

South Australia

# Road Traffic (Miscellaneous) Amendment Act 2009

An Act to amend the *Road Traffic Act 1961*.

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Road Traffic (Miscellaneous) Amendment Act 2009*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

## **Part 2—Amendment of *Road Traffic Act 1961***

### **4—Substitution of section 53A**

Section 53A—delete the section and substitute:

#### **53A—Approval of apparatus as traffic speed analysers**

The Governor may, by regulation, approve apparatus of a specified kind as traffic speed analysers.

### **5—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices**

Section 79B(9a)—delete subsection (9a)

### **6—Insertion of sections 110AB and 110AC**

After section 110AA insert:

#### **110AB—Speed**

- (1) The Governor may make regulations to establish a scheme for the management of speeding by drivers of heavy vehicles.
- (2) Without limiting the effect of subsection (1), the regulations under this section may make provision relating to—
  - (a) the specifying of, and obligations of, parties in the chain of responsibility in relation to heavy vehicles; and
  - (b) powers of police officers and authorised officers in relation to the enforcement of the regulations.
- (3) The regulations under this section may—
  - (a) make provisions of a savings or transitional nature; and
  - (b) prescribe penalties, not exceeding \$50 000, for offences against the regulations; and
  - (c) fix expiation fees, not exceeding \$750, for alleged offences against the regulations.

#### **110AC—Intelligent Access Program**

- (1) The Governor may make regulations to establish a scheme to provide increased access to the road network for heavy vehicles (the *Intelligent Access Program*).
- (2) Without limiting the effect of subsection (1), the regulations under this section may make provision relating to—
  - (a) the monitoring of heavy vehicles for the purposes of the Intelligent Access Program; and
  - (b) the keeping, production and inspection of records for the purposes of the Intelligent Access Program; and

- (c) the obligations of persons or bodies involved in the Intelligent Access Program; and
  - (d) powers of police officers, authorised officers and other specified persons in relation to the enforcement of the regulations; and
  - (e) the recognition of administrative decisions in other jurisdictions in relation to the Intelligent Access Program.
- (3) The regulations under this section may—
- (a) provide for and prescribe fees (including the waiving, remission or refund of such fees) in respect of the Intelligent Access Program; and
  - (b) make provisions of a savings or transitional nature; and
  - (c) prescribe penalties, not exceeding \$50 000, for offences against the regulations; and
  - (d) fix expiation fees, not exceeding \$750, for alleged offences against the regulations.

#### **7—Amendment of section 173AA—Reasonable steps defence**

Section 173AA—after subsection (3) insert:

- (4) The regulations may set out circumstances in which a requirement under this Act to take all reasonable steps to prevent the occurrence of a specified offence will be taken to have been satisfied.

#### **8—Amendment of section 175—Evidence**

- (1) Section 175(3)(ba)(i)—delete "6" and substitute:  
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- (2) Section 175(4)—after "mounted in" second occurring insert:  
or on
- (3) Section 175(4)—delete "at the particular location with the prior approval of the Minister"