

**Legislative Council—No 57**

As introduced and read a first time, 10 November 2010

South Australia

**Road Traffic (Owner Offences) Amendment  
Bill 2010**

A BILL FOR

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 (Owner Offences) Amendment Act 2010*.

#### **2—Amendment provisions**

- 5 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***

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

- 10 Section 79B—after subsection (2a) insert:

(2ab) Subject to subsection (2ac), if a natural person is guilty of an offence against this section and the person proves, either by statutory declaration provided to the Commissioner of Police or in proceedings before a court, that at the time of the offence—

- 15 (a) he or she was not driving the vehicle; and
- (b) the vehicle was being used for business purposes,

then the following provisions apply:

- (c) if the person has not elected to be prosecuted—
    - 20 (i) the Commissioner of Police must withdraw the expiation notice given to the person in relation to the offence; and
    - (ii) a police officer must give a new expiation notice to the person in relation to the offence and the expiation fee is the fee that would be applicable to such an offence under subsection (2a) where the owner is a body corporate; and
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- (iii) no notice may be issued to the person under section 45B in respect of the expiation notice referred to in subparagraph (ii);
- (d) the maximum penalty for the offence is—
- 5           (i) if the vehicle appears to have been involved in a red light offence and a speeding offence arising out of the same incident—\$4 000; or
- (ii) in any other case—\$2 000;
- (e) despite a provision of the *Motor Vehicles Act 1959*, no demerit points are incurred by the person in relation to the offence;
- 10           (f) subsection (2b) does not apply in relation to the offence.
- (2ac) Subsection (2ab) does not apply in relation to an offence against this section if—
- 15           (a) the expiation fee, or an instalment, in respect of the original expiation notice given to the owner in relation to the offence has been paid; or
- (b) an enforcement order has been made under the *Expiation of Offences Act 1996* in relation to the original expiation notice
- 20           given to the owner for the offence.