

Traffic Amendment Bill 2009
Clause Notes

Clause 1 Short title and citation.

Clause 2 The Act will commence on a day to be proclaimed.

Clause 3 The Principal Act is the *Traffic Act 1925*.

Clause 4 Amends section 3(1) of the principal Act to provide for a definition of *Road Rules*.

Clause 5 Amends section 31A of the Principal Act by replacing the Governor's power to make regulations with a power to make Rules with respect to road traffic laws.

Clause 6 Consequentially amends section 41B(1) of the Principal Act by omitting the definition of Road Rules which will now be included in section 3(1) of the Principal Act.

Clause 7 Consequentially amends section 41C(1) of the Principal Act by omitting the definition of Road Rules which will now be included in section 3(1) of the Principal Act.

Clause 8 Amends the Principal Act by inserting new sections 41D, 41E, 41F, 41G, 41H, 41I, 41J and 42 as follows:-

under section 41D by providing for the seizure of speed measuring devices by a police officer or authorised officer and forfeiture of the device to the Crown if a person is subsequently convicted of an offence under the Road Rules relating to the possession or use of the device.

under section 41E by providing for the seizure and removal of vehicles that have been abandoned, obstruct access to adjacent land, are left in a dangerous position or may need to be examined or used as evidence in any proceedings under this Act or the *Vehicle and Traffic Act 1999*.

under section 41F by providing for the disposal of vehicles that have been seized under the new section 41E.

under section 41G by providing that certain lights and reflectors must not, without lawful excuse, be used on or near a road if they create a hazard for drivers. If an offence is committed powers are provided for the elimination of the hazard.

under section 41H by providing that a person must not, without lawful excuse, place or display anything on or near a road that interferes with the operation, obscures or prevents road users being able to clearly see a traffic control device.

under section 41I by providing that a person must not, without lawful excuse, tamper with a traffic control device.

under section 41J by providing that a person must not, without lawful excuse, mark or place on a road anything that purports to be a road marking.

under section 42 by providing that a person must not use loudspeakers on or from a vehicle unless the person has a permit to do so or the person is a police officer, emergency worker or a transport inspector acting in the course of their duty. The limits, conditions and authority provided to persons granted permits are also specified.

