



ANNO DECIMO SEXTO

ELIZABETHAE II REGINAE

A.D. 1967

No. 17 of 1967

An Act to amend the Road Traffic Act, 1961-1966.

[Assented to 13th April, 1967.]

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. 3), 1966-1967". Short titles.
 (2) The Road Traffic Act, 1961-1966, as amended by this Act may be cited as the "Road Traffic Act, 1961-1967".
 (3) The Road Traffic Act, 1961-1966, is hereinafter referred to as "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. Section 5 of the principal Act is amended— Amendment of principal Act, s. 5—
Interpretation.
 - (a) by inserting the following new definition before the definition of "animal" therein :—
 "air-cushioned vehicle" means a motor vehicle (commonly known as a ground effect machine or 'hovercraft') which is supported during operation, above land or water, by air vertically displaced by means of the power plant of the vehicle ; ;
 - (b) by striking out the definition of "carriageway" therein and inserting in lieu thereof the following definition :—
 "carriageway" means a portion of a road improved, designed or ordinarily used for

vehicular traffic, and includes the shoulders and areas at the side or centre of the carriage-way used for the standing or parking of vehicles (including parking embayments) and, if a road has two or more of such portions divided by a dividing strip or strips, 'carriage-way' means each portion separately ; ;

(c) by striking out the definition of "cross-over" therein and inserting in lieu thereof the following definition :—

"cross-over" means a vehicular track which passes through a dividing strip and gives access from one carriageway to another but does not include any such track which is a continuation or part of a road intersecting or joining a divided road ; ;

and

(d) by inserting after the word "thoroughfare" in paragraph (a) of the definition of "road" therein the passage "including every carriageway, footpath, dividing strip and traffic island therein".

Amendment of principal Act, s. 24—
General provisions as to traffic control devices.

4. Section 24 of the principal Act is amended by inserting after the word "construct" therein the passage ", install".

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

5. Section 31 of the principal Act is amended by inserting after the word "light" wherever it occurs in subsection (2) therein the passage ", device," in each case.

Amendment of principal Act, s. 32—Speed zones.

6. Section 32 of the principal Act is amended by striking out subsections (2) and (3) therein and inserting in lieu thereof the following subsections :—

(2) The Board may at any time fix a speed limit for any zone and that speed limit shall be indicated by signs erected in accordance with this section.

(3) The signs shall be placed at or near the beginning and end of the zone and shall comply with such requirements as to size, design, markings, location and other matters as are prescribed by regulations.

(3a) Where the Board has fixed a speed limit for any zone under this section any person who is aggrieved by the decision of the Board may request the Board to give reasons for its decision in fixing such a speed limit in that zone and the Board shall comply with any such request.

(3b) The said person may within twenty-eight days after receipt of the Board's reasons apply to the Board to vary or remove the speed limit in that zone. Upon such a request the Board—

- (a) shall give the person an opportunity of submitting information and arguments ;
- (b) may obtain further relevant information ;
- (c) shall reconsider its previous decision ;
and
- (d) shall report to the Minister who may affirm, vary or reverse that decision.

(3c) Before affirming, varying or reversing a decision of the Board under this section the Minister shall give the Board and such person an opportunity of making representations to him thereon.

(3d) Where the Minister affirms the decision of the Board, the speed limit fixed by the Board shall be the speed fixed for that zone, but where the Minister varies or reverses the decision of the Board, the speed fixed by the Minister for that zone shall be the speed fixed for that zone.

7. Section 40 of the principal Act is amended by striking out the passage "right of" in paragraph (c) of subsection (2) thereof.

Amendment of principal Act, s. 40—
Exemption of fire, ambulance and police vehicles.

8. Section 51 of the principal Act is amended—

- (a) by inserting after the words "motor bicycle" in subsection (1) thereof the passage " , with or without a sidecar attached thereto," ;
- (b) by striking out paragraph (a) of subsection (1) thereof ;
and
- (c) by striking out the words "thirty-five" in paragraph (b) of subsection (1) thereof and inserting in lieu thereof the word "forty-five".

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

9. The following section is enacted and inserted in the principal Act after section 53 thereof :—

Enactment of s. 53a of principal Act—

53a. (1) A person shall not drive a vehicle which is carrying or has seating accommodation for more than eight passengers at a greater speed than fifty miles per hour.

Speed limit for motor buses and trailers.

Penalty : One hundred dollars.

(2) It shall be a defence to a charge of an offence under subsection (1) of this section if the defendant satisfies the court that the speed at which the vehicle was driven was not dangerous having regard to all the relevant circumstances.

Amendment of heading appearing before s. 62 of principal Act.

10. The heading "*Right of Way*" appearing immediately before section 62 of the principal Act is struck out and the following heading is inserted in lieu thereof:—

Giving Way.

Amendment of principal Act, s. 62—
Meaning of "give way".

11. Section 62 of the principal Act is amended by striking out the passage "the right of" therein.

Amendment of principal Act, s. 63—Giving Way at Intersections.

12. Section 63 of the principal Act is amended—

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

(1) Except as provided in sections 64 and 72 of this Act, the driver of a vehicle which has entered or is approaching an intersection or junction from a carriageway shall give way to any other vehicle on his right.

Penalty: One hundred dollars.

(b) by striking out in subsection (2) thereof the passage "the right of";

and

(c) by striking out the passage "give the right of way" in subsection (6) thereof and inserting in lieu thereof the passage "give way".

Repeal and re-enactment of s. 64 of principal Act—

13. Section 64 of the principal Act is repealed and re-enacted as follows:—

Giving Way at Give Way signs.

64. Notwithstanding the provisions of section 63 and section 72 of this Act, a driver approaching a "Give Way" sign in or near an intersection or junction from the direction in which the sign is facing shall give way to any other vehicle approaching or in the intersection or junction.

Penalty: One hundred dollars.

Amendment of principal Act, s. 65—Giving Way at crossovers.

14. Section 65 of the principal Act is amended by striking out the passage "the right of" therein.

15. Section 66 of the principal Act is amended by striking out the passage "the right of" in subsection (1) thereof.

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

16. Section 67 of the principal Act is amended by striking out the passage "the right of" in subsection (1) thereof.

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

17. Section 68 of the principal Act is amended by striking out the passage "the right of" therein.

Amendment of principal Act, s. 68—Turning vehicles to give way to pedestrians.

18. Section 69 of the principal Act is amended by striking out the passage "the right of" therein.

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

19. Section 72 of the principal Act is amended—

(a) by inserting at the beginning of subsection (1) thereof the passage "Except as provided in section 64 of this Act," ;

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

and

(b) by striking out the passage "the right of" in subsection (1) thereof.

20. Section 74 of the principal Act is amended—

(a) by inserting after subsection (1) thereof the following subsections :—

Amendment of principal Act, s. 74—Signals for right turns stops and slowing down.

(1a) On and after the first day of July, 1968, a driver shall not diverge to the left or turn his vehicle to the left unless he gives an appropriate signal as prescribed by or pursuant to this section.

Penalty : One hundred dollars.

(1b) If the Board is satisfied that, by reason of the historical character of a vehicle or class of vehicle or for any other reason, it is impracticable or unnecessary for a signal to be given by the driver of such a vehicle as required by subsection (1a) of this section, it may, by writing signed by the Secretary of the Board or by notice published in the *Gazette*, exempt the driver of that vehicle or of any vehicle of that class from compliance with the provisions of subsection (1a) of this section. ;

(b) by striking out paragraph (b) of subsection (2) thereof ;
and

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

(2a) An appropriate signal for diverging to the left or turning to the left is a signal for so doing given in a manner prescribed by the regulations and by means of a device complying with the regulations.

(2b) An appropriate signal by the rider of a bicycle for diverging to the left or turning the vehicle to the left is to extend his left arm horizontally from the left side of the vehicle with the palm facing to the front and the fingers extended.

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

21. Section 78 of the principal Act is amended by striking out the passage “the right of” in subsection (4) thereof.

Enactment of s. 82a of principal Act—

22. The following section is enacted and inserted in the principal Act after section 82 thereof :—

Council not to authorize angle-parking on a road without Board's approval.

82a. (1) Notwithstanding the proviso to subsection (1) of section 82 of this Act a council shall not by by-law, resolution, or otherwise, authorize a vehicle to stand at any angle on any road unless the council obtains the prior approval of the Board therefor.

(2) Where the Board is of the opinion that the standing of vehicles at any place at an angle in accordance with a by-law or resolution of a council is causing or is likely to cause a hazard to traffic, the council shall, at the request of the Board, revoke or rescind the by-law or resolution or amend it in a manner approved by the Board.

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

23. Section 94a of the principal Act is amended—

(a) by inserting after the passage “travelling in” in subsection (1) thereof the passage “or on”;

(b) by inserting after the words “motor vehicle” in subsection (1) thereof the passage “other than a motor bicycle”;

and

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

(2a) If the Board is satisfied that reasonable cause exists for doing so, it may grant a permit permitting a vehicle to be used without compliance with any of the provisions of this section.

(2b) Any such permit may be general, conditional or restricted as to time, place and circumstances and shall render lawful anything done in accordance therewith.

- 24.** Section 115 of the principal Act is repealed. Repeal of
s. 115 of
principal Act
- 25.** Section 141 of the principal Act is amended— Amendment of
principal Act,
s. 141—
Width of
vehicles.
- (a) by striking out the words “four and a half” in subparagraph (i) of paragraph (b) of subsection (4) thereof and inserting in lieu thereof the word “six”;
- and
- (b) by striking out the passage “and that mirror or device is five feet or more above the level of the ground” in subparagraph (ii) of paragraph (b) of subsection (4) thereof.
- 26.** Section 146 of the principal Act is amended by striking out the passage “on that axle must not exceed eight tons” in subsection (2) thereof. Amendment of
principal Act,
s. 146—
Maximum axle
weights.
- 27.** Section 160 of the principal Act is amended— Amendment of
principal Act,
s. 160—
Defect notices.
- (a) by inserting after subsection (2) thereof the following subsection :—
- (2a) A member of the police force may, at any time when any premises where vehicles are exhibited or kept for sale are open for business, enter into or upon those premises and, if he is of opinion that any vehicle exhibited or kept for sale therein does not comply with any one or more of the requirements of this Act or for any reason cannot be safely driven on roads, he may give to the owner or person in charge of the vehicle a direction referred to in subsection (2) of this section. ;
- (b) by inserting after the passage “subsection (2)” in subsection (3) thereof the passage “or subsection (2a)” ;
- (c) by inserting after the word “section” in subsection (3) thereof the passage “and no person shall hinder or prevent a member of the police force from acting in exercise of the powers conferred on him by this section” ;
- (d) by inserting after the word “road” in paragraph (b) of subsection (5) thereof the passage “or sold or otherwise disposed of” ;

(e) by striking out from subsection (6) thereof the passage "a vehicle" secondly occurring and inserting in lieu thereof the passage "or permit a vehicle to be driven or";

(f) by inserting after the word "road" in subsection (6) thereof the passage "or sell or otherwise dispose of a vehicle";

and

(g) by inserting after subsection (6) thereof the following subsection :—

(6a) It shall be a defence to a charge under subsection (6) of this section of having sold or otherwise disposed of a vehicle contrary to the terms of a defect notice if the defendant satisfies the court that at the time of the sale or disposal he had reason to believe that the vehicle was not intended to be used on a road after such sale or disposal.

Enactment of
s. 161a of
principal Act—

Driving of
hovercraft
prohibited
without
consent of
Board.

28. The following section is enacted and inserted in the principal Act after section 161 thereof :—

161a. A person shall not drive an air-cushioned vehicle on or over a road without the approval of the Board.

Penalty : One hundred dollars.

Enactment of
s. 162c of
principal Act—

Safety helmets.

29. The following section is enacted and inserted in the principal Act after section 162b thereof :—

162c. (1) A person shall not, after the thirty-first day of December, One thousand nine hundred and sixty-seven, drive or ride on a motor bicycle, with or without a sidecar attached, at a speed exceeding fifteen miles per hour, unless that person is wearing a safety helmet of a type approved by the Board.

Penalty : Twenty dollars.

(2) The provisions of subsection (1) of this section shall not apply to a person who is carried in a sidecar that is attached to a motor bicycle.

(3) The Board shall, by notice published in the *Gazette*, specify the type or types of safety helmet approved by the Board for the purposes of subsection (1) of this section.

30. Subsection (3) of section 175 of the principal Act is amended by inserting after paragraph (ba) thereof the following paragraph :—

Amendment of
principal Act,
s. 175—
Evidence.

(bb) a document produced by the prosecution and purporting to be signed by the Warden of Standards or the Officer-in-Charge of Testing, Civil Engineering Testing Laboratories of the University of Adelaide and certifying that any weighbridge or weighing instrument had been tested on a day mentioned therein, such day being within twelve months after the date of the offence, and was shown by the test to be accurate to the extent indicated in the document, shall be *prima facie* evidence that at the time of the offence the weighbridge or weighing instrument, as the case may be, was accurate to the extent indicated in the document.

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

EDRIC BASTYAN, Governor.