

**15.3/83**

**SUPREME COURT OF SOUTH AUSTRALIA**

***HEARN v McCANN***

**Zelling J**

**7 May 1982 — (1982) 29 SASR 448; (1982) 5 A Crim R 368**

**MOTOR TRAFFIC – EXCESSIVE SPEED – DEFENDANT HONESTLY BELIEVED HE WAS TRAVELLING BELOW THE SPEED LIMIT – CHARGE DISMISSED – COURT IN ERROR.**

**ZELLING J:** In allowing the appeal said that the defence of honest and reasonable belief in a state of facts, which, if they existed, would make the defendant's act innocent was not available as a defence to a charge of an offence of excessive speed under s49 of the *Road Traffic Act* (SA) 1961-1981.

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