NORTHERN TERRITORY OF AUSTRALIA

No. 16 of 1983

AN ACT

To amend the *Traffic Act*

[*Assented to 24 June 1983*]

BE 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 1983*.

2. PRINCIPAL ACT

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

3. INTERPRETATION

Section 5(1) of the Principal Act is amended by inserting after the definition of "traffic sign" the following:

"'traffic speed analyser' means an apparatus of a specified kind approved under section 56AB(1) as a traffic speed analyser;".

4. PENALTIES FOR OFFENCES

Section 55 of the Principal Act is amended -

(a) by omitting sub-section (3);

(b) by omitting from sub-section (7) "subject to section 55B, and"; and

(c) by omitting, from sub-section (8), paragraphs (a) and (b) and substituting the following:

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"(a) obtain a licence; or

(b) drive a motor vehicle.".

5. REPEAL

Section 55B of the Principal Act is repealed.

6. NEW SECTION

The Principal Act is amended by inserting after section 56A the following:

"56AB. TRAFFIC SPEED ANALYSER

"(1) The Minister may, by notice in the *Gazette*, approve an apparatus, of a kind specified in the notice, as a traffic speed analyser, subject to such conditions as are specified in that notice, including conditions specifying the frequency with which, and the manner in which, the traffic speed analyser shall, in pursuance of sub-section (3), be tested by a person approved under sub-section (2).

"(2) The Minister may, by notice in the *Gazette*, approve a person as a person qualified to test the accuracy of a traffic speed analyser.

"(3) A traffic speed analyser shall not be used for the purposes of this section unless the traffic speed analyser has been tested -

(a) in accordance with the conditions, if any, specified under sub-section (1), relating to that traffic speed analyser; and

(b) by a person approved under sub-section (2) and the person has issued a certificate in respect of the test, which certificate -

(i) was in force at the time that traffic speed analyser was so used;

(ii) sets out the results of that test;

(iii) specifies the date on which that test was made;

(iv) specifies that the traffic speed analyser is a traffic speed analyser within the meaning of this Act; and

(v) is signed by that person.

"(4) In proceedings for an offence against this Act, evidence may be given, by a member of the Police Force, of the use by him of a traffic speed analyser in relation to a vehicle and of the speed at which the vehicle was moving as ascertained by the traffic speed analyser, and that evidence shall be evidence of the speed at which that vehicle was moving at the time of the use of that traffic speed analyser in relation to that vehicle.

"(5) For the purposes of sub-section (4), a certificate referred to in sub-section (3), or a copy of such a certificate, produced by the prosecution and purporting to be signed by a person approved under sub-section (2), and purporting to certify that the traffic speed analyser specified therein -

(a) is a traffic speed analyser within the meaning of this Act; and

(b) had been tested on a day mentioned therein and was shown by the test to be accurate to the extent indicated in the certificate,

shall, without proof of the signature, be evidence of the facts certified and that the traffic speed analyser was accurate to that extent on the day on which it was so tested.".

7. TAMPERING, &c., WITH AMPHOMETERS OR TRAFFIC SPEED ANALYSERS

Section 56B of the Principal Act is amended by inserting after "of, an amphometer" the words "or traffic speed analyser".

8. SAVINGS

Notwithstanding the amendment effected by section 4(a) or the repeal effected by section 5, sections 55(3) and 55B of the Principal Act, as in force immediately before the commencement of this Act, shall, on and from that commencement, continue to apply to and in relation to a special licence issued in accordance with that section, and in force immediately before that commencement, as if this Act had never commenced.