



Victoria Government Gazette

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Road Safety Act 1986

ORDER DECLARING LAWS OF ANOTHER JURISDICTION TO BE CORRESPONDING LAWS

I, Terry Mulder, Minister for Roads, make the following Order under section 149AA(7) of the **Road Safety Act 1986**.

1. Purpose

The purpose of this Order is to declare certain powers to require a responsible person in respect of a heavy vehicle to produce records, devices or other things and to provide information, conferred under a law of another jurisdiction, to be a corresponding law for the purposes of Part 9 of the **Road Safety Act 1986**.

2. Authorising Provision

This Order is made under section 149AA(7) of the **Road Safety Act 1986**.

3. Commencement

This Order comes into operation on the day of its publication in the Victorian Government Gazette.

4. Declaration of Corresponding Laws

Sections 40W and 40X of the **Road Traffic Act 1961** (SA) are declared to be corresponding laws for the purposes of Part 9 of the **Road Safety Act 1986**.

Notes: Part 9 of the **Road Safety Act 1986** sets out a range of powers relating to inspections and searches concerning responsible persons.

A *responsible person* is defined in section 3(1) of the **Road Safety Act 1986** to mean any person having, at a relevant time, a role or responsibilities associated with road transport and includes (among other persons) an owner of a heavy vehicle, a driver of a heavy vehicle or an operator or registered operator of a heavy vehicle.

Section 149AA of the **Road Safety Act 1986** provides for reciprocal powers for officers in relation to corresponding laws of other jurisdictions concerning the matters covered by Part 9 of the **Road Safety Act 1986**. Section 149AA(1) states that the provision has effect in relation to another jurisdiction while the corresponding law of that other jurisdiction contains a provision corresponding to section 149AA(1).

Section 40A of the **Road Traffic Act 1961** (SA) is a corresponding provision to that contained in section 149AA of the **Road Safety Act 1986**.

Section 149AA(2) of the **Road Safety Act 1986** provides that the Minister for Roads may enter into agreements with a Minister of the other jurisdiction for the purposes of section 149AA, and to amend or revoke any such agreement. The Minister for Roads, the Hon. Terry Mulder, MP, has entered into such an agreement with the Minister for Transport and Infrastructure (SA), the Hon. Patrick Conlon MP, concerning the matter that is the subject of this Order.

Section 149AA(7) of the **Road Safety Act 1986** provides that the Minister for Roads may, by Order published in the Government Gazette, declare a law of another jurisdiction to be a corresponding law for the purposes of Part 9 of the **Road Safety Act 1986**. Section 149AA(6) of the **Road Safety Act 1986** defines a corresponding law as being a law of another jurisdiction that is declared to be a corresponding law under section 149AA(7).

Section 40W of the **Road Traffic Act 1961** (SA) empowers an authorised officer or police officer to direct any responsible person to produce records, devices or other things for compliance purposes. It is an offence to fail to comply with a direction under this provision. Section 40X of the **Road Traffic Act 1961** (SA) empowers an authorised officer or police officer to direct a responsible person to provide information about a vehicle or any load or equipment carried or intended to be carried by a vehicle. It is an offence to fail to comply with a direction under this provision.

Section 149AA(3)(a) of the **Road Safety Act 1986** provides that, to the extent permitted by any agreement under section 149AA(2) of the **Road Safety Act 1986**, the powers conferred on authorised officers or police officers under the provisions of the **Road Traffic Act 1961** (SA), referred to above, are exercisable in Victoria by an inspector. The agreement made under section 149AA(2) and referred to above, permits

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Victorian inspectors, who are police officers or authorised officers employed by the Roads Corporation, to exercise in South Australia or Victoria the powers conferred on authorised officers and police officers under sections 40W and 40X of the **Road Traffic Act 1961** (SA) in relation to a responsible person for a heavy vehicle.

An inspector is defined in the **Road Safety Act 1986** to mean an authorised officer or a police officer for the purposes of that Act.

The **Road Safety Act 1986** contains corresponding provisions to sections 40W and 40X of the **Road Traffic Act 1961** (SA). These provisions are sections 132 and 136 of the **Road Safety Act 1986**, respectively.

5. Additional Information

The information set out in the Notes to this Order is provided for information only, and does not extend, limit or otherwise affect the operation of this Order.

Dated 10 December 2012

TERRY MULDER MP
Minister for Roads

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