/2006 s 3(1)	14.12.2006
s 45B(8)	amended by 39/2006 s 3(2)	14.12.2006

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

s 45B(9)	amended by 39/2006 s 3(3)	14.12.2006
s 45B(11) and (12)	inserted by 39/2006 s 3(4)	14.12.2006
s 45C	inserted by 54/2017 s 12	1.5.2019
s 45C(3)	amended by 39/2019 s 4(1)	6.12.2019
s 45C(4)	amended by 39/2019 s 4(2)	6.12.2019
s 45D	inserted by 54/2017 s 12	1.5.2019
s 45D(1)	amended by 39/2019 s 5(1), (2)	6.12.2019
s 45D(1a)	inserted by 39/2019 s 5(3)	6.12.2019
s 45E	inserted by 54/2017 s 12	1.5.2019
s 46		
s 46(1)	amended by 103/1976 s 19(a)	1.3.1977
	amended by 46/1981 s 4(a)	18.6.1981
	amended by 23/2005 s 5(1)	1.12.2005
	amended by 81/2005 s 20	30.7.2006
	amended by 90/2013 s 6	26.1.2014
s 46(3)	inserted by 103/1976 s 19(b)	1.3.1977
	substituted by 46/1981 s 4(b)	18.6.1981
	amended by 51/1988 s 72(a)	1.1.1989
	(c) deleted by 51/1988 s 72(b)	1.1.1989
	amended by 23/2005 s 5(2)	1.12.2005
	amended by 35/2013 Sch 1	10.2.2014
s 46(4)	inserted by 42/1979 s 6	1.4.1979
	substituted by 46/1981 s 4(b)	18.6.1981
s 46(5)	inserted by 18/2010 s 10	21.8.2011
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 46(6)	inserted by 18/2010 s 10	21.8.2011
Pt 3 Div 5	heading preceding s 47 redesignated as Div 5 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
heading	substituted by 77/2005 s 4	1.7.2006
s 47		
s 47(1)	amended by 103/1976 s 20(a)	1.3.1977
	amended by 46/1981 s 5(a)	18.6.1981
	amended by 1/1990 s 2(a), (b)	22.3.1990
	amended by 13/2011 s 31	30.6.2011
s 47(1a) and (1b)	inserted by 63/2017 s 18(1)	24.4.2018
s 47(3)	substituted by 42/1979 s 7	1.4.1979
	substituted by 46/1981 s 5(b)	18.6.1981
	amended by 55/1985 s 3	1.7.1985
	amended by 51/1988 s 73(a)	1.1.1989
	(c) deleted by 51/1988 s 73(b)	1.1.1989
	amended by 1/1990 s 2(c)	22.3.1990
	amended by 52/1999 s 96(a)	9.7.2001

	amended by 91/2000 s 3	16.7.2001
	(da) deleted by 8/2009 s 29(1)	1.5.2009
	amended by 35/2013 Sch 1	10.2.2014
	amended by 63/2017 s 18(2)	24.4.2018
s 47(4)	amended by 103/1976 s 20(b)	1.3.1977
	substituted by 46/1981 s 5(b)	18.6.1981
	amended by 12/1991 s 3	1.7.1991
	substituted by 8/2003 s 23	15.12.2003
	substituted by 8/2009 s 29(2)	1.2.2010
s 47A		
s 47A(1)	s 47A redesignated as s 47A(1) by 8/2003 s 24(b)	19.9.2003
alcotest	amended by 99/1981 s 4	7.1.1982
	substituted by 17/2001 s 17	27.5.2002
analyst	inserted by 53/1986 s 3	1.12.1986
approved blood test kit	inserted by 95/1995 s 13	4.4.1996
	amended by 63/2017 s 19(1)	24.4.2018
<i>breath test</i>	<i>inserted by 46/1981 s 6</i>	<i>18.6.1981</i>
	<i>deleted by 55/1985 s 4</i>	<i>1.7.1985</i>
category 1 offence	inserted by 12/1991 s 4(a)	1.7.1991
	amended by 8/2003 s 24(a)	19.9.2003
category 2 offence	inserted by 12/1991 s 4(a)	1.7.1991
	amended by 8/2003 s 24(a)	19.9.2003
	amended by 63/2017 s 19(2)	24.4.2018
category 3 offence	inserted by 12/1991 s 4(a)	1.7.1991
	amended by 8/2003 s 24(a)	19.9.2003
	amended by 63/2017 s 19(3)	24.4.2018
driver testing station	inserted by 77/2005 s 5(1)	1.7.2006
drug screening test	inserted by 77/2005 s 5(1)	1.7.2006
gross vehicle mass	inserted by 5/1992 s 4(a)	1.6.1992
oral fluid	inserted by 77/2005 s 5(2)	1.7.2006
oral fluid analysis	inserted by 77/2005 s 5(2)	1.7.2006
	substituted by 63/2017 s 19(4)	22.2.2018
prescribed circumstances	inserted by 6/2005 s 6(1)	1.6.2005
	amended by 77/2005 s 5(3), (4)	1.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
	amended by 8/2009 s 30	1.5.2009
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
prescribed concentration of alcohol	substituted by 12/1991 s 4(b)	1.7.1991

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

	amended by 5/1992 s 4(b)	1.6.1992
prescribed drug	inserted by 77/2005 s 5(5)	1.7.2006
prescribed vehicle	inserted by 5/1992 s 4(c)	1.6.1992
s 47A(2)	inserted by 8/2003 s 24(b)	19.9.2003
	substituted by 10/2005 Sch 1 cl 1	31.10.2005
s 47A(2a)	inserted by 6/2005 s 6(2)	1.6.2005
	amended by 77/2005 s 5(6), (7)	1.7.2006
	amended by 13/2006 s 44(1), (3)	30.4.2007
s 47A(3)	inserted by 8/2003 s 24(b)	19.9.2003
	amended by 6/2005 s 6(3)	1.6.2005
	amended by 77/2005 s 5(8)	1.7.2006
s 47B		
s 47B(1)	amended by 103/1976 s 21(a)	1.3.1977
	amended by 46/1981 s 7(a)	18.6.1981
	amended by 1/1990 s 3(a)	22.3.1990
	amended by 12/1991 s 5(a)	1.7.1991
	amended by 8/2003 s 25(a)	15.12.2003
	amended by 13/2011 s 32	30.6.2011
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 47B(1a) and (1b)	inserted by 63/2017 s 20(1)	24.4.2018
s 47B(2)	<i>deleted by 17/2001 s 18</i>	<i>27.5.2002</i>
s 47B(2a)	<i>inserted by 103/1976 s 21(b)</i>	<i>1.3.1977</i>
	<i>deleted by 46/1981 s 7(b)</i>	<i>18.6.1981</i>
s 47B(3)	substituted by 42/1979 s 8	1.4.1979
	substituted by 46/1981 s 7(b)	18.6.1981
	amended by 55/1985 s 5	1.7.1985
	amended by 51/1988 s 74(a)	1.1.1989
	(c) deleted by 51/1988 s 74(b)	1.1.1989
	amended by 1/1990 s 3(b)	22.3.1990
	amended by 12/1991 s 5(b)—(d)	1.7.1991
	amended by 52/1999 s 96(b)	9.7.2001
	amended by 91/2000 s 4	16.7.2001
	amended by 8/2003 s 25(b), (c)	15.12.2003
	(da) deleted by 8/2009 s 31(5)	1.5.2009
	amended by 8/2009 s 31(1)—(4)	1.2.2010
	amended by 35/2013 Sch 1	10.2.2014
	amended by 63/2017 s 21(2)	24.4.2018
s 47B(4)	inserted by 46/1981 s 7(b)	18.6.1981
	amended by 12/1991 s 5(e)	1.7.1991
	substituted by 8/2003 s 25(d)	15.12.2003
	substituted by 8/2009 s 31(6)	1.2.2010
s 47B(5)	inserted by 46/1981 s 7(b)	18.6.1981
	substituted by 12/1991 s 5(f)	1.7.1991

	amended by 34/1996 s 4 (Sch cl 30)	3.2.1997
	substituted by 8/2003 s 25(d)	15.12.2003
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 47B(6)	inserted by 8/2003 s 25(d)	15.12.2003
	substituted by 8/2009 s 31(7)	1.2.2010
s 47B(7)	<i>inserted by 8/2003 s 25(d)</i>	<i>15.12.2003</i>
	<i>deleted by 6/2005 s 7</i>	<i>1.6.2005</i>
s 47BA	inserted by 77/2005 s 6	1.7.2006
s 47BA(1)	amended by 13/2011 s 33	30.6.2011
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 47BA(1a) and (1b)	inserted by 63/2017 s 21(1)	24.4.2018
s 47BA(2)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
	amended by 63/2017 s 21(2)	24.4.2018
s 47BA(3)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 47BA(4)	amended by 8/2009 s 32(1), (2)	1.2.2010
	substituted by 63/2017 s 21(3)	8.3.2018
s 47BA(5)	substituted by 8/2009 s 32(3)	1.2.2010
s 47BA(6)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 47BA(7)	substituted by 8/2009 s 32(4)	1.2.2010
s 47C		
s 47C(1)	amended by 12/1991 s 6(a), (b)	1.7.1991
	amended by 77/2005 s 7(1), (2)	1.7.2006
	amended by 63/2017 s 22	24.4.2018
s 47C(2)	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 35/2013 Sch 1	10.2.2014
s 47C(3)	amended by 12/1991 s 6(c)	1.7.1991
	amended by 77/2005 s 7(1)	1.7.2006
	amended by 63/2017 s 22	24.4.2018
s 47D		
s 47D(1)	amended by 84/1984 s 3	1.1.1985
	amended by 77/2005 s 8(1), (2)	1.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
	amended by 63/2017 s 23	24.4.2018
s 47D(2)	amended by 35/2013 Sch 1	10.2.2014
s 47DA	inserted by 46/1981 s 8	18.6.1981
s 47DA(1)	substituted by 55/1985 s 6(a)	1.7.1985
	amended by 77/2005 s 9(1), (2)	1.7.2006
	amended by 13/2006 s 44(2)	30.4.2007
s 47DA(2)	amended by 55/1985 s 6(b)	1.7.1985
	amended by 77/2005 s 9(1), (3)	1.7.2006
s 47DA(3)	substituted by 55/1985 s 6(c)	1.7.1985
	substituted by 6/2005 s 8	1.6.2005

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**  
Legislative history

---

	amended by 77/2005 s 9(1), (4)	1.7.2006
s 47DA(4)	substituted by 55/1985 s 6(c)	1.7.1985
	substituted by 6/2005 s 8	1.6.2005
screening test	inserted by 77/2005 s 9(5)	1.7.2006
s 47DA(5)	<i>amended by 28/1984 s 3(a)</i>	<i>17.6.1984</i>
	<i>substituted by 55/1985 s 6(c)</i>	<i>1.7.1985</i>
	<i>amended by 52/1990 s 5</i>	<i>22.11.1990</i>
	<i>deleted by 58/1998 s 5</i>	<i>27.5.1999</i>
s 47DA(6)	<i>substituted by 55/1985 s 6(c)</i>	<i>1.7.1985</i>
	<i>deleted by 58/1998 s 5</i>	<i>27.5.1999</i>
s 47DA(7)	<i>amended by 28/1984 s 3(b)</i>	<i>17.6.1984</i>
	<i>amended by 84/1984 s 4</i>	<i>1.1.1985</i>
	<i>deleted by 55/1985 s 6(d)</i>	<i>1.7.1985</i>
s 47E		
s 47E(1)	amended by 42/1979 s 9(a)	1.4.1979
	amended by 24/1980 s 3(a)	1.6.1980
	amended by 46/1981 s 9(a)	18.6.1981
	amended by 39/1999 s 29	1.12.1999
	(b) deleted by 39/1999 s 29	1.12.1999
	amended by 37/2002 s 16	3.7.2003
	substituted by 6/2005 s 9(1)	1.6.2005
	amended by 10/2005 Sch 1 cl 2	31.10.2005
	amended by 77/2005 s 10(1)	1.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
s 47E(1a)	<i>inserted by 42/1979 s 9(b)</i>	<i>1.4.1979</i>
	<i>deleted by 24/1980 s 3(b)</i>	<i>1.6.1980</i>
s 47E(2)	substituted by 84/1984 s 5	1.1.1985
	substituted by 17/2001 s 19(a)	27.5.2002
	substituted by 6/2005 s 9(1)	1.6.2005
	amended by 13/2006 s 44(1)	30.4.2007
s 47E(2a)	inserted by 46/1981 s 9(b)	18.6.1981
	substituted by 55/1985 s 7(a)	1.7.1985
	substituted by 8/2003 s 26(a)	19.9.2003
	substituted by 6/2005 s 9(1)	1.6.2005
	amended by 13/2011 s 34(1)	30.6.2011
s 47E(2ab)	inserted by 8/2003 s 26(a)	19.9.2003
	substituted by 6/2005 s 9(1)	1.6.2005
s 47E(2ac)	<i>inserted by 8/2003 s 26(a)</i>	<i>19.9.2003</i>
	<i>deleted by 6/2005 s 9(1)</i>	<i>1.6.2005</i>
s 47E(2b)	inserted by 46/1981 s 9(b)	18.6.1981
	substituted by 6/2005 s 9(1)	1.6.2005
	substituted by 81/2005 s 21	30.7.2006
s 47E(2c)	<i>inserted by 17/2001 s 19(b)</i>	<i>27.5.2002</i>

	<i>deleted by 6/2005 s 9(1)</i>	1.6.2005
s 47E(2d)	inserted by 17/2001 s 19(b) amended by 13/2006 s 44(1)	27.5.2002 30.4.2007
s 47E(2e)	inserted by 17/2001 s 19(b)	27.5.2002
s 47E(2f)	<i>inserted by 8/2003 s 26(b)</i> <i>deleted by 6/2005 s 9(2)</i>	19.9.2003 1.6.2005
s 47E(3)	amended by 103/1976 s 22(a) amended by 46/1981 s 9(c) amended by 1/1990 s 4(a) amended by 13/2006 s 44(1) amended by 13/2011 s 34(2)	1.3.1977 18.6.1981 22.3.1990 30.4.2007 30.6.2011
s 47E(3a) and (3b)	inserted by 63/2017 s 24(1)	24.4.2018
s 47E(3a)	<i>inserted by 103/1976 s 22(b)</i> <i>deleted by 46/1981 s 9(d)</i>	1.3.1977 18.6.1981
s 47E(4)	amended by 17/2001 s 19(c) amended by 77/2005 s 10(2) amended by 63/2017 s 24(2)	27.5.2002 1.7.2006 24.4.2018
s 47E(4a)	inserted by 77/2005 s 10(3) amended by 13/2006 s 44(1) amended by 38/2017 Sch 1 Pt 5	1.7.2006 30.4.2007 20.3.2018
s 47E(5)	substituted by 95/1995 s 14 amended by 38/2017 Sch 1 Pt 5	4.4.1996 20.3.2018
s 47E(5a)	inserted by 86/1993 s 3 amended by 77/2005 s 10(4)—(7) amended by 13/2006 s 44(1)	1.2.1994 1.7.2006 30.4.2007
s 47E(6)	substituted by 42/1979 s 9(c) substituted by 46/1981 s 9(e) amended by 55/1985 s 7(b), (c) amended by 51/1988 s 75(a) (c) deleted by 51/1988 s 75(b) amended by 1/1990 s 4(b) amended by 52/1999 s 96(c) amended by 91/2000 s 5 (da) deleted by 8/2009 s 33(1) amended by 35/2013 Sch 1 amended by 63/2017 s 24(3)	1.4.1979 18.6.1981 1.7.1985 1.1.1989 1.1.1989 22.3.1990 9.7.2001 16.7.2001 1.5.2009 10.2.2014 24.4.2018
s 47E(7)	inserted by 46/1981 s 9(e) amended by 12/1991 s 7 substituted by 8/2003 s 26(c) substituted by 8/2009 s 33(2)	18.6.1981 1.7.1991 19.9.2003 1.2.2010
s 47E(7a)	inserted by 77/2005 s 10(8) amended by 13/2006 s 44(1) amended by 38/2017 Sch 1 Pt 5	1.7.2006 30.4.2007 20.3.2018

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

s 47E(7b)	inserted by 77/2005 s 10(8)	1.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
s 47E(8)	inserted by 8/2003 s 26(c)	19.9.2003
	substituted by 6/2005 s 9(3)	1.6.2005
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 47E(9) and (10)	<i>inserted by 8/2003 s 26(c)</i>	<i>19.9.2003</i>
	<i>deleted by 6/2005 s 9(3)</i>	<i>1.6.2005</i>
s 47EAA	inserted by 77/2005 s 11	1.7.2006
s 47EAA(1) and (2)	amended by 13/2006 s 44(1)	30.4.2007
s 47EAA(2a)	inserted by 8/2009 s 34(1)	1.5.2009
s 47EAA(3)	amended by 13/2006 s 44(1)	30.4.2007
s 47EAA(4)	amended by 13/2011 s 35(1)	30.6.2011
s 47EAA(5)	substituted by 81/2005 s 22	30.7.2006
s 47EAA(6)	amended by 13/2006 s 44(1)	30.4.2007
s 47EAA(7)	amended by 13/2006 s 44(1)	30.4.2007
	substituted by 63/2017 s 25(1)	22.2.2018
s 47EAA(9)	amended by 13/2006 s 44(1)	30.4.2007
	amended by 13/2011 s 35(2)	30.6.2011
s 47EAA(9a) and (9b)	inserted by 63/2017 s 25(2)	24.4.2018
s 47EAA(10)	amended by 63/2017 s 25(3)	24.4.2018
s 47EAA(11)	amended by 13/2006 s 44(1)	30.4.2007
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 47EAA(12)	amended by 13/2006 s 44(1)	30.4.2007
	amended by 8/2009 s 34(2)	1.5.2009
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 47EAA(13)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 47EAA(14) and (15)	amended by 13/2006 s 44(1)	30.4.2007
s 47EAA(16)	amended by 35/2013 Sch 1	10.2.2014
	amended by 63/2017 s 25(5), (6)	8.3.2018
	amended by 63/2017 s 25(4)	24.4.2018
s 47EAA(17)	substituted by 8/2009 s 34(3)	1.2.2010
s 47EAA(18)	amended by 13/2006 s 44(1)	30.4.2007
	amended by 63/2017 s 25(7)	22.2.2018
s 47EAA(19)	amended by 13/2006 s 44(1)	30.4.2007
s 47EAB	<i>inserted by 13/2006 s 4</i>	<i>1.7.2006</i>
	<i>deleted by 13/2006 s 16</i>	<i>30.4.2007</i>
s 47EA		
s 47EA(1)	s 47EA inserted by 6/2005 s 10	1.6.2005
	s 47EA amended by 77/2005 s 12(1)—(3)	1.7.2006
	s 47EA amended by 13/2006 s 44(1), (2)	30.4.2007

	s 47EA redesignated as s 47EA(1) by 71/2009 Sch 1 cl 1	4.9.2010
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 47EA(2)	inserted by 71/2009 Sch 1 cl 1	4.9.2010
s 47EB	s 47EA inserted by 17/2001 s 20	27.5.2002
	s 47EA redesignated as s 47EB by 6/2005 s 10	1.6.2005
	amended by 35/2013 Sch 1	10.2.2014
<i>s 47F before substitution by 77/2005</i>		
s 47F(1)	<i>substituted by 84/1984 s 6</i>	<i>1.1.1985</i>
	<i>deleted by 86/1993 s 4(a)</i>	<i>1.2.1994</i>
s 47F(2)	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>substituted by 84/1984 s 6</i>	<i>1.1.1985</i>
	<i>amended by 86/1993 s 4(b)</i>	<i>1.2.1994</i>
s 47F(2a)	<i>inserted by 84/1984 s 6</i>	<i>1.1.1985</i>
	<i>amended by 86/1993 s 4(c)</i>	<i>1.2.1994</i>
s 47F(3)	<i>amended by 42/1979 s 10</i>	<i>1.4.1979</i>
	<i>substituted by 86/1993 s 4(d)</i>	<i>1.2.1994</i>
s 47F(4)	<i>deleted by 86/1993 s 4(d)</i>	<i>1.2.1994</i>
s 47F	substituted by 77/2005 s 13	1.7.2006
s 47FA	inserted by 86/1993 s 5	1.2.1994
	deleted by 77/2005 s 13	1.7.2006
<i>s 47FB before deletion by 77/2005</i>	<i>inserted by 86/1993 s 5</i>	<i>1.2.1994</i>
s 47FB(2)	<i>registered nurse substituted by 8/2003 s 27</i>	<i>15.12.2003</i>
s 47FB	deleted by 77/2005 s 13	1.7.2006
s 47G—see s 47K		
s 47GA	inserted by 95/1995 s 16	4.4.1996
s 47GA(1)	amended by 63/2017 s 26	24.4.2018
s 47GA(2)	amended by 17/2001 s 22	27.5.2002
	amended by 6/2005 s 11(1)	1.6.2005
	amended by 81/2005 s 23	30.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
	amended by 35/2013 Sch 1	10.2.2014
s 47GA(3)	inserted by 6/2005 s 11(2)	1.6.2005
s 47GB	inserted by 77/2005 s 15	1.7.2006
s 47GB		
s 47GB(1)	amended by 63/2017 s 27	24.4.2018
s 47GB(2)	amended by 13/2006 s 44(1)	30.4.2007
<i>s 47H before substitution by 63/2017</i>		

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

<i>s 47H(1)</i>	<i>amended by 77/2005 s 16</i>	<i>1.7.2006</i>
	<i>amended by 35/2013 Sch 1</i>	<i>10.2.2014</i>
<i>s 47H(3)</i>	<i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i>	<i>16.1.1989</i>
<i>s 47H</i>	<i>substituted by 63/2017 s 28</i>	<i>24.4.2018</i>
<i>s 47I</i>		
<i>s 47I(1)</i>	<i>amended by 77/2005 s 17(1)</i>	<i>1.7.2006</i>
	<i>amended by 8/2009 s 35(1)</i>	<i>1.2.2010</i>
	<i>amended by 35/2013 Sch 1</i>	<i>10.2.2014</i>
<i>s 47I(2) and (3)</i>	<i>deleted by 77/2005 s 17(2)</i>	<i>1.7.2006</i>
<i>s 47I(4)</i>	<i>amended by 33/2003 Sch (cl 17(1), (2))</i>	<i>1.7.2005</i>
	<i>amended by 8/2009 s 35(2)</i>	<i>1.2.2010</i>
	<i>amended by 35/2013 Sch 1</i>	<i>10.2.2014</i>
<i>s 47I(14b)</i>	<i>substituted by 8/2009 s 35(4)</i>	<i>1.2.2010</i>
<i>s 47I(5)</i>	<i>amended by 33/2003 Sch (cl 17(3))</i>	<i>1.7.2005</i>
<i>s 47I(6)</i>	<i>amended by 42/1979 s 12(a)</i>	<i>1.4.1979</i>
	<i>amended by 35/2013 Sch 1</i>	<i>10.2.2014</i>
<i>s 47I(7)</i>	<i>amended by 53/1986 s 5(a)</i>	<i>1.12.1986</i>
	<i>substituted by 95/1995 s 17(a)</i>	<i>18.4.1996</i>
	<i>deleted by 77/2005 s 17(3)</i>	<i>1.7.2006</i>
	<i>inserted by 63/2017 s 29</i>	<i>24.4.2018</i>
<i>s 47I(8) and (9)</i>	<i>deleted by 77/2005 s 17(3)</i>	<i>1.7.2006</i>
	<i>inserted by 63/2017 s 29</i>	<i>24.4.2018</i>
<i>s 47I(10)</i>	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>substituted by 53/1986 s 5(b)</i>	<i>1.12.1986</i>
	<i>substituted by 95/1995 s 17(b)</i>	<i>18.4.1996</i>
	<i>deleted by 77/2005 s 17(3)</i>	<i>1.7.2006</i>
<i>s 47I(10a)</i>	<i>inserted by 95/1995 s 17(b)</i>	<i>18.4.1996</i>
	<i>deleted by 77/2005 s 17(3)</i>	<i>1.7.2006</i>
<i>s 47I(11)</i>	<i>substituted by 53/1986 s 5(b)</i>	<i>1.12.1986</i>
	<i>amended by 95/1995 s 17(c)</i>	<i>18.4.1996</i>
	<i>deleted by 77/2005 s 17(3)</i>	<i>1.7.2006</i>
<i>s 47I(12) and (13)</i>	<i>substituted by 53/1986 s 5(b)</i>	<i>1.12.1986</i>
	<i>deleted by 77/2005 s 17(3)</i>	<i>1.7.2006</i>
<i>s 47I(13a) and (13b)</i>	<i>inserted by 53/1986 s 5(b)</i>	<i>1.12.1986</i>
	<i>deleted by 77/2005 s 17(3)</i>	<i>1.7.2006</i>
<i>s 47I(13ba)</i>	<i>inserted by 16/1988 s 3</i>	<i>26.5.1988</i>
	<i>deleted by 77/2005 s 17(3)</i>	<i>1.7.2006</i>
<i>s 47I(13bb)</i>	<i>inserted by 17/2001 s 23</i>	<i>27.5.2002</i>
	<i>deleted by 77/2005 s 17(3)</i>	<i>1.7.2006</i>
<i>s 47I(13c)</i>	<i>inserted by 53/1986 s 5(b)</i>	<i>1.12.1986</i>
	<i>amended by 95/1995 s 17(d), (e)</i>	<i>18.4.1996</i>

---

	<i>deleted by 77/2005 s 17(3)</i>	1.7.2006
s 47I(14)	amended by 103/1976 s 23(a)	1.3.1977
	amended by 46/1981 s 11(a)	18.6.1981
	amended by 1/1990 s 5(a), (b)	22.3.1990
	amended by 13/2011 s 36	30.6.2011
	amended by 35/2013 Sch 1	10.2.2014
s 47I(14a)	inserted by 103/1976 s 23(b)	1.3.1977
	substituted by 46/1981 s 11(b)	18.6.1981
	amended by 55/1985 s 9	1.7.1985
	amended by 51/1988 s 76(a)	1.1.1989
	(c) deleted by 51/1988 s 76(b)	1.1.1989
	amended by 1/1990 s 5(c), (d)	22.3.1990
	amended by 52/1999 s 96(d)	9.7.2001
	amended by 91/2000 s 6	16.7.2001
	(da) deleted by 8/2009 s 35(3)	1.5.2009
	amended by 35/2013 Sch 1	10.2.2014
s 47I(14b)	inserted by 42/1979 s 12(b)	1.4.1979
	substituted by 46/1981 s 11(b)	18.6.1981
	amended by 12/1991 s 8	1.7.1991
	substituted by 8/2003 s 28(a)	15.12.2003
s 47I(15)	<i>amended by 103/1976 s 23(c)</i>	1.3.1977
	<i>deleted by 77/2005 s 17(4)</i>	1.7.2006
s 47I(16)—(18)	<i>deleted by 77/2005 s 17(4)</i>	1.7.2006
s 47I(19)		
<i>accident</i>	<i>deleted by 8/2003 s 28(b)</i>	15.12.2003
s 47IAA	inserted by 6/2005 s 12	1.12.2005
s 47IAA(1)	amended by 8/2009 s 36(1)	12.3.2011
	amended by 63/2017 s 30(1)—(3)	24.4.2018
s 47IAA(2)	amended by 13/2006 s 44(1)	30.4.2007
s 47IAA(7a)—(7c)	inserted by 39/2006 s 4(1)	14.12.2006
s 47IAA(8)	amended by 39/2006 s 4(2)	14.12.2006
s 47IAA(9)	substituted by 39/2006 s 4(3)	14.12.2006
	<b>amended by 20/2020 s 5</b>	<b>30.11.2020</b>
s 47IAA(10)	amended by 39/2006 s 4(4)	14.12.2006
s 47IAA(11)	amended by 39/2006 s 4(5)	14.12.2006
s 47IAA(12)	amended by 39/2006 s 4(6), (7)	14.12.2006
	amended by 8/2009 s 36(2)	12.3.2011
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
	amended by 63/2017 s 30(4)	24.4.2018
s 47IAA(13)	<i>deleted by 39/2006 s 4(8)</i>	14.12.2006
s 47IAA(14)	amended by 39/2006 s 4(9)	14.12.2006
	amended by 13/2006 s 44(2)	30.4.2007

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

Legislative history

s 47IAA(15)—(18)	inserted by 39/2006 s 4(10)	14.12.2006
)		
s 47IAB	inserted by 6/2005 s 12	1.12.2005
s 47IAB(2)	amended by 39/2006 s 5(1), (2)	14.12.2006
s 47IAB(4)	amended by 13/2006 s 44(1)	30.4.2007
s 47IAB(4a)	inserted by 39/2006 s 5(3)	14.12.2006
s 47IA	inserted by 46/1981 s 12	18.6.1981
s 47IA(1)	amended by 35/2013 Sch 1	10.2.2014
s 47IA(2)	amended by 13/2011 s 37	30.6.2011
s 47IA(3)		
prescribed first or second offence	amended by 12/1991 s 9	1.7.1991
	amended by 8/2003 s 29	15.12.2003
s 47J	inserted by 103/1976 s 24	1.3.1977
s 47J(1)	amended by 55/1985 s 10(a), (b)	uncommenced—not incorporated
	amended by 8/2009 s 37(1), (2)	1.2.2010
	amended by 35/2013 Sch 1	10.2.2014
s 47J(4)	amended by 8/2009 s 37(3)	1.2.2010
	amended by 35/2013 Sch 1	10.2.2014
s 47J(4a)	inserted by 39/2006 s 6(1)	14.12.2006
s 47J(5)	amended by 39/2006 s 6(2)	14.12.2006
s 47J(6)	<i>deleted by 39/2006 s 6(3)</i>	<i>14.12.2006</i>
s 47J(9)	amended by 8/2009 s 37(4)	1.2.2010
	amended by 35/2013 Sch 1	10.2.2014
s 47J(12)		
assessment clinic	substituted by 50/1984 s 3(1) (Sch 5)	1.1.1985
	substituted by 8/2009 s 37(5)	1.2.2010
lesser offence against section 47B	inserted by 55/1985 s 10(c)	uncommenced—not incorporated
<i>prescribed area</i>	<i>deleted by 8/2009 s 37(5)</i>	<i>1.2.2010</i>
prescribed day	inserted by 8/2009 s 37(5)	1.2.2010
prescribed offence	substituted by 12/1991 s 10	1.7.1991
s 47K	s 47G redesignated as s 47K by 77/2005 s 14(8)	1.7.2006
s 47K(1)	amended by 42/1979 s 11(a)	1.4.1979
	amended by 95/1995 s 15(a), (b)	4.4.1996
	amended by 8/2009 s 38(1)	1.2.2010
	amended by 35/2013 Sch 1	10.2.2014
s 47K(1a)	inserted by 42/1979 s 11(b)	1.4.1979
	amended by 86/1993 s 6(a)	1.2.1994
	substituted by 95/1995 s 15(c)	4.4.1996
	amended by 77/2005 s 14(1)	1.7.2006
s 47K(1ab)	inserted by 95/1995 s 15(c)	4.4.1996

---

	substituted by 81/2005 s 24	30.7.2006
s 47K(1b)	inserted by 14/1991 s 2	4.4.1991
	amended by 95/1995 s 15(d)	4.4.1996
	amended by 17/2001 s 21(a)	27.5.2002
s 47K(2)	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 17/2001 s 21(b)	27.5.2002
s 47K(2a)	inserted by 42/1979 s 11(c)	1.4.1979
	amended by 86/1993 s 6(b)	1.2.1994
	amended by 95/1995 s 15(e)	4.4.1996
	amended by 35/2013 Sch 1	10.2.2014
s 47K(3)	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 95/1995 s 15(f)	4.4.1996
	amended by 17/2001 s 21(c)	27.5.2002
	amended by 63/2017 s 31(1)	24.4.2018
s 47K(3a)	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 77/2005 s 14(2)	1.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
	substituted by 63/2017 s 31(2)	22.2.2018
s 47K(3b)	inserted by 46/1981 s 10	18.6.1981
	amended by 13/2006 s 44(1)	30.4.2007
s 47K(3c)	inserted by 46/1981 s 10	18.6.1981
	substituted by 84/1984 s 7(a)	1.1.1985
	substituted by 55/1985 s 8	1.7.1985
	amended by 77/2005 s 14(3)	1.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
	amended by 35/2013 Sch 1	10.2.2014
s 47K(4)	amended by 53/1986 s 4	1.12.1986
	amended by 95/1995 s 15(g)	4.4.1996
	amended by 77/2005 s 14(4)	1.7.2006
s 47K(5)	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 84/1984 s 7(b), (c)	1.1.1985
	amended by 86/1993 s 6(c)	1.2.1994
	amended by 95/1995 s 15(h)	4.4.1996
	(d) deleted by 95/1995 s 15(i)	4.4.1996
	amended by 17/2001 s 21(d)	27.5.2002
	amended by 77/2005 s 14(5)	1.7.2006
s 47K(6)	<i>substituted by 84/1984 s 7(d)</i>	<i>1.1.1985</i>
	<i>amended by 95/1995 s 15(j), (k)</i>	<i>4.4.1996</i>
	<i>deleted by 77/2005 s 14(6)</i>	<i>1.7.2006</i>
s 47K(7)	inserted by 95/1995 s 15(l)	4.4.1996
	amended by 17/2001 s 21(e)	27.5.2002
s 47K(8)	inserted by 95/1995 s 15(l)	4.4.1996
s 47K(9)	inserted by 95/1995 s 15(l)	4.4.1996

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**  
Legislative history

---

	substituted by 77/2005 s 14(7)	1.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
	substituted by 8/2009 s 38(2)	1.2.2010
	substituted by 63/2017 s 31(3)	22.2.2018
s 47K(9a)	inserted by 63/2017 s 31(3)	22.2.2018
s 47K(10) and (11)	inserted by 77/2005 s 14(7)	1.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
s 47K(12)—(15)	inserted by 77/2005 s 14(7)	1.7.2006
s 47K(16)	inserted by 77/2005 s 14(7)	1.7.2006
	amended by 13/2006 s 44(1)	30.4.2007
s 47K(17)	inserted by 77/2005 s 14(7)	1.7.2006
s 47K(18)	inserted by 77/2005 s 14(7)	1.7.2006
	substituted by 63/2017 s 31(4)	24.4.2018
s 47K(19)	inserted by 77/2005 s 14(7)	1.7.2006
<i>Pt 3 Div 5A before deletion by 8/2009</i>	<i>heading inserted by 91/2000 s 7</i>	<i>16.7.2001</i>
<i>heading preceding s 48</i>	<i>deleted by 39/1999 s 30</i>	<i>1.12.1999</i>
s 48	<i>amended by 103/1976 s 25</i>	<i>1.3.1977</i>
	<i>substituted by 12/1991 s 11</i>	<i>1.7.1991</i>
	<i>deleted by 39/1999 s 30</i>	<i>1.12.1999</i>
	<i>inserted by 91/2000 s 7</i>	<i>16.7.2001</i>
s 49	<i>amended by 103/1976 s 26</i>	<i>1.3.1977</i>
	<i>amended by 25/1980 s 4(a), (b)</i>	<i>1.6.1980</i>
	<i>amended by 12/1991 s 12</i>	<i>1.7.1991</i>
	<i>amended by 88/1994 s 5</i>	<i>5.1.1995</i>
	<i>amended by 78/1997 s 4</i>	<i>5.2.1998</i>
	<i>amended by 18/1998 s 6</i>	<i>20.7.1998</i>
	<i>deleted by 39/1999 s 30</i>	<i>1.12.1999</i>
	<i>inserted by 91/2000 s 7</i>	<i>16.7.2001</i>
s 49(2)	<i>amended by 8/2003 s 30</i>	<i>15.12.2003</i>
	<i>(c) deleted by 8/2003 s 30</i>	<i>15.12.2003</i>
s 50	<i>amended by 103/1976 s 27</i>	<i>1.3.1977</i>
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>amended by 12/1991 s 13</i>	<i>1.7.1991</i>
	<i>deleted by 39/1999 s 30</i>	<i>1.12.1999</i>
	<i>inserted by 91/2000 s 7</i>	<i>16.7.2001</i>
s 51	<i>deleted by 36/1976 s 2</i>	<i>21.10.1976</i>
	<i>inserted by 91/2000 s 7</i>	<i>16.7.2001</i>
s 51(1)	<i>amended by 13/2006 s 44(1), (3)</i>	<i>30.4.2007</i>
s 52	<i>amended by 103/1976 s 28</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 30</i>	<i>1.12.1999</i>
	<i>inserted by 91/2000 s 7</i>	<i>16.7.2001</i>

	<i>substituted by 6/2005 s 13</i>	1.12.2005
s 53	<i>amended by 103/1976 s 29</i>	1.3.1977
	<i>amended by 58/1986 s 3</i>	1.1.1987
	<i>amended by 14/1988 s 3</i>	1.7.1988
	<i>amended by 25/1989 s 5</i>	1.7.1989
	<i>amended by 20/1999 s 7</i>	1.12.1999
	<i>deleted by 39/1999 s 30</i>	1.12.1999
	<i>inserted by 91/2000 s 7</i>	16.7.2001
s 53AA	<i>inserted by 91/2000 s 7</i>	16.7.2001
Pt 3 Div 5A	<i>deleted by 8/2009 s 39</i>	1.5.2009
Pt 3 Div 6	heading preceding s 53A amended by 39/1999 s 31	1.12.1999
	heading preceding s 53A redesignated as Div 6 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
s 53A	substituted by 41/2009 s 4	5.11.2009
s 53B	inserted by 52/1990 s 6	1.1.1991
s 53B(1)	substituted by 39/1999 s 32(a)	1.12.1999
s 53B(2)	amended by 13/2006 s 44(1)	30.4.2007
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 53B(3)	substituted by 34/1996 s 4 (Sch cl 30)	3.2.1997
	amended by 53/2005 s 8	17.11.2005
s 53B(4)	amended by 35/2013 Sch 1	10.2.2014
s 53B(5)	amended by 39/1999 s 32(b)	1.12.1999
s 53B(6)	inserted by 39/1999 s 32(c)	1.12.1999
heading preceding s 54	<i>deleted by 39/1999 s 33</i>	1.12.1999
s 54	<i>amended by 103/1976 s 30</i>	1.3.1977
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>substituted by 69/1985 s 2</i>	6.6.1985
	<i>amended by 10/1993 s 5</i>	30.4.1993
	<i>deleted by 39/1999 s 33</i>	1.12.1999
s 55	<i>amended by 103/1976 s 31</i>	1.3.1977
	<i>amended by 10/1993 s 6</i>	30.4.1993
	<i>deleted by 39/1999 s 33</i>	1.12.1999
s 55A	<i>inserted by 10/1993 s 7</i>	30.4.1993
	<i>deleted by 39/1999 s 33</i>	1.12.1999
s 56	<i>amended by 103/1976 s 32</i>	1.3.1977
	<i>deleted by 39/1999 s 33</i>	1.12.1999
s 57	<i>amended by 103/1976 s 33</i>	1.3.1977
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>deleted by 39/1999 s 33</i>	1.12.1999
s 58	<i>amended by 103/1976 s 34</i>	1.3.1977
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985

	<i>amended by 10/1993 s 8</i>	30.4.1993
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 58A</i>	<i>inserted by 10/1993 s 9</i>	30.4.1993
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 59</i>	<i>amended by 103/1976 s 35</i>	1.3.1977
	<i>amended by 10/1993 s 10</i>	30.4.1993
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 60</i>	<i>amended by 103/1976 s 36</i>	1.3.1977
	<i>amended by 10/1993 s 11</i>	30.4.1993
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>heading preceding s 61</i>	<i>inserted by 10/1993 s 12</i>	30.4.1993
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 61</i>	<i>amended by 103/1976 s 37</i>	1.3.1977
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>amended by 52/1990 s 7</i>	1.1.1991
	<i>substituted by 10/1993 s 12</i>	30.4.1993
	<i>amended by 20/1999 s 8</i>	1.12.1999
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>heading preceding s 62</i>	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 62</i>	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 63</i>	<i>amended by 103/1976 s 38</i>	1.3.1977
	<i>amended by 42/1979 s 13</i>	1.4.1979
	<i>amended by 25/1980 s 5</i>	1.6.1980
	<i>amended by 107/1980 s 3</i>	1.3.1981
	<i>amended by 10/1993 s 13</i>	30.4.1993
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 65</i>	<i>amended by 103/1976 s 39</i>	1.3.1977
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 65A</i>	<i>inserted by 10/1993 s 14</i>	30.4.1993
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 66</i>	<i>amended by 103/1976 s 40</i>	1.3.1977
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 67</i>	<i>amended by 103/1976 s 41</i>	1.3.1977
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 68</i>	<i>amended by 103/1976 s 42</i>	1.3.1977
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 68A</i>	<i>inserted by 88/1994 s 6</i>	5.1.1995
	<i>deleted by 39/1999 s 33</i>	1.12.1999
<i>s 69</i>	<i>amended by 103/1976 s 43</i>	1.3.1977
	<i>deleted by 39/1999 s 33</i>	1.12.1999

<i>s 69A</i>	<i>inserted by 1/1992 Sch 3</i>	<i>1.6.1992</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>heading preceding s 70</i>	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 70</i>	<i>amended by 103/1976 s 44</i>	<i>1.3.1977</i>
	<i>amended by 10/1993 s 15</i>	<i>30.4.1993</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 70A</i>	<i>inserted by 10/1993 s 16</i>	<i>30.4.1993</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 70B</i>	<i>inserted by 88/1994 s 7</i>	<i>5.1.1995</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 71</i>	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>amended by 37/1997 s 2</i>	<i>10.7.1997</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 71A</i>	<i>amended by 103/1976 s 45</i>	<i>1.3.1977</i>
	<i>amended by 37/1997 s 3</i>	<i>10.7.1997</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 72</i>	<i>amended by 103/1976 s 46</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 73</i>	<i>amended by 103/1976 s 47</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>heading preceding s 74</i>	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 74</i>	<i>amended by 103/1976 s 48</i>	<i>1.3.1977</i>
	<i>amended by 10/1993 s 17</i>	<i>30.4.1993</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 74A</i>	<i>amended by 103/1976 s 49</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>heading preceding s 75</i>	<i>amended by 52/1990 s 8</i>	<i>1.1.1991</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 75</i>	<i>amended by 103/1976 s 50</i>	<i>1.3.1977</i>
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>amended by 52/1990 s 9</i>	<i>1.1.1991</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 76</i>	<i>amended by 103/1976 s 51</i>	<i>1.3.1977</i>
	<i>substituted by 15/1984 s 4</i>	<i>5.7.1984</i>
	<i>amended by 52/1990 s 10</i>	<i>1.1.1991</i>
	<i>amended by 32/1993 s 6</i>	<i>4.11.1993</i>
	<i>deleted by 39/1999 s 33</i>	<i>1.12.1999</i>
<i>s 77</i>	<i>amended by 103/1976 s 52</i>	<i>1.3.1977</i>
	<i>deleted by 15/1984 s 4</i>	<i>5.7.1984</i>
<i>s 78</i>	<i>amended by 103/1976 s 53</i>	<i>1.3.1977</i>
	<i>amended by 42/1979 s 14</i>	<i>1.4.1979</i>

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

Legislative history

---

	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>amended by 76/1998 s 4</i>	14.1.1999
	<i>deleted by 39/1999 s 33</i>	1.12.1999
s 78A	<i>amended by 103/1976 s 54</i>	1.3.1977
	<i>deleted by 15/1984 s 5</i>	5.7.1984
s 79	<i>deleted by 39/1999 s 33</i>	1.12.1999
Pt 3 Div 7	heading preceding s 79A inserted by 5/1987 s 3	1.7.1988
	heading preceding s 79A redesignated as Div 7 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
s 79A	inserted by 5/1987 s 3	1.7.1988
s 79B	inserted by 5/1987 s 3	1.7.1988
s 79B(1)		
average speed camera location	inserted by 23/2012 s 4(1)	1.1.2014
owner	inserted by 20/1999 s 9(a)	1.12.1999
<i>owner registration offence</i>	<i>inserted by 26/2008 s 28(1)</i>	1.6.2009
	<i>deleted by 22/2010 s 86(1)</i>	1.7.2011
<i>photographic detection device</i>	<i>deleted by 8/2003 s 31(a)</i>	15.12.2003
prescribed offence	amended by 20/1999 s 9(b)	1.12.1999
	substituted by 39/1999 s 34(a)	1.12.1999
	substituted by 23/2005 s 6(1)	1.12.2005
	substituted by 26/2008 s 28(2)	1.6.2009
	(c) deleted by 22/2010 s 86(2)	1.7.2011
	amended by 50/2011 s 4(1)	22.3.2012
	(d) deleted and (c) inserted in its place by 50/2011 s 4(2)	22.3.2012
	amended by 38/2017 s 37	19.12.2017
	amended by 54/2017 s 13(1)	1.5.2019
red light offence	inserted by 28/2000 s 3(a)	29.6.2002
	amended by 50/2011 s 4(3)	22.3.2012
<i>registered owner</i>	<i>substituted by 52/1990 s 11(a)</i>	29.4.1993
	<i>amended by 65/1996 Sch cl 2</i>	17.11.1997
	<i>deleted by 20/1999 s 9(c)</i>	1.12.1999
<i>registration</i>	<i>inserted by 26/2008 s 28(3)</i>	1.6.2009
	<i>deleted by 22/2010 s 86(3)</i>	1.7.2011
<i>registration offence</i>	<i>inserted by 26/2008 s 28(3)</i>	1.6.2009
	<i>deleted by 22/2010 s 86(3)</i>	1.7.2011
speeding offence	inserted by 8/2003 s 31(b)	15.12.2003
traffic arrows, traffic lights and twin red lights	inserted by 50/2011 s 4(4)	22.3.2012

<i>uninsured motor vehicle</i>	<i>inserted by 26/2008 s 28(4)</i>	1.6.2009
	<i>deleted by 22/2010 s 86(4)</i>	1.7.2011
<i>unregistered motor vehicle</i>	<i>inserted by 26/2008 s 28(4)</i>	1.6.2009
	<i>deleted by 22/2010 s 86(4)</i>	1.7.2011
s 79B(2)	amended by 52/1990 s 11(b)	29.4.1993
	amended by 20/1999 s 9(d)	1.12.1999
	amended by 28/2000 s 3(b)	29.6.2002
	amended by 8/2003 s 31(c)	15.12.2003
	amended by 13/2011 s 38	30.6.2011
	amended by 35/2013 Sch 1	10.2.2014
	amended by 38/2017 Sch 1 Pt 5	20.3.2018
	amended by 54/2017 s 13(2), (3)	1.5.2019
	amended by 24/2019 s 14(1)	3.10.2019
	amended by 39/2019 s 6(1)	6.12.2019
s 79B(2a)	inserted by 28/2000 s 3(c)	29.6.2002
	substituted by 8/2003 s 31(d)	15.12.2003
	amended by 54/2017 s 13(4), (5)	1.5.2019
	amended by 24/2019 s 14(2)—(4)	3.10.2019
	amended by 39/2019 s 6(2)	6.12.2019
s 79B(2ab)	inserted by 24/2019 s 14(5)	3.10.2019
s 79B(2b)	inserted by 23/2005 s 6(2)	1.12.2005
	amended by 35/2013 Sch 1	10.2.2014
s 79B(2c)	inserted by 26/2008 s 28(5)	1.6.2009
	deleted by 22/2010 s 86(5)	1.7.2011
	inserted by 54/2017 s 13(6)	1.5.2019
	amended by 39/2019 s 6(3), (4)	6.12.2019
s 79B(2d)	<i>inserted by 26/2008 s 28(5)</i>	1.6.2009
	<i>deleted by 22/2010 s 86(5)</i>	1.7.2011
s 79B(3)	amended by 52/1990 s 11(c)	29.4.1993
	amended by 20/1999 s 9(d)	1.12.1999
	amended by 35/2013 Sch 1	10.2.2014
s 79B(4)	amended by 34/1996 s 4 (Sch cl 30)	3.2.1997
	amended by 20/1999 s 9(d), (e)	1.12.1999
	amended by 28/2000 s 3(d)	29.6.2002
	substituted by 8/2003 s 31(e)	15.12.2003
	amended by 26/2008 s 28(6)	1.6.2009
s 79B(4a)	inserted by 28/2000 s 3(e)	29.6.2002
	deleted by 8/2003 s 31(e)	15.12.2003
	inserted by 26/2008 s 28(7)	1.6.2009
	deleted by 22/2010 s 86(6)	1.7.2011
	inserted by 54/2017 s 13(7)	1.5.2019

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

s 79B(5)	amended by 52/1990 s 11(d)	29.4.1993
	amended by 34/1996 s 4 (Sch cl 30)	3.2.1997
	amended by 20/1999 s 9(f)	1.12.1999
	amended by 35/2013 Sch 1	10.2.2014
s 79B(6)	amended by 52/1990 s 11(e)	29.4.1993
	amended by 34/1996 s 4 (Sch cl 30)	3.2.1997
	amended by 20/1999 s 9(f)	1.12.1999
	substituted by 23/2012 s 4(2)	1.1.2014
	amended by 35/2013 Sch 1	10.2.2014
s 79B(6a) and (6b)	inserted by 53/2003 s 10	4.12.2005
s 79B(7)	substituted by 8/2003 s 31(f)	15.12.2003
	amended by 35/2013 Sch 1	10.2.2014
s 79B(8)	substituted by 28/2000 s 3(f)	29.6.2002
	substituted by 8/2003 s 31(f)	15.12.2003
	amended by 35/2013 Sch 1	10.2.2014
s 79B(9)	amended by 34/1996 s 4 (Sch cl 30)	3.2.1997
	amended by 20/1999 s 9(g)	1.12.1999
	amended by 13/2006 s 44(1)	30.4.2007
s 79B(9a)	<i>inserted by 52/1990 s 11(f)</i>	<i>29.4.1993</i>
	<i>deleted by 39/1999 s 34(b)</i>	<i>1.12.1999</i>
	<i>inserted by 8/2003 s 31(g)</i>	<i>15.12.2003</i>
	<i>deleted by 41/2009 s 5</i>	<i>5.11.2009</i>
s 79B(10)	amended by 52/1990 s 11(g), (h)	29.4.1993
	amended by 20/1999 s 9(g)	1.12.1999
	amended by 8/2003 s 31(h), (i)	15.12.2003
	amended by 13/2006 s 44(1)	30.4.2007
	amended by 35/2013 Sch 1	10.2.2014
s 79B(11)	inserted by 23/2012 s 4(3)	1.1.2014
s 79BA	inserted by 64/2013 s 16	16.1.2014
s 79C	inserted by 52/1990 s 12	1.1.1991
	substituted by 8/2003 s 32	15.12.2003
s 79D	inserted by 50/2011 s 5	22.3.2012
s 79D(1)	amended by 35/2013 Sch 1	10.2.2014
s 79D(2)	amended by 35/2013 Sch 1	10.2.2014
Pt 3 Div 8	heading preceding s 80 substituted by 39/1999 s 35	1.12.1999
	heading preceding s 80 redesignated as Div 8 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
s 80	amended by 103/1976 s 55	1.3.1977
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 30/1994 Sch 4 cl 2(b)(iv)	1.7.1994
	amended by 32/1996 s 2	2.5.1996
	substituted by 39/1999 s 35	1.12.1999

Pt 3 Div 9	heading preceding s 81 inserted by 39/1999 s 35	1.12.1999
	heading preceding s 81 redesignated as Div 9 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
s 81	amended by 103/1976 s 56	1.3.1977
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	substituted by 39/1999 s 35	1.12.1999
	deleted by 67/1999 s 5	9.7.2001
	inserted by 5/2016 s 3	17.3.2016
s 82	amended by 103/1976 s 57	1.3.1977
	deleted by 45/1979 s 3	1.7.1979
	inserted by 39/1999 s 35	1.12.1999
s 82(2)		
school bus	substituted by 53/2005 s 9	17.11.2005
vehicle standards	inserted by 38/2017 s 38	19.12.2017
heading preceding s 82A	deleted by 39/1999 s 35	1.12.1999
s 82A	amended by 27/1986 s 12	1.7.1986
	deleted by 39/1999 s 35	1.12.1999
s 83 before substitution by 25/2013	amended by 103/1976 s 58	1.3.1977
	amended by 42/1979 s 15	1.4.1979
	deleted by 45/1979 s 3	1.7.1979
	inserted by 7/2000 s 3	15.8.2000
s 83(3)		
emergency vehicle	amended by 13/2006 s 44(1)	30.4.2007
s 83	substituted by 25/2013 s 4	1.9.2014
s 83A before deletion by 7/2017		
s 83A(1)	amended by 103/1976 s 59(a)	1.3.1977
s 83A(2)	amended by 103/1976 s 59(b)	1.3.1977
s 83A(3)	amended by 27/1986 s 13	1.7.1986
s 83A	deleted by 7/2017 s 102	14.7.2017
s 83A(1) and (2)	<i>The amendments to s 83A purportedly made by Sch 1 Pt 5 of 38/2017 are of no effect because that section was repealed before the amendments came into operation.</i>	
s 84	amended by 103/1976 s 60	1.3.1977
	deleted by 45/1979 s 3	1.7.1979
s 85		
s 85(1)	amended by 90/1981 s 2(a)	23.12.1981
	amended by 39/1999 s 36(a)	1.12.1999
s 85(2)	amended by 103/1976 s 61	1.3.1977

## Road Traffic Act 1961—30.11.2020 to 2.10.2021

### Legislative history

	amended by 39/1999 s 36(b)	1.12.1999
s 85(3)	amended by 35/2013 Sch 1	10.2.2014
s 85(4)	<i>deleted by 90/1981 s 2(b)</i>	23.12.1981
<i>s 86 before substitution by 53/2005</i>		
s 86(1)	<i>amended by 15/1984 s 6</i>	5.7.1984
	<i>amended by 10/1993 s 18</i>	30.4.1993
	<i>amended by 57/1997 s 4(a)</i>	11.12.1997
	<i>amended by 39/1999 s 37(a)</i>	1.12.1999
s 86(1a)	<i>inserted by 57/1997 s 4(b)</i>	11.12.1997
	<i>amended by 39/1999 s 37(a)</i>	1.12.1999
s 86(3)	<i>amended by 57/1997 s 4(c)</i>	11.12.1997
s 86(4)	<i>amended by 57/1997 s 4(d)</i>	11.12.1997
s 86(5)	<i>inserted by 39/1999 s 37(b)</i>	1.12.1999
s 86	<i>substituted by 53/2005 s 10</i>	17.11.2005
	<i>deleted by 13/2006 s 17</i>	30.4.2007
ss 86 and 86A	<i>inserted by 5/2016 s 4</i>	17.3.2016
<i>heading preceding s 87</i>	<i>deleted by 39/1999 s 38</i>	1.12.1999
s 87	amended by 103/1976 s 62	1.3.1977
s 88	amended by 103/1976 s 63	1.3.1977
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>amended by 10/1993 s 19</i>	30.4.1993
	<i>amended by 88/1994 s 8</i>	5.1.1995
	<i>deleted by 39/1999 s 39</i>	1.12.1999
s 89	<i>amended by 103/1976 s 64</i>	1.3.1977
	<i>amended by 30/1994 Sch 4 cl 2(b)(v)</i>	1.7.1994
	<i>amended by 32/1996 s 3</i>	2.5.1996
	<i>deleted by 39/1999 s 39</i>	1.12.1999
s 90	<i>amended by 103/1976 s 65</i>	1.3.1977
	<i>deleted by 39/1999 s 39</i>	1.12.1999
s 90A	<i>inserted by 88/1994 s 9</i>	5.1.1995
	<i>deleted by 39/1999 s 39</i>	1.12.1999
<i>heading preceding s 91</i>	<i>deleted by 39/1999 s 39</i>	1.12.1999
s 91		
s 91(1)	substituted by 99/1981 s 5	7.1.1982
s 91(2)	amended by 103/1976 s 66(a), (b)	1.3.1977
	substituted by 99/1981 s 5	7.1.1982
s 91(3)	amended by 103/1976 s 66(c)	1.3.1977
s 91(4)		
<i>laden weight</i>	<i>deleted by 103/1976 s 66(d)</i>	1.3.1977
s 92	<i>amended by 103/1976 s 67</i>	1.3.1977

	<i>deleted by 39/1999 s 40</i>	<i>1.12.1999</i>
<i>heading preceding s 92</i>	<i>deleted by 39/1999 s 40</i>	<i>1.12.1999</i>
<i>ss 92A and 92B</i>	<i>inserted by 20/1999 s 10</i>	<i>1.12.1999</i>
	<i>deleted by 39/1999 s 40</i>	<i>1.12.1999</i>
<i>s 93</i>	<i>amended by 103/1976 s 68</i>	<i>1.3.1977</i>
	<i>amended by 10/1993 s 20</i>	<i>30.4.1993</i>
	<i>deleted by 39/1999 s 40</i>	<i>1.12.1999</i>
<i>s 94</i>	<i>amended by 103/1976 s 69</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 40</i>	<i>1.12.1999</i>
<i>s 94A</i>	<i>amended by 103/1976 s 70</i>	<i>1.3.1977</i>
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>amended by 27/1986 s 14</i>	<i>1.7.1986</i>
	<i>amended by 20/1999 s 11</i>	<i>1.12.1999</i>
	<i>deleted by 39/1999 s 40</i>	<i>1.12.1999</i>
<i>s 95</i>	<i>amended by 103/1976 s 71</i>	<i>1.3.1977</i>
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
<i>s 96</i>	<i>amended by 103/1976 s 72</i>	<i>1.3.1977</i>
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>deleted by 39/1999 s 41</i>	<i>1.12.1999</i>
<i>s 97</i>	<i>amended by 103/1976 s 73</i>	<i>1.3.1977</i>
	<i>amended by 10/1993 s 21</i>	<i>30.4.1993</i>
	<i>deleted by 39/1999 s 41</i>	<i>1.12.1999</i>
<i>s 98</i>	<i>amended by 103/1976 s 74</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 41</i>	<i>1.12.1999</i>
<i>s 99</i>	<i>amended by 103/1976 s 75</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 41</i>	<i>1.12.1999</i>
<i>s 99A</i>	<i>inserted by 10/1993 s 22</i>	<i>30.4.1993</i>
	<i>amended by 39/1999 s 42</i>	<i>1.12.1999</i>
	<i>amended by 35/2013 Sch 1</i>	<i>10.2.2014</i>
<i>s 99B</i>	<i>inserted by 64/1995 s 7</i>	<i>1.2.1996</i>
	<i>substituted by 39/1999 s 43</i>	<i>1.12.1999</i>
<i>s 99B(3)</i>	<i>amended by 35/2013 Sch 1</i>	<i>10.2.2014</i>
<i>s 100</i>	<i>amended by 103/1976 s 76</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 43</i>	<i>1.12.1999</i>
<i>s 101</i>	<i>amended by 103/1976 s 77</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 43</i>	<i>1.12.1999</i>
<i>s 102</i>	<i>amended by 103/1976 s 78</i>	<i>1.3.1977</i>
	<i>amended by 32/1993 s 7</i>	<i>4.11.1993</i>
	<i>deleted by 39/1999 s 43</i>	<i>1.12.1999</i>
<i>s 103</i>	<i>amended by 103/1976 s 79</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 43</i>	<i>1.12.1999</i>
<i>s 104</i>	<i>amended by 103/1976 s 80</i>	<i>1.3.1977</i>

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

Legislative history

---

	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>deleted by 39/1999 s 43</i>	<i>1.12.1999</i>
<i>s 105</i>	<i>amended by 103/1976 s 81</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 43</i>	<i>1.12.1999</i>
<i>heading preceding s 106</i>	<i>deleted by 39/1999 s 43</i>	<i>1.12.1999</i>
<i>s 106 before deletion by 13/2006</i>		
<i>s 106(1)</i>	<i>amended by 103/1976 s 82(a)</i>	<i>1.3.1977</i>
<i>s 106(2)</i>	<i>amended by 103/1976 s 82(b), (c)</i>	<i>1.3.1977</i>
	<i>amended by 30/1994 Sch 4 cl 2(b)(vi)</i>	<i>1.7.1994</i>
	<i>amended by 54/2003 Sch 1 cl 3</i>	<i>1.1.2004</i>
<i>s 106(4)</i>		
<i>traffic device</i>	<i>amended by 39/1999 s 44</i>	<i>1.12.1999</i>
<i>s 106</i>	<i>deleted by 13/2006 s 18</i>	<i>30.4.2007</i>
<i>s 107</i>		
<i>s 107(1)</i>	<i>s 107 amended by 103/1976 s 83</i>	<i>1.3.1977</i>
	<i>s 107 redesignated as s 107(1) by 13/2006 s 19</i>	<i>30.4.2007</i>
<i>s 107(2) and (3)</i>	<i>inserted by 13/2006 s 19</i>	<i>30.4.2007</i>
<i>s 107A</i>	<i>inserted by 20/1999 s 12</i>	<i>1.12.1999</i>
<i>s 108</i>		
<i>s 108(1)</i>	<i>amended by 103/1976 s 84</i>	<i>1.3.1977</i>
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
<i>s 109</i>	<i>amended by 103/1976 s 85</i>	<i>1.3.1977</i>
	<i>deleted by 39/1999 s 45</i>	<i>1.12.1999</i>
<i>s 110</i>	<i>amended by 103/1976 s 86</i>	<i>1.3.1977</i>
<i>s 110AAAA</i>	<i>inserted by 23/2005 s 7</i>	<i>1.12.2005</i>
<i>s 110AAAA(1)</i>	<i>amended by 54/2017 s 14</i>	<i>1.5.2019</i>
<i>s 110AAAA(2)</i>	<i>amended by 13/2006 s 44(1)</i>	<i>30.4.2007</i>
<i>s 110AAAA(3)</i>		
<i>emergency vehicle</i>	<i>amended by 13/2006 s 44(1)</i>	<i>30.4.2007</i>
<i>s 110AAA</i>	<i>inserted by 8/2003 s 33</i>	<i>15.12.2003</i>
	<i>expired: s 110AAA(3)—omitted under Legislation Revision and Publication Act 2002</i>	<i>(15.12.2006)</i>
<i>Pt 3AA before substitution by 22/2008</i>	<i>inserted by 34/1999 s 3</i>	<i>1.11.1999</i>
<i>s 110AAB</i>		
<i>s 110AAB(2)</i>	<i>amended by 13/2006 s 44(2)</i>	<i>30.4.2007</i>
	<i>amended by 26/2008 s 29</i>	<i>25.9.2008</i>
<i>s 110AAC</i>		
<i>s 110AAC(1)</i>	<i>amended by 13/2006 ss 44(1), 45</i>	<i>30.4.2007</i>
<i>s 110AAC(2)</i>	<i>amended by 13/2006 ss 44(1), (3), 45</i>	<i>30.4.2007</i>
<i>s 110AAD</i>	<i>deleted by 13/2006 s 20</i>	<i>30.4.2007</i>

<i>Pt 3AA before deletion by 35/2013</i>	<i>substituted by 22/2008 s 5</i>	29.9.2008
<i>s 110AA</i>		
<i>s 110AA(3)</i>	<i>amended by 13/2011 s 39</i>	30.6.2011
<i>s 110AB</i>	<i>inserted by 41/2009 s 6</i>	5.11.2009
<i>s 110AB(3)</i>	<i>amended by 13/2011 s 40</i>	30.6.2011
<i>s 110AC</i>	<i>inserted by 41/2009 s 6</i>	5.11.2009
<i>s 110AC(3)</i>	<i>amended by 13/2011 s 41</i>	30.6.2011
<i>Pt 3AA</i>	<i>deleted by 35/2013 s 48</i>	10.2.2014
<i>Pt 3A</i>	<i>inserted by 19/1998 s 3</i>	6.9.1999
<i>s 110A</i>		
State identification plate	<i>amended by 13/2006 s 45</i>	30.4.2007
<i>s 110C</i>		
<i>s 110C(2)</i>	<i>amended by 26/2008 s 30(1)</i>	25.9.2008
<i>s 110C(3)</i>	<i>amended by 26/2008 s 30(2)</i>	25.9.2008
<i>s 110C(5) and (6)</i>	<i>amended by 13/2006 s 45</i>	30.4.2007
<i>s 110C(7)</i>	<i>amended by 13/2006 ss 44(1), 45</i> <i>amended by 35/2013 s 49</i> <i>amended by 38/2017 Sch 1 Pt 5</i>	30.4.2007 10.2.2014 20.3.2018
<i>s 110C(11)</i>	<i>amended by 13/2006 s 45</i>	30.4.2007
<i>Pt 4</i>	<i>heading substituted by 20/1999 s 13</i> <i>heading amended by 35/2013 s 50</i>	1.12.1999 10.2.2014
<i>Pt 4 Div 1 before substitution by 35/2013</i>	<i>heading preceding s 111 amended by 103/1976 s 87</i> <i>heading preceding s 111 substituted by 20/1999 s 14</i> <i>heading preceding s 111 redesignated as Div 1 heading in pursuance of the Acts Republication Act 1967</i>	1.3.1977 1.12.1999 1.12.1999
<i>s 111</i>	<i>amended by 103/1976 s 88</i> <i>amended by 46/1981 s 13</i> <i>amended by 50/1984 s 3(1) (Sch 5)</i> <i>substituted by 20/1999 s 14</i>	1.3.1977 18.6.1981 1.1.1985 1.12.1999
<i>s 112</i>	<i>inserted by 20/1999 s 14</i> <i>deleted by 13/2006 s 21</i>	1.12.1999 30.4.2007
<i>Pt 4 Div 1</i>	<i>substituted by 35/2013 s 51</i>	10.2.2014
<i>Pt 4 Div 2 before substitution by 35/2013</i>	<i>heading preceding s 113 inserted by 20/1999 s 14</i> <i>heading preceding s 113 redesignated as Div 2 heading in pursuance of the Acts Republication Act 1967</i>	1.12.1999 1.12.1999
<i>s 113</i>	<i>inserted by 20/1999 s 14</i>	1.12.1999
<i>s 114</i>	<i>inserted by 20/1999 s 14</i> <i>deleted by 13/2006 s 22</i>	1.12.1999 30.4.2007

## Road Traffic Act 1961—30.11.2020 to 2.10.2021

### Legislative history

Pt 4 Div 2	substituted by 35/2013 s 52	10.2.2014
<i>Pt 4 Div 3 before deletion by 35/2013</i>	<i>heading preceding s 115 inserted by 20/1999 s 14</i>	<i>1.12.1999</i>
	<i>heading preceding s 115 redesignated as Div 3 heading in pursuance of the Acts Republication Act 1967</i>	<i>1.12.1999</i>
s 115	inserted by 20/1999 s 14	1.12.1999
s 115(7)	deleted by 13/2006 s 23	30.4.2007
heading preceding s 116	inserted by 20/1999 s 14	1.12.1999
	deleted by 39/1999 s 46	1.12.1999
s 116	inserted by 20/1999 s 14	1.12.1999
	deleted by 39/1999 s 46	1.12.1999
s 119	amended by 103/1976 s 89	1.3.1977
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	deleted by 20/1999 s 14	1.12.1999
s 120	deleted by 20/1999 s 14	1.12.1999
s 121	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	deleted by 20/1999 s 14	1.12.1999
s 122	amended by 103/1976 s 90	1.3.1977
	deleted by 20/1999 s 14	1.12.1999
s 124	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	deleted by 20/1999 s 14	1.12.1999
heading preceding s 126	deleted by 20/1999 s 14	1.12.1999
s 126	amended by 103/1976 s 91	1.3.1977
	deleted by 20/1999 s 14	1.12.1999
heading preceding s 132	deleted by 20/1999 s 14	1.12.1999
s 132	amended by 103/1976 s 92	1.3.1977
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	deleted by 20/1999 s 14	1.12.1999
s 133	deleted by 20/1999 s 14	1.12.1999
s 134	amended by 15/1984 s 7	5.7.1984
	amended by 85/1985 s 5(a)	2.12.1985
	amended by 66/1996 s 5	6.11.1997
	deleted by 20/1999 s 14	1.12.1999
s 135	amended by 27/1986 s 15	1.7.1986
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	deleted by 20/1999 s 14	1.12.1999
s 136	deleted by 20/1999 s 14	1.12.1999
s 137	substituted by 32/1993 s 8	4.11.1993
	deleted by 20/1999 s 14	1.12.1999
s 138	deleted by 20/1999 s 14	1.12.1999

<i>s 138A</i>	<i>amended by 103/1976 s 93</i>	<i>1.3.1977</i>
	<i>amended by 99/1981 s 6</i>	<i>7.1.1982</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>s 138B and heading preceding s 139</i>	<i>deleted by 99/1981 s 7</i>	<i>7.1.1982</i>
	<i>substituted by 25/1989 s 6</i>	<i>1.7.1989</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>s 139</i>	<i>amended by 103/1976 s 94</i>	<i>1.3.1977</i>
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>amended by 25/1989 s 7</i>	<i>1.7.1989</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>s 140</i>	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>s 141</i>	<i>amended by 42/1979 s 16</i>	<i>1.4.1979</i>
	<i>amended by 51/1997 s 8(a), (b)</i>	<i>15.1.1998</i>
	<i>amended by 103/1976 s 95</i>	<i>1.3.1977</i>
	<i>amended by 82/1987 s 2</i>	<i>26.11.1987</i>
	<i>amended by 32/1993 s 9</i>	<i>4.11.1993</i>
	<i>amended by 51/1997 s 8(c)</i>	<i>15.1.1998</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>s 142</i>	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>s 143</i>	<i>deleted by 99/1981 s 8</i>	<i>7.1.1982</i>
	<i>inserted by 25/1989 s 8</i>	<i>1.7.1989</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>heading preceding s 144</i>	<i>inserted by 12/1991 s 14</i>	<i>1.7.1991</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>s 144</i>	<i>deleted by 103/1976 s 97</i>	<i>1.3.1977</i>
	<i>inserted by 12/1991 s 14</i>	<i>1.7.1991</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>s 145</i>	<i>deleted by 103/1976 s 97</i>	<i>1.3.1977</i>
<i>heading preceding s 146</i>	<i>substituted by 103/1976 s 96</i>	<i>1.3.1977</i>
	<i>substituted by 25/1989 s 9</i>	<i>1.7.1989</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>s 146</i>	<i>amended by 103/1976 s 98</i>	<i>1.3.1977</i>
	<i>substituted by 25/1989 s 10</i>	<i>1.7.1989</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>s 147</i>	<i>amended by 103/1976 s 99</i>	<i>1.3.1977</i>
	<i>amended by 42/1979 s 17</i>	<i>1.4.1979</i>
	<i>amended by 99/1981 s 9</i>	<i>7.1.1982</i>
	<i>substituted by 25/1989 s 10</i>	<i>1.7.1989</i>
	<i>deleted by 20/1999 s 14</i>	<i>1.12.1999</i>
<i>Pt 4 Div 3</i>	<i>deleted by 35/2013 s 53</i>	<i>10.2.2014</i>

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

Pt 4 Div 3A	inserted by 13/2006 s 24	30.4.2007
heading	amended by 35/2013 s 54	10.2.2014
s 116		
s 116(1)	amended by 35/2013 s 55(1)—(3)	10.2.2014
s 116(2)	amended by 35/2013 s 55(4)	10.2.2014
s 116(3)	amended by 35/2013 s 55(5)	10.2.2014
s 117		
s 117(1)	amended by 35/2013 s 56	10.2.2014
s 118		
s 118(1)	amended by 35/2013 s 57	10.2.2014
Pt 4 Div 3B	inserted by 13/2006 s 24	30.4.2007
heading	amended by 35/2013 s 58	10.2.2014
Pt 4 Div 3B Subdiv 1		
s 119	substituted by 35/2013 s 59	10.2.2014
s 120	<i>deleted by 35/2013 s 59</i>	<i>10.2.2014</i>
<i>Pt 4 Div 3B Subdiv 2 before deletion by 35/2013</i>	<i>heading substituted by 22/2008 s 6</i>	<i>29.9.2008</i>
s 121	<i>substituted by 22/2008 s 7</i>	<i>29.9.2008</i>
<i>Pt 4 Div 3B Subdiv 2</i>	<i>deleted by 35/2013 s 60</i>	<i>10.2.2014</i>
Pt 4 Div 3B Subdiv 3		
heading	amended by 35/2013 s 61	10.2.2014
ss 123 and 124	substituted by 35/2013 s 62	10.2.2014
ss 125—129	<i>deleted by 35/2013 s 63</i>	<i>10.2.2014</i>
<i>Pt 4 Div 3B Subdivs 4—7</i>	<i>deleted by 35/2013 s 64</i>	<i>10.2.2014</i>
Pt 4 Div 4	heading preceding s 148 inserted by 20/1999 s 15	1.12.1999
	heading preceding s 148 redesignated as Div 4 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
<i>s 148 before deletion by 13/2006</i>	<i>inserted by 25/1989 s 10</i>	<i>1.7.1989</i>
<i>s 148(1) and (2)</i>	<i>amended by 20/1999 s 16(a)</i>	<i>1.12.1999</i>
<i>s 148(3)</i>	<i>inserted by 20/1999 s 16(b)</i>	<i>1.12.1999</i>
s 148	<i>deleted by 13/2006 s 25</i>	<i>30.4.2007</i>
<i>s 149 before deletion by 13/2006</i>	<i>substituted by 25/1989 s 10</i>	<i>1.7.1989</i>
s 149(1)	<i>deleted by 20/1999 s 17(a)</i>	<i>1.12.1999</i>
s 149(2)	<i>amended by 20/1999 s 17(b)</i>	<i>1.12.1999</i>
s 149	<i>deleted by 13/2006 s 25</i>	<i>30.4.2007</i>
s 150	<i>amended by 103/1976 s 100</i>	<i>1.3.1977</i>
	<i>substituted by 25/1989 s 10</i>	<i>1.7.1989</i>
	<i>deleted by 20/1999 s 18</i>	<i>1.12.1999</i>
s 151	<i>deleted by 103/1976 s 101</i>	<i>1.3.1977</i>

<i>s 152</i>	<i>amended by 103/1976 s 102</i>	<i>1.3.1977</i>
	<i>amended by 15/1984 s 8</i>	<i>5.7.1984</i>
	<i>substituted by 82/1987 s 3</i>	<i>26.11.1987</i>
	<i>deleted by 13/2006 s 25</i>	<i>30.4.2007</i>
<i>s 153 before deletion by 13/2006</i>		
<i>s 153(1)</i>	<i>amended by 103/1976 s 103(a)—(c)</i>	<i>1.3.1977</i>
	<i>amended by 42/1979 s 18</i>	<i>1.4.1979</i>
	<i>amended by 20/1999 s 19</i>	<i>1.12.1999</i>
<i>s 153(2)</i>	<i>amended by 103/1976 s 103(d)</i>	<i>1.3.1977</i>
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
<i>s 153</i>	<i>deleted by 13/2006 s 25</i>	<i>30.4.2007</i>
<i>s 154 before deletion by 13/2006</i>		
<i>s 154(1)</i>	<i>amended by 20/1999 s 20</i>	<i>1.12.1999</i>
<i>s 154(2)</i>	<i>amended by 103/1976 s 104</i>	<i>1.3.1977</i>
<i>s 154</i>	<i>deleted by 13/2006 s 25</i>	<i>30.4.2007</i>
<i>s 155</i>	<i>deleted by 103/1976 s 105</i>	<i>1.3.1977</i>
<i>s 156 before deletion by 13/2006</i>		
<i>s 156(1)</i>	<i>amended by 103/1976 s 106(a)—(d)</i>	<i>1.3.1977</i>
	<i>amended by 25/1989 s 11</i>	<i>1.7.1989</i>
	<i>amended by 20/1999 s 21</i>	<i>1.12.1999</i>
<i>s 156(2)</i>	<i>amended by 103/1976 s 106(e)</i>	<i>1.3.1977</i>
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	<i>1.1.1985</i>
<i>s 156</i>	<i>deleted by 13/2006 s 25</i>	<i>30.4.2007</i>
<i>heading preceding s 157</i>	<i>deleted by 20/1999 s 22</i>	<i>1.12.1999</i>
<i>s 157</i>	<i>amended by 103/1976 s 107</i>	<i>1.3.1977</i>
	<i>substituted by 99/1981 s 10</i>	<i>7.1.1982</i>
	<i>deleted by 20/1999 s 22</i>	<i>1.12.1999</i>
<i>s 158</i>	<i>amended by 103/1976 s 108</i>	<i>1.3.1977</i>
	<i>deleted by 99/1981 s 10</i>	<i>7.1.1982</i>
<i>heading preceding s 160</i>	<i>deleted by 20/1999 s 22</i>	<i>1.12.1999</i>
<i>s 161</i>	<i>amended by 20/1999 s 24</i>	<i>1.12.1999</i>
	<i>deleted by 39/1999 s 47</i>	<i>1.12.1999</i>
<i>Pt 4 Div 4 Subdiv 1</i>		
<i>heading</i>	<i>inserted by 13/2006 s 25</i>	<i>30.4.2007</i>
	<i>amended by 38/2017 s 39</i>	<i>19.12.2017</i>
<i>s 145</i>	<i>s 160 redesignated as s 145 by 13/2006 s 26(3)</i>	<i>30.4.2007</i>
<i>s 145</i>		
<i>s 145(1)</i>		
<i>inspector</i>	<i>deleted by 100/1996 s 3(a)</i>	<i>1.7.1997</i>

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

safety risk	inserted by 52/1999 s 96(e)	9.7.2001
	substituted by 35/2013 s 65(1)	10.2.2014
vehicle	inserted by 35/2013 s 65(1)	10.2.2014
vehicle registration authority	inserted by 52/1999 s 96(e)	9.7.2001
s 145(1aa)	inserted by 37/2002 s 17(a)	3.7.2003
	substituted by 13/2006 s 26(1)	30.4.2007
	amended by 38/2017 s 40	19.12.2017
s 145(1a)	inserted by 55/1989 s 3(a)	28.3.1990
	amended by 52/1999 s 96(f), (g)	9.7.2001
	substituted by 37/2002 s 17(a)	3.7.2003
	amended by 13/2006 ss 44(1), (3), 45	30.4.2007
	substituted by 35/2013 s 65(2)	10.2.2014
s 145(1b)	inserted by 55/1989 s 3(a)	28.3.1990
	amended by 52/1999 s 96(h), (i)	9.7.2001
	substituted by 37/2002 s 17(a)	3.7.2003
	amended by 13/2006 s 44(1), 45	30.4.2007
	substituted by 35/2013 s 65(2)	10.2.2014
s 145(2)	amended by 42/1979 s 19(a)	1.4.1979
	substituted by 55/1989 s 3(b)	28.3.1990
	amended by 20/1999 s 23(a)	1.12.1999
	amended by 52/1999 s 96(j)	9.7.2001
	amended by 37/2002 s 17(b)	3.7.2003
	amended by 13/2006 ss 44(1), (3), 45	30.4.2007
	substituted by 35/2013 s 65(2)	10.2.2014
s 145(2a)	substituted by 42/1979 s 19(b)	1.4.1979
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 105/1987 s 4(a)	1.7.1988
	amended by 20/1999 s 23(b)	1.12.1999
	amended by 52/1999 s 96(k)	9.7.2001
	amended by 37/2002 s 17(c)	3.7.2003
	amended by 13/2006 ss 44(1), 45	30.4.2007
	substituted by 35/2013 s 65(2)	10.2.2014
s 145(3)	amended by 103/1976 s 109(a)	1.3.1977
	amended by 55/1989 s 3(c)	28.3.1990
s 145(3a)	<i>inserted in pursuance of the Acts Republication Act 1967</i>	16.1.1989
	<i>deleted by 13/2006 ss 26(2)</i>	30.4.2007
s 145(4)	substituted by 42/1979 s 19(c)	1.4.1979
	amended by 13/2006 s 44(1), 45	30.4.2007
	amended by 35/2013 s 65(3)	10.2.2014
s 145(4a)	amended by 42/1979 s 19(d)	1.4.1979
	deleted by 100/1996 s 3(b)	1.7.1997

---

	inserted by 52/1999 s 96(l)	9.7.2001
	amended by 17/2001 s 24(a)	9.7.2001
	amended by 37/2002 s 17(d)	3.7.2003
	amended by 13/2006 ss 44(1), (3), 45	30.4.2007
	substituted by 35/2013 s 65(4)	10.2.2014
s 145(4b)	inserted by 52/1999 s 96(l)	9.7.2001
	amended by 17/2001 s 24(b)	9.7.2001
s 145(4c)	inserted by 52/1999 s 96(l)	9.7.2001
	amended by 17/2001 s 24(c)	9.7.2001
	amended by 37/2002 s 17(e)	3.7.2003
	amended by 13/2006 ss 44(1), 45	30.4.2007
	amended by 35/2013 s 65(5)	10.2.2014
s 145(5)	amended by 20/1999 s 23(c)	1.12.1999
	substituted by 52/1999 s 96(m)	9.7.2001
	amended by 17/2001 s 24(d)	9.7.2001
	amended by 37/2002 s 17(f)	3.7.2003
	amended by 13/2006 ss 44(1), (3), 45	30.4.2007
	amended by 35/2013 s 65(6), (7)	10.2.2014
s 145(5a)	inserted by 52/1999 s 96(m)	9.7.2001
	amended by 17/2001 s 24(e)	9.7.2001
	amended by 37/2002 s 17(g)	3.7.2003
	amended by 13/2006 ss 44(1), 45	30.4.2007
	amended by 35/2013 s 65(8)	10.2.2014
s 145(5b)	inserted by 52/1999 s 96(m)	9.7.2001
	amended by 17/2001 s 24(f)	9.7.2001
s 145(5c)	inserted by 52/1999 s 96(m)	9.7.2001
	amended by 17/2001 s 24(g), (h)	9.7.2001
	amended by 37/2002 s 17(h), (i)	3.7.2003
	amended by 13/2006 ss 44(1), 45	30.4.2007
	amended by 35/2013 s 65(9)—(11)	10.2.2014
s 145(5d)	inserted by 52/1999 s 96(m)	9.7.2001
	amended by 17/2001 s 24(i)	9.7.2001
	amended by 37/2002 s 17(j)	3.7.2003
	amended by 13/2006 ss 44(1), 45	30.4.2007
	amended by 35/2013 s 65(12)	10.2.2014
s 145(5e)	inserted by 52/1999 s 96(m)	9.7.2001
	amended by 13/2006 ss 44(1), 45	30.4.2007
	amended by 35/2013 s 65(13)	10.2.2014
s 145(5f)	inserted by 52/1999 s 96(m)	9.7.2001
	amended by 17/2001 s 24(j)	9.7.2001
	amended by 37/2002 s 17(k)	3.7.2003
s 145(5g)	inserted by 52/1999 s 96(m)	9.7.2001
	amended by 17/2001 s 24(k)	9.7.2001

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

	substituted by 37/2002 s 17(l)	3.7.2003
	amended by 13/2006 ss 44(1), 45	30.4.2007
	amended by 35/2013 s 65(14)	10.2.2014
s 145(5h)	inserted by 52/1999 s 96(m)	9.7.2001
	amended by 13/2006 ss 44(1), 45	30.4.2007
	amended by 35/2013 s 65(15)	10.2.2014
s 145(6)	amended by 103/1976 s 109(b)	1.3.1977
s 145(6a)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 145(7)	amended by 15/1984 s 9	5.7.1984
	substituted by 105/1987 s 4(b)	1.7.1988
	substituted by 52/1999 s 96(n)	9.7.2001
	amended by 17/2001 s 24(l)	9.7.2001
s 145(8)	inserted by 100/1996 s 3(c)	1.7.1997
	amended by 13/2006 s 45	30.4.2007
s 145(9) and (10)	inserted by 100/1996 s 3(c)	1.7.1997
s 145(11)	inserted by 100/1996 s 3(c)	1.7.1997
	amended by 20/1999 s 23(d)	1.12.1999
s 145(12)—(14)	inserted by 100/1996 s 3(c)	1.7.1997
s 145(15)	inserted by 17/2001 s 24(m)	9.7.2001
	amended by 35/2013 Sch 1	10.2.2014
Pt 4 Div 4 Subdiv 2	inserted by 13/2006 s 27	30.4.2007
	substituted by 35/2013 s 66	10.2.2014
<i>Pt 4 Div 4 Subdiv 3</i>	<i>inserted by 13/2006 s 27</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 66</i>	<i>10.2.2014</i>
Pt 4 Div 5	heading preceding s 161A inserted by 20/1999 s 25	1.12.1999
	heading preceding s 161A redesignated as Div 5 heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
s 161A		
s 161A(1)	amended by 103/1976 s 110	1.3.1977
	amended by 27/1986 s 16(a)	1.7.1986
	amended by 35/2013 s 67	10.2.2014
s 161A(2)	deleted by 27/1986 s 16(b)	1.7.1986
	inserted by 13/2006 s 28	30.4.2007
<i>s 162</i>	<i>amended by 103/1976 s 111</i>	<i>1.3.1977</i>
	<i>amended by 20/1999 s 26</i>	<i>1.12.1999</i>
	<i>deleted by 39/1999 s 47</i>	<i>1.12.1999</i>
s 162A		
s 162A(1)	amended by 58/1986 s 4(a)	1.1.1987
<i>s 162A(2)</i>	<i>amended by 103/1976 s 112</i>	<i>1.3.1977</i>
	<i>deleted by 13/2006 s 29</i>	<i>30.4.2007</i>
s 162A(3)	amended by 58/1986 s 4(b)—(d)	1.1.1987
s 162A(4)	amended by 27/1986 s 17	1.7.1986

<i>s 162AB</i>	<i>amended by 40/1976 s 2</i>	22.10.1976
	<i>amended by 103/1976 s 113</i>	1.3.1977
	<i>amended by 42/1979 s 20</i>	1.4.1979
	<i>amended by 99/1981 s 11</i>	7.1.1982
	<i>amended by 27/1986 s 18</i>	1.7.1986
	<i>substituted by 58/1986 s 5</i>	1.1.1987
	<i>amended by 74/1988 s 5</i>	1.1.1989
	<i>deleted by 39/1999 s 48</i>	1.12.1999
<i>s 162AC</i>	<i>inserted by 25/1980 s 6</i>	1.6.1980
	<i>deleted by 58/1986 s 5</i>	1.1.1987
<i>s 162B</i>	<i>amended by 103/1976 s 114</i>	1.3.1977
	<i>deleted by 20/1999 s 27</i>	1.12.1999
	<i>inserted by 39/1999 s 48</i>	1.12.1999
<i>s 162C</i>		
<i>s 162C(1)</i>	<i>amended by 103/1976 s 115</i>	1.3.1977
	<i>substituted by 12/1991 s 15(a)</i>	1.7.1991
	<i>amended by 64/1995 s 8(a)</i>	1.2.1996
	<i>amended by 39/1999 s 49(a)</i>	1.12.1999
<i>s 162C(2)</i>	<i>substituted by 12/1991 s 15(a)</i>	1.7.1991
	<i>amended by 64/1995 s 8(a)</i>	1.2.1996
	<i>amended by 39/1999 s 49(a)</i>	1.12.1999
<i>s 162C(2a)</i>	<i>inserted by 12/1991 s 15(a)</i>	1.7.1991
	<i>amended by 64/1995 s 8(a)</i>	1.2.1996
	<i>amended by 39/1999 s 49(a)</i>	1.12.1999
<i>s 162C(2b)</i>	<i>inserted by 12/1991 s 15</i>	1.7.1991
	<i>deleted by 39/1999 s 49(b)</i>	1.12.1999
<i>s 162C(2c)</i>	<i>inserted by 12/1991 s 15(a)</i>	1.7.1991
<i>s 162C(3)</i>	<i>amended by 12/1991 s 15(b)</i>	1.7.1991
	<i>amended by 64/1995 s 8(b)</i>	1.2.1996
	<i>amended by 39/1999 s 49(c), (d)</i>	1.12.1999
<i>s 162C(4)</i>	<i>inserted by 56/1991 s 2</i>	28.11.1991
	<i>amended by 64/1995 s 8(c)</i>	1.2.1996
	<i>amended by 39/1999 s 49(e)</i>	1.12.1999
	<i>amended by 35/2013 Sch 1</i>	10.2.2014
<i>Pt 4 Div 6 before deletion by 35/2013</i>	<i>heading preceding s 163 redesignated as Div 6 heading in pursuance of the Acts Republication Act 1967</i>	1.12.1999
<i>s 163</i>		
<i>s 163(1)</i>	<i>substituted by 103/1976 s 116(a)</i>	1.3.1977
	<i>substituted by 99/1981 s 12(a)</i>	7.1.1982
<i>s 163(1a)</i>	<i>substituted by 103/1976 s 116(a)</i>	1.3.1977
	<i>deleted by 91/1982 s 3</i>	1.7.1985
<i>s 163(1b)</i>	<i>deleted by 103/1976 s 116(a)</i>	1.3.1977

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

<i>s 163(2)</i>	<i>deleted by 99/1981 s 12(a)</i>	7.1.1982
<i>s 163(3)</i>	<i>amended by 103/1976 s 116(b)</i>	1.3.1977
<i>s 163(4) and (5)</i>	<i>deleted by 99/1981 s 12(b)</i>	7.1.1982
<i>Pt 4 Div 6</i>	<i>deleted by 35/2013 s 68</i>	10.2.2014
<i>Pt 4 Div 7</i>	heading preceding <i>s 163AA</i> inserted by 99/1981 s 13	7.1.1982
	heading preceding <i>s 163AA</i> redesignated as <i>Div 7</i> heading in pursuance of the <i>Acts Republication Act 1967</i>	1.12.1999
<i>s 163AA</i>	inserted by 99/1981 s 13	7.1.1982
<i>s 163AA(1)</i>	amended by 27/1986 s 19(a)	1.7.1986
	amended by 35/2013 Sch 1	10.2.2014
<i>s 163AA(2)</i>	amended by 27/1986 s 19(a)	1.7.1986
<i>s 163AA(3)</i>	<i>deleted by 27/1986 s 19(b)</i>	1.7.1986
<i>Pt 4A</i>		
<i>s 163A</i>		
<i>s 163A(1)</i>	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 30/1994 Sch 4 cl 2(b)(vii)	1.8.1994
<i>s 163A(2) and (3)</i>	amended by 35/2013 Sch 1	10.2.2014
<i>s 163B</i>	<i>amended by 103/1976 s 117</i>	1.3.1977
	<i>amended by 24/1981 s 5</i>	19.3.1981
	<i>amended by 30/1994 Sch 4 cl 2(b)(viii)</i>	1.8.1994
	<i>deleted by 39/1999 s 50</i>	1.12.1999
<i>s 163C</i>		
<i>s 163C(1)</i>	amended by 99/1981 s 14(a)	7.1.1982
	amended by 91/1982 s 4(a)	1.7.1985
	amended by 58/1986 s 6(a)	1.1.1987
	substituted by 30/1994 Sch 4 cl 2(b)(ix)	1.8.1994
<i>s 163C(1a)</i>	inserted by 42/1979 s 21	1.4.1979
	substituted by 91/1982 s 4(b)	1.7.1985
	substituted by 30/1994 Sch 4 cl 2(b)(ix)	1.8.1994
<i>s 163C(1b)</i>	inserted by 91/1982 s 4(b)	1.7.1985
	amended by 30/1994 Sch 4 cl 2(b)(x)	1.8.1994
<i>s 163C(2)</i>	<i>amended by 103/1976 s 118</i>	1.3.1977
	<i>substituted by 99/1981 s 14(b)</i>	7.1.1982
	<i>substituted by 91/1982 s 4(c)</i>	1.7.1985
	<i>substituted by 58/1986 s 6(b)</i>	1.1.1987
	<i>deleted by 20/1999 s 28</i>	1.12.1999
<i>s 163C(3)</i>	amended by 53/2005 s 11	17.11.2005
	amended by 35/2013 Sch 1	10.2.2014
<i>s 163D</i>		
<i>s 163D(1)</i>	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	substituted by 20/1999 s 29(a)	1.12.1999
<i>s 163D(1a)</i>	inserted by 20/1999 s 29(a)	1.12.1999

s 163D(2)	amended by 91/1982 s 5(a)	1.7.1985
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
s 163D(3)	amended by 103/1976 s 119(a)	1.3.1977
	substituted by 99/1981 s 15	7.1.1982
	substituted by 91/1982 s 5(b)	1.7.1985
s 163D(3a)	inserted by 91/1982 s 5(b)	1.7.1985
	amended by 35/2013 Sch 1	10.2.2014
s 163D(5)	substituted by 91/1982 s 5(c)	1.7.1985
s 163D(6)	amended by 103/1976 s 119(b)	1.3.1977
	substituted by 20/1999 s 29(b)	1.12.1999
s 163E	substituted by 91/1982 s 6	1.7.1985
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
s 163E(1)	amended by 13/2006 s 45	30.4.2007
	amended by 35/2013 Sch 1	10.2.2014
s 163E(2)	amended by 20/1999 s 30	1.12.1999
s 163E(4)	amended by 13/2006 s 45	30.4.2007
s 163F	amended by 99/1981 s 16	7.1.1982
	amended by 91/1982 s 7	1.7.1985
	amended by 20/1999 s 31	1.12.1999
s 163G	amended by 13/2006 ss 44(1), 45	30.4.2007
	substituted by 35/2013 s 69	10.2.2014
s 163GA	inserted by 91/1982 s 8	1.7.1985
s 163GA(1)	substituted by 20/1999 s 32(a)	1.12.1999
s 163GA(1a)	inserted by 20/1999 s 32(a)	1.12.1999
s 163GA(1b)	inserted by 53/2005 s 12	17.11.2005
s 163GA(4)	<i>deleted by 13/2006 s 30</i>	30.4.2007
s 163GA(5)	<i>amended by 20/1999 s 32(b)</i>	1.12.1999
	<i>deleted by 13/2006 s 30</i>	30.4.2007
s 163GA(6)—(8)	<i>deleted by 13/2006 s 30</i>	30.4.2007
s 163H	<i>amended by 103/1976 s 120</i>	1.3.1977
	<i>deleted by 13/2006 s 31</i>	30.4.2007
s 163I	(b) <i>deleted by 13/2006 s 32</i>	30.4.2007
s 163J	inserted by 103/1976 s 121	1.3.1977
s 163J(1)	amended by 35/2013 Sch 1	10.2.2014
s 163K	inserted by 103/1976 s 121	1.3.1977
	amended by 35/2013 Sch 1	10.2.2014
s 163KA	<i>inserted by 15/1984 s 10</i>	5.7.1984
	<i>deleted by 13/2006 s 33</i>	30.4.2007
Pt 4B	<i>inserted by 24/1981 s 6</i>	19.3.1981
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>deleted by 30/1994 Sch 4 cl 2(b)(xi)</i>	1.8.1994
Pt 4B before deletion by 35/2013	<i>inserted by 13/2006 s 33</i>	30.4.2007

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

<i>s 163L</i>		
<i>approved officer</i>	<i>substituted by 26/2008 s 31</i>	25.9.2008
<i>Pt 4B</i>	<i>deleted by 35/2013 s 70</i>	10.2.2014
<i>Pt 4C</i>	<i>inserted by 13/2006 s 33</i>	30.4.2007
<i>Pt 5</i>		
<i>s 164</i>	<i>deleted by 81/2005 s 25</i>	30.7.2006
<i>s 164A</i>	<i>inserted by 103/1976 s 122</i>	1.3.1977
<i>s 164A(1)</i>	<i>amended by 13/2006 s 34(1)</i>	30.4.2007
<i>s 164A(2)</i>	<i>amended by 91/1982 s 9</i>	5.7.1984
	<i>amended by 39/1999 s 51</i>	1.12.1999
	<i>amended by 13/2006 s 34(2)</i>	30.4.2007
<i>s 164B</i>	<i>inserted by 99/1981 s 17</i>	7.1.1982
	<i>substituted by 35/2013 s 71</i>	10.2.2014
<i>s 165</i>	<i>deleted by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>inserted by 53/2005 s 13</i>	17.11.2005
<i>s 165(1)</i>	<i>amended by 13/2006 s 35</i>	30.4.2007
	<i>amended by 35/2013 Sch 1</i>	10.2.2014
<i>s 165(2)</i>	<i>amended by 38/2017 Sch 1 Pt 5</i>	20.3.2018
<i>s 165(4)</i>	<i>inserted by 22/2008 s 8</i>	29.9.2008
<i>s 166</i>	<i>amended by 103/1976 s 123</i>	1.3.1977
	<i>amended by 42/1979 s 22</i>	1.4.1979
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>substituted by 13/2006 s 36</i>	30.4.2007
<i>s 167</i>		
<i>s 167(2)</i>	<i>amended by 17/2001 s 25</i>	9.7.2001
<i>s 168</i>		
<i>s 168(1)</i>	<i>amended by 99/1981 s 18(a)</i>	7.1.1982
	<i>substituted by 13/2006 s 37</i>	30.4.2007
<i>s 168(2)</i>	<i>deleted by 103/1976 s 124</i>	1.3.1977
	<i>inserted by 13/2006 s 37</i>	30.4.2007
<i>s 168(2a)</i>	<i>inserted by 13/2006 s 37</i>	30.4.2007
<i>s 168(3)</i>	<i>amended by 35/2013 Sch 1</i>	10.2.2014
<i>s 168(4)</i>	<i>amended by 99/1981 s 18(b)</i>	7.1.1982
	<i>amended by 35/2013 Sch 1</i>	10.2.2014
<i>s 168(5)</i>	<i>inserted by 42/1979 s 23</i>	1.4.1979
	<i>amended by 35/2013 Sch 1</i>	10.2.2014
<i>s 169</i>	<i>amended by 103/1976 s 125</i>	1.3.1977
	<i>amended by 42/1979 s 24</i>	1.4.1979
	<i>amended by 99/1981 s 19</i>	7.1.1982
	<i>amended by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985
	<i>amended by 92/1986 s 4</i>	18.12.1986
	<i>deleted by 39/1999 s 52</i>	1.12.1999
<i>s 169A</i>	<i>inserted by 103/1976 s 126</i>	1.3.1977

	amended by 35/2013 Sch 1	10.2.2014
s 169B	inserted by 81/2005 s 26	30.7.2006
s 170	amended by 99/1981 s 20	7.1.1982
<i>s 171</i>	<i>deleted by 103/1976 s 127</i>	<i>1.3.1977</i>
s 172		
s 172(1)	amended by 99/1981 s 21	7.1.1982
	amended by 35/2013 Sch 1	10.2.2014
s 173		
s 173(1)	amended by 99/1981 s 22	7.1.1982
s 173(3)	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
<i>s 173AA before deletion by 35/2013</i>	<i>inserted by 22/2008 s 9</i>	<i>29.9.2008</i>
<i>s 173AA(4)</i>	<i>inserted by 41/2009 s 7</i>	<i>5.11.2009</i>
<i>s 173AA</i>	<i>deleted by 35/2013 s 72</i>	<i>10.2.2014</i>
s 173A	inserted by 20/1999 s 33	1.12.1999
s 173A(2)	amended by 13/2006 s 38(1)	30.4.2007
<i>s 173A(3)</i>	<i>deleted by 13/2006 s 38(2)</i>	<i>30.4.2007</i>
s 173AB	inserted by 13/2006 s 39	30.4.2007
s 173AB(1)	amended by 35/2013 s 73	10.2.2014
s 173B	inserted by 20/1999 s 33	1.12.1999
s 174A	inserted by 39/1999 s 53	1.12.1999
s 174A(4) and (5)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 174A(9a)	inserted by 53/2003 s 11	4.12.2005
s 174AB	inserted by 13/2006 s 40	30.4.2007
ss 174B and 174C	inserted by 39/1999 s 53	1.12.1999
ss 174D and 174E	inserted by 39/1999 s 53	1.12.1999
	amended by 13/2006 s 44(1)	30.4.2007
<i>ss 174F</i>	<i>inserted by 13/2006 s 41</i>	<i>30.4.2007</i>
	<i>deleted by 35/2013 s 74</i>	<i>10.2.2014</i>
s 174G	inserted by 13/2006 s 41	30.4.2007
s 174G(1)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
s 174G(8)		
public agency	substituted by 35/2013 s 75	10.2.2014
s 174H	inserted by 13/2006 s 41	30.4.2007
s 174I	inserted by 13/2006 s 41	30.4.2007
	substituted by 35/2013 s 76	10.2.2014
ss 174J and 174K	inserted by 13/2006 s 41	30.4.2007
s 175		
s 175(1)	amended by 42/1979 s 25(a), (b)	1.4.1979
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 5/1992 s 5	1.6.1992
	amended by 88/1994 s 10	5.1.1995
	amended by 57/1997 s 5	11.12.1997

**Road Traffic Act 1961—30.11.2020 to 2.10.2021**

## Legislative history

---

	amended by 78/1997 s 5	5.2.1998
	amended by 18/1998 s 7(a)	20.7.1998
	amended by 20/1999 s 34(a)	1.12.1999
	substituted by 39/1999 s 54(a)	1.12.1999
	amended by 13/2006 ss 42(1), (2), 45	30.4.2007
	(eb) deleted by 35/2013 s 77(1)	10.2.2014
	amended by 35/2013 s 77(2), (3)	10.2.2014
	amended by 25/2013 s 5	1.9.2014
s 175(2)	deleted by 20/1999 s 34(b)	1.12.1999
	inserted by 63/2017 s 32	24.4.2018
s 175(2a)	<i>inserted by 18/1998 s 7(b)</i>	<i>20.7.1998</i>
	<i>deleted by 39/1999 s 54(b)</i>	<i>1.12.1999</i>
s 175(3)	amended by 103/1976 s 128	1.3.1977
	amended by 42/1979 s 25(c), (d)	1.4.1979
	amended by 25/1981 s 2(a)	19.3.1981
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 27/1986 s 20	1.7.1986
	amended by 25/1989 s 12	1.7.1989
	amended by 5/1999 s 2	11.3.1999
	amended by 20/1999 s 34(c)—(e)	1.12.1999
	amended by 8/2003 s 34(a)	15.12.2003
	amended by 13/2006 ss 42(3), 44(1)	30.4.2007
	amended by 26/2008 s 32(1)—(3)	25.9.2008
	amended by 41/2009 s 8(1)	5.11.2009
	amended by 35/2013 s 77(4)	10.2.2014
	(c) deleted by 35/2013 s 77(5)	10.2.2014
	amended by 41/2018 s 3(1)—(3)	13.12.2018
s 175(4)	inserted by 25/1981 s 2(b)	19.3.1981
	deleted by 39/1999 s 54(c)	1.12.1999
	inserted by 8/2003 s 34(b)	15.12.2003
	amended by 41/2009 s 8(2), (3)	5.11.2009
s 175(5)	inserted by 13/2006 s 42(4)	30.4.2007
	amended by 35/2013 s 77(6)	10.2.2014
s 175(6) and (7)	inserted by 13/2006 s 42(4)	30.4.2007
s 175A	inserted by 23/2012 s 5	1.1.2014
s 175A(3)	amended by 38/2017 s 41	19.12.2017
s 176		
s 176(1)	amended by 103/1976 s 129(a)—(d)	1.3.1977
	amended by 45/1979 s 4(a)—(d)	1.7.1979
	amended by 99/1981 s 23	7.1.1982
	amended by 91/1982 s 10	1.7.1985
	amended by 15/1984 s 11	5.7.1984
	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985

---

	amended by 27/1986 s 21(a)	1.7.1986
	amended by 25/1989 s 13	1.7.1989
	amended by 52/1990 s 13	22.11.1990
	amended by 10/1993 s 23	30.4.1993
	amended by 32/1993 s 10	4.11.1993
	amended by 88/1994 s 11	5.1.1995
	amended by 64/1995 s 9	1.2.1996
	amended by 34/1996 s 4 (Sch cl 30)	3.2.1997
	amended by 57/1997 s 6	11.12.1997
	amended by 20/1999 s 35(a)—(k)	1.12.1999
	substituted by 39/1999 s 55(a)	1.12.1999
s 176(1a)	inserted by 39/1999 s 55(a)	1.12.1999
	amended by 13/2006 ss 43(1), (2), 44(2)	30.4.2007
	amended by 22/2008 s 10(1)	29.9.2008
	amended by 13/2011 s 42(1), (2)	30.6.2011
	amended by 22/2010 s 87	1.7.2011
	(ga) deleted by 35/2013 s 78(1)	10.2.2014
	amended by 12/2017 s 9	1.6.2018
	amended by 24/2019 s 15	3.10.2019
s 176(2)	<i>deleted by 103/1976 s 129(e)</i>	<i>1.3.1977</i>
	<i>inserted by 34/1996 s 4 (Sch cl 30)</i>	<i>3.2.1997</i>
	<i>amended by 20/1999 s 35(b), (l), (m)</i>	<i>1.12.1999</i>
	<i>deleted by 26/2008 s 33</i>	<i>25.9.2008</i>
s 176(2a)	<i>inserted by 22/2008 s 10(2)</i>	<i>29.9.2008</i>
	<i>amended by 13/2011 s 42(2)</i>	<i>30.6.2011</i>
	<i>deleted by 35/2013 s 78(2)</i>	<i>10.2.2014</i>
s 176(3)	amended by 50/1984 s 3(1) (Sch 5)	1.1.1985
	amended by 20/1999 s 35(a)	1.12.1999
	amended by 39/1999 s 55(b)	1.12.1999
s 176(4)	amended by 27/1986 s 21(b)	1.7.1986
	amended by 20/1999 s 35(b)	1.12.1999
s 176(4aa)	inserted by 7/2000 s 4	15.8.2000
s 176(4a)	inserted by 39/1999 s 55(c)	1.12.1999
s 176(5)	substituted by 20/1999 s 35(n)	1.12.1999
s 176(5a)	inserted by 20/1999 s 35(n)	1.12.1999
s 176(5b)	inserted by 20/1999 s 35(n)	1.12.1999
	amended by 23/2012 s 6	1.1.2014
s 176(6)	<i>inserted by 45/1979 s 4(e)</i>	<i>1.7.1979</i>
	<i>amended by 20/1999 s 35(b)</i>	<i>1.12.1999</i>
	<i>deleted by 39/1999 s 55(d)</i>	<i>1.12.1999</i>
s 176(7) and (8)	inserted by 39/1999 s 55(e)	1.12.1999
s 177	amended by 39/1999 s 56	1.12.1999
Sch 1	deleted by 50/1984 s 3(1) (Sch 5)	1.1.1985

	inserted by 77/2005 s 18	1.7.2006
cl 1		
approved courier	inserted by 8/2009 s 40(1)	1.2.2010
registered nurse	substituted by 5/2010 Sch 1 cl 26	1.7.2010
	amended by 229/2018 Sch 1 cl 5	1.12.2018
cl 1A	inserted by 8/2009 s 40(2)	1.2.2010
Pt 2		
heading	amended by 63/2017 s 33(1)	22.2.2018
cl 2	amended by 13/2006 s 44(1)	30.4.2007
	amended by 8/2009 s 40(3)	1.2.2010
	amended by 35/2013 Sch 1	10.2.2014
	amended by 63/2017 s 33(2)	22.2.2018
cl 3	amended by 35/2013 Sch 1	10.2.2014
cl 4	amended by 13/2006 s 44(1)	30.4.2007
cl 6		
cl 6(2)	amended by 38/2017 Sch 1 Pt 5	20.3.2018
cl 7	amended by 13/2006 s 44(1)	30.4.2007
	amended by 8/2009 s 40(4)	1.2.2010
	amended by 35/2013 Sch 1	10.2.2014
	amended by 63/2017 s 33(3), (4)	22.2.2018
cl 8		
cl 8(1)	amended by 26/2010 s 3(1)	2.12.2010
cl 8(2)	amended by 26/2010 s 3(2)	2.12.2010
cl 8(3)		
death or bodily injury caused by or arising out of the use of a motor vehicle	inserted by 26/2010 s 3(3)	2.12.2010
nominal defendant	inserted by 26/2010 s 3(3)	2.12.2010
cl 9	amended by 8/2009 s 40(5)	1.2.2010
Sch 2	<i>deleted by 50/1984 s 3(1) (Sch 5)</i>	1.1.1985

## **Transitional etc provisions associated with Act or amendments**

### ***Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996***

#### **5—Transitional provision**

An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

## ***Road Traffic (Road Rules) Amendment Act 1999***

### **57—Transitional provision**

An exemption from a provision of the *Local Government (Parking) Regulations 1991* granted by a council under Part 22A of the *Local Government Act 1934* and in force at the commencement of this section is to be taken to be an exemption granted by the council under section 174C of the principal Act authorising the activity authorised by the former exemption subject to any conditions to which the former exemption was subject.

### **58—Report on operation of amended Act and *Australian Road Rules***

The Minister must, within six sitting days after the first anniversary of the date of commencement of this Act, cause a report on the operation of the principal Act as amended by this Act and the *Australian Road Rules* to be laid before each House of Parliament.

## ***Road Traffic (Alcohol Interlock Scheme) Amendment Act 2000***

### **9—Report on operation of amendments**

The Minister must, within six sitting days after the second anniversary of the date of commencement of section 50 of the *Road Traffic Act 1961* as inserted by this Act, cause a report on the operation of the *Road Traffic Act 1961* as amended by this Act and the *Motor Vehicles Act 1959* as amended by this Act to be laid before each House of Parliament.

## ***Statutes Amendment (Transport Portfolio) Act 2001***

### **26—Transitional provisions**

- (1) An approval of the Governor issued for the purposes of the definition of *alcotest* in section 47A of the principal Act before the commencement of section 17 continues to operate as such an approval for the purposes of that definition as substituted by section 17.
- (2) An amendment to the principal Act effected by a provision of this Part does not apply in relation to an offence committed before the commencement of that provision.

## ***Road Traffic (Drug Driving) Amendment Act 2005, Pt 3***

### **19—Review of operation of Act**

- (1) The Minister must cause a review to be undertaken and a report prepared on the first year's operation of the *Road Traffic Act 1961* as amended by this Act in relation to drug testing.
- (2) The review and report must be completed not later than 15 months after the date of commencement of this section.
- (3) The Minister must cause a copy of the report under subsection (1) to be laid before both Houses of Parliament within 6 sitting days after receiving it.

***Road Traffic (Notices of Licence Disqualification or Suspension) Amendment Act 2006, Sch 1—Transitional provision***

The amendments to the *Road Traffic Act 1961* effected by this Act apply in relation to a notice given, or purportedly given, under section 45B or 47IAA of that Act before or after the commencement of this Act (but not so as to affect any proceedings determined before the commencement of this Act).

***Road Traffic (Use of Test and Analysis Results) Amendment Act 2010, Sch 1***

**1—Transitional provision**

The amendments made by this Act to the *Road Traffic Act 1961* apply in respect of civil proceedings whether commenced before or after the commencement of this Act.

***Road Traffic (Emergency Service Speed Zones) Amendment Act 2013***

**6—Review of operation of Act**

- (1) The Minister must cause a review of the operation of the provisions of the *Road Traffic Act 1961* enacted or amended by this Act to be conducted, and a report on the results of the review to be submitted to him or her.
- (2) The review must be completed, and the report submitted to the Minister, before the third anniversary of the commencement of this section.
- (3) The Minister must, within 12 sitting days after receiving the report under this section, cause copies of the report to be laid before both Houses of Parliament.

***Road Traffic (Roadworks) Amendment Act 2017, Sch 1—Transitional provision***

An approval of the Minister given under Part 2 Division 2 of the *Road Traffic Act 1961* before the commencement of this Act continues in operation after the commencement of this Act and has effect, in relation to a work area or work site in existence at the commencement of this Act, as if it were a permit or approval (as the case may require) referred to in section 20(4) of that Act as substituted by this Act.

***Statutes Amendment (South Eastern Freeway Offences) Act 2019, Sch 1—Transitional provisions***

**1—Interpretation**

In this Schedule—

***South Eastern Freeway offence*** means—

- (a) an offence against section 45C of the *Road Traffic Act 1961*; or
- (b) an offence against section 79B of the *Road Traffic Act 1961* constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45C(1) of the *Road Traffic Act 1961*.

## 2—Transitional provision

The provisions of the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961* as amended by this Act do not apply in respect of a South Eastern Freeway offence committed or allegedly committed before the commencement of this Act (and the provisions of the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961* as in force at the time of the offence or alleged offence will apply instead).

## Historical versions

Reprint No 1—15.11.1991  
Reprint No 2—28.11.1991  
Reprint No 3—1.6.1992  
Reprint No 4—6.7.1992  
Reprint No 5—30.4.1993  
Reprint No 6—4.11.1993  
Reprint No 7—1.2.1994  
Reprint No 8—1.7.1994  
Reprint No 9—1.8.1994  
Reprint No 10—5.1.1995  
Reprint No 11—1.2.1996  
Reprint No 12—2.5.1996  
Reprint No 13—3.2.1997  
Reprint No 14—1.7.1997  
Reprint No 15—10.7.1997  
Reprint No 16—17.11.1997  
Reprint No 17—11.12.1997  
Reprint No 18—15.1.1998  
Reprint No 19—5.2.1998  
Reprint No 20—20.7.1998  
Reprint No 21—3.9.1998  
Reprint No 22—22.10.1998  
Reprint No 23—14.1.1999  
Reprint No 24—11.3.1999  
Reprint No 25—27.5.1999  
Reprint No 26—6.9.1999  
Reprint No 27—1.11.1999  
Reprint No 28—1.12.1999  
Reprint No 29—15.8.2000  
Reprint No 30—9.7.2001  
Reprint No 31—16.7.2001  
Reprint No 32—27.5.2002  
Reprint No 33—29.6.2002  
Reprint No 34—1.12.2002  
Reprint No 35—5.7.2003

## Road Traffic Act 1961—30.11.2020 to 2.10.2021

### Legislative history

---

Reprint No 36—19.9.2003  
Reprint No 37—15.12.2003  
Reprint No 38—1.1.2004  
7.2.2005  
1.6.2005  
1.7.2005  
31.10.2005  
17.11.2005  
1.12.2005 (electronic only)  
4.12.2005  
1.7.2006  
30.7.2006  
14.12.2006  
15.12.2006 (electronic only)  
30.4.2007  
1.6.2007  
25.9.2008 (electronic only)  
29.9.2008  
1.5.2009  
1.6.2009  
5.11.2009  
1.2.2010  
1.7.2010  
4.9.2010  
2.12.2010  
12.3.2011  
30.6.2011 (electronic only)  
1.7.2011  
21.8.2011  
22.3.2012  
1.1.2014  
16.1.2014  
26.1.2014  
10.2.2014  
1.9.2014  
17.3.2016  
14.7.2017  
19.12.2017  
22.2.2018  
8.3.2018 (electronic only)  
20.3.2018  
24.4.2018 (electronic only)  
30.4.2018

1.6.2018

1.12.2018 (electronic only)

13.12.2018

1.5.2019

3.10.2019

21.11.2019

6.12.2019