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No. 2 of 1998

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# NORTHERN TERRITORY OF AUSTRALIA

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No. 2 of 1998

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## AN ACT

to amend the *Traffic Act*

[Assented to 25 March 1998]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Traffic Amendment Act 1998*.

2. PRINCIPAL ACT

The *Traffic Act* is in this Act referred to as the Principal Act.

3. APPOINTMENT OF INSPECTORS, &c.

Section 9 of the Principal Act is amended by omitting from subsection (2) "An inspector" and substituting "In addition to the powers conferred, and the functions imposed, on an inspector or officer under this Act, an inspector".

4. IMMEDIATE SUSPENSION OFFENCES

Section 20A of the Principal Act is amended by omitting subsection (15).

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5. DANGEROUS DRIVING OR RIDING

Section 30 of the Principal Act is amended -

- (a) by omitting from subsection (3) "the conviction" and substituting "the finding of guilt"; and
- (b) by omitting from subsection (3)(a) "3 months" and substituting "6 months".

6. NEW SECTION

The Principal Act is amended by inserting after section 30 the following:

"30A. DRIVING AT DANGEROUS SPEED

"(1) A person must not drive a vehicle at a speed that is 45 km/h or more faster than the speed limit specified in the Regulations.

Penalty: \$2,000 or imprisonment for 2 years.

"(2) Where a person is found guilty of an offence against subsection (1), the person's licence is, by force of the finding of guilt, cancelled and the person is disqualified from holding a licence -

- (a) for a first offence - for a period of 3 months;  
or
- (b) for a second offence or subsequent offence -  
for a period of 6 months,

or for such longer period as the Court thinks fit.

"(3) Subsection (1) does not apply to the driver of a motor vehicle that is -

- (a) being driven or used by a member of the Police Force in the execution of that member's duty;
- (b) being driven by a member of the Northern Territory Fire and Rescue Service, within the meaning of the *Fire and Emergency Act*, to a place in answer to a call for the services of the Northern Territory Fire and Rescue Service, or whilst it is in use at a fire or other emergency; or
- (c) an ambulance."

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### 7. CANCELLATION OF LICENCE

Section 39 of the Principal Act is amended -

- (a) by omitting from subsection (1) all words before paragraph (e) and substituting the following:

"(1) Where a court finds a person is guilty of an offence against a section specified in Column 1 of Schedule 1, the person's licence is, by force of the finding of guilt, cancelled and the person is disqualified from holding a licence -

- (a) for the first offence, for the period specified in column 3; or
- (b) for the second or subsequent offence, for the period specified in column 4,

of that Schedule opposite the relevant section in Column 1, or such longer period as the court thinks fit, but if the finding relates to -";

- (b) by omitting from subsection (1)(e) "conviction or";
- (c) by omitting from subsection (1)(f) "conviction or";
- (d) by omitting from subsection (2)(b) "offence including a finding of guilt and" and substituting "offence, a finding of guilt"; and
- (e) by inserting after subsection (3) the following:

"(3A) Where a person, who was disqualified from driving a motor vehicle under section 20A(4), is in respect of the same offence disqualified from holding a licence under this section, the court must make an order that the period of disqualification from holding a licence under this section is the period that equals the period of disqualification imposed under this section less the actual period for which the person was disqualified from driving under section 20A.".

### 8. TRAFFIC INFRINGEMENT DETECTION DEVICE

Section 44 of the Principal Act is amended -

- (a) by inserting after subsection (1) the following:

"(1A) The Director must not approve under subsection (1) an apparatus that produces a photographic image or an electronic image as a traffic infringement detection device unless it is capable of producing an

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image or images in respect of the commission of an offence that -

- (a) is or are in an unalterable format; and
- (b) alone indicates or jointly indicate the following:
  - (i) a code identifying the device that recorded the image;
  - (ii) a code identifying the place where the device recorded the image;
  - (iii) a code identifying the person responsible for the use of the device at that location;
  - (iv) the date and the time when the image was recorded;
  - (v) the vehicle and the number plate of the vehicle;
  - (vi) where the offence is one of exceeding a prescribed speed limit -
    - (A) the prescribed speed limit; and
    - (B) the speed of the vehicle;
  - (vii) where the offence is one of contravening or failing to comply with an instruction of a traffic control signal by proceeding on a public street beyond a stop line or a part of the signal while a light that is a red circle or a red arrow is displayed facing a driver, the number of seconds between the time the light was displayed and the time the driver proceeded beyond the stop line or the part of the signal;
  - (viii) the prescribed information, if any.";

- (b) by omitting subsection (3) and inserting the following:

"(3) A traffic infringement detection device is not to be used for or in relation to the detection of an offence unless it has been tested by a person approved under subsection (2) in accordance with the notice approving the device under subsection (1)."; and

- (c) by omitting subsections (4) and (5).

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9. NEW SECTION

The Principal Act is amended by inserting after section 44 the following:

"44A. PROOF OF CERTAIN MATTERS RELATING TO USE OF INFRINGEMENT DETECTION DEVICES

"In proceedings for an offence against this Act -

- (a) evidence may be given by a member of the Police Force or an officer of the use by the member or officer of a traffic infringement detection device in relation to the detection of the offence, and the evidence is prima facie evidence of the offence;
- (b) a certificate purporting to be signed by a person approved under section 44(2), or a copy of the certificate, produced by the prosecution and purporting to certify that the traffic infringement detection device specified in the certificate -
  - (i) is a traffic infringement detection device within the meaning of this Act; and
  - (ii) was tested by a person approved under section 44(2) in accordance with the notice approving the devices under section 44(1) on a specified day in respect of a specified period, and was shown by the test to be accurate to the extent indicated in the certificate,

is, without proof of the signature, evidence of the facts certified and that the device was accurate to that extent;

- (c) where the offence is one of driving a vehicle at a speed that is faster than a prescribed speed limit, the production by the prosecution of an image that was recorded by a traffic infringement detection device, and that indicates the information specified in section 44(1A), is evidence that at the time and place indicated on the image the motor vehicle appearing in the image was driven at the speed indicated on the image; and
- (d) where the offence is one of contravening or failing to comply with a traffic control signal by proceeding on a public street beyond a stop line or a part of the signal while a light that is a red circle or a red arrow is displayed facing a driver, the production by the prosecution of an image that was or images that were recorded by a traffic infringement

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detection device, and that indicates or jointly indicate the information specified in section 44(1A), is evidence that at the time and place indicated on the image the driver of the vehicle appearing in the image or both images proceeded beyond the stop line or the part of the signal while a light that was a red circle or red arrow was facing the driver."

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