

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

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT)
AMENDMENT BILL 2001 (No 2)**

EXPLANATORY MEMORANDUM

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Explanatory Memorandum

OUTLINE

This is a Bill to amend the *Road Transport (Safety and Traffic Management) Act 1999*.

The Bill aims to reinstate the capacity for police officers to seize motor vehicles within a 10-day period of the vehicle being used by a person to commit burnouts and street racing offences.

This policing tool was implemented by the Legislative Assembly in 1999, bringing the ACT into line with NSW, and remained until removed in May, 2001, during the passage of legislation relating to road rage offences.

The removal of the police seizure powers for burnouts was contrary to the intent and purpose of the original legislation and this bill reinserts this fundamental element of these laws.

FORMAL CLAUSES

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill, commencement and the Act being amended.

SUBSTITUTION

Clause 4 inserts a new section 10B (1) that enables police officers to seize a motor vehicle when it is believed on reasonable grounds that the vehicle has been used by a person in committing an offence relating to burnouts or street racing outlined in sections 5A and 5B of the Act. A time period of within 10 days of an offence is specified by proposed new section 10B (1A).

Clauses 5 to 8 reinsert the provisions relating to the powers of police officers to seize and impound vehicles used in committing certain offences.

Proposed **Section 10C** provides the procedures for giving notice to the registered operator and persons with registered interests of impounding or forfeiture of motor vehicles.

Proposed **Sections 10D** refers to the period the chief police officer is responsible for impounded and forfeited motor vehicles.

Proposed **Sections 10F and 10G** provides the procedures and conditions for persons applying to the chief police officer or court for the release of an impounded motor vehicle. This includes protection measures for persons who had no knowledge that their vehicle would be used to commit such offences.

Proposed **Section 10I** provides legal immunity for the Territory, the chief police officer or a police officer in the event a prosecution does not go ahead.

Clause 9 is a technical amendment to facilitate consequential renumbering of the Act.