



ANNO DECIMO OCTAVO

## ELIZABETHAE II REGINAE

A.D. 1969

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## No. 106 of 1969

An Act to amend the Road Traffic Act, 1961-1967.

[Assented to 18th December, 1969.]

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

Short titles.

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act, 1969".

(2) The Road Traffic Act, 1961-1967, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1969".

(3) The Road Traffic Act, 1961-1967, is hereinafter referred to as "the principal Act".

Commence-  
ment.

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

Amendment of  
principal Act,  
s. 5—  
Interpretation.

3. Section 5 of the principal Act is amended—

(a) by inserting after the passage "separate carriageways," in the definition of "dividing strip" the passage "and includes a median strip," ;

(b) by inserting after the definition of "road" the following definition :—

"roundabout" means an intersection or junction laid out for the movement of traffic in one direction around a central island, in relation

to which the appropriate signs approved by the Board to distinguish the intersection as a roundabout are erected or displayed in a manner approved by the Board : ;

- (c) by inserting after the passage "safety island" in the definition of "traffic control device" the passage "safety bar" ;

and

- (d) by inserting after the definition of "the Board" the following definition :—

"the standing" of a vehicle means the stationary position of the vehicle :.

4. Section 11 of the principal Act is amended by striking out paragraph (a) of subsection (2) and inserting in lieu thereof the following paragraph :—

Amendment of  
principal Act,  
s. 11—  
Constitution  
of Board.

- (a) the Commissioner of Highways or a person nominated by the Commissioner, having in the opinion of the Commissioner, appropriate qualifications in engineering ;.

5. Section 16 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection :—

Amendment of  
principal Act,  
s. 16—  
Power as to  
traffic control  
devices.

- (2) The Board may, by instrument in writing, delegate (or revoke a delegation of) its powers of approval under this section, but any such delegation shall not derogate from the powers of the Board to act under this section itself.

6. Section 18 of the principal Act is amended by striking out the passage "A council" and inserting in lieu thereof the passage "The Commissioner of Highways or a council".

Amendment of  
principal Act,  
s. 18—  
Traffic lights.

7. Section 22 of the principal Act is amended by striking out paragraphs (a) and (b) and inserting in lieu thereof the passage "lines, barrier lines, words, marks, or signs to regulate or guide the movement of traffic, or the standing of vehicles".

Amendment of  
principal Act,  
s. 22—  
Direction lines  
and barrier  
lines.

Enactment of  
s. 23a of  
principal Act—

**8.** The following section is enacted and inserted in the principal Act immediately after section 23 thereof :—

Construction  
of safety  
control  
devices.

**23a.** (1) The Commissioner of Highways or a council may, with the approval of the Board, construct or install such traffic control devices (being traffic control devices of a kind not specifically referred to in sections 17 to 23 (inclusive) of this Act) as he or it thinks fit.

(2) Any traffic control devices of a kind referred to in subsection (1) of this section constructed or installed by the Commissioner of Highways, or a council, with the approval of the Board, prior to the commencement of the Road Traffic Act Amendment Act, 1969, shall be deemed to have been constructed or installed under and in accordance with this Act.

Amendment of  
principal Act,  
s. 26—  
Removal of  
traffic control  
devices.

**9.** Section 26 of the principal Act is amended by inserting after subsection (2) thereof the following subsection :—

(3) The Board may delegate (or revoke a delegation of) its powers of approval under this section, but any such delegation shall not derogate from the powers of the Board to act under this section itself.

Amendment of  
principal Act,  
s. 49—  
Speed limits.

**10.** Section 49 of the principal Act is amended by striking out from paragraph (c) of subsection (1) the passage "the school" and inserting in lieu thereof the passage "a school".

Amendment of  
principal Act,  
s. 51—  
Speed of  
vehicles  
carrying  
pillion  
passengers.

**11.** Section 51 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsections :—

(1) A person shall not drive a motor bicycle, with or without a sidecar attached thereto, carrying any person in addition to the driver, at a greater speed than forty-five miles per hour.

Penalty : One hundred dollars.

(1a) Subsection (1) of this section does not derogate from, or relieve any person from the obligation to comply with, any other provision of this Act that may be applicable to that person.

**12.** Section 53 of the principal Act is amended by inserting after subsection (5) the following subsection :—

Amendment of  
principal Act,  
s. 53—  
Speed of  
heavy  
vehicles.

(6) This section does not derogate from, or relieve any person from the obligation to comply with, any other provision of this Act that may be applicable to that person.

**13.** Section 53a of the principal Act is amended by inserting after subsection (2) the following subsection :—

Amendment of  
principal Act,  
s. 53a—  
Speed of  
motor buses.

(3) This section does not derogate from, or relieve any person from the obligation to comply with, any other provision of this Act that may be applicable to that person.

**14.** Section 66 of the principal Act is amended—

Amendment of  
principal Act,  
s. 66—  
Giving way  
when vehicle  
enters public  
road from  
private land.

(a) by inserting before the word “road” wherever it occurs in subsection (1) the word “public”;

and

(b) by striking out the word “road” being the last word of subsection (2) and inserting in lieu thereof the passage “public road, and “public road” means a road that any person, body or authority is under any statutory duty to maintain, except such a road that is included in, or forms part of, a place or premises set apart or established for the parking of vehicles”.

**15.** Section 69 of the principal Act is amended by inserting after the passage “about to drive” the passage “or driving”.

Amendment of  
principal Act,  
s. 69—  
Driving from  
edge of  
carriageway.

**16.** Section 72 of the principal Act is amended by inserting after the passage “opposite direction” in subsection (1) the passage “unless those vehicles are required to give way to his vehicle pursuant to section 72a of this Act”.

Amendment of  
principal Act,  
s. 72—  
Turning  
vehicles to  
give right of  
way.

**17.** The following section is enacted and inserted in the principal Act immediately after section 72 thereof :—

Enactment of  
s. 72a of  
principal Act—

**72a.** The driver of a vehicle entering, or about to enter the carriageway of a roundabout, shall give way to any vehicle on his right that is travelling on that carriageway.

Vehicle  
entering  
roundabout.

Amendment of  
principal Act,  
s. 78a—  
Duty to  
comply with  
other traffic  
signs.

**18.** Section 78a of the principal Act is amended by striking out the passage “for regulating the movement of traffic” and inserting in lieu thereof the passage “or an intersection, junction or crossover for regulating the movement of traffic or the standing of any vehicle”.

Enactment of  
s. 83a of  
principal Act—

**19.** The following section is enacted and inserted in the principal Act immediately after section 83 thereof :—

Restriction  
upon sale of  
goods upon  
roads.

83a. (1) A person shall not stand or place himself or any goods upon a carriageway, dividing strip or traffic island for the purpose of—

- (a) soliciting any business or contribution from the occupant of any vehicle ;
- (b) inducing the driver of a vehicle to take him into or onto the vehicle ;
- (c) offering or exposing goods for sale.

Penalty : One hundred dollars.

(2) A person shall not buy or offer to buy goods from a person who is standing or has placed himself upon a carriageway, dividing strip or traffic island in contravention of subsection (1) of this section.

Penalty : One hundred dollars.

(3) The Board may, by instrument in writing, exempt any class of persons from the provisions of subsection (1) of this section.

Amendment of  
principal Act,  
s. 94a—  
Portion of  
body  
protruding  
from vehicle.

**20.** Section 94a of the principal Act is amended by inserting after subsection (2b) the following subsection :—

(2c) The Board may, by instrument in writing, delegate (or revoke a delegation of) its powers to grant a permit under subsection (2a) of this section, but any such delegation shall not derogate from the powers of the Board to act under that subsection itself.

Amendment of  
principal Act,  
s. 127—  
Brakes on  
motor vehicles  
other than  
cycles or  
trailers.

**21.** Section 127 of the principal Act is amended by inserting after the passage “foot pedal” in paragraph (a) of subsection (3) the passage “or by a foot pedal and hand lever operated in conjunction”.

**22.** The following section is enacted and inserted in the principal Act immediately after section 137 thereof :—

Enactment of  
s. 137a of  
principal Act—

137a. The Board may, if it is satisfied that proper cause exists for so doing, by instrument in writing under the hand of the secretary, or by notice published in the *Gazette*, exempt, subject to such conditions (if any) as may be specified in the instrument or notice, any vehicle or any type or kind of vehicle from all or any of the provisions, specified in the instrument or notice, of sections 125 to 137 (inclusive) of this Act and thereafter, subject to the conditions (if any) specified in the instrument or notice being duly complied with, those provisions shall not apply to or in relation to that motor vehicle or a motor vehicle of that type or kind.

Exemption.

**23.** Section 138a of the principal Act is amended by inserting after subsection (2) the following subsection :—

Amendment of  
principal Act,  
s. 138a—  
Left-hand  
drive vehicles  
not to be  
registered.

(3) The Board may, by instrument in writing, delegate (or revoke a delegation of) its powers to grant a permit under subsection (2) of this section, but any such delegation shall not derogate from the powers of the Board to act under that subsection itself.

**24.** Section 141 of the principal Act is amended—

Amendment of  
principal Act,  
s. 141—  
Width of  
vehicles.

(a) by inserting after the passage "eight feet" wherever it occurs in subsections (1) and (2) the passage "two and a half inches";

and

(b) by striking out paragraph (b) of subsection (4) and inserting in lieu thereof the following paragraph :—

(b) a rear vision mirror or a signalling device projecting not more than six inches from either side of the vehicle shall not be taken into account.

**25.** Section 143 of the principal Act is amended by inserting after subsection (2) the following subsection :—

Amendment of  
principal Act,  
s. 143—  
Exemptions.

(3) The Board may, by instrument in writing, delegate (or revoke a delegation of) its powers to grant a permit under this section, but any such delegation shall not derogate from the powers of the Board to act under this section itself.

Amendment of  
principal Act,  
s. 144—  
Duty to  
comply with  
loading  
provisions.

**26.** Section 144 of the principal Act is amended—

- (a) by striking out the passage “An owner or person in charge of a vehicle shall not cause or permit a vehicle to be driven and a person shall not drive a vehicle if in any respect the vehicle does not comply with the requirements of sections 145 to 149 (inclusive) of this Act. In any prosecution for non-compliance with the requirements of sections 145 to 149, the owner, driver or person in charge of a vehicle shall be severally guilty of an offence” and inserting in lieu thereof the passage “If a vehicle that does not comply in any respect with the requirements of sections 145 to 149 (inclusive) of this Act is driven on a road, the owner and the person in charge of the vehicle shall each be guilty of an offence and where the driver has not been required or instructed by his employer to drive the vehicle notwithstanding non-compliance with the provisions of those sections, the driver shall also be guilty of an offence” ;

and

- (b) by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection :—

(2) In any proceedings for an offence under this section, an allegation in a complaint that a person named therein was the owner, person in charge or driver of a vehicle therein referred to on a date therein specified shall be deemed to be proved in the absence of proof to the contrary.

Amendment of  
principal Act,  
s. 151—  
Exemptions.

**27.** Section 151 of the principal Act is amended by inserting after subsection (2) the following subsection :—

(3) The Board may, by instrument in writing delegate (or revoke a delegation of) its powers to grant a permit under this section, but any such delegation shall not derogate from the powers of the Board to act under this section itself.

Amendment of  
principal Act,  
s. 152—  
Duty of  
driver as to  
weighing  
vehicles and  
loads.

**28.** Section 152 of the principal Act is amended by striking out from subsection (2) the passage “One hundred dollars” and inserting in lieu thereof the passage “Two hundred dollars”.

**29.** Section 157 of the principal Act is amended—

(a) by striking out from paragraph (d) the passage “half an hour after” and the passage “half an hour before” ;

and

(b) by inserting after the present contents thereof, as amended by this section, (which are hereby designated subsection (1) thereof) the following subsection :—

(2) The Board may, by instrument in writing, delegate (or revoke a delegation of) its power to approve a towing device under subsection (1) of this section, but any such delegation shall not derogate from the powers of the Board to act under this section itself.

Amendment of  
principal Act,  
s. 157—  
Requirements  
as to towing.

**30.** Section 158 of the principal Act is amended by inserting after subsection (2) the following subsection :—

(3) The Board may, by instrument in writing, delegate (or revoke a delegation of) its powers of granting a permit under this section, but any such delegation shall not derogate from the powers of the Board to act under this section itself.

Amendment of  
principal Act,  
s. 158—  
Number of  
trailers or  
towed vehicles.

**31.** Section 159 of the principal Act is amended by inserting after paragraph (c) of subsection (1) the following paragraph :—

or

(d) a school omnibus owned by the Minister of Education and operated for purposes approved by that Minister.

Amendment of  
principal Act,  
s. 159—  
Vehicles used  
for carrying  
passengers.

**32.** Section 160 of the principal Act is amended by inserting after subsection (4) the following subsection :—

(4a) No liability shall attach to any person in respect of any damage to a vehicle resulting from anything done *bona fide* in the course of, or in connection with, an examination of the vehicle conducted pursuant to subsection (4) of this section.

Amendment of  
principal Act,  
s. 160—  
Defect notices.

**33.** Section 161a of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsection :—

(2) The Board may delegate (or revoke a delegation of) its powers of approval under subsection (1) of this section, but any such delegation shall not derogate from the powers of the Board to act under that subsection itself.

Amendment of  
principal Act,  
s. 161a—  
Driving of  
hovercraft  
prohibited  
without  
consent of  
Board.



Amendment of  
principal Act  
s. 162a—  
Seat belts.

**34.** Section 162a of the principal Act is amended—

- (a) by inserting after the passage “Every vehicle” in subsection (3) the passage “, manufactured before the first day of January, 1970,” ;
- (b) by inserting after subsection (3) the following subsection :—

(3a) Every vehicle, manufactured on or after the first day of January, 1970, to which this section applies, must be fitted with such seat belts and anchorages for seat belts as may be prescribed, affixed in accordance with the regulations.;

and

- (c) by inserting after the passage “of this section” in subsection (6) the passage “or, which has been removed from a vehicle in which it has been previously used”.

Amendment of  
principal Act,  
s. 163—  
Information  
to be painted  
on certain  
vehicles.

**35.** Section 163 of the principal Act is amended—

- (a) by striking out subsection (1) and inserting in lieu thereof the following subsection :—

(1) Except as provided in this section, every commercial motor vehicle the weight of which unladen exceeds thirty-five hundredweights, and every vehicle carrying passengers or goods for hire, must have the name and address of the owner thereof and the unladen weight of the vehicle painted in letters at least two inches high and at least one inch wide—

- (a) in the case of a vehicle first registered before the first day of July, 1970, on some conspicuous part of the off side of the vehicle ;

and

- (b) in the case of a vehicle first registered on or after the first day of July, 1970, on the off side door of the vehicle, or, if there is no such door, on some conspicuous part of the off side of the vehicle near the driver’s seat.

and

(b) by inserting after subsection (1) the following subsection :—

(1a) Subsection (1) of this section shall not apply to, or in relation to, a taxi-cab duly licensed by the Metropolitan Taxi-Cab Board, a council, or the Transport Control Board.

**36.** Section 175 of the principal Act is amended—

Amendment of  
principal Act,  
s. 175—  
Evidence.

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

(ba) that a road specified in the complaint was, on a date therein specified, a public road within the meaning of section 66 of this Act; or;

and

(b) by inserting after the passage “within twelve months” in paragraph (bb) of subsection (3) the passage “before or”.

**37.** Section 176 of the principal Act is amended by inserting after paragraph (c) of subsection (1) the following paragraph :—

Amendment of  
principal Act,  
s. 176—  
Regulations.

(ca) prescribing any matter or thing relating to the manner in which any specified vehicle or class of vehicles is designed or constructed ;.

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

J. W. HARRISON, Governor.