



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 71 of 1972

An Act to amend the Road Traffic Act, 1961-1971.

[Assented to 7th September, 1972]

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, 1972".

(2) The Road Traffic Act, 1961-1971, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1972".

(3) The Road Traffic Act, 1961-1971, is hereinafter referred to as "the principal Act".

Commence-
ment.

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

Amendment of
principal Act,
s. 5—
Interpretation.

3. Section 5 of the principal Act is amended—

(a) by inserting after the definition of "inspector" the following definition:

"installation" in relation to a traffic control device includes the painting or formation of any marks or structure that constitute or form part of the traffic control device: ;

and

(b) by striking out paragraph (b) of the definition of "traffic control device" and the word "and" immediately preceding that paragraph and inserting in lieu thereof the following paragraphs:—

(b) any other sign, signal, device, mark or structure the purpose of which is to regulate or guide the movement of traffic or the standing of vehicles;

and

(c) any other sign, signal, device, mark or structure declared by proclamation to be a traffic control device.

4. Sections 16 to 19 (inclusive) of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Repeal of ss. 16-19 of principal Act and enactment of sections in their place—

16. (1) In this Part—

Meaning of "Authority".

"Authority" means—

(a) the Commissioner of Highways;

(b) any council;

(c) the South Australian Railways Commissioner;

(d) The Municipal Tramways Trust;

or

(e) any other authority, body or person in whom the care, control or management of a road is vested.

(2) For the purposes of this Part, a road is under the care, control and management of the Commissioner of Highways if he has, pursuant to the Highways Act, taken over the maintenance and repair of that road.

17. (1) An Authority may, with the approval of the Board, install, maintain or operate, or cause to be installed, maintained or operated a traffic control device on or near a road in accordance with this Part.

Installation, etc., of traffic control devices.

(2) An Authority may, with the approval of the Board, remove a traffic control device, or cause a traffic control device to be removed.

(3) An applicant for the approval of the proposed installation, maintenance, operation or removal of a traffic control device must supply the Board with such information relevant to the proposal as the Board may reasonably require.

(4) The Board shall consider every application for its approval under this section and the information submitted by the applicant, and may approve the proposal unconditionally, approve the proposal upon conditions or with modifications, or refuse to approve the proposal.

(5) The Board may delegate (or revoke a delegation of) its powers of approval under this section, but any such delegation shall not derogate from the power of the Board to act under this section itself.

(6) If the Board—

(a) refuses its approval for the installation, maintenance, operation or removal of any traffic control device;

or

(b) gives its approval upon conditions or with modifications,

the Board shall, if requested by the applicant, state the reasons for its decision.

(7) The applicant may, within twenty-eight days after receipt of the Board's reasons, apply to the Board for a review of its decision.

(8) Upon a review of the decision, the Board—

(a) shall give the applicant an opportunity of submitting information and arguments and may further inform itself in such manner as it thinks fit of any matters relevant to the proposal subject to the appeal;

and

(b) shall report to the Minister.

(9) The Minister may, after consideration of the report of the Board, and after affording the applicant and the Board an opportunity of making further representations to him, affirm, vary or quash the decision of the Board, and may approve an alternative proposal submitted by the applicant.

Direction to
install traffic
control device.

18. (1) The Board may, if it thinks fit, direct an Authority to install, maintain, operate or remove a traffic control device on or near a road under the care, control or management of that Authority in accordance with the direction of the Board.

(2) An Authority to which any such direction has been given may, within one month after the date of the direction, appeal to the Minister against the direction, on the ground of financial hardship.

(3) The appellant must supply the Minister with such information relevant to the appeal as the Minister may require.

(4) The Minister shall consider the appeal and may uphold the appeal and quash the direction, vary the direction in such manner as he thinks fit, or dismiss the appeal.

(5) The Authority to which a direction is given under this section is, subject to this section, obliged to comply with the direction.

(6) Where an Authority fails to comply with a direction under this section, the Board may direct—

(a) the Commissioner of Highways;

or

(b) the council for the area in which the work is to be carried out,

to carry out the direction with which the Authority has failed to comply.

(7) Subject to subsection (8) of this section, the Commissioner of Highways or a council may recover, as a debt due from the defaulting Authority, any expenses incurred in carrying out a direction under subsection (6) of this section.

(8) The Commissioner or the Council shall not be entitled to recover under subsection (7) of this section any amount that is to be borne by the Commissioner or the Council, as the case may be, in accordance with this Part.

19. (1) The cost of installing, maintaining, operating or removing traffic lights and pedestrian crossings in accordance with this Part shall be borne in the following manner:—

Cost of
traffic control
devices.

(a) where the care, control or management of the road to which the traffic lights or pedestrian crossing relates is vested in the Commissioner of Highways and the road is within the area of a council—two-thirds of the cost shall be borne by the Commissioner and one-third by the council;

(b) where the care, control or management of the road is vested in a council, and not the Commissioner—two-thirds of the cost shall be borne by that council and one-third by the Commissioner;

(c) in the case of any other road—the whole of the cost shall be borne by the Authority having the care, control or management of the road.

(2) The cost of installing, maintaining, operating or removing other traffic control devices in accordance with this Part shall be borne by the Authority in which the care, control or management of the road to which the device relates, is vested.

(3) The Commissioner may recover from a council, or a council may recover from the Commissioner, as a debt, any amount that the Minister certifies to be due, in accordance with this section, to the Commissioner from that council, or to be due to that council from the Commissioner, in respect of the installation, maintenance, operation or removal of a traffic control device.

(4) This section shall not apply in respect of traffic control devices within the area of the Corporation of the City of Adelaide.

Repeal of ss. 21 and 22 of principal Act.

5. Sections 21 and 22 of the principal Act are repealed.

Amendment of principal Act, s. 23—
Exhibition of sign at pedestrian crossing.

6. Section 23 of the principal Act is amended—

- (a) by striking out subsection (1);
- (b) by striking out the words “flag or” in subsection (2);
- and
- (c) by striking out the words “flag or” in subsection (3).

Repeal of ss. 23a and 24 of principal Act.

7. Sections 23a and 24 of the principal Act are repealed.

Amendment of principal Act, s. 25—
Maintenance of traffic control devices.

8. Section 25 of the principal Act is amended by striking out subsection (4) and inserting the following subsection in its place:—

(4) An Authority in which the care, control or management of a road is vested, shall maintain all traffic control devices installed on or near the road in good order.

Repeal of ss. 26, 27, 28, 29 and 30 of principal Act.

9. Sections 26, 27, 28, 29, and 30 of the principal Act are repealed.

Repeal of s. 31a of principal Act.

10. Section 31a of the principal Act is repealed.

Amendment of principal Act, s. 32—
Erection of speed zone signs.

11. Section 32 of the principal Act is amended by striking out subsections (3a), (3b), (3c), (3d) and (4).

12. Section 61 of the principal Act is amended—

- (a) by striking out the passage “A driver” and inserting in lieu thereof the passage “Subject to subsection (2) of this section, a driver”;

and

- (b) by inserting after the present contents thereof as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) Where a person by reason of some physical infirmity reasonably requires the use of a wheelchair, it shall be lawful for that person to operate a self-propelled wheelchair on a footpath notwithstanding the provisions of subsection (1) of this section.

Amendment of principal Act, s. 61—
Driving on footpaths.

13. Section 74 of the principal Act is repealed and the following section is enacted and inserted in its place:—

74. (1) A driver shall not diverge to the right or left, turn his vehicle to the right or left, stop, apply the brake of his vehicle, suddenly decrease speed, or make a U turn, without giving a signal in accordance with the regulations.

Penalty: One hundred dollars.

(2) A signal shall not be regarded as being in conformity with the requirements of subsection (1) of this section unless it is given in such a manner and for such time as is necessary to give reasonable warning to persons who may be affected by the manoeuvre.

Repeal of s. 74 of principal Act and enactment of section in its place—

Signals.

14. Section 76 of the principal Act is amended—

- (a) by striking out the passage “or other words to the same effect as any of the said words” and inserting in lieu thereof the passage “or other words or symbol to which this section applies”:

and

- (b) by inserting after the present contents thereof, as amended by this section, (which are hereby designated subsection (1) thereof) the following subsection:—

(2) The Board may, by notice published in the *Gazette*, declare that this section shall apply to any words or symbol referred to in the notice, and this section shall apply to those words or that symbol accordingly.

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

Amendment of
principal Act,
s. 82—
Unauthorized
standing of
vehicles.

15. Section 82 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “A person” and inserting in lieu thereof the passage “Except as authorized by this section, a person”;

(b) by striking out paragraph (c) of subsection (1) and the word “or” immediately preceding that paragraph and inserting in lieu thereof the following paragraphs:—

(c) within a temporary parking zone established in pursuance of a permit under this section at any time at which the permit authorizes the use of the temporary parking zone;

or

(d) on a footpath.;

(c) by striking out the proviso from subsection (1);

and

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

(3) Where it is, in the opinion of the Board, in the public interest to do so, it may grant to any person a permit authorizing him to establish temporary parking zones at such places as may be specified in the permit.

(4) The permit must specify the times at which the use of the temporary parking zone is authorized by the permit and shall be subject to such other terms and conditions as the Board thinks fit to include in the permit.

(5) A temporary parking zone must be indicated or marked by such signs or markings as the Board may require and specifies in the permit.

(6) The Board may, at any time, by instrument in writing, revoke a permit under this section.

(7) It shall be lawful—

(a) for the holder of a permit under subsection (3) of this section, or a person authorized by him, to cause or permit a vehicle to stand in accordance with the terms and conditions of the permit in a temporary parking zone at such times as the permit authorizes the use of the temporary parking zone;

or

- (b) for a person to cause or permit a vehicle to stand in accordance with a by-law or resolution of a council in a place marked out by the council for the standing of vehicles by markings, a sign or a notice.

16. Section 91 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 91 of principal Act and enactment of section in its place—

91. (1) An authorized person may give to the driver of a vehicle that has entered or is about to enter a ferry reasonable directions relating to—

Obedience to ferryman's directions.

(a) the order in which vehicles are to be driven onto, or off, the ferry;

or

(b) the position to be occupied by the vehicle on the ferry.

(2) An authorized person may request the driver of a vehicle that has entered, or is about to enter, a ferry, to inform him of the laden weight of the vehicle, or to supply him with any information from which that weight might be estimated.

(3) A person who fails forthwith to comply with a direction or request under this section or gives false information, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(4) In this section—

“authorized person” means the person in charge of the ferry or any other person engaged in the loading or operation of the ferry:

“laden weight” means the weight of the vehicle and if a trailer is attached to the vehicle, the weight of the vehicle, and of the trailer or trailers drawn thereby, together with the weight of the load (if any) including passengers, fuel and equipment carried in or on the vehicle and the trailer or trailers.

17. Sections 136, 137 and 137a of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Repeal of ss. 136, 137 and 137a of principal Act and enactment of sections in their place—

136. Every motor vehicle (other than a motor bicycle) having a windscreen must be equipped in accordance with the regulations with a windscreen wiper or windscreen wipers and a windscreen washer or windscreen washers.

Windscreen wipers and washers.

Rear vision
mirrors.

137. Every motor vehicle must be equipped in accordance with the regulations with a mirror or mirrors by means of which the driver may obtain a clear view of traffic to the rear and to the sides of the motor vehicle.

Enactment of
heading and
s. 138b of
principal Act.

18. The following heading and section are enacted and inserted in the principal Act immediately after section 138a thereof:—

Power of Exemption

Exemption.

138b. The Board may, if it is satisfied that proper cause exists for so doing, by instrument in writing under the hand of the secretary, or by notice published in the *Gazette*, exempt, subject to such conditions (if any) as may be specified in the instrument or notice any vehicle, or vehicles of any class, from all or any of the provisions of sections 111 to 137 (inclusive) of this Act, and thereafter, subject to the conditions (if any) specified in the instrument or notice being complied with, the provisions from which the exemption is granted shall not apply to or in relation to that vehicle or vehicle of that class.

Amendment of
principal Act,
s. 144—
Duty to
comply.

19. Section 144 of the principal Act is amended—

- (a) by inserting after the passage “of this Act” in subsection (1) the passage “or the regulations under those sections”;
- (b) by striking out from subsection (1) the passage “provisions of those sections” and inserting in lieu thereof the passage “those requirements”.

and

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

(3) Where the Minister after consideration of reports from the Commissioner of Highways and the Board considers that reasonable cause exists for doing so he may grant to any person a permit to operate a motor omnibus notwithstanding that it does not comply with the requirements referred to in subsection (1) of this section.

(4) Where such a permit is in force in relation to a motor omnibus it shall, subject to subsection (6) of this section, be lawful for the vehicle to be driven on a road notwithstanding that it does not comply with the requirements referred to in subsection (1) of this section.

(5) Any such permit must define or identify the roads upon which the motor omnibus may be driven in pursuance of the permit and may be subject to such other conditions or restrictions as the Minister thinks fit and includes in the permit.

(6) If a motor omnibus in respect of which a permit has been granted under this section is driven on a road otherwise than in accordance with the permit and the conditions and restrictions (if any) to which the permit is subject, the holder of the permit shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

(7) A permit under this section may relate to one or more motor omnibuses.

(8) The Minister may at any time by notice in writing addressed to the holder of a permit under this section revoke the permit.

20. Section 160 of the principal Act is amended—

Amendment of
principal Act,
s. 160—
Defect notices.

(a) by inserting in subsection (1) after the definition of “defect notice” the following definition:—

“inspector” means a person authorized in writing by the Minister to exercise the powers conferred on an inspector under this section;

(b) by inserting in subsection (2) after the passage “member of the police force” the passage “or an inspector”;

(c) by striking out from subsection (2) the passage “the said member” and inserting in lieu thereof the passage “the member of the police force or the inspector”;

(d) by inserting in subsection (2a) after the passage “member of the police force” the passage “or an inspector”;

(e) by inserting in subsection (3) after the passage “member of the police force” the passage “or an inspector”;

(f) by inserting in subsection (4) after the passage “member of the police force” the passage “or an inspector”;

(g) by inserting in subsection (5) after the passage “member of the police force” first occurring the passage “or an inspector”;

and

- (h) by striking out from paragraph (b) of subsection (5) the passage "and the member of the police force" and inserting in lieu thereof the passage "or an inspector and he".

Amendment of principal Act, s. 161a—
Certain vehicles not to be driven on a road without consent of Board.

21. Section 161a of the principal Act is amended—

- (a) by striking out from subsection (1) the passage "an air-cushioned vehicle" and inserting in lieu thereof the passage "a vehicle to which this section applies";

and

- (b) by inserting after subsection (2) the following subsection:—

(3) This section applies to—

(a) air-cushioned vehicles;

and

(b) any other vehicle of a class declared by regulation to be a class of vehicles to which this section applies.

Repeal of s. 162a of principal Act, and enactment of section in its place—
Seat belts.

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

162a. (1) Subject to this section and the regulations, every motor vehicle must be equipped in accordance with the regulations with seat belts.

(2) A person shall not drive a motor vehicle if in any respect it does not comply with the requirements of this section.

Penalty: Fifty dollars.

(3) The Governor may by regulation—

(a) declare that any vehicle or vehicles of any class shall be exempt from the provisions of this section;

(b) prescribe specifications as to the design, materials, strength, construction and installation of seat belts and anchorages for seat belts;

(c) prescribe the seating positions for which seat belts or anchorages for seat belts are required;

and

(d) prescribe any other matters or specifications relating to seat belts and anchorages for seat belts.

(4) The Board may, in respect of any particular vehicle or vehicles of any particular class, approve specifications in relation to the seat belts with which that vehicle or vehicles of that class, are to be equipped.

(5) A vehicle equipped with seat belts in accordance with specifications approved under subsection (4) of this section, shall be deemed to comply with this section.

23. Section 176 of the principal Act is amended—

(a) by striking out from paragraph (n) the passage “sections 132 to 137” and inserting in lieu thereof the passage “sections 111 to 137”;

Amendment of
principal Act,
s. 170—
Regulations.

and

(b) by inserting after subsection (3) the following subsection:—

(4) A discretionary power may be conferred upon the Board or any other person or body of persons by regulation under this Act.

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

J. M. NAPIER, Governor's Deputy