



ANNO SECUNDO

## ELIZABETHAE II REGINAE

A.D. 1953

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### No. 37 of 1953.

An Act to amend the Road Traffic Act, 1934-1952.

[Assented to 17th December, 1953.]

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 (No. 2), 1953". Short titles.
- (2) The Road Traffic Act, 1934-1952, as amended by this Act may be cited as the "Road Traffic Act, 1934-1953".
- (3) The Road Traffic Act, 1934-1952, is hereinafter called "the principal Act".
2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.
3. (1) Sections 13, 14, 15, and 16 of this Act shall respectively come into operation on such day or days as are fixed by the Governor by proclamation. Commencement of Act.
- (2) The other provisions of this Act shall come into operation on the day on which this Act is assented to by the Governor.
4. Subsection (5) of section 7 of the principal Act is amended by adding after the word "implements" in paragraph (c) thereof the words "or drawing a registered trailer between two or more portions of a farm". Amendment of s. 7 of principal Act—  
Duty to register.

Enactment of  
s. 7d of  
principal Act—

5. The following section is enacted and inserted in the principal Act after section 7c thereof:—

Permits and  
exemptions for  
unregistered  
biddies.

7d. (1) In this section “bidy” means a four-wheeled trailer constructed and ordinarily used for transporting cargo on wharves and jetties between ships and cargo sheds.

(2) The Registrar may without fee grant to any person a written permit authorizing him to draw unregistered biddies on roads by means of registered and insured motor vehicles.

(3) Any such permit may also contain provisions exempting any persons from the duty to comply, in respect of the biddies, with any specified provisions of this Act.

(4) Every such permit shall be subject to such terms, conditions, and restrictions as the Registrar inserts therein.

(5) A permit granted under this section shall be sufficient authority for any act or omission purporting to be authorized thereby.

(6) If the Registrar is satisfied that any term or condition of a permit granted under this section has been contravened or not complied with he may revoke the permit. Such revocation shall not affect the liability of any person for any act done or omission made in contravention of or non-compliance with the permit before the revocation thereof.

Amendment of  
s. 18 of  
principal Act—  
Consequential  
amendment.

6. Section 18 of the principal Act is amended by striking out paragraph (b) thereof.

Amendment of  
s. 27 of  
principal Act—  
Traders plates.

7. Subsection (14) of section 27 of the principal Act is amended by adding at the end thereof the following proviso:

Provided that a motor vehicle having a limited trader's plate attached thereto may be driven on a public holiday when proceeding, for the purpose of display, to an exhibition or show held on such public holiday, or when returning from such an exhibition or show.

Enactment of  
s. 38ef of  
principal Act—

8. The following section is enacted and inserted in the principal Act after section 38ee thereof:—

Cancellation or  
suspension of  
licence of driver  
disqualified in  
another State.

38ef. Where the holder of a driver's licence under this Act is by reason of any judgment, order, or decision given or made pursuant to any law of any other State or Territory of the Commonwealth, disqualified, prevented

or prohibited from driving a motor vehicle, the Registrar may suspend or cancel the driver's licence issued to him under this Act.

9. Section 39 of the principal Act is amended by striking out paragraph (a) thereof.

Consequential amendment of s. 39 of principal Act—  
Offences in connection with licences.

10. Section 58 of the principal Act is repealed and the following section is enacted in its place :—

Repeal of s. 58 of principal Act and re-enactment of other provisions—

58. (1) Any person who makes any false statement to the Registrar or any other public officer or any member of the police force in or in connection with any application or request for the issue or renewal of any licence, registration, permit, permission, certificate, or other document or instrument provided for in this Act or issued or to be issued in connection with the administration of this Act, or for the issue of a duplicate of any such licence, registration, permit, permission, certificate or other document or instrument shall be guilty of an offence.

False statements.

Penalty: One hundred pounds, or imprisonment for six months.

(2) On a charge of an offence under subsection (1) of this section it shall not be necessary for the prosecutor to prove the state of mind of the defendant, but the defendant shall be entitled to be acquitted if he proves that when making the statement he believed and had reasonable grounds for believing that it was true.

(3) This section applies to written and oral statements, and in respect of written and oral applications and requests.

11. Section 91 of the principal Act is amended—

Amendment of s. 91 of principal Act—  
Penalty.

(a) by striking out the words "two shillings and sixpence" in the third line and inserting in lieu thereof the words "five shillings";

(b) by striking out the words "ten shillings" in the fourth line and inserting in lieu thereof the words "two pounds."

12. The following section is enacted and inserted in the principal Act after section 99 thereof :—

Enactment of s. 99a of the principal Act—

99a. (1) Where a member of the police force or an inspector or authorized officer has ascertained that the load on a vehicle which is on any road, or the load on any axle of any such vehicle, exceeds by more than ten

Power to compel unloading of excess weight.

hundredweights the maximum load or axle load permitted by this Part to be carried on such vehicle or axle, he may direct the driver or person in charge of the vehicle that the vehicle is not to be driven on a road (except for the purpose of driving it off the carriage way or driving it to a place nominated by the driver or person in charge and approved by the inspector or authorised officer, for the purpose of unloading) until that part of the load which is in excess of the permitted maximum is removed from the vehicle.

(2) Any person who contravenes any such direction shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

Enactment of  
s. 110a of  
principal Act—

**13.** The following section is enacted and inserted in the principal Act after section 110 thereof:—

Reflectors on  
bicycles and  
tricycles.

110a. (1) No person shall ride any bicycle or tricycle upon any road at any time between half an hour after sunset and half an hour before sunrise unless in addition to being equipped with lighted lamps as required by this Part it has affixed to the rear thereof a red reflector complying with this section.

(2) In order to comply with this section, a reflector must—

- (a) be of a size, shape, and pattern prescribed by regulations, and comply with any other requirements so prescribed;
- (b) be affixed in such a position on the rear of the bicycle or tricycle as to reflect to the rear a light shining towards the reflector from behind the bicycle or tricycle;
- (c) be free from dirt, mud, or other matter likely to render the reflector ineffective.

(3) This section shall come into force on a day to be proclaimed by the Governor.

Amendment of  
s. 123 of  
principal Act—  
Interpretation  
of traffic  
light signals.

**14.** Subsection (2) of section 123 of the principal Act is amended as follows:—

- (a) In paragraph (a) the words “and a person driving or riding a vehicle or animal shall not turn to the right within the intersection so as to proceed in the direction of the signal” are struck out;
- (b) At the end of paragraphs (b) and (c) respectively the words “turn to the left” are struck out and the following words are inserted in each case:—  
“or may, irrespective of the colour of the signal shown on the right or left, turn and proceed to the

right or left, but in so turning and proceeding shall take precautions to avoid collision with any pedestrian within the intersection ”.

**15.** Section 127a of the principal Act is amended by adding at the end of subsection (1) the following paragraph :—

Amendment of  
s. 127a of  
principal Act—  
Mode of  
making right  
turns.

- (e) in turning to the right at an intersection where a traffic sign with light signals is erected, shall take precautions to avoid collision with any pedestrian within the intersection.

**16.** Section 130a of the principal Act is amended—

Amendment of  
s. 130a of  
principal Act—  
Stop signs.

- (a) by striking out in subsection (4) the letter “(a)” in the fifth line, the word “and” in the sixth line and the whole of paragraph (b) ;

- (b) by striking out subsection (5) and inserting in lieu thereof the following subsection :—

(5) Section 131 of this Act shall apply in relation to vehicles and animals approaching an intersection or junction at which a sign is erected under this section and notwithstanding the stopping of any such vehicle or animal pursuant to this section.

- (c) by inserting after subsection (10) the following subsection :—

(10a) The Commissioner of Police may cause any sign erected under this section to be removed :

- (d) by striking out subsection (12) thereof.

**17.** Section 139 of the principal Act is amended by inserting at the end thereof the following subsection :—

Amendment of  
s. 139 of  
principal Act—  
Duty to stop  
in case of  
accident.

(6) The penalty for any offence against this section shall be a fine not exceeding one hundred pounds ; and in a case where it is proved that the defendant was guilty of failing to stop after an accident in which any person was injured or killed, he may be imprisoned for any term not exceeding six months.

**18.** The following section is enacted and inserted in the principal Act after section 173 thereof :—

Enactment of  
s. 173a of  
principal Act—

173a. If any person drives on any road any motor vehicle having any wheel fitted with a pneumatic tire inflated to a pressure exceeding one hundred pounds per square inch he shall be guilty of an offence.

Maximum air  
pressure of  
tires.

Amendment of  
s. 178 of  
principal Act—  
Damage to  
roads and  
works.

**19.** Section 178 of the principal Act is amended—

(a) by striking out all words therein after “offence” in the thirteenth line and inserting in lieu thereof the following words :—“Penalty : Fifty pounds” :

(b) by adding at the end thereof the following subsection (the previous part of the section being read as subsection (1) ) :—

(2) The court may, in addition to or in lieu of any penalty imposable under this section, order the defendant to pay to the authority responsible for the maintenance of the road, bridge or culvert which was damaged, or on which the damaged structure or article was erected or placed, such sum as the court thinks proper by way of compensation for the damage.

Amendment of  
s. 179 of  
principal Act—  
Notice of  
damage.

**20.** Section 179 of the principal Act is amended by striking out the words “improved main” in the second line, and by inserting after the word “road” in the second line the words “or to any bridge, culvert, guard fence or post on the road, otherwise than by reasonable use thereof”.

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

R. A. GEORGE, Governor.