

ROAD TRAFFIC ACT 1961

Reprint No. 1—15.11.91	
Reprint No. 2—28.11.91	[New Part 4 and Appendix]
Reprint No. 3—1.6.92	[New Parts 1, 3, 5 and Appendix]
Reprint No. 4—6.7.92	[New Part 3 and Appendix]
Reprint No. 5—30.4.93	[New Parts 1, 3, 5 and Appendix]
Reprint No. 6—4.11.93	[New Parts 1, 2, 3, 4, 5 and Appendix]
Reprint No. 7—1.2.94	[New Part 3 and Appendix]
Reprint No. 8—1.7.94	[New Parts 2, 3 and Appendix]
Reprint No. 9—1.8.94	[New Part 4A and Appendix—Remove Part 4B]
Reprint No. 10—5.1.95	[Whole Act replaced]
Reprint No. 11—1.2.96	[Whole Act replaced]
Reprint No. 12—2.5.96	[New Part 3 and Appendix]
Reprint No. 13—3.2.97	[New Parts 3, 5 and Appendix]
Reprint No. 14—1.7.97	[New Part 4 and Appendix]
Reprint No. 15—10.7.97	[New Part 3 and Appendix]
Reprint No. 16—17.11.97	[New Parts 2, 3, 4 and Appendix]
Reprint No. 17—11.12.97	[New Parts 1, 3, 5 and Appendix]
Reprint No. 18—15.1.98	[New Part 4 and Appendix]

[Each Part is numbered from page 1. Subscribers to the Consolidation Service will receive complete replacement Parts incorporating amendments to this Act as they come into force.]

SOUTH AUSTRALIA

ROAD TRAFFIC ACT 1961

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **15 January 1998**.*

It should be noted that the Act has not been revised (for obsolete references, etc.) by the Commissioner of Statute Revision since the reprint published on 16 January 1989.

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ROAD TRAFFIC ACT 1961

being

Road Traffic Act 1961 No. 50 of 1961
[Assented to 16 November 1961]¹

as amended by

Road Traffic Act Amendment Act (No. 2) 1963 No. 47 of 1963 [Assented to 28 November 1963]
Road Traffic Act Amendment Act 1963 No. 65 of 1963 [Assented to 12 December 1963]
Road Traffic Act Amendment Act 1964 No. 26 of 1964 [Assented to 15 October 1964]
Road Traffic Act Amendment Act (No. 2) 1964 No. 58 of 1964 [Assented to 5 November 1964]
Road Traffic Act Amendment Act 1966 No. 16 of 1966 [Assented to 24 February 1966]
Road Traffic Act Amendment Act (No. 2) 1966 No. 37 of 1966 [Assented to 18 August 1966]
Road Traffic Act Amendment Act (No. 3) 1967 No. 17 of 1967 [Assented to 13 April 1967]
Road Traffic Act Amendment Act (No. 2) 1967 No. 43 of 1967 [Assented to 12 October 1967]²
Road Traffic Act Amendment Act 1969 No. 106 of 1969 [Assented to 18 December 1969]³
Road Traffic Act Amendment Act 1971 No. 73 of 1971 [Assented to 11 November 1971]
Road Traffic Act Amendment Act 1972 No. 71 of 1972 [Assented to 7 September 1972]⁴
Road Traffic Act Amendment Act (No. 2) 1972 No. 146 of 1972 [Assented to 7 December 1972]⁵
Road Traffic Act Amendment Act 1973 No. 93 of 1973 [Assented to 13 December 1973]⁶
Road Traffic Act Amendment Act 1974 No. 3 of 1974 [Assented to 21 March 1974]⁷
Road Traffic Act Amendment Act (No. 2) 1974 No. 48 of 1974 [Assented to 8 August 1974]
Road Traffic Act Amendment Act (No. 3) 1974 No. 76 of 1974 [Assented to 24 October 1974]⁸
Statute Law Revision Act (No. 2) 1974 No. 84 of 1974 [Assented to 21 November 1974]
Road Traffic Act Amendment Act (No. 5) 1974 No. 92 of 1974 [Assented to 5 December 1974]
Road Traffic Act Amendment Act (No. 6) 1974 No. 93 of 1974 [Assented to 5 December 1974]⁹
Road Traffic Act Amendment Act (No. 2) 1975 No. 10 of 1975 [Assented to 20 March 1975]¹⁰
Road Traffic Act Amendment Act 1975 No. 16 of 1975 [Assented to 27 March 1975]¹¹
Road Traffic Act Amendment Act (No. 3) 1975 No. 31 of 1975 [Assented to 3 April 1975]
Road Traffic Act Amendment Act 1976 No. 36 of 1976 [Assented to 21 October 1976]
Road Traffic Act Amendment Act (No. 2) 1976 No. 40 of 1976 [Assented to 22 October 1976]
Road Traffic Act Amendment Act (No. 3) 1976 No. 103 of 1976 [Assented to 16 December 1976]¹²
Road Traffic Act Amendment Act 1979 No. 42 of 1979 [Assented to 15 March 1979]¹³
Road Traffic Act Amendment Act (No. 2) 1979 No. 45 of 1979 [Assented to 15 March 1979]¹⁴
Road Traffic Act Amendment Act 1980 No. 24 of 1980 [Assented to 17 April 1980]¹⁵
Road Traffic Act Amendment Act (No. 2) 1980 No. 25 of 1980 [Assented to 17 April 1980]¹⁵
Road Traffic Act Amendment Act (No. 3) 1980 No. 107 of 1980 [Assented to 18 December 1980]¹⁶
Road Traffic Act Amendment Act 1981 No. 24 of 1981 [Assented to 19 March 1981]¹⁷
Road Traffic Act Amendment Act (No. 2) 1981 No. 25 of 1981 [Assented to 19 March 1981]
Road Traffic Act Amendment Act (No. 3) 1981 No. 46 of 1981 [Assented to 18 June 1981]¹⁸
Road Traffic Act Amendment Act (No. 4) 1981 No. 90 of 1981 [Assented to 23 December 1981]
Road Traffic Act Amendment Act (No. 5) 1981 No. 99 of 1981 [Assented to 23 December 1981]¹⁹
Road Traffic Act Amendment Act (No. 2) 1982 No. 91 of 1982 [Assented to 14 October 1982]²⁰
Road Traffic Act Amendment Act 1984 No. 15 of 1984 [Assented to 3 May 1984]²¹
Road Traffic Act Amendment Act (No. 2) 1984 No. 28 of 1984 [Assented to 10 May 1984]²²
Statute Law Revision Act 1984 No. 50 of 1984 [Assented to 24 May 1984]²³
Road Traffic Act Amendment Act (No. 3) 1984 No. 84 of 1984 [Assented to 29 November 1984]²⁴

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix 1.

- Road Traffic Act Amendment Act 1985 No. 55 of 1985 [Assented to 30 May 1985]²⁵
- Road Traffic Act Amendment Act (No. 2) 1985 No. 69 of 1985 [Assented to 6 June 1985]
- Road Traffic Act Amendment Act (No. 3) 1985 No. 85 of 1985 [Assented to 19 September 1985]²⁶
- Road Traffic Act Amendment Act 1986 No. 27 of 1986 [Assented to 20 March 1986]²⁷
- Road Traffic Act Amendment Act (No. 2) 1986 No. 53 of 1986 [Assented to 11 September 1986]²⁸
- Road Traffic Act Amendment Act (No. 4) 1986 No. 58 of 1986 [Assented to 2 October 1986]²⁹
- Road Traffic Act Amendment Act (No. 3) 1986 No. 92 of 1986 [Assented to 4 December 1986]³⁰
- Road Traffic Act Amendment Act 1987 No. 5 of 1987 [Assented to 12 March 1987]³¹
- Road Traffic Act Amendment Act (No. 2) 1987 No. 82 of 1987 [Assented to 26 November 1987]
- Road Traffic Act Amendment Act (No. 3) 1987 No. 105 of 1987 [Assented to 17 December 1987]³²
- Road Traffic Act Amendment Act 1988 No. 14 of 1988 [Assented to 7 April 1988]³³
- Road Traffic Act Amendment Act (No. 2) 1988 No. 16 of 1988 [Assented to 14 April 1988]³⁴
- Statutes Amendment and Repeal (Sentencing) Act 1988 No. 51 of 1988 [Assented to 5 May 1988]³⁵
- Road Traffic Act Amendment Act (No. 3) 1988 No. 74 of 1988 [Assented to 24 November 1988]³⁶
- Road Traffic Act Amendment Act 1989 No. 25 of 1989 [Assented to 27 April 1989]³⁷
- Road Traffic Act Amendment Act (No. 2) 1989 No. 41 of 1989 [Assented to 4 May 1989]³⁸
- Road Traffic Act Amendment Act (No. 3) 1989 No. 55 of 1989 [Assented to 26 October 1989]³⁹
- Road Traffic Act Amendment Act 1990 No. 1 of 1990 [Assented to 22 March 1990]
- Road Traffic Act Amendment Act (No. 2) 1990 No. 52 of 1990 [Assented to 22 November 1990]⁴⁰
- Road Traffic (Alcohol, Speed and Helmets) Amendment Act 1991 No. 12 of 1991 [Assented to 28 March 1991]⁴¹
- Road Traffic (Coin-operated Breath Machines) Amendment Act 1991 No. 14 of 1991 [Assented to 4 April 1991]
- Road Traffic (Safety Helmet Exemption) Amendment Act 1991 No. 56 of 1991 [Assented to 28 November 1991]
- Motor Vehicles (Licences and Demerit Points) Amendment Act 1992 No. 1 of 1992 [Assented to 5 March 1992]⁴²
- Road Traffic (Prescribed Vehicles) Amendment Act 1992 No. 5 of 1992 [Assented to 26 March 1992]⁴³
- Statutes Amendment (Illegal Use of Motor Vehicles) Act 1992 No. 37 of 1992 [Assented to 21 May 1992]⁴⁴
- Road Traffic (Pedal Cycles) Amendment Act 1993 No. 10 of 1993 [Assented to 25 March 1993]⁴⁵
- Road Traffic (Miscellaneous) Amendment Act 1993 No. 32 of 1993 [Assented to 13 May 1993]⁴⁶
- Road Traffic (Breath Analysis) Amendment Act 1993 No. 86 of 1993 [Assented to 27 October 1993]⁴⁷
- Passenger Transport Act 1994 No. 30 of 1994 [Assented to 26 May 1994]⁴⁸
- Road Traffic (Miscellaneous) Amendment Act 1994 No. 88 of 1994 [Assented to 15 December 1994]⁴⁹
- Road Traffic (Small-Wheeled Vehicles) Amendment Act 1995 No. 64 of 1995 [Assented to 10 August 1995]⁵⁰
- Statutes Amendment (Drink Driving) Act 1995 No. 95 of 1995 [Assented to 7 December 1995]⁵¹
- Road Traffic (Directions at Level Crossings) Amendment Act 1996 No. 32 of 1996 [Assented to 2 May 1996]
- Road Traffic (Exemption of Traffic Law Enforcement Vehicles) Amendment Act 1996 No. 33 of 1996 [Assented to 2 May 1996]
- Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996 No. 34 of 1996 [Assented to 2 May 1996]⁵²
- Motor Vehicles (Trade Plates) Amendment Act 1996 No. 65 of 1996 [Assented to 15 August 1996]⁵³
- Road Traffic (Miscellaneous) Amendment Act 1996 No. 66 of 1996 [Assented to 15 August 1996]⁵⁴
- Road Traffic (Inspection) Amendment Act 1996 No. 100 of 1996 [Assented to 19 December 1996]⁵⁵
- Road Traffic (U-Turns at Traffic Lights) Amendment Act 1997 No. 37 of 1997 [Assented to 10 July 1997]
- Motor Vehicles (Farm Implements and Machines) Amendment Act 1997 No. 51 of 1997 [Assented to 31 July 1997]⁵⁶**
- Road Traffic (Expressways) Amendment Act 1997 No. 57 of 1997 [Assented to 31 July 1997]⁵⁷

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- ¹ Ss. 1-3 came into operation on assent: s. 2(1); remainder of Act came into operation 30 August 1962: *Gaz.* 30 August 1962, p. 493.
- ² Came into operation 23 November 1967: *Gaz.* 23 November 1967, p. 2269.
- ³ Came into operation 8 January 1970: *Gaz.* 8 January 1970, p. 2.
- ⁴ Came into operation 1 January 1973: *Gaz.* 21 December 1972, p. 2723.
- ⁵ Came into operation 1 August 1973: *Gaz.* 19 July 1973, p. 286.
- ⁶ Came into operation 1 July 1974: *Gaz.* 13 June 1974, p. 2330.
- ⁷ Came into operation 1 July 1974: s. 2.
- ⁸ Came into operation 1 February 1975: *Gaz.* 19 December 1974, p. 3766.
- ⁹ Came into operation 1 March 1975: *Gaz.* 13 February 1975, p. 506.
- ¹⁰ Came into operation 1 March 1975: s. 2.
- ¹¹ Came into operation 1 January 1976: *Gaz.* 11 December 1975, p. 3137.
- ¹² Came into operation 1 March 1977: *Gaz.* 3 February 1977, p. 274.
- ¹³ Came into operation 1 April 1979: *Gaz.* 29 March 1979, p. 834.
- ¹⁴ Came into operation 1 July 1979: *Gaz.* 24 May 1979, p. 1498.
- ¹⁵ Came into operation 1 June 1980: *Gaz.* 22 May 1980, p. 1372.
- ¹⁶ Came into operation 1 March 1981: *Gaz.* 22 January 1981, p. 170.
- ¹⁷ Came into operation 19 March 1981: *Gaz.* 19 March 1981, p. 745.
- ¹⁸ Came into operation 18 June 1981: *Gaz.* 18 June 1981, p. 1840.
- ¹⁹ Came into operation 7 January 1982: *Gaz.* 7 January 1982, p. 4.
- ²⁰ Came into operation (except ss. 3-8 and 10) 5 July 1984: *Gaz.* 5 July 1984, p. 2; remainder of Act came into operation 1 July 1985: *Gaz.* 20 June 1985, p. 2182.
- ²¹ Came into operation 5 July 1984: *Gaz.* 5 July 1984, p. 2.
- ²² Came into operation 17 June 1984: *Gaz.* 14 June 1984, p. 1567.
- ²³ Came into operation (except Schedules 1, 3, 4 and 5) 1 November 1984: *Gaz.* 1 November 1984, p. 1398; Schedules 1, 3 and 5 came into operation 1 January 1985: *Gaz.* 13 December 1984, p. 1811; Schedule 4 came into operation 6 July 1985: *Gaz.* 9 May 1985, p. 1398.
- ²⁴ Came into operation 1 January 1985: *Gaz.* 20 December 1984, p. 1883.
- ²⁵ Came into operation (except s. 10) 1 July 1985: *Gaz.* 20 June 1985, p. 2182; s. 10 had not been brought into operation at the date of, and the amendments effected by that provision have not been included in, this reprint.
- ²⁶ Came into operation 2 December 1985: *Gaz.* 21 November 1985, p. 1542.
- ²⁷ Came into operation 1 July 1986: *Gaz.* 26 June 1986, p. 1636.
- ²⁸ Came into operation 1 December 1986: *Gaz.* 30 October 1986, p. 1483.
- ²⁹ Came into operation 1 January 1987: *Gaz.* 20 November 1986, p. 1638.
- ³⁰ Came into operation 18 December 1986: *Gaz.* 18 December 1986, p. 1876.
- ³¹ Came into operation 1 July 1988: *Gaz.* 30 June 1988, p. 2050.
- ³² Came into operation 1 July 1988: *Gaz.* 30 June 1988, p. 2051.
- ³³ Came into operation 1 July 1988: s. 2.
- ³⁴ Came into operation 26 May 1988: *Gaz.* 26 May 1988, p. 1332.
- ³⁵ Came into operation (except ss. 3-6, 12, 15-20, 22-27, 30-39, 41-68, 70-78) 12 May 1988: *Gaz.* 12 May 1988, p. 1181; ss. 3 and 4 came into operation 8 September 1988: *Gaz.* 8 September 1988, p. 994; remainder of Act came into operation 1 January 1989: *Gaz.* 15 December 1988, p. 2009.
- ³⁶ Came into operation 1 January 1989: *Gaz.* 15 December 1988, p. 2004.
- ³⁷ Came into operation 1 July 1989: *Gaz.* 29 June 1989, p. 1756.
- ³⁸ Came into operation 14 August 1989: *Gaz.* 27 July 1989, p. 182.
- ³⁹ Came into operation 28 March 1990: *Gaz.* 8 March 1990, p. 659.
- ⁴⁰ Ss. 5 and 13 came into operation on assent: s. 2(2); ss. 3, 4, 6-10 and 12 came into operation 1 January 1991: *Gaz.* 20 December 1990, p. 1844; s. 11 came into operation 29 April 1993: *Gaz.* 29 April 1993, p. 1476.
- ⁴¹ Came into operation 1 July 1991: *Gaz.* 9 May 1991, p. 1484.
- ⁴² Came into operation 1 June 1992: *Gaz.* 28 May 1992, p. 1512.
- ⁴³ Came into operation 1 June 1992: *Gaz.* 30 April 1992, p. 1278.
- ⁴⁴ Came into operation 6 July 1992: *Gaz.* 2 July 1992, p. 209.
- ⁴⁵ Came into operation 30 April 1993: *Gaz.* 29 April 1993, p. 1476.
- ⁴⁶ Came into operation 4 November 1993: *Gaz.* 4 November 1993, p. 2176.
- ⁴⁷ Came into operation 1 February 1994: *Gaz.* 20 January 1994, p. 76.

- ⁴⁸ Came into operation (except Sched. 4 cl. 2(b)(vii)-(xi)) 1 July 1994: *Gaz.* 30 June 1994, p. 1843; Sched. 4 cl. 2(b)(vii)-(xi) came into operation 1 August 1994: *Gaz.* 28 July 1994, p. 170.
- ⁴⁹ Came into operation 5 January 1995: *Gaz.* 5 January 1995, p. 5.
- ⁵⁰ Came into operation 1 February 1996: *Gaz.* 7 December 1995, p. 1556.
- ⁵¹ Came into operation (except s. 17) 4 April 1996; s. 17 came into operation 18 April 1996: *Gaz.* 4 April 1996, p. 1886.
- ⁵² Came into operation 3 February 1997: *Gaz.* 19 December 1996, p. 1923.
- ⁵³ Came into operation 17 November 1997: *Gaz.* 13 November 1997, p. 1280.
- ⁵⁴ Came into operation 6 November 1997: *Gaz.* 6 November 1997, p. 1164.
- ⁵⁵ Came into operation 1 July 1997: *Gaz.* 26 June 1997, p. 3051.
- ⁵⁶ **Came into operation 15 January 1997: *Gaz.* 8 January 1997, p. 4.**
- ⁵⁷ Came into operation 11 December 1997: *Gaz.* 11 December 1997, p. 1601.

N.B. The *Road Traffic Act Amendment Act 1982* was repealed before it was brought into operation. The amendments effected to this Act by the *Road Traffic (Speed Zones) Amendment Act 1997* had not been brought into operation at the date of, and have not been included in, this reprint.

Road Traffic Act 1961

An Act to consolidate and amend certain enactments relating to road traffic; and for other purposes.

The Parliament of South Australia enacts as follows:

PART 1
PRELIMINARY

Short title

1. This Act may be cited as the Road Traffic Act 1961.

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Interpretation

5. (1) In this Act, unless the contrary intention appears—

"air cushioned vehicle" means a motor vehicle (commonly known as a ground effect machine or hovercraft) which is supported during operation, above land or water, by air vertically displaced by means of the power plant of the vehicle;

"animal" means animal of any sex or age belonging to a species to which any of the following animals belong, namely, horse, cow, mule, donkey, camel, sheep, pig or goat;

"area" means a municipality or district council district;

"articulated motor vehicle" means a motor vehicle consisting of two portions (each of which is equipped with wheels) as follows:

- (a) one portion (the prime mover) provides the motive power of the vehicle; and
(b) the other portion (the semi-trailer) is pivoted to and drawn by the prime mover, part of it (not being a pole, drawbar or similar device, or an accessory to it) being superimposed on the prime mover;

"axle" in relation to a vehicle means an imaginary line that extends from one side of the vehicle to the other side and around points in which wheels of the vehicle revolve;

"barrier line" means a double line marked longitudinally on a carriageway and consisting of two lines (both being continuous, or one continuous and the other broken) not more than 150 millimetres apart;

"bicycle lane" means a lane marked on the carriageway of a road adjacent to which or on which a traffic control device is erected, displayed or marked to indicate that the lane is reserved for the use of persons riding pedal cycles (or that it is so reserved for a specified period, in which case "bicycle lane" means the lane during that period);

"**bikeway**" means a path, lane or other place, not forming part of the carriageway of a road, adjacent to which or on which a traffic control device is erected, displayed or marked to indicate that that place is reserved for the use of—

- (a) persons riding pedal cycles; or
- (b) pedestrians and persons riding pedal cycles (whether on separate parts of the bikeway or not);

"**box right turn**" means a right turn at an intersection or junction made by the rider of a pedal cycle in accordance with section 70A;

"**bus**" means a motor vehicle—

- (a) designed for the principal purpose of carrying passengers; and
- (b) designed to carry more than eight persons (including the driver);

"**carriageway**"—

- (a) means a portion of a road improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas at the side or centre of the carriageway used for the standing or parking of vehicles (including parking bays); and
- (b) where a road has two or more of such portions divided by a dividing strip or strips, means each portion separately,

and includes a shared zone, but does not include a portion of a road improved, designed or ordinarily used for persons riding pedal cycles or for pedestrians and persons riding pedal cycles and separated by a physical barrier from any portion of a road improved, designed or ordinarily used for other vehicular traffic;

"**commercial motor vehicle**" means—

- (a) a motor vehicle constructed or adapted solely or mainly for the carriage of goods; or
- (b) a motor vehicle of the type commonly called a utility; or
- (c) a bus;

"**council**" means a municipal or district council;

"**crossover**" means a vehicular track which passes through a dividing strip and gives access from one carriageway to another, but does not include any such track which is a continuation or part of a road intersecting or joining a divided road;

"**cycle**" means a pedal cycle or a motor cycle;

"**divided road**" means a road having two or more carriageways separated from each other by one or more dividing strips;

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"**dividing strip**" means a strip of land in a road that divides the road into separate carriageways (the strip itself not ordinarily being used for the passage of vehicles) and includes a median strip, but does not include a strip of land marked off only by lines on the road;

"**drive**" includes ride;

"**driver**" means a person riding, driving or in actual physical control of a vehicle or animal and, in relation to a trailer, means the driver, rider or person in actual physical control of the vehicle by which the trailer is drawn;

"**driver's licence**" includes a learner's permit;

"**expressway**" means a road or part of a road specified by regulation or indicated by a traffic control device to be an expressway;

"**footpath**" includes every footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

"**give way line**" means a line marked in the prescribed manner on the surface of a carriageway—

(a) across the whole, or part, of the width of that carriageway; or

(b) intersecting a linear projection of both sides of an intersecting or joining carriageway;

"**give way sign**" means a sign inscribed with the words "GIVE WAY" across its face;

"**group of axles**" means a tandem axle group or a tri-axle group;

"**hook right turn**" means a right turn at an intersection or junction made by a vehicle of a prescribed class in accordance with section 70B;

"**improved road**" means a road the surface of which has been prepared, formed, metalled or gravelled;

"**inspector**" means a person appointed or holding office as an inspector under, or by virtue of, this Act;

"**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;

"**intersection**" means the area comprised within imaginary straight lines joining the corners formed by the convergence of the lateral boundary lines, or the prolongation of the lateral boundary lines, of two or more roads which cross each other;

"**junction**" means the part of a road which is comprised within the prolongation across the road of the lateral boundary lines of another road which joins it. A road will be taken to join another road within the meaning of this definition if it joins that road but does not cross it;

"**level crossing**" means a place where a road and a railway, or a road and a tramway laid on land other than a road, cross each other on the same level;

"**mass**" in relation to a vehicle includes the mass of any load that the vehicle is carrying;

"**motor cycle**" means a motor vehicle that moves on only two wheels or, where a sidecar or sidebox is attached, on only three wheels;

"**motor vehicle**" means a motor vehicle, motor tractor or mobile machine propelled, or capable of being propelled, by power other than human or animal power, but does not include a motor vehicle operated on a railway or tramway;

"**one way carriageway**" means a carriageway on which vehicles are permitted to travel in one direction only;

"**owner**" includes a person who takes a motor vehicle on hire;

"**passenger**", in relation to a motor vehicle, includes the driver of the motor vehicle;

"**pedal cycle**" means a vehicle designed to be propelled solely by muscular force exerted by a driver or rider on pedals;

"**pedestrian**" includes a person in a wheelchair and the rider of a small-wheeled vehicle;

"**pedestrian crossing**" means a crossing, for the use of pedestrians, established in accordance with this Act;

"**period of low visibility**" means any time when, owing to insufficient daylight or unfavourable conditions, persons or vehicles on a road are not clearly visible at a distance of 100 metres to a person of normal vision;

"**prime mover**"—*See the above definition of "articulated motor vehicle"*;

"**radar detector or jammer**" means a device the sole or principal purpose of which is to detect when a traffic speed analyser is being used or to prevent the effective use of a traffic speed analyser;

"**riders**" includes driver and "**ride**" includes drive;

"**road**" means—

- (a) a road, street or thoroughfare, including every carriageway, footpath, bikeway, dividing strip and traffic island on it; and
- (b) any other place commonly used by the public or to which the public are permitted to have access;

"**roundabout**" means an intersection or junction laid out for the movement of traffic in one direction around a central island, in relation to which the appropriate signs to distinguish the intersection or junction as a roundabout are erected or displayed in pursuance of this Act;

"**school bus**" means a vehicle bearing signs on the front and rear containing in clear letters at least 100 millimetres high the words "SCHOOL BUS";

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"**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;

"**semi-trailer**"—*See the above definition of "articulated motor vehicle"*;

"**shared zone**" means a road or part of a road, established as a shared zone in accordance with section 32A, for the use of both vehicles and pedestrians at the same time;

"**small-wheeled vehicle**" means a skateboard, roller-skates, in-line skates, scooter or other vehicle of a kind ordinarily used by a child at play or by an adult for recreational or sporting purposes that is designed to be propelled wholly or partially by human power, but does not include—

- (a) a pedal cycle; or
- (b) a vehicle that is fitted with a motor or that is designed to be propelled by the wind; or
- (c) a vehicle of a class prescribed by regulation;

"**speed zone**" means—

- (a) a road or portion of a road; or
- (b) a carriageway or portion of a carriageway; or
- (c) a speed zone established under section 32,

for which a speed limit has been fixed under this Act;

"**the standing**" of a vehicle means the stationary position of the vehicle;

"**stop line**" means an unbroken white line marked on the surface of a carriageway across the whole, or part, of the width of that carriageway;

"**stop sign**" means a sign inscribed with the word "STOP" across its face;

"**tandem axle group**" means a combination of two axles that are not less than 1.0 metre and not more than 2.0 metres apart;

"**towtruck**" means a motor vehicle (including a trailer attached to a motor vehicle) designed, adapted or intended to lift and carry, or partially lift and tow, a motor vehicle that is incapable, by reason of damage or malfunction, of being operated properly under its own motive power;

"**tractor**" means a motor vehicle constructed or adapted wholly or principally for supplying motive power for machinery or for hauling other vehicles or machines;

"traffic control device" means—

- (a) any traffic lights, signal, stop sign, give way sign, sign indicating a speed limit, stop line, give way line, barrier line, line or mark to regulate or guide traffic, pedestrian crossing, safety island, safety bar, safety zone, traffic island, roundabout or dividing strip; and
- (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,

but does not include a device by which visible or audible warning is given of the approach of railway rollingstock to a level crossing;

"traffic lights" means signals for controlling traffic by means of illuminated circles or arrows, or combinations of such circles or arrows, shown in succession;

"traffic speed analyser" means an apparatus of a kind approved by the Governor as a traffic speed analyser;

"trailer" means a vehicle, or a machine on wheels, which is not self-propelled and is constructed or adapted for being drawn by a motor vehicle or pedal cycle, but does not include the rear portion of an articulated motor vehicle;

"tri-axle group" means a combination of three axles in which the front and rear axles are not less than 2.0 metres and not more than 3.2 metres apart;

"two way carriageway" means a carriageway other than a one way carriageway;

"unladen mass", in relation to a vehicle, means the mass of the vehicle without any load other than the petrol, oil, tools, prescribed accessories or prescribed equipment carried (either habitually or intermittently) on the vehicle;

"vehicle" does not include a small-wheeled vehicle or a vehicle operated on a railway or tramway;

"walk" includes run;

"wheelchair" includes a wheelchair propelled or capable of being propelled otherwise than solely by muscular force.

(2) For the purposes of this Act the mass carried on an axle, or group of axles, of a vehicle will be taken to be the force required to counterbalance the aggregate of the gravitational forces exerted on the surface of the road by the wheels of that axle or group of axles.

(3) For the purposes of this Act, a vehicle will be taken to be attached to another vehicle if it is drawn by that other vehicle, notwithstanding that the vehicles are not directly attached to each other.

Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.

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Application of Act to driving, etc., on roads

6. A reference in this Act to driving or riding a vehicle or small-wheeled vehicle, or attempting to put a vehicle in motion, or to driving, riding or leading an animal, or to walking, is a reference to driving or riding a vehicle or small-wheeled vehicle, or attempting to put a vehicle in motion, or to driving, riding or leading an animal, or to walking, on a road, unless it is otherwise expressly stated.

Drivers of trailers

7. For the purposes of this Act, a person who drives a motor vehicle or pedal cycle to which a trailer is attached will be taken to be the driver of the trailer and the trailer will be taken to be driven by that person.

Application of Act to servants of the Crown

8. This Act applies to persons in the service of the Crown as well as to other persons.

Power to proclaim a vehicle as a vehicle of a specified class

8A. The Governor may, by proclamation—

- (a) declare that a vehicle of a certain design or with certain characteristics is to be regarded for the purposes of this Act as a vehicle of a specified class; and
- (b) declare that any specified provision, or specified provisions, of this Act do not apply to, or in relation to, that vehicle; and
- (c) revoke or vary any proclamation made under this section.

Power to proclaim additional traffic devices

9. The Governor may, by proclamation—

- (a) declare that any signs, signals, devices, marks or structures described or indicated in the proclamation constitute a class of traffic control devices within the meaning of this Act;
- (b) revoke or vary any proclamation for the time being in force under this section.

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**PART 2
ADMINISTRATIVE PROVISIONS**

The Minister

Administration by Minister

10. The Governor may, by proclamation—

- (a) commit the administration of this Act, or any Part or provisions of this Act, to any Minister;
- (b) revoke or vary any proclamation made under paragraph (a).

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Delegation by Minister

11. (1) The Minister may, by instrument in writing, delegate any of the powers or functions conferred on, or assigned to, the Minister by or under this Act—

- (a) to a particular person or committee; or
- (b) to the person for the time being occupying a particular position.

(2) Where a delegation is made to a committee under this section, the instrument of delegation may regulate the procedures to be followed by the committee and (without limiting the generality of that power) may empower the committee to act by decision of the majority of its members present at a meeting.

(3) A delegation under this section—

- (a) may be unconditional or subject to conditions specified by the Minister; and
- (b) does not derogate from the power of the Minister to act personally in any matter; and
- (c) is revocable at will by the Minister.

Power of Minister in relation to approvals

12. For the purposes of this Act, any approval of the Minister required under this Act—

- (a) may, if the Minister thinks fit, be of a general nature extending to matters specified by the Minister; and
- (b) may be unconditional or subject to conditions specified by the Minister.

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Traffic Control Devices

Interpretation

16. (1) In this Part—

"Authority" means—

- (a) the Commissioner of Highways; or
- (b) any council; or
- (c) the Passenger Transport Board; 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 the Commissioner has, pursuant to the *Highways Act 1926* taken over the maintenance and repair of that road.

Installation, etc., of traffic control devices

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

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

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Direction to install traffic control devices

18. (1) The Minister may direct an Authority to install, maintain, alter, 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 Minister.

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

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

- (a) the Commissioner of Highways; or
- (b) the council for the area in which the work is to be carried out,

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

(7) Subject to subsection (8), 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).

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

Cost of traffic control devices

19. (1) The cost of installing, maintaining, altering, operating or removing a traffic control device must be borne by the Authority in which the care, control or management of the road to which the device relates is vested.

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(5) The cost of installing, maintaining, altering, operating or removing a traffic control device—

- (a) the purpose of which is to regulate, restrict or prohibit the parking of vehicles; and
- (b) which has been, or is to be, installed by a council or other Authority in pursuance of powers conferred by statute,

must (except where the traffic control device is a device of a class declared by regulation to be a class of traffic control device to which the provisions of subsection (1) apply notwithstanding this subsection) be borne by that council or other Authority.

Recovery of cost of installing certain traffic control devices

19A. (1) Where—

- (a) a person carries on a business or other activity beside or near a road; and
- (b) the Minister is of the opinion that the installation, maintenance, alteration or operation of a traffic control device is required in view of the nature and extent of the business or activity and the volume of traffic generated by the conduct of that business or activity,

the Minister may, by notice served personally or by post, require the person by whom the business or other activity is conducted to pay to the Authority in which the care, control and management of the road is vested such amount, or periodical amounts, as may be specified in the notice towards defraying the cost of installing, maintaining, altering or operating the traffic control device.

(2) A person of whom a requirement has been made under subsection (1) may, within 30 days after service of the notice by which the requirement was made, appeal to the Supreme Court against the requirement and the Court may, on the hearing of the appeal, vary the requirement in such manner as it considers just in view of the extent to which the business or activity conducted by the appellant renders the installation, maintenance, alteration or operation of the traffic control device to which the requirement relates necessary or expedient.

(3) An Authority may recover any amount due to it in pursuance of a requirement under this section as a debt, and must apply any amount paid to, or recovered by, it in pursuance of any such requirement towards the cost of installing, maintaining, altering or operating the traffic control device to which the requirement relates.

(4) Where the amount recovered in respect of a traffic control device in pursuance of a requirement under this section is not sufficient to defray the whole of the cost of installing, maintaining, altering or operating the traffic control device, the remainder of the cost must be borne in accordance with the appropriate provisions of this Part.

Signs indicating work area or work site

20. (1) In this section—

"**hazardous work area**" means a work area—

(a) where—

- (i) workers may be working on a part of a carriageway for vehicles proceeding in a particular direction and there is no adjoining marked lane outside the work area for vehicles proceeding in the same direction; or
- (ii) workers may be working less than 1.5 metres from vehicles proceeding on a carriageway,

and the work is carried out on foot and not exclusively through the use of vehicles; or

(b) where an unusually high level of hazard for workers or persons using the road is created as a consequence of the existence of the work area;

"**public authority**" means—

- (a) a Minister of the Crown; and
- (b) the Commissioner of Highways; and
- (c) a council; and
- (d) any other authority or company authorised by statute to carry out works on roads; and
- (e) a member of the police force making investigations on a road at a place where an accident has occurred;

"**work area**" means a portion of road on which workers are, or may be, engaged;

"**work site**" means a portion of road affected by works in progress, together with any additional portion of road used to regulate traffic in relation to those works or for associated purposes.

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(2) A public authority must, with the approval of the Minister and in accordance with this Part, place signs on a road for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site.

(2a) The maximum speed to be indicated by signs placed on a road in pursuance of this section is—

- (a) in relation to a work area—a maximum speed not exceeding 40 kilometres an hour; or
- (b) in relation to a hazardous work area—a maximum speed not exceeding 25 kilometres an hour; or
- (c) in relation to a work site—a maximum speed not exceeding 80 kilometres an hour.

(3) If a public authority has engaged a contractor to carry out works on a road on behalf of the authority, this section applies to the contractor in relation to those works in the same way as it applies to the authority.

(4) While driving a motor vehicle on a portion of a road between signs placed in pursuance of this section, a person must not drive at a speed greater than the speed indicated by the signs.

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Stop signs at road works or pedestrian crossings

23. (1) A person who is authorised in the prescribed manner to do so may exhibit a stop sign for the purpose of requiring drivers to stop before entering a pedestrian crossing.

(2) A person who is authorised in the prescribed manner to do so may exhibit a stop sign for the purpose of requiring drivers to stop before entering a part of a road on or near which workers are engaged or works are in progress.

(3) A person must not exhibit a stop sign unless authorised in the prescribed manner to do so.

(4) A person is authorised in the prescribed manner—

- (a) to exhibit a stop sign for the purpose referred to in subsection (1) if an Authority or a member of the police force has, with the approval of the Minister, authorised the person to do so; or
- (b) to exhibit a stop sign for the purpose referred to in subsection (2) if a public authority as defined in section 20 has, with the approval of the Minister, authorised the person to do so.

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General provisions relating to traffic control devices

25. (1) Every traffic control device—

- (a) must comply with any regulations applicable to it; and
- (b) subject to the regulations, must be of such design as is fixed or approved by the Minister; and
- (c) must be erected, placed or marked so as to be clearly visible to drivers travelling towards the face of the device.

(2) Every traffic control device on or near a road will be presumed to have been placed or marked on or near the road by an Authority empowered by law so to place or mark it, and with the approval required by this Act.

(3) Any lights, signal, sign, line, device, marks, island, zone or dividing strip substantially conforming to the requirements of this Act applicable to a particular kind of traffic control device will be presumed to be a traffic control device of that kind.

(4) Subject to subsection (5), an Authority in which the care, control or management of a road is vested must maintain all traffic control devices installed on or near the road in good order.

(5) Subsection (4) does not apply to a traffic control device if the Authority in which the care, control or management of the road is vested is not liable for any portion of the expense of installing, maintaining, altering, removing or operating that traffic control device.

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Removal of certain lights and signs

31. (1) In this section—

"**false traffic sign**" means a sign or device—

- (a) which, although not being a traffic control device, is likely to be taken for such a device; or
- (b) which purports to be a traffic control device but is not erected or marked in accordance with this Act;

"**light**" means a lamp, sign, advertisement or device of any kind from which light is projected.

(2) Notwithstanding any other provision of this Act or any other Act or law, where the Minister is satisfied that any light, device, false traffic sign, advertisement or other sign erected or placed on or near a road—

- (a) is likely to increase the risk of accident on any road; or
- (b) detracts, or is likely to detract, from the visibility of a traffic control device to drivers or pedestrians on the road; or

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(c) is likely to be confused with a traffic control device,

the Minister may, by notice in writing, require the owner of the light, device, sign or advertisement, or any person in control of it, to take such action, whether by way of removing, modifying, screening or otherwise dealing with the light, device, sign or advertisement, as is specified in the notice and within a time so specified.

(3) A notice under this section may be served either by post, by means of a letter addressed to the usual place of residence or business of the person to be served, or by delivering it to that person personally.

(4) A person to whom a notice under this section is duly given must comply with it.

(5) If within the time specified in a notice duly given under this section the person required to comply with the notice does not comply with it, the Minister may take the action specified in the notice and recover the cost of doing so from that person as a debt, by action in a local court.

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Speed Zones

Speed zones

32. (1) The Minister may, by notice published in the *Gazette*—

- (a) designate an area as a speed zone;
- (b) vary or revoke a notice under this subsection.

(2) The Minister may, at any time, fix a speed limit for any speed zone established under subsection (1) or for any road or portion of a road, or any carriageway or portion of a carriageway.

(3) A speed limit must be indicated by signs erected in accordance with subsection (4).

(4) The signs must—

(a) in the case of a speed zone established under subsection (1), be placed at or near the boundary of the area on every road providing entrance to or exit from the area; and

(b) in any other case, be placed at or near the beginning and end of the speed zone,

and must comply with such requirements as are prescribed.

Shared Zones

Establishment of shared zones

32A. (1) The Minister may, by notice published in the *Gazette*—

- (a) designate a road or part of a road as a shared zone;
- (b) vary or revoke a notice under this subsection.

(2) Signs indicating the existence of a shared zone must be erected at or near the boundary of the zone on or adjacent to each road or section of road providing an entrance to or exit from the zone for vehicular traffic.

Road Closing and Exemptions for Road Events

Road closing and exemptions for road events

33. (1) On the application of any person interested, the Minister may declare that an event that is to take place on a road is an event to which this section applies and may make an order directing either or both of the following:

- (a) that a road on which the event is to be held and any adjacent or adjoining road be closed to traffic for a specified period;
- (b) that persons taking part in the event be exempted, in relation to a road on which the event is to be held, from the duty to observe an enactment, regulation or by-law prescribing a rule to be observed on roads by pedestrians or drivers of vehicles.

(2) An order to close a road under subsection (1) can only be made with the consent of every council within whose area a road intended to be closed by the order is situated.

(3) At least two clear days before an order to close a road under subsection (1) takes effect, the Minister must, at the cost of the applicant, advertise a copy of the order in two newspapers, one being a newspaper circulating generally in the State.

(4) An order under this section is subject to any conditions which the Minister thinks fit to impose and, upon breach of any condition, ceases to have effect.

(5) An order under this section renders lawful anything done in accordance with the order.

(6) An order under this section may apply to the whole or a part of a road.

(7) In addition to any other power to regulate traffic conferred by this or any other Act, a member of the police force may give such reasonable directions to—

- (a) the driver of a vehicle on a road; or
- (b) the owner or person apparently in charge of or with care or custody of a vehicle on a road; or
- (c) a person who appears to have left a vehicle standing on a road (whether the vehicle is attended by another person or not); or
- (d) a pedestrian on a road,

as are, in the member's opinion, necessary for the safe and efficient conduct of an event to which this section applies.

(8) Such directions may include directions for clearing vehicles or persons from a road or part of a road or temporarily closing a road or part of a road and may be given on the day of an event in preparation for, during or immediately after the conclusion of, the event.

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(9) A person to whom a direction of a member of the police force is given pursuant to this section must forthwith comply with it.

(9a) Where a direction is given under subsection (7) to a person who appears—

(a) to have charge, care or custody of a vehicle on a road; or

(b) to have left a vehicle standing on a road,

that person is not guilty of an offence against this Act of failing to comply with the direction if it is proved that he or she did not have charge, care or custody of the vehicle and did not leave the vehicle standing on the road.

(10) In this section—

"event" means an organised sporting, recreational or other similar activity, whether those taking part are in competition with another person or not, and includes—

(a) a race;

(b) practice for a race.

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Inspectors

Inspectors

35. (1) The Commissioner of Highways may appoint any persons to be inspectors under this Act.

(2) Every person for the time being in charge of a ferry established by a council or established, maintained or operated by the Commissioner of Highways is an inspector under this Act.

Hindering inspectors

36. A person must not hinder or obstruct an inspector in the execution of any power conferred or duty imposed by this Act.

Powers of Search and Inquiry

Power to examine vehicles involved in offences

37. A member of the police force may, if he or she has reasonable cause to suspect that a vehicle has been involved in a collision, or has been driven on a road recklessly or at a speed or in a manner which is dangerous to the public, or has been stolen or used without the consent of the owner, and is on any land or premises, enter that land or those premises and search for the vehicle and examine it if found.

Questions as to identity of drivers

38. A person must truly answer any question put by a member of the police force or an inspector for the purpose of obtaining information which may lead to the identification of the person who was driving, or who was the owner of, a vehicle on any occasion.

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**PART 3
DUTIES OF DRIVERS AND PEDESTRIANS**

Scope of this Part

Application of this Part

39. (1) A rider or driver of an animal has the duties, rights and privileges imposed or conferred on the rider or driver of a vehicle by the provisions of this Part, other than provisions which by their nature cannot apply in relation to animals.

(2) In this Part, unless the contrary intention appears—

"**vehicle**" includes an animal which is ridden or driven.

(3) Sections 41, 43, 45, 46 and 75 apply in relation to trams and their drivers as well as other vehicles and drivers.

Exemption of certain vehicles from compliance with certain provisions

40. (1) The following are exempt vehicles within the meaning of this section:

(a) any motor vehicle used by the South Australian Metropolitan Fire Service, a fire brigade registered under the *South Australian Metropolitan Fire Service Act 1936* or the Country Fire Service, while it is being driven to any place in answer to a call for the services of a fire brigade or is in use at a fire;

(ab) a fire-fighting vehicle used by the armed forces of the Commonwealth while it is being driven to any place in answer to a call for the services of a fire brigade or is in use at a fire;

(b) any motor ambulance which is being driven in answer to an urgent call or is conveying an injured or sick person to any place for urgently required treatment;

(ba) any motor vehicle (other than a motor ambulance) owned by the S.A. St. John Ambulance Service Inc., or by a person licensed under the *Ambulance Services Act 1992* to provide ambulance services, while it is being driven for the purpose of taking action in connection with an emergency;

(c) any motor vehicle driven by a member of the police force of this State, the Australian Federal Police, the Australian Customs Service or a military police force forming part of the armed forces of the Commonwealth, in the execution of his or her duty;

(ca) a motor vehicle used by the body commonly known as the State Emergency Service while it is being driven for the purpose of taking action in connection with an emergency;

(cb) a motor vehicle used by the armed forces of the Commonwealth while it is being driven for the purpose of taking action in connection with the urgent disposal of explosives;

(d) a vehicle of a class prescribed by regulation while it is being driven or used for the purpose of—

(i) road inspection; or

- (ii) works on roads such as road making, maintenance or cleaning or works required for the provision of electricity, gas, water, drainage, sewage services or telecommunication or other services; or
- (iii) monitoring traffic;
- (e) a vehicle of a class prescribed by regulation while it is being driven or used for the purpose of taking action in connection with the enforcement of the road traffic laws of the State.

(2) While a vehicle is an exempt vehicle by virtue of subsection (1)(a), (ab), (b), (ba), (c), (ca) or (cb), the provisions of this Act relating to the following matters do not apply in relation to the driving or use of that vehicle:

- (a) speed limits;
- (b) stopping at stop signs or traffic lights;
- (c) giving way;
- (d) driving or standing on any part of a road;
- (e) passing another vehicle on a specified side of that other vehicle;
- (f) the manner of making right turns;
- (g) stopping in case of accident;
- (h) boarding or leaving a vehicle in motion;
- (i) carrying persons on the bonnet or roof.

(3) While a vehicle is an exempt vehicle by virtue of subsection (1)(d), the provisions of this Act relating to the following matters do not apply in relation to the driving or use of that vehicle:

- (a) driving or standing on any part of a road;
- (b) passing another vehicle on a specified side of that other vehicle;
- (c) the manner of making right turns.

(3a) While a vehicle is an exempt vehicle by virtue of subsection (1)(e), the provisions of this Act relating to driving or standing on any part of a road do not apply in relation to the driving or use of that vehicle.

(4) Where—

- (a) an exempt vehicle is driven or used in a manner that would, except for the operation of subsection (2), (3) or (3a), constitute a breach of, or non-compliance with, this Act; and

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- (b) in view of the driving or use of the vehicle in that manner, it would be dangerous, or a substantial inconvenience, for a person in the vicinity of the vehicle to comply with a provision of this Act,

that provision does not operate to prevent that person from taking reasonable action to avoid the danger or inconvenience.

*Compliance with Directions***Directions for regulation of traffic**

41. (1) A member of the police force may give such reasonable directions to—

- (a) the driver of a vehicle on a road; or
- (b) the owner or person apparently in charge of or with care or custody of a vehicle on a road; or
- (c) a person who appears to have left a vehicle standing on a road (whether the vehicle is attended by another person or not); or
- (d) a pedestrian on a road,

as are, in the member's opinion, necessary for the safe and efficient regulation of traffic on the road, for clearing vehicles and persons from any road, or part of a road, closed to traffic, or for the purpose of ascertaining whether an offence against this Act has been, or is being, committed.

(2) A person to whom a direction of a member of the police force is given pursuant to this section must forthwith comply with it.

(3) Where a direction is given under subsection (1) to a person who appears—

- (a) to have charge, care or custody of a vehicle on a road; or
- (b) to have left a vehicle standing on a road,

that person is not guilty of an offence against this Act of failing to comply with the direction if it is proved that he or she did not have charge, care or custody of the vehicle and did not leave the vehicle standing on the road.

Power to stop vehicle and ask questions

42. (1) A member of the police force or an inspector may—

- (a) request the driver of a vehicle on a road to stop that vehicle;
- (b) ask the driver or the person apparently in charge of a vehicle (whether on a road or elsewhere) questions for the purpose of ascertaining the name and place of residence or place of business of that driver or person, or of the owner of the vehicle, or the nature or constituents of the load on the vehicle, or for the purpose of estimating the mass of the vehicle.

(2) A person must forthwith—

- (a) comply with a request made under subsection (1) to stop a vehicle;
- (b) truthfully answer any questions put under subsection (1).

Accidents

Failure to stop and report in case of accident

43. (1) In this section—

"**accident**" includes a collision, whether caused intentionally or otherwise;

"**animal**" includes a dog.

(2) This section applies only to accidents in which—

- (a) any person or animal is injured or killed; or
- (b) any real or personal property (other than an animal) is destroyed or damaged.

(3) If owing to the presence of a vehicle on a road an accident occurs, the driver of every vehicle concerned in the accident must—

- (a) stop the vehicle forthwith;
- (b) if a person has been injured in the accident, immediately render all possible assistance;
- (c) if requested to do so by any person having reasonable grounds for such request, state his or her name and address and the registered number (if any) of his or her vehicle and any other information necessary to identify it;
- (d) as soon as reasonably practicable and in any case within 24 hours after the occurrence of the accident, report the accident to a member of the police force or at a police station.

(3aa) An employee of TransAdelaide involved in an accident while driving a bus or tram operated by TransAdelaide may, instead of reporting the accident in accordance with subsection (3)(d), report the accident to the Commissioner of Police—

- (a) in accordance with an arrangement between TransAdelaide and the Commissioner; or
- (b) if no such arrangement exists—in accordance with stipulations (if any) laid down by the Minister.

(3a) The penalty for an offence against subsection (3) is as follows:

- (a) (i) where the offence arises from the defendant's failure to stop the vehicle forthwith and a person was injured or killed in the accident; or
- (ii) where the offence arises from the defendant's failure to render assistance,

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a fine not exceeding \$5 000 or imprisonment for a term not exceeding one year (or both) and disqualification from holding or obtaining a driver's licence for one year or for such longer period as the court orders;

(b) in any other case—a fine of \$2 000.

(3b) Where a disqualification is, or is to be, imposed under subsection (3a)—

(a) the disqualification cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum but not less than one month;

* * * * *

(c) if the offender is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.

(4) It is a defence to a charge of any offence against this section to prove—

(a) that the defendant did not know that the accident had occurred and that the want of knowledge was not due to carelessness or recklessness; or

(b) that the only damage or injury resulting from the accident was damage or injury to property owned by the defendant.

(5) Notwithstanding subsection (3), the driver of a vehicle concerned in an accident is not required to report the accident to a member of the police force, or at a police station, where—

(a) the only damage or injury resulting from the accident is damage or injury to property; and

(b) a fair estimate of the cost of making good that damage or injury is not more than the prescribed amount,

unless a person having reasonable grounds for requesting information pursuant to subsection (3)(c) is not present at the scene of the accident or the driver does not afford such a person a reasonable opportunity to request such information.

(6) An apparently genuine document produced by the prosecution purporting to be signed by the Commissioner of Police and to certify that an accident indicated in the document (whether by reference to the approximate time and place of the accident or to the person or persons involved, or otherwise so as to reasonably identify it) had not been reported at a police station or to a member of the police force prior to a date specified in the certificate is, in the absence of proof to the contrary, proof of the matter so certified.

Fraudulent Use of Motor Vehicles

* * * * *

Procuring use of vehicle by fraud

44A. A person must not procure the use or hire of a motor vehicle by fraud or misrepresentation.

Penalty: \$300 or imprisonment for not more than six months or both.

Careless and Dangerous Driving

Careless driving

45. A person must not drive a vehicle without due care or attention or without reasonable consideration for other persons using the road.

Entering blocked intersection

45A. Notwithstanding any other provisions of this Act, a driver must not enter on, or attempt to cross, any intersection or junction if the intersection or junction, or the carriageway which the driver desires to enter, is blocked by other vehicles.

Reckless and dangerous driving

46. (1) A person must not drive a vehicle recklessly or at a speed or in a manner which is dangerous to the public.

Penalty: For a first offence—a fine of not less than \$300 and not more than \$600.

For a subsequent offence—

- (a) a fine of not less than \$300 and not more than \$600; or
- (b) imprisonment for not more than three months.

(2) In considering whether an offence has been committed under this section, the court must have regard to—

- (a) the nature, condition and use of the road on which the offence is alleged to have been committed; and
- (b) the amount of traffic on the road at the time of the offence; and
- (c) the amount of traffic which might reasonably be expected to enter the road from other roads and places; and
- (d) all other relevant circumstances, whether of the same nature as those mentioned or not.

(3) Where a court convicts a person of an offence against subsection (1), the following provisions apply:

- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—

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- (i) in the case of a first offence—for such period, being not less than six months, as the court thinks fit; or
 - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;
- (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than one month.

* * * * *

(4) In determining whether an offence is a first or subsequent offence for the purposes of this section, only a previous offence against subsection (1) for which the defendant has been convicted that was committed within the period of five years immediately preceding the commission of the offence under consideration will be taken into account.

Driving under Influence of Liquor or Drugs

Driving under influence

47. (1) A person must not—

- (a) drive a vehicle; or
- (b) attempt to put a vehicle in motion,

while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle.

Penalty: If the vehicle concerned was a motor vehicle—

- (a) for a first offence—
 - (i) a fine of not less than \$700 and not more than \$1 200; or
 - (ii) imprisonment for not more than three months; and
- (b) for a subsequent offence—
 - (i) a fine of not less than \$1 500 and not more than \$2 500; or
 - (ii) imprisonment for not more than six months.

If the vehicle concerned was not a motor vehicle—\$300.

(2) For the purposes of subsection (1), a person is incapable of exercising effective control of a vehicle if, owing to the influence of intoxicating liquor or a drug, the use of any mental or physical faculty of that person is lost or appreciably impaired.

This subsection does not restrict the meaning of the words "incapable of exercising effective control of a vehicle".

(3) Where a court convicts a person of an offence against subsection (1) in which the vehicle concerned was a motor vehicle, the following provisions apply:

- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (i) in the case of a first offence—for such period, being not less than twelve months as the court thinks fit; or
 - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;
- (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than one month;

* * * * *

- (d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
- (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.

(4) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous offence against subsection (1), against section 47B(1) (being a category 2 offence or category 3 offence) or against section 47E(3) or 47I(14) for which the defendant has been convicted will be taken into account, but only if the offence was committed within the period of five years immediately preceding the commission of the offence under consideration.

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Interpretation

47A. In this Act—

"**alcotest**" means a test by means of an apparatus of a kind approved by the Governor by which the presence of alcohol in the blood of a person who exhales into the apparatus is indicated;

"**analyst**" means—

- (a) a person appointed by the Minister as an analyst for the purposes of this Act; or

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- (b) a person holding an office of a class approved by the Minister for the purposes of this Act;

"**approved blood test kit**" means a kit of a kind declared by the Governor by regulation to be an approved blood test kit;

"**breath analysing instrument**" means an apparatus of a kind approved as a breath analysing instrument by the Governor;

"**breath analysis**" means an analysis of breath by a breath analysing instrument;

* * * * *

"**category 1 offence**" means an offence against section 47B(1), where the concentration of alcohol in the blood of the convicted person was less than .08 grams in 100 millilitres of blood;

"**category 2 offence**" means an offence against section 47B(1), where the concentration of alcohol in the blood of the convicted person was less than .15 grams, but not less than .08 grams, in 100 millilitres of blood;

"**category 3 offence**" means an offence against section 47B(1), where the concentration of alcohol in the blood of the convicted person was .15 grams or more in 100 millilitres of blood;

"**gross vehicle mass**", in relation to a vehicle, means—

- (a) if the vehicle is registered in this State and a gross vehicle mass limit has been fixed in respect of that vehicle by the Registrar of Motor Vehicles—the mass by reference to which that limit has been fixed;
- (b) if the vehicle is registered in another State or a Territory of the Commonwealth and a limitation or restriction on the mass of the vehicle has been imposed by or under the law of that State or Territory—the mass by reference to which that limitation or restriction has been imposed;
- (c) in any other case—the unladen mass of the vehicle;

"**prescribed concentration of alcohol**" means—

- (a) in relation to a person who is not authorised under the *Motor Vehicles Act 1959* to drive the vehicle—any concentration of alcohol in the blood;
- (ab) in relation to a person who is driving a prescribed vehicle—any concentration of alcohol in the blood;
- (b) in relation to any other person—a concentration of .05 grams or more of alcohol in 100 millilitres of blood;

"**prescribed vehicle**" means—

- (a) a vehicle with a gross vehicle mass exceeding 15 tonnes; or
- (b) a prime mover with an unladen mass exceeding 4 tonnes; or

- (c) a bus designed to carry more than 12 persons (including the driver); or
- (d) a motor vehicle that is—
 - (i) designed for the principal purpose of carrying passengers; and
 - (ii) designed to carry more than 8 persons, but not more than 12 persons, (including the driver); and
 - (iii) used regularly for the purpose of carrying passengers for hire or for a business or community purpose; or
- (e) a vehicle that is being used for the purpose of carrying passengers for hire; or
- (f) a vehicle that—
 - (i) is used to transport dangerous substances within the meaning of the *Dangerous Substances Act 1979* or has such substances aboard; and
 - (ii) is required under that Act to be marked with a label.

Driving whilst having prescribed concentration of alcohol in blood

47B. (1) A person must not—

- (a) drive a motor vehicle; or
- (b) attempt to put a motor vehicle in motion,

while there is present in his or her blood the prescribed concentration of alcohol as defined in section 47A.

Penalty: For a first offence—

- (a) being a category 1 offence—\$700;
- (b) being a category 2 offence—a fine of not less than \$500 and not more than \$900;
- (c) being a category 3 offence—a fine of not less than \$700 and not more than \$1 200.

For a second offence—

- (a) being a category 1 offence—\$700;
- (b) being a category 2 offence—a fine of not less than \$700 and not more than \$1 200;
- (c) being a category 3 offence—a fine of not less than \$1 200 and not more than \$2 000.

For a subsequent offence—

- (a) being a category 1 offence—\$700;
- (b) being a category 2 offence—a fine of not less than \$1 100 and not more than \$1 800;

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(c) being a category 3 offence—a fine of not less than \$1 500 and not more than \$2 500.

(2) For the purposes of this section, if it is established that there was present in the blood of a person charged with an offence under subsection (1) the prescribed concentration of alcohol as defined in section 47A at any time within two hours after that offence is alleged to have been committed, it must be presumed, unless the court before which the person is charged, from the evidence before it, draws a reasonable inference to the contrary, that there was present in the blood of the person that prescribed concentration of alcohol at the time the offence is alleged to have been committed.

* * * * *

(3) Where a court convicts a person of a category 2 offence or category 3 offence, the following provisions apply:

(a) the court must order that the person be disqualified from holding or obtaining a driver's licence—

(i) in the case of a first offence—

(A) being a category 2 offence—for such period, being not less than six months, as the court thinks fit;

(B) being a category 3 offence—for such period, being not less than twelve months, as the court thinks fit;

(ii) in the case of a second offence—

(A) being a category 2 offence—for such period, being not less than twelve months, as the court thinks fit;

(B) being a category 3 offence—for such period, being not less than three years, as the court thinks fit;

(iii) in the case of a subsequent offence—

(A) being a category 2 offence—for such period, being not less than two years, as the court thinks fit;

(B) being a category 3 offence—for such period, being not less than three years, as the court thinks fit;

(b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case it may order a period of disqualification that is less than the prescribed minimum period but not less than one month;

* * * * *

(d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;

- (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.

(4) For the purposes of determining whether an offence is a first, second or subsequent offence for the purposes of this section, any previous offence against subsection (1) (being a category 2 offence or category 3 offence) or against section 47(1), 47E(3) or 47I(14) for which the defendant has been convicted will be taken into account, but only if the offence was committed within the period of five years immediately preceding the commission of the offence under consideration.

(5) A prosecution must not be commenced for a category 1 offence unless the defendant has first been given an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act.

Relation of conviction under s. 47B to contracts of insurance, etc.

47C. (1) A person is not, by reason only of having been convicted or found guilty of an offence against section 47B(1) or having expiated such an offence, to be taken, for the purposes of any law, or of any contract, agreement, policy of insurance or other document, to have been under the influence of, or in any way affected by, intoxicating liquor, or incapable of driving, or of exercising effective control of, a motor vehicle, at the time of the commission of that offence or alleged offence.

(2) The provisions of subsection (1) have effect notwithstanding anything contained in any law, or any covenant, term, condition or provision of, or contained in, any contract, agreement, policy of insurance or other document, and a covenant, term, condition or provision purporting to exclude, limit, modify or restrict the operation of that subsection is void.

(3) Any covenant, term, condition or provision contained in a contract, policy of insurance or other document purporting to exclude or limit the liability of an insurer in the event of the owner or driver of a motor vehicle being convicted or found guilty of, or expiating, an offence against section 47B(1) is void.

Payment by convicted person of costs incidental to apprehension, etc.

47D. (1) The court by which a person is convicted of an offence under section 47(1), 47B(1) or 47E(3) on the complaint of a member of the police force may, in addition to imposing any other penalty, order, on the application of the complainant, that the defendant pay to the complainant a reasonable sum to cover the expenses of all or any of the following matters:

- (a) apprehending the defendant; and
- (b) conveying the defendant to a police station; and
- (c) keeping the defendant in custody until trial; and
- (d) medically examining the defendant; and
- (e) facilitating the taking of a sample of the defendant's blood and providing for the presence of a member of the police force pursuant to section 47F(2) and (2a).

(2) Any sum of money received by the complainant in consequence of an order under subsection (1) must be paid into the General Revenue of the State.

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Breath testing stations

47DA. (1) A breath testing station may be established by members of the police force at any time on or in the vicinity of any road for the purpose of enabling alcotests to be conducted in relation to persons driving motor vehicles on the road.

(2) A breath testing station must be established in such a way, and consist of such facilities and warning and other devices, as the Commissioner of Police considers necessary in order to enable vehicles to be stopped in a safe and orderly manner and the alcotests to be made in quick succession.

(3) Any member of the police force who requires a driver to submit to an alcotest at a breath testing station, or who stops a motor vehicle for that purpose, must be in uniform.

(4) The Commissioner of Police must establish procedures to be followed by the members of the police force performing duties at or in connection with a breath testing station, being procedures designed to prevent as far as reasonably practicable any undue delay or inconvenience to persons stopped at the station.

(5) The Minister must cause a report to be prepared within six months after the end of each calendar year on the operation and effectiveness of this section and related sections during that calendar year.

(6) The Minister must, within twelve sitting days after receipt of a report under subsection (5), cause copies of the report to be laid before each House of Parliament.

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Police may require alcotest or breath analysis

47E. (1) Where a member of the police force believes on reasonable grounds that a person, while driving a motor vehicle or attempting to put a motor vehicle in motion—

- (a) has committed an offence against any provision of Part 3 of which the driving of a motor vehicle is an element; or
- (b) has committed an offence against section 20, 111 or 122; or
- (c) has behaved in a manner that indicates that his or her ability to drive the motor vehicle is impaired; or
- (d) has been involved in an accident,

that member of the police force may, subject to subsection (2), require that person to submit to an alcotest or breath analysis, or both.

* * * * *

(2) An alcotest or breath analysis must be performed within two hours after the occurrence of the event giving rise to the belief referred to in subsection (1).

(2a) A member of the police force may require the driver of a motor vehicle that approaches a breath testing station established pursuant to section 47DA to submit to an alcotest.

(2b) Where an alcotest conducted under subsection (2a) indicates that the prescribed concentration of alcohol may be present in the blood of any person, a member of the police force may require that person to submit to a breath analysis.

(3) A person required under this section to submit to an alcotest or breath analysis must not refuse or fail to comply with all reasonable directions of a member of the police force in relation to the requirement and, in particular, must not refuse or fail to exhale into the apparatus by which the alcotest or breath analysis is conducted in accordance with the directions of a member of the police force.

Penalty: For a first offence—a fine of not less than \$700 and not more than \$1 200.

For a subsequent offence—a fine of not less than \$1 500 and not more than \$2 500.

* * * * *

(4) It is a defence to a prosecution under subsection (3) that—

- (a) the requirement or direction to which the prosecution relates was not lawfully made; or
- (b) there was, in the circumstances of the case, good cause for the refusal or failure of the defendant to comply with the requirement or direction.

(5) No person is entitled to refuse or fail to comply with a requirement or direction under this section on the ground that—

- (a) the person would, or might, by complying with that requirement or direction, furnish evidence that could be used against himself or herself; or
- (b) the person consumed alcohol after the person last drove a motor vehicle or attempted to put a motor vehicle in motion and before the requirement was made or the direction given.

(5a) A person may not raise a defence that the person had good cause for a refusal or failure to comply with a requirement or direction under this section by reason of some physical or medical condition of the person unless—

- (a) a sample of the person's blood was taken in accordance with section 47F; or
- (b) the person made a request as referred to in section 47F(2), but—
 - (i) a member of the police force failed to facilitate the taking of a sample of the person's blood as required by that section; or
 - (ii) a medical practitioner was not reasonably available for the purpose of taking such a sample; or
- (c) the taking of a sample of the person's blood in accordance with section 47F was not possible or reasonably advisable or practicable in the circumstances by reason of some physical or medical condition of the person.

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(6) Where a court convicts a person of an offence against subsection (3), the following provisions apply:

- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (i) in the case of a first offence—for such period, being not less than twelve months, as the court thinks fit; or
 - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;
- (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case the court may order a period of disqualification that is less than the prescribed minimum period but not less than one month;

* * * * *

- (d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;
- (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.

(7) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous offence against subsection (3), against section 47B(1) (being a category 2 offence or category 3 offence) or against section 47(1) or 47I(14) for which the defendant has been convicted will be taken into account, but only if the offence was committed within the period of five years immediately preceding the commission of the offence under consideration.

Police to facilitate blood test at request of incapacitated person, etc.

47F.

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(2) Where a person of whom a requirement is made or to whom a direction is given under section 47E refuses or fails to comply with the requirement or direction by reason of some physical or medical condition of the person and forthwith requests a member of the police force that a sample of his or her blood be taken by a medical practitioner, a member of the police force must do all things reasonably necessary to facilitate the taking of a sample of the person's blood—

- (a) by a medical practitioner nominated by the person; or
- (b) if—
 - (i) it becomes apparent to the member of the police force that there is no reasonable likelihood that a medical practitioner nominated by the person will be available to take the sample within one hour of the time of the request at some place not more than ten kilometres distant from the place of the request;
 - or

- (ii) the person does not nominate a particular medical practitioner,
by any medical practitioner who is available to take the sample.

(2a) The taking of a sample of blood pursuant to this section—

- (a) must be carried out by the medical practitioner in the presence of a member of the police force; and
- (b) must be at the expense of the Crown.

(3) The provisions of subsections (7) to (13c) (inclusive) of section 47I apply in relation to a sample of blood taken under this section in the same way as to a sample of blood taken under section 47I.

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Police to provide transport assistance for blood tests in certain circumstances outside Metropolitan Adelaide

47FA. (1) Where—

- (a) a person submits to a breath analysis conducted under this Act at a place outside Metropolitan Adelaide; and
- (b) the person requests a blood test kit as referred to in section 47G(2a); and
- (c) it appears to a member of the police force that the person has failed or will fail, despite reasonable endeavours, to make safe and appropriate transport arrangements within the period of two hours after the conduct of the breath analysis to attend at a place at which a sample of the person's blood may be taken and dealt with in accordance with the procedures prescribed by regulation for the purposes of section 47G(1a); and
- (d) the person requests of a member of the police force that a member of the police force transport the person, or arrange for the transport of the person, to such a place,

a member of the police force must transport, or arrange for the transport of, the person to such a place.

(2) In subsection (1)—

"**Metropolitan Adelaide**" has the same meaning as in the *Development Act 1993*.

Blood tests by nurses where breath analysis taken outside Metropolitan Adelaide

47FB. (1) Where a person submits to a breath analysis conducted under this Act at a place outside Metropolitan Adelaide—

- (a) a sample of the person's blood may be taken by a registered nurse instead of a medical practitioner for the purposes of section 47F or the procedures prescribed by regulation for the purposes of section 47G(1a); and

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- (b) the provisions of this Act and the regulations under this Act apply in relation to the taking of the sample of the person's blood and the subsequent dealing with the sample as if a reference in those provisions to a medical practitioner included a reference to a registered nurse.

(2) In subsection (1)—

"**Metropolitan Adelaide**" has the same meaning as in the *Development Act 1993*;

"**registered nurse**" means a person registered on the nurses register under the *Nurses Act 1984*.

Evidence, etc.

47G. (1) Without affecting the admissibility of evidence that might be given otherwise than in pursuance of this section, evidence may be given, in any proceedings for an offence, of the concentration of alcohol indicated as being present in the blood of the defendant by a breath analysing instrument operated by a person authorised to operate the instrument by the Commissioner of Police and, where the requirements and procedures in relation to breath analysing instruments and breath analysis under this Act, including subsections (2) and (2a), have been complied with, it must be presumed, in the absence of proof to the contrary, that the concentration of alcohol so indicated was present in the blood of the defendant at the time of the analysis.

(1a) No evidence can be adduced in rebuttal of the presumption created by subsection (1) except—

- (a) evidence of the concentration of alcohol in the blood of the defendant as indicated by analysis of a sample of blood taken and dealt with in accordance with section 47I or in accordance with the procedures prescribed by regulation; and
- (b) evidence as to whether the results of analysis of the sample of blood demonstrate that the breath analysing instrument gave an exaggerated reading of the concentration of alcohol present in the blood of the defendant.

(1ab) If it is proved in proceedings that a concentration of alcohol was present in the defendant's blood at the time of a breath analysis, it must be conclusively presumed that that concentration of alcohol was present in the defendant's blood throughout the period of two hours immediately preceding the analysis.

(1b) No evidence can be adduced as to a blood alcohol reading obtained from a coin-operated breath testing or breath analysing machine installed in any hotel or other licensed premises.

(2) As soon as practicable after a person has submitted to an analysis of breath by means of a breath analysing instrument, the person operating the instrument must deliver to the person whose breath has been analysed a statement in writing specifying—

- (a) the concentration of alcohol indicated by the analysis to be present in the blood expressed in grams in 100 millilitres of blood; and
- (b) the date and time of the analysis.

(2a) Where a person has submitted to an analysis of breath by means of a breath analysing instrument and the concentration of alcohol indicated as being present in the blood of that person by the breath analysing instrument is the prescribed concentration of alcohol, the person operating the instrument must forthwith—

- (a) give the person the prescribed oral advice and deliver to the person the prescribed written notice as to the operation of this Act in relation to the results of the breath analysis and as to the procedures prescribed for the taking and analysis of a sample of the person's blood; and
- (b) at the request of the person made in accordance with the regulations, deliver an approved blood test kit to the person.

(3) A certificate—

- (a) purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate is authorised by the Commissioner of Police to operate breath analysing instruments; or
- (b) purporting to be signed by a person authorised under subsection (1) and to certify that—
 - (i) the apparatus used by the authorised person was a breath analysing instrument within the meaning of this Act; and
 - (ii) the breath analysing instrument was in proper order and was properly operated; and
 - (iii) in relation to the breath analysing instrument, the provisions of this Act with respect to breath analysing instruments were complied with,

is, in the absence of proof to the contrary, proof of the matters so certified.

(3a) A certificate purporting to be signed by a member of the police force and to certify that an apparatus referred to in the certificate is or was of a kind approved under this Act for the purpose of performing alcoltests is, in the absence of proof to the contrary, proof of the matter so certified.

(3b) A certificate purporting to be signed by a member of the police force and to certify that a person named in the certificate submitted to an alcoltest on a specified day and at a specified time and that the alcoltest indicated that the prescribed concentration of alcohol may then have been present in the blood of that person is, in the absence of proof to the contrary, proof of the matters so certified.

(3c) A certificate purporting to be signed by a member of the police force and to certify that a breath testing station had been established pursuant to section 47DA at a place and during a period referred to in the certificate is, in the absence of proof to the contrary, proof of the matters so certified.

(4) Subject to subsection (6) a certificate purporting to be signed by an analyst, certifying as to the concentration of alcohol, or any drug, found in a specimen of blood identified in the certificate expressed in grams in 100 millilitres of blood is, in the absence of proof to the contrary, proof of the matters so certified.

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(5) Subject to subsection (6) a certificate purporting to be signed by a person authorised under subsection (1) and to certify that—

- (a) a sample of the breath of a person named in the certificate was furnished for analysis in a breath analysing instrument; and
- (b) a concentration of alcohol expressed in grams in 100 millilitres was indicated by that breath analysing instrument as being present in the blood of that person on the day and at the time stated in the certificate; and
- (c) a statement in writing required by subsection (2) was delivered in accordance with that subsection,

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is, in the absence of proof to the contrary, proof of the matters so certified.

(6) A certificate referred to in subsection (4) or (5) cannot be received as evidence in proceedings for an offence—

- (a) unless a copy of the certificate proposed to be put in evidence at the trial of a person for the offence has, not less than seven days before the commencement of the trial, been served on that person; or
- (b) if the person on whom a copy of the certificate has been served under paragraph (a) has, not less than two days before the commencement of the trial, served written notice on the complainant or informant requiring the attendance at the trial of the person by whom the certificate was signed; or
- (c) if the court, in its discretion, requires the person by whom the certificate was signed to attend at the trial.

(7) A certificate purporting to be signed by a person authorised under subsection (1) and to certify—

- (a) that, on a date and at a time specified in the certificate, a sample of the breath of a person named in the certificate was furnished for analysis in a breath analysing instrument; and
- (b) that the prescribed oral advice and the prescribed written notice were given and delivered to the person in accordance with subsection (2a)(a); and
- (c) that—
 - (i) the person did not make a request for an approved blood test kit in accordance with the regulations; or
 - (ii) at the request of the person, a kit that, from an examination of its markings, appeared to the person signing the certificate to be an approved blood test kit was delivered to the person in accordance with subsection (2a)(b),

is, in the absence of proof to the contrary, proof that the requirements of subsection (2a) were complied with in relation to the person.

(8) A prosecution for an offence will not fail because of a deficiency of a kit delivered to the defendant in purported compliance with subsection (2a)(b) and the presumption under subsection (1) will apply despite such a deficiency unless it is proved—

- (a) that the defendant delivered the kit unopened to a medical practitioner for use in taking a sample of the defendant's blood; and
- (b) by evidence of the medical practitioner, that the medical practitioner was, because of a deficiency of the kit, unable to comply with the prescribed procedures governing the manner in which a sample of a person's blood must be taken and dealt with for the purposes of subsection (1a).

(9) The provisions of this section apply in relation to proceedings for an offence against this Act or any other Act subject to the following exceptions:

- (a) subsections (1a) and (1ab) apply only in relation to proceedings for an offence against section 47(1) or 47B(1);
- (b) subsection (3)(b)(ii) does not apply in relation to an offence against section 47E(3).

Breath analysis where drinking occurs after driving

47GA. (1) This section applies to proceedings for an offence against section 47(1) or 47B(1) in which the results of a breath analysis under this Act are relied on to establish the commission of the offence.

(2) If in proceedings to which this section applies the defendant satisfies the court—

- (a) that the defendant consumed alcohol during the period ("**the relevant period**") after the defendant last drove a motor vehicle or attempted to put a motor vehicle in motion and before the performance of the breath analysis; and
- (b) in a case where the defendant was required to submit to the breath analysis under section 47E(1)(d)—
 - (i) that the defendant complied with the requirements of section 43(3)(a), (b) and (c) in relation to the accident; and
 - (ii) that alcohol was not consumed by the defendant during the relevant period while at the scene of the accident; and
- (c) in a case where the defendant was required to submit to the breath analysis under section 47E(2a)—that the alcohol was not consumed by the defendant during the relevant period in the vicinity of the breath testing station; and
- (d) that, after taking into account the quantity of alcohol consumed by the defendant during the relevant period and its likely effect on the concentration of alcohol indicated as being present in the defendant's blood by the breath analysis, the defendant should not be found guilty of the offence charged or, in the case of an offence against section 47B, should be found guilty of an offence of a less serious category,

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the court may, despite the other provisions of this Act, find the defendant not guilty of the offence charged or guilty of an offence of a less serious category.

Approval of apparatus for the purposes of breath analysis and alcotests

47H. (1) The Governor may, by notice published in the *Gazette*—

- (a) approve apparatus of a specified kind as breath analysing instruments; or
- (b) approve apparatus of a specified kind for the purpose of conducting alcotests.

(2) The Governor may, by subsequent notice, vary or revoke any such notice.

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Compulsory blood tests

47I. (1) Where a motor vehicle is involved in any accident and, within eight hours after the accident, a person apparently of or above the age of 14 years who suffered injury in the accident attends at, or is admitted into, a hospital for the purpose of receiving treatment for that injury, it is, subject to this section, the duty of the legally qualified medical practitioner by whom that patient is attended to take, as soon as practicable, a sample of that patient's blood (notwithstanding that the patient may be unconscious) in accordance with this section.

(2) A medical practitioner must not take a sample of blood under this section where, in his or her opinion, it would be injurious to the medical condition of the patient to do so.

(3) A medical practitioner is not obliged to take a sample of blood under this section where the patient objects to the taking of the sample of blood and persists in that objection after the medical practitioner has informed the patient that, unless the objection is made on genuine medical grounds, it may constitute an offence against this section.

(4) Where a motor vehicle is involved in any accident and a person apparently of or above the age of 14 years who suffered injury in the accident is dead on arrival at the hospital, or dies before a sample of blood has been taken in accordance with this section and within eight hours after admission to the hospital, it is the duty of the medical practitioner who certifies the cause of death, or reports the death to a coroner—

- (a) to take a sample of blood from the body of the deceased in accordance with this section; or
- (b) to notify a coroner as soon as practicable that, in view of the circumstances in which the death of the deceased occurred, a sample of blood should be taken from the body under this section.

(5) A coroner who receives a notification under subsection (4) may authorise and direct a pathologist to take a sample of blood from the body of the deceased in accordance with this section.

(6) A medical practitioner is not obliged to take a sample of blood under this section where a sample of blood has been taken in accordance with this section by any other medical practitioner.

(7) A medical practitioner by whom a sample of blood is taken under this section must—

- (a) place the sample of blood, in approximately equal proportions, in two separate containers marked with an identification number distinguishing the sample of blood from other samples of blood taken under this section and seal the containers; and
- (b) give to the person from whom the sample was taken, or leave with that person's personal effects at the hospital, a notice in writing advising that—
 - (i) the sample of blood has been taken under this section; and
 - (ii) a container containing part of the sample of blood and marked with the identification number specified in the notice will be available for collection by or on behalf of the person at a specified place; and
- (c) complete and sign a certificate containing the information required under subsection (10); and
- (d) make the containers and the certificate available to a member of the police force.

(8) Each container must contain a sufficient quantity of blood to enable an accurate evaluation to be made on any concentration of alcohol present in the blood and the sample of blood taken by the medical practitioner must be such as to furnish two such quantities of blood.

(9) It is the duty of the medical practitioner by whom the sample of blood is taken to take such measures as are reasonably practicable in the circumstances to ensure that the blood is not adulterated and does not deteriorate so as to prevent a proper assessment of the concentration of alcohol present in the blood of the person from whom the sample was taken.

(10) The certificate referred to in subsection (7) must state—

- (a) the identification number of the sample of blood marked on the containers referred to in that subsection; and
- (b) the name and address of the person from whom the sample of blood was taken; and
- (c) the name of the medical practitioner by whom the sample of blood was taken; and
- (d) the date, time and hospital at which the sample of blood was taken; and
- (e) that the medical practitioner gave the notice referred to in that subsection to the person from whom the sample of blood was taken, or, as the case may be, left the notice with the person's personal effects.

(10a) One of the containers containing the sample of the person's blood must—

- (a) as soon as reasonably practicable be collected by a member of the police force and delivered to the place specified in the notice given to the person or left with the person's personal effects under subsection (7); and
- (b) be kept available at that place for collection by or on behalf of the person for the prescribed period.

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(11) After analysis of the sample of blood in a container made available to a member of the police force pursuant to subsection (7), the analyst who performed or supervised the analysis must sign a certificate containing the following information:

- (a) the identification number of the sample of blood marked on the container; and
- (b) the name and professional qualifications of the analyst; and
- (c) the date on which the sample of blood was received in the laboratory in which the analysis was performed; and
- (d) the concentration of alcohol or other drug found to be present in the blood; and
- (e) any factors relating to the blood sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis; and
- (f) any other information relating to the blood sample or analysis or both that the analyst thinks fit to include.

(12) On completion of an analysis of a sample of blood, the certificate of the medical practitioner by whom the sample of blood was taken and the certificate of the analyst who performed or supervised the analysis must be sent to the Minister or retained on behalf of the Minister and, in either event, copies of the certificates must be sent—

- (a) to the Commissioner of Police; and
- (b) to the medical practitioner by whom the sample of the blood was taken; and
- (c) to the person from whom the sample of blood was taken or, if the person is dead, a relative or personal representative of the deceased.

(13) If the whereabouts of the person from whom the sample of blood is taken, or (that person being dead) the identity or whereabouts of a relative or personal representative of the deceased, is unknown, there is no obligation to comply with subsection (12)(c) but copies of the certificates must, upon application made within three years after completion of the analysis, be furnished to any person to whom they should, but for this subsection, have been sent.

(13a) Subject to subsection (13c), an apparently genuine document purporting to be a certificate, or copy of a certificate, of a medical practitioner or analyst under this section is admissible in proceedings before a court and is, in the absence of proof to the contrary, proof of the matters stated in the certificate.

(13b) Where certificates of a medical practitioner and analyst are received as evidence in proceedings before a court and contain the same identification number for the samples of blood to which they relate, the certificates will be presumed, in the absence of proof to the contrary, to relate to the same sample of blood.

(13ba) Where a certificate of an analyst is received as evidence in proceedings before a court, it will be presumed, in the absence of proof to the contrary, that the concentration of alcohol stated in the certificate as having been found to be present in the sample of blood to which the certificate relates was present in the sample when the sample was taken.

(13c) A certificate referred to in subsection (13a) cannot be received as evidence in proceedings for an offence—

- (a) unless a copy of the certificate proposed to be put in evidence at the trial of a person for the offence has, not less than seven days before the commencement of the trial, been served on that person; or
- (b) if the person on whom a copy of the certificate has been served has, not less than two days before the commencement of the trial, served written notice on the complainant or informant requiring the attendance at the trial of the person by whom the certificate was signed; or
- (c) if the court, in its discretion, requires the person by whom the certificate was signed to attend at the trial.

(14) Any person who, on being requested to submit to the taking of a sample of blood under this section, refuses or fails to comply with that request and who—

- (a) fails to assign any reason based on genuine medical grounds for that refusal or failure; or
- (b) assigns a reason for that refusal or failure that is false or misleading; or
- (c) makes any other false or misleading statement in response to the request,

is guilty of an offence.

Penalty: Where the convicted person was the driver of a motor vehicle involved in the accident—

- (a) for a first offence—a fine of not less than \$700 and not more than \$1 200; and
- (b) for a subsequent offence—a fine of not less than \$1 500 and not more than \$2 500.

In any other case—\$300.

(14a) Where a court convicts a person of an offence against subsection (14) in which the person was the driver of a motor vehicle involved in the accident, the following provisions apply:

- (a) the court must order that the person be disqualified from holding or obtaining a driver's licence—
 - (i) in the case of a first offence—for such period, being not less than twelve months, as the court thinks fit; or
 - (ii) in the case of a subsequent offence—for such period, being not less than three years, as the court thinks fit;

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(b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence unless, in the case of a first offence, the court is satisfied, by evidence given on oath, that the offence is trifling, in which case the court may order a period of disqualification that is less than the prescribed minimum period but not less than one month;

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(d) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification;

(e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A of the *Motor Vehicles Act 1959* on any driver's licence issued to the person after the period of disqualification be effective for a period greater than the period prescribed by that section.

(14b) In determining whether an offence is a first or subsequent offence for the purposes of this section, any previous offence against subsection (14), against section 47B(1) (being a category 2 offence or category 3 offence) or against section 47(1) or 47E(3) for which the defendant has been convicted will be taken into account, but only if the offence was committed within the period of five years immediately preceding the commission of the offence under consideration.

(15) A medical practitioner who fails, without reasonable excuse, to comply with a provision of, or to perform any duty arising under, this section is guilty of an offence.

(16) No proceedings can be commenced against a medical practitioner for an offence against subsection (15) unless those proceedings have been authorised by the Attorney-General.

(17) An apparently genuine document purporting to be signed by the Attorney-General and to authorise proceedings against a medical practitioner for an offence under subsection (15) must, in the absence of evidence to the contrary, be accepted by any court as proof that those proceedings have been authorised by the Attorney-General.

(18) No proceedings lie against a medical practitioner in respect of anything done in good faith and in compliance, or purported compliance, with the provisions of this section.

(19) In this section—

"**accident**" includes a collision caused either intentionally or unintentionally;

"**hospital**" means any institution at which medical care or attention is provided for injured persons, declared by regulation to be a hospital for the purposes of this section.

Certain offenders to attend lectures

47IA. (1) Where the court before which a person is charged with a prescribed first or second offence convicts the person of the offence, or finds that the charge is proved but does not proceed to conviction, the court must, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court being not more than six months from the making of the order, a lecture conducted pursuant to the regulations.

(2) A person must not fail, without reasonable excuse, to comply with an order under subsection (1).

Penalty: \$100.

(3) In this section—

"**prescribed first or second offence**" means an offence against section 47(1), 47B(1), 47E(3) or 47I(14), being an offence that is, within the meaning of that section, a first or second offence against that section, but does not include an offence against section 47B(1) that is a category 1 offence.

(4) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (1) is, in the absence of proof to the contrary, proof of the matter so certified.

Recurrent offenders

47J. (1) Where a person—

- (a) is convicted of a prescribed offence that was committed within the prescribed area; and
- (b) has previously been convicted of a prescribed offence committed within three years before the date of the later offence,

the court before which the person is convicted of the later offence must, before imposing any penalty, order the person to attend an assessment clinic, at a time or over a period specified by the court, for the purpose of submitting to an examination to determine whether the person suffers from alcoholism or addiction to other drugs, or both.

(2) The superintendent of the assessment clinic must, as soon as practicable after an examination of a convicted person has been completed under this section, furnish a report on the examination to the court by which the examination was ordered, and send a copy of the report to the convicted person.

(3) Before the court imposes any sentence on the convicted person, it must allow that person a reasonable opportunity to call or give evidence as to any matter contained in the report.

(4) Where—

- (a) the court is satisfied, on the report of the superintendent of an assessment clinic, that a convicted person suffers from alcoholism or addiction to other drugs; or
- (b) the convicted person fails to comply with an order under subsection (1) or to submit to the examination to which the order relates,

the court must, notwithstanding any other provision of this Act, order that the convicted person be disqualified from holding or obtaining a driver's licence until further order.

(5) A person who is disqualified from holding or obtaining a driver's licence under this section may apply to a court of summary jurisdiction for the revocation of the disqualification.

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(6) An application may not be made under subsection (5) before the expiration of the minimum period of disqualification to which the applicant would have been liable if dealt with otherwise than under this section.

(7) Before an application under subsection (5) is heard by the court, the applicant must attend an assessment clinic and submit to such examination as may be directed by the superintendent of the clinic.

(8) The superintendent of an assessment clinic must furnish a report on an examination conducted under subsection (7) to the court, and send a copy of the report to the applicant.

(9) Where the court is satisfied, on an application under subsection (5)—

(a) that the applicant no longer suffers from alcoholism or addiction to other drugs; or

(b) that there is other proper cause for revocation of the disqualification,

it may order that the disqualification be revoked.

(10) On revoking a disqualification under subsection (9), the court may order that a driver's licence issued to the applicant be subject to such conditions as the court thinks desirable to protect the safety of the public.

(11) In any proceedings to which this section relates, an apparently genuine document purporting to be a report of the superintendent of an assessment clinic is admissible in evidence without further proof.

(12) In this section—

"**assessment clinic**" means a place approved by the Minister of Health as an assessment clinic for the purposes of this section;

"**prescribed area**" means any part or parts of the State declared by regulation to constitute the prescribed area for the purposes of this section;

"**prescribed offence**" means an offence against section 47(1), 47B(1), 47E(3) or 47I(14), but does not include an offence against section 47B(1) that is a category 1 offence.

Speed Restrictions

General speed limit

48. (1) A person must not drive a vehicle at a greater speed than 100 kilometres an hour.

(2) The speed limit fixed by subsection (1) does not apply within a speed zone.

Special speed limits

49. (1) A person must not drive a vehicle at a greater speed than—

(a) 60 kilometres an hour in a municipality, town or township; or

(b) 25 kilometres an hour while passing a school bus that has stopped on a road apparently for the purpose of permitting children to board or alight; or

- (c) 25 kilometres an hour on a portion of a road that is between a sign bearing the word "SCHOOL" and a further sign bearing the words "END SCHOOL LIMIT" at a time when children proceeding to or from a school are on that portion of the road; or
- (d) 25 kilometres an hour when approaching and within 30 metres of a pedestrian crossing at which flashing lights are for the time being in operation and at the approach to which there is erected a sign bearing the words "SCHOOL CROSSING AHEAD" or words to that effect; or
- (e) 10 kilometres an hour in a shared zone; or
- (f) 10 kilometres an hour when proceeding from land abutting on a road into that road; or
- (g) 10 kilometres an hour when passing a tram that has, in the course of a journey in the same direction as the vehicle, stopped for the purpose of allowing passengers to board or alight; or
- (h) 10 kilometres an hour when the vehicle is on a ramp or jetty leading to a ferry.

(2) In this section—

"school" includes a Sunday school and school grounds abutting on or surrounding a school.

(3) The speed limit fixed by section 49(1)(a) does not apply within a speed zone.

Speed limits in zones

50. (1) A person must not drive a vehicle within a speed zone at a greater speed than the speed fixed for that zone and indicated by a sign or signs erected under this Act.

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Speed on bridges

52. A person must not drive a vehicle on a bridge at a speed greater than that shown on signs erected pursuant to this Act on or near the bridge.

Speed limits for certain vehicles

53. (1) A person must not drive—

- (a) a vehicle the mass of which exceeds four tonnes or a vehicle the mass of which when combined with the mass of a vehicle that is attached to it, exceeds four tonnes; or
- (b) a bus; or
- (c) a motor vehicle carrying more than eight persons (including the driver),

at a speed in excess of 100 kilometres an hour.

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(3) This section does not derogate from, or relieve any person from the obligation to comply with, any other provision of this Act.

Traffic Speed Analysers

Traffic speed analysers

53A. (1) The Governor may, by notice published in the *Gazette*, approve apparatus of a specified kind as traffic speed analysers.

(2) The Governor may, by subsequent notice, vary or revoke any notice under this section.

Offences relating to radar detectors or jammers

53B. (1) A person must not—

- (a) sell, offer for sale or use a radar detector or jammer; or
- (b) drive a motor vehicle that contains a radar detector or jammer.

(2) A member of the police force may seize, retain and test any device that he or she has reasonable cause to suspect is a radar detector or jammer.

(3) A device seized under this section is forfeited to the Crown if a person is found guilty of or expiates an offence against this section in relation to the device.

(4) A device forfeited pursuant to this section must be disposed of in such manner as the Commissioner of Police directs.

(5) In proceedings for an offence against this section, an allegation in the complaint that a specified device is a radar detector or jammer is proof of the matter so alleged, in the absence of proof to the contrary.

Driving on Left and Passing

Duty to keep to the left

54. (1) Subject to this section—

- (a) the driver of a vehicle on a carriageway marked with two or more lanes for traffic moving in the direction in which the vehicle is moving must not drive the vehicle in the right hand lane—
 - (i) except for the purposes of passing another vehicle proceeding in the same direction; or
 - (ii) except where it is not reasonably practicable to drive in any other lane; and
- (b) the driver of a vehicle on a carriageway that is not so marked with lanes must keep the vehicle as near as is reasonably practicable to the left boundary of the carriageway.

(2) Subsection (1) is subject to the following qualifications:

- (a) it does not apply in respect of a road, or a part of the State, excluded from its application by regulation;

- (b) it does not apply when the driver is making, or about to make, a right turn in accordance with this Act;
 - (c) paragraph (a) does not apply where the speed limit applying to the carriageway is less than 80 kilometres an hour.
- (3) A pedestrian, or a person who rides a pedal cycle, on a bikeway must—
- (a) keep as near as is reasonably practicable to the left boundary of the bikeway; or
 - (b) where part of the bikeway is reserved for the use of pedestrians and part for the use of persons riding pedal cycles—keep as near as is reasonably practicable to the left boundary of the appropriate part of the bikeway.

Passing oncoming vehicle

55. (1) The driver of a vehicle, when passing a vehicle proceeding in the opposite direction, must keep to his or her left of that vehicle.

(2) This section does not apply where one vehicle is on a carriageway and the other is on a footpath or bikeway adjacent to that carriageway.

Passing oncoming pedestrians and vehicles on bikeway

55A. A pedestrian, or a person who rides a pedal cycle, on a bikeway must, when passing a pedestrian or vehicle proceeding in the opposite direction on that part of the bikeway, keep to his or her left of the pedestrian or vehicle.

Driving in lanes

56. The driver of a vehicle on a carriageway, or part of a carriageway, divided into two or more marked lanes for traffic proceeding in the same direction—

- (a) must, whenever practicable, keep the vehicle entirely within a single lane;
- (b) must not move from a lane unless that movement can be made with safety.

Duty to drive on left of barrier lines

57. (1) Where a carriageway is marked with a barrier line consisting of—

- (a) two continuous lines; or
- (b) a continuous line on the left of a broken line,

a driver must keep the whole of the vehicle on the left of the barrier line.

(2) It is a defence to a charge of contravening subsection (1) if the defendant proves that the contravention was necessary in order to avoid an accident or was caused by an obstruction on the road.

Passing vehicles

58. (1) A driver must not cause the vehicle to diverge to the right for the purpose of passing another vehicle proceeding in the same direction, or commence to pass another such vehicle—

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- (a) if, owing to a bend or rise in the road or any other obstruction, the driver has not a clear view of the road ahead for a sufficient distance; or
- (b) if any vehicles are approaching from the opposite direction so as to create a risk of collision or danger.

(2) Except as provided in subsections (3) and (4), the driver of a vehicle passing another vehicle proceeding in the same direction must keep the vehicle on the right of that other vehicle.

(3) The driver of a vehicle on a carriageway may pass a vehicle proceeding in the same direction on the left where—

- (a) the carriageway has two or more marked lanes for vehicles proceeding in the same direction and the passing vehicle is in a lane on the left of the lane in which the other vehicle is proceeding; or
- (b) the passing vehicle is a pedal cycle and the other vehicle is stationary at an intersection or junction,

and it is safe to pass the other vehicle on the left of that vehicle.

(4) When the driver of a vehicle has given a signal of intention to turn the vehicle to the right, the driver of another vehicle proceeding in the same direction must, when passing that vehicle, keep the other vehicle on the left of that vehicle.

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Passing pedestrians on bikeway

58A. A person who rides a pedal cycle on a bikeway must, when passing a pedestrian proceeding in the same direction on that bikeway (other than a pedestrian on a separate part of the bikeway that is reserved for the use of pedestrians only) keep the pedestrian on the left of the cycle.

Passing trams

59. (1) Except as provided in subsection (2), the driver of a vehicle on a carriageway must, when passing a tram proceeding, or about to proceed, in the same direction, keep the vehicle on the left of the tram.

(2) A driver may pass a tram proceeding, or about to proceed, in the same direction on the right, if the tram is so near the left boundary of the carriageway, or the road is so obstructed, that it is not practicable to pass the tram on the left.

Duty of driver or pedestrian being overtaken

60. (1) The driver of a vehicle, on the sounding of the warning instrument of another vehicle approaching from behind—

- (a) must, if it is safe to do so, move the vehicle to the left to the extent necessary to allow the other vehicle a reasonable space to pass the vehicle on the right;
- (b) must not increase the speed of the vehicle until the other vehicle has completely passed it.

(2) Subsection (1) does not apply—

- (a) where a vehicle on a carriageway marked with two or more lanes for vehicles proceeding in the same direction is about to pass another vehicle on the left;
- (ab) where the rider of a pedal cycle on a carriageway is about to pass a vehicle that is stationary at an intersection or junction on the left;
- (b) where the driver of the vehicle in front gives a signal of intention to turn to the right.

(3) A pedestrian on a bikeway, on the sounding of a warning by the rider of a cycle approaching from behind, must, if it is safe to do so, move to the left to the extent necessary to allow the cycle a reasonable space to pass the pedestrian on the right.

Driving on Footpaths or Bikeways

Driving on footpaths or bikeways

61. (1) Subject to this section, the driver of a vehicle must not drive the vehicle or any part of the vehicle on a footpath or bikeway except when crossing the footpath or bikeway for the purpose of entering or leaving adjacent land or premises.

(2) It is not an offence under this or any other Act—

- (a) for a person who, by reason of physical infirmity, reasonably requires the use of a wheelchair, to operate a wheelchair on a footpath or bikeway; or
- (b) for an employee of the Australian Postal Commission to ride a cycle on a footpath or bikeway while engaged in the delivery of postal articles in the course of his or her employment; or
- (c) for a person to ride a pedal cycle on a bikeway (other than a part of a bikeway that is reserved for the use of pedestrians only).

(3) A person who operates a wheelchair on a footpath must not do so at a speed greater than 10 kilometres an hour.

(4) A person who operates a wheelchair on a bikeway, or part of a bikeway, that is reserved for the use of persons riding pedal cycles must comply with the provisions of this Act applicable to pedal cycles that relate to the side on which pedal cycles may be ridden and the passing of pedestrians or vehicles.

(5) An employee of the Australian Postal Commission who in pursuance of this section rides a cycle on a footpath or bikeway—

- (a) must not do so at a speed greater than 10 kilometres an hour; and
- (b) where the employee is riding a motor cycle on a bikeway—must comply with the provisions of this Act applicable to pedal cycles that relate to the side on which pedal cycles may be ridden and the passing of pedestrians or vehicles.

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*Giving Way***Interpretation**

62. Where by this Act the driver of a vehicle is required to give way to another vehicle or a person, it is the driver's duty, in circumstances where, if the driver proceeded, there would be a reasonable possibility of colliding with, or otherwise endangering, the other vehicle or the person, to slow down the vehicle to such an extent, or to stop the vehicle and keep it stationary for such time, as is necessary to allow the other vehicle or the person to continue on course without risk of such a collision or danger.

Giving way at intersections and junctions

63. (1) Subject to this section, the driver of a vehicle that is approaching, or entering, an intersection or junction from a carriageway must give way to other vehicles in the following manner:

- (a) where, at or near the intersection or junction, there is—
 - (i) a stop sign or a give way sign facing in the direction from which the driver is moving or proposes to move; or
 - (ii) a stop line or a give way line on the carriageway from which the driver is moving or proposes to move—

to any vehicle that is approaching, or is in, the intersection or junction; and

- (b) where the intersection or junction is a roundabout—to any vehicle on the driver's right that is on the carriageway of the roundabout; and
- (ba) where the driver is approaching a junction on a road that does not continue beyond the junction—to any vehicle that is in the junction or is approaching the junction on another road (other than a vehicle whose driver is required by paragraph (a) or (b) to give way); and
- (c) in any other case—to any vehicle on the driver's right (other than a vehicle whose driver is required by paragraph (a) or (ba) to give way).

(1a) Notwithstanding subsection (1)(a) and (c), a driver is not required to give way to a vehicle whose driver is required to give way pursuant to subsection (1b).

(1b) The driver of a vehicle turning, or proposing to turn, the vehicle from a carriageway to the right into an intersection or junction must give way to any other vehicle moving, or proposing to move, along that carriageway, or, in the case of a divided road, any other carriageway, in the opposite direction, unless—

- (a) the driver of the other vehicle is required, by virtue of a stop sign, give way sign, stop line or give way line, to give way; and
- (b) the driver of the turning vehicle is not required, by any such sign or line, to give way.

(1c) Notwithstanding subsection (1)(ba) and (c), a driver is not required to give way to a vehicle whose driver is required to give way pursuant to section 65A.

(1d) Notwithstanding this section, the driver of a vehicle that is approaching or entering an intersection or junction from a carriageway is not required to give way to a pedal cycle whose rider is making a box right turn and is required to give way under section 70A(2)(c)(ii).

(2) The driver of a vehicle approaching an intersection or junction must give way to any tram that is approaching, or is in, the intersection or junction.

(3) It is a defence to a charge for an offence against subsection (1) to prove that the defendant was not aware, and could not by the exercise of reasonable care have become aware, of the approach of the other vehicle.

(4) This section does not apply in relation to an intersection or junction at which traffic is being controlled by a member of the police force or some other person authorised by law to control traffic.

(4a) Subsections (1) and (2) do not apply in relation to an intersection or junction at which traffic lights are operating.

(5) Subsection (1)(a)(ii) does not apply in relation to an intersection or junction at which traffic lights are installed although not operating.

(6) For the purposes of this section, traffic lights will not be regarded as operating if they are merely displaying a flashing yellow light.

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Giving way at crossovers

65. The driver of a vehicle about to enter, or entering, a carriageway from a crossover must give way to any vehicle on the carriageway.

Giving way when leaving footpath or bikeway

65A. (1) Subject to this section, the driver of a vehicle about to enter, or entering, a carriageway from a footpath or bikeway must give way to any vehicle on the carriageway.

(2) Subsection (1) does not apply where—

- (a) the driver of the other vehicle is required, by a stop sign, give way sign, stop line or give way line, to give way and the driver of the vehicle about to enter or entering the carriageway is not required by such a sign or line to give way; or
- (b) traffic lights that control the entry of vehicles from the footpath or bikeway onto the carriageway are installed and operating at the point of entry.

(3) For the purposes of this section, traffic lights will not be regarded as operating where they only display a flashing yellow light.

Giving way when entering road from private land

66. (1) The driver of a vehicle about to enter, or entering, a public road from private land must give way to any vehicle or person on that public road.

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(2) In this section—

"private land" means land other than a public road;

"public road" means a road that any person, body or authority is under any statutory duty to maintain, except such a road that is included in, or forms part of, a place or premises set apart or established for the parking of vehicles.

Giving way at pedestrian crossings

67. (1) The driver of a vehicle approaching a pedestrian crossing must give way to any pedestrian on the crossing.

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(3) The driver of a vehicle must not permit the vehicle, or any part of the vehicle, to pass another vehicle which is headed in the same direction and has stopped at a pedestrian crossing for the purpose of giving way to pedestrians.

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Turning vehicles to give way to pedestrians

68. A driver, when turning the vehicle to the right or left at an intersection or junction, must give way to pedestrians.

Giving way to pedestrians in shared zone

68A. The driver of a vehicle must give way to a pedestrian who is in, or is about to enter, a shared zone.

Driving from edge of carriageway

69. A driver about to drive, or driving, a vehicle from a stationary position at or near the boundary of a carriageway must give way to any vehicle proceeding along that carriageway.

Giving way to emergency vehicles

69A. (1) The driver of a vehicle must give way to an emergency vehicle that is sounding a bell or siren (whether or not in conjunction with a visual warning signal).

(2) In this section—

"emergency vehicle" means a vehicle fitted with a bell or siren pursuant to section 134(1).

Turning to the Right

Course to be followed by vehicles turning right

70. (1) A driver must not make a right turn at an intersection or junction, except in accordance with this section.

(2) Where the vehicle is travelling on a two way carriageway, the vehicle must approach the intersection or junction to the left of, parallel to, and as near as practicable to, the centre of the carriageway.

(3) Where the vehicle is travelling on a one way carriageway, the vehicle must approach the intersection or junction parallel to, and as near as practicable to, the right boundary of the carriageway.

(4) When turning to the right, the vehicle must, wherever practicable, pass to the right of the centre of the intersection or junction.

(5) Where, on turning to the right, the vehicle is entering a two way carriageway, the vehicle must enter the carriageway to the left of, and as near as practicable to, the centre of the carriageway.

(6) Where, on turning to the right, the vehicle is entering a one way carriageway, the vehicle must enter the carriageway as near as practicable to the right boundary of the carriageway.

(7) For the purposes of subsections (5) and (6), a vehicle will be taken to enter a carriageway when the vehicle passes the point where it crosses the prolongation of the property line of the road on which it was travelling before the right turn.

(8) Notwithstanding the preceding provisions of this section, a right turn at an intersection or junction where there are arrows, lines, words or signs indicating a course to be followed in turning right must be made in the manner so indicated.

(9) In this section—

"**property line**" means the boundary line of any land abutting the road adjoining that land.

Box right turns by riders of pedal cycles

70A. (1) Notwithstanding section 70, the rider of a pedal cycle may make a box right turn at an intersection or junction in accordance with this section if—

- (a) as the rider approaches the intersection or junction there is on the left hand side of the intersection or junction a road—
 - (i) that joins the intersection or junction opposite or nearly opposite the road or part of the road into which the turn is to be made; and
 - (ii) from which access is permitted under this Act to the road or part of the road into which the turn is to be made; or
- (b) in the case of a junction—the rider approaches the junction on a road that continues beyond the junction.

(2) The following provisions apply in relation to a box right turn:

- (a) the rider of the pedal cycle must approach the intersection or junction to the right of, parallel to, and as near as practicable to the left boundary of the carriageway of the road from which the turn is to be made;
- (b) on entering the intersection or junction, the rider must proceed directly to a point—
 - (i) that is opposite or nearly opposite the left boundary of the carriageway of the road into which the turn is to be made; and

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- (ii) where there is a road on the left hand side of the intersection or junction as referred to in subsection (1)(a)—that is as near as practicable to the left boundary of the carriageway of that road at the point at which it joins the intersection or junction;
 - (c) the rider must then stop, turn to the right and proceed through the intersection or junction, and for that purpose—
 - (i) where the rider is proceeding through the intersection or junction from a point as near as practicable to the left boundary of the carriageway of a road as referred to in paragraph (b)(ii)—this Act will apply as if the rider were entering the intersection or junction from that carriageway; or
 - (ii) in any other case—the rider must give way to any other vehicle that is approaching or is in the intersection or junction;
 - (d) the rider is not, in making a box right turn in accordance with this section, bound to comply with instructions indicated by a traffic signal operating at the intersection or junction for the purpose of regulating right turns other than box right turns.
- (3) This section—
- (a) does not apply in relation to an intersection or junction that is a roundabout;
 - (b) does not authorise a box right turn to be made at a junction from a road that continues beyond the junction into a road that is not a road into which a right turn may otherwise be made in accordance with this Act.

(4) In this section—

"**boundary**" in relation to the carriageway of a road, means, where the carriageway is marked with a lane that is exclusively for the use of vehicles turning to the left at an intersection or junction, the boundary between the remainder of the carriageway and that lane.

Hook right turns by drivers of prescribed vehicles

70B. (1) Despite section 70 and any prohibition on right turns, the driver of a vehicle of a class prescribed by regulation may, when authorised by regulation to do so, execute a hook right turn in accordance with this section.

- (2) The following provisions apply in relation to a hook right turn:
- (a) the vehicle must approach the intersection or junction to the right of, parallel to, and as near as practicable to the left boundary of the carriageway of the road from which the turn is to be made;
 - (b) the vehicle must continue into the intersection or junction as near as practicable to the prolongation of that left boundary and make the right turn so as to enter the road into which the turn is to be made as near as practicable to the left boundary of its carriageway;
 - (c) the vehicle may only make the right turn when a steady white "B" light is exhibited with traffic lights facing the vehicle.

(3) The driver of a vehicle of a prescribed class must not, when authorised to execute a hook right turn, execute a right turn in any other way.

Right turns not at intersections or junctions and U-turns

71. (1) Notwithstanding section 70, a driver turning a vehicle to the right in a road—

- (a) elsewhere than at an intersection or junction; or
- (b) at any place (whether an intersection or junction or elsewhere) for the purpose of making a U-turn,

may make the right turn from any convenient place on the road.

(2) Subsection (1)(b) does not apply in relation to an intersection or junction at which there are traffic lights.

U-turns at traffic lights

71A. (1) Except as provided in subsection (2), a driver must not make a U-turn at an intersection or junction at which there are traffic lights.

(2) The driver of a vehicle of a class prescribed by regulation may, when authorised by regulation to do so, execute a U-turn at an intersection or junction at which there are traffic lights in the manner, and in accordance with any requirements, prescribed by the regulations.

Right turns at places other than an intersection or junction

72. (1) A driver, when about to make, or making, a right turn, or when proceeding across a road after having turned to the right in that road, must give way to all vehicles coming from the opposite direction.

(2) In this section—

"**the opposite direction**" means the direction opposite to that in which the driver was proceeding before commencing to turn.

(3) Subsection (1) applies to a vehicle about to make, or making, a right turn, or a U-turn, at any place other than an intersection or junction, and to a vehicle proceeding across a road after making any such turn, including a vehicle which, after turning to the right from a carriageway of a divided road, is proceeding between dividing strips or islands and is about to enter or cross another carriageway of that road.

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Duty to avoid trams when turning

73. A driver about to make, or making, a right turn must not permit the vehicle to obstruct the progress of a tram or to stand in a place where it is likely to do so.

Driving Signals

Duty to give signals

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

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(2) A signal will not be regarded as being in conformity with the requirements of subsection (1) 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.

Signalling device to be switched off after turn completed

74A. A driver must not permit a signalling device on the vehicle to remain in operation for more than 200 metres after the completion of the turn or divergence in respect of which the device was put in operation.

Traffic Lights, Signals and Signs

Duties at traffic lights

75. (1) A driver must comply with any instructions applicable to the driver that are indicated by traffic lights or any signals or signs exhibited with traffic lights.

(1a) A pedestrian must comply with any instructions applicable to the pedestrian that are indicated by traffic lights or any signals or signs exhibited with traffic lights.

(2) Traffic lights and any signals or signs exhibited with traffic lights will be taken to indicate to drivers and pedestrians such instructions (whether mandatory or prohibitory) as are prescribed.

General provision as to signals, signs and marks

76. (1) In this section—

"**traffic sign**" means a sign or mark erected or placed on or near a road for the purpose of regulating the movement of traffic or the parking or standing of vehicles;

"**traffic signal**" means a signal erected or placed on or near a road for the purpose of regulating the movement of traffic or the parking or standing of vehicles.

(2) A driver must comply with any instructions applicable to the driver that are indicated by a traffic signal or traffic sign lawfully erected or placed on or near a road.

(2a) A pedestrian must comply with any instructions applicable to the pedestrian that are indicated by a traffic signal or traffic sign lawfully erected or placed on or near a road.

(3) An instruction to which subsection (2) or (2a) applies may be expressed to be subject to a specified exception or qualification and, if so expressed, has effect subject to that exception or qualification.

(4) Regulations may be made providing that specified words or a specified symbol, when used on, as, or as part of, a traffic signal or traffic sign, are to be interpreted as an instruction in terms set out in those regulations and, where such regulations are in force, the words or symbol to which they relate must be interpreted accordingly.

(5) In proceedings for an offence against subsection (2) or (2a), a signal, sign or mark erected or placed on or near a road apparently for the purpose of regulating the movement of traffic, or the parking or standing of vehicles, will be presumed, in the absence of proof to the contrary, to be a traffic signal or traffic sign lawfully erected or placed on or near that road.

(6) This section does not derogate from the operation of any other provision of this Act.

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Duties at stop signs

78. (1) A driver approaching a stop sign at an intersection or junction from the direction in which the sign is facing must stop the vehicle—

- (a) If there is a stop line—before any part of it reaches the stop line, but as near as practicable to the stop line; or
- (b) if there is no stop line—at a point before, but as near as practicable to, the nearer boundary of the carriageway which the vehicle is about to enter.

(2) A driver approaching a stop sign at or near a level crossing from the direction in which the sign is facing must stop the vehicle so that the front of the vehicle is not less than 3 metres and not more than 12 metres from the railway line or tramway line.

(2a) While a stop sign is exhibited by a person at or near a pedestrian crossing, a driver must not permit the vehicle, or any part of the vehicle, to pass the stop line or, if there is no stop line, to enter the crossing.

(2b) While a stop sign is exhibited by a person on a part of a road on or near which workers are engaged or works are in progress, a driver proceeding towards the face of the sign must not permit the vehicle, or any part of the vehicle, to pass the point at which the sign is exhibited.

(3) A driver approaching a stop sign, elsewhere than at an intersection, junction, level crossing, pedestrian crossing or a part of a road on or near which workers are engaged or road works are in progress, from the direction in which the sign is facing must stop the vehicle before any part of it reaches the stop line or, if there is no stop line, before any part of it passes the stop sign.

(3a) Subject to subsection (3b), a driver approaching a stop line on the carriageway on which the driver is moving must stop the vehicle before any part of it reaches the stop line, but as near as practicable to the stop line.

(3b) Subsection (3a) does not apply in relation to a stop line—

- (a) at or near traffic lights; or
- (ab) at or near a level crossing at which there are installed—
 - (i) any devices by which visible or audible warning is given of the approach of any railway rollingstock or tram; or
 - (ii) any gates or other barriers for closing the crossing against road traffic when any railway rollingstock or tram is approaching; or
- (b) at or near a pedestrian crossing,

but this subsection does not derogate from any other provision of this Act.

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(4a) Subsection (1) does not apply to a driver of a vehicle who, when approaching a stop sign at an intersection or junction from the direction in which the sign is facing, makes a left turn in a lane that has no stop line and is specially provided for vehicles turning to the left at the intersection or junction.

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Duty to obey police directions notwithstanding the existence of traffic control device

79. Where, at a place where there is a traffic control device, traffic is being controlled by a member of the police force or some other authorised person, a driver or pedestrian must obey the directions of the member of the police force or authorised person, notwithstanding the existence of the traffic control device.

Photographic Detection Devices

Approval of apparatus as photographic detection devices

79A. The Governor may, by regulation, approve apparatus of a specified kind as photographic detection devices.

Provisions applying where certain offences are detected by photographic detection devices

79B. (1) In this section—

"**photographic detection device**" means an apparatus of a kind approved by the Governor as a photographic detection device;

"**prescribed offence**" means an offence against any of the following provisions:

- (a) section 20(4); or
- (b) section 46(1); or
- (c) section 48; or
- (d) section 49(1)(a); or
- (e) section 49(1)(d); or
- (f) section 50(1); or
- (g) section 53(1); or
- (h) section 75(1);

"**registered owner**" of a vehicle means—

- (a) a person registered or recorded as the owner or an owner of the vehicle under the *Motor Vehicles Act 1959* or a similar law of the Commonwealth or another State or a Territory of the Commonwealth; or

- (b) a person to whom a trade plate, a permit or other authority has been issued under the *Motor Vehicles Act 1959* or a similar law of the Commonwealth or another State or a Territory of the Commonwealth, by virtue of which the vehicle is permitted to be driven on roads,

and includes—

- (c) if the ownership of the vehicle has been transferred but the transferee has not yet been registered or recorded as the owner of the vehicle—a person to whom ownership of the vehicle has been transferred; or
- (d) if a person has possession of the vehicle by virtue of the hire or bailment of the vehicle—that person.

(2) Where a vehicle appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence, the registered owner of the vehicle is guilty of an offence against this section unless it is proved—

- (a) that although the vehicle appears to have been involved in the commission of a prescribed offence, no such offence was in fact committed; or
- (b) that the registered owner, or, if the registered owner is a body corporate, an officer of the body corporate acting with the authority of the body corporate, has furnished to the Commissioner of Police a statutory declaration stating the name and address of some person other than the registered owner who was driving the vehicle at the time; or
- (c) that—
 - (i) if the registered owner is a body corporate—the vehicle was not being driven at the time by any officer or employee of the body corporate acting in the ordinary course of his or her duties as such; and
 - (ii) the registered owner does not know and could not by the exercise of reasonable diligence have ascertained the identity of the person who was driving the vehicle at the time; and
 - (iii) the registered owner, or, if the registered owner is a body corporate, an officer of the body corporate acting with the authority of the body corporate, has furnished to the Commissioner of Police a statutory declaration stating the reasons why the identity of the driver is not known to the registered owner and the inquiries (if any) made by the registered owner to identify the driver.

(3) Where there are two or more registered owners of the same vehicle—

- (a) a prosecution for an offence against subsection (2) may be brought against one of the registered owners or against some or all of the registered owners jointly as co-defendants; and
- (b) if the case for the prosecution is proved and a defence is not established under subsection (2)(a), the defendant or each of the defendants who does not establish a defence under subsection (2)(b) or (c) is liable to be found guilty of an offence against subsection (2).

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(4) A prosecution must not be commenced for an offence against this section unless the registered owner has first been given an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act.

(5) Where an offence against this section is alleged, an expiation notice, an expiation reminder notice or summons in respect of that offence must be accompanied by a notice in the prescribed form containing—

- (a) a statement that a copy of the photographic evidence on which the allegation is based—
 - (i) will, on written application to the Commissioner of Police by the person to whom the expiation notice, reminder notice or summons is issued, be sent by post to the address nominated in that application or (in the absence of such a nomination) to the address of the registered owner; and
 - (ii) may be viewed on application to the Commissioner of Police; and
- (b) a statement that the Commissioner of Police will, in relation to the question of withdrawal of the expiation notice, reminder notice or complaint, give due consideration to any exculpatory evidence that is verified by statutory declaration and furnished to the Commissioner within a period specified in the notice; and
- (c) such other information or instructions as is prescribed.

(6) Where a prescribed offence is alleged and the allegation is based on photographic evidence obtained through the operation of a photographic detection device, an expiation notice, an expiation reminder notice or summons in respect of the offence must be accompanied by a notice in the prescribed form stating that a copy of the photographic evidence—

- (a) will, on written application to the Commissioner of Police by the person to whom the expiation notice, reminder notice or summons is issued, be sent by post to the address nominated in that application or (in the absence of such a nomination) to the address of the registered owner; and
- (b) may be viewed on application to the Commissioner of Police.

(7) Where a person is found guilty of, or expiates, a prescribed offence or an offence against this section, neither that person nor any other person is liable to be found guilty of, or to expiate, an offence against this section or a prescribed offence in relation to the same incident.

(8) A person convicted of an offence against this section is not, by reason of that conviction, liable to be disqualified from holding or obtaining a driver's licence.

(9) In proceedings for an offence against this section, a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or any commissioned officer of police, and purporting to certify that the defendant had, before the prosecution was commenced, been given an expiation notice under the *Expiation of Offences Act 1996* in respect of the offence and allowed the opportunity to expiate the offence in accordance with that Act will be accepted as proof, in the absence of proof to the contrary, of the facts so certified.

(9a) A photographic detection device may, for the purpose of obtaining evidence of the commission of a prescribed offence, be programmed, positioned, aimed and operated so that a photograph is taken of a vehicle—

- (a) in the case of an offence against section 75(1)—from the rear of the vehicle; or
- (b) in the case of a prescribed offence other than an offence against section 75(1)—from either the front or the rear of the vehicle.

(10) In proceedings for an offence against this section or proceedings for a prescribed offence—

- (a) a photograph or series of photographs produced by the prosecution will be admitted in evidence if—
 - (i) the photograph or each of the photographs was produced from an exposure taken by a photographic detection device; and
 - (ii) the requirements of this Act and the regulations as to the operation and testing of photographic detection devices were complied with in connection with that use of the device,

and a denotation as to date, time and location that appears as part of such a photograph will be accepted as proof, in the absence of proof to the contrary, of the date, time and location at which the exposure was taken; and

- (b) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or any commissioned officer of police, and purporting to certify—
 - (i) that a specified device used at a specified location during a specified period was a photographic detection device; and
 - (ii) that the requirements of this Act and the regulations as to the operation and testing of photographic detection devices were complied with in connection with the use of that device during that period,

will be accepted as proof, in the absence of proof to the contrary, of the facts so certified; and

- (c) where it is also certified in a document of a kind referred to in paragraph (b) that the device was designed and set to operate according to a specified system during that period, it will be presumed, in the absence of proof to the contrary, that the device was designed and set to operate according to that system during that period and did, in fact, so operate.

Interference with photographic detection devices

79C. A person who, without proper authority—

- (a) wilfully interferes with the time measuring or speed computing components of, or any seal affixed to, a photographic detection device; or

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- (b) with intent to prevent the correct functioning of a photographic detection device, interferes with the functioning of a photographic detection device,

is guilty of an offence.

Penalty: \$4 000 or imprisonment for 1 year.

*Level Crossings***Restrictions on entering level crossings**

80. A driver must not drive a vehicle, or any part of a vehicle, onto a level crossing—

- (a) when any railway rollingstock or tram with which the vehicle might collide is approaching, or is on, the crossing; or
- (b) if the driver is directed not to do so—
- (i) by a member of the police force; or
- (ii) by a person who is in uniform, or who produces evidence of his or her identity on request, and who is working for or on behalf of the operator of the railway or tramway; or
- (c) while any warning device at or near the crossing is oscillating or emitting sounds or flashing lights or while the crossing is closed against traffic by gates or barriers, unless the driver is directed by any such member of the police force or worker to proceed through the crossing.

Certain vehicles to stop at railway level crossings

81. (1) A person driving any of the following vehicles:

- (a) a vehicle carrying more than eight persons; or
- (b) a bus; or
- (c) a vehicle carrying, or designed to be used for the transportation of, flammable liquid, flammable gas, explosives or radioactive, corrosive or poisonous substances,

must, before driving across a railway level crossing, stop that vehicle not less than 3 metres and not more than 12 metres from the railway line.

(2) Subsection (1) does not apply where a vehicle is driven across a railway level crossing equipped with—

- (a) wigwag signals, light signals or other devices for warning road users of the approach of railway rollingstock; or
- (b) gates or other barriers for closing the crossing against road traffic when railway rollingstock is approaching.

(3) Subsection (1) does not apply to a vehicle by reason only of the fact that it carries flammable liquid or flammable gas for use in the engine of the vehicle.

Standing of Vehicles

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Council not to authorise angle parking on a road without Minister's approval

82A. (1) A council must not, by by-law, resolution or otherwise, authorise a vehicle to stand at any angle on any road unless the council is acting with the approval of the Minister.

(2) Where the Minister is of the opinion that the standing of vehicles at any place at an angle in accordance with a by-law or resolution of a council is causing, or is likely to cause, a hazard to traffic, the council must, at the request of the Minister, revoke or rescind the by-law or resolution or amend it in a manner approved by the Minister.

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Restriction on sale of goods on roads

83A. (1) A person must not stand or place himself or herself or any goods or sign on a carriageway, dividing strip or traffic island for the purpose of—

- (a) soliciting any business or contribution from the occupant of any vehicle;
- (b) inducing the driver of a vehicle to take the person into or onto the vehicle;
- (c) offering or exposing goods for sale.

(2) A person must not buy, or offer to buy, goods from a person who is standing or has placed himself or herself on a carriageway, dividing strip or traffic island in contravention of subsection (1).

(3) The Minister may, by instrument in writing, exempt any person, or persons of a specified class, from any provision of this section.

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Control of parking near Parliament House

85. (1) The Governor may, by proclamation—

- (a) declare—
 - (i) any part of a street that abuts on the site of either House of Parliament or of the Constitutional Museum of South Australia; or
 - (ii) any part of the site of the Constitutional Museum of South Australia, to be a prohibited area;
- (b) revoke or amend any such proclamation.

(2) A person (whether holding any other licence, permit or other authority or not) must not leave a vehicle stationary in a prohibited area proclaimed under this section without the permission of the Minister of Public Works.

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(3) This section has effect notwithstanding any other Act, regulation or by-law.

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Removal of vehicles causing obstruction or danger

86. (1) If a vehicle is left unattended—

- (a) on a bridge or culvert; or
- (ab) on an expressway; or
- (b) on a road, so as to be likely to obstruct traffic, or any procession lawfully authorised to be held, or to be likely to cause injury or damage to any person or property, on the road; or
- (c) on a road, so as to obstruct or hinder vehicles from entering or leaving adjacent land,

any member of the police force or any officer of the council of the area in which the vehicle is standing may remove that vehicle to any convenient place and, for that purpose, may enter the vehicle and drive it or arrange for it to be towed or driven.

(1a) If a vehicle is left unattended on an expressway, the powers conferred by subsection (1) on a member of the police force or a council officer may also be exercised by a person approved by the Minister.

(2) Forthwith after such removal, the person removing the vehicle, or a person acting on that person's behalf, must give the owner written notice of the removal and of the place to which the vehicle was removed. The notice must, wherever practicable, be served on the owner personally but, if it is not so served within 14 days after the removal, it must be given by public advertisement in two newspapers circulating generally in the State.

(3) If the owner of the vehicle does not, within one month after the service or advertisement of the notice, pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving or advertising the notice and take possession of the vehicle, the Commissioner of Police, council or Minister (as the case may be) must sell it by public auction and apply the proceeds as follows:

- (a) firstly, in payment of the costs of and incidental to the sale;
- (b) secondly, in payment of the costs of and incidental to the removal, custody and maintenance of the vehicle and the notice served or advertised under this section;
- (c) thirdly, in payment of the balance to the owner.

(4) If after reasonable inquiry the owner cannot be found, the balance will be paid—

- (a) where the vehicle was sold by the Commissioner of Police or the Minister, to the Treasurer in aid of the General Revenue of the State;
- (b) where the vehicle was sold by the council, to the council in aid of its revenue.

Pedestrians

Walking without care or consideration

87. A person must not walk without due care or attention or without reasonable consideration for other persons using the road.

Walking on footpath, bikeway or right of road

88. (1) A person—

- (a) must not walk along a carriageway of a road if there is a footpath or bikeway on that road;
- (b) must, if walking along a two way carriageway, keep as near as reasonably practicable to the right hand side of the two way carriageway;
- (c) must, if walking along a one way carriageway, walk in the opposite direction to that in which vehicular traffic is permitted to travel on that carriageway, and on the right hand side of that carriageway.

(2) Subsection (1) does not apply to—

- (a) a pedestrian drawing or pushing a vehicle or leading an animal;
- (b) persons lawfully walking on the carriageway in a procession or an organised and controlled column or other formation;
- (c) a person walking in a shared zone.

(3) A person—

- (a) must not walk along a bikeway, or part of a bikeway, reserved for the use of persons riding pedal cycles where there is a footpath or other place nearby (other than the carriageway of a road) that it is lawful for pedestrians to use;
- (b) must, if walking along a bikeway, or part of a bikeway, reserved for the use of persons riding pedal cycles, keep as near as reasonably practicable to the left hand side of that bikeway or part of a bikeway.

(4) Subsection (3) does not apply to—

- (a) a pedestrian drawing or pushing a pedal cycle;
- (b) persons lawfully walking on the bikeway or part of a bikeway in a procession or an organised and controlled column or other formation.

(5) A pedestrian referred to in subsection (2)(a), (2)(b) or (4) must keep as near as reasonably practicable to the left hand side of the carriageway, bikeway or part of a bikeway.

Duty of pedestrians at level crossings

89. (1) A pedestrian approaching a level crossing on or near which a stop sign is erected must stop before commencing to cross the railway or tramway track.

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- (2) A pedestrian must not enter or remain on a level crossing—
 - (a) when any railway rollingstock or tram with which the pedestrian might collide is approaching, or is on, the crossing; or
 - (b) if he or she is directed not to do so—
 - (i) by a member of the police force; or
 - (ii) by a person who is in uniform, or who produces evidence of his or her identity on request, and who is working for or on behalf of the operator of the railway or tramway; or
 - (c) while any warning device at or near the crossing is oscillating or emitting sounds or flashing lights or while the crossing is closed against traffic by gates or barriers, unless the pedestrian is directed by any such member of the police force or worker to proceed across the crossing.

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Duty of pedestrians on pedestrian crossings

90. A pedestrian must not remain within the limits of a pedestrian crossing longer than is necessary for the purpose of passing over the crossing with reasonable speed.

Duty of pedestrians in shared zone

90A. A pedestrian must not unreasonably get in the way of a vehicle that is in, or is about to enter, a shared zone.

Duties at Ferries

Duty to comply with direction of authorised person

91. (1) An authorised person may give to any other person reasonable directions relating to the movement or positioning of vehicles or persons on, or in the vicinity of, a ferry.

(2) An authorised person may request the driver of a vehicle that has entered, or is about to enter, a ferry to inform the authorised person of the total mass of the vehicle, any attached vehicle and the loads (if any) on the vehicle or attached vehicle, or to supply the authorised person with information from which that total mass might be estimated.

(3) A person who fails forthwith to comply with a direction or request under this section, or gives false information, is guilty of an offence.

(4) In this section—

"**authorised person**" means the person in charge of the ferry or any other person engaged in the loading or operation of the ferry.

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Stopping at approach to ferry

92. A driver approaching a stop sign at or near a ramp or jetty leading to a ferry—

- (a) must stop the vehicle—
 - (i) if there is a stop line—before any part of it reaches the stop line, but as near as practicable to the stop line; or
 - (ii) if there is no stop line—before any part of it passes the stop sign; and
- (b) must not commence to drive the vehicle onto the ramp or jetty until directed to do so by the person in charge of the ferry.

Miscellaneous Duties of Road Users

Prohibition of opening vehicle doors

93. A person must not—

- (a) open, or leave open, a door of a vehicle on a road; or
- (b) alight from a vehicle onto a road,

so as to cause danger to other persons using the road or so as to impede the passage of traffic on the road.

Driving with person on roof or bonnet

94. A person must not drive a motor vehicle carrying any person on the roof or bonnet.

Portion of body protruding from vehicle

94A. (1) A person who is driving or travelling in or on a motor vehicle, other than a motor cycle, must not permit any portion of his or her body or limbs—

- (a) to be in contact with an external step or footboard, or the roof or bonnet, of the vehicle; or
- (b) to extend or protrude beyond, or hang over, a side, the front, the rear, or any other external portion, of the vehicle.

(2) Subsection (1) does not apply to a driver—

- (a) giving a signal as prescribed or authorised by this Act; or
- (b) who, when reversing or turning the vehicle, causes portion of his or her body to protrude from the vehicle for the purpose of obtaining a clear view to the rear of the vehicle.

(2a) If the Minister is satisfied that reasonable cause exists for doing so, the Minister may grant a permit permitting a vehicle to be used without compliance with any of the provisions of this section.

(2b) A permit granted under subsection (2a) may be general, conditional or restricted as to time, place and circumstances, and renders lawful anything done in accordance with the permit.

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(3) Subsection (1)(b) does not apply to the driver of a motor vehicle if the total width of the driver's cabin of the vehicle between its external limits is not less than 600 millimetres narrower than the widest portion of that vehicle or, if laden, the widest portion of that vehicle together with its load.

Riding without driver's consent

95. A person must not ride on a vehicle without the consent of the driver of the vehicle.

Cyclist drawn by other vehicles

96. (1) A person riding a pedal cycle must not permit himself or herself to be drawn by any other vehicle in motion.

(2) The driver of a vehicle must not permit a person riding a pedal cycle to attach himself or herself to, or be drawn by, that vehicle.

Driving abreast

97. (1) A driver must, whenever it is reasonably practicable to do so, refrain from driving the vehicle abreast of another vehicle going in the same direction.

(2) Notwithstanding subsection (1), a person may—

- (a) ride a pedal cycle abreast of one other pedal cycle;
- (b) ride a pedal cycle abreast of other pedal cycles on a bicycle lane or bikeway;
- (c) drive a vehicle abreast of other vehicles if the vehicle so driven is within a marked lane on a carriageway marked with two or more lanes for traffic going in the same direction;
- (ca) drive a vehicle abreast of another vehicle where one vehicle is on a carriageway and the other is on a footpath or bikeway adjacent to that carriageway;
- (d) drive a vehicle abreast of another vehicle for the purpose of passing that other vehicle.

(3) A vehicle will be taken to be abreast of another vehicle if any part of the vehicle is by the side of any part of the other vehicle.

Carriage of persons on pedal cycles

98. A person riding a pedal cycle constructed for propulsion by one person only must not permit any other person to be carried on that cycle except on a seat forming part of, or securely attached to, the cycle and providing safe accommodation for that person.

Pacing by cyclists

99. A person must not ride a pedal cycle for more than 200 metres within 2 metres from the rear of a motor vehicle.

Cyclists on footpath or bikeway to sound warning

99A. A person who is riding a pedal cycle on a footpath or bikeway must, where it is necessary to do so for the purpose of averting danger, give warning (by sounding a warning device attached to the cycle or by other means) to pedestrians or other persons using that footpath or bikeway.

Use of small-wheeled vehicles

99B. (1) The following provisions apply to the riding of a small-wheeled vehicle on a road:

- (a) the rider must not—
 - (i) ride on a designated road or part of a road; or
 - (ii) ride on a section of carriageway—
 - (A) that is alongside a continuous or broken centre line or dividing strip; or
 - (B) that is divided into marked lanes for traffic proceeding in the same direction; or
 - (C) that consists of, or is alongside, a bicycle lane; or
 - (iii) ride between sunset and sunrise or during a period of low visibility;
- (b) the rider must exercise due care and attention and show reasonable consideration for other persons using the road;
- (c) when on a carriageway, the rider—
 - (i) must keep as near as is reasonably practicable to the left boundary of the carriageway; and
 - (ii) must, when passing a vehicle proceeding in the opposite direction, keep to his or her left of that vehicle; and
 - (iii) must not pass a vehicle that is in motion and proceeding in the same direction; and
 - (iv) must give way to any vehicle that is on or about to enter the carriageway (other than where the driver of the vehicle is required by a provision of this Act or the regulations to give way to the rider as a pedestrian);
- (d) the rider must not—
 - (i) ride abreast of a vehicle or of another small-wheeled vehicle; or
 - (ii) permit himself or herself to be drawn by any vehicle in motion; or
 - (iii) ride for more than 200 metres within 2 metres from the rear of a motor vehicle;
- (e) the rider must comply with—
 - (i) the provisions of this Act and the regulations applicable to bikeways; and
 - (ii) section 99A (sounding warning to other users of a footpath or bikeway),

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in the same way as if the rider were the rider of a pedal cycle.

(2) Nothing in this section prevents the rider of a small-wheeled vehicle from riding on a carriageway to cross directly between two sections of road on which the vehicle may be lawfully ridden.

(3) The driver of a vehicle must not permit a person riding a small-wheeled vehicle to attach himself or herself to, or be drawn by, that vehicle.

(4) A road authority incurs no civil liability because of any act or omission on its part in the design, construction, maintenance or management of a road to take account of the fact that the users or potential users of the road include riders of small-wheeled vehicles.

(5) In this section—

"designated", in relation to a road or part of a road, means a road or part of a road—

- (a) prescribed by regulation, or within an area prescribed by regulation; or
- (b) on or adjacent to which a traffic control device is erected, displayed or marked to indicate that the riding of a small-wheeled vehicle is not permitted on that road or part of a road;

"dividing strip" means a dividing strip, safety island, safety bar, safety zone, traffic island, roundabout and any strip of land in a road marked off by lines on the road that divides the road into separate carriageways;

"management" of a road includes placement, design, construction or maintenance of traffic control devices, barriers, trees or other objects or structures on the road;

"road authority" means—

- (a) the Minister; or
- (b) the Commissioner of Highways; or
- (c) a council; or
- (d) any body or person in whom the care, control or management of a road is vested.

Warning devices

100. (1) The driver of a motor vehicle must sound the warning device attached to the vehicle when it is necessary to do so for the purpose of giving warning of danger.

(2) A person—

- (a) must not sound the warning device attached to a vehicle except for giving warning of danger or indicating an intention to pass another vehicle from the rear;
- (b) must not sound such a warning device so as to create unnecessary or offensive noise.

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Driving while vehicle emits undue noise, smoke, etc.

101. A person must not drive a motor vehicle while that vehicle emits—

- (a) an undue amount of noise, smoke, sparks or visible vapour; or
- (b) an offensive smell.

Driving position

102. (1) A person must not drive a vehicle if the person is in such a position that—

- (a) the person does not have full control over the vehicle; or
- (b) the person does not have full control over any animal drawing the vehicle; or
- (c) the person does not have a sufficient view of the road ahead and on each side of the vehicle to enable the person to drive with safety; or
- (d) if the vehicle is a motor vehicle, the person cannot, by means of a rear vision mirror or other prescribed device attached to the vehicle, indirectly obtain a clear view of the approach of any vehicle about to overtake the vehicle.

(2) A person must not ride a cycle without having at least one hand on the handlebar in such a position as to have full control of the steering of the cycle.

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Boarding and leaving vehicles in motion

103. A person must not board or leave a vehicle or tram while it is in motion.

Riding animals abreast

104. (1) Subject to subsection (2), a person must not ride an animal within a municipality, town or township so that three or more animals are abreast.

(2) This section does not apply where the animals are ridden by members of the police force on duty.

(3) An animal will be taken to be abreast of another animal if any part of that animal is by the side of any part of the other animal.

Leading animals

105. A person riding an animal, or driving or being conveyed in a vehicle, must not lead more than two animals within a municipality, town or township.

Prevention of Damage to Roads

Damage to roads and works

106. (1) A person must not—

- (a) otherwise than by reasonable use, damage a road, bridge, culvert or railway track; or

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- (b) remove, damage or interfere with a fence, post, barrier, lamp, traffic device or traffic counter erected or placed on a road, bridge, culvert or railway track.

(2) A person who damages a road, bridge, culvert or railway track, or a fence, post, barrier, lamp, traffic device or traffic counter erected or placed on a road, bridge, culvert or railway track, must forthwith give notice of that damage with full particulars to a member of the police force, to the Commissioner of Highways or to the Passenger Transport Board.

(3) In proceedings for an offence against subsection (1), the court may order the defendant to pay such sum as the court thinks just, by way of compensation for damage done by the defendant, to any authority, body or person which or who the court considers to be entitled to the compensation.

(4) In this section—

"**traffic device**" includes any traffic control device as defined in section 5 and any other signal or sign erected or placed for the purpose of regulating, warning or directing traffic, and includes a gate or barrier at a level crossing and a post or sign indicating the direction or distance of any town or place.

Damage to road surface

107. A person must not—

- (a) drive or haul over a road any implement constructed in such a manner as to injure or damage any portion of the road;
- (b) draw or drag over a road any sledge, timber, tree or other heavy material in contact with the surface of the road;
- (c) except in crossing a road, drive on, or within two metres of any part of, the metalled, gravelled or other prepared surface of a road a vehicle having an articulated track instead of road wheels, unless the grips on the track are covered with road plates having an even bearing surface across the full width of the track when in contact with the road surface.

Depositing material on roads

108. (1) A person must not—

- (a) without the permission of the Commissioner of Highways in writing, stack or deposit any wood, sand, stone or other material on a road, or part of a road, which is being maintained by the Commissioner; or
- (b) deposit on a road any article or material likely to damage the surface of the road or to cause damage to vehicles or injury to persons.

(2) If any article or material falls from a vehicle onto a road, the driver of the vehicle will be taken to have deposited the article or material on the road, unless it is proved that the driver had taken reasonable precautions to prevent the article or material from falling from the vehicle.

(3) In this section—

"**material**" includes substances of all kinds whether solid or liquid.

Tyres

109. A person must not drive a vehicle on a road if any wheel of that vehicle is fitted with a pneumatic tyre inflated to a pressure exceeding the maximum pressure permitted by regulation in relation to a pneumatic tyre of the relevant type or design.

Driving on sealed surface

110. A person driving a vehicle on a road which has portion of its surface sealed with bitumen, cement or other sealing substance must, whenever it is reasonably practicable to do so, keep the whole of the vehicle on the sealed portion of the surface.

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**PART 4
EQUIPMENT, SIZE AND MASS OF VEHICLES AND SAFETY PROVISIONS**

Lamps

Duty to comply with requirements as to lamps and reflectors

111. A person must not drive a vehicle, or cause a vehicle to stand, on a road if in any respect the vehicle or its load (if any) does not comply with the requirements of this Part relating to lamps or reflectors.

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Lamps to be alight at night

119. Except as otherwise prescribed, every lamp fitted to a vehicle or attached to the load on a vehicle pursuant to this Act must be alight at all times when the vehicle is being driven, or is standing, on a road between sunset and sunrise or during a period of low visibility.

Lamps to be in good order and clean

120. Every lamp and reflector fitted to a vehicle or attached to the load on a vehicle must at all times be clean and in good working order.

Prevention of glare

121. Every lamp fitted to a vehicle or attached to the load on a vehicle must diffuse its light efficiently so as to prevent, as far as practicable, any glare from that light which might adversely affect the vision of drivers of vehicles, or pedestrians, on a road on which the vehicle is used.

Duty to dip headlamps

122. The driver of a vehicle which is fitted with a dipping device must cause the main beam of light projected by the headlamps of the vehicle to be dipped, at any time between sunset and sunrise or during a period of low visibility, when the vehicle is within 200 metres of another vehicle approaching from the opposite direction.

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Additional requirements as to lamps and reflectors

124. Every lamp and every reflector required by this Act to be fitted to a vehicle or attached to the load on a vehicle must comply with such requirements relating to position, size, shape, construction, illuminating power and other matters as are prescribed.

Brakes

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Duty to comply with brake requirements

126. (1) A person must not drive a vehicle if in any respect the vehicle does not comply with the requirements of this Part relating to brakes or any regulations relating to brakes.

(2) The braking system of a vehicle must comply with the requirements of the regulations both in relation to its design and construction and in relation to its performance and effectiveness.

(3) Every braking system on a vehicle must be of sound and strong material and capable of adjustment so as to maintain its braking power, and must be maintained in efficient working order.

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Warning Devices and Other Equipment

Duty to comply with warning device, etc., requirements

132. A person must not drive a vehicle if in any respect the vehicle or its equipment does not comply with the requirements of sections 133 to 138A (inclusive) or any regulations that relate to those sections.

Warning device

133. Every motor vehicle and every pedal cycle must be fitted with a warning device which is capable of giving sufficient audible warning of the approach of the vehicle or cycle and is under the immediate control of the driver.

Bells and sirens

134. (1) A bell or siren must not be fitted to a motor vehicle other than—

- (a) a vehicle used by the South Australian Metropolitan Fire Service, a fire brigade registered under the *South Australian Metropolitan Fire Service Act 1936*, or the Country Fire Service; or
- (ab) a fire-fighting vehicle used by the armed forces of the Commonwealth; or
- (b) a vehicle used by members of the police force of this State, the Australian Federal Police, the Australian Customs Service or a military police force forming part of the armed forces of the Commonwealth, in the course of their duties; or
- (ba) a vehicle used by the body commonly known as the State Emergency Service for the purpose of taking action in connection with an emergency; or
- (bb) a vehicle (other than an ambulance) used by the S.A. St. John Ambulance Service Inc., or by a person licensed under the *Ambulance Services Act 1992* to provide ambulance services, for the purpose of taking action in connection with an emergency; or

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- (c) an ambulance; or
- (d) a vehicle used by the armed forces of the Commonwealth for the purpose of taking action in connection with the disposal of explosives.

(2) Nothing in this section prevents the installation in a motor vehicle of a bell or siren of a prescribed class designed or adapted to operate in the event of any interference with the vehicle.

Mechanical signals on certain vehicles

135. Every motor vehicle which is 2.2 metres wide or more must be fitted with a mechanical or electrical device of a kind approved by the Minister by which turning, stopping and slowing down signals prescribed by this Act can be given.

Windscreen wipers and washers

136. Every motor vehicle (other than a motor cycle) 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.

Rear vision mirrors or devices

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

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Silencers

138. Every motor vehicle which has an internal combustion engine must be equipped with an efficient silencing device through which all exhaust from the engine is projected and which prevents the creation of undue noise.

Prohibition of left hand drive vehicles

138A. A motor vehicle must not have its steering wheel on the left of the longitudinal axis of the vehicle.

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Dimensions and Design of Vehicles

Duty to comply with dimension and design requirement

139. A person must not drive a vehicle if in any respect the requirements of the sections under this heading are not complied with in relation to that vehicle and any trailers or other vehicles attached to, or any load on, that vehicle.

Length of vehicles

140. The overall length of a vehicle and of any trailers or vehicles attached to, and of any load projecting from the front or rear of, the vehicle, or from the rear of any trailer or vehicle attached to the vehicle, must not exceed 20.117 metres.

Width of vehicles

141. (1) Except as provided in this section, the width of a vehicle must not exceed 2.5 metres at any part.

(2) The following vehicles must not be driven on a road except between sunrise and sunset:

- (a) a tractor or farm machine that is more than 2.5 metres wide and is being driven as a motor vehicle conditionally registered under section 25 of the *Motor Vehicles Act 1959*; or
- (ab) a prescribed farm machine (within the meaning of section 12 of the *Motor Vehicles Act 1959*) that is more than 2.5 metres wide and is being driven under that section without registration or insurance; or
- (ac) a tractor, farm implement or farm machine that is more than 2.5 metres wide and is being towed by a tractor or farm machine that is being driven as a motor vehicle conditionally registered under section 25 of the *Motor Vehicles Act 1959*; or
- (b) a vehicle carrying a load more than 2.5 metres wide consisting of farm implements, farm machines or new motor bodies.

(3) Where a vehicle carrying a load as described in subsection (2)(b) is driven on a road within the times referred to in that subsection, the side extremities of the load must be clearly indicated by pieces of material that comply with the regulations.

(4) In determining the width of a vehicle—

- (a) any load or framework on the vehicle will be regarded as part of the vehicle;
- (b) a signalling device projecting not more than 150 millimetres from either side of the vehicle will not be taken into account;
- (c) a rear vision mirror (or other prescribed device for providing a view of traffic to the rear or to the sides of the vehicle) projecting not more than the prescribed distance from either side of the vehicle, will not be taken into account.

(5) In this section "**farm implement**" and "**farm machine**" have the same meanings as in the *Motor Vehicles Act 1959*.

Height of vehicles

142. The height of a vehicle together with any load or equipment on the vehicle must not exceed 4.3 metres, but this section does not apply to an electrically driven bus having overhead poles for conducting electricity from overhead electrical conductors.

Disposition of axles and axle groups

143. (1) The design of vehicles must comply with the following requirements:

- (a) a vehicle must not be fitted with a group of axles other than a tandem axle group or a tri-axle group;
- (b) two groups of axles or a single axle and a group of axles must not be located adjacent to each other;

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- (c) a semi-trailer drawn by a prime mover must be fitted with a single axle or group of axles located at or near the rear of the trailer;
- (d) all other trailers must be fitted—
 - (i) with a single axle or group of axles located anywhere along the length of the trailer; or
 - (ii) with a single axle or tandem axle group located at or near the front of the trailer and a single axle or group of axles located at or near the rear of the trailer;
- (e) all other vehicles must be fitted with a single axle or tandem axle group located at or near the front of the vehicle and a single axle or group of axles located at or near the rear of the vehicle.

(2) In this section—

"single axle" includes a group of two axles one metre or less apart.

Speed Limiting Provisions

Speed limiting

144. (1) A person must not drive a vehicle of a kind referred to in section 53 if the vehicle does not comply with any requirement of the regulations for limiting the speed at which vehicles are capable of being driven that applies to that vehicle.

(2) Where a person is found guilty of an offence, or expiates an offence, constituted of driving a vehicle of a kind referred to in section 53 at a speed in excess of 115 kilometres an hour, the Registrar must, if the vehicle is not of a kind required to comply with the regulations referred to in subsection (1), require the owner of the vehicle to modify the vehicle so that it complies with those regulations.

(3) A requirement under subsection (2) must be made by notice in writing and the notice must specify a period within which the modifications must be carried out.

(4) Where a notice is issued under this section—

- (a) the vehicle to which it relates must be modified so that it complies with the requirements of the regulations referred to in subsection (1) on or before the expiry of the period specified in the notice; and
- (b) the vehicle must not be driven after the expiry of that period if it does not comply with those requirements.

(5) If a vehicle is driven in contravention of this section, the owner and driver of the vehicle are each guilty of an offence.

(6) In proceedings for an offence against this section, proof that a vehicle to which regulations referred to in subsection (1) apply, or in respect of which a notice has been issued under this section, was driven at a speed in excess of 115 kilometres an hour constitutes proof that the vehicle was driven in contravention of this section in the absence of proof to the contrary.

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Vehicle Mass Limits

Mass limits of vehicles

146. (1) A person must not drive a vehicle if—

- (a) the mass of the vehicle; or
- (b) the combined mass of the vehicle and any vehicle attached to it; or
- (c) the mass carried on an axle, or group of axles, of the vehicle, or of any vehicle attached to it,

exceeds the maximum prescribed by regulation or fixed by the Registrar of Motor Vehicles pursuant to the regulations.

(2) Where a vehicle is driven in contravention of subsection (1), the owner and the driver of the vehicle are each guilty of an offence, and each liable to a penalty of—

- (a) not less than \$1.75 and not more than \$10 for every 50 kilograms of the first tonne of mass in excess of the permitted maximum; and
- (b) not less than \$10 and not more than \$20 for every 50 kilograms of the excess mass after the first tonne.

(3) In the case of a combination of vehicles attached to each other the owner is, for the purposes of subsection (2), the owner of the vehicle that provides the motive power for the combination.

Mass of towed vehicle must not exceed mass of towing vehicle

147. (1) A person must not drive a vehicle of a prescribed kind that has another vehicle attached to it if—

- (a) the mass of the vehicle being driven exceeds the prescribed limit; and
- (b) the mass of the attached vehicle exceeds the mass of the vehicle being driven.

(2) Subsection (1) does not apply in relation to an articulated motor vehicle.

The determination of mass

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

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

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Measurement of distance between axles

149. (1) For the purposes of this Act the distance between two axles will be taken to be the distance between the centres of the hubs of the wheels of those axles and if that distance varies from one side of the vehicle or combination of vehicles to the other, the shorter distance will be taken to be the distance between the axles.

(2) A measurement of the distance between the axles of a vehicle or combination of vehicles made by an inspector or a member of the police force will be taken to be correct for the purposes of proceedings for an offence against this Act unless the contrary is proved.

Vehicle fitted with metal tyres

150. (1) If a vehicle fitted with metal tyres is driven on, or drawn along, a road, the surfaces of the tyres that come into contact with the surface of the road must be smooth and must be at least 32 millimetres in width.

(2) A person who drives, or draws, a vehicle in contravention of subsection (1) is guilty of an offence.

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Directions to driver, etc.

152. (1) A member of the police force or an inspector may, for the purposes of determining any of the masses to which this Act relates, direct the driver or other person in charge of a vehicle—

- (a) to drive the vehicle or cause it to be driven forthwith—
 - (i) to a place at which a weighbridge or other instrument for determining mass is located; or
 - (ii) to a particular place convenient for using an instrument for determining mass; and
- (b) to do such things as are reasonably necessary to enable the masses in question to be determined.

(2) A member of the police force or an inspector may not give a direction under subsection (1) in relation to a vehicle that is not on a road unless he or she has reasonable grounds to believe that the vehicle has been driven on a road in contravention of a provision of this Act relating to mass.

- (3) A person who—
 - (a) fails to comply with a direction under subsection (1); or
 - (b) leaves a vehicle unattended for the purpose of avoiding a direction under subsection (1),

is guilty of an offence.

Penalty: For a first offence—not less than \$5 000 and not more than \$10 000.

For a second or subsequent offence—not less than \$10 000 and not more than \$20 000.

(4) A court may not reduce or mitigate in any way a minimum penalty prescribed by subsection (3).

(5) Where a court convicts a person of an offence against this section, the court may order that the person be disqualified from holding or obtaining a driver's licence for a period not exceeding three months.

(6) A disqualification under subsection (5) operates to cancel the person's driver's licence as from the commencement of the period of disqualification.

(7) Subject to subsection (8), the place to which a vehicle may be required to be driven pursuant to this section must not be more than eight kilometres from the place at which the vehicle is located when the direction is given.

(8) If there are reasonable grounds for believing that the driver of the vehicle intends in the ordinary course of the journey to travel along a particular road, the vehicle may be required to be driven any distance further along that road to a place that is not more than eight kilometres from either side of the road.

Determining mass

153. (1) A member of the police force or an inspector may, by notice in the prescribed form signed by the member or inspector and by a justice of the peace and served on the owner of a vehicle, direct that owner to do the following things within a reasonable time specified in the notice:

- (a) to cause the vehicle to be driven to a weighbridge or other instrument for determining mass specified in the notice; and
- (b) to permit the unladen mass of the vehicle to be thereby determined; and
- (c) to deliver the document issued by the person who determined the unladen mass of the vehicle and stating that unladen mass to the member or inspector who signed the notice.

(2) A person who receives a notice under subsection (1) must forthwith comply with it.

Measurement of loads

154. (1) A member of the police force or an inspector may require the owner or person in charge of a vehicle on a road to do any one or more of the following things:

- (a) to allow the member or inspector to examine and measure the vehicle and the load on the vehicle and the tyres on the wheels of the vehicle, or any of them;
- (b) to allow the member or inspector to test the vehicle to ascertain whether it is in running order;
- (c) to manoeuvre the vehicle as necessary to enable any such examination, measuring and testing to be carried out.

(2) A person to whom a request under subsection (1) is made must forthwith comply with it.

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Unloading of excess mass

156. (1) A member of the police force or an inspector who has ascertained that—

- (a) the mass carried on—
 - (i) an axle of a vehicle (or on two axles of a vehicle that are not more than one metre apart) exceeds by more than 500 kilograms the maximum mass permitted by or under this Act; or
 - (ii) a group of axles of a vehicle exceeds by more than one tonne the maximum mass permitted by or under this Act; or
- (b) the mass of the vehicle, or the combined mass of the vehicle and any vehicle that is attached to it, exceeds by more than 5% or two tonnes the maximum permitted by or under this Act,

may give the driver or person in charge of the vehicle such of the following directions as the member or inspector thinks appropriate in the circumstances:

- (c) if the vehicle is on the carriageway of a road, that the driver or person in charge of the vehicle drive it forthwith off the carriageway to a place indicated by the person giving the direction;
- (d) that the vehicle be not driven on a road (except for the purpose of removing it from the carriageway or driving it to a place nominated by the driver or person in charge of the vehicle and approved by the person giving the direction) until the load is reduced or adjusted so as to comply with this Act.

(2) A person to whom a direction under subsection (1) is given must comply with it.

Towed Vehicles and Trailers

Requirements as to towing

157. A person must not drive a vehicle to which another vehicle is attached for the purpose of being towed if a requirement of the regulations relating to the towing of vehicles is not complied with.

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Safety Provisions

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Defect notices

160. (1) In this section—

"defect notice" means a notice issued under subsection (5);

"repairs" means repairs, replacements, reconditioning, additions, adjustments or work of any kind for remedying deficiencies or defects.

(1a) A member of the police force or an inspector may direct the driver of a vehicle to stop the vehicle and may examine the vehicle where the vehicle does not comply with any one or more of the requirements of this Act or for any reason cannot safely be driven on roads or the member or inspector suspects on reasonable grounds that the vehicle does not so comply or cannot be so driven.

(1b) Notwithstanding subsection (1a), a member of the police force or an inspector may direct the driver of a vehicle of a prescribed class to stop the vehicle and may examine the vehicle for the purposes of determining whether the vehicle does not comply with any one or more of the requirements of this Act or for any reason cannot safely be driven on roads (whether or not there is reason to suspect that the vehicle does not so comply or cannot be so driven).

(2) Where a member of the police force or an inspector suspects on reasonable grounds that any vehicle does not comply with any one or more of the requirements of this Act or for any reason cannot safely be driven on roads, the member or inspector may direct the owner or person in charge of the vehicle to produce it for examination at a specified time and place.

(2a) A member of the police force or an inspector may, at any time when any premises where vehicles are exhibited or kept for sale or hire are open for business, for the purposes of determining whether any vehicle exhibited or kept for sale or hire on those premises does not comply with any one or more of the requirements of this Act or for any reason cannot safely be driven on roads, examine the vehicle or direct the owner or person in charge of the vehicle to produce it for examination at a time and place stated by the member of the police force or inspector.

(3) A person must comply with a direction given under this section.

(3a) A person must not hinder or prevent a member of the police force or an inspector from acting in the exercise of the powers conferred by this section.

(4) A member of the police force or an inspector may for the purposes of examining a vehicle under this section—

- (a) cause the vehicle to be examined by any other person; and
- (b) drive or test, or cause any other person to drive or test, the vehicle.

* * * * *

(5) If a vehicle, on examination, is found not to comply with this Act, or to be unsafe, a member of the police force or an inspector may issue to the owner or person in charge of the vehicle a written notice (in this section called a defect notice)—

- (a) specifying the repairs which are necessary in order to make the vehicle comply with this Act or to make it safe;
- (b) directing that the vehicle must not, except as provided in the defect notice, stand or be driven on a road, or sold or otherwise disposed of, after the issue of the defect notice until the repairs have been made and the vehicle has been produced at a place specified in the defect notice for examination by a member of the police force or an inspector and the member or inspector has certified that the repairs have been made.

(6) A person must not drive a vehicle, or cause or permit a vehicle to be driven or to stand, on a road, or sell or otherwise dispose of a vehicle, contrary to the terms of a defect notice.

(6a) It is a defence to a charge under subsection (6) of having sold or otherwise disposed of a vehicle contrary to the terms of a defect notice if the defendant satisfies the court that at the time of the sale or disposal he or she had reason to believe that the vehicle was not intended to be used on a road after the sale or disposal.

(7) A defect notice—

(a) may, at the discretion of the person issuing the notice, provide that the vehicle to which it applies—

(i) must be driven forthwith to a repairer; or

(ii) may, before it is repaired, be driven on roads for a specified period, not exceeding three days; and

(b) will provide that the vehicle, after it has been repaired, must be driven from the repairer to the specified place for examination by the shortest practicable route, unless a member of the police force or an inspector gives written permission for the vehicle to be driven on roads for a specified period, not exceeding 14 days, before it is produced for examination.

(8) The Minister may, by notice in writing, authorise a person in accordance with the regulations to exercise any of the powers of an inspector under this section specified in the notice.

(9) An authorisation issued under subsection (8) may be subject to conditions and may be revoked at any time.

(10) The Minister may, for the purposes of this section, establish a code of practice to be observed by persons authorised under subsection (8).

(11) A person who contravenes a code of practice established under subsection (10) is guilty of an offence.

Penalty: Division 6 fine.

(12) The Commissioner of Police—

(a) must, on the request of the Minister; and

(b) may, at any other time,

provide the Minister with such information as may be relevant to the question of whether a particular person is a fit and proper person to be authorised under subsection (8).

(13) No liability attaches to a person authorised to exercise powers under this section for an honest act or omission in the performance or purported performance of functions under this section.

(14) A liability that would, but for subsection (13), attach to a person attaches instead to the Crown.

Suspension of registration of unsafe vehicles

161. (1) If the Commissioner of Police is satisfied that a motor vehicle is unsafe for use on roads, the Commissioner may suspend the registration of that vehicle.

(2) When the registration of a motor vehicle is so suspended, the Registrar of Motor Vehicles or any person authorised by the Registrar, or any member of the police force, may remove the registration label from the vehicle and, for the purpose of so doing, may enter and remain on any land or premises.

(3) If the Commissioner of Police is subsequently satisfied that a vehicle the registration of which has been suspended under this section has been made safe for use on roads, the Commissioner may remove the suspension, and if, at the time of the removal of the suspension, the period for which the vehicle was registered has not expired, the Registrar of Motor Vehicles must issue to the owner, without fee, a registration label similar to that removed from the vehicle under this section.

(4) The Commissioner of Police must give to the owner of the vehicle concerned and to the Registrar of Motor Vehicles written notice of every suspension and removal of suspension under this section.

Air cushioned vehicles

161A. (1) A person must not drive a vehicle to which this section applies on or over a road without the approval of the Minister.

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(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.

Securing of loads

162. A person must not drive a vehicle carrying a load if any one or more of the following requirements are not complied with:

- (a) the load must be fastened or confined so as to ensure that it will remain in or on the vehicle while it is in motion;
- (b) the load must not project from the vehicle so as to be likely to injure any person or damage any property;
- (c) if the load consists of iron, timber, piping or other solid material projecting beyond the front or rear of the vehicle, the projecting ends must be wrapped with bagging or other similar material and must be securely tied so as to prevent noise, flapping and swaying, and must have a piece of material or other device attached to it in accordance with the regulations so as to clearly indicate the projection.

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Seat belts and child restraints

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

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

(3) The Governor may, by regulation—

- (a) declare that any vehicle or vehicles of any class are exempt from the provisions of this section; and
- (b) prescribe specifications as to the design, materials, strength, construction and installation of seat belts, anchorages for seat belts, child restraints and anchorages for child restraints; and
- (c) prescribe the seating positions for which seat belts, anchorages for seat belts or anchorages for child restraints are required; and
- (d) prescribe any other matters or specifications relating to seat belts, anchorages for seat belts, child restraints or anchorages for child restraints.

(4) The Minister 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) will be taken to comply with this section.

Wearing of seat belts is compulsory

162AB. (1) A person of or above the age of 16 years who is in a motor vehicle that is in motion must not—

- (a) occupy a seating position that is equipped with a seat belt, unless he or she is wearing the seat belt and it is properly adjusted and securely fastened; or
- (b) occupy a seating position (other than the driver's seating position) that is not equipped with a seat belt, if there is a seating position that is equipped with a seat belt and that is not occupied by another person.

(2) A person must not drive a motor vehicle in which there is a child of or above the age of one year but under the age of 16 years—

- (a) who is occupying a seating position that is equipped with a seat belt, unless the child is wearing the seat belt and it is properly adjusted and securely fastened; or
- (b) who is occupying a seating position that is equipped with a child restraint, unless—
 - (i) the child is using the restraint; and

- (ii) the restraint is of a kind declared by regulation to be suitable for use by a child of that child's age and mass and is properly adjusted and securely fastened; or
- (c) who is occupying a seating position that is not equipped with a seat belt or child restraint, if there is a seating position that is equipped with—
 - (i) a seat belt; or
 - (ii) a child restraint of a kind declared by regulation to be suitable for use by a child of that child's age and mass,

and that is not occupied by another person.

(3) Subject to subsection (4), a person must not drive a motor vehicle of a prescribed class in which there is a child under the age of one year, unless the child—

- (a) is occupying a seating position; and
- (b) is using a properly adjusted and securely fastened child restraint of a kind declared by regulation to be suitable for use by a child of that child's age and mass.

(4) Subsection (3) does not apply if all seating positions in the motor vehicle are occupied by other persons.

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(6) It is a defence to a charge under this section for the defendant to prove that there are in the circumstances of the case special reasons justifying non-compliance with the requirements of this section.

(7) The Governor may, by regulation, exempt any person or class of persons from all or any of the provisions of this section.

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Prohibition of sale of regrooved tyres

162B. A person must not offer for sale or for hire a motor vehicle (other than a tractor) or a trailer—

- (a) that has an unladen mass of less than three tonnes; and
- (b) that is fitted with a tyre that has been regrooved.

Safety helmets

162C. (1) A person must not ride, or ride on, a cycle or small-wheeled vehicle unless the person is wearing a safety helmet that complies with the regulations and is properly adjusted and securely fastened.

(2) A person must not ride a cycle or small-wheeled vehicle on which a child under the age of 16 years is carried unless the child is wearing a safety helmet that complies with the regulations and is properly adjusted and securely fastened.

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(2a) A parent or other person having the custody or care of a child under the age of 16 years must not cause or permit the child to ride or be carried on a cycle or small-wheeled vehicle unless the child is wearing a safety helmet that complies with the regulations and is properly adjusted and securely fastened.

(2b) For the purposes of this section, a person will be taken to ride on or be carried on a cycle if the person rides or is carried in a sidecar or other vehicle attached to the cycle.

(2c) It is a defence to a charge under this section for the defendant to prove that there were in the circumstances of the case special reasons justifying non-compliance with the requirements of this section.

(3) The Governor may, by regulation—

- (a) prescribe specifications as to the design, materials, strength and construction of safety helmets for use by persons riding or being carried on cycles or small-wheeled vehicles; and
- (b) prescribe any other matters or specifications relating to safety helmets.

(4) This section does not apply to or in relation to a person who rides, rides on or is carried on a pedal cycle or small-wheeled vehicle where that person—

- (a) is of the Sikh religion; and
- (b) is wearing a turban.

Information to be Marked on Certain Vehicles

Information to be painted on certain vehicles

163. (1) A vehicle of a prescribed class must have marked on it in accordance with the regulations the information prescribed in relation to that class of vehicle.

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(3) A person must not drive a vehicle that does not comply with this section.

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Power of Exemption

Power of exemption

163AA. (1) The Minister may, by instrument in writing or by notice published in the *Gazette*—

- (a) exempt—
 - (i) any specified vehicle; or

- (ii) any vehicles of a specified class; or
 - (iii) vehicles carrying loads of a specified kind,
from specified provisions of this Part; or
- (b) vary or revoke an exemption under paragraph (a).

(2) An exemption under subsection (1) is subject to such conditions and limitations (if any) as the Minister thinks fit and specifies in the instrument or notice of exemption.

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PART 4A
CENTRAL INSPECTION AUTHORITY

The Authority

163A. (1) The *Central Inspection Authority* (in this Part referred to as "the Authority") is established.

(2) The Minister may, by notice published in the *Gazette*, declare that any person, body or department of Government constitutes the Authority, and the Authority is then constituted accordingly.

(3) The Minister may, by further notice published in the *Gazette*, vary or revoke any notice given under this section.

(4) The Authority may, with the approval of the Minister, delegate to any person, body or department of Government any of the powers, duties or functions, other than this power of delegation, conferred or imposed on the Authority by this Act.

(5) A delegation under subsection (4) is revocable at will and does not derogate from the power of the Authority to act in any matter.

(6) The Authority is subject to the control and direction of the Minister.

Inspectors, etc.

163B. (1) The Minister may appoint such persons as inspectors for the purposes of this Part as the Minister thinks necessary or expedient.

(2) The office of inspector may be held in conjunction with any office in the Public Service of the State.

(3) The Authority may, with the approval of the Minister administering any department of the Public Service of the State, on terms mutually arranged, make use of the services of any officer, or use any motor vehicles, plant or equipment, of that department.

Application of Part

163C. (1) This Part applies to vehicles of a prescribed class.

(1a) The Minister may, by notice in writing—

(a) exempt a specified vehicle 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) is subject to such conditions and limitations (if any) as the Minister thinks fit and specifies in the instrument of exemption.

(2) Where a vehicle to which this Part applies is driven for the purpose of carrying passengers (other than the driver) and the vehicle is not the subject of a current certificate of inspection, the driver of the vehicle and any person by whom the driver is employed to drive the vehicle are each guilty of an offence.

(3) Where the Registrar of Motor Vehicles suspects on reasonable grounds that a motor vehicle has been driven in contravention of this section, the Registrar may, on the recommendation of the Authority, suspend the registration of the vehicle until such time as a certificate of inspection is issued in relation to the vehicle.

Inspection of vehicles and issue of certificates of inspection

163D. (1) The registered owner of a vehicle to which this Part applies must cause that vehicle to be inspected by the Authority at least once within each prescribed period or as the Authority may in any particular case direct.

(2) Subject to subsections (3) and (3a), the Authority must, after inspection of a vehicle and on payment of the prescribed fee, issue a certificate of inspection in the prescribed form in respect of that vehicle and, subject to this Act, that certificate remains in force until the expiration of the next period, specified in the certificate, within which the vehicle must be again inspected.

(3) The Authority must 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.

(4) The Minister may exempt such persons, or persons of such class, from payment of the prescribed fee as the Minister thinks fit.

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

(6) A person must not contravene, or fail to comply with, any condition of a certificate of inspection.

Inspection of vehicles

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.

(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 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.

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Cancellation of certificates of inspection

163F. The Authority may cancel a certificate of inspection on being satisfied—

- (a) that the owner of the vehicle has failed to comply with a notice given under section 163E; or
- (b) that a condition of the certificate has been contravened or has not been complied with; or
- (c) that a vehicle to which the certificate relates is unsafe; or
- (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.

Inspection of certificates

163G. An inspector or a member of the police force may require the driver of a vehicle to which this Part applies to stop the vehicle for the purpose of permitting that inspector or member of the police force to inspect any certificate of inspection that may be attached to the vehicle.

Maintenance records

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

- (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 the inspector at a specified time and place.

(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 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 under this section by an inspector notwithstanding that the answer may incriminate that person 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 powers under this section.

Prohibition against hindering an inspector

163H. A person must not hinder or obstruct an inspector in the exercise or performance of any of the powers, functions or duties conferred or imposed by this Part.

Evidentiary

163I. An apparently genuine certificate purporting to be under the seal of the Authority to the effect that, at any specified time—

- (a) a vehicle was, or was not, the subject of a current certificate of inspection; or
- (b) a person was, or was not, an inspector,

is, in the absence of proof to the contrary, proof of the fact so certified.

Recognition of interstate certificates of inspection

163J. (1) The Authority may recognise a certificate of inspection issued in respect of a vehicle pursuant to the law of another State or Territory of Australia where the Authority is satisfied that the issuing body observes standards of vehicle safety comparable to those observed by the Authority.

(2) A certificate of inspection recognised by the Authority under this section will, for the purposes of this Part, be taken to be a certificate of inspection issued by the Authority.

Limitation of liability

163K. No person who does any act in pursuance or purported pursuance of this Part, or omits to exercise any power conferred under this Part, is under any civil or criminal liability in respect of that act or omission if the person acted, or omitted to act, in good faith and with reasonable care.

Penalty for offences against this Part

163KA. A person who is guilty of an offence against this Part is liable to a penalty not exceeding \$1 000.

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**PART 5
SUPPLEMENTARY PROVISIONS**

Summary procedure

164. An offence against this Act is a summary offence.

Offences and penalties

164A. (1) A person who contravenes or fails to comply with—

- (a) a provision of this Act; or
- (b) a condition or restriction specified in a permit or exemption granted under this Act,

is guilty of an offence.

(2) A person who is guilty of an offence against this Act for which no penalty is specifically provided is liable to a penalty not exceeding \$1 000.

Permit or exemption does not operate in favour of person who contravenes a condition

164B. (1) If a person contravenes or fails to comply with a condition or restriction specified in a permit or exemption granted under this Act, the permit or exemption does not, while the contravention or non-compliance continues, operate in that person's favour.

(2) Where, by virtue of subsection (1), a person is guilty of an offence against the provision of this Act from which the person was exempted by the permit or exemption, the person may be proceeded against either for that offence or for the offence of contravening, or failing to comply with, a condition or restriction of the permit or exemption.

* * * * *

Offences by employees

166. If a person is charged with driving a vehicle that does not comply with a requirement of this Act relating to lamps, warning devices, brakes, windscreen wipers, rear vision mirrors, mechanical signals or other equipment, or is charged with causing such a vehicle to stand on a road, and proves that, at the time of the alleged offence that person—

- (a) was the employee of another person; and
- (b) drove the vehicle, or caused it to stand, under the express instructions of the employer; and
- (c) was not aware that the vehicle did not comply with the requirement or had, before the time of the alleged offence, called the attention of the employer to the fact that the vehicle did not comply with the requirement,

the person so charged must be acquitted.

Causing or permitting certain offences

167. (1) A person who causes or permits another person to commit any offence against any provision of this Act is guilty of an offence and liable to the penalty prescribed for the offence so caused or permitted.

(2) This section does not restrict the application to any provision of this Act of section 53 of the *Justices Act 1921* which relates to the liability of persons aiding, abetting, counselling or procuring the commission of offences.

Power of court to disqualify

168. (1) When a person is convicted before the Supreme Court or any other court of—

- (a) an offence against any provision of this Act relating to motor vehicles; or
- (b) an offence (under this Act or any other Act or law) in the commission of which a motor vehicle was used or the commission of which was facilitated by the use of a motor vehicle,

the court—

- (c) may order that that person be disqualified, either for a period fixed by the court or until further order, from holding or obtaining a driver's licence; and
- (d) may, if it thinks fit, order that the person so disqualified be not, at the end of the period of disqualification or on the removal of the disqualification, granted a driver's licence until the person passes a driving test as prescribed by section 79A of the *Motor Vehicles Act 1959*.

* * * * *

(3) Where an order is made requiring a person disqualified under this section to pass a driving test before being granted a driver's licence, the disqualification continues, subject to subsection (4), until the expiration or removal of the disqualification.

(4) Notwithstanding anything in this Act or in the *Motor Vehicles Act 1959* a person—

- (a) may drive a motor vehicle for the purpose of being tested pursuant to an order made under subsection (1), notwithstanding a disqualification from holding or obtaining a driver's licence; and
- (b) will for all purposes be taken to be the holder of a driver's licence while being so tested.

(5) Where a court has ordered that a person be disqualified from holding or obtaining a driver's licence (whether the order was made in relation to an offence under this Act or any other Act or law), the Governor may remove the disqualification from such date as the Governor may specify.

Duty of court to disqualify driver for certain offences

169. (1) This section applies to offences against the following provisions:

section 48 (general speed limit of 110 kilometres an hour);

section 49 (special speed limits);

section 50 (speed limits in speed zones);

section 52 (speed limits on bridges);

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section 53 (speed limits for certain vehicles).

(2) If a person, after being convicted of an offence to which this section applies, is convicted of another offence to which this section applies within the period of three years immediately succeeding the commission of the previous offence, the court must order that that person be disqualified, for a period fixed by the court or until further order, from holding or obtaining a driver's licence, but the court, at the hearing of a complaint for any offence mentioned in subsection (1), if satisfied, by evidence given on oath, that any such offence is trifling, may certify accordingly and, if such a certificate is given, the offence to which it relates will not be taken into account for the purposes of this subsection.

* * * * *

(3) An order made under this section may be in addition to any other penalty to which the defendant is liable.

Power to postpone commencement of disqualification

169A. Where, pursuant to this Act or any other Act, a court orders that a convicted person be disqualified from holding or obtaining a driver's licence, the court may, if it is satisfied that reasonable cause exists for doing so, order that the disqualification take effect from a day or hour subsequent to the making of the order.

Disqualification where vehicle used for criminal purposes

170. If a court of summary jurisdiction, on information or complaint duly laid, is satisfied that a person has used, or is likely to use, a motor vehicle in connection with the commission of any offence by the person or any other person or to facilitate the escape of the person or any other person from arrest or punishment, it may order that the person who used, or is likely to use, the vehicle be disqualified for a period fixed by the court or until further order from holding or obtaining a driver's licence.

* * * * *

Removal of disqualification

172. (1) Where an order has been made disqualifying a person from holding or obtaining a driver's licence until further order, that person may, on complaint duly laid before a court of summary jurisdiction and served on the Commissioner of Police as defendant to the proceedings, apply to that court for an order removing the disqualification and the court may, if it thinks it expedient to do so, order that the disqualification be removed as from any date which it thinks proper.

(2) An application cannot be made under this section within three months after the making of the original order of disqualification nor within three months after a previous application relating to the same order of disqualification.

Appeals and suspension of disqualification

173. (1) A person who, by virtue of an order of a court under this Act, is disqualified from holding or obtaining a driver's licence may appeal against the order in the same manner as against a conviction.

(2) Pending the hearing and determination of any such appeal, the operation of any such order may be suspended—

(a) in the case of an order made by a court of summary jurisdiction, by the court which made the order or a judge of the Supreme Court;

(b) in the case of an order made by the Supreme Court, by a judge of that Court.

(3) An order of suspension may be made before or after the institution of the appeal, but does not have effect until the defendant—

(a) has duly instituted the appeal and paid the appropriate court fees; and

(b) has served on the Registrar of Motor Vehicles the order of suspension, or a copy of the order, and a notice that the appeal has been duly instituted and the fees paid.

Liability when hired vehicles driven for hire

174. (1) If—

(a) the owner of a motor vehicle lets it on hire to a person who, for the purpose of, or by virtue of any industrial award, is taken to be a servant of that owner; and

(b) while the vehicle is so let, the person taking it on hire drives it in the course of a business of carrying passengers or goods for hire,

that person will, as regards liability for any injury, loss or damage caused by that person while so driving the vehicle, be taken to be the servant of the owner and to have been so driving the vehicle in the course of employment by the owner.

(2) In this section—

"**industrial award**" means an award, order or determination of an authority, commission, commissioner, committee, court or other tribunal of the Commonwealth or the State having jurisdiction to deal with industrial disputes or industrial matters.

Evidence

175. (1) In proceedings for an offence against this Act, an allegation in a complaint—

(a) that a specified traffic control device, warning device, gate, barrier, signal, sign, light, line or mark was on or near a road or complied with the requirements of this Act; or

(b) that any place was a road or carriageway or was on a road or carriageway; or

(ba) that a road specified in the complaint was, on a specified day, a public road within the meaning of section 66; or

(bb) that, between specified times on a specified day, a road, or part of a road, specified in the complaint was a road, or part of a road, prescribed to be a clearway within the meaning of the regulations; or

(bc) that a road or part of a road was an expressway, or that, between specified times on specified days, the direction in which vehicles were permitted to travel on an expressway or part of an expressway was as specified; or

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- (c) that a road, or part of a road, was, or was not, within a municipality or in a town or township; or
- (d) that a road, or part of a road, was within a speed zone; or
- (da) that a road, or part of a road, was within a shared zone; or
- (e) that a carriageway was a one way or a two way carriageway; or
- (ea) that a specified vehicle was a prescribed vehicle within the meaning of section 47A; or
- (f) that any person was, at a time specified in the complaint, the owner, the person in charge, or the driver or rider, of any vehicle or animal,

is proof of the matters so alleged in the absence of proof to the contrary.

(2) Proof that a person is registered as the owner of a motor vehicle constitutes proof that the person is the owner of that motor vehicle in the absence of proof to the contrary.

(3) In proceedings for an offence against this Act—

- (a) a statement produced by the prosecution and purporting to be signed by a member of the police force or an inspector and stating—
 - (i) the mass of a vehicle with or without its load; or
 - (ii) the mass carried on an axle, or group of axles, of a vehicle; or
 - (iii) the dimensions or measurements of a vehicle or its load, or any part of a vehicle or its load; or
 - (iv) that a 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;

(ab) 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 that the weighbridge or instrument is of a specified class, or that it complies with the requirements of this Act constitutes proof of the fact so stated in the absence of proof to the contrary;

(ac) 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 that the person has complied with the requirements of this Act in relation to the taking of certain specified measurements constitutes proof of the fact so stated in the absence of proof to the contrary;

- (b) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by a superintendent or an inspector of police, and purporting to certify that a specified stopwatch or speedometer had been tested on a specified day and was shown by the test to be accurate to the extent indicated in the document constitutes, in the absence of proof to the contrary, proof of the facts certified and that the stopwatch or speedometer was accurate to that extent on each of the 14 days following and the 14 days preceding the day of the test for the purpose of measuring the speed of any motor vehicle, whether or not the speed measured differed from the speed in relation to which the stopwatch or speedometer was tested or the circumstances of the measurement differed in any other respect from the circumstances of the test;
- (ba) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by a superintendent or an inspector of police, and purporting to certify that a specified traffic speed analyser had been tested on a specified day and was shown by the test to be accurate to the extent indicated in the document constitutes, in the absence of proof to the contrary, proof of the facts certified and that the traffic speed analyser was accurate to that extent on the day on which it was so tested for the purpose of measuring the speed of any motor vehicle, whether or not the speed measured differed from the speed in relation to which the analyser was tested or the circumstances of the measurement differed in any other respect from the circumstances of the test;
- (bb) a document produced by the prosecution and purporting to be signed by the Commissioner of Standards, or the Officer-in-Charge of Testing, Civil Engineering Testing Laboratories of the University of Adelaide, and certifying that a specified weighbridge or other instrument for determining mass had been tested on a specified day, such day being within 12 months before or after the date of the offence, and was shown by the test to be accurate to the extent indicated in the document constitutes, in the absence of proof to the contrary, proof that at the time of the offence the weighbridge or instrument, as the case may be, was accurate to the extent indicated in the document;
- (c) a document produced by the prosecution—
- (i) purporting to be signed by the Minister; and
 - (ii) certifying that a vehicle specified in the document was not at a specified time exempt from any specified requirements of section 163,
- constitutes, in the absence of proof to the contrary, proof of that fact.

(4) Where in any proceedings for an offence against the regulations relating to the parking or standing of vehicles it appears from the complaint that the complainant is a member of the police force, it will be presumed, in the absence of proof to the contrary, that the proceedings were commenced with the prior approval of the Commissioner of Police.

Regulations

176. (1) The Governor may make regulations for, or with respect to, all or any of the following matters:

-
- (a) prescribing the design, colour, marking or other specifications of traffic control devices and of any other lines, marks or words which may be placed or inscribed on road surfaces for the regulation or guidance of traffic and for regulating and controlling the construction, erection, marking and use of such devices, lines, marks or words;
 - (b) fixing a special speed limit for any specified classes of vehicles and declaring that any limit so fixed applies to such vehicles on all roads or on any specified roads;
 - (c) prohibiting, regulating or restricting the driving, standing or parking of vehicles or small-wheeled vehicles on prescribed roads or parts of roads, or on roads or parts of roads within a prescribed area;
 - (caaa) regulating or prohibiting the use of expressways, including making provision for measures to be taken by persons approved by the Minister for the safety of expressway users in relation to vehicles left standing or unattended on an expressway;
 - (caab) regulating or prohibiting the use of footpaths, bicycle lanes, bikeways or shared zones;
 - (caa) providing that the owner and the driver of a vehicle that was parked, or was standing, in contravention of any regulation made under this section relating to the parking or standing of vehicles are each guilty of an offence and liable to the prescribed penalty;
 - (ca) prescribing any matter or thing relating to the manner in which any specified vehicle or class of vehicles is designed or constructed;
 - (cb) prescribing the design, construction and safety required of vehicles belonging to one or more of the classes of vehicles to which Part 4A applies;
 - (cc) prescribing a scheme for the maintenance of vehicles belonging to one or more of the classes of vehicles to which Part 4A applies;
 - (d) requiring vehicles or any class of vehicles to be equipped or fitted with, or to carry, brakes, lamps, dipping devices for lamps, reflectors, warning devices, rear vision mirrors, protective covers on driving chains, mudguards, mudflaps and other equipment or devices of any kind, in addition to any equipment or devices required by other provisions of this Act;
 - (e) prescribing requirements, additional to the requirements (if any) of other provisions of this Act, with which brakes, lamps, dipping devices for lamps, reflectors, warning devices, rear vision mirrors and other equipment and devices carried on, or fitted to, vehicles or any class of vehicles, or the loads of vehicles or any class of vehicles, pursuant to this Act must comply;
 - (f) declaring that any specified class of lamps or equipment (other than lamps or equipment with which vehicles are required by law to be equipped) must not be carried on, or fitted to, vehicles or their loads;
 - (g) the couplings or other devices by which trailers are attached to, or connected with, the vehicles by which they are drawn and requiring such trailers and vehicles to be fitted with safety chains complying with the regulations;

- (h) prescribing methods of ascertaining the mass of a vehicle, with or without its load, or of anything carried on a vehicle or the mass carried on any axle, or group of axles, of a vehicle;
- (ha) empowering the Registrar of Motor Vehicles to fix 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 fixing of mass limits;
- (i) providing for a mass limit fixed by the Registrar of Motor Vehicles to be entered in the certificate of registration of vehicles to which the mass limit is applicable;
- (ia) prescribing the manner in which certificates of inspection issued by the Authority under Part 4A are to be affixed to vehicles;
- (j) prohibiting the use on roads of vehicles which have any prescribed defect or deficiency or which in any particular do not comply with the regulations made under this Act;
- (ja) providing for the maintenance and use of breath analysing instruments, the procedures to be employed for ensuring that those breath analysing instruments function effectively and the manner in which readings must be obtained from those instruments;
- (k) prescribing any other matters which by this Act are required or permitted to be prescribed by regulations or which it is necessary or convenient to prescribe for the administration and enforcement of this Act;
- (l) prescribing any matters, additional to those prescribed in this Act, which it is necessary or convenient to prescribe for securing the safe or convenient operation of vehicles and the safety or convenience of persons on roads or for improving or regulating the flow or management of traffic;
- (la) prescribing requirements as to the installation or operation of television receivers in vehicles or any class of vehicles, and prohibiting the driving of a vehicle in which a receiver is installed or operating unless those requirements are complied with;
- (m) declaring that any regulation, or any provision of any regulation, made under this section is subject to limitations in respect of the hours, days or period in which it applies or the circumstances, roads, locality or class of vehicles to which it applies;
- (n) prescribing exemptions from any of the requirements of sections 111 to 137;
- (na) providing defences for persons charged with offences against any regulations made under this section;
- (o) imposing fines, not exceeding \$500, for offences against the regulations;
- (oa) fixing expiation fees, not exceeding—
 - (i) in the case of an alleged offence against a provision of this Act—\$300;
 - (ii) in the case of an alleged offence against a regulation—\$200;

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- (p) prescribing and providing for the payment of fees in respect of specified matters, including fees for the inspection of vehicles by any Department of the Public Service of the State for the purposes of this or any other Act;
 - (q) providing for the granting by the Minister, subject to such conditions or restrictions as the Minister may think fit, of exemptions from any provision of the regulations.
- (2) A regulation fixing expiation fees for alleged offences against section 146—
- (a) cannot fix a fee for an alleged offence of overloading by more than 2 tonnes; and
 - (b) must, for an alleged offence of overloading in excess of a mass permitted by the Minister (that permitted mass being more than the maximum mass permitted under section 146), fix the expiation fee by reference to the amount in excess of the amount permitted by the Minister.
- (3) For the purpose of enabling traffic experiments to be conducted, the Governor may make regulations—
- (a) suspending or amending any of the provisions of sections 48 to 105 inclusive;
 - (b) prescribing duties of road users different from, or in substitution for, any provisions so suspended and any other duties of road users, or other matters which it is necessary or convenient to prescribe, for the purpose of testing experimental traffic rules or schemes of traffic control.

Any regulations suspending or amending any provisions of this Act must provide that the suspension or amendment will cease to operate on a day specified in the regulations and being not later than six months from the day when the suspension or amendment takes effect, but the Governor may, by additional regulations, extend the period of operation of any suspension or amendment for any period not exceeding three months for any one extension.

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

(5) A regulation made under this Act may impose requirements, or require compliance with standards or specifications, as amended, varied or substituted from time to time, that may be stipulated or recommended by a person, body or authority referred to in the regulation.

(6) No person may commence proceedings for an offence against any regulation made under this section relating to the parking or standing of vehicles without the prior approval of the Commissioner of Police.

Inconsistency of by-laws

177. If a by-law made by a council is inconsistent with this Act or a regulation made under this Act, this Act or the regulation prevails and the by-law is, to the extent of the inconsistency, invalid.

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APPENDIX 1

LEGISLATIVE HISTORY

Repeals

The *Road Traffic Act 1961* repealed the following Acts:

Road Traffic Act 1934
Road Traffic Act Amendment Act 1936
Road Traffic Act Amendment Act 1938
Road Traffic Act Amendment Act 1939
Road Traffic Act Amendment Act (No. 2) 1939
Road Traffic Act Amendment Act (No. 3) 1939
Road Traffic Act Amendment Act 1940
Road Traffic Act Amendment Act 1941
Road Traffic Act Amendment Act (No. 2) 1941
Road Traffic Act Amendment Act 1942
Road Traffic Act Amendment Act (No. 2) 1942
Road Traffic Act Amendment Act 1943
Road Traffic Act Amendment Act 1944
Road Traffic Act Amendment Act (No. 2) 1944
Road Traffic Act Amendment Act 1945
Road Traffic Act Amendment Act (No. 2) 1945
Road Traffic Act Amendment Act 1946
Road Traffic Act Amendment Act 1947
Road Traffic Act Amendment Act (No. 2) 1947
Road Traffic Act Amendment Act 1948
Road Traffic Act Amendment Act 1950
Road Traffic Act Amendment Act 1951
Road Traffic Act Amendment Act 1952
Road Traffic Act Amendment Act (No. 1) 1953
Road Traffic Act Amendment Act (No. 2) 1953
Road Traffic Act Amendment Act 1954
Road Traffic Act Amendment Act 1955
Road Traffic Act Amendment Act (No. 2) 1955
Road Traffic Act Amendment Act 1956
Road Traffic Act Amendment Act 1957
Road Traffic Act Amendment Act 1958
Road Traffic Act Amendment Act 1959
Road Traffic Board Act 1960

Transitional Provisions

(Transitional provision from Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996, s. 5)

5. An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

Legislative History

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 9 of The Public General Acts of South Australia 1837-1975 at page 592.

· Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 1 January 1985 and as at 16 January 1989. Schedules of these alterations were laid before Parliament on 12 February 1985 and 14 February 1989 respectively.

· Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 2: deleted in pursuance of the *Acts Republication Act 1967* as its function is now exhausted

Section 3: deleted in pursuance of the *Acts Republication Act 1967* as its function is now exhausted

Section 4: amended by 103, 1976, s. 3; 24, 1981, s. 3; deleted in pursuance of the *Acts Republication Act 1967*

Section 5(1): redesignated as s. 5(1) by 103, 1976, s. 4(d)
definition of "area" amended by 50, 1984, s. 3(1) (Sched. 5)
definition of "axle" amended by 103, 1976, s. 4(a); substituted by 25, 1989, s. 3(a)
definition of "bicycle lane" inserted by 10, 1993, s. 3(a)
definition of "bikeway" inserted by 10, 1993, s. 3(a)
definition of "box right turn" inserted by 10, 1993, s. 3(a)
definition of "carriageway" amended by 50, 1984, s. 3(1) (Sched. 5); substituted by 10, 1993, s. 3(b); amended by 88, 1994, s. 3(a)
definition of "council" amended by 50, 1984, s. 3(1) (Sched. 5)
definition of "driver's licence" inserted by 99, 1981, s. 3(a)
definition of "expressway" inserted by 57, 1997, s. 3
definition of "give way sign" amended by 50, 1984, s. 3(1) (Sched. 5)
definition of "gross combination mass" inserted by 103, 1976, s. 4(b); repealed by 25, 1989, s. 3(b)
definition of "gross combination mass limit" inserted by 103, 1976, s. 4(b); repealed by 25, 1989, s. 3(b)
definition of "gross vehicle mass" inserted by 103, 1976, s. 4(b); repealed by 25, 1989, s. 3(b)
definition of "gross vehicle mass limit" inserted by 103, 1976, s. 4(b); repealed by 25, 1989, s. 3(b)
definition of "group of axles" inserted by 25, 1989, s. 3(b)
definition of "hook right turn" inserted by 88, 1994, s. 3(b)
definition of "mass" inserted by 25, 1989, s. 3(c)
definition of "omnibus" amended by 24, 1981, s. 4
definition of "owner" amended by 50, 1984, s. 3(1) (Sched. 5)
definition of "pedestrian" inserted by 74, 1988, s. 3; amended by 64, 1995, s. 3(a)
definition of "prime mover" inserted by 5, 1992, s. 3(a)
definition of "radar detector or jammer" inserted by 52, 1990, s. 3
definition of "road" amended by 10, 1993, s. 3(c)
definition of "roundabout" amended by 27, 1986, s. 3(b)
definition of "semi-trailer" inserted by 5, 1992, s. 3(b)
definition of "shared zone" inserted by 88, 1994, s. 3(c)
definition of "small-wheeled vehicle" inserted by 64, 1995, s. 3(b)
definition of "speed zone" substituted by 41, 1989, s. 3
definition of "stop sign" amended by 50, 1984, s. 3(1) (Sched. 5)
definition of "tandem axle group" inserted by 25, 1989, s. 3(d); substituted by 32, 1993, s. 3(a)
definition of "the Board" repealed by 27, 1986, s. 3(a)

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	definition of "towtruck" inserted by 99, 1981, s. 3(b)
	definition of "traffic control device" amended by 50, 1984, s. 3(1) (Sched. 5)
	definition of "traffic lights" amended by 50, 1984, s. 3(1) (Sched. 5)
	definition of "trailer" amended by 10, 1993, s. 3(d)
	definition of "tri-axle group" inserted by 25, 1989, s. 3(e); substituted by 32, 1993, s. 3(b)
	definition of "unladen mass" substituted by 103, 1976, s. 4(c)
	definition of "vehicle" amended by 64, 1995, s. 3(c)
	definition of "wheelchair" inserted by 10, 1993, s. 3(e)
Section 5(2):	inserted by 103, 1976, s. 4(d); substituted by 25, 1989, s. 3(f)
Section 5(3):	inserted by 99, 1981, s. 3(c)
Section 5A:	inserted by 46, 1981, s. 3; repealed by 50, 1984, s. 3(1) (Sched. 5)
Section 6:	amended by 64, 1995, s. 4
Section 7:	amended by 10, 1993, s. 4
Heading preceding section 11:	repealed by 27, 1986, s. 4
Section 11:	amended by 103, 1976, s. 5; 50, 1984, s. 3(1) (Sched. 5); substituted by 27, 1986, s. 4
Section 12:	amended by 103, 1978, s. 6; substituted by 27, 1986, s. 4
Sections 13 and 14:	repealed by 27, 1986, s. 4
Section 15:	amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 27, 1986, s. 4
Section 16(1):	definition of "Authority" amended by 103, 1976, s. 7; 30, 1994, Sched. 4 cl. 2(b)(i) paragraph (d) repealed by 103, 1976, s. 7
Section 17(1) and (2):	amended by 27, 1986, s. 5(a)
Section 17(3) - (7):	repealed by 27, 1986, s. 5(b)
Section 17(8):	amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 27, 1986, s. 5(b)
Section 17(9):	repealed by 27, 1986, s. 5(b)
Section 18(1):	amended by 27, 1986, s. 6(a), (b)
Section 18(2) - (4):	repealed by 27, 1986, s. 6(c)
Section 18(5):	amended by 27, 1986, s. 6(d)
Section 18(6):	amended by 27, 1986, s. 6(e)
Section 19(1):	substituted by 42, 1979, s. 3(a)
Section 19(2) - (4):	repealed by 42, 1979, s. 3(a)
Section 19(5):	amended by 42, 1979, s. 3(b)
Section 20(1):	definition of "hazardous work area" inserted by 66, 1996, s. 3(a) definition of "public authority" amended by 50, 1984, s. 3(1) (Sched. 5) definitions of "work area" and "work site" inserted by 66, 1996, s. 3(b)
Section 20(2):	substituted by 25, 1980, s. 3(a); amended by 27, 1986, s. 7; 66, 1996, s. 3(c)-(e)
Section 20(2a):	inserted by 25, 1980, s. 3(a); amended by 66, 1996, s. 3(f)
Section 20(3):	amended by 66, 1996, s. 3(g)
Section 20(4):	inserted by 25, 1980, s. 3(b)
Section 23(3):	amended by 103, 1976, s. 8
Section 23(4):	inserted by 85, 1985, s. 3; amended by 27, 1986, s. 8
Section 25(1):	amended by 27, 1986, s. 9
Section 25(2) and (3):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 31(1):	definition of "false traffic sign" substituted by 50, 1984, s. 3(1) (Sched. 5)
Section 31(2):	amended by 27, 1986, s. 10
Section 31(4):	amended by 103, 1976, s. 9
Section 31(5):	amended by 27, 1986, s. 10

Section 32:	amended by 50, 1984, s. 3(1) (Sched. 5); 27, 1986, s. 11; substituted by 41, 1989, s. 4
Section 32A and heading:	inserted by 88, 1994, s. 4
Heading preceding section 33:	substituted by 52, 1990, s. 4
Section 33:	amended by 50, 1984, s. 3(1) (Sched. 5); substituted by 52, 1990, s. 4
Section 33(7):	amended by 32, 1993, s. 4(a); 64, 1995, s. 5
Section 33(9a):	inserted by 32, 1993, s. 4(b)
Section 34 and heading:	substituted by 103, 1976, s. 10; repealed by 25, 1989, s. 4
Section 35(2):	amended by 42, 1979, s. 4
Section 36:	amended by 103, 1976, s. 11
Section 38:	amended by 103, 1976, s. 12
Section 39(2):	substituted by 50, 1984, s. 3(1) (Sched. 5)
Section 40(1):	amended by 15, 1984, s. 3(a); 85, 1985, s. 4(a), (b); 74, 1988, s. 4; 33, 1996, s. 2(a); 66, 1996, s. 4(a)-(f)
Section 40(2):	amended by 15, 1984, s. 3(b), (c); 85, 1985, s. 4(c); 33, 1996, s. 2(b); 66, 1996, s. 4(g)
Section 40(3):	inserted by 15, 1984, s. 3(d); amended by 33, 1996, s. 2(c)
Section 40(3a):	inserted by 33, 1996, s. 2(d)
Section 40(4):	inserted by 15, 1984, s. 3(d); amended by 33, 1996, s. 2(e)
Section 41(1):	amended by 32, 1993, s. 5(a); 64, 1995, s. 6
Section 41(2):	amended by 103, 1976, s. 13
Section 41(3):	inserted by 32, 1993, s. 5(b)
Section 42(1):	amended by 103, 1976, s. 14(a)
Section 42(2):	amended by 103, 1976, s. 14(b)
Section 43(3):	amended by 103, 1976, s. 15; 50, 1984, s. 3(1) (Sched. 5); 92, 1986, s. 3(a)
Section 43(3aa):	inserted by 105, 1987, s. 3; amended by 30, 1994 Sched. 4 cl. 2(b)(ii), (iii)
Section 43(3a):	inserted by 92, 1986, s. 3(b)
Section 43(3b):	inserted by 92, 1986, s. 3(b); amended by 51, 1988, s. 71(a)
Section 43(3b)(b):	repealed by 51, 1988, s. 71(b)
Section 43(5):	substituted by 42, 1979, s. 5; amended by 50, 1984, s. 3(1) (Sched. 5)
Section 43(6):	amended by 50, 1984, s. 3(1) (Sched. 5)
Heading preceding section 44:	amended by 37, 1992, s. 5
Section 44:	amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 37, 1992, s. 6
Section 44A:	amended by 103, 1976, s. 16
Section 45:	amended by 103, 1976, s. 17
Section 45A:	amended by 103, 1976, s. 18
Section 46(1):	amended by 103, 1976, s. 19(a); 46, 1981, s. 4(a)
Section 46(3):	inserted by 103, 1976, s. 19(b); substituted by 46, 1981, s. 4(b); amended by 51, 1988, s. 72(a)
Section 46(3)(c):	repealed by 51, 1988, s. 72(b)
Section 46(4):	inserted by 42, 1979, s. 6; substituted by 46, 1981, s. 4(b)
Section 47(1):	amended by 103, 1976, s. 20(a); 46, 1981, s. 5(a); 1, 1990, s. 2(a), (b)
Section 47(3):	substituted by 42, 1979, s. 7; 46, 1981, s. 5(b); amended by 55, 1985, s. 3; 51, 1988, s. 73(a); 1, 1990, s. 2(c)
Section 47(3)(c):	repealed by 51, 1988, s. 73(b)
Section 47(4):	amended by 103, 1976, s. 20(b); substituted by 46, 1981, s. 5(b); amended by 12, 1991, s. 3
Section 47A:	definition of "alcotest" amended by 99, 1981, s. 4 definition of "analyst" inserted by 53, 1986, s. 3 definition of "approved blood test kit" inserted by 95, 1995, s. 13

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	definition of "breath test" inserted by 46, 1981, s. 6; repealed by 55, 1985, s. 4
	definition of "category 1 offence" inserted by 12, 1991, s. 4(a)
	definition of "category 2 offence" inserted by 12, 1991, s. 4(a)
	definition of "category 3 offence" inserted by 12, 1991, s. 4(a)
	definition of "gross vehicle mass" inserted by 5, 1992, s. 4(a)
	definition of "prescribed concentration of alcohol" substituted by 12, 1991, s. 4(b); amended by 5, 1992, s. 4(b)
	definition of "prescribed vehicle" inserted by 5, 1992, s. 4(c)
Section 47B(1):	amended by 103, 1976, s. 21(a); 46, 1981, s. 7(a); 1, 1990, s. 3(a); 12, 1991, s. 5(a)
Section 47B(2a):	inserted by 103, 1976, s. 21(b); repealed by 46, 1981, s. 7(b)
Section 47B(3):	substituted by 42, 1979, s. 8; 46, 1981, s. 7(b); amended by 55, 1985, s. 5; 51, 1988, s. 74(a); 1, 1990, s. 3(b); 12, 1991, s. 5(b)-(d)
Section 47B(3)(c):	repealed by 51, 1988, s. 74(b)
Section 47B(4):	inserted by 46, 1981, s. 7(b); amended by 12, 1991, s. 5(e)
Section 47B(5):	inserted by 46, 1981, s. 7(b); substituted by 12, 1991, s. 5(f); amended by 34, 1996, s. 4 (Sched. cl. 30)
Section 47C(1):	amended by 12, 1991, s. 6(a), (b)
Section 47C(2):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 47C(3):	amended by 12, 1991, s. 6(c)
Section 47D(1):	amended by 84, 1984, s. 3
Section 47DA:	inserted by 46, 1981, s. 8
Section 47DA(1):	substituted by 55, 1985, s. 6(a)
Section 47DA(2):	amended by 55, 1985, s. 6(b)
Section 47DA(3) and (4):	substituted by 55, 1985, s. 6(c)
Section 47DA(5):	amended by 28, 1984, s. 3(a); substituted by 55, 1985, s. 6(c); amended by 52, 1990, s. 5
Section 47DA(6):	substituted by 55, 1985, s. 6(c)
Section 47DA(7):	amended by 28, 1984, s. 3(b); 84, 1984, s. 4; repealed by 55, 1985, s. 6(d)
Section 47E(1):	amended by 42, 1979, s. 9(a); 24, 1980, s. 3(a); 46, 1981, s. 9(a)
Section 47E(1a):	inserted by 42, 1979, s. 9(b); repealed by 24, 1980, s. 3(b)
Section 47E(2):	substituted by 84, 1984, s. 5
Section 47E(2a):	inserted by 46, 1981, s. 9(b); substituted by 55, 1985, s. 7(a)
Section 47E(2b):	inserted by 46, 1981, s. 9(b)
Section 47E(3):	amended by 103, 1976, s. 22(a); 46, 1981, s. 9(c); 1, 1990, s. 4(a)
Section 47E(3a):	inserted by 103, 1976, s. 22(b); repealed by 46, 1981, s. 9(d)
Section 47E(5):	substituted by 95, 1995, s. 14
Section 47E(5a):	inserted by 86, 1993, s. 3
Section 47E(6):	substituted by 42, 1979, s. 9(c); 46, 1981, s. 9(e); amended by 55, 1985, s. 7(b), (c); 51, 1988, s. 75(a); 1, 1990, s. 4(b)
Section 47E(6)(c):	repealed by 51, 1988, s. 75(b)
Section 47E(7):	inserted by 46, 1981, s. 9(e); amended by 12, 1991, s. 7
Section 47F(1):	substituted by 84, 1984, s. 6; repealed by 86, 1993, s. 4(a)
Section 47F(2):	amended by 50, 1984, s. 3(1) (Sched. 5); substituted by 84, 1984, s. 6; amended by 86, 1993, s. 4(b)
Section 47F(2a):	inserted by 84, 1984, s. 6; amended by 86, 1993, s. 4(c)
Section 47F(3):	amended by 42, 1979, s. 10; substituted by 86, 1993, s. 4(d)
Section 47F(4):	repealed by 86, 1993, s. 4(d)
Sections 47FA and 47FB:	inserted by 86, 1993, s. 5
Section 47G(1):	amended by 42, 1979, s. 11(a); 95, 1995, s. 15(a), (b)
Section 47G(1a):	inserted by 42, 1979, s. 11(b); amended by 86, 1993, s. 6(a); substituted by 95, 1995, s. 15(c)
Section 47G(1ab):	inserted by 95, 1995, s. 15(c)
Section 47G(1b):	inserted by 14, 1991, s. 2; amended by 95, 1995, s. 15(d)

Section 47G(2):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 47G(2a):	inserted by 42, 1979, s. 11(c); amended by 86, 1993, s. 6(b); 95, 1995, s. 15(e)
Section 47G(3):	amended by 50, 1984, s. 3(1) (Sched. 5); 95, 1995, s. 15(f)
Section 47G(3a):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 47G(3b):	inserted by 46, 1981, s. 10
Section 47G(3c):	inserted by 46, 1981, s. 10; substituted by 84, 1984, s. 7(a); 55, 1985, s. 8
Section 47G(4):	amended by 53, 1986, s. 4; 95, 1995, s. 15(g)
Section 47G(5):	amended by 50, 1984, s. 3(1) (Sched. 5); 84, 1984, s. 7(b), (c); 86, 1993, s. 6(c); 95, 1995, s. 15(h)
Section 47G(5)(d):	repealed by 95, 1995, s. 15(i)
Section 47G(6):	substituted by 84, 1984, s. 7(d); amended by 95, 1995, s. 15(j), (k)
Section 47G(7) - (9):	inserted by 95, 1995, s. 15(l)
Section 47GA:	inserted by 95, 1995, s. 16
Section 47H(3):	deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted
Section 47I(6):	amended by 42, 1979, s. 12(a)
Section 47I(7):	amended by 53, 1986, s. 5(a); substituted by 95, 1995, s. 17(a)
Section 47I(10):	amended by 50, 1984, s. 3(1) (Sched. 5); substituted by 53, 1986, s. 5(b); 95, 1995, s. 17(b)
Section 47I(10a):	inserted by 95, 1995, s. 17(b)
Section 47I(11):	substituted by 53, 1986, s. 5(b); amended by 95, 1995, s. 17(c)
Section 47I(12) and (13):	substituted by 53, 1986, s. 5(b)
Section 47I(13a) and (13b):	inserted by 53, 1986, s. 5(b)
Section 47I(13ba):	inserted by 16, 1988, s. 3
Section 47I(13c):	inserted by 53, 1986, s. 5(b); amended by 95, 1995, s. 17(d), (e)
Section 47I(14):	amended by 103, 1976, s. 23(a); 46, 1981, s. 11(a); 1, 1990, s. 5(a), (b)
Section 47I(14a):	inserted by 103, 1976, s. 23(b); substituted by 46, 1981, s. 11(b); amended by 55, 1985, s. 9; 51, 1988, s. 76(a); 1, 1990, s. 5(c), (d)
Section 47I(14a)(c):	repealed by 51, 1988, s. 76(b)
Section 47I(14b):	inserted by 42, 1979, s. 12(b); substituted by 46, 1981, s. 11(b); amended by 12, 1991, s. 8
Section 47I(15):	amended by 103, 1976, s. 23(c)
Section 47IA:	inserted by 46, 1981, s. 12
Section 47IA(3):	amended by 12, 1991, s. 9
Section 47J:	inserted by 103, 1976, s. 24
Section 47J(12):	definition of "assessment clinic" substituted by 50, 1984, s. 3(1) (Sched. 5)
Section 48:	definition of "prescribed offence" substituted by 12, 1991, s. 10
Section 49(1):	amended by 103, 1976, s. 25; substituted by 12, 1991, s. 11
Section 49(3):	amended by 103, 1976, s. 26; 25, 1980, s. 4(a), (b); 88, 1994, s. 5
Section 49(3):	inserted by 25, 1991, s. 12
Section 50(1):	amended by 103, 1976, s. 27
Section 50(2):	amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 12, 1991, s. 13
Section 51:	repealed by 36, 1976, s. 2
Section 52:	amended by 103, 1976, s. 28
Section 53(1):	amended by 103, 1976, s. 29(a), (b); substituted by 58, 1986, s. 3; amended by 14, 1988, s. 3; 25, 1989, s. 5
Section 53(2):	amended by 103, 1976, s. 29(c); repealed by 58, 1986, s. 3
Section 53B:	inserted by 52, 1990, s. 6
Section 53B(3):	substituted by 34, 1996, s. 4 (Sched. cl. 30)

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Section 54:	amended by 103, 1976, s. 30; amended by 50, 1984, s. 3(1) (Sched. 5); substituted by 69, 1985, s. 2
Section 54(3):	inserted by 10, 1993, s. 5
Section 55:	amended by 103, 1976, s. 31; redesignated as s. 55(1) by 10, 1993, s. 6
Section 55(2):	inserted by 10, 1993, s. 6
Section 55A:	inserted by 10, 1993, s. 7
Section 56:	amended by 103, 1976, s. 32
Section 57(1):	amended by 103, 1976, s. 33
Section 57(2):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 58(1):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 58(3):	substituted by 10, 1993, s. 8
Section 58(4):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 58(5):	repealed by 103, 1976, s. 34
Section 58A:	inserted by 10, 1993, s. 9
Section 59(1):	amended by 103, 1976, s. 35; 10, 1993, s. 10
Section 60(1):	amended by 103, 1976, s. 36
Section 60(2):	amended by 10, 1993, s. 11(a)
Section 60(3):	inserted by 10, 1993, s. 11(b)
Heading preceding section 61:	inserted by 10, 1993, s. 12
Section 61:	amended by 103, 1976, s. 37; 50, 1984, s. 3(1) (Sched. 5); 52, 1990, s. 7; substituted by 10, 1993, s. 12
Section 63(1):	amended by 103, 1976, s. 38(a); 42, 1979, s. 13(a); 107, 1980, s. 3; 10, 1993, s. 13(a)
Section 63(1b):	amended by 103, 1976, s. 38(b); 42, 1979, s. 13(b)
Section 63(1c) and (1d):	inserted by 10, 1993, s. 13(b)
Section 63(2):	substituted by 103, 1976, s. 38(c)
Section 63(5):	inserted by 42, 1979, s. 13(c)
Section 63(6):	inserted by 25, 1980, s. 5
Section 65:	amended by 103, 1976, s. 39
Section 65A:	inserted by 10, 1993, s. 14
Section 66(1):	amended by 103, 1976, s. 40
Section 67(3):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 67(4):	repealed by 103, 1976, s. 41
Section 68:	amended by 103, 1976, s. 42
Section 68A:	inserted by 88, 1994, s. 6
Section 69:	amended by 103, 1976, s. 43
Section 69A:	inserted by 1, 1992, Sched. 3
Section 70(1):	amended by 103, 1976, s. 44
Section 70(9):	definition of "property line" amended by 10, 1993, s. 15
Section 70A:	inserted by 10, 1993, s. 16
Section 70B:	inserted by 88, 1994, s. 7
Section 71:	amended by 50, 1984, s. 3(1) (Sched. 5); redesignated as s. 71(1) by 37, 1997, s. 2
Section 71(2):	inserted by 37, 1997, s. 2
Section 71A:	amended by 103, 1976, s. 45; amended and redesignated as s. 71A(1) by 37, 1997, s. 3
Section 71A(2):	inserted by 37, 1997, s. 3(b)
Section 72(1):	amended by 103, 1976, s. 46
Section 73:	amended by 103, 1976, s. 47
Section 74(1):	amended by 103, 1976, s. 48; 10, 1993, s. 17
Section 74A:	amended by 103, 1976, s. 49
Heading preceding section 75:	amended by 52, 1990, s. 8
Section 75(1):	amended by 103, 1976, s. 50(a); 52, 1990, s. 9(a)
Section 75(1a):	amended by 103, 1976, s. 50(b); 52, 1990, s. 9(b)
Section 75(2):	amended by 50, 1984, s. 3(1) (Sched. 5); 52, 1990, s. 9(c)
Section 76:	amended by 103, 1976, s. 51; substituted by 15, 1984, s. 4
Section 76(1):	definition of "traffic sign" substituted by 52, 1990, s. 10(a)

Section 76(2):	definition of "traffic signal" inserted by 52, 1990, s. 10(a) amended by 52, 1990, s. 10(b), (c); substituted by 32, 1993, s. 6(a)
Section 76(2a):	inserted by 32, 1993, s. 6(a)
Section 76(3):	amended by 32, 1993, s. 6(b)
Section 76(4):	amended by 52, 1990, s. 10(d)
Section 76(5):	amended by 52, 1990, s. 10(e)-(g); 32, 1993, s. 6(c)
Section 77:	amended by 103, 1976, s. 52; repealed by 15, 1984, s. 4
Section 78(2):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 78(3a):	amended by 103, 1976, s. 53(a)
Section 78(3b):	amended by 42, 1979, s. 14; 50, 1984, s. 3(1) (Sched. 5)
Section 78(5):	repealed by 103, 1976, s. 53(b)
Section 78A:	amended by 103, 1976, s. 54; repealed by 15, 1984, s. 5
Sections 79A, 79B and heading:	inserted by 5, 1987, s. 3
Section 79B(1):	definition of "registered owner" substituted by 52, 1990, s. 11(a); amended by 65, 1996, Sched. cl. 2
Section 79B(2):	amended by 52, 1990, s. 11(b)
Section 79B(3):	amended by 52, 1990, s. 11(c)
Section 79B(4):	amended by 34, 1996, s. 4 (Sched. cl. 30)
Section 79B(5):	amended by 52, 1990, s. 11(d); 34, 1996, s. 4 (Sched. cl. 30)
Section 79B(6):	amended by 52, 1990, s. 11(e); 34, 1996, s. 4 (Sched. cl. 30)
Section 79B(9):	amended by 34, 1996, s. 4 (Sched. cl. 30)
Section 79B(9a):	inserted by 52, 1990, s. 11(f)
Section 79B(10):	amended by 52, 1990, s. 11(g), (h)
Section 79C:	inserted by 52, 1990, s. 12
Section 80:	amended by 103, 1976, s. 55; 50, 1984, s. 3(1) (Sched. 5); 30, 1994, Sched. 4 cl. 2(b)(iv); 32, 1996, s. 2
Section 81(1):	amended by 103, 1976, s. 56
Section 81(2):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 82:	amended by 103, 1976, s. 57; repealed by 45, 1979, s. 3
Section 82A(1):	amended by 27, 1986, s. 12(a)
Section 82A(2):	amended by 27, 1986, s. 12(b)
Section 83:	amended by 103, 1976, s. 58; 42, 1979, s. 15; repealed by 45, 1979, s. 3
Section 83A(1):	amended by 103, 1976, s. 59(a)
Section 83A(2):	amended by 103, 1976, s. 59(b)
Section 83A(3):	amended by 27, 1986, s. 13
Section 84:	amended by 103, 1976, s. 60; repealed by 45, 1979, s. 3
Section 85(1):	amended by 90, 1981, s. 2(a)
Section 85(2):	amended by 103, 1976, s. 61
Section 85(4):	repealed by 90, 1981, s. 2(b)
Section 86(1):	amended by 15, 1984, s. 6; 10, 1993, s. 18; 57, 1997, s. 4(a)
Section 86(1a):	inserted by 57, 1997, s. 4(b)
Section 86(3):	amended by 57, 1997, s. 4(c)
Section 86(4):	amended by 57, 1997, s. 4(d)
Section 87:	amended by 103, 1976, s. 62
Section 88(1):	amended by 103, 1976, s. 63(a); 10, 1993, s. 19(a)
Section 88(2):	amended by 88, 1994, s. 8(a)
Section 88(3):	amended by 103, 1976, s. 63(b); 50, 1984, s. 3(1) (Sched. 5); substituted by 10, 1993, s. 19(b)
Section 88(4):	inserted by 10, 1993, s. 19(b)
Section 88(5):	inserted by 10, 1993, s. 19(b); amended by 88, 1994, s. 8(b)
Section 89(2):	amended by 103, 1976, s. 64(a), (b); 30, 1994, Sched 4. cl. 2(b)(v); 32, 1996, s. 3
Section 89(3):	repealed by 103, 1976, s. 64(c)
Section 90:	amended by 103, 1976, s. 65
Section 90A:	inserted by 88, 1994, s. 9
Section 91(1):	substituted by 99, 1981, s. 5

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Section 91(2):	amended by 103, 1976, s. 66(a), (b); substituted by 99, 1981, s. 5
Section 91(3):	amended by 103, 1976, s. 66(c)
Section 91(4):	definition of "laden weight" repealed by 103, 1976, s. 66(d)
Section 92:	amended by 103, 1976, s. 67
Section 93:	amended by 103, 1976, s. 68; 10, 1993, s. 20
Section 94:	amended by 103, 1976, s. 69
Section 94A(1):	amended by 103, 1976, s. 70; 50, 1984, s. 3(1) (Sched. 5)
Section 94A(2):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 94A(2a):	amended by 27, 1986, s. 14(a)
Section 94A(2b):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 94A(2c):	repealed by 27, 1986, s. 14(b)
Section 95:	amended by 103, 1976, s. 71; 50, 1984, s. 3(1) (Sched. 5)
Section 96(1):	amended by 103, 1976, s. 72(a)
Section 96(2):	amended by 103, 1976, s. 72(b); 50, 1984, s. 3(1) (Sched. 5)
Section 97(1):	amended by 103, 1976, s. 73
Section 97(2):	amended by 10, 1993, s. 21
Section 98:	amended by 103, 1976, s. 74
Section 99:	amended by 103, 1976, s. 75
Section 99A:	inserted by 10, 1993, s. 22
Section 99B:	inserted by 64, 1995, s. 7
Section 100(3):	repealed by 103, 1976, s. 76
Section 101:	amended by 103, 1976, s. 77
Section 102(1):	amended by 32, 1993, s. 7
Section 102(3):	repealed by 103, 1976, s. 78
Section 103:	amended by 103, 1976, s. 79
Section 104(1):	amended by 103, 1976, s. 80; 50, 1984, s. 3(1) (Sched. 5)
Section 105:	amended by 103, 1976, s. 81
Section 106(1):	amended by 103, 1976, s. 82(a)
Section 106(2):	amended by 103, 1976, s. 82(b), (c); 30, 1994, Sched. 4 cl. 2(b)(vi)
Section 107:	amended by 103, 1976, s. 83
Section 108(1):	amended by 103, 1976, s. 84; 50, 1984, s. 3(1) (Sched. 5)
Section 109:	amended by 103, 1976, s. 85
Section 110:	amended by 103, 1976, s. 86
Heading preceding section 111:	amended by 103, 1976, s. 87
Section 111:	amended by 103, 1976, s. 88; 46, 1981, s. 13; 50, 1984, s. 3(1) (Sched. 5)
Section 119:	amended by 103, 1976, s. 89; 50, 1984, s. 3(1) (Sched. 5)
Section 121:	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 122:	amended by 103, 1976, s. 90
Section 124:	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 126(1):	amended by 103, 1976, s. 91
Section 132:	amended by 103, 1976, s. 92; 50, 1984, s. 3(1) (Sched. 5)
Section 134:	redesignated as s. 134(1) by 15, 1984, s. 7; amended by 85, 1985, s. 5(a); 66, 1996, s. 5
Section 134(2):	inserted by 15, 1984, s. 7
Section 135:	amended by 27, 1986, s. 15; 50, 1984, s. 3(1) (Sched. 5)
Section 137:	substituted by 32, 1993, s. 8
Section 138A(1):	amended by 103, 1976, s. 93
Section 138A(2) and (3):	repealed by 99, 1981, s. 6
Section 138B and heading:	repealed by 99, 1981, s. 7
Heading preceding section 139:	substituted by 25, 1989, s. 6
Section 139:	amended by 103, 1976, s. 94; 50, 1984, s. 3(1) (Sched. 5); 25, 1989, s. 7
Section 141(2):	amended by 42, 1979, s. 16; 51, 1997, s. 8(a), (b)
Section 141(4):	amended by 82, 1987, s. 2; 32, 1993, s. 9
Section 141(5):	substituted by 103, 1976, s. 95; 51, 1997, s. 8(c)

Section 142:	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 143:	repealed by 99, 1981, s. 8; inserted by 25, 1989, s. 8
Heading preceding section 144:	inserted by 12, 1991, s. 14
Section 144:	repealed by 103, 1976, s. 97; inserted by 12, 1991, s. 14
Section 145:	repealed by 103, 1976, s. 97
Heading preceding section 146:	substituted by 103, 1976, s. 96; 25, 1989, s. 9
Section 146:	amended by 103, 1976, s. 98; substituted by 25, 1989, s. 10
Section 147:	amended by 103, 1976, s. 99; 42, 1979, s. 17; 99, 1981, s. 9; substituted by 25, 1989, s. 10
Section 148:	inserted by 25, 1989, s. 10
Section 149:	substituted by 25, 1989, s. 10
Section 150:	amended by 103, 1976, s. 100; substituted by 25, 1989, s. 10
Section 151:	repealed by 103, 1976, s. 101
Section 152:	amended by 103, 1976, s. 102; 15, 1984, s. 8; substituted by 82, 1987, s. 3
Section 153(1):	amended by 103, 1976, s. 103(a)-(c); 42, 1979, s. 18
Section 153(2):	amended by 103, 1976, s. 103(d); 50, 1984, s. 3(1) (Sched. 5)
Section 154(2):	amended by 103, 1976, s. 104
Section 155:	repealed by 103, 1976, s. 105
Section 156(1):	amended by 103, 1976, s. 106(a)-(d); 25, 1989, s. 11
Section 156(2):	amended by 103, 1976, s. 106(e); 50, 1984, s. 3(1) (Sched. 5)
Section 157:	amended by 103, 1976, s. 107; substituted by 99, 1981, s. 10
Section 158:	amended by 103, 1976, s. 108; repealed by 99, 1981, s. 10
Section 160(1):	definition of "inspector" repealed by 100, 1996, s. 3(a)
Section 160(1a) and (1b):	inserted by 55, 1989, s. 3(a)
Section 160(2):	amended by 42, 1979, s. 19(a); substituted by 55, 1989, s. 3(b)
Section 160(2a):	substituted by 42, 1979, s. 19(b); amended by 50, 1984, s. 3(1) (Sched. 5); 105, 1987, s. 4(a)
Section 160(3):	amended by 103, 1976, s. 109(a); 55, 1989, s. 3(c)
Section 160(3a):	inserted in pursuance of the <i>Acts Republication Act 1967</i>
Section 160(4):	substituted by 42, 1979, s. 19(c)
Section 160(4a):	amended by 42, 1979, s. 19(d); repealed by 100, 1996, s. 3(b)
Section 160(6):	amended by 103, 1976, s. 109(b)
Section 160(7):	amended by 15, 1984, s. 9; substituted by 105, 1987, s. 4(b)
Section 160(8) - (14):	inserted by 100, 1996, s. 3(c)
Section 161A(1):	amended by 103, 1976, s. 110; 27, 1986, s. 16(a)
Section 161A(2):	repealed by 27, 1986, s. 16(b)
Section 162:	amended by 103, 1976, s. 111
Section 162A(1):	amended by 58, 1986, s. 4(a)
Section 162A(2):	amended by 103, 1976, s. 112
Section 162A(3):	amended by 58, 1986, s. 4(b)-(d)
Section 162A(4):	amended by 27, 1986, s. 17
Section 162AB:	amended by 40, 1976, s. 2; 103, 1976, s. 113; 42, 1979, s. 20; 99, 1981, s. 11; 27, 1986, s. 18; substituted by 58, 1986, s. 5
Section 162AB(1):	amended by 74, 1988, s. 5(a)
Section 162AB(2) - (4):	substituted by 74, 1988, s. 5(b)
Section 162AB(5):	repealed by 74, 1988, s. 5(b)
Section 162AC:	inserted by 25, 1980, s. 6; repealed by 58, 1986, s. 5
Section 162B:	amended by 103, 1976, s. 114
Section 162C(1):	amended by 103, 1976, s. 115; substituted by 12, 1991, s. 15(a); amended by 64, 1995, s. 8(a)
Section 162C(2):	substituted by 12, 1991, s. 15(a); amended by 64, 1995, s. 8(a)
Section 162C(2a):	inserted by 12, 1991, s. 15(a); amended by 64, 1995, s. 8(a)
Section 162C(2b) and (2c):	inserted by 12, 1991, s. 15(a)
Section 162C(3):	amended by 12, 1991, s. 15(b); 64, 1995, s. 8(b)
Section 162C(4):	inserted by 56, 1991, s. 2; amended by 64, 1995, s. 8(c)
Section 163(1):	substituted by 103, 1976, s. 116(a); 99, 1981, s. 12(a)
Section 163(1a):	substituted by 103, 1976, s. 116(a); repealed by 91, 1982, s. 3

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Section 163(1b):	repealed by 103, 1976, s. 116(a)
Section 163(2):	repealed by 99, 1981, s. 12(a)
Section 163(3):	amended by 103, 1976, s. 116(b)
Section 163(4) and (5):	repealed by 99, 1981, s. 12(b)
Section 163AA and heading:	inserted by 99, 1981, s. 13
Section 163AA(1) and (2):	amended by 27, 1986, s. 19(a)
Section 163AA(3):	repealed by 27, 1986, s. 19(b)
Section 163A(1):	amended by 50, 1984, s. 3(1) (Sched. 5); 30, 1994, Sched. 4 cl. 2(b)(vii)
Section 163B(1):	substituted by 103, 1976, s. 117(a); 24, 1981, s. 5; amended by 30, 1994, Sched. 4 cl. 2(b)(viii)
Section 163B(2):	amended by 103, 1976, s. 117(b)
Section 163C(1):	amended by 99, 1981, s. 14(a); 91, 1982, s. 4(a); 58, 1986, s. 6(a); substituted by 30, 1994, Sched. 4 cl. 2(b)(ix)
Section 163C(1a):	inserted by 42, 1979, s. 21; substituted by 91, 1982, s. 4(b); 30, 1994, Sched. 4 cl. 2(b)(ix)
Section 163C(1b):	inserted by 91, 1982, s. 4(b); amended by 30, 1994, Sched. 4 cl. 2(b)(x)
Section 163C(2):	amended by 103, 1976, s. 118; substituted by 99, 1981, s. 14(b); 91, 1982, s. 4(c); 58, 1986, s. 6(b)
Section 163D(1):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 163D(2):	amended by 91, 1982, s. 5(a); 50, 1984, s. 3(1) (Sched. 5)
Section 163D(3):	amended by 103, 1976, s. 119(a); substituted by 99, 1981, s. 15; 91, 1982, s. 5(b)
Section 163D(3a):	inserted by 91, 1982, s. 5(b)
Section 163D(5):	substituted by 91, 1982, s. 5(c)
Section 163D(6):	amended by 103, 1976, s. 119(b)
Section 163E:	substituted by 91, 1982, s. 6; amended by 50, 1984, s. 3(1) (Sched. 5)
Section 163F:	amended by 99, 1981, s. 16; 91, 1982, s. 7
Section 163GA:	inserted by 91, 1982, s. 8
Section 163H:	amended by 103, 1976, s. 120
Sections 163J and 163K:	inserted by 103, 1976, s. 121
Section 163KA:	inserted by 15, 1984, s. 10
	Part 4B comprising ss. 163L - 163ZA and heading inserted by 24, 1981, s. 6; amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 30, 1994, Sched. 4 cl. 2(b)(xi)
Section 164A:	inserted by 103, 1976, s. 122
Section 164A(2):	amended by 91, 1982, s. 9
Section 164B:	inserted by 99, 1981, s. 17
Section 165:	repealed by 50, 1984, s. 3(1) (Sched. 5)
Section 166:	amended by 103, 1976, s. 123; 42, 1979, s. 22; 50, 1984, s. 3(1) (Sched. 5)
Section 168(1):	amended by 99, 1981, s. 18(a)
Section 168(2):	repealed by 103, 1976, s. 124
Section 168(4):	amended by 99, 1981, s. 18(b)
Section 168(5):	inserted by 42, 1979, s. 23
Section 169(1):	amended by 103, 1976, s. 125(a)-(c); 92, 1986, s. 4
Section 169(2):	amended by 103, 1976, s. 125(d); 42, 1979, s. 24; 99, 1981, s. 19; 50, 1984, s. 3(1) (Sched. 5)
Section 169(2a):	repealed by 103, 1976, s. 125(e)
Section 169A:	inserted by 103, 1976, s. 126
Section 170:	amended by 99, 1981, s. 20
Section 171:	repealed by 103, 1976, s. 127
Section 172:	amended by 99, 1981, s. 21
Section 173(1):	amended by 99, 1981, s. 22

Section 173(3):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 175(1):	amended by 42, 1979, s. 25(a), (b); 50, 1984, s. 3(1) (Sched. 5); 5, 1992, s. 5; 88, 1994, s. 10; 57, 1997, s. 5
Section 175(3):	amended by 103, 1976, s. 128; 42, 1979, s. 25(c), (d); 25, 1981, s. 2(a); 50, 1984, s. 3(1) (Sched. 5); 27, 1986, s. 20; 25, 1989, s. 12
Section 175(4):	inserted by 25, 1981, s. 2(b)
Section 176(1):	amended by 103, 1976, s. 129(a)-(d); 45, 1979, s. 4(a)-(d); 99, 1981, s. 23; 91, 1982, s. 10; 15, 1984, s. 11; 50, 1984, s. 3(1) (Sched. 5); 27, 1986, s. 21(a); 25, 1989, s. 13; 52, 1990, s. 13; 10, 1993, s. 23; 32, 1993, s. 10; 88, 1994, s. 11; 64, 1995, s. 9; 34, 1996, s. 4 (Sched. cl. 30); 57, 1997, s. 6
Section 176(2):	repealed by 103, 1976, s. 129(e); inserted by 34, 1996, s. 4 (Sched. cl. 30)
Section 176(3):	amended by 50, 1984, s. 3(1) (Sched. 5)
Section 176(4):	amended by 27, 1986, s. 21(b)
Section 176(6):	inserted by 45, 1979, s. 4(e)
Schedules 1 and 2:	repealed by 50, 1984, s. 3(1) (Sched. 5)

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APPENDIX 2

DIVISIONAL PENALTIES AND EXPIATION FEES

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25