

South Australia

Road Traffic (Miscellaneous) (Drug Driving and Careless or Dangerous Driving) Amendment Regulations 2022

under the *Road Traffic Act 1961*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) (Drug Driving and Careless or Dangerous Driving) Amendment Regulations 2022*.

2—Commencement

These regulations come into operation on the day on which the *Road Traffic (Drug Driving and Careless or Dangerous Driving) Amendment Act 2021* comes into operation.

Part 2—Amendment of *Road Traffic (Miscellaneous) Regulations 2014*

3—Amendment of regulation 11—Prescribed particulars of notice of licence disqualification or suspension (section 45B of Act)

Regulation 11—before subregulation (1) insert:

- (a1) For the purposes of section 45B(1) of the Act, the prescribed particulars of a notice of licence disqualification or suspension given to a person are as follows:
- (a) the name, residential address and date of birth of the person to whom the notice is given;
 - (b) the person's driver's licence number (if known);
 - (c) the date and time of the offence to which the notice relates;
 - (d) the notice number;
 - (e) the date and time of the giving of the notice;
 - (f) that the notice is given under section 45B of the Act;
 - (g) whether the notice relates to—
 - (i) an offence against section 45A(1) of the Act; or
 - (ii) an offence against section 79B(2) of the Act 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 45A(1) of the Act;
 - (h) the circumstances in which the notice of licence disqualification or suspension is given;

Examples—

- a police officer reasonably believes that the person has committed an offence against section 45A(1) of the Act;
 - an alleged offence against section 79B(2) of the Act by the person 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 45A(1) of the Act.
- (i) that the person is disqualified from holding or obtaining a driver's licence, or the person's driver's licence is suspended;
 - (j) the rank, name and identification number of the police officer giving the notice;
 - (k) an indication as to when the disqualification or suspension of licence should commence;

- (l) the period for which the disqualification or suspension applies.

4—Amendment of regulation 11A—Prescribed particulars of notice of licence disqualification or suspension (section 45D of Act)

Regulation 11A—before subregulation (1) insert:

- (a1) For the purposes of section 45D(2) of the Act, the prescribed particulars of a notice of licence disqualification or suspension given to a person are as follows:
- (a) the name, residential address and date of birth of the person to whom the notice is given;
 - (b) the person's driver's licence number (if known);
 - (c) the date and time of the alleged offence to which the notice relates;
 - (d) the notice number;
 - (e) the date and time of the giving of the notice;
 - (f) that the notice is given under section 45D of the Act;
 - (g) whether the notice relates to—
 - (i) an offence against section 45C(1) or (2) of the Act; or
 - (ii) an offence against section 79B(2) of the Act 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 Act;
 - (h) the circumstances in which the notice of licence disqualification or suspension is given;

Examples—

- a police officer reasonably believes that the person has committed an offence against section 45C(1) or (2) of the Act;
 - an alleged offence against section 79B(2) of the Act by the person 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 Act.
- (i) that the person is disqualified from holding or obtaining a driver's licence, or the person's driver's licence is suspended;
 - (j) the rank, name and identification number of the police officer giving the notice;
 - (k) an indication as to when the disqualification or suspension of licence should commence;

- (l) the period for which the disqualification or suspension applies;
- (m) that the person may apply to the court for an order that the person is not disqualified, or the person's driver's licence is not suspended, by the notice.

5—Amendment of regulation 12—Prescribed particulars of notice of immediate licence disqualification or suspension (section 47IAA of Act)

(1) Regulation 12—before subregulation (1) insert:

(a1) For the purposes of section 47IAA(2) of the Act, the prescribed particulars of a notice of immediate licence disqualification or suspension given to a person are as follows:

- (a) the name, residential address and date of birth of the person to whom the notice is given;
- (b) the person's driver's licence number (if known);
- (c) the date and time of the alleged offence to which the notice relates;
- (d) the notice number;
- (e) the date and time of the giving of the notice;
- (f) that the notice is given under section 47IAA of the Act;
- (g) whether the notice relates to—
 - (i) a category 2 offence; or
 - (ii) a category 3 offence; or
 - (iii) an offence against section 46(1) of the Act; or
 - (iv) an offence against section 47BA(1) or (1a) of the Act; or
 - (v) an offence against section 47E(3) or (3a) of the Act; or
 - (vi) an offence against section 47EAA(9) or (9a) of the Act; or
 - (vii) an offence against section 47I(7) of the Act; or
 - (viii) an offence against section 47I(14) of the Act committed by a person who was the driver of a motor vehicle involved in the accident;
- (h) the circumstances in which the notice of licence disqualification or suspension is given;

Examples—

- the police officer reasonably suspects that the person has committed an offence against section 47BA(1) or (1a) of the Act; or

- the police officer reasonably believes that the person has committed an offence (other than an offence against section 47BA(1) or (1a) of the Act) to which section 47IAA of the Act applies.
- (i) that the person is disqualified from holding or obtaining a driver's licence, or the person's driver's licence is suspended;
 - (j) the rank, name and identification number of the police officer giving the notice;
 - (k) an indication as to when the disqualification or suspension of licence should commence;
 - (l) the period for which the disqualification or suspension applies;
 - (m) that the person may apply to the court for an order—
 - (i) that the person is not disqualified, or the person's driver's licence is not suspended, by the notice; or
 - (ii) reducing the period of disqualification or suspension applicable under the notice.
- (2) Regulation 12(1)(f)(iii) and (iv)—delete subparagraphs (iii) and (iv) and substitute:
- (iii) an offence against section 46(1) of the Act; or
 - (iv) an offence against section 47BA(1) or (1a) of the Act; or
 - (iva) an offence against section 47E(3) or (3a) of the Act; or
 - (ivb) an offence against section 47EAA(9) or (9a) of the Act; or
 - (ivc) an offence against section 47I(7) of the Act; or
- (3) Regulation 12(2)(f)(iii) and (iv)—delete subparagraphs (iii) and (iv) and substitute:
- (iii) an offence against section 46(1) of the Act; or
 - (iv) an offence against section 47BA(1) or (1a) of the Act; or
 - (iva) an offence against section 47E(3) or (3a) of the Act; or
 - (ivb) an offence against section 47EAA(9) or (9a) of the Act; or
 - (ivc) an offence against section 47I(7) of the Act; or

6—Repeal of regulation 13

Regulation 13—delete the regulation

7—Amendment of regulation 13A—Exemption from cumulative application of new disqualification or suspension if existing suspension is under a prescribed provision

- (1) Regulation 13A(1)—delete subregulation (1) and substitute:
- (1) If—
 - (a) an order that a person be disqualified from holding or obtaining a driver's licence referred to in section 169B of the Act is made in relation to a person; and

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(b) at the time that the order is (but for the operation of section 169B(1)(b) of the Act) due to take effect, the person holds a driver's licence that is already suspended under a prescribed provision,

the person is exempt from the requirement under section 169B(1)(b) of the Act that the order will instead take effect at the end of that prior suspension.

(2) Regulation 13A(2)(a) and (b)—delete "notice or" wherever occurring

8—Amendment of Schedule 1—Forms

Schedule 1, Form 1—delete the form

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 3 November 2022

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