



ANNO TRICESIMO PRIMO

**ELIZABETHAE II REGINAE**

A.D. 1982

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**No. 63 of 1982**

**An Act to amend the Road Traffic Act, 1961-1981.**

[Assented to 1 July 1982]

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, 1982".

(2) The Road Traffic Act, 1961-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1982".

Commence-  
ment.

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

Amendment of  
s. 5—  
Interpretation.

3. Section 5 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "axle" and substituting the following definition:

"axle" means that part of a vehicle consisting of—

(a) a shaft that connects two or more of the wheels of the vehicle;

(b) a spindle upon which a wheel of the vehicle rotates;

(c) where a number of such shafts or spindles lie along the same transverse line—all those shafts or spindles;

or

(d) where a number of such shafts or spindles lie between two transverse lines that are no more than one metre apart—all those shafts or spindles;:

(b) by striking out from subsection (1) the definitions of “gross combination mass”, “gross combination mass limit”, “gross vehicle mass” and “gross vehicle mass limit”;

(c) by inserting after the definition of “period of low visibility” in subsection (1) the following definition:

“primary producer” has the meaning attributed to that expression by the Motor Vehicles Act, 1959-1981 ;;

and

(d) by inserting after subsection (2) the following subsection:

(2a) For the purposes of this Act, the mass carried on a wheel of a vehicle shall be deemed to be the mass that would counterbalance the force exerted on the surface of the road by that wheel.

4. Section 34 of the principal Act and the heading preceding that section are repealed. Repeal of s. 34 and heading.

5. Section 53 of the principal Act is amended by striking out from subsection (1) the passage “gross vehicle mass of the motor vehicle, or the gross combination mass of the motor vehicle and any vehicles drawn thereby” and substituting the passage “total mass of the motor vehicle and its load (if any), or the total mass of the motor vehicle, any attached vehicle, and the loads (if any) on the motor vehicle or attached vehicle”. Amendment of s. 53—  
Speed limits for certain vehicles.

6. Sections 139, 140, 141 and 142 of the principal Act are repealed and the following section is substituted: Repeal of ss. 139 to 142 and substitution of new section.

139. (1) A person shall not drive a vehicle on a road if in any respect— Dimensions, etc., of vehicles and loads.

(a) the vehicle;

(b) the vehicle together with any attached vehicles;

or

(c) the load on the vehicle or on any attached vehicle,

does not comply with the regulations relating to the dimensions or configuration of vehicles or loads.

7. The heading preceding section 146 of the principal Act is repealed and the following heading is substituted: Repeal of heading to s. 146 and substitution of new heading.

#### *Vehicle Mass*

8. Sections 146, 147, 149 and 150 of the principal Act are repealed and the following sections are substituted: Repeal of ss. 146 to 150 and substitution of new sections.

146. (1) A person shall not drive a vehicle on a road if in any respect— Mass of vehicles and their loads.

(a) the total mass of the vehicle and its load;

(b) the total mass of the vehicle, any attached vehicle, and the loads (if any) carried by those vehicles;

(c) the mass carried on an axle, or group of axles, of the vehicle, or of any attached vehicle;

or

- (d) the mass carried on a wheel, or group of wheels, of the vehicle, or of any attached vehicle,

exceeds the maximum permitted by the regulations.

(2) Notwithstanding subsection (1) and the regulations, the permitted maxima for the masses referred to in subsection (1) (a) and (b) shall, in relation to a vehicle owned by a primary producer and driven on a road during the period of ten years from the commencement of the Road Traffic Act Amendment Act, 1982, be ten per centum greater than the prescribed maxima applicable to a vehicle owned by a person who is not a primary producer.

(3) Where a vehicle is driven in contravention of this section, the owner and the driver of the vehicle shall each be guilty of an offence, and each liable to a penalty of—

- (a) not more than ten dollars for every 50 kilograms of the first tonne of the mass carried in excess of the permitted maximum;

and

- (b) not more than twenty dollars for every 50 kilograms of the mass after that first tonne.

(4) It shall be a defence for an owner charged with an offence against this section to prove that the driver of the vehicle has been convicted, or found guilty, or has been acquitted, of an identical offence arising out of the same facts and circumstances as the offence with which he has been charged.

(5) It shall be a defence for a driver charged with an offence against this section to prove that the owner of the vehicle has been convicted, or found guilty, of an identical offence arising out of the same facts and circumstances as the offence with which he has been charged.

(6) For the purposes of this section, "owner", in relation to an articulated motor vehicle, means the owner of the prime mover of that vehicle.

The determination of mass.

147. (1) A council may within its area, and the Minister may in any part of the State, erect, provide or maintain, in accordance with the regulations, weighbridges or other instruments for the purpose of determining the mass of a vehicle with or without its load, or the mass carried on any axle, group of axles, wheel, or group of wheels, of a vehicle.

(2) Where a determination is made, in accordance with the regulations, of the mass of a vehicle with or without its load, or the mass carried on any axle, group of axles, wheel, or group of wheels, of a vehicle, that determination shall be deemed to be correct for the purpose of any proceedings for an offence against this Act unless the contrary is proved.

Amendment of s. 152—  
Duty of drivers as to determining the mass of vehicles and loads, and the mass carried on axles and wheels.

9. Section 152 of the principal Act is amended by striking out from paragraph (b) of subsection (1) the passage "the mass of the vehicle and its load, or the mass carried on any axle of the vehicle" and substituting the passage "the mass of the vehicle, any attached vehicle, and the loads (if any) carried by that vehicle, or those vehicles, the mass carried on any axle, group of axles, wheel, or group of wheels, of the vehicle, or of any attached vehicle".

10. Section 156 of the principal Act is amended—

Amendment of  
s. 156—  
Unloading of  
excess mass.

(a) by inserting in paragraph (a) of subsection (1) after the word “axle” wherever it occurs the passage “, group of axles, wheel or group of wheels”;

and

(b) by striking out paragraph (b) of subsection (1) and substituting the following paragraph:

(b) that the mass of the vehicle, any attached vehicle, and the loads (if any) carried by that vehicle, or those vehicles, exceeds by more than 1.5 tonnes the maximum permitted by this Act.

11. Section 175 of the principal Act is amended—

Amendment of  
s. 175—  
Evidence.

(a) by striking out paragraph (a) of subsection (3) and substituting the following paragraph:

(a) a statement produced by the prosecution and purporting to be signed by a person in charge of a weighbridge or other instrument for determining mass and stating—

- (i) the mass of a vehicle with or without its load;
- (ii) the mass carried on any axle, group of axles, wheel, or group of wheels of a vehicle;
- (iii) the dimensions or measurements of a vehicle or its load, or any part of a vehicle or its load;
- (iv) that an axle, wheel or tyre of a vehicle is of a specified type or class;

or

(v) that a vehicle has, or does not have, a specified mechanical part, or system, of a specified type or class,

is proof of the fact so stated in the absence of proof to the contrary;;

(b) by inserting in paragraph (ab) of subsection (3) after the passage “or instrument” the passage “is of a specified class, or that it”;

and

(c) by striking out from paragraph (ac) of subsection (3) the passage “of mass”.

12. Section 176 of the principal Act is amended—

Amendment of  
s. 176—  
Regulations.

(a) by striking out from paragraph (h) of subsection (1) the passage “or axles” and substituting the passage “, group of axles, wheel, or group of wheels”;

and

(b) by inserting after paragraph (h) of subsection (1) the following paragraphs:

(ha) providing for the determination by the Registrar of Motor Vehicles of specified mass limits in relation to specified vehicles, or vehicles of a specified class;

(hb) providing for the establishment of a committee to advise the Registrar of Motor Vehicles in relation to the determination by him of mass limits;

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(hc) providing for any mass limit determined by the Registrar of Motor Vehicles to be entered in the certificate of registration of any vehicle to which the mass limit is applicable;.

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

D. B. DUNSTAN, Governor