



ANNO TRICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1986

No. 58 of 1986

An Act to amend the Road Traffic Act, 1961.

[Assented to 2 October 1986]

The Parliament of South Australia enacts as follows:

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act (No. 4), 1986". Short title.

(2) The Road Traffic Act, 1961, is in this Act referred to as "the principal Act".

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

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

3. Section 53 of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsection: Amendment of s. 53—
Speed limits for certain vehicles.

(1) A person shall not drive—

(a) a motor vehicle the gross vehicle mass or gross combination mass of which exceeds 4 tonnes;

(b) an omnibus;

or

(c) a motor vehicle carrying more than 8 persons (including the driver),

at a speed in excess of 90 kilometres an hour.

4. Section 162a of the principal Act is amended—

(a) by striking out from subsection (1) the passage "and anchorages for seat belts" and substituting the passage "and anchorages for seat belts and anchorages for child restraints"; Amendment of s. 162a—
Seat belts and child restraints.

(b) by striking out from paragraph (b) of subsection (3) the passage “and anchorages for seat belts” and substituting the passage “, anchorages for seat belts, child restraints and anchorages for child restraints”;

(c) by striking out from paragraph (c) of subsection (3) the passage “or anchorages for seat belts” and substituting the passage “, anchorages for seat belts or anchorages for child restraints”;

and

(d) by striking out from paragraph (d) of subsection (3) the passage “and anchorages for seat belts” and substituting the passage “, anchorages for seat belts, child restraints or anchorages for child restraints”.

Repeal of
ss. 162ab and
162ac.

5. Sections 162ab and 162ac of the principal Act are repealed and the following section is substituted:

Wearing of seat
belt or child
restraint is
compulsory.

162ab. (1) A person of or above the age of 16 years who is in a motor vehicle that is in motion shall not—

(a) occupy a seating position that is equipped with a seat belt, unless he or she is wearing the seat belt and it is properly adjusted and securely fastened;

or

(b) occupy a seating position (other than the driver's seating position) that is not equipped with a seat belt, if there is, in the same row of seating positions, a seating position that is equipped with a seat belt and that is not occupied by another person.

(2) A person shall not drive a motor vehicle in which there is a passenger of or above the age of 10 years but under the age of 16 years—

(a) who is occupying a seating position that is equipped with a seat belt, unless the passenger is wearing the seat belt and it is properly adjusted and securely fastened;

or

(b) who is occupying a seating position that is not equipped with a seat belt, if there is, in the same row of seating positions, a seating position that is equipped with a seat belt and that is not occupied by another person.

(3) Subject to subsection (5), a person shall not drive a motor vehicle of a prescribed class if there is a child of or above the age of one year but under the age of 10 years in the vehicle, unless the child—

(a) is occupying a seating position in the vehicle;

and

(b) (i) is using a properly adjusted and securely fastened child restraint of a kind declared by regulation to be suitable for use by a child of that child's age and mass;

or

(ii) is wearing a properly adjusted and securely fastened seat belt.

(4) Subject to subsection (5), a person shall not, on or after a day fixed by the Governor by proclamation for the purposes of this subsection, drive a motor vehicle of a prescribed class if there is a child under the age of one year in the vehicle, unless the child—

(a) is occupying a seating position in the vehicle;

and

(b) is using a properly adjusted and securely fastened child restraint of a kind declared by regulation to be suitable for use by a child of that child's age and mass.

(5) Subsections (3) and (4) do not apply where there is no seating position in the motor vehicle that is not occupied by another person.

(6) It shall be a defence to a charge under this section for the defendant to prove that there are in the circumstances of the case special reasons justifying non-compliance with the requirements of this section.

(7) The Governor may, by regulation, exempt any person or class of persons from all or any of the provisions of this section.

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

(a) by striking out paragraph (ba) of subsection (1);

and

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

(2) Where a vehicle to which this Part applies is driven for the purpose of carrying passengers (other than the driver) and the vehicle is not the subject of a current certificate of inspection, the driver of the vehicle and any person by whom the driver is employed to drive the vehicle shall each be guilty of an offence.

Amendment of
s. 163c—
Application of
Part.

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

D. B. DUNSTAN, Governor