

House of Assembly—No 130A

As reported with amendments, report agreed to and passed remaining stages,
5 December 2019

South Australia

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

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 *Motor Vehicles Act 1959*

10 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
- (2) Section 81BC(1)(b)—after "(a *section 79B offence*)" insert:
 - 15 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)

(5) Section 81BC(7)(b)(iii)(A)—delete "first" and substitute:
second

5 (6) Section 81BC(7)(b)(iii)(B)—delete "second" and substitute:
third

(7) Section 81BC(8)—delete "first, second" and substitute:
second, third

Part 3—Amendment of *Road Traffic Act 1961*

10 5—Amendment of section 45C—Speed and gear restrictions for trucks and buses on prescribed roads

(1) Section 45C(3)(a)(i) and (ii)—delete subparagraphs (i) and (ii) and substitute:

(i) for a first offence—such period, being not less than 6 months, as the
court thinks fit;

15 (ii) for a second offence—such period, being not less than 12 months, as
the court thinks fit;

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

(2) Section 45C(4)—after "first" insert:

20 , second

6—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

25 (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—

30 (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

35 (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.

5 **7—Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices**

- (1) Section 79B(2), penalty, (aa)(i)—delete "not less than \$25 000 and not more than \$50 000" and substitute:

not less than \$10 000 and not more than \$20 000

- 10 (2) Section 79B(2a)(aa)—delete "\$25 000" and substitute:

\$5 000

- (3) Section 79B(2c)(a)(i) and (ii)—delete subparagraphs (i) and (ii) and substitute:

(i) in the case of a first offence—for such period, being not less than 6 months, as the court thinks fit; or

15 (ii) in the case of a second offence—for such period, being not less than 12 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;

- (4) Section 79B(2c)(d)—after "first" insert:

20 , second

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule—

South Eastern Freeway offence means—

- 25 (a) an offence against section 45C of the *Road Traffic Act 1961*; or
(b) an offence against section 79B of the *Road Traffic Act 1961* 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) of the *Road Traffic Act 1961*.
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2—Transitional provision

The provisions of the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961* as amended by this Act do not apply in respect of a South Eastern Freeway offence committed or allegedly committed before the commencement of this Act (and the provisions of the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961* as in force at
35 the time of the offence or alleged offence will apply instead).