



ANNO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1959

No. 51 of 1959

An Act to amend the Road Traffic Act, 1934-1958.

[Assented to 22nd December, 1959.]

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, 1959". Short titles.
- (2) The Road Traffic Act, 1934-1958, as amended by this Act may be cited as the "Road Traffic Act, 1934-1959".
- (3) The Road Traffic Act, 1934-1958, 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. Interpretation.

3. The following section is inserted in the principal Act after section 38b :— Enactment of section 38ba—
 - 38ba. The court which makes an order disqualifying a person from holding and obtaining a driver's licence may, if satisfied that reasonable cause exists for doing so, order that the disqualification shall take effect from a day or hour subsequent to the making of the order. Operation of order of disqualification.

4. Section 53 of the principal Act is amended as follows :— Amendment of s. 53 of principal Act—
 - (a) After the word "uses" in the first line of subsection (1) the words "or interferes with" are inserted ; Using vehicle without consent.

(b) After the word "used" in the third line of subsection (2) the words "driven or interfered with" are inserted ;

(c) After subsection (3) the following subsection is inserted :—

(4) A complaint for an offence against this section may be laid at any time not later than two years after the commission of the offence.

Repeal of
s. 55 of
principal Act—
Interfering
with motor
vehicle.

5. Section 55 of the principal Act is repealed.

Amendment of
s. 91 of
principal Act—
Penalty for
overloading.

6. Section 91 of the principal Act is amended—

i. by inserting after the word "shall" in line two the words "where the weight carried in excess of the weight allowed by this Act does not exceed twenty hundredweight"; and

ii. by adding at the end of this section the following subsection (the previous part of section 91 being read as subsection (1)) :—

(2) Where the weight carried in excess of the weight allowed by this Act exceeds twenty hundredweight, the penalty in respect of the first twenty hundredweight shall be as provided in subsection (1) of this section, and not less than two pounds nor more than five pounds for each hundredweight exceeding twenty.

Amendment of
s. 99 of
principal Act—
Power to stop
vehicles and
ask questions.

7. Section 99 of the principal Act is amended—

(a) by adding at the end of subsection (1) the words "or the nature or constituents of the load carried on the vehicle, or for the purpose of enabling an estimate to be made of the weight of the vehicle or its load or both"; and

(b) by adding at the end thereof the following subsections—

(3) The powers conferred by this section may be used for the purpose of the administration and enforcement of this Part or any other law.

(4) Every person for the time being in charge of a ferry established under Part xxix of the Local Government Act, 1934-1958, shall be an authorized person within the meaning of this section.

8. Section 99a of the principal Act is amended by inserting before the word "inspector" in the tenth line of subsection (1) the words "member of the police force or".

Amendment of
s. 99a of
principal Act—
Unloading of
excess weight.

9. Section 101 of the principal Act is amended by inserting before the word "inspector" in the first line of paragraph (b) of subsection (3) the words "member of the police force or".

Amendment of
s. 101 of
principal Act—
Weighing of
vehicles.

10. Section 119 of the principal Act is amended by inserting in subsection (1) after the definition of "crossover" the following definitions :—

Amendment of
s. 119 of
principal Act—
Interpretation.

"intersection" means the area comprised within imaginary straight lines joining the corners formed by the convergence of the lateral boundary lines or the prolongation of the lateral boundary lines of two or more roads which cross each other :

"junction" means the part of a road which is comprised within the prolongation across the road of the lateral boundary lines of another road which joins it :

A road shall be deemed to join another road within the meaning of this definition if it joins that road but does not cross it.

11. The following section is enacted and inserted in the principal Act after section 122b thereof :—

Enactment of
s. 122c of
principal Act—

122c. (1) This section shall apply only to traffic control signals erected on or near a road for the control of road traffic by means of coloured lights shown in succession.

Control of
erection of
traffic signals.

(2) Before commencing to erect a traffic control signal a municipal or district council shall give to the Commissioner of Highways notice of its intention to erect the signal and shall supply the Commissioner with information as to the situation, nature and sequence of lights of the proposed signal and any other information which the Commissioner reasonably requires.

(3) The Commissioner shall consider every proposal notified to him under this section and may approve of it unconditionally or subject to any modifications or conditions which he deems advisable, or may refuse to approve of it.

(4) If the council is not satisfied with the decision of the Commissioner it may request the Minister of Roads to review the decision.

(5) When such a request is made to the Minister of Roads, he—

- (a) shall give the council and the Commissioner an opportunity to submit information and arguments to him ;
- (b) may obtain any other relevant information or advice ; and
- (c) may uphold, quash or vary the decision of the Commissioner, or give any other decision which he deems just.

(6) The decision of the Minister shall be final.

(7) A Council shall not erect a traffic control signal unless the Commissioner of Highways or the Minister of Roads has approved of it, or in contravention of any condition imposed by the Commissioner or Minister.

(8) Subject to subsections (9) and (10) of this section a traffic control signal erected by a municipal or district council before the enactment of this section shall be deemed to have been erected with the approval of the Commissioner of Highways.

(9) The Commissioner of Highways may direct a municipal or district council to alter any traffic control signal erected by the council (whether before or after the enactment of this section), or the sequence of lights therein, for the purpose of securing uniformity or improvement in traffic control signals. The council shall comply with any such direction unless within one month after receipt of the direction the council submits it to the Minister of Roads for review.

(10) On the review of a direction under subsection (9) the Minister shall follow the like procedure and have the like powers as are mentioned in subsection (5), and his decision shall be final.

Amendment of
s. 123 of
principal Act—
Obedience to
traffic signs.

12. (1) Subsections (2), (3), and (4), of section 123 of the principal Act are repealed and the following subsections inserted in lieu thereof :—

(2) A traffic control signal erected at an intersection or junction and showing coloured lights shall be a sign within the meaning of this Part and shall indicate the following rules to be observed by traffic headed towards the illuminated face of the lights while the circles and arrows mentioned below are illuminated :—

A. A red circle—

A person shall not drive a vehicle or animal across the stop line.

B. A red circle and a green arrow—

A person shall not drive a vehicle or animal across the stop line except for the purpose only of making the movement indicated by the arrow. A person who so drives across the stop line shall forthwith complete such movement.

C. A red arrow—

A person shall not drive a vehicle or animal across the stop line for the purpose of making the movement indicated by the arrow, and shall not make such movement.

D. A green circle—

A person may drive a vehicle or animal across the stop line in the direction of the signal and having done so may, notwithstanding a change in the lights, complete the crossing of the intersection or junction, or may turn and proceed to the right or left irrespective of the lights shown on the right or left.

E. A green arrow—

A person may drive a vehicle or animal across the stop line for the purpose only of making the movement indicated by the arrow. A person who so drives across the stop line shall forthwith complete such movement.

F. An amber circle—

This shall have the same effect as a red circle and shall also indicate an impending change in the lights. While an amber circle is shown above a green circle, that green circle shall have no effect for purposes of this section.

G. An amber arrow—

This shall have the same meaning as a red arrow and shall also indicate an impending change in the lights. While an amber arrow is shown with a green arrow pointing in the same direction, the green arrow shall have no effect for purposes of this section.

H. General meaning of arrows—

A vertical arrow means a movement directly through an intersection or junction; an arrow pointing right means a right turn; an arrow pointing left means a left turn.

(3) A traffic control signal erected on a road elsewhere than at an intersection or junction and showing coloured lights shall be deemed to indicate the following rules to be observed by traffic headed towards the illuminated face of the lights while the circles mentioned below are illuminated :—

A. A red circle—

A person shall not drive a vehicle or animal across the stop line.

B. A green circle—

Persons may drive vehicles and animals across the stop line.

C. An amber circle—

This shall have the same meaning as a red circle, and shall also be a warning of an impending change in the lights. While an amber circle is shown above a green circle, the green circle shall have no effect for purposes of this section.

(3a) If, at the time when a light permitting traffic to proceed changes, a vehicle or animal proceeding in the direction of the signal is so close to the stop line that it cannot safely be stopped before crossing that line, a person may drive the vehicle or animal across the stop line and make any movement which could lawfully have been made before the change of light.

(3b) In turning to the right or left at an intersection or junction a driver of a vehicle or animal shall take precautions to avoid collision with pedestrians and if he fails to do so shall be guilty of an offence.

(4) A pedestrian facing lights shown by a traffic control signal transversely across the road shall not enter the carriageway of the road—

(a) while a red or amber circle is being shown transversely across the road unless a sign bearing the word "WALK" is also being so shown; or

- (b) while a sign bearing the words "DON'T WALK" is being so shown.

A person who contravenes this subsection shall be guilty of an offence.

When a pedestrian has lawfully entered on the carriageway of a road where lights of a traffic control signal are showing he may continue to cross the carriageway notwithstanding a change in the lights or sign; but if the lights or sign change while he is on the carriageway and there is a safety zone between him and the opposite side of the carriageway he shall not walk beyond the safety zone until a green circle or green vertical arrow or a sign bearing the word "WALK" is showing.

(2) Subsection (6) of section 123 of the principal Act is amended—

- (a) by striking out the definition of "intersection" therein; and
(b) by striking out the definition of "stop line" therein and inserting in lieu thereof the following definition:—

"stop line" means—

- (a) a line marked with studs, paint, or otherwise near a traffic control signal so as to indicate a stopping place for traffic approaching that signal; or
(b) if no such line is marked, an imaginary line running transversely at right angles across the road and passing through the centre of the pedestal of the signal.

(3) The following subsection is inserted at the end of section 123 of the principal Act:—

(7) A person shall be deemed to drive a vehicle or animal across a stop line if he permits any part of that vehicle or animal to cross that line.

13. Section 130a of the principal Act is amended by striking out subsection (11) thereof.

Consequential amendment of s. 130a of principal Act.

14. Section 130e of the principal Act is amended as follows:—

- (a) The following subsections are inserted after subsection (5):—

Amendment of s. 130e of principal Act. Pedestrian crossings.

- (5a) While a flag or sign bearing the word "stop" is exhibited by a person on a pedestrian crossing, the driver or rider of a vehicle or animal shall not permit any part of the vehicle or animal to enter the crossing.
- (5b) A person shall not on or near a pedestrian crossing exhibit a flag or sign bearing the word "stop" unless he is authorized to do so in accordance with the regulations.
- (5c) A person shall not drive or ride a vehicle or animal so that such vehicle or animal overtakes any other vehicle or animal which is headed in the same direction and has stopped at a pedestrian crossing for the purpose of giving way to pedestrians thereon.

For purposes of this subsection a vehicle or animal shall be deemed to have overtaken another, if any part of such vehicle or animal has advanced beyond the foremost part of the other vehicle or animal.

(b) Subsection (8) is amended by striking out the words and figure "or subsection (7)" and inserting in lieu thereof "(5a) (5b) (5c) or (7)".

(c) Subsection (11) is amended so as to read as follows:—

(11) The Governor may make regulations—

- (a) prescribing the methods of marking pedestrian crossings on the surface of roads ;
- (b) with respect to the marking, placing, erection and removal of road markings, lights, signs, and other devices on or near or in advance of pedestrian crossings ;
- (c) declaring that any specified pedestrian crossings, or any class of pedestrian crossings, shall be operative as such only during prescribed hours or while prescribed signals are displayed or in other prescribed circumstances ;
- (d) prescribing any other matters necessary or convenient to be prescribed for

giving effect to this section or for protecting persons or property on or near pedestrian crossings ;

(e) declaring that any regulations made under this subsection shall apply only to pedestrian crossings in the vicinity of schools or to any other prescribed class of pedestrian crossings ; and

(f) prescribing fines recoverable summarily and not exceeding twenty five pounds for breach of any regulation made under this section.

15. The following section is enacted and inserted in the principal Act after section 131a thereof :—

Enactment of s. 131a of principal Act—

131b. (1) A person shall not drive a vehicle or animal into a road from private land unless the road is sufficiently clear of traffic to enable the vehicle or animal to enter and proceed across or along the road without danger.

Right of way when vehicle enters road from private road.

(2) In this section “private land” means any land other than a road.

(3) A person who contravenes this section shall be guilty of an offence.

16. Section 132 of the principal Act is repealed and the following section is inserted in its place :—

Amendment of s. 132 of principal Act—

132. If a person drives or rides a vehicle or animal at a greater speed than twenty-five miles an hour in any intersection within a municipality, town or township, he shall be guilty of an offence.

Speed at intersections.

17. The following section is enacted and inserted in the principal Act after section 133 thereof :—

Enactment of s. 133a of principal Act—

133a. (1) In this section “public authority” means—

(a) any Minister of the Crown ;

(b) the Commissioner of Highways ;

(c) any municipal or district council ;

(d) any other authority or company authorized by an Act to carry out works on roads ; and

Speed past works on roads.

(e) any member of the police force who is in charge of a group of such members performing duties on a road at a place where an accident has occurred.

(2) Subject to subsection (3) of this section, a public authority may place signs on a road for the purpose of indicating the portion of the road on which works are in progress, or on which men are working.

(3) A sign shall not be placed on a road pursuant to this section by a public authority, other than a member of the police force, unless the Commissioner of Police or a member of the police force authorized by the Commissioner of Police to give consents under this section has given his consent to the placing of the sign.

(4) If a public authority has engaged a contractor to carry out works on a road on behalf of the authority, the contractor may exercise the powers conferred on the authority by this section.

(5) A sign shall not be placed on a road pursuant to this section unless—

(a) it is painted or marked with words or letters and figures indicating a speed limit of fifteen miles an hour ; and

(b) it complies with any regulations relating to signs under this section and with any directions given by the Commissioner of Police or the member of the police force who consented to the placing of the sign.

(6) A person shall not drive a motor vehicle at a speed greater than fifteen miles an hour on that part of a road which is between signs placed thereon pursuant to this section.

Penalty : Fifty pounds.

Amendment of
s. 135 of the
principal Act—
Towing.

18. Section 135 of the principal Act is amended by inserting in the second proviso to subsection (1) after the word "device" the words "of a type approved by the registrar or".

Enactment of
s. 136a
of principal
Act—

Standing
near inter-
sections or
junctions.

19. The following section is enacted and inserted in the principal Act after section 136 thereof :—

136a. (1) If a person causes or permits a vehicle or animal to remain at rest near the edge of the carriageway of a road within fifteen feet of an intersection or junction, he shall be guilty of an offence :

Provided that the foregoing provision shall not apply where the driver or rider intends to enter the intersection or junction and has stopped before doing so pursuant to any other provision of this Act.

(2) A vehicle or animal on a road shall be deemed to be within fifteen feet of an intersection or junction if any part of it is within fifteen feet of an imaginary line being the production across the road of the lateral boundary of another road which intersects it or joins it.

(3) This section shall not apply where a vehicle remains at rest on that side of a road which is opposite to the side on which another road joins that road to form a junction.

20. Section 142 of the principal Act is amended as follows :—

Amendment of
s. 142 of the
principal Act—
Dimensions of
vehicles.

(a) The following subsection is inserted after subsection (1) :—

(1a) A person shall not drive a vehicle on a road if the height of the vehicle or its load or any part of the vehicle or load exceeds fourteen feet :

Provided that this subsection shall not apply to an electrically driven omnibus having overhead poles for conducting electricity from overhead electrical conductors.

(b) Subsection (3) is struck out and the following subsection inserted in its place :—

(3) If the Registrar of Motor Vehicles is satisfied that it is reasonable to permit a motor vehicle to be driven on a road although in any one or more particulars it does not comply with subsection (1) or subsection (1a) of this section, he may on the application of the owner of the vehicle grant a permit permitting that vehicle to be driven on any road specified in the permit or on roads generally. Such a permit may be general, conditional, or restricted as to time, place or circumstances and shall render lawful anything done in accordance therewith.

21. Section 156a of the principal Act is amended—

Amendment of
s. 156a
of principal
Act—
Exemption of
fire,
ambulance
and police
vehicles.

(a) by striking out paragraph (b) of subsection (1) and inserting the following paragraph—

(b) any motor ambulance which is being driven in answer to an urgent call or while conveying an injured or sick person to any place for treatment urgently required.

(b) by inserting after “43b” in the third line of subsection (2) “subsection (2a) of section 122” ;

- (c) by inserting after "inclusive" in the fourth line of subsection (2) "sections 127a and 130";
- (d) by inserting after "130c" in the fourth line of subsection (2) "130d";
- (e) by inserting after "136" in the fifth line of subsection (2) "136a".

Repeal and
re-enactment
of s. 167 of
principal Act—
Vehicles on
bridges and
culverts.

22. Section 167 of the principal Act is repealed and the following section is inserted in its place :—

167. (1) A person who causes or permits a vehicle to be stationary on a bridge or culvert except in the circumstances prescribed by this section shall be guilty of an offence.

(2) The prescribed circumstances are—

- (a) that the vehicle has been stopped to permit persons to enter or leave the vehicle ;
- (b) that the vehicle is unable to move because of breakdown or accident ;
- (c) that the vehicle is being unloaded or used in connection with construction or repairs of the bridge or culvert ;
- (d) that the vehicle has been stopped to comply with any lawful traffic sign or direction of a member of the police force or to avoid collision with other traffic, or for any reasonable cause in case of accident or emergency.

(3) If a vehicle is stationary on a bridge or culvert and is not removed from the bridge or culvert without unnecessary delay, the driver shall be guilty of an offence.

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

R. A. GEORGE, Governor.