



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 92 of 1986

An Act to amend the Road Traffic Act, 1961.

[Assented to 4 December 1986]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act (No. 3), 1986". Short title.

(2) The Road Traffic Act, 1961, is in this Act referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 43 of the principal Act is amended—

(a) by striking out from subsection (3):

Penalty: For an offence against paragraph (a), if it is proved that a person was injured or killed in the accident—a fine of five hundred dollars or imprisonment for six months.

For any other offence against this subsection—a fine of three hundred dollars.;

(b) by inserting after subsection (3) the following subsections:

(3a) The penalty for an offence against subsection (3) is as follows:

(a) (i) where the offence arises from the defendant's failure to stop the vehicle forthwith and a person was injured or killed in the accident;

or

(ii) where the offence arises from the defendant's failure to render assistance,

a fine not exceeding \$5 000 or imprisonment for a term not exceeding one year (or both) and dis-

Amendment of
s. 43—
Failure to stop
and report in case
of accident.

qualification from holding or obtaining a driver's licence for one year or for such longer period as the court orders;

(b) in any other case—a fine of \$2 000.

(3b) Where a disqualification is, or is to be, imposed under subsection (3a)—

(a) the disqualification shall not be reduced or mitigated in any way 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 it may order a period of disqualification that is less than the prescribed minimum but not less than one month;

(b) the disqualification shall, for the purposes of the Offenders Probation Act, 1913, be deemed not to constitute a sentence or the imposition of a penalty;

(c) if the offender is the holder of a driver's licence—the licence shall be deemed to be cancelled at the commencement of the period of disqualification.

Amendment of
s. 69—
Duty of court to
disqualify driver
for certain
offences.

4. Section 169 of the principal Act is amended by striking out from subsection (1) "Section 43 (3) (a) (failure to stop after accident);".

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor