

Legislative Council—No 13A

As reported with amendments, report adopted, Standing Orders suspended and passed remaining stages, 22 July 2020

South Australia

**Road Traffic (South Eastern Freeway Offences)
Amendment Bill 2020**

A BILL FOR

An Act to amend the *Road Traffic Act 1961* and for other purposes.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Road Traffic (South Eastern Freeway Offences) Amendment Act 2020*.

2—Amendment provisions

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

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

3—Amendment of section 45C—Speed and gear restrictions for trucks on prescribed roads

- (1) Section 45C(1)—delete "or bus" and substitute:
 - or large bus
- 15 (2) Section 45C(2)—delete "or bus" (twice occurring) and substitute in each case:
 - or large bus

- (3) Section 45C(3)(b)—after "or sentence" insert:

unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case the court may order a period of disqualification that is less than the prescribed minimum period but not less than 1 month

- (4) Section 45C—after subsection (5) insert:

(5a) If, on a prescribed road—

- (a) a speed limit; or
(b) a direction that a vehicle be driven in a specified marked lane or other part of the road,

is, pursuant to a traffic control device, applicable to a person driving a truck or bus (not being a traffic control device that is also applicable to persons driving other vehicles), that speed limit or direction is not applicable to the driver of a bus that is not a large bus.

- (5) Section 45C(7)—after the definition of *bus* insert:

large bus means a bus that seats over 25 adults (including the driver);

- (6) Section 45C(7)—after the definition of *length* insert:

marked lane means a marked lane for the purposes of the *Australian Road Rules*;

- (7) Section 45C(7), definition of *primary brake*—delete "or bus" and substitute:

or large bus

- (8) Section 45C(7), definition of *relevant speed limit*—delete "or bus" and substitute:

or large bus

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

Section 79B(2c)(b)—after "or sentence" insert:

unless, in the case of a first offence against this section, the court is satisfied, by evidence given on oath, that the offence against section 45C(1) in which the vehicle appears to have been involved is trifling, in which case the court may order a period of disqualification that is less than the prescribed minimum period but not less than 1 month

Part 3—Variation of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*

5—Variation of regulation 9C—Low gear offence (rule 108) not applicable to drivers of trucks or large buses on prescribed road

- (1) Regulation 9C—delete "or bus" and substitute:

or large bus

- (2) Regulation 9C—after its present contents (now to be designated as subregulation (1)) insert:

- (2) In this regulation—

large bus has the same meaning as in section 45C of the Act.

5 **Part 4—Transitional provision**

6—Transitional provision

Sections 45C(3)(b) and 79B(2c)(b) of the *Road Traffic Act 1961* as amended by this Act apply for the purposes of any proceedings determined after the commencement of this Act (regardless of whether the offence to which the proceedings relate occurred before or after that commencement).

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