



ANNO TRICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1985

No. 55 of 1985

An Act to amend the Road Traffic Act, 1961.

[Assented to 30 May 1985]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act, 1985". Short title.

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

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

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. Section 47 of the principal Act is amended—

(a) by striking out from subparagraph (i) of paragraph (a) of subsection (3) the passage "six months" and substituting the passage "twelve months";

Amendment of s. 47—
Driving under influence of intoxicating liquor or drug.

and

(b) by inserting after paragraph (c) of subsection (3) the following paragraphs:

(d) if the person is the holder of a driver's licence—the licence shall be deemed to be cancelled at the commencement of the period of disqualification;

(e) the court may, if it thinks fit to do so, order that conditions endorsed pursuant to section 81a of the Motor Vehicles Act, 1959, on any driver's licence issued to the person after the period of disqualification shall be effective for a period greater than the period prescribed by that section.

Amendment of
s. 47a—
Interpretation.

4. Section 47a of the principal Act is amended by striking out the definition of “breath test”.

Amendment of
s. 47b—
Driving whilst
having prescribed
concentration of
alcohol in blood.

5. Section 47b of the principal Act is amended—

- (a) by striking out from subparagraph (i) of paragraph (a) of subsection (3) the passage “three months” and substituting the passage “six months”;
 - (b) by striking out from subparagraph B of subparagraph (i) of paragraph (a) of subsection (3) the passage “six months” and substituting the passage “twelve months”;
- and
- (c) by inserting after paragraph (c) of subsection (3) the following paragraphs:
 - (d) if the person is the holder of a driver’s licence—the licence shall be deemed to be cancelled at the commencement of the period of disqualification;
 - (e) the court may, if it thinks fit to do so, order that conditions endorsed pursuant to section 81a of the Motor Vehicles Act, 1959, on any driver’s licence issued to the person after the period of disqualification shall be effective for a period greater than the period prescribed by that section.

Amendment of
s. 47da—
Breath testing
stations.

6. Section 47da of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:
 - (1) A breath testing station may be established by members of the police force at any time on or in the vicinity of any road for the purpose of enabling alcotests to be conducted in relation to persons driving motor vehicles on the road.;
- (b) by striking out from subsection (2) the passage “breath tests” and substituting the word “alcotests”;
- (c) by striking out subsections (3), (4), (5) and (6) and substituting the following subsections:
 - (3) Any member of the police force who requires a driver to submit to an alcotest at a breath testing station, or who stops a motor vehicle for that purpose, shall be in uniform.
 - (4) The Commissioner of Police shall establish procedures to be followed by the members of the police force performing duties at or in connection with a breath testing station, being procedures designed to prevent as far as reasonably practicable any undue delay or inconvenience to persons stopped at the station.
 - (5) The Minister shall cause a report to be prepared within three months after the end of each calendar year on the operation and effectiveness of this section and related sections during that calendar year.
 - (6) The Minister shall, within 12 sitting days after receipt of a report under subsection (5), cause copies of the report to be laid before each House of Parliament.;

and

(d) by striking out subsection (7).

7. Section 47e of the principal Act is amended—

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

Amendment of
s. 47e—
Police may
require alcotest or
breath analysis.

(2a) A member of the police force may require the driver of a motor vehicle that approaches a breath testing station established pursuant to section 47da to submit to an alcotest.;

(b) by striking out from subparagraph (i) of paragraph (a) of subsection (6) the passage “six months” and substituting the passage “twelve months”;

and

(c) by inserting after paragraph (c) of subsection (6) the following paragraphs:

(d) if the person is the holder of a driver’s licence—the licence shall be deemed to be cancelled at the commencement of the period of disqualification;

(e) the court may, if it thinks fit to do so, order that conditions endorsed pursuant to section 81a of the Motor Vehicles Act, 1959, on any driver’s licence issued to the person after the period of disqualification shall be effective for a period greater than the period prescribed by that section.

8. Section 47g of the principal Act is amended by striking out subsection (3c) and substituting the following subsection:

Amendment of
s. 47g—
Evidence, etc.

(3c) A certificate purporting to be signed by a member of the police force and to certify that a breath testing station had been established pursuant to section 47da at a place and during a period referred to in the certificate shall, in the absence of proof to the contrary, be proof of the matters so certified.

9. Section 47i of the principal Act is amended—

(a) by striking out from subparagraph (i) of paragraph (a) of subsection (14a) the passage “six months” and substituting the passage “twelve months”;

Amendment of
s. 47i—
Compulsory
blood tests.

and

(b) by inserting after paragraph (c) of subsection (14a) the following paragraphs:

(d) if the person is the holder of a driver’s licence—the licence shall be deemed to be cancelled at the commencement of the period of disqualification;

(e) the court may, if it thinks fit to do so, order that conditions endorsed pursuant to section 81a of the Motor Vehicles Act, 1959, on any driver’s licence issued to the person after the period of disqualification shall be effective for a period greater than the period prescribed by that section.

Amendment of
s. 47j—
Certain offenders
to be required to
attend assessment
clinic.

10. Section 47j of the principal Act is amended—

(a) by striking out paragraphs (a) and (b) of subsection (1) and substituting the following paragraphs:

(a) a person is convicted of a prescribed offence (other than a lesser offence against section 47b);

or

(b) a person is convicted of a lesser offence against section 47b and has previously been convicted of a prescribed offence committed within 5 years before the date of the lesser offence;

(b) by striking out from subsection (1) the passage “of the later offence”;

and

(c) by inserting in subsection (12) after the definition of “assessment clinic” the following definition:

“lesser offence against section 47b” means a lesser offence as defined in section 47b (5).

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

D. B. DUNSTAN, Governor