



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 16 of 1975

An Act to amend the Road Traffic Act, 1961-1974.

[Assented to 27th March, 1975]

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, 1975". Short titles.

(2) The Road Traffic Act, 1961-1974, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1975".

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

3. Section 4 of the principal Act is amended by inserting after the item— Amendment of principal Act, s. 4—

PART IV—Equipment, Size, and Weight of Vehicles, and safety provisions. Sections 111 to 163., Division of Act.

the item—

PART IVA—Central Inspection Authority. Sections 163a to 163i.

4. Section 5 of the principal Act is amended—

(a) by striking out the definition of "bicycle";

(b) by striking out the definition of "breath analysing instrument";

(c) by inserting after the definition of "cross-over" the following definition:—

"cycle" means a pedal cycle or a motor cycle;

Amendment of principal Act, s. 5— Interpretation.

(d) by inserting after the definition of "level crossing" the following definition:—

"motor cycle" means a motor vehicle that moves upon only two wheels, or where a side-car or side-box is attached, upon only three wheels;

(e) by striking out the definition of "pedal bicycle" and inserting in lieu thereof the following definition:—

"pedal cycle" means a vehicle designed to be propelled solely by muscular force exerted by a driver or rider upon pedals;

(f) by inserting after the definition of "pedestrian crossing" the following definition:—

"period of low visibility" means any time when, owing to insufficient daylight or unfavourable conditions, persons or vehicles on a road are not clearly visible at a distance of 100 metres to a person of normal vision;

(g) by inserting in the definition of "roundabout" after the passage "to distinguish the intersection" the passage "or junction";

and

(h) by striking out from the definition of "traffic control device" the passage "railway rolling-stock to a level railway crossing" and inserting in lieu thereof the passage "rolling-stock to a level crossing".

Enactment of
s. 8a of
principal Act—

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

Power to
proclaim a
vehicle as a
vehicle of a
specified class.

8a. The Governor may, by proclamation—

(a) declare that a vehicle of a certain design or with certain characteristics is to be regarded for the purposes of this Act as a vehicle of a specified class;

(b) declare that any specified provision, or specified provisions, of this Act shall not apply to, or in relation to, that vehicle;

and

(c) revoke or vary any proclamation under this section.

Amendment of
principal Act,
s. 17—
Installation,
etc., of traffic
control devices.

6. Section 17 of the principal Act is amended—

(a) by inserting in subsection (1) after the word "maintain" the passage ", alter";

(b) by inserting in subsection (1) after the word "maintained" the passage ", altered";

(c) by inserting in subsection (3) after the passage "maintenance," the passage "alteration,";

and

(d) by inserting in subsection (6) after the passage "maintenance," the passage "alteration,".

Amendment of
principal Act,
s. 18—
Direction to
install traffic
control device.

7. Section 18 of the principal Act is amended by inserting in subsection (1) after the passage "maintain," the passage "alter,".

8. Section 19 of the principal Act is amended—

- (a) by inserting in subsection (1) after the passage “maintaining,” the passage “altering,”;
- (b) by inserting in subsection (2) after the passage “maintaining,” the passage “altering,”;
- (c) by inserting in subsection (2) after the word “shall” the passage “, subject to this section,”;
- (d) by inserting in subsection (3) after the passage “maintenance,” the passage “alteration,”;
- and
- (e) by inserting after subsection (4) the following subsection:—

(5) The cost of installing, maintaining, altering, operating or removing a traffic control device—

(a) the purpose of which is to regulate, restrict or prohibit the parking of vehicles;

and

(b) which has been, or is to be, installed by a council or other authority in pursuance of powers conferred by statute,

shall (except where the traffic control device is a device of a class declared by regulation to be a class of traffic control device to which the provisions of subsection (2) of this section apply notwithstanding this subsection) be borne by that council or other authority.

Amendment of principal Act, s. 19—
Cost of traffic control devices.

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

19a. (1) Where—

(a) a person carries on a business or other activity beside or near a road;

and

(b) the Minister is of the opinion that the installation, maintenance, alteration or operation of a traffic control device is required in view of the nature and extent of the business or activity, and the volume of traffic generated by the conduct of that business or activity,

the Minister may cause to be served personally or by post upon the person by whom the business or other activity is conducted a notice requiring him to pay to the Authority in which the care, control and management of the road is vested such amount, or periodical amounts, as may be specified in the notice towards defraying the cost of installing, maintaining, altering or operating the traffic control device.

(2) A person of whom a requirement has been made under subsection (1) of this section may, within thirty days after service of the notice by which the requirement was made, appeal to the Supreme Court against the requirement and the Court may, upon the hearing of the appeal, vary the requirement in such manner as it considers just in view of the extent to which the business or activity conducted by the appellant renders the installation, maintenance, alteration or operation of the traffic control device to which the requirement relates necessary or expedient.

Enactment of s. 19a of principal Act—

Recovery of cost of installing certain traffic control devices.

(3) An Authority may recover any amount due to it in pursuance of a requirement under this section as a debt, and shall apply any amount paid to, or recovered by, it in pursuance of any such requirement towards the cost of installing, maintaining, altering or operating the traffic control device to which the requirement relates.

(4) Where the amount recovered in respect of a traffic control device in pursuance of a requirement under this section is not sufficient to defray the whole of the cost of installing, maintaining, altering or operating the traffic control device, the remainder of the cost shall be borne in accordance with the appropriate provisions of this Part.

Repeal of s. 23 of principal Act and enactment of section in its place—
Stop signs at road works or pedestrian crossings.

10. Section 23 of the principal Act is repealed and the following section is enacted and inserted in its place:—

23. (1) A person who is authorized in the prescribed manner to do so, may exhibit a stop sign for the purpose of requiring drivers to stop before entering a pedestrian crossing.

(2) A person who is authorized in the prescribed manner to do so, may exhibit a stop sign for the purpose of requiring drivers to stop before entering a part of a road on or near which men are working or works are in progress.

(3) A person shall not exhibit a stop sign unless he is authorized in the prescribed manner to do so.

Penalty: Fifty dollars.

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

11. Section 25 of the principal Act is amended—

(a) by striking out from paragraph (c) of subsection (1) the passage “(if it consists of a signal, sign or notice erected vertically)”;

(b) by striking out from subsection (4) the passage “An Authority” and inserting in lieu thereof the passage “Subject to subsection (5) of this section, an Authority”;

and

(c) by inserting after subsection (4) the following subsection:—

(5) Subsection (4) of this section does not apply to a traffic control device where the Authority in which the care, control or management of the road is vested is not liable for any portion of the expense of installing, maintaining, altering, removing or operating that traffic control device.

Amendment of principal Act, s. 31—
Removal of certain lights and signs.

12. Section 31 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) Notwithstanding the provisions of this Act, or any other Act or law, where the Board is satisfied that any light, device, false traffic sign or advertisement, or any other sign, erected or placed on or near a road—

(a) is likely to increase the risk of accident on any road;

(b) detracts, or is likely to detract, from the visibility of a traffic control device to drivers or pedestrians on the road;

or

(c) is likely to be confused with a traffic control device,
the Board may, by notice in writing, require the owner of the light, device, sign or advertisement, or any person in control of it, to take such action whether by way of removing, modifying, screening or otherwise dealing with the light, device, sign or advertisement, as is specified in the notice, and within a time so specified.

13. Section 42 of the principal Act is amended by striking out from paragraph (b) of subsection (2) the passage "a question" and inserting in lieu thereof the passage "any questions".

Amendment of principal Act, s. 42—
Power to stop vehicle and ask questions.

14. Section 43 of the principal Act is amended—

(a) by striking out from subsection (5) the passage "fifty dollars" and inserting in lieu thereof the passage "one hundred dollars";
and

Amendment of principal Act, s. 43—
Duty to stop and report any case of accident.

(b) by striking out from subsection (6) the passage "shall be *prima facie* evidence" and inserting in lieu thereof the passage "shall, in the absence of proof to the contrary, be proof".

15. Section 51 of the principal Act is amended by striking out from subsection (1) the word "bicycle" and inserting in lieu thereof the word "cycle".

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

16. Section 67 of the principal Act is amended by striking out subsection (2) thereof.

Amendment of principal Act, s. 67—
Giving way at pedestrian crossings.

17. Section 71a of the principal Act is amended by striking out the passage "traffic lights are operating" and inserting in lieu thereof the passage "there are traffic lights".

Amendment of principal Act, s. 71a—
Prohibition of U-turns at traffic lights.

18. Section 75 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "person (whether driving a vehicle or on foot)" and inserting in lieu thereof the word "driver";

Amendment of principal Act, s. 75—
Duties at traffic lights.

and

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

(1a) A pedestrian shall comply with any instructions applicable to him that are indicated by traffic lights, or any signs exhibited with traffic lights.

Penalty: One hundred dollars.

19. Section 76 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of principal Act, s. 76—
Signs prohibiting turns.

(1) If a sign bearing the words "No Turns" or "No Right Turn" or "No Left Turn" or any other words or symbol to which this section applies is erected on or near a road, a driver shall not cause his vehicle to turn contrary to the instruction inscribed on the sign.

Penalty: One hundred dollars.

Amendment of principal Act, s. 78—
Duty at stop signs.

20. Section 78 of the principal Act is amended—

(a) by inserting after subsection (2) the following subsections:—

(2a) While a stop sign is exhibited by a person at or near a pedestrian crossing, a driver shall not permit his vehicle, or any part of his vehicle, to pass the stop line, or if there is no stop line, to enter the crossing.

(2b) While a stop sign is exhibited by a person on a part of a road upon or near which men are working or works are in progress, a driver proceeding towards the face of the sign shall not permit his vehicle, or any part of his vehicle, to pass the point at which the sign is exhibited.;

and

(b) by striking out from subsection (3) the passage “or level crossing” and inserting in lieu thereof the passage “, level crossing, pedestrian crossing or a part of a road upon or near which men are working or road works are in progress,”.

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

21. Section 78a of the principal Act is amended by inserting after the passage “a sign or mark is lawfully” the passage “erected or”.

Amendment of principal Act, s. 81—
Certain vehicles to stop at railway crossings.

22. Section 81 of the principal Act is amended—

(a) by striking out paragraphs (b) and (c) of subsection (1) and inserting in lieu thereof the following paragraphs:—

(b) an omnibus;

or

(c) a vehicle carrying, or designed to be used for the transportation of, flammable liquid, flammable gas, explosives or radioactive, corrosive or poisonous substances,;

and

(b) by striking out from subsection (3) the word “inflammable” wherever it occurs and inserting in lieu thereof in each case the word “flammable”.

Amendment of principal Act, s. 82a—
Council not to authorize angle-parking on a road without Board's approval.

23. Section 82a of the principal Act is amended by striking out from subsection (1) the passage “Notwithstanding the proviso to subsection (1) of section 82 of this Act a council” and inserting in lieu thereof the passage “A council”.

Amendment of principal Act, s. 83a—
Restriction upon sale of goods, etc., upon roads.

24. Section 83a of the principal Act is amended—

(a) by inserting in subsection (1) after the passage “or any goods” the passage “or sign”;

and

(b) by striking out from subsection (3) the passage “class of persons from the provisions of subsection (1)” and inserting in lieu thereof the passage “person, or person of a specified class, from any provision”.

25. Section 94a of the principal Act is amended by striking out from subsection (1) the word "bicycle" and inserting in lieu thereof the word "cycle".
- Amendment of principal Act, s. 94a—
Portion of body protruding from vehicle.
26. Section 96 of the principal Act is amended—
- (a) by striking out from subsection (1) the word "bicycle" and inserting in lieu thereof the word "cycle";
- and
- (b) by striking out from subsection (2) the word "bicycle" and inserting in lieu thereof the word "cycle".
- Amendment of principal Act, s. 96—
Cyclists holding on to other vehicles.
27. Section 97 of the principal Act is amended—
- (a) by striking out from paragraph (a) of subsection (2) the word "bicycle" wherever it occurs and inserting in lieu thereof in each case the word "cycle";
- (b) by striking out from paragraph (b) of subsection (2) the word "bicycle" and inserting in lieu thereof the word "cycle";
- and
- (c) by striking out from paragraph (b) of subsection (2) the word "bicycles" wherever it occurs and inserting in lieu thereof in each case the word "cycles".
- Amendment of principal Act, s. 97—
Driving abreast.
28. Section 98 of the principal Act is amended by striking out the word "bicycle" wherever it occurs and inserting in lieu thereof in each case the word "cycle".
- Amendment of principal Act, s. 98—
Carriage of persons on pedal cycles.
29. Section 99 of the principal Act is amended by striking out the word "bicycle" and inserting in lieu thereof the word "cycle".
- Amendment of principal Act, s. 99—
Facing by cyclists.
30. Section 102 of the principal Act is amended by striking out from subsection (2) the word "bicycle" wherever it occurs and inserting in lieu thereof in each case the word "cycle".
- Amendment of principal Act, s. 102—
Driving position.
31. Sections 111, 112, 113, 114, 116, 117 and 118 of the principal Act are repealed and the following section is enacted and inserted in their place:—
- Repeal of ss. 111, 112, 113, 114, 116, 117 and 118 of principal Act and enactment of section in their place—
111. A person shall not drive a vehicle or cause a vehicle to stand in a road if in any respect the vehicle or its load (if any) does not comply with the requirements of the regulations relating to lamps or reflectors.
Penalty: One hundred dollars.
- Duty to comply with requirements as to lamps and reflectors.
32. Section 119 of the principal Act is amended by inserting at the end thereof the following passage:—
- Penalty: One hundred dollars.
- Amendment of principal Act, s. 119—
Duty to light lamps.
33. Section 123 of the principal Act is repealed.
- Repeal of s. 123 of principal Act.
34. Section 132 of the principal Act is amended by inserting after the passage "of this Act" the passage "or any regulations that relate to those sections".
- Amendment of principal Act, s. 132—
Duty to comply with sections 133 to 138a.

Amendment of principal Act, s. 133—
Warning device.

35. Section 133 of the principal Act is amended by striking out the word “bicycle” wherever it occurs and inserting in lieu thereof in each case the word “cycle”.

Amendment of principal Act, s. 136—
Windscreen wipers and washers.

36. Section 136 of the principal Act is amended by striking out the word “bicycle” and inserting in lieu thereof the word “cycle”.

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

37. Section 141 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “from half an hour before sunrise until half an hour after sunset” and inserting in lieu thereof the passage “between sunrise and sunset”;

and

(b) by striking out from subsection (3) the passage “red material not less than 300 millimetres square” and inserting in lieu thereof the passage “material that complies with the regulations”.

Amendment of principal Act, s. 147—
Maximum weights.

38. Section 147 of the principal Act is amended by inserting after subsection (2) the following subsection:—

(2a) The weight on two or more axles of a vehicle must not exceed the aggregate of the maximum weight each of those axles may bear as determined in accordance with subsection (1) or subsection (2) of this section.

Repeal of s. 159 of principal Act.

39. Section 159 of the principal Act is repealed.

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

40. Section 162a of the principal Act is amended by inserting in subsection (1) after the passage “seat belts” the passage “and anchorages for seat belts”.

Amendment of principal Act, s. 162ab—
Wearing of seat belts to be compulsory.

41. Section 162ab of the principal Act is amended by striking out paragraphs (b) and (c) of subsection (3) and inserting in lieu thereof the following paragraph:—

or

(b) a person who holds—

(i) a valid certificate signed by a legally qualified medical practitioner certifying that because of physical disability or for some other medical reason that person should not be required to wear a seat belt;

or

(ii) a valid certificate issued by the Board under the hand of the chairman or secretary certifying that, in the opinion of the Board, that person should not be required to wear a seat belt,

and who, whenever requested to do so by a member of the police force, produces that certificate forthwith to that member of the police force or, within forty-eight hours after that request, at a police station nominated by the person to the member of the police force making the request.

42. Section 162c of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 162c of principal Act and enactment of section in its place—

162c. (1) A person shall not drive, or ride on, a motor cycle at a greater speed than 25 kilometres an hour unless he is wearing a safety helmet that complies with the regulations.

Safety helmets.

Penalty: Twenty dollars.

(2) Subsection (1) of this section shall not apply to a person who is carried in a side-car that is attached to a motor cycle.

(3) The Governor may by regulation—

(a) prescribe specifications as to the design, materials, strength and construction of safety helmets for use by persons driving or riding on motor cycles;

and

(b) prescribe any other matters or specifications relating to safety helmets.

43. The following heading and sections are enacted and inserted in the principal Act immediately after section 163 thereof:—

Enactment of heading and ss. 163a to 163i of principal Act—

PART IVA

CENTRAL INSPECTION AUTHORITY

163a. (1) There shall be an authority entitled the "Central Inspection Authority" (in this Part referred to as "the Authority").

The Authority.

(2) The Minister may, by notice published in the *Gazette*, declare that any person, body or department of Government shall constitute the Authority, and the Authority shall be constituted accordingly.

(3) The Minister may, by further notice published in the *Gazette*, vary or revoke any notice given under this section.

(4) The Authority may, with the approval of the Minister, delegate to any person, body or department of Government any of the powers, duties or functions, other than this power of delegation, conferred or imposed upon the Authority by this Act.

(5) A delegation under subsection (4) of this section shall be revocable at will and shall not derogate from the power of the Authority to act in any matter.

(6) The Authority shall be subject to the control and direction of the Minister.

163b. (1) The Governor may, subject to and in accordance with the Public Service Act, 1967-1974, appoint such inspectors as may be necessary or expedient for the performance of the functions of the Authority under this Act.

Inspectors, etc.

(2) The office of inspector may be held in conjunction with any other office in the public service of the State.

(3) The Authority may, with the approval of the Minister administering any department of the public service of the State, upon terms mutually arranged, make use of the services of any officer, or use any motor vehicles, plant or equipment, of that department.

Prohibition against driving a vehicle not subject to a certificate of inspection.

163c. (1) This Part applies to—

- (a) an omnibus;
- (b) any vehicle that plies for hire or reward (other than a taxicab that is licensed under the Metropolitan Taxi-Cab Act, 1956-1972);

and

- (c) any other vehicle, or vehicle of a class, that may be prescribed.

(2) Where a vehicle to which this Part applies is driven for the purpose of carrying passengers (other than the driver) and is not the subject of a current certificate of inspection issued by the Authority under this Part, the driver of that vehicle and any person by whom he is employed to drive that vehicle shall each be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(3) Where the Registrar of Motor Vehicles suspects on reasonable grounds that a motor vehicle has been driven in contravention of this section, he may, upon the recommendation of the Authority, suspend the registration of the vehicle until such time as a certificate of inspection is issued in relation to the vehicle.

Inspection of vehicles and issue of certificates of inspection.

163d. (1) The registered owner of a vehicle to which this Part applies shall cause that vehicle to be inspected by the Authority at least once within each prescribed periodic interval, or as the Authority may in any particular case direct.

(2) Subject to subsection (3) of this section, the Authority shall, after inspection of a vehicle and upon payment of the prescribed fee, issue a certificate of inspection in the prescribed form in respect of that vehicle and, subject to this Act, that certificate shall remain in force until the expiration of the next periodic interval, specified in the certificate, within which the vehicle must be again inspected.

(3) The Authority may decline to issue a certificate where the inspection reveals some mechanical defect or inadequacy that may, in the opinion of the Authority, render the vehicle unsafe for the carriage of passengers.

(4) The Minister may exempt such persons, or persons of such class, from payment of the prescribed fee as he thinks fit.

(5) A certificate of inspection shall be subject to such conditions—

- (a) as may be prescribed;

and

- (b) as the Authority may think fit to include in the certificate.

(6) No person shall contravene, or fail to comply with, any condition of a certificate of inspection.

Penalty: One hundred dollars.

Random inspections.

163e. The Authority may at any time, by notice in writing addressed to the registered owner of any vehicle to which this Part applies, require that owner to present the vehicle for inspection by the Authority at such place and within such period of time as may be specified in the notice, notwithstanding that the vehicle is the subject of a current certificate of inspection.

163f. The Authority may cancel a certificate of inspection upon being satisfied—

Cancellation
of certificates
of inspection.

- (a) that the owner of the vehicle has failed to comply with a notice given to him under section 163e of this Act;
- (b) that a condition of the certificate has been contravened or has not been complied with;
- or
- (c) that a vehicle to which the certificate relates is unsafe for the carriage of passengers.

163g. An inspector or a member of the police force may require the driver of a vehicle to which this Part applies to stop his vehicle for the purpose of permitting that inspector or member of the police force to inspect any certificate of inspection that may be attached to the vehicle.

Inspection of
certificates.

163h. No person shall hinder or obstruct an inspector in the exercise or performance of any of the powers, functions or duties conferred or imposed upon him by this Part.

Prohibition
against
hindering an
inspector.

Penalty: One hundred dollars.

163i. An apparently genuine certificate purporting to be under the seal of the Authority to the effect that, at any specified time—

Evidentiary.

- (a) a vehicle was or was not the subject of a current certificate of inspection;
 - or
 - (b) a person was or was not an inspector,
- shall, in the absence of proof to the contrary, be proof of the fact so certified.

44. Section 176 of the principal Act is amended—

Amendment of
principal Act,
s. 176—
Regulations.

(a) by inserting in subsection (1) after paragraph (i) the following paragraph:—

- (ia) prescribing the manner in which certificates of inspection issued by the Authority under Part IVA of this Act are to be affixed to vehicles;;

and

(b) by inserting after subsection (4) the following subsection:—

- (5) A regulation under this Act may impose requirements, or require compliance with standards or specifications, as amended, varied or substituted from time to time, that may be stipulated or recommended by a person, body or authority referred to in the regulation.

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

M. L. OLIPHANT, Governor