

2006

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

**ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT)  
AMENDMENT BILL 2006**

**EXPLANATORY STATEMENT**

**Circulated by authority of  
John Hargreaves MLA  
Minister for Urban Services**

# AUSTRALIAN CAPITAL TERRITORY

## ROAD TRANSPORT (SAFETY AND TRAFFIC MANAGEMENT) AMENDMENT BILL 2006

### EXPLANATORY STATEMENT

#### OVERVIEW

The *Road Transport (Safety and Traffic Management) Amendment Bill 2006* (the Amendment Bill) provides for an Act to amend the *Road Transport (Safety and Traffic Management) Act 1999* (the Act).

The purpose of the Amendment Bill is to clarify the period the Chief Police Officer is required to keep vehicles seized in relation to the commission of certain dangerous driving offences.

Division 2.3 of the Act provides for the seizure, impounding and forfeiture of vehicles for certain offences. These offences are those set out in section 5A (Races, attempts on speed records, speed trials etc), section 5B (Burnouts and other prohibited conduct) and section 8 (Menacing driving) of the Act.

Section 10C (1) (a) of the Act provides that a police officer may seize a vehicle if the officer believes that the vehicle is being or has been used by a person in committing an offence under section 5A or 5B of the Act.

Section 10B of the Act provides that if the court convicts a person or finds them guilty of one of these offences, then for a first offender the vehicle is impounded for a maximum of 3 months unless the court otherwise orders. Under section 10B (5) any period for which the vehicle has been impounded by police under section 10C is deducted from the 3 month period applicable to a first offender.

#### DETAIL

**Section 1** is a formal provision that sets out the name of the Bill once enacted - the *Road Transport (Safety and Traffic Management) Amendment Act 2006*.

**Section 2** specifies that the Act commences on the day after its notification.

**Section 3** notes that the Amendment Act amends the *Road Transport (Safety and Traffic Management) Act 1999*.

**Section 4** substitutes a new section 10E, relating to the keeping of vehicles seized under section 10C (1) (a) of the Act.

Section 10E currently provides that the Chief Police Officer must keep the vehicle until the person is dealt with by a Court for the offence, unless an infringement notice is served on the alleged offender or no prosecution for the offence is started within 28 days after seizure and 28 days has elapsed.

However, the existing provisions of the Act do not envisage the circumstances where matters could take longer than 3 months to be finalised by the Court.

Accordingly, section 4 amends section 10E (1) of the Act to also enable the Chief Police Officer to release a vehicle 3 months after the date it was seized in the case of a person who would not be treated as a repeat offender should they come before the court, that is, if a person has not been convicted or found guilty of a relevant offence in the previous 5 years.

It is acknowledged that there are a number of areas in which the Act engages human rights. Some areas, particularly the vehicle seizure and impoundment provisions, may require further consideration by Government in terms of compatibility. These provisions will be reviewed as part of a wider human rights audit of the Act in due course.