



ROAD TRAFFIC (SCHOOL ZONES) AMENDMENT ACT 1998

No. 18 of 1998

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ELIZABETHAE II REGINAE

A.D. 1998

No. 18 of 1998

An Act to amend the Road Traffic Act 1961.

[Assented to 2 April 1998]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Road Traffic (School Zones) Amendment Act 1998*.

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

Commencement

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

Amendment of s. 5—Interpretation

3. Section 5 of the principal Act is amended—

(a) by inserting after the definition of "roundabout" in subsection (1) the following definition:

"school" means—

- (a) a primary or secondary school or a kindergarten; or
- (b) an institution of a prescribed class;;

(b) by inserting after the definition of "school bus" in subsection (1) the following definition:

"school zone" means a portion of road (which may consist of a portion of road that continues across, or around a corner at, an intersection or junction) that is—

- (a) adjacent to or near a school; and

- (b) between a traffic control device of a kind prescribed to indicate the beginning of a school zone and a traffic control device of a kind prescribed to indicate the end of a school zone;

Amendment of s. 19—Cost of traffic control devices

4. Section 19 of the principal Act is amended—

- (a) by inserting in subsection (1) "Subject to this section," before "The cost of installing";
- (b) by inserting after subsection (1) the following subsection:

(2) Where the cost of installing, altering or removing a traffic control device related to a school zone would, but for this subsection, be borne by a council, that cost will instead be borne by the Minister.

Amendment of s. 25—General provisions relating to traffic control devices

5. Section 25 of the principal Act is amended—

- (a) by inserting in subsection (2) "conclusively" before "presumed";
- (b) by inserting in subsection (3) "conclusively" before "presumed".

Amendment of s. 49—Special speed limits

6. Section 49 of the principal Act is amended—

- (a) by inserting after paragraph (b) of subsection (1) the following paragraph:

(c) 25 kilometres an hour in a school zone when a child is present in the school zone (whether on the carriageway or on a footpath or other part of the road);
or;

- (b) by striking out subsection (2) and substituting the following subsection:

(2) In this section—

"child" means a person under the age of 18 years and includes a student of any age in school uniform.;

- (c) by inserting after subsection (3) the following subsections:

(4) The Minister must cause a review of the operation of subsection (1)(c) to be undertaken as soon as possible after the period of 12 months from the commencement of that provision as inserted by the *Road Traffic (School Zones) Amendment Act 1998*.

(5) A report on the outcome of the review is to be tabled in each House of Parliament within six months after the period referred to in subsection (4).

Amendment of s. 175—Evidence

7. Section 175 of the principal Act is amended—

- (a) by inserting after paragraph (c) of subsection (1) the following paragraph:

(ca) that a vehicle was driven in a school zone; or;

(b) by inserting after subsection (2) the following subsection:

(2a) In proceedings for an offence against this Act, if it is proved that a person was present in a school zone when a specified vehicle was driven in the school zone and evidence is given that the person appeared to the witness to be a child (within the meaning of section 49), it will be presumed in the absence of proof to the contrary that the person was a child (within the meaning of section 49).

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

E. J. NEAL Governor