

House of Assembly

As passed all stages and awaiting assent.

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South Australia

Road Traffic (Miscellaneous) Amendment Bill 2009

A BILL FOR

An Act to amend the *Road Traffic Act 1961*.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Road Traffic Act 1961*

- 4 Substitution of section 53A
 - 53A Approval of apparatus as traffic speed analysers
- 5 Amendment of section 79B—Provisions applying where certain offences are detected by photographic detection devices
- 6 Insertion of sections 110AB and 110AC
 - 110AB Speed
 - 110AC Intelligent Access Program
- 7 Amendment of section 173AA—Reasonable steps defence
- 8 Amendment of section 175—Evidence

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Road Traffic (Miscellaneous) Amendment Act 2009*.

2—Commencement

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

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 *Road Traffic Act 1961*

4—Substitution of section 53A

Section 53A—delete the section and substitute:

53A—Approval of apparatus as traffic speed analysers

The Governor may, by regulation, approve apparatus of a specified kind as traffic speed analysers.

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

Section 79B(9a)—delete subsection (9a)

6—Insertion of sections 110AB and 110AC

After section 110AA insert:

110AB—Speed

- (1) The Governor may make regulations to establish a scheme for the management of speeding by drivers of heavy vehicles.
- (2) Without limiting the effect of subsection (1), the regulations under this section may make provision relating to—
 - (a) the specifying of, and obligations of, parties in the chain of responsibility in relation to heavy vehicles; and
 - (b) powers of police officers and authorised officers in relation to the enforcement of the regulations.
- (3) The regulations under this section may—
 - (a) make provisions of a savings or transitional nature; and
 - (b) prescribe penalties, not exceeding \$50 000, for offences against the regulations; and
 - (c) fix expiation fees, not exceeding \$750, for alleged offences against the regulations.

110AC—Intelligent Access Program

- (1) The Governor may make regulations to establish a scheme to provide increased access to the road network for heavy vehicles (the *Intelligent Access Program*).
- (2) Without limiting the effect of subsection (1), the regulations under this section may make provision relating to—
 - (a) the monitoring of heavy vehicles for the purposes of the Intelligent Access Program; and
 - (b) the keeping, production and inspection of records for the purposes of the Intelligent Access Program; and

- (c) the obligations of persons or bodies involved in the Intelligent Access Program; and
 - (d) powers of police officers, authorised officers and other specified persons in relation to the enforcement of the regulations; and
 - (e) the recognition of administrative decisions in other jurisdictions in relation to the Intelligent Access Program.
- (3) The regulations under this section may—
- (a) provide for and prescribe fees (including the waiving, remission or refund of such fees) in respect of the Intelligent Access Program; and
 - (b) make provisions of a savings or transitional nature; and
 - (c) prescribe penalties, not exceeding \$50 000, for offences against the regulations; and
 - (d) fix expiation fees, not exceeding \$750, for alleged offences against the regulations.

7—Amendment of section 173AA—Reasonable steps defence

Section 173AA—after subsection (3) insert:

- (4) The regulations may set out circumstances in which a requirement under this Act to take all reasonable steps to prevent the occurrence of a specified offence will be taken to have been satisfied.

8—Amendment of section 175—Evidence

- (1) Section 175(3)(ba)(i)—delete "6" and substitute:
27
- (2) Section 175(4)—after "mounted in" second occurring insert:
or on
- (3) Section 175(4)—delete "at the particular location with the prior approval of the Minister"