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ELIZABETHAE II REGINAE

A.D. 1960

No. 41 of 1960

An Act to establish a Road Traffic Board, and to make certain amendments of the Road Traffic Act, 1934-1959 and the Local Government Act, 1934-1959 relevant to the functions of the said Board, and for other purposes.

[Assented to 7th November, 1960.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

1. This Act may be cited as the "Road Traffic Board Act, 1960". Short title.

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

3. (1) In this Act unless the context otherwise requires— Interpretation.

"the Board" means the Road Traffic Board of South Australia established under this Act :

"the Road Traffic Act" means the Road Traffic Act, 1934-1959 :

"the Local Government Act" means the Local Government Act, 1934-1959.

"traffic control device" means—

(a) any traffic light signal, stop sign, sign indicating a speed limit, line for marking a traffic lane on a road, line or mark indicating the route

to be followed by turning vehicles, pedestrian crossing, safety island, safety zone, traffic island, roundabout or median strip ; and

- (b) any other sign, signal, device, mark or structure the purpose of which is to regulate traffic and which is of a class of devices or marks declared by proclamation to be traffic control devices within the meaning of this Act.

(2) In the Road Traffic Act, 1934-1959, as amended by this Act "the Board" means the Road Traffic Board of South Australia established by this Act.

The Road Traffic Board of South Australia.

Constitution
of Road
Traffic
Board.

4. (1) There shall be constituted a board to be called the "Road Traffic Board of South Australia".

(2) The members of the Board shall be appointed by the Governor and shall be—

- (a) the Traffic Engineer of the Highways and Local Government Department ; and
- (b) a member of the Police Force holding a rank not lower than that of inspector and nominated by the Commissioner of Police ; and
- (c) a person representative of local government interests nominated by the Minister.

(3) The Governor shall appoint one of the members of the Board to be the chairman thereof.

(4) The member of the Police Force appointed to the Board shall remain a member of that Force and shall be released from police duties so far as necessary to enable him to carry out his duties as a member of the Board.

(5) Subject to this Act, the terms and conditions on which members of the Board are appointed shall be fixed by the Governor.

5. (1) At a meeting of the Board two members shall form a quorum. Procedure of Board.

(2) If the chairman is not present at a meeting, the members who are present may appoint one of their number to be acting chairman.

(3) Subject to this section, the Board may regulate its own proceedings.

(4) A decision concurred in by any two members of the Board on any matter before the Board shall be deemed a decision of the Board.

6. The Governor may fix the remuneration and travelling and other expenses payable to the members of the Board. Payment of Board.

7. (1) The Governor may appoint a secretary to the Board and any other officers whom he deems it necessary to appoint for the effective administration of this Act. Staff of Board.

(2) Unless the Governor otherwise determines in any case, the secretary and the said officers shall be appointed and hold their offices under the Public Service Act, 1936-1958.

8. The functions of the Board (in addition to those conferred on it by the other provisions of the Road Traffic Act and the Local Government Act and the amendments thereof) shall be— Functions of Board.

- (a) to make recommendations to the Minister and other authorities concerned with road construction or road traffic, on the use of traffic control devices and measures to be taken to prevent road accidents, to improve the flow of traffic, and to eliminate causes of danger and traffic congestion on roads ;
- (b) to promote uniformity in the design, specifications, location and proper use of traffic control devices and other signs and marks used for regulating or warning traffic ;
- (c) to conduct research and collect statistics relating to road accidents and other road traffic problems ;
- (d) to publish information for the instruction of road users on road safety ;
- (e) to supply technical information and advice regarding road traffic problems to authorities concerned with road traffic ;

(f) to investigate and report on proposals for alterations of and additions to traffic laws and regulations ;

(g) to investigate and report on any other matter relating to roads or traffic referred to it by the Minister.

Financial provision.

9. The cost of any traffic control devices placed or marked on a road by the Commissioner of Highways with the approval of the Board shall be paid out of any money voted by Parliament for expenditure on roads.

Approvals.

10. (1) An authority which applies for the Board's approval for the erection of any traffic control device shall supply the Board with such information relevant to the proposals as the Board reasonably requires.

(2) The Board shall consider every application for any such approval and any information submitted by the applicant authority and may grant or refuse the application or grant it subject to conditions and modifications.

Review of Traffic Board's decisions.

11. (1) If the Board—

(a) refuses to give approval for the erection of any traffic control device ; or

(b) gives such approval subject to conditions or modifications ;

the Board shall, if requested by the authority which applied for the approval state its reasons for its decision.

(2) The said authority may within twenty-eight days after receipt of the Board's reasons apply to the Board to review its decision. Upon such a request the Board—

(a) shall give the authority an opportunity of submitting information and arguments ; and

(b) may obtain further relevant information ; and

(c) shall reconsider its previous decision ; and

(d) shall report to the Minister who may affirm or reverse that decision or approve of any alternative proposal submitted by the authority.

Unsatisfactory traffic signals, devices, etc.

12. (1) For the purpose of this section, a traffic control device or other device sign or mark used to regulate or warn traffic shall be unsatisfactory if it has been placed on the road without an approval or consent required by law, or is not in accordance with law or does not comply with an accepted standard, or is likely to confuse or mislead road users, or to increase the risk of accident.

(2) If the Board is of opinion that any traffic control device or other device sign or mark used to regulate or warn traffic is unsatisfactory, it may give the municipal or district council in whose area the road is situated a notice to show cause why the device, sign or mark should not be removed from the road, or removed to another position on or over the road, or altered or modified.

(3) In the notice the Board shall state a time within which the council may make representations to it orally or in writing.

(4) If after considering any representations made by the council within the time so stated and any other relevant matters the Board is satisfied that the device, sign or mark is unsatisfactory it may request the council to remove it from the road or to alter its position, or to alter or modify it in some other way. The notice shall state a time within which the request is to be complied with and the council shall comply with the request within that time or any extended time fixed by the Board.

(5) Where a device, sign or mark has been removed from a road under this regulation, the council shall not reinstate or renew it without the consent of the Board.

Amendments of other Acts.

13. Section 43 of the Road Traffic Act is repealed and the following section is enacted and inserted in its place :—

Repeal of
s. 43 of Road
Traffic Act
and enactment
of other
provisions—
General speed
limit.

43. (1) A person who drives a motor vehicle on a road at a greater speed than sixty miles an hour shall be guilty of an offence.

(2) It shall be a defence to a charge of an offence under subsection (1) of this section if the defendant satisfies the court that the speed at which the vehicle was driven was not dangerous having regard to all the relevant circumstances.

(3) This section shall not affect the duty of a person to observe any lower speed limit fixed by this Act.

14. The following section is enacted and inserted in the Road Traffic Act after section 43b thereof :—

Enactment of
s. 43c of Road
Traffic Act—
Speed in
declared
zones.

43c. (1) In this section—

“zone” means a road or portion of a road, or a carriage-way of a road or portion of any such carriageway :

“prescribed zone” means a zone for which the Governor has by regulation under this section, fixed a speed limit.

(2) The Governor on the recommendation of the Board may, by regulation, fix a speed limit for any zone defined in the regulation, and may by regulation made on the like recommendation vary or revoke any such regulation.

(3) Every prescribed zone and the speed limit for that zone shall be indicated by signs on the road at or near the beginning and end of the zone. The signs shall comply with such requirements as to size, design, markings, location and other matters as are prescribed by regulations made on the recommendation of the Board.

(4) The Commissioner of Highways shall provide and erect the signs required to indicate the prescribed zones and the speeds fixed for those zones.

(5) A person who drives a vehicle within a prescribed zone at a greater speed than the speed limit fixed for that zone under this section shall be guilty of an offence.

(6) Where a prescribed zone or part of a prescribed zone is within a municipality, town or township, section 43b of this Act shall not apply within that zone or part of a zone. Except as provided in this subsection this section shall not affect the duty to observe any speed limit fixed by this Act.

(7) An allegation in a complaint that the place where a vehicle was driven was within a prescribed zone and that a specified speed was the speed limit fixed for that zone under this Act shall be *prima facie* evidence of those facts.

Amendment of
s. 90 of
Road Traffic
Act—
Exemptions.

15. Section 90 of the Road Traffic Act is amended by striking out the words “Commissioner of Highways” in the eighth line and the word “Commissioner” in the twelfth line and inserting in lieu thereof in each place the word “Board”.

Amendment of
s. 122b of
Road Traffic
Act—
Marks
indicating
right turns.

16. Section 122b of the Road Traffic Act is amended by striking out subsections (1) and (2) thereof and inserting in their place the following subsection :—

(1) With the approval of the Board, the Commissioner of Highways or a municipal or district council may mark arrows, lines, or words on any road for the purpose of indicating the route to be followed by vehicles turning or about to turn to the right or left at or in an intersection or junction.

17. Section 122c of the Road Traffic Act is amended by striking out subsections (2) to (10) thereof inclusive and inserting in their place the following subsections :—

Amendment of
s. 122c of
Road Traffic
Act—
Traffic lights.

(2) With the approval of the Board a municipal or district council may—

- (a) erect any traffic control signal on or near a road ;
- (b) remove any traffic control signal so erected.

(3) For the purpose of obtaining such approval the council shall give the Board notice of its intention to erect the signal and shall supply the board with information as to the situation, nature and sequence of lights of the proposed signal and any other information which the Board reasonably requires.

18. Section 130a of the Road Traffic Act is amended by striking out subsections (1), (2), (3), (9), and (10a) thereof and inserting in lieu thereof the following subsection :—

Amendment of
s. 130a of
Road Traffic
Act—
Stop signs.

(1) With the approval of the Board, the Commissioner of Highways or a municipal or district council may—

- (a) erect at any place on a road signs visible to drivers of vehicles approaching the signs and containing in clearly legible letters of the size prescribed by regulation the word "Stop" ;
- (b) remove any such sign.

19. Section 130b of the Road Traffic Act is amended by striking out subsection (1) and inserting in its place the following subsection :—

Amendment of
s. 130b of
Road Traffic
Act—
Stop signs at
level crossings.

(1) With the approval of the Board, the South Australian Railways Commissioner or The Municipal Tramways Trust may—

- (a) at or near any level crossing erect signs visible to drivers of vehicles on the road approaching the crossing and containing in clearly legible letters of the size prescribed by regulation, the word "Stop" ;
- (b) remove any such signs.

20. Section 130c of the principal Act is repealed and the following section is inserted in its place :—

Repeal of
s. 130c of
Road Traffic
Act and
enactment of
other
provisions—
Traffic lanes.

130c. (1) With the approval of the Board, the Commissioner of Highways or a municipal or district council, may on any part of a road mark lines for the purpose of

indicating the division of the carriageway of that road into traffic lanes.

(2) Any such line may be either a single or a double line and the whole or any part of any such line may be continuous or broken and any double line may consist of one continuous line and one broken line.

(3) Where a carriageway is marked with a double line consisting of—

(a) two continuous lines ; or

(b) a continuous line on the left of a broken line,

a driver or rider of a vehicle or animal shall keep the whole of his vehicle or animal on the left of the double line, and if he fails to do so shall be guilty of an offence.

Amendment of
s. 130d of
Road Traffic
Act—
Speed limit
on bridges.

21. Section 130d of the Road Traffic Act is amended by striking out subsections (1), (2), (3), and (8) and inserting in lieu thereof the following subsection :—

(1) With the approval of the Board the Commissioner of Highways or a municipal or district council may—

(a) erect signs indicating a speed limit for vehicles crossing a bridge ; and

(b) remove any such signs.

Amendment of
s. 130e of
Road Traffic
Act—
Pedestrian
crossings.

22. Section 130e of the Road Traffic Act is amended—

(a) by striking out subsections (2) and (3) and inserting in lieu thereof the following subsection :—

(2) With the approval of the Board, a municipal or district council may—

(a) mark pedestrian crossings across the carriageway of any road ;

(b) remove any such crossing.

(b) by inserting after the word “on” in the second line of subsection (5a) thereof the words “or near”.

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

23. Section 142 of the principal Act is amended by striking out the words “Registrar of Motor Vehicles” in the first line of subsection (3) and inserting in lieu thereof the word “Board”.

Amendment of
s. 157 of
principal Act—
Evidentiary
provisions.

24. Section 157 of the principal Act is amended by inserting after the word “sign” in the fourth, fifth and seventh lines of subsection (2) the words “signal, line or mark”.

25. Section 358 of the Local Government Act is amended by striking out subsection (1a) and inserting in lieu thereof the following subsection :—

Amendment of
s. 358 of the
Local
Government
Act—

(1a) Before commencing to construct or erect a safety island, safety zone, traffic island, roundabout or median strip in a public street, road or place the council shall give the Road Traffic Board of South Australia notice of its intention to do so and supply to that Board a plan of the locality and full particulars of the situation shape dimensions and manner of construction of the proposed safety island, safety zone, traffic island, roundabout or median strip.

Traffic islands,
safety zones,
etc.

The said Board may approve of the proposal unconditionally, or subject to any modifications or conditions which the Board deems necessary in the interests of public safety and convenience, or may refuse to approve of it.

A council shall not construct or erect a safety island, safety zone, traffic island, roundabout or median strip in a public street, road or place except with the approval of the Board under this section and shall comply with any modifications or conditions to which the approval is subject.

26. This Act shall not affect the validity or operation of any traffic control device erected or marked or established before the passing of this Act.

Existing traffic
control devices

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

J. M. NAPIER, Lieutenant-Governor.