



ANNO TRICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1982

No. 91 of 1982

An Act to amend the Road Traffic Act, 1961-1982.

[[Assented to 14 October 1982]

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. 2), 1982". Short titles.

(2) The Road Traffic Act, 1961-1982, 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".

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

(2) The Governor may, in a proclamation fixing a day for this Act to come into operation, suspend the operation of specified provisions of this Act until a subsequent day fixed in the proclamation, or a day to be fixed by subsequent proclamation.

3. Section 163 of the principal Act is amended by striking out subsection (1a). Amendment of s. 163—
Information to be painted on certain vehicles.

4. Section 163c of the principal Act is amended—

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

(b) a vehicle (other than a taxi-cab that is licensed under the Metropolitan Taxi-cab Act, 1956-1978) used for the purpose of carrying passengers for reward; ;

(b) by striking out subsection (1a) and substituting the following subsections:

(1a) The Minister may, by instrument in writing, or by notice published in the *Gazette*—

Amendment of s. 163c—
Application of Part.

(a) exempt a specified vehicle or vehicles of a specified class from this Part or from specified provisions of this Part;

or

(b) vary or revoke an exemption under paragraph (a).

(1b) An exemption under subsection (1a) shall be subject to such conditions and limitations (if any) as the Minister thinks fit and specifies in the instrument or notice of exemption. ;

and

(c) by striking out subsection (2) and substituting the following subsection:

(2) The driver of a vehicle to which this Part applies and a person who employs him to drive the vehicle are each guilty of an offence against this Act if—

(a) in the case of an omnibus or vehicle used for the purpose of carrying passengers for reward—the vehicle is driven with passengers (other than the driver) on board;

(b) in the case of a towtruck—the vehicle is driven whilst towing or carrying another vehicle;

or

(c) in the case of a vehicle prescribed by or under subsection (1) (c)—the vehicle is driven in prescribed circumstances,

and at the time at which the vehicle is so driven—

(d) it is not the subject of a certificate of inspection that is in force;

(e) it does not comply with or is being used contrary to a condition attached to a certificate of inspection that applies to it;

(f) it does not comply with prescribed requirements relating to its design, construction or safety;

(g) there has been a failure to maintain the vehicle in accordance with a prescribed scheme of maintenance that applies to it and that failure has not been rectified;

or

(h) it is in an unsafe condition.

5. Section 163d of the principal Act is amended—

(a) by striking out from subsection (2) the passage “Subject to subsection (3) of this section” and substituting the passage “Subject to subsections (3) and (3a)”;

(b) by striking out subsection (3) and substituting the following subsections:

(3) The Authority shall not issue a certificate of inspection—

(a) if the inspection reveals a mechanical defect or inadequacy that may, in the opinion of the Authority, render the vehicle unsafe;

or

(b) if the vehicle does not comply with prescribed requirements relating to its design, construction or safety.

(3a) The Authority may refuse a certificate of inspection where, in its opinion, the vehicle has not, since a certificate was last issued, been maintained in accordance with a prescribed scheme of maintenance that applies to the vehicle. ;

and

(c) by striking out subsection (5) and substituting the following subsection:

(5) The Authority may, when issuing a certificate of inspection, attach such conditions to the certificate as it thinks fit.

6. Section 163e of the principal Act is repealed and the following section is substituted:

Repeal of s. 163e and substitution of new section.

163e. (1) A vehicle to which this Part applies may be inspected at any time by the Authority or an inspector notwithstanding that a certificate of inspection relating to the vehicle is in force.

Inspection of vehicles.

(2) The Authority may, by notice given to the owner or to one of the owners of a vehicle, direct that the vehicle be presented for inspection under this section at such place and time as is specified in the notice.

(3) A person who fails to comply with a notice served on him under subsection (2) is guilty of an offence.

(4) An inspector may inspect a vehicle under this section at any time and place and may enter any premises for the purpose of making the inspection.

7. Section 163f of the principal Act is amended—

(a) by striking out the word “or” between paragraphs (b) and (c);

and

(b) by inserting after paragraph (c) the following paragraphs:

(d) that since the certificate was issued, there has been a failure to maintain the vehicle in accordance with a prescribed scheme of maintenance that applies to the vehicle;

or

(e) that a vehicle to which the certificate relates does not comply with prescribed requirements relating to its design, construction and safety.

Amendment of s. 163f—
Cancellation of certificates of inspection.

8. The following section is inserted after section 163g of the principal Act:

Insertion of new s. 163ga.

163ga. (1) The owner of a vehicle to which a prescribed scheme of maintenance applies shall—

Maintenance records.

(a) record on the prescribed form, in the English language, in a clear and legible manner—

(i) particulars of all prescribed maintenance and repair work carried out on the vehicle;

and

(ii) such other particulars as are prescribed;

and

(b) retain those records in South Australia for a period of three years or for such shorter period as may be prescribed in a form that permits quick and convenient reference.

(2) The Authority may, by notice in writing, exempt a person from the requirement to use the prescribed form when making records under this section if, in its opinion, the records that that person will make under this section will be of a satisfactory standard.

(3) The Authority may, by subsequent notice in writing, vary or revoke an exemption granted under subsection (2).

(4) An inspector may examine, make copies of or take extracts from records made under this section and for that purpose may require a person in possession of records to produce them to him at a time and place that he specifies.

(5) An inspector may require the owner of a vehicle to which this Part applies, an employee of the owner or, where the vehicle is owned by a company, a director or other officer of the company to answer truthfully questions put to him by the inspector relating to records made under this section or relating to maintenance and repair work carried out on the vehicle.

(6) A person must answer a question put to him under this section by an inspector notwithstanding that the answer may incriminate him of an offence.

(7) A person who fails to comply with a requirement of an inspector under subsection (4) or (5) is guilty of an offence.

(8) An inspector may, at any reasonable time, enter premises for the purpose of exercising his powers under this section.

9. Section 164a of the principal Act is amended by striking out from subsection (2) the passage "three hundred dollars" and substituting the passage "one thousand dollars".

Amendment of
s. 164a—
Offences and
penalties.

10. Section 176 of the principal Act is amended by inserting in subsection (1) after paragraph (ca) the following paragraphs:

Amendment of
s. 176—
Regulations.

(cb) prescribing the design, construction and safety required of vehicles belonging to one or more of the classes of vehicles to which Part IVA applies;

(cc) prescribing a scheme for the maintenance of vehicles belonging to one or more of the classes of vehicles to which Part IVA applies; .

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

D. B. DUNSTAN, Governor