

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 Appendices]
Reprint No. 15—10.7.97	[New Part 3 and Appendices]
Reprint No. 16—17.11.97	[New Parts 2, 3, 4 and Appendices]
Reprint No. 17—11.12.97	[New Parts 1, 3, 5 and Appendices]
Reprint No. 18—15.1.98	[New Part 4 and Appendices]
Reprint No. 19—5.2.98	[New Parts 2, 3, 5 and Appendices]
Reprint No. 20—20.7.98	[Whole Act replaced]
Reprint No. 21—3.9.98	[New Part 2 and Appendices]
Reprint No. 22—22.10.98	[New Part 3 and Appendices]
Reprint No. 23—14.1.99	[New Parts 2, 3 and Appendices]
Reprint No. 24—11.3.99	[New Part 5 and Appendices]
Reprint No. 25—27.5.99	[New Part 3 and Appendices]
Reprint No. 26—6.9.99	[New Part 3A and Appendices]
Reprint No. 27—1.11.99	[New Part 3AA and Appendices]
Reprint No. 28—1.12.99	[Whole Act replaced]
Reprint No. 29—15.8.00	[New Parts 1, 3, 5 and Appendix]
Reprint No. 30—9.7.01	[New Parts 3, 4, 5 and Appendix]
Reprint No. 31—16.7.01	[New Part 3 and Appendix]
Reprint No. 32—27.5.02	[New Part 3 and Appendix]
Reprint No. 33—29.6.02	[New Part 3 and Appendix]
Reprint No. 34—1.12.02	[New Part 2 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

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

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at **1 December 2002**.*

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.

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.

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- 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
- Road Traffic (Speed Zones) Amendment Act 1997 No. 78 of 1997 [Assented to 18 December 1997]⁵⁸
- Road Traffic (School Zones) Amendment Act 1998 No. 18 of 1998 [Assented to 2 April 1998]⁵⁹
- Road Traffic (Vehicle Identifiers) Amendment Act 1998 No. 19 of 1998 [Assented to 2 April 1998]⁶⁰
- Road Traffic (Miscellaneous) Amendment Act 1998 No. 58 of 1998 [Assented to 3 September 1998]⁶¹ (as amended by Road Traffic (Red Light Camera Offences) Amendment Act 2000⁶⁹)
- Road Traffic (Road Events) Amendment Act 1998 No. 76 of 1998 [Assented to 17 December 1998]⁶²
- Road Traffic (Proof of Accuracy of Devices) Amendment Act 1999 No. 5 of 1999 [Assented to 11 March 1999]
- Road Traffic (Miscellaneous) Amendment Act 1999 No. 20 of 1999 [Assented to 1 April 1999]⁶³
- Road Traffic (Driving Hours) Amendment Act 1999 No. 34 of 1999 [Assented to 24 June 1999]⁶⁴

Road Traffic (Road Rules) Amendment Act 1999 No. 39 of 1999 [Assented to 5 August 1999]⁶⁵

Motor Vehicles (Miscellaneous) Amendment Act 1999 No. 52 of 1999 [Assented to 12 August 1999]⁶⁶

Motor Vehicles (Heavy Vehicles Speeding Control Scheme) Amendment Act 1999 No. 67 of 1999 [Assented to 18 November 1999]⁶⁷

Road Traffic (Miscellaneous) Amendment Act 2000 No. 7 of 2000 [Assented to 20 April 2000]⁶⁸

Road Traffic (Red Light Camera Offences) Amendment Act 2000 No. 28 of 2000 [Assented to 29 June 2000]⁶⁹

Road Traffic (Alcohol Interlock Scheme) Amendment Act 2000 No. 91 of 2000 [Assented to 21 December 2000]⁷⁰

Statutes Amendment (Transport Portfolio) Act 2001 No. 17 of 2001 [Assented to 17 May 2001]⁷¹

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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 Scheds. 1, 3, 4 and 5) 1 November 1984: *Gaz.* 1 November 1984, p. 1398; Scheds. 1, 3 and 5 came into operation 1 January 1985: *Gaz.* 13 December 1984, p. 1811; Sched. 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.
- ⁵⁸ Came into operation 5 February 1998: *Gaz.* 5 February 1998, p. 862.
- ⁵⁹ Came into operation 20 July 1998: *Gaz.* 16 July 1998, p. 122.
- ⁶⁰ Came into operation 6 September 1999: *Gaz.* 26 August 1999, p. 955.
- ⁶¹ Came into operation (except ss. 4-7) on assent: s. 2(1); s. 4 came into operation 22 October 1998: *Gaz.* 22 October 1998, p. 1170; s. 5 came into operation 27 May 1999: *Gaz.* 27 May 1999, p. 2657; ss. 6 and 7 were repealed by Act No. 28 of 2000 before they were brought into operation.
- ⁶² Came into operation 14 January 1999: *Gaz.* 14 January 1999, p. 378.
- ⁶³ Came into operation 1 December 1999: *Gaz.* 25 November 1999, p. 2436.
- ⁶⁴ Came into operation 1 November 1999: *Gaz.* 23 September 1999, p. 1208.
- ⁶⁵ Came into operation 1 December 1999: *Gaz.* 11 November 1999, p. 2254.
- ⁶⁶ Section 96 came into operation 9 July 2001: *Gaz.* 5 July 2001, p. 2536.
- ⁶⁷ Section 5 came into operation 9 July 2001: *Gaz.* 5 July 2001, p. 2536.
- ⁶⁸ Came into operation 15 August 2000: *Gaz.* 3 August 2000, p. 360.
- ⁶⁹ Came into operation (except s. 3) 31 August 2000: *Gaz.* 24 August 2000, p. 592; s. 3 came into operation 29 June 2002 (by virtue of the Acts Interpretation Act 1915, s. 7(5)).
- ⁷⁰ Sections 1-7 and 9 came into operation 16 July 2001: *Gaz.* 12 July 2001, p. 2594.
- ⁷¹ Part 4 (except ss. 16-23 and 26) came into operation 9 July 2001: *Gaz.* 5 July 2001, p. 2536; ss. 17-23 & 26 came into operation 27 May 2002: *Gaz.* 23 May 2002, p. 1928; **s. 16 came into operation 1 December 2002: Gaz. 21 November 2002, p. 4225.**

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 *Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2002*, the *Statutes Amendment (Transport Portfolio) Act 2002* and the *Statutes Amendment (Road Safety Reforms) Act 2003* have not been brought into operation.

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- 174E. Presumption as to commencement of proceedings
- 175. Evidence
- 176. Regulations and rules
- 177. Inconsistency of by-laws

**APPENDIX
LEGISLATIVE HISTORY**

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*.

Crown is bound

2. (1) This Act binds the Crown in right of the State and also, so far as the legislative power of the State extends, in all its other capacities.

(2) No criminal liability attaches to the Crown itself (as distinct from its agents, instrumentalities, officers and employees) under this Act.

* * * * *

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;

"**area**" means a municipality or district council district;

"**articulated motor vehicle**" means a combination consisting of a prime mover towing one semi-trailer;

"**Australian Road Rules**"—*see section 80*;

"**axle**" means one or more shafts positioned in a line across a vehicle, on which one or more wheels intended to support the vehicle turn;

"**axle group**" means a single axle group, tandem axle group, twinsteer axle group, tri-axle group or quad-axle group;

"**bicycle**" means a vehicle with one or more wheels that is built to be propelled by human power through a belt, chain or gears (whether or not it has an auxiliary motor), and—

(a) includes a pedicab, penny-farthing, scooter, tricycle and unicycle; but

(b) does not include a wheelchair, wheeled recreational device, wheeled toy, or any vehicle with an auxiliary motor capable of generating a power output over 200 watts (whether or not the motor is operating);

"**bus**" means a motor vehicle built mainly to carry people that seats over 12 adults (including the driver);

"**combination**" means a group of vehicles consisting of a motor vehicle connected to one or more vehicles;

"**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;

"**condition**" includes a limitation;

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

"**cycle**" means a bicycle or a motor bike;

"**drive**" includes be in control of;

"**driver**" means a driver of a vehicle (except a motor bike, bicycle, animal or animal-drawn vehicle); the term does not include a person pushing a motorised wheelchair;

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

"**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;

"**mass and loading requirements**"—*see section 113*;

"**motor bike**" means a motor vehicle with two wheels, and includes a two wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel;

"**motor vehicle**" means a vehicle built to be propelled by a motor that forms part of the vehicle;

"**operator**", in relation to a motor vehicle, means a person registered or recorded as the operator 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;

"**owner**", in relation to a motor vehicle, includes—

- (a) a person registered or recorded as 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; and
- (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
- (c) a person who has possession of the vehicle by virtue of the hire or bailment of the vehicle;

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"**park**" includes stop;

"**pedestrian**" includes—

- (a) a person driving a motorised wheelchair that cannot travel at over 10 kilometres per hour (on level ground); and
- (b) a person in a non-motorised wheelchair; and
- (c) a person pushing a motorised or non-motorised wheelchair; and
- (d) a person in or on a wheeled recreational device or wheeled toy;

"**prime mover**" means a motor vehicle built to tow a semi-trailer;

"**quad-axle group**" means a group of 4 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 3.2 metres, but not more than 4.9 metres;

"**ride**", for the rider of a motor bike or animal-drawn vehicle, includes be in control of;

"**rider**" means a rider of a motor bike, bicycle, animal or animal-drawn vehicle; the term does not include a passenger or a person walking beside and pushing a bicycle;

"**road**" means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving of motor vehicles;

"**road-related area**" means any of the following:

- (a) an area that divides a road;
- (b) a footpath or nature strip adjacent to a road;
- (c) an area that is not a road and that is open to the public and designated for use by cyclists or animals;
- (d) an area that is not a road and that is open to or used by the public for driving or parking vehicles;
- (e) any other area that is open to or used by the public and that has been declared by regulation to be a road-related area;

"**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**" means a trailer that has—

- (a) one axle group or single axle towards the rear; and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover;

"**single axle**" means an axle not forming part of an axle group;

"**single axle group**" means a group of 2 or more axles, in which the horizontal distance between the centre-lines of the outermost axles is less than 1 metre;

"**tandem axle group**" means a group of at least 2 axles, in which the horizontal distance between the centre-lines of the outermost axles is at least 1 metre, but not more than 2 metres;

"**traffic**" includes vehicles and pedestrians;

"**traffic control device**" means a sign, signal, marking, structure or other device or thing, to direct or warn traffic on, entering or leaving a road, and includes—

- (a) a traffic cone, barrier, structure or other device or thing to wholly or partially close a road or part of a road; and
- (b) a parking ticket-vending machine and parking meter;

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

"**trailer**", in relation to a motor vehicle, means a vehicle that is built to be towed or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed;

"**tram**" includes a light rail vehicle;

"**tri-axle group**" means a group of at least 3 axles, in which the horizontal distance between the centre-lines of the outermost axles is more than 2 metres, but not more than 3.2 metres;

"**trolley**" includes a shopping trolley and any other kind of handcart;

"**twinsteer axle group**" means a group of 2 axles:

- (a) with single tyres; and
- (b) fitted to a motor vehicle; and
- (c) connected to the same steering mechanism; and
- (d) the horizontal distance between whose centre-lines is at least 1 metre, but not more than 2 metres;

"**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**" includes—

- (a) a motor vehicle, trailer and a tram; and
- (b) a bicycle; and

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- (c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle; and
- (d) a combination; and
- (e) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground),

but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy;

"vehicle standards"—*see section 111*;

"walk" includes run;

"wheelchair" means a chair mounted on two or more wheels that is built to transport a person who is unable to walk or has difficulty in walking, but does not include a pram, stroller or trolley;

"wheeled recreational device" means a wheeled device, built to transport a person, propelled by human power or gravity, and ordinarily used for recreation or play, and—

- (a) includes rollerblades, rollerskates, a skateboard or similar wheeled device; but
- (b) does not include a golf buggy, pram, stroller or trolley, or a bicycle, wheelchair or wheeled toy;

"wheeled toy" means a child's pedal car, scooter or tricycle or a similar toy, but only when it is being used only by a child who is under 12 years old.

(2) For the purposes of this Act the mass carried on an axle, or axle group, 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 axle group.

(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.

Application of Act to vehicles and road users on roads

5A. This Act applies to vehicles and drivers, riders, passengers and pedestrians on roads.

Drivers and riders

6. Unless it is otherwise expressly stated, a reference in this Act to a driver includes a reference to a rider, and a reference to driving includes a reference to riding.

Roads and road-related areas

6A. A reference in this Act to a road includes a reference to a road-related area unless it is otherwise expressly stated.

Drivers of trailers

7. For the purposes of this Act, a person who drives a motor vehicle or bicycle 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.

* * * * *

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.

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PART 2
ADMINISTRATIVE PROVISIONS

DIVISION 1—THE MINISTER

* * * * *

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; or
- (c) to a council.

(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.

(2a) A power or function delegated under this section may, subject to the conditions of the instrument of delegation, be further delegated by instrument in writing.

(3) A delegation under this section—

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

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.

* * * * *

DIVISION 2—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, above or near a road.

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

(3) Any authority, body or person may, with the approval of the Minister, install, display, alter, operate or remove traffic control devices—

- (a) in relation to an area where persons are engaged in work or an area affected by works in progress; or
- (b) in relation to a part of a road temporarily closed to traffic under this or any other Act; or
- (c) for any temporary purposes.

* * * * *

Direction as to installation, etc., of traffic control devices

18. (1) The Minister may direct an Authority to install, maintain, alter, operate or remove a traffic control device on, above or near a road in accordance with the direction of the Minister.

* * * * *

(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,

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

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(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 and duty to maintain

19. (1) Subject to this section, 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.

(2) Subsection (1) applies subject to any provision of another Act or a regulation under this Act that declares that the cost of installing, maintaining, altering, operating or removing traffic control devices of a specified class must be borne by a specified authority, body or person (other than the Authority referred to in that subsection).

* * * * *

(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.

(6) An authority, body or person that is liable to bear the costs in relation to a traffic control device, must maintain the traffic control device in good order.

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.

Duty to place speed limit signs in relation to work areas or work sites

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;

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"**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.

(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 where workers are engaged, or works are in progress, at the direction of that authority.

(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.

* * * * *

Offences relating to traffic control devices

21. (1) A person who, without proper authority—

- (a) installs or displays a sign, signal, marking, structure or other device or thing on, above or near a road intending that it will be taken to be a traffic control device installed or displayed under this Act; or
- (b) intentionally alters, damages, destroys or removes a traffic control device installed or displayed under this Act,

is guilty of an offence.

Penalty: \$5 000 or imprisonment for one year.

(2) In proceedings for an offence against subsection (1)(a), an apparently genuine document purporting to be a certificate of the Minister or an Authority certifying that there was not proper authority for the installation or display of a specified sign, signal, marking, structure or other device or thing as a traffic control device on, above or near a specified part of a road is to be accepted as proof of the matters so certified in the absence of proof to the contrary.

Proof of lawful installation, etc., of traffic control devices

22. In proceedings for an offence against this Act, other than an offence against section 21(1)(a), commenced on the complaint of a member of the police force or otherwise on behalf of the Crown, or on the complaint of an officer or employee of a council, a traffic control device proved to have been on, above or near a road will be conclusively presumed to have been lawfully installed or displayed there under this Act.

* * * * *

Action to deal with false devices or hazards to traffic

31. (1) In this section—

"**false traffic control device**" means any device, structure or thing that, although it is not a traffic control device installed or displayed under this Act, might be taken to be such a traffic control device;

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

(2) Despite any other law, the Authority in which the care, control or management of a road is vested may remove from the road and dispose of any false traffic control device or any device, structure or thing that the Authority is satisfied might constitute a hazard to traffic.

(2a) Despite any other law, if the Minister is satisfied that a false traffic control device or a light or source of reflected light or any other device, structure or thing is on land near a road and might—

- (a) reasonably be confused with a lawfully installed traffic control device; or
- (b) detract from the visibility of a traffic control device to drivers or pedestrians on the road; or
- (c) in any way constitute a hazard to traffic on the road,

the Minister may, by notice in writing, require the owner or occupier of the land to take such action by way of removing, modifying, screening or otherwise dealing with the device, structure or thing as is specified in the notice within the 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 court of competent jurisdiction.

* * * * *

DIVISION 3—ROAD CLOSING PROVISIONS

Road closing by councils for traffic management purposes

32. (1) If a council proposes, by the installation or alteration of a traffic control device—

- (a) to close a road or a part of a road to all vehicles or vehicles of a specified class (whether or not the closure is to apply every day in a week or for all hours in a day); or

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- (b) to close a road as a through road for motor vehicles,

for the purposes of rationalising the flow or impact of traffic within a part of the council's area, the council may only do so in pursuance of a resolution of the council and must, at least one month before the meeting at which the resolution is first to be considered, cause notice of the proposal—

- (c) to be published both in a newspaper circulating generally in the State and a newspaper circulating within the area of the council; and
- (d) to be given by post to each ratepayer of land immediately abutting the road, or portion of road, the subject of the proposal; and
- (e) if the road is a prescribed road, to be given to each affected council; and
- (f) if the road is a highway, or runs into or intersects with a highway, to be given to the Commissioner of Highways.

(2) The council must give due consideration to all written submissions made on the proposal that are received by the council before the meeting.

(3) A resolution for a road closure to which subsection (1) applies is not effective unless a majority of all members of the council concur in it.

(4) A resolution for a road closure to which subsection (1) applies that would have the effect of the closure being operative in relation to a highway is not effective unless—

- (a) the Commissioner of Highways concurs with it; or
- (b) the closure is consistent with a notice of the Commissioner of Highways under section 26 of the *Highways Act 1926*.

(5) A resolution for a road closure to which subsection (1) applies that would have the effect of the closure being operative—

- (a) for a continuous period of more than 6 months; or
- (b) for periods that, in aggregate, exceed 6 months in any 12 month period,

is not effective unless—

- (c) if the road runs into or intersects with a highway, the Commissioner of Highways concurs with it; and
- (d) if the road is a prescribed road, each affected council concurs with it.

(6) A council must, as soon as practicable after a resolution for a road closure to which subsection (1) applies has been passed and, if required, concurred with under subsection (4) or (5), cause notice of the resolution to be published and given in the manner set out in subsection (1).

(7) In this section—

"**affected council**", in relation to a prescribed road, means a council into whose area or along the boundary of which the road runs;

"**highway**" means—

- (a) a main road or a controlled access road within the meaning of the *Highways Act 1926*; or
- (b) a road vested in the name of the Commissioner of Highways or the Minister to whom the administration of the *Highways Act 1926* is committed; or
- (c) a road that is subject to a notice under section 26 of the *Highways Act 1926*;

"**prescribed road**" means a road that runs into the area, or along the boundary, of another council.

(8) For the purposes of this section, a road that runs up to—

- (a) the boundary of another council area; or
- (b) another road running along or containing the boundary of another council area,

will be taken to run into that area.

* * * * *

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, cause the order to be advertised in the prescribed manner.

(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.

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(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.

(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, political, artistic, cultural or other activity, and includes a street party.

* * * * *

Road closing for emergency use by aircraft

34. (1) A prescribed member of the police force may close a road to enable an aircraft to use the road in response to an emergency.

(2) For the purpose of closing a road and enabling its use by an aircraft under this section, a prescribed member of the police force (or a member acting under his or her direction) may—

- (a) install or display traffic control devices on or near a road; or

- (b) give such reasonable directions to—
- (i) the driver of a vehicle on a road; or
 - (ii) the owner or person apparently in charge of or with care or custody of a vehicle on a road; or
 - (iii) a person who appears to have left a vehicle standing on a road (whether or not the vehicle is attended by another person); or
 - (iv) a pedestrian; or
 - (v) the pilot of the aircraft,

as are, in the opinion of the member giving the directions, necessary for the safe use of the road by the aircraft or the safety of other road users.

(3) A member of the police force must, in exercising a power conferred by this section, comply with such procedures and requirements as may be stipulated by the Minister by notice in writing to the Commissioner of Police.

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

(5) Where a direction is given under subsection (2)(b) 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.

(6) If action is taken under this section by a member of the police force to close a road or enable an aircraft to use a road—

- (a) nothing in this Act is to be taken to prevent the use of the road by the aircraft; and
- (b) the aircraft is not to be taken to be a vehicle for the purposes of this Act; and
- (c) no liability will be incurred by the member of the police force or the Crown in respect of injury, damage or loss arising out of the use of the road by the aircraft.

(7) The powers conferred by this section are in addition to and do not derogate from any other power conferred by this or any other Act.

(8) A road closed for the purposes of enabling an aircraft to use it in response to an emergency must be re-opened for ordinary traffic as soon as practicable after the road is no longer required for that purpose.

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(9) In this section—

"**prescribed member of the police force**" means a member of the police force who is—

- (a) in charge of a police station; or
- (b) of the rank of inspector or above;

"**road**" includes a road closed under this section and part of a road.

DIVISION 4—INSPECTORS

Inspectors

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

(1a) An authorised person as defined in the *Local Government Act 1999* is an inspector under this Act for the purposes of enforcing prescribed provisions of this Act in the area of the council for which he or she is an authorised person.

(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.

(3) The Minister may, in the instrument of appointment of an inspector, impose conditions on the exercise of the powers of the inspector.

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.

DIVISION 5—POWERS OF POLICE AND INSPECTORS

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, etc.

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 or the operator of, a vehicle on any occasion.

Marking of tyres for parking purposes

38A. (1) An inspector may place erasable marks on the tyres of a vehicle in the course of official duties relating to the parking of vehicles.

(2) A person must not, without proper authority, erase a mark made under subsection (1).

Penalty: \$500.

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**PART 3
DUTIES OF DRIVERS, PASSENGERS AND PEDESTRIANS**

* * * * *

DIVISION 1—COMPLIANCE WITH DIRECTIONS

Directions for clearing roads or for investigation purposes

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 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 or the operator 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).

DIVISION 2—DUTY TO STOP AND GIVE ASSISTANCE WHERE PERSON KILLED OR INJURED

Duty to stop and give assistance where person killed or injured

43. (1) The driver of a vehicle involved in an accident or incident in which a person is killed or injured must immediately—

- (a) stop the driver's vehicle; and
- (b) give all possible assistance.

Penalty:

- (a) \$5 000 or imprisonment for one year; and
- (b) disqualification from holding or obtaining a driver's licence for such period, being not less than one year, as the court thinks fit.

(2) Where a court convicts a person of an offence against subsection (1)—

- (a) the disqualification prescribed by that subsection cannot be reduced or mitigated in any way unless, in the case of a first offence, the court is satisfied 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;
- (b) 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.

(3) It is a defence to a charge of an offence against subsection (1) to prove that the defendant was unaware that the accident or incident had occurred and that the driver's unawareness was not due to carelessness or recklessness.

DIVISION 3—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.

DIVISION 4—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.

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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—
 - (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.

DIVISION 5—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;

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- (da) if Division 5A applies, the court must make an order in accordance with that Division;
- (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB 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.

* * * * *

Interpretation

47A. In this Act—

"**alcotest**" means a test by means of an apparatus of a kind approved by the Governor for the conduct of alcotests;

"**analyst**" means—

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

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

* * * * *

(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;

(da) if Division 5A applies, the court must make an order in accordance with that Division;

(e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB 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.

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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.

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.

* * * * *

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 of contravening, or failing to comply with, a provision of this Part of which the driving of a motor vehicle is an element (excluding an offence of a prescribed class); 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) Performance of an alcotest or breath analysis required under subsection (1) must be commenced within two hours of the event giving rise to the belief referred to in that subsection.

(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.

(2c) Performance of a breath analysis required under subsection (2b) must be commenced within two hours after the motor vehicle is stopped for the purpose of requiring the driver to submit to an alcotest.

(2d) The performance of an alcotest or breath analysis commences when a direction is first given by a member of the police force that the person concerned exhale into the alcotest apparatus or breath analysing instrument to be used for the alcotest or breath analysis.

(2e) The regulations may prescribe the manner in which an alcotest or breath analysis is to be conducted and may, for example, require that more than one sample of breath is to be provided for testing or analysis and, in such a case, specify which reading of the apparatus or instrument will be taken to be the result of the alcotest or breath analysis for the purposes of this and any other Act.

(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

(ab) the person was not allowed the opportunity to comply with the requirement or direction after having been given the prescribed oral advice in relation to—

(i) the consequences of refusing or failing to comply with the requirement or direction; and

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(ii) the person's right to request the taking of a blood sample under section 47F;
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.

(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;
- (da) if Division 5A applies, the court must make an order in accordance with that Division;
- (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB 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.

Concentration of alcohol in breath taken to indicate concentration of alcohol in blood

47EA. Where a person submits to an alcotest or a breath analysis and the alcotest apparatus or the breath analysing instrument produces a reading in terms of a number of grams of alcohol in 210 litres of the person's breath, the reading will, for the purposes of this Act and any other Act, be taken to be that number of grams of alcohol in 100 millilitres of the person's blood.

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

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(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.

* * * * *

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
- (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 breath or 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 reading produced by the breath analysing instrument; 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.

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(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) the provisions of this Act with respect to breath analysing instruments and the manner in which an analysis of breath by means of a breath analysing instrument is to be conducted 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 alcotests 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 alcotest on a specified day and at a specified time and that the alcotest 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.

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

- (a) a person named in the certificate submitted to an analysis of breath by means of a breath analysing instrument on a day and at a time specified in the certificate; and
- (b) the breath analysing instrument produced a reading specified in the certificate; and
- (c) a statement in writing required by subsection (2) was delivered in accordance with that subsection,

* * * * *

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 person named in the certificate submitted to an analysis of breath by means of 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).

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(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 this Act 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,

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

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- (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.

(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.

(13bb) If it is proved by the prosecution in proceedings for an offence against section 47(1) or 47B(1) that a concentration of alcohol was present in the defendant's blood at the time at which a sample of blood was taken under this section, 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 taking of the sample.

(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

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- (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;
- (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;
- (da) if Division 5A applies, the court must make an order in accordance with that Division;

- (e) the court may, if it thinks fit to do so, order that conditions imposed by section 81A or 81AB 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.

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(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.

(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.

DIVISION 5A—ALCOHOL INTERLOCK SCHEME

Interpretation

48. (1) In this Division—

"**alcohol interlock**" means a device or system of a kind approved by the Minister by notice published in the *Gazette* as an alcohol interlock for the purposes of this Division;

"**alcohol interlock scheme conditions**"—*see section 51*;

"**approved installer**" means a person approved by the Minister by notice published in the *Gazette* as an installer of alcohol interlocks for the purposes of this Division;

"**disqualification**" means disqualification from holding or obtaining a driver's licence;

"**nominated vehicle**" for a person means a motor vehicle nominated by the person to the Registrar of Motor Vehicles in accordance with section 51;

"**relevant drink driving offence**"—*see section 49(2)*;

"**required period**"—*see section 50(4)*.

(2) The Minister may, by notice published in the *Gazette*, approve or revoke an approval of—

- (a) a device or system as an alcohol interlock for the purposes of this Division; or

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- (b) a person as an installer of alcohol interlocks for the purposes of this Division.

Cases where Division applies

49. (1) This Division applies in a case where a court—

- (a) convicts a holder of a driver's licence (not being a learner's permit) of a relevant drink driving offence, whether the offence was committed before or after the commencement of this section; and

- (b) orders a period of disqualification for the offence of 6 months or more.

(2) A relevant drink driving offence is—

- (a) an offence against section 47(1) that involved driving a motor vehicle, or attempting to put a motor vehicle in motion, while so much under the influence of intoxicating liquor as to be incapable of exercising effective control of the vehicle; or

- (b) an offence against section 47B(1) that was a category 3 or category 2 offence; or

- (c) an offence against section 47E(3) or 47I(14).

Order to be made by court if Division applies

50. (1) In a case where this Division applies, the court concerned must, in addition to making the order of disqualification for the relevant drink driving offence, make an order to the effect that, despite the order of disqualification, the offender will, on application made to the Registrar of Motor Vehicles at any time after the half-way point in the period of that disqualification, be entitled to be issued with a driver's licence that is subject to the alcohol interlock scheme conditions for the required period (in addition to any conditions otherwise required).

(2) However, the offender will not be entitled to be issued with a licence in accordance with the order under subsection (1) if—

- (a) the offender does not meet the requirements of the *Motor Vehicles Act 1959* for the issue of the licence; or

- (b) a disqualification (other than the disqualification for the relevant drink driving offence) has been imposed in relation to the offender and is in force at the date of the offender's application for the licence or will commence at a later date.

(3) The disqualification for the relevant drink driving offence ends if the offender is issued with a driver's licence subject to the alcohol interlock scheme conditions.

(4) The required period for which the driver's licence is subject to the alcohol interlock scheme conditions is a number of days equal to twice the number of days remaining in the period of the offender's disqualification for the relevant drink driving offence immediately before the issuing of the licence.

Alcohol interlock scheme conditions

51. (1) The alcohol interlock scheme conditions that are to apply to a person's driver's licence are as follows:

- (a) the person must not drive a motor vehicle on a road other than a motor vehicle that the person has nominated to the Registrar of Motor Vehicles in accordance with this section;
- (b) the person must not drive the nominated vehicle on a road unless it is fitted with a properly functioning alcohol interlock that has been installed by an approved installer;
- (c) the nominated vehicle must only be operated in accordance with instructions published by the Minister by notice in the *Gazette*;
- (d) the person must not interfere with the alcohol interlock, or cause or permit the alcohol interlock to be interfered with;
- (e) the person must, when driving the nominated vehicle on a road, carry in the vehicle a certificate, in a form approved by the Minister, issued by an approved installer certifying that the alcohol interlock fitted to the vehicle was properly functioning when the vehicle was last examined by the installer;
- (f) the person must, if required to do so by a member of the police force when the vehicle is in the person's charge on a road, produce the certificate for inspection by the member;
- (g) the person must produce the nominated vehicle for examination by an approved installer at times and places from time to time fixed by the Registrar by written notice served on the person personally or by post;
- (h) the person must comply with any requirements as to counselling prescribed by regulation;
- (i) the person must comply with any other requirements prescribed by regulation.

(2) A vehicle must be nominated by the person in the person's application for the licence, or by written notice to the Registrar of Motor Vehicles, by specifying the vehicle's registration number and any other details required by the Registrar.

(3) Nomination of a vehicle by the person is of no effect if the vehicle is a nominated vehicle for any other person.

(4) A vehicle ceases to be a nominated vehicle for the person if the nomination is withdrawn by the person or, if the person is not the registered owner of the vehicle, by the registered owner, by written notice to the Registrar of Motor Vehicles.

Circumstances where conditions carry over to subsequently issued licence

52. If the holder of a driver's licence subject to the alcohol interlock scheme conditions ceases to hold the licence for any reason before the conditions have applied in relation to the person for the required period, a driver's licence subsequently issued to the person will be subject to the conditions until the aggregate of the periods for which the conditions have applied in relation to the person equals the required period.

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Offence of contravening conditions

53. (1) The holder of a driver's licence subject to the alcohol interlock scheme conditions must not contravene any of the conditions.

Penalty: \$1 250.

(2) A person must not assist the holder of a driver's licence subject to the alcohol interlock scheme conditions to operate a motor vehicle, or interfere with an alcohol interlock, in contravention of any of the conditions.

Penalty: \$1 250.

(3) A court convicting a person of an offence against subsection (2) may order that the person be disqualified from holding or obtaining a driver's licence for a period not exceeding six months.

(4) A disqualification under subsection (3) operates to cancel the person's driver's licence as from the commencement of the period of disqualification.

(5) In proceedings for an offence against this section, an apparently genuine document purporting to be a certificate signed by the Registrar of Motor Vehicles certifying that—

- (a) a specified motor vehicle was or was not, or no vehicle was, at a specified time, a nominated vehicle for a specified person; or
- (b) a written notice was served on a specified person fixing specified times and places at which a specified motor vehicle must be produced for examination by an approved installer,

will be accepted as proof of the matters stated in the certificate in the absence of proof to the contrary.

(6) In proceedings for an offence against this section, an apparently genuine document purporting to be a certificate signed by the Registrar of Motor Vehicles certifying that an alcohol interlock fitted to a specified motor vehicle recorded electronically that the vehicle was operated at a specified time in contravention of an instruction published by the Minister by notice in the *Gazette* will be accepted as proof that the vehicle was operated at that time in contravention of that instruction in the absence of proof to the contrary.

(7) Subsection (6) does not apply unless it is proved that the alcohol interlock fitted to the vehicle was tested by an approved installer (or an employee of an approved installer) not more than the prescribed number of days before and not more than the prescribed number of days after the time of the vehicle's operation specified in the certificate and found on each occasion to be properly functioning.

(8) In proceedings for an offence against this section, an apparently genuine document purporting to be a certificate signed by an approved installer (or an employee of an approved installer) certifying that an alcohol interlock fitted to a specified motor vehicle was tested by that person on a specified day and found to be properly functioning will be accepted as proof of the matters stated in the certificate in the absence of proof to the contrary.

(9) In proceedings for an offence against this section, if it is proved that—

- (a) a specified motor vehicle was operated at a specified time in contravention of an instruction published by the Minister by notice in the *Gazette*; and
- (b) the vehicle was a nominated vehicle for a specified person at that time,

it will be presumed, in the absence of proof to the contrary, that the vehicle was so operated by that person at that time.

(10) In proceedings for an offence against this section, an apparently genuine document purporting to be a certificate signed by the Registrar of Motor Vehicles certifying that—

- (a) a specified motor vehicle was not produced for examination by an approved installer at a specified time and place; or
- (b) a specified person did not attend for counselling at a specified time and place,

will be accepted as proof of the matters stated in the certificate in the absence of proof to the contrary.

Financial assistance for use of interlocks

53AA. (1) The Minister must establish a scheme under which persons seeking to gain the use of alcohol interlocks may obtain loans or other assistance for that purpose subject to a means test and conditions determined by the Minister.

(2) The Minister may issue a certificate signed by the Minister certifying that a default has occurred in payment of an amount payable by a person in accordance with conditions applying to a loan or other assistance provided to the person under this section, and that an amount stated in the certificate is owing by that person.

(3) In any legal proceedings, an apparently genuine document purporting to be a certificate under subsection (2) will be accepted as proof of the matters stated in the certificate in the absence of proof to the contrary.

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DIVISION 6—TRAFFIC SPEED ANALYSERS AND RADAR DETECTORS AND JAMMERS

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.

Sale and seizure of radar detectors, jammers and similar devices

53B. (1) A person must not sell a radar detector or jammer, or store or offer a radar detector or jammer for sale.

(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.

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(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 Act, 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.

(6) In this section—

"**radar detector or jammer**" includes any device for detecting the use, or preventing the effective use, of a speed measuring device (whether or not the speed measuring device employs radar in its operation).

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DIVISION 7—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—

"**owner**", in relation to a vehicle, has the meaning assigned to the term by section 5, and includes the operator of the vehicle;

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

"**prescribed offence**" means an offence against a prescribed provision of this Act;

"**red light offence**" means a prescribed offence relating to traffic lights or traffic arrows defined by the regulations as a red light offence.

(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 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 owner, or, if the 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 owner who was driving the vehicle at the time; or

- (c) that—
- (i) if the 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 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 owner, or, if the 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 owner and the inquiries (if any) made by the owner to identify the driver.

Penalty: Where the owner of the vehicle is a body corporate and the prescribed offence in which the vehicle appears to have been involved is a red light offence—\$2 000.

In any other case—\$1 250.

(2a) The expiation fee for an alleged offence against this section where the owner of the vehicle is a body corporate and the prescribed offence in which the vehicle appears to have been involved is a red light offence is an amount equal to the sum of the amount of the expiation fee for such an alleged offence where the owner is a natural person and \$300.

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

- (a) a prosecution for an offence against subsection (2) may be brought against one of the owners or against some or all of the 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).

(4) Subject to subsection (4a), a prosecution must not be commenced against an owner for an offence against this section unless the 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.

(4a) Subsection (4) does not apply where the owner of the vehicle is a body corporate and the prescribed offence in which the vehicle appears to have been involved is a red light offence.

(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—

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- (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 last known address of the applicant; 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 last known address of the applicant; 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 who expiates or is convicted of an offence against this section is not, for that reason, liable to be disqualified from holding or obtaining a driver's licence except through the aggregation of demerit points under the *Motor Vehicles Act 1959* in a case where the prescribed offence in which the vehicle appears to have been involved is a red light offence.

(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 other member of the police force of or above the rank of inspector, 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.

* * * * *

- (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 other member of the police force of or above the rank of inspector, 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
- (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.

DIVISION 8—AUSTRALIAN ROAD RULES AND ANCILLARY OR MISCELLANEOUS REGULATIONS

Australian Road Rules and ancillary or miscellaneous regulations

80. The Governor may make—

- (a) rules (**Australian Road Rules**) to regulate traffic movement, flows and conditions, vehicle parking, the use of roads, and any aspect of driver, passenger or pedestrian conduct; and

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- (b) regulations to deal with matters ancillary to this Part and the Australian Road Rules and to make miscellaneous provisions relating to matters of a kind referred to in paragraph (a).

DIVISION 9—MISCELLANEOUS PROVISIONS

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Speed limit while passing a school bus

82. (1) A person must not drive a vehicle at a greater speed than 25 kilometres per hour while passing a school bus that has stopped on a road apparently for the purpose of permitting children to board or alight.

- (2) In this section—

"**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".

Speed while passing emergency vehicle with flashing lights

83. (1) A person must, while passing an emergency vehicle that has stopped on a road and is displaying a flashing blue or red light (whether or not it is also displaying other lights)—

- (a) drive at a speed no greater than 40 kilometres per hour; or
- (b) if a lesser speed is required in the circumstances to avoid endangering any person—drive at that lesser speed.

(2) Subsection (1) does not apply if the person is driving on a road that is divided by a median strip and the emergency vehicle is on the other side of the road beyond the median strip.

- (3) In this section—

"**emergency vehicle**" means a vehicle used by—

- (a) a member of the police force; or
- (b) a person who is an emergency worker as defined by the regulations for the purposes of this section.

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 old Legislative Council building; or

(ii) any part of the site of the old Legislative Council building,

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 chairperson of the Joint Parliamentary Services Committee.

(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 a freeway; 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 a freeway, 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.

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(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.

(5) In this section—

"freeway" means a length of road to which a freeway sign applies in accordance with the Australian Road Rules.

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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.

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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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Riding without driver's consent

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

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Cyclists on footpaths, etc., to give warning

99A. A person who is riding a bicycle on a footpath or other road-related area 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 other road-related area.

Wheeled recreational devices and wheeled toys

99B. (1) A person must not ride a wheeled recreational device or wheeled toy on a road without due care or attention or without reasonable consideration for other persons using the road.

(2) A person must not, on a footpath or other road-related area, ride a wheeled recreational device or wheeled toy abreast of a vehicle or another wheeled recreational device or wheeled toy.

(3) A person who is riding a wheeled recreational device or wheeled toy on a footpath or other road-related area must, where it is necessary to do so for the purpose of averting danger, give warning (by a warning device or other means) to pedestrians or other persons using the footpath or other road-related area.

(4) A road authority incurs no civil liability because of an 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 wheeled recreational devices or wheeled toys.

(5) In this section—

"**management**" of a road include 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.

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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
- (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 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.

Vehicle fitted with metal tyres

107A. (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 at least 33 millimetres in width.

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

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.

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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 3AA
DRIVING HOURS**

Interpretation

110AA. In this Part—

"**commercial bus**" means a bus that is used to carry people for reward or in a business;

"**heavy truck**" means a motor vehicle of a class declared by the regulations to be heavy trucks.

Driving hours

110AAB. (1) The Governor may make regulations to establish a scheme for the management of the fatigue of drivers of heavy trucks and commercial buses.

(2) Without limiting the effect of subsection (1), the regulations under this section may make provision relating to—

- (a) the periods that the drivers of heavy trucks or commercial buses spend driving, working and resting; and
- (b) the keeping, production and inspection of records; and
- (c) the medical examination of drivers of heavy trucks or commercial vehicles; and
- (d) the attendance of persons at fatigue management training courses; and
- (e) the obligations of persons who employ, engage or direct the activities of a driver of a heavy truck or commercial bus; and
- (f) powers of members of the police force and inspectors to ask drivers of heavy trucks or commercial buses questions relevant to the enforcement of the regulations.

(3) The regulations under this section—

- (a) may make provision for periods spent by drivers of heavy trucks or commercial buses driving, working or resting outside the State to be taken into account for the purposes of the regulations; and
- (b) may prescribe penalties, not exceeding \$12 500, for offences against those regulations.

Power to direct drivers to stop and to rest

110AAC. (1) A member of the police force or an inspector may direct the driver of a heavy truck or commercial bus on a road to stop the vehicle for the purpose of requiring the driver to produce his or her driving records for inspection.

(2) If—

- (a) the driver of a heavy truck or commercial bus on a road does not produce his or her driving records as required by a member of the police force or an inspector; or

- (b) a member of the police force or an inspector believes on reasonable grounds that the driving records of the driver of a heavy truck or commercial bus on a road do not record the information required under the regulations; or
- (c) a member of the police force or an inspector believes on reasonable grounds that the driver of a heavy truck or commercial bus on a road has, in the previous 24 hours, contravened a requirement of the regulations relating to periods of driving, work or rest,

the member or inspector may give one of the following directions as the member or inspector considers appropriate for the avoidance of unacceptable risk to public safety:

- (d) a direction in writing, with immediate effect, that the driver cease driving and rest from driving for a specified period;
- (e) a direction in writing that the driver drive to a place where the vehicle will be secure and not constitute a hazard to other road users and then cease driving and rest from driving for a specified period.

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

Power to enter and inspect records, etc.

110AAD. (1) A member of the police force or an inspector may, for monitoring or enforcing compliance with the regulations under this Part—

- (a) enter a place where records are required to be kept under the regulations; and
- (b) inspect, and copy and take extracts from, any such records kept at the place; and
- (c) take into the place the persons who, and the equipment and materials that, the member or inspector reasonably requires to exercise a power under paragraph (b); and
- (d) require a person in the place to give the member or inspector reasonable help to exercise a power under paragraph (b) or (c).

(2) The entry may be made at any time during usual business hours or, with the consent of the occupier, at any other time.

(3) A person must forthwith comply with a requirement made of the person under this section.

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**PART 3A
VEHICLE IDENTIFICATION**

Interpretation

110A. In this Part—

"**approved authority**" means an authority approved by the Minister for the purposes of this Part;

"**chassis number**" means a unique number consisting of letters or figures (or a combination of both) allotted to a particular motor vehicle or trailer chassis as a means of identifying it;

"**Commonwealth Act**" means the *Motor Vehicle Standards Act 1989* of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act;

"**Commonwealth identification plate**" for a motor vehicle or trailer means an identification plate within the meaning of the Commonwealth Act approved for placement on that motor vehicle or trailer by the Commonwealth Minister under the Commonwealth Act, and includes a compliance plate authorised by the Australian Motor Vehicle Certification Board for placement on that motor vehicle or trailer;

"**Commonwealth Minister**" means Minister within the meaning of the Commonwealth Act;

"**engine number**" means a unique number consisting of letters or figures (or a combination of both) allotted to a particular motor vehicle engine as a means of identifying it, but does not include any casting number or any number used as a means of identifying a class of motor vehicle engines;

"**place**" a number or plate on a motor vehicle or trailer includes to engrave, stamp or otherwise permanently affix or mark on the vehicle or trailer the number or information that would otherwise be contained on a plate;

"**plate**" includes a label or sticker;

"**State**" includes a Territory;

"**State identification plate**" for a motor vehicle or trailer means a plate issued by—

- (a) an inspector under the regulations; or
- (b) an approved authority under a law of another State,

for placement on that motor vehicle or trailer in substitution for a Commonwealth identification plate;

"**trailer**" includes a semi-trailer;

"**vehicle identification number**" means a unique number consisting of 17 letters or figures (or a combination of both) allotted to a particular motor vehicle or trailer as a means of identifying it;

"**vehicle identification plate**" for a motor vehicle or trailer means a Commonwealth identification plate or State identification plate for that motor vehicle or trailer.

Motor vehicle or trailer must bear vehicle identification plate

110B. (1) A motor vehicle or trailer must bear a vehicle identification plate for that motor vehicle or trailer.

(2) Subsection (1) does not apply to a motor vehicle or trailer if the Australian Design Rules applicable to the vehicle or trailer at the time of its manufacture did not require it to bear a vehicle identification plate.

Offences

110C. (1) A person who manufactures a motor vehicle or trailer that does not bear a vehicle identification plate for that motor vehicle or trailer is guilty of an offence.

Penalty: \$2 500.

(2) A person who sells or offers for sale for use on roads a motor vehicle or trailer that does not bear a vehicle identification plate for that motor vehicle or trailer is guilty of an offence.

Penalty:

In the case of an offence committed in the course of trade or business—\$2 500;

In any other case—\$1 250;

Expiation fee:

In the case of an alleged offence not committed in the course of trade or business—\$160.

(3) A person must not, except as permitted by the regulations, drive a motor vehicle or trailer that does not bear a vehicle identification plate for that motor vehicle or trailer.

Penalty: \$1 250.

Expiation fee: \$160.

(4) Subsections (2) and (3) do not apply in relation to a motor vehicle or trailer if the Australian Design Rules applicable to the vehicle or trailer at the time of its manufacture did not require it to bear a vehicle identification plate.

(5) A person must not place on a motor vehicle or trailer a plate that could be taken to be a vehicle identification plate approved or authorised for placement on that motor vehicle or trailer by—

(a) the Commonwealth Minister under the Commonwealth Act; or

(b) an inspector under the regulations; or

(c) an approved authority under a law of another State,

knowing that it is not such a vehicle identification plate.

Penalty: \$10 000 or imprisonment for 2 years.

(6) A person must not place on a motor vehicle or trailer a number that could be taken to be a vehicle identification number allotted to that motor vehicle or trailer by—

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- (a) the manufacturer of that motor vehicle or trailer; or
- (b) an inspector under the regulations; or
- (c) an approved authority under a law of another State,

knowing that it is not such a vehicle identification number.

Penalty: \$10 000 or imprisonment for 2 years.

(7) A member of the police force or inspector may remove from a motor vehicle or trailer a plate or number that he or she reasonably suspects has been placed on the motor vehicle or trailer in contravention of subsection (5) or (6).

(8) A person must not, except in prescribed circumstances, remove, alter, deface or obliterate a vehicle identification plate or vehicle identification number lawfully placed on a motor vehicle or trailer.

Penalty: \$5 000 or imprisonment for 12 months.

(9) A person must not, without the approval of the Minister, manufacture or sell or offer for sale a vehicle identification plate.

Penalty: \$5 000 or imprisonment for 12 months.

(10) A person must not, without reasonable excuse, be in possession of a vehicle identification plate.

Penalty: \$2 500 or imprisonment for 6 months.

(11) A person must not—

- (a) place on the engine block of a motor vehicle a number other than the engine number allotted to the engine of that motor vehicle by—
 - (i) the manufacturer of the engine; or
 - (ii) an inspector under the regulations; or
 - (iii) an approved authority under a law of another State; or
- (b) without reasonable excuse, remove, alter, deface or obliterate an engine number lawfully placed on the engine block of a motor vehicle.

Penalty: \$5 000 or imprisonment for 12 months.

(12) A person must not—

- (a) place on the chassis of a motor vehicle or trailer a number other than the chassis number allotted to the chassis of that motor vehicle or trailer (as the case requires) by the manufacturer of the chassis; or

- (b) without reasonable excuse, remove, alter, deface or obliterate a chassis number lawfully placed on the chassis of a motor vehicle or trailer.

Penalty: \$5 000 or imprisonment for 12 months.

PART 4
VEHICLE STANDARDS, MASS AND LOADING REQUIREMENTS
AND SAFETY PROVISIONS

DIVISION 1—VEHICLE STANDARDS

Rules prescribing vehicle standards

111. The Governor may make rules to set standards (**vehicle standards**) about the design, construction, efficiency and performance of, and the equipment to be carried on, motor vehicles, trailers and combinations.

Offences relating to vehicle standards, safety maintenance and emission control systems

112. (1) Subject to this section, a vehicle must not be driven or towed on a road if—

- (a) it does not comply with the vehicle standards; or
- (b) it has not been maintained in a condition that enables it to be driven or towed safely; or
- (c) it does not have an emission control system fitted to it of each kind that was fitted to it when it was built; or
- (d) an emission control system fitted to it has not been maintained in a condition that ensures that the system continues operating essentially in accordance with the system's original design.

(2) If a vehicle is driven or towed in contravention of subsection (1), the driver and the owner and the operator of the vehicle are each guilty of an offence.

(3) A person guilty of an offence against this section in relation to a vehicle's non-compliance with the vehicle standards or subsection (1) in a particular respect is guilty of a further offence against this section if the vehicle simultaneously fails to comply with the standards or subsection (1) in another respect.

(4) This section does not apply to vehicles excluded by the vehicle standards from the application of those standards.

(5) For the purposes of this section, a vehicle is not maintained in a condition that enables it to be driven or towed safely if driving or towing the vehicle would endanger the person driving or towing the vehicle, anyone else in or on the vehicle or a vehicle attached to it or other road users.

(6) In this section—

"**vehicle**" includes a combination.

(7) In this section, a reference to the owner or the operator of a vehicle is, in relation to the non-compliance of a combination with the vehicle standards (rather than the non-compliance of a vehicle that forms part of a combination), a reference to the owner or the operator of the motor vehicle that provides the motive power of the combination.

DIVISION 2—MASS AND LOADING REQUIREMENTS

Regulations prescribing mass and loading requirements

113. The Governor may make regulations to prescribe requirements (**mass and loading requirements**) about the mass and loading of motor vehicles, trailers and combinations, including dimensions and securing of loads and the coupling of vehicles.

Offences relating to mass and loading requirements

114. (1) A vehicle must not be driven or towed on a road if the vehicle or a load on the vehicle does not comply with the mass and loading requirements.

(2) If a vehicle is driven or towed in contravention of subsection (1), the driver and the owner and the operator of the vehicle are each guilty of an offence.

Penalty:

- (a) In the case of an offence where a mass limit prescribed in the mass and loading requirements has been exceeded—
 - (i) not less than \$1.75 and not more than \$10 for every 50 kilograms of the first tonne of mass in excess of the mass limit; and
 - (ii) not less than \$10 and not more than \$20 for every 50 kilograms of the excess mass after the first tonne;
- (b) In any other case—\$1 000.

(3) A person guilty of an offence against this section in relation to a vehicle's non-compliance with the mass and loading requirements in a particular respect is guilty of a further offence against this section if the vehicle simultaneously fails to comply with the requirements in another respect.

(4) In this section—

"**vehicle**" includes a combination.

(5) In this section, a reference to the owner or the operator of a vehicle is, in relation to the non-compliance of a combination with the mass and loading requirements (rather than the non-compliance of a vehicle that forms part of a combination), a reference to the owner or the operator of the motor vehicle that provides the motive power of the combination.

DIVISION 3—OVERSIZE OR OVERMASS VEHICLE EXEMPTIONS

Standard form conditions for oversize or overmass vehicle exemptions

115. (1) The Governor may make regulations to prescribe standard form conditions to apply to the driving on a road of a vehicle the subject of an oversize or overmass vehicle exemption.

(2) For the purposes of this section, an oversize or overmass vehicle exemption is an exemption granted under this Part by the Minister in respect of a vehicle from—

- (a) a dimension limit in the vehicle standards; or
- (b) a mass or dimension limit in the mass and loading requirements.

(3) If the Minister grants an oversize or overmass vehicle exemption in respect of a class of vehicles by notice published in the *Gazette*, the exemption is—

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(a) except as otherwise provided in the notice, to be subject to the standard form conditions prescribed by the regulations for vehicles travelling under notices and the class of vehicles to which the notice applies; and

(b) to be subject to any other conditions the Minister thinks fit and specifies in the notice.

(4) If the Minister grants an oversize or overmass vehicle exemption in respect of a specified vehicle by instrument in writing, the exemption is—

(a) except as otherwise provided in the instrument, to be subject to the standard form conditions that are declared by the regulations to apply to a vehicle subject to such an exemption; and

(b) to be subject to any other conditions the Minister thinks fit and specifies in the instrument.

(5) An oversize or overmass vehicle exemption granted by notice published in the Gazette may designate an area or road to which the exemption applies to be in a particular category for the purposes of the operation of a standard form condition prescribed by the regulations.

(6) The standard form conditions may be incorporated in the notice or instrument by which the exemption is granted by referring to them rather than by setting them out in full.

(7) In this section—

"vehicle" includes a combination.

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DIVISION 4—ENFORCEMENT POWERS

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 axle group 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 axle group 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.

(3) In this section—

"vehicle" includes a combination.

Measurement of distance between axles

149. * * * * *

(2) A measurement of the distance between the axles of a vehicle or combination 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.

* * * * *

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.

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Determining unladen 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 or the operator of a vehicle, direct that owner or operator 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, etc.

154. (1) A member of the police force or an inspector may require the owner, the operator or the 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.

* * * * *

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 or single axle group of a vehicle exceeds by more than 500 kilograms the maximum mass permitted by or under this Act; or
 - (ii) an axle group of a vehicle (other than a single axle group) 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.

* * * * *

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;

"**safety risk**" means a danger to persons, property or the environment;

"**vehicle registration authority**" means the Registrar of Motor Vehicles or the corresponding authority of another State or a Territory of the Commonwealth.

(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 the vehicle standards or may, if driven on roads, constitute a safety risk or the member or inspector suspects on reasonable grounds that the vehicle does not so comply or may constitute a safety risk.

(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 the vehicle standards or may, if driven on roads, constitute a safety risk (whether or not there is reason to suspect that the vehicle does not so comply or may constitute a safety risk).

(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 the vehicle standards or may, if driven on roads, constitute a safety risk, the member or inspector may direct the owner, the operator or the 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 the vehicle standards or may, if driven on roads, constitute a safety risk, examine the vehicle or direct the owner, the operator or the 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.

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(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.

(4a) If, on examination of a vehicle, a member of the police force or an inspector is of the opinion that the vehicle does not comply with the vehicle standards but that further use of the vehicle on roads would not give rise to a safety risk, the member or inspector may issue a formal written warning to the driver of the vehicle or, if the vehicle is unattended, cause a formal written warning to be affixed to the vehicle.

(4b) A driver of a vehicle who is given a formal written warning must cause the warning to be sent to the registered operator of the vehicle.

(4c) A formal written warning must—

- (a) state the date of issue of the warning; and
- (b) identify the member of the police force or inspector who issued the warning; and
- (c) identify the vehicle to which the warning relates; and
- (d) state details of the vehicle's defects and the repairs that should be made to the vehicle to make it comply with the vehicle standards; and
- (e) state such other matters as may be prescribed.

(5) If, on examination of a vehicle, a member of the police force or an inspector is of the opinion that the vehicle does not comply with the vehicle standards and reasonably believes that further use of the vehicle on roads would give rise to a safety risk, the member or inspector may issue a written notice (a "**defect notice**") in relation to the vehicle, being—

- (a) if the member or inspector reasonably believes that further use of the vehicle on roads after the time specified in the notice would give rise to an imminent and serious safety risk—a major vehicle defect notice; or
- (b) in any other case—a minor vehicle defect notice.

(5a) A member of the police force or inspector who issues a defect notice in relation to a vehicle must—

- (a) give the defect notice to the driver of the vehicle if the driver is present or, if the vehicle is unattended, cause the defect notice to be affixed to the vehicle; and

(b) in the case of a major vehicle defect notice—cause a defective vehicle label to be affixed to the vehicle; and

(c) cause a copy of the defect notice to be sent to the Registrar of Motor Vehicles.

(5b) A driver of a vehicle who is given a defect notice must cause the defect notice to be sent to the registered operator of the vehicle.

(5c) A defect notice must—

(a) state the date of issue of the notice; and

(b) identify the member of the police force or inspector who issued the notice; and

(c) identify the vehicle to which the notice relates; and

(d) state whether the defect notice is a major vehicle defect notice or a minor vehicle defect notice; and

(e) state details of the vehicle's defects and the repairs that are required to be made to the vehicle; and

(f) specify the means by which the vehicle must be moved to the place at which the repairs required by the notice are to be made; and

(g) direct that the vehicle must not, except as provided in the defect notice, stand or be driven on a road, or be sold or otherwise disposed of, after the issue of the defect notice until—

(i) the vehicle has been produced at a place specified in the notice for examination; and

(ii) a certificate (a "**clearance certificate**") has been issued by a member of the police force, an inspector or a vehicle registration authority certifying that the repairs required by the notice have been made; and

(iii) in the case of a vehicle to which a defective vehicle label is affixed—a member of the police force, an inspector or a vehicle registration authority has caused the label to be defaced or removed from the vehicle; and

(h) state such other matters as may be prescribed.

(5d) A member of the police force, an inspector or a vehicle registration authority may examine a vehicle for the purpose of determining whether the repairs required by a defect notice issued in relation to the vehicle (whether issued under this section or under provisions of a law of another State or a Territory of the Commonwealth that correspond to this section) have been made and whether the vehicle has any other defects such that the vehicle does not comply with the vehicle standards.

(5e) A defective vehicle label must—

(a) state the date of issue of the label; and

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- (b) identify the member of the police force or inspector who issued the label; and
- (c) state the number allotted to the vehicle under section 46 of the *Motor Vehicles Act 1959*; and
- (d) state the time and date after which the vehicle must not be used on roads; and
- (e) specify the means by which the vehicle must be moved to the place at which the repairs required by the defect notice issued in relation to the vehicle are to be made; and
- (f) state the serial number of the defect notice to which the label relates; and
- (g) state such other matters as may be prescribed.

(5f) A person must not, without lawful authority, deface or alter a defective vehicle label or remove a defective vehicle label from a vehicle to which it is affixed.

(5g) A member of the police force or inspector may at any time withdraw a defect notice and must cause notice of the withdrawal to be sent to the Registrar of Motor Vehicles and the registered operator of the vehicle in relation to which the defect notice was given.

(5h) A member of the police force or inspector who issues a clearance certificate must cause a copy of the certificate to be sent to the Registrar of Motor Vehicles.

(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) The Registrar of Motor Vehicles must—

(a) record on the register of motor vehicles—

- (i) details of any defect notice issued under this section; or
- (ii) if a defect notice is issued under provisions of a law of another State or a Territory of the Commonwealth that correspond to this section in relation to a vehicle registered in this State—details of that defect notice;

(b) remove from the register details of any such notice if the Registrar is satisfied—

- (i) that a clearance certificate has been issued in respect of the vehicle in relation to which the defect notice was issued; or
- (ii) that the defect notice has been withdrawn.

(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: \$5 000.

(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.

(15) Where a copy of a defect notice or clearance certificate is required to be sent to the Registrar of Motor Vehicles, the notice or certificate may be sent in electronic form.

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DIVISION 5—FURTHER SAFETY PROVISIONS

Driving of certain vehicles subject to Ministerial approval

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.

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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.

* * * * *

Safety helmets for riders of motor bikes and bicycles

162B. The Governor may, by regulation—

- (a) prescribe specifications as to the design, material, strength and construction of safety helmets for use by persons riding or being carried on motor bikes or bicycles; and
- (b) prescribe any other matters or specifications relating to safety helmets for such use.

Safety helmets and riders of wheeled recreational devices and wheeled toys

162C. (1) A person must not ride, or ride on, a wheeled recreational device or wheeled toy 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 wheeled recreational device or wheeled toy 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.

(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 wheeled recreational device or wheeled toy unless the child is wearing a safety helmet that complies with the regulations and is properly adjusted and securely fastened.

* * * * *

(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 wheeled recreational devices or wheeled toys; and

(b) prescribe any other matters or specifications relating to safety helmets for such use.

(4) This section does not apply to or in relation to a person who rides, rides on or is carried on a wheeled recreational device or wheeled toy where that person—

(a) is of the Sikh religion; and

(b) is wearing a turban.

DIVISION 6—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.

* * * * *

(3) A person must not drive a vehicle that does not comply with this section.

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DIVISION 7—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

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(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.

* * * * *

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.

* * * * *

(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) A vehicle to which this Part applies must not be driven on a road while carrying passengers (other than the driver) unless the vehicle is the subject of a current certificate of inspection.

(1a) The owner and the operator of a vehicle to which this Part applies must ensure that the vehicle is produced to the Authority for inspection at least once within each prescribed period or as the Authority may direct in a particular case.

(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) If a vehicle is driven on a road in contravention of subsection (1), or when a condition of a certificate of inspection in respect of the vehicle has not been complied with, the driver, the owner and the operator of the vehicle are each guilty of an offence.

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 the operator 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.

Cancellation of certificates of inspection

163F. The Authority may cancel a certificate of inspection on being satisfied—

- (a) that a notice given under section 163E in relation to the vehicle has not been complied with; or
- (b) that a condition of the certificate has not been complied with; or
- (c) that a vehicle to which the certificate relates is unsafe; or

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- (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) If a prescribed scheme of maintenance applies to a vehicle—

- (a) the following information must be recorded, in the English language, in a clear and legible manner, on the prescribed form in respect of the vehicle:
 - (i) particulars of all prescribed maintenance and repair work carried out on the vehicle; and
 - (ii) such other particulars as are prescribed; and
- (b) those records must be retained 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.

(1a) If there is a failure to comply with subsection (1) in respect of a vehicle to which subsection (1) applies, the owner and the operator of the vehicle are each guilty of an offence.

(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 or the operator 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 \$1 250.

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 267 of the *Criminal Law Consolidation Act 1935* 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.

* * * * *

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.

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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.

Defence relating to registered owner or operator

173A. (1) In proceedings for an offence against this Act in which a person is charged as a registered owner of a vehicle, it is a defence if the person proves—

- (a) that before the relevant time the ownership of the vehicle had been transferred to some other specified person; or
- (b) that the person was wrongly registered or recorded as an owner of the vehicle.

(2) In proceedings for an offence against this Act in which a person is charged as the operator of a vehicle, it is a defence if the person proves that at the relevant time the person was not principally responsible for the operation or use of the vehicle.

(3) In this section—

"**registered owner**", in relation to a vehicle, means a person registered or recorded as 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.

Service of notices, etc., on owners of vehicles

173B. If a notice or other document is required or authorised by this Act to be served on or given to the owner of a vehicle, it is sufficient for the purposes of this Act, in a case where there is more than one owner of the vehicle, if it is served on or given to only one or some of the owners.

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.

Liability of vehicle owners and expiation of certain offences

174A. (1) In this section—

"**owner**", in relation to a vehicle, has the meaning assigned to the term by section 5, and includes the operator of the vehicle;

"**prescribed offence**" means an offence against a prescribed provision of this Act.

(2) Without derogating from the liability of any other person, but subject to this section, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this section.

(3) The owner and driver of a vehicle are not both liable through the operation of this section to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.

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(4) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against this section involving the vehicle must be accompanied by a notice inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the council or officer specified in the notice, within the period specified in the notice, with a statutory declaration—

- (a) setting out the name and address of the driver; or
- (b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).

(5) Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the complainant must send the owner a notice—

- (a) setting out particulars of the alleged prescribed offence; and
- (b) inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subsection (4).

(6) Subsection (5) does not apply to—

- (a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- (b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.

(7) Subject to subsection (8), in proceedings against the owner of a vehicle for an offence against this section, it is a defence to prove—

- (a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
- (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this section.

(8) The defence in subsection (7)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.

(9) If—

- (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this section; or
- (b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

(10) In proceedings against a person named in a statutory declaration under this section for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the vehicle at the time at which the alleged offence was committed.

(11) In proceedings against the owner or driver of a vehicle for an offence against this Act, an allegation in the complaint that a notice was given under this section on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

Further offence for continued parking contravention

174B. If a person is guilty of an offence by reason of a vehicle being parked in contravention of a prescribed provision of this Act, the person is guilty of a further offence—

- (a) in the case of an offence of being parked for longer than a permitted period of one or more hours—for each hour that the vehicle is parked continuously in the area or length of road in question in contravention of the provision; or
- (b) in the case of an offence of being parked for longer than a permitted period of less than one hour—for each such period that the vehicle is parked continuously in the area or length of road in question in contravention of the provision; or
- (c) in any other case—for each hour that the contravention continues.

Penalty: \$500.

Council may grant exemptions from certain provisions

174C. (1) A council may exempt any person, or any persons of a specified class, or any specified vehicle, or any vehicles of a specified class, from compliance within its area with a prescribed provision of this Act.

(2) An exemption under this section may be granted subject to the payment of such fee and to such other conditions (if any) as the council thinks fit and specifies in the exemption.

Proceedings for certain offences may only be taken by certain officers or with certain approvals

174D. No person, other than a member of the police force or an officer or employee of a council, may commence proceedings against a person for an offence against a prescribed provision of this Act without the prior approval of the Commissioner of Police, or the chief executive officer of the council of the area in which the alleged offence was committed.

Presumption as to commencement of proceedings

174E. In proceedings for an offence against this Act, if it appears from the complaint that the complainant is a member of the police force or an officer or employee of a council, it will be presumed that the proceedings have been commenced on the complaint of a member of the police force or an officer or employee of a council, as the case may be, in the absence of proof to the contrary.

Evidence

175. (1) In proceedings for an offence against this Act, an allegation in a complaint that—

- (a) a specified place was a road or road-related area, or a specified kind or portion of road or road-related area; or

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- (b) a specified vehicle was parked in a specified place; or
- (c) a specified traffic control device was on, above or near a specified place; or
- (d) a traffic control device was of a specified form or was operating in a specified way; or
- (e) a specified vehicle was a prescribed vehicle within the meaning of section 47A; or
- (f) a specified person was an inspector; or
- (g) a specified person was or was not the holder of a specified exemption or permit; or
- (h) a specified provision was a condition of a specified exemption or permit; or
- (i) a specified person was the owner, operator, person in charge or driver of a specified vehicle,

is proof of the matters so alleged 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 or combination with or without its load; or
 - (ii) the mass carried on an axle, or axle group, of a vehicle; or
 - (iii) the dimensions or measurements of a vehicle or combination 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 any other member of the police force of or above the rank of inspector, 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 relevant instrument was accurate to that extent on the day of the test and—

(i) in the case of a stopwatch—throughout the 14 day period following and the 14 day period preceding the day of the test; or

(ii) in the case of a speedometer—throughout the 3 month period following and the 3 month period 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 any other member of the police force of or above the rank of inspector, 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 and on the day following that day 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.

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Regulations and rules

176. (1) The Governor may make such regulations and rules as are contemplated by, or necessary or expedient for the purposes of, this Act.

(1a) The regulations or rules may—

- (a) provide defences for persons charged with offences; and
- (b) confer on members of the police force or persons of a specified class power to give directions (including directions requiring action inconsistent with other requirements under this Act) or any other power for the safe and efficient regulation of traffic; and
- (c) empower councils to fix (or vary) fees for the parking of vehicles within their areas, being fees payable by the operation of parking ticket-vending machines or parking meters; and
- (d) provide for the granting of parking permits by councils, subject to such conditions or restrictions and on the payment of such fees as they think fit; and
- (e) prescribe exemptions (which may be conditional or unconditional) from any provision of this Act; and
- (f) provide for the granting (and variation and revocation) of exemptions by the Minister, subject to such conditions as the Minister thinks fit, from any provision of this Act; and
- (g) prescribe and provide for the payment of fees in respect of specified matters (including fees for vehicle inspections for the purposes of this or any other Act); and
- (h) prescribe transitional provisions; and
- (i) impose penalties, not exceeding \$1 250, for offences against the regulations or rules; and
- (j) fix expiation fees, not exceeding \$350, for alleged offences against this Act.

(2) A regulation or rule fixing expiation fees for alleged offences against section 114—

- (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 the mass and loading requirements), 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 or rules—

- (a) suspending or amending any of the provisions of this Act;

- (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 or rules 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 or rules and being not later than six months from the day when the suspension or amendment takes effect, but the Governor may, by additional regulations or rules, 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 or rule made under this Act.

(4aa) Regulations or rules may be of general or limited application or vary in their application according to times, circumstances or matters in relation to which they are expressed to apply.

(4a) The regulations or rules may impose a requirement, or make other provision, by reference to traffic control devices from time to time on, above or near roads.

(5) The regulations or rules may impose a requirement, or make other provision, by reference to a specified standard, code or specification, as in force at a specified time, or as in force from time to time.

(5a) If the regulations or rules make some provision by reference to a standard, code or specification—

- (a) a copy of the standard, code or specification must be kept available for inspection by members of the public, without charge and during normal office hours, at an office or offices determined by the Minister; and
- (b) in any legal proceedings, evidence of the contents of the standard, code or specification may be given by production of a document purporting to be certified by or on behalf of the Minister as a true copy of the standard, code or specification.

(5b) The regulations or rules may include evidentiary provisions to facilitate proof of breaches of the regulations or rules for the purposes of proceedings for offences against this Act.

* * * * *

(7) Subsections (1a) and (4) to (5b) apply to any regulations or rules under this Act (whether made under this section or another section of this Act).

(8) The matters about which regulations or rules may be made under this section are not limited by, and may include, specified matters about which regulations or rules may be made under another section of this Act.

Inconsistency of by-laws

177. If a by-law made by a council is inconsistent with this Act or a regulation or rule made under this Act, this Act or the regulation or rule prevails and the by-law is, to the extent of the inconsistency, invalid.

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Road Traffic Act 1961

APPENDIX

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

The *Road Traffic (Driving Hours) Amendment Act 1999* repealed the *Commercial Motor Vehicles (Hours of Driving) Act 1973*.

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.

(*Transitional provisions from Road Traffic (Road Rules) Amendment Act 1999, ss. 57 and 58*)

Transitional provision

57. An exemption from a provision of the *Local Government (Parking) Regulations 1991* granted by a council under Part 22A of the *Local Government Act 1934* and in force at the commencement of this section is to be taken to be an exemption granted by the council under section 174C of the principal Act authorising the activity authorised by the former exemption subject to any conditions to which the former exemption was subject.

Report on operation of amended Act and Australian Road Rules

58. The Minister must, within six sitting days after the first anniversary of the date of commencement of this Act, cause a report on the operation of the principal Act as amended by this Act and the Australian Road Rules to be laid before each House of Parliament.

(*Transitional provision from Road Traffic (Alcohol Interlock Scheme) Amendment Act 2000, s. 9*)

Report on operation of amendments

9. The Minister must, within six sitting days after the second anniversary of the date of commencement of section 50 of the *Road Traffic Act 1961* as inserted by this Act, cause a report on the operation of the *Road Traffic Act 1961* as amended by this Act and the *Motor Vehicles Act 1959* as amended by this Act to be laid before each House of Parliament.

(*Transitional provisions from Statutes Amendment (Transport Portfolio) Act 2001, s. 26*)

26. (1) An approval of the Governor issued for the purposes of the definition of "alcotest" in section 47A of the principal Act before the commencement of section 17 continues to operate as such an approval for the purposes of that definition as substituted by section 17.

(2) An amendment to the principal Act effected by a provision of this Part does not apply in relation to an offence committed before the commencement of that provision.

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 <i>Acts Republication Act 1967</i> as its function is now exhausted; inserted by 39, 1999, s. 3
Section 3:	deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted
Section 4:	amended by 103, 1976, s. 3; 24, 1981, s. 3; deleted in pursuance of the <i>Acts Republication Act 1967</i>
Section 5(1):	redesignated as s. 5(1) by 103, 1976, s. 4(d) definition of "animal" repealed by 39, 1999, s. 4(a) definition of "area" amended by 50, 1984, s. 3(1) (Sched. 5) definition of "articulated motor vehicle" substituted by 20, 1999, s. 3(a) definition of "Australian Road Rules" inserted by 39, 1999, s. 4(b)

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definition of "axle" amended by 103, 1976, s. 4(a); substituted by 25, 1989, s. 3(a); 20, 1999, s. 3(a)

definition of "axle group" inserted by 20, 1999, s. 3(a)

definition of "barrier line" repealed by 39, 1999, s. 4(c)

definition of "bicycle" inserted by 39, 1999, s. 4(c)

definition of "bicycle lane" inserted by 10, 1993, s. 3(a); repealed by 39, 1999, s. 4(c)

definition of "bikeway" inserted by 10, 1993, s. 3(a); repealed by 39, 1999, s. 4(c)

definition of "box right turn" inserted by 10, 1993, s. 3(a); repealed by 39, 1999, s. 4(c)

definition of "bus" substituted by 20, 1999, s. 3(b)

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); repealed by 39, 1999, s. 4(d)

definition of "combination" inserted by 20, 1999, s. 3(c)

definition of "condition" inserted by 39, 1999, s. 4(e)

definition of "crossover" repealed by 39, 1999, s. 4(f)

definition of "council" amended by 50, 1984, s. 3(1) (Sched. 5)

definition of "cycle" amended by 20, 1999, s. 3(d); 39, 1999, s. 4(g)

definitions of "divided road" and "dividing strip" repealed by 39, 1999, s. 4(h)

definitions of "drive" and "driver" substituted by 39, 1999, s. 4(h)

definition of "driver's licence" inserted by 99, 1981, s. 3(a)

definition of "expressway" inserted by 57, 1997, s. 3; repealed by 39, 1999, s. 4(i)

definitions of "footpath" and "give way line" repealed by 39, 1999, s. 4(i)

definition of "give way sign" amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 39, 1999, s. 4(i)

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); repealed by 20, 1999, s. 3(e)

definition of "hook right turn" inserted by 88, 1994, s. 3(b); repealed by 39, 1999, s. 4(i)

definition of "improved road" repealed by 39, 1999, s. 4(i)

definitions of "intersection", "junction" and "level crossing" repealed by 39, 1999, s. 4(j)

definition of "mass" inserted by 25, 1989, s. 3(c); repealed by 20, 1999, s. 3(f)

definition of "mass and loading requirements" inserted by 20, 1999, s. 3(f)

definition of "motor bike" inserted by 20, 1999, s. 3(f)

definition of "motor cycle" repealed by 20, 1999, s. 3(f)

definition of "motor vehicle" substituted by 20, 1999, s. 3(f)

definition of "omnibus" amended by 24, 1981, s. 4

definition of "one way carriageway" repealed by 39, 1999, s. 4(k)

definition of "operator" inserted by 20, 1999, s. 3(g)

definition of "owner" amended by 50, 1984, s. 3(1) (Sched. 5); substituted by 20, 1999, s. 3(g)

definition of "park" inserted by 39, 1999, s. 4(l)

definitions of "passenger" and "pedal cycle" repealed by 39, 1999, s. 4(l)

definition of "pedestrian" inserted by 74, 1988, s. 3; amended by 64, 1995, s. 3(a); substituted by 39, 1999, s. 4(l)

definitions of "pedestrian crossing" and "period of low visibility" repealed by 39, 1999, s. 4(l)

definition of "prime mover" inserted by 5, 1992, s. 3(a); substituted by 20, 1999, s. 3(h)

definition of "quad-axle group" inserted by 20, 1999, s. 3(h)

definition of "radar detector or jammer" inserted by 52, 1990, s. 3; repealed by 39, 1999, s. 4(m)

definition of "rider" and "ride" repealed and definitions of "ride" and "rider" inserted in its place by 39, 1999, s. 4(m)

definition of "road" amended by 10, 1993, s. 3(c); substituted by 20, 1999, s. 3(i)

definition of "road-related area" inserted by 20, 1999, s. 3(i)

definition of "roundabout" amended by 27, 1986, s. 3(b); repealed by 39, 1999, s. 4(n)

definition of "school" inserted by 18, 1998, s. 3(a); repealed by 39, 1999, s. 4(n)

definition of "school bus" repealed by 39, 1999, s. 4(n)

definition of "school zone" inserted by 18, 1998, s. 3(b); repealed by 39, 1999, s. 4(n)

definition of "semi-trailer" inserted by 5, 1992, s. 3(b); substituted by 20, 1999, s. 3(j)

definition of "shared zone" inserted by 88, 1994, s. 3(c); repealed by 39, 1999, s. 4(o)

definitions of "single axle" and "single axle group" inserted by 20, 1999, s. 3(k)

definition of "small-wheeled vehicle" inserted by 64, 1995, s. 3(b); repealed by 39, 1999, s. 4(p)

definition of "speed zone" substituted by 41, 1989, s. 3; repealed by 39, 1999, s. 4(p)

definitions of "the standing" and "stop line" repealed by 39, 1999, s. 4(p)

definition of "stop sign" amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 39, 1999, s. 4(p)

definition of "tandem axle group" inserted by 25, 1989, s. 3(d); substituted by 32, 1993, s. 3(a); 20, 1999, s. 3(l)

definition of "the Board" repealed by 27, 1986, s. 3(a)

definition of "towtruck" inserted by 99, 1981, s. 3(b); repealed by 39, 1999, s. 4(q)

definition of "tractor" repealed by 39, 1999, s. 4(q)

definition of "traffic" inserted by 39, 1999, s. 4(q)

definition of "traffic control device" amended by 50, 1984, s. 3(1) (Sched. 5); substituted by 39, 1999, s. 4(q)

definition of "traffic lights" amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 39, 1999, s. 4(q)

definition of "trailer" amended by 10, 1993, s. 3(d); substituted by 20, 1999, s. 3(m)

definition of "tram" inserted by 39, 1999, s. 4(r)

definition of "tri-axle group" inserted by 25, 1989, s. 3(e); substituted by 32, 1993, s. 3(b); 20, 1999, s. 3(m)

definition of "trolley" inserted by 39, 1999, s. 4(s)

definition of "twinsteer axle group" inserted by 20, 1999, s. 3(m)

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	definition of "two way carriageway" repealed by 39, 1999, s. 4(t)
	definition of "unladen mass" substituted by 103, 1976, s. 4(c)
	definition of "vehicle" amended by 64, 1995, s. 3(c); substituted by 39, 1999, s. 4(u)
	definition of "vehicle standards" inserted by 20, 1999, s. 3(n)
	definition of "wheelchair" inserted by 10, 1993, s. 3(e); substituted by 39, 1999, s. 4(v)
	definitions of "wheeled recreational device" and "wheeled toy" inserted by 39, 1999, s. 4(v)
Section 5(2):	inserted by 103, 1976, s. 4(d); substituted by 25, 1989, s. 3(f); amended by 20, 1999, s. 3(o)
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); inserted by 39, 1999, s. 5
Section 6:	amended by 64, 1995, s. 4; substituted by 39, 1999, s. 5
Section 6A:	inserted by 20, 1999, s. 4
Section 7:	amended by 10, 1993, s. 4; 39, 1999, s. 6
Section 8:	repealed by 39, 1999, s. 7
Section 9:	repealed by 39, 1999, s. 8
Heading preceding section 10:	redesignated as Division 1 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 10:	repealed by 39, 1999, s. 9
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 11(1):	amended by 39, 1999, s. 10(a)
Section 11(2a):	inserted by 39, 1999, s. 10(b)
Section 11(3):	amended by 39, 1999, s. 10(c)
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
Heading preceding section 16:	redesignated as Division 2 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 16(1):	definition of "Authority" amended and paragraph (d) repealed by 103, 1976, s. 7; amended by 30, 1994, Sched. 4 cl. 2(b)(i)
Section 17(1):	amended by 27, 1986, s. 5(a); 39, 1999, s. 11(a), (b)
Section 17(2):	amended by 27, 1986, s. 5(a)
Section 17(3):	repealed by 27, 1986, s. 5(b); inserted by 39, 1999, s. 11(c)
Section 17(4) - (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); 39, 1999, s. 12
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); amended by 18, 1998, s. 4(a)
Section 19(2):	repealed by 42, 1979, s. 3(a); inserted by 18, 1998, s. 4(b); substituted by 39, 1999, s. 13(a)
Section 19(3) and (4):	repealed by 42, 1979, s. 3(a)
Section 19(5):	amended by 42, 1979, s. 3(b)
Section 19(6):	inserted by 39, 1999, s. 13(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); 39, 1999, s. 14(a)
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); repealed by 39, 1999, s. 14(b)
Sections 21 and 22:	inserted by 39, 1999, s. 15
Section 23:	amended by 103, 1976, s. 8; 85, 1985, s. 3; 27, 1986, s. 8; 76, 1998, s. 3; repealed by 39, 1999, s. 15
Section 25:	amended by 50, 1984, s. 3(1) (Sched. 5); 27, 1986, s. 9; 18, 1998, s. 5; repealed by 39, 1999, s. 15
Section 31(1):	definition of "false traffic sign" substituted by 50, 1984, s. 3(1) (Sched. 5); repealed by 39, 1999, s. 16(a) definition of "false traffic control device" inserted by 39, 1999, s. 16(a)
Section 31(2):	amended by 27, 1986, s. 10; substituted by 39, 1999, s. 16(b)
Section 31(2a):	inserted by 39, 1999, s. 16(b)
Section 31(4):	amended by 103, 1976, s. 9
Section 31(5):	amended by 27, 1986, s. 10; 39, 1999, s. 16(c)
Heading preceding section 32:	substituted by 39, 1999, s. 17; redesignated as Division 3 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 32:	amended by 50, 1984, s. 3(1) (Sched. 5); 27, 1986, s. 11; substituted by 41, 1989, s. 4; amended by 78, 1997, s. 3; substituted by 39, 1999, s. 17
Section 32A and heading:	inserted by 88, 1994, s. 4; repealed by 39, 1999, s. 17
Heading preceding section 33:	substituted by 52, 1990, s. 4; repealed by 39, 1999, s. 17
Section 33:	amended by 50, 1984, s. 3(1) (Sched. 5); substituted by 52, 1990, s. 4
Section 33(3):	amended by 17, 2001, s. 16
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 33(10):	definition of "event" substituted by 39, 1999, s. 18
Heading preceding section 34:	substituted by 103, 1976, s. 10; repealed by 25, 1989, s. 4; inserted by 58, 1998, s. 3; repealed by 39, 1999, s. 19
Section 34:	substituted by 103, 1976, s. 10; repealed by 25, 1989, s. 4; inserted by 58, 1998, s. 3
Section 34(2):	amended by 39, 1999, s. 20
Heading preceding section 35:	redesignated as Division 4 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 35(1):	amended by 39, 1999, s. 21(a)
Section 35(1a):	inserted by 39, 1999, s. 21(b)
Section 35(2):	amended by 42, 1979, s. 4
Section 35(3):	inserted by 39, 1999, s. 21(c)
Section 36:	amended by 103, 1976, s. 11
Heading preceding section 37:	substituted by 39, 1999, s. 22; redesignated as Division 5 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 38:	amended by 103, 1976, s. 12; 20, 1999, s. 5
Section 38A:	inserted by 39, 1999, s. 23
Part 3 heading:	amended by 39, 1999, s. 24
Heading preceding section 39:	repealed by 39, 1999, s. 25
Section 39:	amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 39, 1999, s. 25
Section 40:	amended by 15, 1984, s. 3; 85, 1985, s. 4; 74, 1988, s. 4; 33, 1996, s. 2; 66, 1996, s. 4; 58, 1998, s. 4; repealed by 39, 1999, s. 25
Heading preceding section 41:	redesignated as Division 1 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 41(1):	amended by 32, 1993, s. 5(a); 64, 1995, s. 6; 39, 1999, s. 26
Section 41(2):	amended by 103, 1976, s. 13

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Section 41(3):	inserted by 32, 1993, s. 5(b)
Section 42(1):	amended by 103, 1976, s. 14(a); 20, 1999, s. 6
Section 42(2):	amended by 103, 1976, s. 14(b)
Heading preceding section 43:	substituted by 39, 1999, s. 27; redesignated as Division 2 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 43:	amended by 103, 1976, s. 15; 42, 1979, s. 5; 50, 1984, s. 3(1) (Sched. 5); 92, 1986, s. 3; 105, 1987, s. 3; 51, 1988, s. 71; 30, 1994, Sched. 4 cl. 2(b)(ii), (iii); substituted by 39, 1999, s. 27
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
Heading preceding section 44A:	redesignated as Division 3 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 44A:	amended by 103, 1976, s. 16
Heading preceding section 45:	redesignated as Division 4 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 45:	amended by 103, 1976, s. 17
Section 45A:	amended by 103, 1976, s. 18; repealed by 39, 1999, s. 28
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)
Heading preceding section 47:	redesignated as Division 5 heading in pursuance of the <i>Acts Republication Act 1967</i>
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); 52, 1999, s. 96(a); 91, 2000, s. 3
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; substituted by 17, 2001, s. 17 definition of "analyst" inserted by 53, 1986, s. 3 definition of "approved blood test kit" inserted by 95, 1995, s. 13 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(2):	repealed by 17, 2001, s. 18
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); 52, 1999, s. 96(b); 91, 2000, s. 4
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; repealed by 58, 1998, s. 5
Section 47DA(6):	substituted by 55, 1985, s. 6(c); repealed by 58, 1998, s. 5
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); 39, 1999, s. 29
Section 47E(1)(b):	repealed by 39, 1999, s. 29
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; 17, 2001, s. 19(a)
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(2c) - (2e):	inserted by 17, 2001, s. 19(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(4):	amended by 17, 2001, s. 19(c)
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); 52, 1999, s. 96(c); 91, 2000, s. 5
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 47EA:	inserted by 17, 2001, s. 20
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); 17, 2001, s. 21(a)
Section 47G(2):	amended by 50, 1984, s. 3(1) (Sched. 5); 17, 2001, s. 21(b)
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); 17, 2001, s. 21(c)
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)

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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); 17, 2001, s. 21(d)
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):	inserted by 95, 1995, s. 15(l); amended by 17, 2001, s. 21(e)
Section 47G(8) and (9):	inserted by 95, 1995, s. 15(l)
Section 47GA:	inserted by 95, 1995, s. 16
Section 47GA(2):	amended by 17, 2001, s. 22
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(13bb):	inserted by 17, 2001, s. 23
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); 52, 1999, s. 96(d); 91, 2000, s. 6
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)
Heading preceding section 48:	definition of "prescribed offence" substituted by 12, 1991, s. 10
Part 3 Division 5A heading:	repealed by 39, 1999, s. 30
Section 48:	inserted by 91, 2000, s. 7
Section 49:	amended by 103, 1976, s. 25; substituted by 12, 1991, s. 11; repealed by 39, 1999, s. 30; inserted by 91, 2000, s. 7
Section 50:	amended by 103, 1976, s. 26; 25, 1980, s. 4(a), (b); 25, 1991, s. 12; 88, 1994, s. 5; 78, 1997, s. 4; 18, 1998, s. 6; repealed by 39, 1999, s. 30; inserted by 91, 2000, s. 7
Section 51:	amended by 103, 1976, s. 27; 50, 1984, s. 3(1) (Sched. 5); 12, 1991, s. 13; repealed by 39, 1999, s. 30; inserted by 91, 2000, s. 7
Section 52:	repealed by 36, 1976, s. 2; inserted by 91, 2000, s. 7
Section 53:	amended by 103, 1976, s. 28; repealed by 39, 1999, s. 30; inserted by 91, 2000, s. 7
Section 53A:	amended by 103, 1976, s. 29; 58, 1986, s. 3; 14, 1988, s. 3; 25, 1989, s. 5; 20, 1999, s. 7; repealed by 39, 1999, s. 30; inserted by 91, 2000, s. 7
Heading preceding section 53A:	inserted by 91, 2000, s. 7
Section 53B:	amended by 39, 1999, s. 31; redesignated as Division 6 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 53B(1):	inserted by 52, 1990, s. 6
Section 53B(1):	substituted by 39, 1999, s. 32(a)

Section 53B(3):	substituted by 34, 1996, s. 4 (Sched. cl. 30)
Section 53B(5):	amended by 39, 1999, s. 32(b)
Section 53B(6):	inserted by 39, 1999, s. 32(c)
Heading preceding section 54:	repealed by 39, 1999, s. 33
Section 54:	amended by 103, 1976, s. 30; 50, 1984, s. 3(1) (Sched. 5); substituted by 69, 1985, s. 2; amended by 10, 1993, s. 5; repealed by 39, 1999, s. 33
Section 55:	amended by 103, 1976, s. 31; 10, 1993, s. 6; repealed by 39, 1999, s. 33
Section 55A:	inserted by 10, 1993, s. 7; repealed by 39, 1999, s. 33
Section 56:	amended by 103, 1976, s. 32; repealed by 39, 1999, s. 33
Section 57:	amended by 103, 1976, s. 33; 50, 1984, s. 3(1) (Sched. 5); repealed by 39, 1999, s. 33
Section 58:	amended by 103, 1976, s. 34 50, 1984, s. 3(1) (Sched. 5); 10, 1993, s. 8; repealed by 39, 1999, s. 33
Section 58A:	inserted by 10, 1993, s. 9; repealed by 39, 1999, s. 33
Section 59:	amended by 103, 1976, s. 35; 10, 1993, s. 10; repealed by 39, 1999, s. 33
Section 60:	amended by 103, 1976, s. 36; 10, 1993, s. 11; repealed by 39, 1999, s. 33
Heading preceding section 61:	inserted by 10, 1993, s. 12; repealed by 39, 1999, s. 33
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; amended by 20, 1999, s. 8; repealed by 39, 1999, s. 33
Heading preceding section 62:	repealed by 39, 1999, s. 33
Section 62:	repealed by 39, 1999, s. 33
Section 63:	amended by 103, 1976, s. 38; 42, 1979, s. 13; 25, 1980, s. 5; 107, 1980, s. 3; 10, 1993, s. 13; repealed by 39, 1999, s. 33
Section 65:	amended by 103, 1976, s. 39; repealed by 39, 1999, s. 33
Section 65A:	inserted by 10, 1993, s. 14; repealed by 39, 1999, s. 33
Section 66:	amended by 103, 1976, s. 40; repealed by 39, 1999, s. 33
Section 67:	amended by 103, 1976, s. 41; 50, 1984, s. 3(1) (Sched. 5); repealed by 39, 1999, s. 33
Section 68:	amended by 103, 1976, s. 42; repealed by 39, 1999, s. 33
Section 68A:	inserted by 88, 1994, s. 6; repealed by 39, 1999, s. 33
Section 69:	amended by 103, 1976, s. 43; repealed by 39, 1999, s. 33
Section 69A:	inserted by 1, 1992, Sched. 3; repealed by 39, 1999, s. 33
Heading preceding section 70:	repealed by 39, 1999, s. 33
Section 70:	amended by 103, 1976, s. 44; 10, 1993, s. 15; repealed by 39, 1999, s. 33
Section 70A:	inserted by 10, 1993, s. 16; repealed by 39, 1999, s. 33
Section 70B:	inserted by 88, 1994, s. 7; repealed by 39, 1999, s. 33
Section 71:	amended by 50, 1984, s. 3(1) (Sched. 5); 37, 1997, s. 2; repealed by 39, 1999, s. 33
Section 71A:	amended by 103, 1976, s. 45; 37, 1997, s. 3; repealed by 39, 1999, s. 33
Section 72:	amended by 103, 1976, s. 46; repealed by 39, 1999, s. 33
Section 73:	amended by 103, 1976, s. 47; repealed by 39, 1999, s. 33
Heading preceding section 74:	repealed by 39, 1999, s. 33
Section 74:	amended by 103, 1976, s. 48; 10, 1993, s. 17; repealed by 39, 1999, s. 33
Section 74A:	amended by 103, 1976, s. 49; repealed by 39, 1999, s. 33
Heading preceding section 75:	amended by 52, 1990, s. 8; repealed by 39, 1999, s. 33
Section 75:	amended by 103, 1976, s. 50; 50, 1984, s. 3(1) (Sched. 5); 52, 1990, s. 9; repealed by 39, 1999, s. 33
Section 76:	amended by 103, 1976, s. 51; substituted by 15, 1984, s. 4; amended by 52, 1990, s. 10; 32, 1993, s. 6; repealed by 39, 1999, s. 33

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Section 77:	amended by 103, 1976, s. 52; repealed by 15, 1984, s. 4
Section 78:	amended by 103, 1976, s. 53; 42, 1979, s. 14; 50, 1984, s. 3(1) (Sched. 5); 76, 1998, s. 4; repealed by 39, 1999, s. 33
Section 78A:	amended by 103, 1976, s. 54; repealed by 15, 1984, s. 5
Section 79:	repealed by 39, 1999, s. 33
Heading preceding section 79A:	inserted by 5, 1987, s. 3; redesignated as Division 7 heading in pursuance of the <i>Acts Republication Act 1967</i>
Sections 79A and 79B:	inserted by 5, 1987, s. 3
Section 79B(1):	definition of "owner" inserted by 20, 1999, s. 9(a) definition of "prescribed offence" amended by 20, 1999, s. 9(b); substituted by 39, 1999, s. 34(a) definition of "red light offence" inserted by 28, 2000, s. 3(a) definition of "registered owner" substituted by 52, 1990, s. 11(a); amended by 65, 1996, Sched. cl. 2; repealed by 20, 1999, s. 9(c)
Section 79B(2):	amended by 52, 1990, s. 11(b); 20, 1999, s. 9(d); 28, 2000, s. 3(b)
Section 79B(2a):	inserted by 28, 2000, s. 3(c)
Section 79B(3):	amended by 52, 1990, s. 11(c); 20, 1999, s. 9(d)
Section 79B(4):	amended by 34, 1996, s. 4 (Sched. cl. 30); 20, 1999, s. 9(d), (e); 28, 2000, s. 3(d)
Section 79B(4a):	inserted by 28, 2000, s. 3(e)
Section 79B(5):	amended by 52, 1990, s. 11(d); 34, 1996, s. 4 (Sched. cl. 30); 20, 1999, s. 9(f)
Section 79B(6):	amended by 52, 1990, s. 11(e); 34, 1996, s. 4 (Sched. cl. 30); 20, 1999, s. 9(f)
Section 79B(8):	substituted by 28, 2000, s. 3(f)
Section 79B(9):	amended by 34, 1996, s. 4 (Sched. cl. 30); 20, 1999, s. 9(g)
Section 79B(9a):	inserted by 52, 1990, s. 11(f); repealed by 39, 1999, s. 34(b)
Section 79B(10):	amended by 52, 1990, s. 11(g), (h); 20, 1999, s. 9(g)
Section 79C:	inserted by 52, 1990, s. 12
Heading preceding section 80:	substituted by 39, 1999, s. 35; redesignated as Division 8 heading in pursuance of the <i>Acts Republication Act 1967</i>
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; substituted by 39, 1999, s. 35
Heading preceding section 81:	inserted by 39, 1999, s. 35; redesignated as Division 9 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 81:	amended by 103, 1976, s. 56; 50, 1984, s. 3(1) (Sched. 5); substituted by 39, 1999, s. 35; repealed by 67, 1999, s. 5
Section 82:	amended by 103, 1976, s. 57; repealed by 45, 1979, s. 3; inserted by 39, 1999, s. 35
Heading preceding section 82A:	repealed by 39, 1999, s. 35
Section 82A:	amended by 27, 1986, s. 12; repealed by 39, 1999, s. 35
Section 83:	amended by 103, 1976, s. 58; 42, 1979, s. 15; repealed by 45, 1979, s. 3; inserted by 7, 2000, 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); 39, 1999, s. 36(a)
Section 85(2):	amended by 103, 1976, s. 61; 39, 1999, s. 36(b)
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); 39, 1999, s. 37(a)
Section 86(1a):	inserted by 57, 1997, s. 4(b); amended by 39, 1999, s. 37(a)
Section 86(3):	amended by 57, 1997, s. 4(c)
Section 86(4):	amended by 57, 1997, s. 4(d)

Section 86(5):	inserted by 39, 1999, s. 37(b)
Heading preceding section 87:	repealed by 39, 1999, s. 38
Section 87:	amended by 103, 1976, s. 62
Section 88:	amended by 103, 1976, s. 63; 50, 1984, s. 3(1) (Sched. 5); 10, 1993, s. 19; 88, 1994, s. 8; repealed by 39, 1999, s. 39
Section 89:	amended by 103, 1976, s. 64; 30, 1994, Sched. 4. cl. 2(b)(v); 32, 1996, s. 3; repealed by 39, 1999, s. 39
Section 90:	amended by 103, 1976, s. 65; repealed by 39, 1999, s. 39
Section 90A:	inserted by 88, 1994, s. 9; repealed by 39, 1999, s. 39
Heading preceding section 91:	repealed by 39, 1999, s. 39
Section 91(1):	substituted by 99, 1981, s. 5
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; repealed by 39, 1999, s. 40
Heading preceding section 92A:	repealed by 39, 1999, s. 40
Sections 92A and 92B:	inserted by 20, 1999, s. 10; repealed by 39, 1999, s. 40
Section 93:	amended by 103, 1976, s. 68; 10, 1993, s. 20; repealed by 39, 1999, s. 40
Section 94:	amended by 103, 1976, s. 69; repealed by 39, 1999, s. 40
Section 94A:	amended by 103, 1976, s. 70; 50, 1984, s. 3(1) (Sched. 5); 27, 1986, s. 14; 20, 1999, s. 11; repealed by 39, 1999, s. 40
Section 95:	amended by 103, 1976, s. 71; 50, 1984, s. 3(1) (Sched. 5)
Section 96:	amended by 103, 1976, s. 72; 50, 1984, s. 3(1) (Sched. 5); repealed by 39, 1999, s. 41
Section 97:	amended by 103, 1976, s. 73; 10, 1993, s. 21; repealed by 39, 1999, s. 41
Section 98:	amended by 103, 1976, s. 74; repealed by 39, 1999, s. 41
Section 99:	amended by 103, 1976, s. 75; repealed by 39, 1999, s. 41
Section 99A:	inserted by 10, 1993, s. 22; amended by 39, 1999, s. 42
Section 99B:	inserted by 64, 1995, s. 7; substituted by 39, 1999, s. 43
Section 100:	amended by 103, 1976, s. 76; repealed by 39, 1999, s. 43
Section 101:	amended by 103, 1976, s. 77; repealed by 39, 1999, s. 43
Section 102:	amended by 103, 1976, s. 78; 32, 1993, s. 7; repealed by 39, 1999, s. 43
Section 103:	amended by 103, 1976, s. 79; repealed by 39, 1999, s. 43
Section 104:	amended by 103, 1976, s. 80; 50, 1984, s. 3(1) (Sched. 5); repealed by 39, 1999, s. 43
Section 105:	amended by 103, 1976, s. 81; repealed by 39, 1999, s. 43
Heading preceding section 106:	repealed by 39, 1999, s. 43
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 106(4):	definition of "traffic device" amended by 39, 1999, s. 44
Section 107:	amended by 103, 1976, s. 83
Section 107A:	inserted by 20, 1999, s. 12
Section 108(1):	amended by 103, 1976, s. 84; 50, 1984, s. 3(1) (Sched. 5)
Section 109:	amended by 103, 1976, s. 85; repealed by 39, 1999, s. 45
Section 110:	amended by 103, 1976, s. 86
	Part 3AA comprising ss. 110AA - 110AAD and heading inserted by 34, 1999, s. 3
	Part 3A comprising ss. 110A - 110C and heading inserted by 19, 1998, s. 3
Part 4 heading:	substituted by 20, 1999, s. 13

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Heading preceding section 111:	amended by 103, 1976, s. 87; substituted by 20, 1999, s. 14; redesignated as Division 1 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 111:	amended by 103, 1976, s. 88; 46, 1981, s. 13; 50, 1984, s. 3(1) (Sched. 5); substituted by 20, 1999, s. 14
Section 112:	inserted by 20, 1999, s. 14
Heading preceding section 113:	inserted by 20, 1999, s. 14; redesignated as Division 2 heading in pursuance of the <i>Acts Republication Act 1967</i>
Sections 113 and 114:	inserted by 20, 1999, s. 14
Heading preceding section 115:	inserted by 20, 1999, s. 14; redesignated as Division 3 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 115:	inserted by 20, 1999, s. 14
Heading preceding section 116:	inserted by 20, 1999, s. 14; repealed by 39, 1999, s. 46
Section 116:	inserted by 20, 1999, s. 14; repealed by 39, 1999, s. 46
Section 119:	amended by 103, 1976, s. 89; 50, 1984, s. 3(1) (Sched. 5); repealed by 20, 1999, s. 14
Section 120:	repealed by 20, 1999, s. 14
Section 121:	amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 20, 1999, s. 14
Section 122:	amended by 103, 1976, s. 90; repealed by 20, 1999, s. 14
Section 124:	amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 20, 1999, s. 14
Heading preceding section 126:	repealed by 20, 1999, s. 14
Section 126:	amended by 103, 1976, s. 91; repealed by 20, 1999, s. 14
Heading preceding section 132:	repealed by 20, 1999, s. 14
Section 132:	amended by 103, 1976, s. 92; 50, 1984, s. 3(1) (Sched. 5); repealed by 20, 1999, s. 14
Section 133:	repealed by 20, 1999, s. 14
Section 134:	amended by 15, 1984, s. 7; 85, 1985, s. 5(a); 66, 1996, s. 5; repealed by 20, 1999, s. 14
Section 135:	amended by 27, 1986, s. 15; 50, 1984, s. 3(1) (Sched. 5); repealed by 20, 1999, s. 14
Section 136:	repealed by 20, 1999, s. 14
Section 137:	substituted by 32, 1993, s. 8; repealed by 20, 1999, s. 14
Section 138:	repealed by 20, 1999, s. 14
Section 138A:	amended by 103, 1976, s. 93; 99, 1981, s. 6; repealed by 20, 1999, s. 14
Section 138B and heading:	repealed by 99, 1981, s. 7
Heading preceding section 139:	substituted by 25, 1989, s. 6; repealed by 20, 1999, s. 14
Section 139:	amended by 103, 1976, s. 94; 50, 1984, s. 3(1) (Sched. 5); 25, 1989, s. 7; repealed by 20, 1999, s. 14
Section 140:	repealed by 20, 1999, s. 14
Section 141:	amended by 42, 1979, s. 16; 51, 1997, s. 8(a), (b); 103, 1976, s. 95; 82, 1987, s. 2; 32, 1993, s. 9; 51, 1997, s. 8(c); repealed by 20, 1999, s. 14
Section 142:	amended by 50, 1984, s. 3(1) (Sched. 5); repealed by 20, 1999, s. 14
Section 143:	repealed by 99, 1981, s. 8; inserted by 25, 1989, s. 8; repealed by 20, 1999, s. 14
Heading preceding section 144:	inserted by 12, 1991, s. 14; repealed by 20, 1999, s. 14
Section 144:	repealed by 103, 1976, s. 97; inserted by 12, 1991, s. 14; repealed by 20, 1999, s. 14
Section 145:	repealed by 103, 1976, s. 97
Heading preceding section 146:	substituted by 103, 1976, s. 96; 25, 1989, s. 9; repealed by 20, 1999, s. 14
Section 146:	amended by 103, 1976, s. 98; substituted by 25, 1989, s. 10; repealed by 20, 1999, s. 14

Section 147:	amended by 103, 1976, s. 99; 42, 1979, s. 17; 99, 1981, s. 9; substituted by 25, 1989, s. 10; repealed by 20, 1999, s. 14
Heading preceding section 148:	inserted by 20, 1999, s. 15; redesignated as Division 4 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 148:	inserted by 25, 1989, s. 10
Section 148(1) and (2):	amended by 20, 1999, s. 16(a)
Section 148(3):	inserted by 20, 1999, s. 16(b)
Section 149:	substituted by 25, 1989, s. 10
Section 149(1):	repealed by 20, 1999, s. 17(a)
Section 149(2):	amended by 20, 1999, s. 17(b)
Section 150:	amended by 103, 1976, s. 100; substituted by 25, 1989, s. 10; repealed by 20, 1999, s. 18
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; 20, 1999, s. 19
Section 153(2):	amended by 103, 1976, s. 103(d); 50, 1984, s. 3(1) (Sched. 5)
Section 154(1):	amended by 20, 1999, s. 20
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; 20, 1999, s. 21
Section 156(2):	amended by 103, 1976, s. 106(e); 50, 1984, s. 3(1) (Sched. 5)
Heading preceding section 157:	repealed by 20, 1999, s. 22
Section 157:	amended by 103, 1976, s. 107; substituted by 99, 1981, s. 10; repealed by 20, 1999, s. 22
Section 158:	amended by 103, 1976, s. 108; repealed by 99, 1981, s. 10
Heading preceding section 160:	repealed by 20, 1999, s. 22
Section 160(1):	definition of "inspector" repealed by 100, 1996, s. 3(a) definitions of "safety risk" and "vehicle registration authority" inserted by 52, 1999, s. 96(e)
Section 160(1a):	inserted by 55, 1989, s. 3(a); amended by 52, 1999, s. 96(f), (g)
Section 160(1b):	inserted by 55, 1989, s. 3(a); amended by 52, 1999, s. 96(h), (i)
Section 160(2):	amended by 42, 1979, s. 19(a); substituted by 55, 1989, s. 3(b); amended by 20, 1999, s. 23(a); 52, 1999, s. 96(j)
Section 160(2a):	substituted by 42, 1979, s. 19(b); amended by 50, 1984, s. 3(1) (Sched. 5); 105, 1987, s. 4(a); 20, 1999, s. 23(b); 52, 1999, s. 96(k)
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); inserted by 52, 1999, s. 96(l); amended by 17, 2001, s. 24(a)
Section 160(4b):	inserted by 52, 1999, s. 96(l); amended by 17, 2001, s. 24(b)
Section 160(4c):	inserted by 52, 1999, s. 96(l); amended by 17, 2001, s. 24(c)
Section 160(5):	amended by 20, 1999, s. 23(c); substituted by 52, 1999, s. 96(m); amended by 17, 2001, s. 24(d)
Section 160(5a):	inserted by 52, 1999, s. 96(m); amended by 17, 2001, s. 24(e)
Section 160(5b):	inserted by 52, 1999, s. 96(m); amended by 17, 2001, s. 24(f)
Section 160(5c):	inserted by 52, 1999, s. 96(m); amended by 17, 2001, s. 24(g), (h)
Section 160(5d):	inserted by 52, 1999, s. 96(m); amended by 17, 2001, s. 24(i)
Section 160(5e):	inserted by 52, 1999, s. 96(m)
Section 160(5f):	inserted by 52, 1999, s. 96(m); amended by 17, 2001, s. 24(j)
Section 160(5g):	inserted by 52, 1999, s. 96(m); amended by 17, 2001, s. 24(k)
Section 160(5h):	inserted by 52, 1999, s. 96(m)
Section 160(6):	amended by 103, 1976, s. 109(b)

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Section 160(7):	amended by 15, 1984, s. 9; substituted by 105, 1987, s. 4(b); 52, 1999, s. 96(n); amended by 17, 2001, s. 24(l)
Section 160(8) - (10):	inserted by 100, 1996, s. 3(c)
Section 160(11):	inserted by 100, 1996, s. 3(c); amended by 20, 1999, s. 23(d)
Section 160(12) - (14):	inserted by 100, 1996, s. 3(c)
Section 160(15):	inserted by 17, 2001, s. 24(m)
Section 161:	amended by 20, 1999, s. 24; repealed by 39, 1999, s. 47
Heading preceding section 161A:	inserted by 20, 1999, s. 25; redesignated as Division 5 heading in pursuance of the <i>Acts Republication Act 1967</i>
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; 20, 1999, s. 26; repealed by 39, 1999, s. 47
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; amended by 74, 1988, s. 5; repealed by 39, 1999, s. 48
Section 162AC:	inserted by 25, 1980, s. 6; repealed by 58, 1986, s. 5
Section 162B:	amended by 103, 1976, s. 114; repealed by 20, 1999, s. 27; inserted by 39, 1999, s. 48
Section 162C(1):	amended by 103, 1976, s. 115; substituted by 12, 1991, s. 15(a); amended by 64, 1995, s. 8(a); 39, 1999, s. 49(a)
Section 162C(2):	substituted by 12, 1991, s. 15(a); amended by 64, 1995, s. 8(a); 39, 1999, s. 49(a)
Section 162C(2a):	inserted by 12, 1991, s. 15(a); amended by 64, 1995, s. 8(a); 39, 1999, s. 49(a)
Section 162C(2b):	inserted by 12, 1991, s. 15; repealed by 39, 1999, s. 49(b)
Section 162C(2c):	inserted by 12, 1991, s. 15(a)
Section 162C(3):	amended by 12, 1991, s. 15(b); 64, 1995, s. 8(b); 39, 1999, s. 49(c), (d)
Section 162C(4):	inserted by 56, 1991, s. 2; amended by 64, 1995, s. 8(c); 39, 1999, s. 49(e)
Heading preceding section 163:	redesignated as Division 6 heading in pursuance of the <i>Acts Republication Act 1967</i>
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
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)
Heading preceding section 163AA:	inserted by 99, 1981, s. 13; redesignated as Division 7 heading in pursuance of the <i>Acts Republication Act 1967</i>
Section 163AA:	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:	amended by 103, 1976, s. 117; 24, 1981, s. 5; 30, 1994, Sched. 4 cl. 2(b)(viii); repealed by 39, 1999, s. 50
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); repealed by 20, 1999, s. 28
Section 163D(1):	amended by 50, 1984, s. 3(1) (Sched. 5); substituted by 20, 1999, s. 29(a)
Section 163D(1a):	inserted by 20, 1999, s. 29(a)
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); substituted by 20, 1999, s. 29(b)
Section 163E:	substituted by 91, 1982, s. 6; amended by 50, 1984, s. 3(1) (Sched. 5)
Section 163E(2):	amended by 20, 1999, s. 30
Section 163F:	amended by 99, 1981, s. 16; 91, 1982, s. 7; 20, 1999, s. 31
Section 163GA:	inserted by 91, 1982, s. 8
Section 163GA(1):	substituted by 20, 1999, s. 32(a)
Section 163GA(1a):	inserted by 20, 1999, s. 32(a)
Section 163GA(5):	amended by 20, 1999, s. 32(b)
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; 39, 1999, s. 51
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 167(2):	amended by 17, 2001, s. 25
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:	amended by 103, 1976, s. 125; 42, 1979, s. 24; 99, 1981, s. 19; 50, 1984, s. 3(1) (Sched. 5); 92, 1986, s. 4; repealed by 39, 1999, s. 52
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)
Sections 173A and 173B:	inserted by 20, 1999, s. 33
Sections 174A - 174E:	inserted by 39, 1999, s. 53
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; 78, 1997, s. 5; 18, 1998, s. 7(a); 20, 1999, s. 34(a); substituted by 39, 1999, s. 54(a)
Section 175(2):	repealed by 20, 1999, s. 34(b)
Section 175(2a):	inserted by 18, 1998, s. 7(b); repealed by 39, 1999, s. 54(b)

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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; 5, 1999, s. 2; 20, 1999, s. 34(c)-(e)
Section 175(4):	inserted by 25, 1981, s. 2(b); repealed by 39, 1999, s. 54(c)
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; 20, 1999, s. 35(a)-(k); substituted by 39, 1999, s. 55(a)
Section 176(1a):	inserted by 39, 1999, s. 55(a)
Section 176(2):	repealed by 103, 1976, s. 129(e); inserted by 34, 1996, s. 4 (Sched. cl. 30); amended by 20, 1999, s. 35(b), (l), (m)
Section 176(3):	amended by 50, 1984, s. 3(1) (Sched. 5); 20, 1999, s. 35(a); 39, 1999, s. 55(b)
Section 176(4):	amended by 27, 1986, s. 21(b); 20, 1999, s. 35(b)
Section 176(4aa):	inserted by 7, 2000, s. 4
Section 176(4a):	inserted by 39, 1999, s. 55(c)
Section 176(5):	substituted by 20, 1999, s. 35(n)
Section 176(5a) and (5b):	inserted by 20, 1999, s. 35(n)
Section 176(6):	inserted by 45, 1979, s. 4(e); amended by 20, 1999, s. 35(b); repealed by 39, 1999, s. 55(d)
Section 176(7) and (8):	inserted by 39, 1999, s. 55(e)
Section 177:	amended by 39, 1999, s. 56
Schedules 1 and 2:	repealed by 50, 1984, s. 3(1) (Sched. 5)