

78A. Terms used

(1) In this Division —

approved means approved by the Commissioner;

Commissioner means the Commissioner of Police;

day of the offence means the day on which the relevant offence was committed;

hired, in relation to a vehicle, means a vehicle that —

- (a) is owned by a person whose business is the short term hire of vehicles; and
- (b) is part of the business's fleet; and
- (c) under a written agreement, is hired for the hirer's short term use;

impound, in relation to a vehicle, means to store the vehicle following its seizure or surrender;

impounding offence (driver's licence) means —

- (a) an offence against section 49(1)(a) that is committed by a person described in section 49(3)(a), (b), (ca), (c) or (da); or
- (b) an offence against the *Road Traffic (Authorisation to Drive) Act 2008* section 38(1)(a); or
- (c) an offence committed before the coming into operation of the *Road Traffic Amendment Act 2008* section 5(a) that was an impounding offence (driver's licence) as defined in this section as in force when the offence was committed;

impounding offence (driving) means —

- (a) an offence against section 60, 60A or 62A; or
- (b) an offence committed before the coming into operation of the *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016* section 14 that was an impounding offence (driving) as defined in this section as in force when the offence was committed;

impounding or confiscation order means —

- (a) a court order made under section 80A, 80B(1), 80C(1), 80CA(1), 80CB(1) or 80FA; or
- (b) a court order made before the coming into operation of the *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016* section 14 that was an impounding or confiscation order as defined in this section as in force when the order was made;

impounding order means a court order under section 80B(1), 80CA(1) or 80FA;

impounding period means the period for which the vehicle is specified to be impounded;

interest, in relation to a vehicle, means a legal or equitable interest, right or title in or to the ownership or possession of the vehicle;

lent in addition to the ordinary meaning of the word means hired in the ordinary meaning of that word, or subject to a hire purchase agreement within the meaning of that term in the *Hire-Purchase Act 1959* or subject to a goods mortgage in

connection with a credit contract within the meaning of the *National Credit Code* (Commonwealth);

reasonable expenses, of the Commissioner, means expenses reasonably incurred by, and currently owing to, the Commissioner;

road rage circumstances accompany the commission of an offence if —

[(a) *deleted*]

- (b) the offence is committed as a reaction to, and is to a substantial extent motivated by, an occurrence that takes place on a road, or in any place to which the public is permitted, whether on payment of a fee or otherwise, to have access, while —
 - (i) the offender is driving a vehicle on the road or in the place; and
 - (ii) a victim of the offence is using the same road or place, whether as the driver of, or a passenger in, another vehicle or otherwise;

road rage offence means an offence the commission of which is accompanied by road rage circumstances, but only if it is —

- (a) an offence of which it is an element that the offender —
 - (i) assaults a victim; or
 - (ii) damages property in the possession of, or under the control of, a victim;

or

- (b) an offence against section 60, as in force from time to time, or 60A in circumstances that involve the offender driving in a manner that is dangerous to a particular victim;

senior police officer means a police officer who is, or is acting as, an inspector or an officer of a rank more senior than an inspector;

surrender period, in relation to a vehicle, means the period specified under section 80F in an order as the period in which the vehicle is to be surrendered to the Commissioner;

vehicle referred to in section 80GA means a vehicle for the impounding or confiscation of which an application may be made in accordance with section 80GA.

- (2) In this Division, section 60(1A) is the offence for which a vehicle was impounded if —
 - (a) in relation to the driving of the vehicle, a person is charged with an offence against section 60A(1) or (2); and
 - (b) under section 60A(3), the person is instead convicted of an offence against section 60(1A).
- (3) In this Division, section 60A(1) is the offence for which a vehicle was impounded if —
 - (a) in relation to the driving of the vehicle, a person is charged with an offence against section 60(1A); and
 - (b) under section 60(2), the person is instead convicted of an offence against section 60A(1).

- (4) In this Division, section 60A(2) is the offence for which a vehicle was impounded if —
- (a) in relation to the driving of the vehicle, a person is charged with an offence against section 60(1A); and
 - (b) under section 60(2), the person is instead convicted of an offence against section 60A(2).
- (5) In this Division, section 62A, as in force from time to time, is the offence for which a vehicle was impounded if —
- (a) in relation to the driving of the vehicle, a person is charged with an offence against —
 - (i) section 60(1A); or
 - (ii) section 60(1) as in force before the coming into operation of the *Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016* section 14;
- and
- (b) under section 60(2), the person is instead convicted of an offence against section 62A.