

South Australia

**Motor Vehicles (Double Demerit Points)
Amendment Bill 2005**

A BILL FOR

An Act to amend the *Motor Vehicles Act 1959*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Motor Vehicles Act 1959*

- 4 Amendment of section 98B—Demerit points for offences in this State
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Motor Vehicles (Double Demerit Points) Amendment Act 2005*.

5 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.

10 Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 98B—Demerit points for offences in this State

Section 98B—after subsection (3c) insert:

(3d) If—

- 15 (a) a person is convicted of, or expiates, an offence of a kind prescribed by the regulations for the purposes of this subsection; and
- (b) the offence was committed, or allegedly committed, during a prescribed period,

20 the person will incur double the number of demerit points that the person would otherwise incur in respect of that offence in accordance with this section.

- 5 (3e) The Commissioner of Police must, not less than 2 days before the commencement of each prescribed period, cause a notice to be published in a newspaper circulating generally in the State and at a web site determined by the Commissioner stating the time at which the prescribed period commences and the time at which it finishes and containing advice about the incurring of demerit points during the prescribed period.
- 10 (3f) In this section—
long weekend means a period of consecutive days comprised of a Saturday and Sunday and one or more public holidays;
Minister means the Minister responsible for the administration of the *Police Act 1998*;
prescribed period means—
- 15 (a) a period commencing at 12.01 a.m. on the day immediately preceding the start of a long weekend and finishing at midnight on the last day of the long weekend; or
- (b) a period commencing at 12.01 a.m. on the Friday last occurring before 25 December in any year and finishing at midnight on the first Friday of the following year; or
- 20 (c) a period commencing at 12.01 a.m. on a day determined by the Minister and finishing 48 hours later (provided that there can be no more than 8 such periods in any calendar year).
- 25 (3g) A certificate purporting to be signed by the Minister and to certify that a specified period was a prescribed period for the purposes of this section is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matters so certified.
- (3h) Subsections (3d), (3e), (3f) and (3g) will expire 18 months after the day on which they come into operation.
- 30 (3i) The Minister must, before the date on which subsections (3d), (3e), (3f) and (3g) will expire in accordance with subsection (3h), cause a review of the operation of those provisions to be undertaken and must ensure that a report on the outcome of that review is prepared and laid before each House of Parliament.