



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 73 of 1971

An Act to amend the Road Traffic Act, 1961-1969.

[Assented to 11th November, 1971]

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 Amend- Short titles.
ment Act, 1971".

(2) The Road Traffic Act, 1961-1969, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1971".

(3) The Road Traffic Act, 1961-1969, is hereinafter referred to as "the principal Act".

2. Section 5 of the principal Act is amended by inserting after the definition of "school omnibus" the following definition:—

Amendment of
principal Act,
s. 5—
Interpretation.

"seat belt" means a belt or device fitted to a motor vehicle and designed to restrain or limit the movement of a person who is seated in the motor vehicle if it suddenly accelerates or decelerates:

Enactment of
s. 162ab of
principal Act—

3. The following section is enacted and inserted in the principal Act immediately after section 162a thereof:—

Wearing of seat
belts to be
compulsory.

162ab. (1) After a day to be fixed by proclamation for the purposes of this section, a person shall not be seated in a motor vehicle that is in forward motion in a seat for which a seat belt is provided in pursuance of the provisions of this Act unless he is wearing the seat belt and it is properly adjusted and securely fastened.

Penalty: Twenty dollars.

(2) If in proceedings for an offence against this section the court thinks that the charge is proved but that the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment, the court may, without proceeding to conviction, dismiss the complaint and, if the court thinks fit, order the defendant to pay such costs of the proceedings as the court thinks reasonable.

(3) Subsection (1) of this section does not apply to—

(a) a person of a class declared by regulation to be a class of persons to which that subsection does not apply;

(b) a person who holds and produces for the inspection of a member of the police force within forty-eight hours after the alleged commission of the offence a valid certificate signed by a legally qualified medical practitioner certifying that because of physical disability or for any other medical reason, he should not be required to wear a seat belt;

or

(c) a person who holds and produces for the inspection of a member of the police force within forty-eight hours after the alleged commission of the offence a valid certificate issued by the Board under the hand of the chairman or secretary certifying that, in the Board's opinion, he should not be required to wear a seat belt.

(4) A certificate under this section shall be valid for such period as may be specified in the certificate, or, in the absence of any such specification, for a period of ninety days from the day on which it was granted.

(5) In any legal proceedings, evidence that any person contravened this section shall not be regarded as establishing, or tending to establish, negligence or contributory negligence on the part of that person.

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

J. M. NAPIER, Lieutenant-Governor