

Legislative Council—No 122

As introduced and read a first time, 16 October 2019

South Australia

Statutes Amendment (Suspension of South Eastern Freeway Offences) Bill 2019

A BILL FOR

An Act to amend the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961*.

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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 *Statutes Amendment (Suspension of South Eastern Freeway Offences) Act 2019*.

2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by the Governor.
- 10 (2) Part 2 and Part 3 Division 2 come into operation 6 months after the day referred to in subsection (1).

3—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.

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

4—Amendment of section 81BC—Disqualification for certain offences relating to section 45C of the *Road Traffic Act 1961*

- (1) Section 81BC(1)(a)—after "*Road Traffic Act 1961*" insert:
that is a second, third or subsequent offence
- 10 (2) Section 81BC(1)(b)—after "(a *section 79B offence*)" insert:
that is a second, third or subsequent offence
- (3) Section 81BC(3)(a)—delete "the offence is a first offence and"
- (4) Section 81BC(3)(a)(i)—delete "that offence" and substitute:
the offence referred to in subsection (2)
- 15 (5) Section 81BC(7)(b)(iii)(A)—delete "first" and substitute:
second
- (6) Section 81BC(7)(b)(iii)(B)—delete "second" and substitute:
third
- (7) Section 81BC(8)—delete "first, second" and substitute:
20 second, third

Part 3—Amendment of *Road Traffic Act 1961*

Division 1—Amendments commencing on assent

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

- 25 Section 45C—after subsection (7) insert:
- (8) Subsections (1) and (2) do not apply during the period between—
 - 30 (a) the commencement of Part 3 Division 1 of the *Statutes Amendment (Suspension of South Eastern Freeway Offences) Act 2019*; and
 - (b) the commencement of Part 3 Division 2 of that Act.

7—Amendment of section 45D—Power of police to impose licence disqualification or suspension for section 45C etc offences

(1) Section 45D(1)(a)—after "section 45C" insert:

that is a second or subsequent offence

(2) Section 45D(1)(b)—after "*(a section 79B offence)*" insert:

that is a second or subsequent offence

(3) Section 45D—after subsection (1) insert:

(1a) In determining whether an offence to which this section applies is a second or subsequent offence for the purposes of this section—

(a) in the case of an offence against section 45C, any previous offence against section 45C for which the person has been convicted or that the person has expiated will be taken into account; and

(b) in the case of a section 79B offence, any previous section 79B offence for which the person has been convicted or that the person has expiated will be taken into account,

but only if the previous offence was committed or, in the case of an offence that has been expiated, was alleged to have been committed, by the person within the period of 5 years immediately preceding the date on which the offence under consideration was committed.

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

(1) Section 79B(2c)—delete "convicts a natural person of an offence" and substitute:

convicts a natural person of a second, third or subsequent offence

(2) Section 79B(2c)(a)—delete paragraph (a) and substitute:

(a) the court must order that the person be disqualified from holding or obtaining a driver's licence—

(i) in the case of a second offence—for such period, being not less than 9 months, as the court thinks fit; or

(ii) in the case of a third offence—for such period, being not less than 15 months, as the court thinks fit; or

(iii) in the case of a subsequent offence—for such period, being not less than 3 years, as the court thinks fit;

(3) Section 79B(2c)(d)—delete paragraph (d)

(4) Section 79B—after subsection (2c) insert:

(2d) In determining whether an offence is a second, third or subsequent offence for the purposes of subsection (2c), any previous offence against this section constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence against section 45C(1) for which the person has been convicted or that the person has expiated will be taken into account, but only if the previous offence was committed or alleged to have been committed within the period of 5 years immediately preceding the date on which the offence under consideration was allegedly committed.

Part 4—Variation of *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*

9—Revocation of regulation 9C

Regulation 9C—delete the regulation