



ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT ACT 1998

No. 58 of 1998

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ELIZABETHAE II REGINAE

A.D. 1998

No. 58 of 1998

An Act to amend the Road Traffic Act 1961.

[Assented to 3 September 1998]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Road Traffic (Miscellaneous) Amendment Act 1998*.
- (2) The *Road Traffic Act 1961* is referred to in this Act as "the principal Act".

Commencement

2. (1) Subject to subsection (2), this Act comes into operation on the date on which it is assented to by the Governor.
- (2) Sections 4, 5, 6 and 7 will come into operation on a day to be fixed by proclamation.

Insertion of heading and s. 34

3. The following heading and section are inserted after section 33 of the principal Act:

Road Closing for Emergency Use by Aircraft

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) erect signs and establish barriers; and

- (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.

(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.

Amendment of s. 40—Exemptions

4. Section 40 of the principal Act is amended—

- (a) by striking out from subsection (1)(c) "motor";
- (b) by striking out subsection (4) and substituting the following subsections:

(4) A member of the police force is, while acting in the execution of duty on foot or on or through the use of a pedal cycle, exempt from compliance with any of the provisions of this Act applying to pedestrians or applying specifically to the riding or use of pedal cycles (rather than generally to the driving or use of vehicles).

(5) If—

- (a) conduct of a person would, but for subsection (2), (3), (3a) or (4), constitute a breach of, or non-compliance with, this Act; and
- (b) in view of the conduct, it would be dangerous or substantially inconvenient for another person in the vicinity to comply with a provision of this Act,

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

Amendment of s. 47DA—Breath testing stations

5. Section 47DA of the principal Act is amended by striking out subsections (5) and (6).

Amendment of s. 69—Driving from edge of carriageway

6. Section 69 of the principal Act is amended by striking out "A driver" and substituting "Subject to section 69AA, a driver".

Insertion of s. 69AA

7. The following section is inserted after section 69 of the principal Act:

Giving way to buses

69AA. (1) This section applies to a bus if—

- (a) the Minister has, by notice published in the *Gazette*, approved the display of give way signs on buses of a class to which the bus belongs; and
- (b) a give way sign of a kind approved by the Minister by notice published in the *Gazette* is displayed on the bus in the manner specified in the notice.

(2) The driver of a vehicle approaching a bus to which this section applies from behind must give way to the bus if—

- (a) the bus is about to drive, or is driving, from a stationary position at or near the boundary of the carriageway and is signalling that manoeuvre in accordance with this Act; and
- (b) a speed limit of 60 kilometres an hour or less applies to the portion of carriageway; and
- (c) in the case of a portion of carriageway marked with two or more lanes for vehicles moving in the same direction, the vehicle is proceeding along—
 - (i) the left-most of those lanes; or
 - (ii) where that lane is a bicycle lane, that lane or the next lane.

(3) The Minister may, by notice published in the *Gazette*, vary or revoke a notice under this section.

(4) The Minister must—

- (a) cause a review of the operation of this section to be undertaken as soon as possible after 12 months have elapsed from the commencement of this section; and
- (b) cause a report on the outcome of the review to be tabled in each House of Parliament within six months after the end of the period referred to in paragraph (a).

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

E. J. NEAL Governor