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**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT)
AMENDMENT BILL 2000**

EXPLANATORY MEMORANDUM

Circulated by authority of

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Minister for Urban Services**

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EXPLANATORY MEMORANDUM

The objective of the Bill is to amend the *Road Transport (Safety and Traffic Management) Act 1999* (the Act) to allow police officers and the courts to seize vehicles used in the commission of menacing driving offences.

This will provide a significant deterrent for drivers inclined to exhibit this type of behaviour. The option of seizing vehicles gives police a means of preventing drivers detected committing 'road rage' offences from committing further offences.

In the main, the Bill provides for the amendment of two sections of the Act:

- Section 10A which is about courts ordering the impounding of vehicles used in certain offences following conviction, and
- Section 10B which is about the powers of police officers to impound vehicles where the police officer believes the vehicle has been used in committing certain offences.

In addition, a new section 10AA is inserted.

New section 10AA allows a police officer to apply to the Magistrates Court for an order to impound a vehicle if the officer believes on reasonable grounds that a person has committed an offence against section 8 (menacing driving). The police may seek the order regardless of whether the person has been charged for the offence. A court may make an order to impound a vehicle if it finds to the civil burden of proof that the vehicle was used to commit an offence against section 8. The provisions of 10AA reflect those in 10A which is about the courts ordering the impounding of a vehicle after a person has been convicted of an offence.

Section 10A is amended to include the offence of menacing driving as an offence for which the courts may order a vehicle to be impounded, following a conviction.

Section 10B is amended to provide that a police officer may seize a vehicle if the officer believes on reasonable grounds that the person committed an offence of menacing driving. However, in the case of a menacing driving offence, the officer may only seize the vehicle if he or she witnessed the incident. As with seizures associated with burnout or racing offences, the police officer may only seize the vehicle within 10 days after the commission of the menacing drive offence.

The requirements set out in sections 10C to 10J for notifying the registered operator, the keeping, release, safekeeping, and the disposal of seized vehicles, are also made to apply to vehicles impounded in association with a menacing driving offence.