

Road Transport (General) Application of Road Transport Legislation (Traffic Offence Detection Device) Declaration 2023 (No 1)

Disallowable instrument DI2023–4

made under the

***Road Transport (General) Act 1999*, section 13 (Power to exclude vehicles, persons or animals from road transport legislation)**

1 Name of instrument

This instrument is the *Road Transport (General) Application of Road Transport Legislation (Traffic Offence Detection Device) Declaration 2023 (No 1)*.

2 Commencement

This instrument commences on 1 February 2023.

3 Declaration

I declare that the road transport legislation in clause 4 does not apply to a vehicle, or the driver of a vehicle, that is being used for the purpose of, or in connection with, the operation of a ***traffic offence detection device***, if in the circumstances:

- a) the driver is taking reasonable care; and
- b) it is reasonable that the provision should not apply.

4 Disapplied road transport legislation

The following provisions from the *Road Transport (Road Rules) Regulation 2017* are disapplied:

- a) Section 137 (Keeping off dividing strip);
- b) Section 197 (1) (Stopping on path, dividing strip, nature strip, painted island or traffic island) to the extent only that it relates to stopping on a dividing strip or nature strip;
- c) Section 205 (1) (Parking for longer than indicated);
- d) Section 207 (2) (Parking where fee payable);
- e) Section 213K (1) (Ticket parking—display of ticket);
- f) Section 289 (1) (Driving on a nature strip).

5 Definitions

traffic offence detection device means a mobile device detection system approved under section 13 of the *Road Transport (Safety and Traffic Management) Regulation 2017*.

vehicle means a motor vehicle or a trailer.

Note Terms used in this instrument have the same meaning that they have in the [Road Transport \(General\) Act 1999](#) (see [Legislation Act](#), s 148). For example, the following terms are defined in the [Road Transport \(General\) Act 1999](#), dict:

- motor vehicle
- trailer

Chris Steel MLA
Minister for Transport and City Services
25 January 2023