

ROAD TRAFFIC ACT, 1961-1975

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SCHEDULES

ROAD TRAFFIC ACT, 1961-1975

being

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

as amended by

Road Traffic Act Amendment Act (No. 2), 1963, No. 47 of 1963 [Assented to 28th November, 1963];
 Road Traffic Act Amendment Act, 1963, No. 65 of 1963 [Assented to 12th December, 1963];
 Road Traffic Act Amendment Act, 1964, No. 26 of 1964 [Assented to 15th October, 1964];
 Road Traffic Act Amendment Act (No. 2), 1964, No. 58 of 1964 [Assented to 5th November, 1964];
 Road Traffic Act Amendment Act, 1965-1966, No. 16 of 1966 [Assented to 24th February, 1966];
 Road Traffic Act Amendment Act (No. 2), 1966, No. 37 of 1966 [Assented to 18th August, 1966];
 Road Traffic Act Amendment Act (No. 3), 1966-1967, No. 17 of 1967 [Assented to 13th April, 1967];
 Road Traffic Act Amendment Act (No. 2), 1967, No. 43 of 1967 [Assented to 12th October, 1967]²;
 Road Traffic Act Amendment Act, 1969, No. 106 of 1969 [Assented to 18th December, 1969]³;
 Road Traffic Act Amendment Act, 1971, No. 73 of 1971 [Assented to 11th November, 1971];
 Road Traffic Act Amendment Act, 1972, No. 71 of 1972 [Assented to 7th September, 1972]⁴;
 Road Traffic Act Amendment Act (No. 2), 1972, No. 146 of 1972 [Assented to 7th December, 1972]⁵;
 Road Traffic Act Amendment Act, 1973, No. 93 of 1973 [Assented to 13th December, 1973]⁶;
 Road Traffic Act Amendment Act, 1974, No. 3 of 1974 [Assented to 21st March, 1974]⁷;
 Road Traffic Act Amendment Act (No. 2), 1974, No. 48 of 1974 [Assented to 8th August, 1974];
 Road Traffic Act Amendment Act (No. 3), 1974, No. 76 of 1974 [Assented to 24th October, 1974]⁸;
 Statute Law Revision Act (No. 2), 1974, No. 84 of 1974 [Assented to 21st November, 1974];
 Road Traffic Act Amendment Act (No. 5), 1974, No. 92 of 1974 [Assented to 5th December, 1974];
 Road Traffic Act Amendment Act (No. 6), 1974, No. 93 of 1974 [Assented to 5th December, 1974]⁹;
 Road Traffic Act Amendment Act (No. 2), 1975, No. 10 of 1975 [Assented to 20th March, 1975]¹⁰;
 Road Traffic Act Amendment Act, 1975, No. 16 of 1975 [Assented to 27th March, 1975]¹¹;

and

Road Traffic Act Amendment Act (No. 3), 1975, No. 31 of 1975 [Assented to 3rd April, 1975].

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

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

PART I

PART I

PRELIMINARY

1. This Act may be cited as the "Road Traffic Act, 1961-1975".

Short title.
 Citation
 amended by 31,
 1975, s. 1 (3);
 16, 1975,
 s. 1 (3).

¹ For commencement see 50, 1961, s. 2 and Proclamation published in *Gaz.* 30th August, 1962, p. 493.

² Came into operation 23rd November, 1967: *Gaz.* 23rd November, 1967, p. 2269.

³ Came into operation 8th January, 1970: *Gaz.* 8th January, 1970, p. 2.

⁴ Came into operation 1st January, 1973: *Gaz.* 21st December, 1972, p. 2723.

⁵ Came into operation 1st August, 1973: *Gaz.* 19th July, 1973, p. 286.

⁶ Came into operation 1st July, 1974: *Gaz.* 13th June, 1974, p. 2330.

⁷ Came into operation 1st July, 1974, see s. 2 of Act No. 3 of 1974.

⁸ Came into operation 1st February, 1975: *Gaz.* 19th December, 1974, p. 3766.

⁹ Came into operation 1st March, 1975: *Gaz.* 13th February, 1975, p. 506.

¹⁰ Deemed to have come into operation 1st March, 1975: see s. 2 of Act No. 10 of 1975.

¹¹ Came into operation 1st January, 1976: *Gaz.* 11th December, 1975, p. 3137.

PART I

Commence-
ment.

2. (1) Sections 1, 2 and 3 of this Act shall come into force on the day on which this Act is assented to by the Governor.

(2) The other provisions of this Act shall come into force on the day or on the several days fixed by the Governor by proclamation¹.

(3) The Governor may so fix different days for the coming into force of different parts or provisions of this Act¹.

Repeals.

3. (1) The Governor may by proclamation¹ fix a day or days upon which the enactments mentioned in the first schedule or any of those enactments or any provisions of those enactments shall be repealed.

(2) The said enactments or provisions shall be repealed as from the day or respective days so fixed.

(3) In relation to the repeal of any of the said enactments or provisions the provisions in the second schedule shall have effect.

Division of Act.
S. 4 amended by
16, 1975, s. 3.

4. This Act is divided into Parts as follows:—

PART I—Preliminary. Sections 1 to 9.

PART II—Administrative Provisions. Sections 10 to 38.

PART III—Duties of Drivers and Pedestrians. Sections 39 to 110.

PART IV—Equipment, Size, and Weight of Vehicles, and safety provisions. Sections 111 to 163.

PART IVA—Central Inspection Authority. Sections 163a to 163i.

PART V—Supplementary Provisions. Sections 164 to 177.

Interpretation.

5. In this Act unless the context otherwise requires or some other meaning is clearly indicated—

Def. inserted by
17, 1967,
s. 3 (a).

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

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

Def. substituted
by 84, 1974,
s. 3 (1) (2nd
Schd.).

“area” means a municipality or district council district and includes the suburb as defined in the Garden Suburb Act, 1919, as amended²:

Def. substituted
by 93, 1973,
s. 3 (a).

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

(a) one portion (the prime-mover) provides the motive power of the vehicle;

and

(b) the other portion (the semi-trailer) is pivoted to and drawn by the prime-mover, part of it (not being a pole, drawbar or similar device, or accessory thereof) being superimposed upon the prime-mover:

Def. amended
by 3, 1974,
s. 3 (a).

“axle” means that part of a vehicle consisting of one or more shafts, spindles, or bearings in the same transverse vertical plane or

¹ See Proclamation published in *Gaz.* 30th August, 1962, p. 493.

² Now Garden Suburb Act, 1919-1973.

between two transverse vertical planes, not more than 1 metre apart, by means of which, in conjunction with wheels mounted on such shafts, spindles or bearings, the whole or portion of the weight of the vehicle and its load is continually transmitted to the road surface:

“barrier line” means a double line marked longitudinally on a carriageway and consisting of two lines not more than 150 millimetres apart and being either two continuous lines or one continuous and one broken line:

Def. amended by 3, 1974, s. 3 (b).

* * * * *

Def. of “bicycle” struck out by 16, 1975, s. 4 (a).

* * * * *

Def. of “breath analysing instrument” inserted by 43, 1967, s. 4; struck out by 16, 1975, s. 4 (b).

“carriageway” means a portion of a road improved, designed or ordinarily used for vehicular traffic, and includes the shoulders and areas at the side or centre of the carriageway used for the standing or parking of vehicles (including parking embayments) and, if a road has two or more of such portions divided by a dividing strip or strips, ‘carriageway’ means each portion separately:

Def. substituted by 17, 1967, s. 3 (b).

“commercial motor vehicle” means—

Def. amended by 93, 1973, s. 3 (b) (c).

(a) a motor vehicle constructed or adapted solely or mainly for the carriage of goods;

(b) a motor vehicle of the type commonly called a utility;

or

(c) an omnibus:

“council” means a municipal or district council and includes the Garden Suburb Commissioner appointed under the Garden Suburb Act, 1919, as amended¹:

Def. substituted by 84, 1974, s. 3 (1) (2nd Sched.).

“cross-over” means a vehicular track which passes through a dividing strip and gives access from one carriageway to another but does not include any such track which is a continuation or part of a road intersecting or joining a divided road:

Def. substituted by 17, 1967, s. 3 (c).

“cycle” means a pedal cycle or a motor cycle:

Def. inserted by 16, 1975, s. 4 (c).

“divided road” means a road having two or more carriageways separated from each other by one or more dividing strips:

“dividing strip” means a strip of land in a road, which strip is not ordinarily used for the passage of vehicles along the road and divides the road into separate carriageways, and includes a median strip, but does not include a strip of land marked off only by lines on the road:

Def. amended by 106, 1969, s. 3 (a).

“drive” includes ride:

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

¹ Now Garden Suburb Act, 1919-1973.

Def. inserted by
16, 1966,
s. 3 (a).

Def. inserted by
31, 1975,
s. 2 (a).

Def. inserted by
71, 1972,
s. 3 (a).

Def. inserted by
16, 1975,
s. 4 (d).

Def. inserted by
93, 1973,
s. 3 (d).

Def. substituted
by 58, 1964,
s. 3.

Def. inserted by
93, 1973,
s. 3 (e).

Def. substituted
for def. of
"pedal bicycle"
by 16, 1975,
s. 4 (e).

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

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

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

or

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

"give way sign" means a sign inscribed with the words "give way" across the face thereof:

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

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

"installation" in relation to a traffic control device includes the painting or formation of any marks or structure that constitute or form part of the traffic control device:

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

"junction" means the part of a road which is comprised within the prolongation across the road of the lateral boundary lines of another road which joins it:

A road shall be deemed to join another road within the meaning of this definition if it joins that road but does not cross it:

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

"motor cycle" means a motor vehicle that moves upon only two wheels, or where a side-car or side-box is attached, upon only three wheels:

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

"omnibus" means a motor vehicle—

(a) designed for the principal purpose of carrying passengers;

and

(b) designed to carry more than eight passengers:

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

"owner" includes a person who takes a motor vehicle on hire (whether pursuant to a hire-purchase agreement or otherwise):

"passenger" in relation to a motor vehicle includes the driver of the motor vehicle:

"pedal cycle" means a vehicle designed to be propelled solely by muscular force exerted by a driver or rider upon pedals:

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

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

Def. inserted by 16, 1975, s. 4 (f).

“rider” includes driver and “ride” includes drive:

“road” means—

(a) a road, street or thoroughfare including every carriageway, footpath, dividing strip and traffic island therein; and

Para. (a) amended by 17, 1967, s. 3 (d).

(b) any other place commonly used by the public or to which the public are permitted to have access:

“roundabout” means an intersection or junction laid out for the movement of traffic in one direction around a central island, in relation to which the appropriate signs approved by the Board to distinguish the intersection or junction as a roundabout are erected or displayed in a manner approved by the Board:

Def. inserted by 106, 1969, s. 3 (b); amended by 16, 1975, s. 4 (g).

“school omnibus” means a vehicle bearing signs on the front and rear thereof containing in clear letters at least 100 millimetres high the words “School Bus”:

Def. amended by 3, 1974, s. 3 (c).

“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:

Def. inserted by 73, 1971, s. 2.

“speed zone” means a road, portion of a road, carriageway, or portion of a carriageway for which a speed limit has been fixed under this Act:

“stop line” means an unbroken white line marked upon the surface of a carriageway across the whole, or part, of the width of that carriageway:

Def. amended by 84, 1974, s. 3 (1) (Sch.); substituted by 31, 1975, s. 2 (b).

“stop sign” means a sign inscribed with the word “Stop” across the face thereof:

“the Board” means the Road Traffic Board of South Australia:

“the standing” of a vehicle means the stationary position of the vehicle:

Def. inserted by 106, 1969, s. 3 (d).

“tractor” means a motor vehicle constructed or adapted wholly or principally for supplying motive power for machinery or for hauling other vehicles or machines:

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

“traffic control device” means—

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

Def. amended by 16, 1966, s. 3 (b); 106, 1969, s. 3 (c); 71, 1972, s. 3 (b); 16, 1975, s. 4 (h); 31, 1975, s. 2 (c).

Para. (a) amended by 16, 1966, s. 3 (b); 106, 1969, s. 3 (c); 31, 1975, s. 2 (c).

PART I

Para. (b)
substituted by
71, 1972,
s. 3 (b).

(b) any other sign, signal, device, mark or structure the purpose of which is to regulate or guide the movement of traffic or the standing of vehicles;

and

Para. (c)
inserted by 71,
1972, s. 3 (b).

(c) any other sign, signal, device, mark or structure declared by proclamation to be a traffic control device,

but does not include a device by which visible or audible warning is given of the approach of rolling-stock to a level crossing:

“traffic lights” means signals for controlling traffic by means of illuminated circles or arrows or combinations thereof shown in succession:

Def. inserted by
92, 1974, s. 2.

“traffic speed analyser” means an apparatus of a kind approved by the Governor as a traffic speed analyser:

“two-way carriageway” means a carriageway other than a one-way carriageway:

“unladen weight” in relation to a vehicle means the weight of the vehicle without any load other than the petrol, oil, tools and accessories ordinarily carried on the vehicle:

“vehicle” does not include a vehicle operated on a railway or tramway:

“walk” includes run.

Application of
Act to driving
on roads.

6. Every reference in this Act to driving or riding a vehicle, or attempting to put a vehicle in motion, or to driving, riding or leading an animal, or to walking, shall be construed as a reference to driving or riding a vehicle, or attempting to put a vehicle in motion, or driving, riding or leading an animal, or walking on a road, unless it is otherwise expressly stated.

Drivers of
trailers.

7. For the purposes of this Act, where a person drives a motor vehicle to which a trailer is attached, he shall be deemed to be the driver of the trailer, and the trailer shall be deemed to be driven by him.

Application of
Act to servants
of the Crown.

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

Power to
proclaim a
vehicle as a
vehicle of a
specified class.
S. 8a enacted by
16, 1975, s. 5.

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;

(b) declare that any specified provision, or specified provisions, of this Act shall not apply to, or in relation to, that vehicle;

and

(c) revoke or vary any proclamation under this section.

Power to
proclaim
additional traffic
devices.

9. The Governor may by proclamation—

(a) declare that any signs, signals, devices, marks or structures described or indicated in the proclamation shall be a class of traffic control devices within the meaning of this Act;

(b) revoke or vary any proclamation for the time being in force under this section.

PART II

PART II

ADMINISTRATIVE PROVISIONS

*The Minister***10.** The Governor may by proclamation—Administration
by Minister.

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

*The Road Traffic Board of South Australia***11.** (1) There shall be a board to be called the "Road Traffic Board of South Australia".Constitution of
Road Traffic
Board.

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

- (a) the Commissioner of Highways or a person nominated by the Commissioner, having in the opinion of the Commissioner, appropriate qualifications in engineering;
- (b) the Commissioner of Police or a member of the police force holding a rank not lower than that of inspector and nominated by the Commissioner of Police; and
- (c) a person representative of local government interests nominated by the Minister.

Para. (a)
substituted by
106, 1969, s. 4.

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

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

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

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

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

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

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

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

Expenses.

14. (1) The Governor may appoint a secretary to the Board and any other officers whom he deems it necessary to appoint for enabling the Board to perform its functions.

Staff of Board.

(2) Unless the Governor otherwise determines in any case, the secretary and the said officers shall be appointed and hold their offices under the Public Service Act, 1967-1975¹.

¹ Reference to Public Service Act, 1936-1958, has been altered to Public Service Act, 1967-1975, pursuant to s. 7 (1) (b) of the Acts Reproduction Act, 1967, as amended. See also 77, 1967, ss. 5, 6.

Functions of Board.

15. The functions of the Board (in addition to those conferred on it by the other provisions of this Act and the Local Government Act, 1934-1959¹ and the amendments thereof) shall be—

- (a) to make recommendations to the Minister and other authorities concerned with road construction or road traffic, on the use of traffic control devices and other measures to be taken to prevent road accidents, to improve the flow of traffic, and to eliminate causes of danger and traffic congestion on roads;
- (b) to promote uniformity in the design, specifications, location and proper use of traffic control devices;
- (c) to conduct research and collect statistics relating to road accidents and other road traffic problems;
- (d) to publish information for the instruction of road users on road safety and traffic laws and regulations;
- (e) to supply technical information and advice regarding road traffic problems to authorities concerned with road traffic;
- (f) to investigate and report on proposals for alterations of and additions to traffic laws and regulations;
- (g) to investigate and report on any other matter relating to roads or traffic referred to it by the Minister.

Traffic Control Devices

Meaning of "Authority".
S. 16 amended by 106, 1969, s. 5; substituted by 71, 1972, s. 4.

16. (1) In this Part—

"Authority" means—

- (a) the Commissioner of Highways;
- (b) any council;
- (c) the South Australian Railways Commissioner²;
- (d) The Municipal Tramways Trust³;
- 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 he has, pursuant to the Highways Act⁴, taken over the maintenance and repair of that road.

Installation, etc., of traffic control devices.
S. 17 substituted by 71, 1972, s. 4.
Subsec. (1) amended by 16, 1975, s. 6 (a), (b).

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

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

Subsec. (3) amended by 16, 1975, s. 6 (c).

(3) An applicant for the approval of the proposed installation, maintenance, alteration, operation or removal of a traffic control device must supply the Board with such information relevant to the proposal as the Board may reasonably require.

¹ Now Local Government Act, 1934-1975.

² By s. 6 (4) of the Railways Act, 1936-1975, it has been provided, *inter alia*, that a reference to the South Australian Railways Commissioner in any Act shall be read, where the context admits, as a reference to the State Transport Authority.

³ By s. 8 (4) of the Bus and Tramways Act, 1935-1975, it has been provided, *inter alia*, that a reference to the Municipal Tramways Trust in any Act shall be read, where the context admits, as a reference to the State Transport Authority.

⁴ Probably a reference to the Highways Act, 1926-1972, (now Highways Act, 1926-1975).

(4) The Board shall consider every application for its approval under this section and the information submitted by the applicant, and may approve the proposal unconditionally, approve the proposal upon conditions or with modifications, or refuse to approve the proposal.

(5) The Board may delegate (or revoke a delegation of) its powers of approval under this section, but any such delegation shall not derogate from the power of the Board to act under this section itself.

(6) If the Board—

(a) refuses its approval for the installation, maintenance, alteration, operation or removal of any traffic control device;

or

(b) gives its approval upon conditions or with modifications,

the Board shall, if requested by the applicant, state the reasons for its decision.

(7) The applicant may, within twenty-eight days after receipt of the Board's reasons, apply to the Board for a review of its decision.

(8) Upon a review of the decision, the Board—

(a) shall give the applicant an opportunity of submitting information and arguments and may further inform itself in such manner as it thinks fit of any matters relevant to the proposal subject to the appeal;

and

(b) shall report to the Minister.

(9) The Minister may, after consideration of the report of the Board, and after affording the applicant and the Board an opportunity of making further representations to him, affirm, vary or quash the decision of the Board, and may approve an alternative proposal submitted by the applicant.

18. (1) The Board may, if it thinks fit, direct an Authority to install, maintain, alter, operate or remove a traffic control device on or near a road under the care, control or management of that Authority in accordance with the direction of the Board.

(2) An Authority to which any such direction has been given may, within one month after the date of the direction, appeal to the Minister against the direction, on the ground of financial hardship.

(3) The appellant must supply the Minister with such information relevant to the appeal as the Minister may require.

(4) The Minister shall consider the appeal and may uphold the appeal and quash the direction, vary the direction in such manner as he thinks fit, or dismiss the appeal.

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

(6) Where an Authority fails to comply with a direction under this section, the Board 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.

Subsec. (6)
amended by 16,
1975, s. 6 (d).

Direction to
install traffic
control device.
S. 18 amended
by 106, 1969,
s. 6; substituted
by 71, 1972,
s. 4.
Subsec. (1)
amended by 16,
1975, s. 7.

(7) Subject to subsection (8) of this section, 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) of this section.

(8) The Commissioner or the Council shall not be entitled to recover under subsection (7) of this section 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.
S. 19 substituted by 71, 1972, s. 4.
Subsec. (1) amended by 16, 1975, s. 8 (a).

19. (1) The cost of installing, maintaining, altering, operating or removing traffic lights and pedestrian crossings in accordance with this Part shall be borne in the following manner:—

- (a) where the care, control or management of the road to which the traffic lights or pedestrian crossing relates is vested in the Commissioner of Highways and the road is within the area of a council—two-thirds of the cost shall be borne by the Commissioner and one-third by the council;
- (b) where the care, control or management of the road is vested in a council, and not the Commissioner—two-thirds of the cost shall be borne by that council and one-third by the Commissioner;
- (c) in the case of any other road—the whole of the cost shall be borne by the Authority having the care, control or management of the road.

Subsec. (2) amended by 16, 1975, s. 8 (b), (c).

(2) The cost of installing, maintaining, altering, operating or removing other traffic control devices in accordance with this Part shall, subject to this section, be borne by the Authority in which the care, control or management of the road to which the device relates, is vested.

Subsec. (3) amended by 16, 1975, s. 8 (d).

(3) The Commissioner may recover from a council, or a council may recover from the Commissioner, as a debt, any amount that the Minister certifies to be due, in accordance with this section, to the Commissioner from that council, or to be due to that council from the Commissioner, in respect of the installation, maintenance, alteration, operation or removal of a traffic control device.

(4) This section shall not apply in respect of traffic control devices within the area of the Corporation of the City of Adelaide.

Subsec. (5) inserted by 16, 1975, s. 8 (e).

(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,

shall (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 (2) of this section apply notwithstanding this subsection) be borne by that council or other authority.

Recovery of cost of installing certain traffic control devices.
S. 19a enacted by 16, 1975, s. 9.

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 cause to be served personally or by post upon the person by whom the business or other activity is conducted a notice requiring him 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) of this section may, within thirty days after service of the notice by which the requirement was made, appeal to the Supreme Court against the requirement and the Court may, upon 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 shall 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 shall be borne in accordance with the appropriate provisions of this Part.

20. (1) In this section "public authority" means—

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

Signs indicating works on roads.

(2) A public authority, with the approval of the Board or of a person appointed by the Board to give approvals under this section, may place signs on a road for the purpose of indicating the portion of the road on which works are in progress, or on which men are working.

(3) If a public authority has engaged a contractor to carry out works on a road on behalf of the authority, the contractor may exercise the powers conferred on the authority by this section.

* * * * *

Subsec. (4) struck out by 3, 1974, s. 4.

* * * * *

S. 21 amended by 16, 1966, s. 4; repealed by 71, 1972, s. 5.

PART II

S. 22 amended by 16, 1966, s. 5 (a) (b); 106, 1969, s. 7; repealed by 71, 1972, s. 5.

* * * * *

Stop signs at road works or pedestrian crossings.

S. 23 amended by 43, 1967, s. 11; 71, 1972, s. 6; substituted by 16, 1975, s. 10.

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

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

(3) A person shall not exhibit a stop sign unless he is authorized in the prescribed manner to do so.

Penalty: Fifty dollars.

S. 23a enacted by 106, 1969, s. 8; repealed by 71, 1972, s. 7.

* * * * *

S. 24 amended by 17, 1967, s. 4; repealed by 71, 1972, s. 7.

* * * * *

General provisions relating to traffic control devices.

25. (1) Every traffic control device—

(a) must comply with any regulations applicable to it;

(b) subject to the regulations, must be of such design as is fixed or approved by the Board; and

(c) must be erected or placed or marked so as to be clearly visible to drivers travelling towards the face of the device.

Para. (c) amended by 16, 1975, s. 11 (a).

(2) Every traffic control device existing at any time on or near a road shall be deemed to have been placed or marked on or near the road by an authority empowered by law so to place or mark it, and with the approval required by this Act.

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

Subsec. (4) substituted by 71, 1972, s. 8; amended by 16, 1975, s. 11 (b).

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

Subsec. (5) inserted by 16, 1975, s. 11 (c).

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

S. 26 amended by 106, 1969, s. 9; repealed by 71, 1972, s. 9.

* * * * *

Ss. 27-30 repealed by 71, 1972, s. 9.

* * * * *

Removal of certain lights and signs.

31. (1) In this section—

“false traffic sign” means a sign or device which is a colourable imitation of any traffic control device or purports to be a traffic

control device and is erected or marked on a road or elsewhere, otherwise than in accordance with this Act:

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

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

Subsec. (2) substituted by 16, 1966, s. 6; amended by 17, 1967, s. 5; substituted by 16, 1975, s. 12.

(a) is likely to increase the risk of accident on any road;

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

or

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

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

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

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

Subsec. (4) amended by 43, 1967, s. 11.

Penalty: One hundred dollars.

(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 Board may take the action specified in the notice and recover the cost of doing so from the said person as a debt, by action in a local court.

* * * * *

S. 31a enacted by 16, 1966, s. 7; repealed by 71, 1972, s. 10.

Speed Zones

32. (1) In this section “zone” means a road or portion of a road, or a carriageway of a road or portion of any such carriageway.

Speed zones.

(2) The Board may at any time fix a speed limit for any zone and that speed limit shall be indicated by signs erected in accordance with this section.

Subsec. (2) substituted by 17, 1967, s. 6.

(3) The signs shall be placed at or near the beginning and end of the zone and shall comply with such requirements as to size, design, markings, location and other matters as are prescribed by regulations.

Subsec. (3) substituted by 17, 1967, s. 6.

* * * * *

Subsecs. (3a), (3b), (3c) and (3d) inserted by 17, 1967, s. 6; struck out by 71, 1972, s. 11.

* * * * *

Subsec. (4) struck out by 71, 1972, s. 11.

Road Closing and Exemptions for Road Races

Closing roads
and exemption
for road races.

33. (1) Upon the application of any persons interested, the Minister may make an order directing either or both of the following matters:—

- (a) That a road upon which any races or tests are to be held, and any other adjacent or adjoining road shall be closed to traffic on any day or days;
- (b) That persons taking part in any races or tests on a road closed to traffic under this section be exempted from the duty to observe any enactment, regulation or by-law prescribing speed limits or other rules to be observed on roads by drivers of vehicles.

(2) An order under this section shall not be made except with the consent of every council within whose area any road intended to be closed by the order is situated.

(3) At least two clear days before an order under this section takes effect the Minister shall advertise a copy of the order in two newspapers, one of which shall be a daily newspaper circulating generally in the State. The costs of every such advertisement shall be paid by the applicants.

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

(5) An order under this section shall render lawful anything done in accordance therewith.

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

Weighing Instruments

Weighbridges
and weighing
instruments.

34. A council may within its area, and the Minister may in any part of the State, erect or provide and maintain weighbridges or other weighing instruments for the purpose of weighing vehicles with or without their loads, or the loads on vehicles, or for ascertaining the weight carried on any axle or two or more axles of a vehicle.

Inspectors

Inspectors.

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

(2) Every person for the time being in charge of a ferry established under Part XXIX of the Local Government Act, 1934-1959¹, shall be an inspector under this Act.

Hindering
inspectors.
S. 36 amended
by 43, 1967,
s. 11.

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

Penalty: One hundred dollars.

Powers of Search and Inquiry

Power to
examine
vehicles
involved in
offences.

37. A member of the police force may, if he 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

¹ Now Local Government Act, 1934-1975.

or premises, enter that land or those premises and therein search for the vehicle and examine it if found.

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

Questions as to identity of drivers.

S. 38 amended by 58, 1964, s. 5; 43, 1967, s. 11.

Penalty: One hundred dollars.

PART III

PART III

DUTIES OF DRIVERS AND PEDESTRIANS

Scope of this Part

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

Application of this Part.

(2) Unless the context otherwise requires the word "vehicle" in this Part includes an animal which is ridden or driven.

(3) Sections 41, 43, 45, 46 and 75 of this Act shall apply in relation to tramcars and their drivers as well as other vehicles and drivers.

Subsec. (3) amended by 58, 1964, s. 6.

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

Exemptions of fire, ambulance and police vehicles.

Para. (a) amended by 16, 1966, s. 8.

(a) Any motor vehicle used by The Fire Brigades Board or by a fire brigade registered under the Fire Brigades Act, 1936-1958¹, or by a fire-fighting organization registered under the Bush Fires Act, 1960², while it is being driven to any place in answer to a call for the services of a fire brigade or is in use at a fire;

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

(c) Any motor vehicle driven by a member of the police force in the execution of his duty.

(2) While a vehicle is an exempt vehicle the provisions of this Act relating to the following matters shall not apply in relation to the driving or use of that vehicle:—

(a) Speed limits;

(b) Stopping at stop signs or traffic lights;

(c) Giving way;

(d) Driving or standing on any side or part of a road;

(e) Passing other vehicles on any specified side thereof;

(f) The mode of making right turns;

(g) Stopping in case of accident;

Para. (c) amended by 17, 1967, s. 7.

¹ Now Fire Brigades Act, 1936-1974.

² Now Bush Fires Act, 1960-1972.

- (h) Boarding or leaving a vehicle in motion;
- (i) Carrying persons on the bonnet or roof.

Compliance with Directions

Directions for regulation of traffic.

41. (1) A member of the police force may give such reasonable directions to persons driving vehicles or walking on a road as are, in his opinion, necessary for the safe and efficient regulation of traffic thereon, or 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.

Subsec. (2) amended by 43, 1967, s. 11.

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

Penalty: One hundred dollars.

Power to stop vehicle and ask questions.

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

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

Subsec. (2) amended by 43, 1967, s. 11; 16, 1975, s. 13.

(2) A person shall forthwith—

- (a) comply with a request made to him under subsection (1) of this section to stop a vehicle;
- (b) truly answer any questions put to him under subsection (1) of this section.

Para. (b) amended by 16, 1975, s. 13.

Penalty: One hundred dollars.

Accidents

Duty to stop and report in case of accident.

43. (1) In this section—

“accident” includes a collision whether caused intentionally or otherwise;

“animal” includes a dog.

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

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

Subsec. (3) amended by 58, 1964, s. 7; 16, 1966, s. 9 (a); 43, 1967, s. 11.

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

- (a) stop his vehicle forthwith;
- (b) if a person has been injured in the accident immediately render such assistance as he can;
- (c) if requested so to do by any person having reasonable grounds for such request, state his name and address and the registered number (if any) of his vehicle and any other information necessary to identify it;

New para. (b) inserted by 16, 1966, s. 9 (a).

Para. (b) amended by 58, 1964, s. 7; re-designated para. (c) by 16, 1966, s. 9 (a).

- (d) as soon as reasonably practicable, and in any case within twenty-four hours after the occurrence of the accident, report the accident to a member of the police force or at a police station.

Para. (c)
re-designated
para. (d) by 16,
1966, s. 9 (a).

Penalty: For an offence against paragraph (a) of this subsection, if it is proved that a person was injured or killed in the accident, two hundred dollars or imprisonment for six months.

For any other offence against this subsection, two hundred dollars.

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

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

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

(5) It shall be a defence to a charge of an offence against paragraph (d) of subsection (3) of this section to prove that the only damage or injury resulting from the accident was damage or injury to property and that a fair estimate of the cost of making good such damage or injury was not more than one hundred dollars.

Subsec. (5)
amended by 16,
1966, s. 9 (b);
43, 1967, s. 11;
16, 1975,
s. 14 (a).

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

Subsec. (6)
amended by 16,
1975, s. 14 (b).

Illegal and Fraudulent Use of Motor Vehicles

Heading
amended by 58,
1964, s. 8.

44. (1) A person shall not, on a road or elsewhere, drive, use or interfere with a motor vehicle without first obtaining the consent of the owner thereof.

Using motor
vehicle without
consent.

Penalty: For a first offence, imprisonment for not more than twelve months. For a subsequent offence, imprisonment for not less than three months or more than two years.

(2) The court may, in addition to imposing a penalty under this section, order the defendant to pay to the owner of the motor vehicle driven, used or interfered with in contravention of this section, such a sum as the court thinks proper by way of compensation for any loss or damage suffered by the owner.

(3) Subsections (1) and (2) of this section shall not apply to any person acting in the exercise or discharge of any power or duty conferred or imposed upon him under this Act or any other Act.

Subsec. (3)
amended by 48,
1974, s. 2.

(4) A complaint for an offence against this section may be laid at any time not later than two years after the commission of the offence.

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

Procuring use
of vehicle by
fraud.

Penalty: One hundred dollars or imprisonment for not more than six months or both.

S. 44a enacted
by 58, 1964,
s. 9; amended by
43, 1967, s. 11.

Careless and Dangerous Driving

Careless driving.
S. 45 amended by 43, 1967, s. 11.

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

Penalty: One hundred dollars.

Entering blocked intersection prohibited.
S. 45a enacted by 16, 1966, s. 10; amended by 43, 1967, s. 11.

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

Penalty: One hundred dollars.

Reckless and dangerous driving.
Subsec. (1) amended by 43, 1967, s. 11.

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

Penalty: Not less than sixty and not more than two hundred dollars. For a second or subsequent offence, a fine of the said amount or imprisonment for not more than three months or both such a fine and imprisonment.

(2) In considering whether an offence has been committed under this section the court shall 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.

Driving under Influence of Liquor or Drugs

Driving under influence of intoxicating liquor or drug.

47. (1) A person shall not—

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

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

Penalty—

(a) If the vehicle concerned was a motor vehicle—

Subpara. (i) amended by 43, 1967, s. 11.

- (i) for a first offence, not less than sixty and not more than two hundred dollars or imprisonment for not more than three months and, in either case, disqualification from holding and obtaining a driver's licence for such period as the court thinks fit, but in no case less than three months;
- (ii) for a second offence, imprisonment for not less than one month and not more than six months and disqualification from holding and obtaining a driver's licence for such period as the court thinks fit, but not less than six months;
- (iii) for a third or subsequent offence, imprisonment for not less than three months and not more than twelve months and disqualification from holding and obtaining a driver's

licence for such period as the court thinks fit, but not less than three years;

(b) if the vehicle concerned was not a motor vehicle, one hundred dollars.

Para. (b)
amended by 43,
1967, s. 11.

(2) For purpose of subsection (1) of this section a person shall be deemed to be 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 shall not restrict the meaning of the words "incapable of exercising effective control of a vehicle".

(3) In determining whether an offence is a first, second, third or subsequent offence within the meaning of subsection (1) of this section, a previous offence for which the defendant was convicted more than five years before the commission of the offence under consideration shall not be taken into account, but a previous offence for which the defendant was convicted within the said period shall be so taken into account, whether the conviction took place before or after the commencement of this Act.

(4) Notwithstanding any other Act the minimum amount of any fine and the minimum period of imprisonment or disqualification prescribed by this section shall not be reduced or mitigated in any way except as follows:—

In the case of a first offence, the court, if it is satisfied by evidence given on oath that the offence is trifling, may order disqualification for a period less than three months but not less than fourteen days.

* * * * *

Subsec. (5)
struck out by 43,
1967, s. 5.

* * * * *

Subsec. (6)
inserted by 16,
1966, s. 11;
struck out by 43,
1967, s. 5.

47a. In this Act—

"alcotest" means a test by means of an apparatus of a kind approved by the Governor by which the presence of alcohol in the blood of a person is indicated by the discolouration of a reagent contained in the apparatus upon contact with the breath exhaled by that person:

"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:

"prescribed concentration of alcohol" means a concentration of .08 grams or more of alcohol in a hundred millilitres of blood.

Interpretation.
S. 47a enacted
by 43, 1967,
s. 6; substituted
by 146, 1972,
s. 3.

47b. (1) A person shall not—

(a) drive a motor vehicle;

or

Driving, etc.,
whilst having
prescribed
concentration of
alcohol in
blood.
S. 47b enacted
by 43, 1967,
s. 6.

(b) attempt to put a motor vehicle in motion,

while there is present in his blood the prescribed concentration of alcohol as defined in section 47a of this Act.

Penalty—

- (i) for a first offence, not more than one hundred dollars and, in addition to that penalty, the court may by order disqualify the person convicted of the offence from holding and obtaining a driver's licence for a period not exceeding twelve months;
- (ii) for a second offence, not less than one hundred dollars and not more than three hundred dollars or imprisonment for not more than three months and, in addition to either penalty, the court may by order disqualify the person convicted of the offence from holding and obtaining a driver's licence for a period of not less than six months and not more than three years;

or

- (iii) for a third or subsequent offence, imprisonment for not less than one month and not more than six months and, in addition, the court may by order disqualify the person convicted of the offence from holding and obtaining a driver's licence for such period not less than two years as the court thinks fit.

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

Subsec. (3)
substituted by
146, 1972, s. 4.

(3) In determining whether an offence is a first, second, third or subsequent offence for the purposes of subsection (1) of this section—

- (a) offences previously committed against this section, section 47 of this Act and section 47e of this Act shall be taken into consideration as previous offences;

but

- (b) only such offences as occurred within the period of five years immediately preceding the commission of that offence shall be taken into consideration.

Relation of
conviction
under s. 47b to
contracts of
insurance, etc.
S. 47c enacted
by 43, 1967,
s. 6.

47c. (1) Where a person is convicted of an offence under subsection (1) of section 47b of this Act, he shall not by reason only of his conviction and any consequent penalty be deemed, for the purposes of any law, or of any contract or agreement, or of any 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.

(2) The provisions of subsection (1) of this section have effect notwithstanding anything contained in any law or any covenant, term, condition, or provision of or contained in any contract or agreement or policy of insurance or other document, and any such covenant, term, condition or provision

whereby the operation of that subsection is excluded, limited, modified, or restricted is void.

(3) Any covenant, term, condition, or provision contained in a contract or 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 of an offence under section 47b of this Act is void.

47d. (1) The court by which a person is convicted of an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act 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—

Payment by convicted person of costs incidental to his apprehension, etc.
S. 47d enacted by 43, 1967, s. 6.

- (a) apprehending the defendant;
- (b) conveying the defendant to a police station;
- (c) keeping the defendant in custody until trial;
- and
- (d) medically examining the defendant.

(2) Any sum of money received by the complainant in consequence of an order under subsection (1) of this section shall be paid by him into the general revenue of the State.

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

Requirement that a person submit to alcotest or breath analysis.
S. 47e enacted by 43, 1967, s. 6; substituted by 146, 1972, s. 5.

- (a) has behaved in a manner that indicates that his ability to drive the motor vehicle is impaired;

or

- (b) has been involved in an accident,

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

(2) An alcotest or breath analysis must be performed within two hours after the occurrence of the behaviour or accident referred to in subsection (1) of this section.

(3) When a person is required under this section to submit to an alcotest or breath analysis he shall 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 shall 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—

- (a) for a first offence, not more than one hundred dollars, and in addition to that penalty, the court shall by order disqualify the person convicted of the offence from holding or obtaining a driver's licence for a period of not less than six months and not more than twelve months;

or

- (b) for a second or subsequent offence, not more than two hundred and fifty dollars or imprisonment for not more than six months and, in

addition to either penalty, the court shall by order disqualify the person convicted of the offence from holding or obtaining a driver's licence for a period of not less than twelve months and not more than two years.

(4) It shall be a defence to a prosecution under subsection (3) of this section that—

(a) the requirement or direction to which the prosecution relates was not lawfully made;

or

(b) there was in the circumstances of the case good cause for the refusal or failure of the defendant to comply with the requirement or direction.

(5) No person is entitled to refuse or fail to comply with a requirement or direction under this section on the ground that by complying with that requirement or direction he would, or might, furnish evidence that could be used against him.

(6) In determining whether an offence is a first, second or subsequent offence for the purposes of subsection (3) of this section—

(a) offences previously committed against this section, section 47 of this Act and section 47b of this Act shall be taken into consideration as previous offences;

but

(b) only such offences as occurred within the period of five years immediately preceding the commission of that offence shall be taken into consideration.

Right of person
to request blood
test.
S. 47f enacted
by 43, 1967,
s. 6.
Subsec. (1)
substituted by
146, 1972, s. 6.

47f. (1) A person required in accordance with this Act to submit to an alcotest or breath analysis may request that a sample of his blood be taken at his expense by a medical practitioner nominated by him.

(2) A member of the police force to whom a request is made under subsection (1) of this section shall do all things necessary to facilitate the taking of the sample and if that sample is taken by the medical practitioner he shall so take it in the presence of a member of the police force.

(3) A sample of blood taken by a medical practitioner in accordance with a request under subsection (1) of this section shall be divided by that practitioner into approximately three equal parts and placed in sealed containers of which—

(a) two shall be handed to the member of the police force present at the taking of the sample;

and

(b) one shall be retained by the medical practitioner and dealt with in accordance with the directions of the person from whom it was taken.

(4) Nothing in this section contained shall absolve a person from the obligation imposed on him by subsection (3) of section 47e of this Act.

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 against this Act of the concentration of alcohol indicated as being present in the blood of the defendant by a breath analysing instrument operated by a person authorized to operate the instrument by the Commissioner of Police and, where the provisions of subsection (2) of this section have been complied with, it shall 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, and throughout the period of two hours immediately preceding the analysis.

Evidence, etc.
S. 47g enacted
by 43, 1967,
s. 6.
Subsec. (1)
substituted by
146, 1972,
s. 7 (a).

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

(a) the concentration of alcohol indicated by the analysis to be present in the blood expressed in grams in a hundred millilitres of blood;

and

(b) the day on and time of the day at which the analysis was made.

(3) In proceedings for an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act a certificate—

Subsec. (3)
amended by 146,
1972, s. 7 (b).

(a) purporting to be signed by the Commissioner of Police that a person named therein is authorized by the Commissioner of Police to operate breath analysing instruments;

or

(b) purporting to be signed by a person authorized under subsection (1) of this section that—

(i) the apparatus used by him was a breath analysing instrument within the meaning of this Act;

(ii) the breath analysing instrument was in proper order and was properly operated by him;

and

(iii) in relation to the breath analysing instrument the provisions of this Act with respect to breath analysing instruments were complied with,

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

(3a) A certificate purporting to be under the hand of 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 shall, in the absence of proof to the contrary, be proof of the matter so certified.

Subsec. (3a)
inserted by 146,
1972, s. 7 (c).

(4) Subject to subsection (6) of this section, in proceedings for an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act, a certificate purporting to be signed by the Government Analyst or an analyst authorized by the Government Analyst to sign such a certificate, certifying as to the concentration of alcohol or any drug found in a specimen of blood identified in the certificate expressed in grams in a hundred millilitres of blood shall, in the absence of proof to the contrary, be proof of the matters so certified.

Subsec. (4)
amended by 146,
1972, s. 7 (d).

Subsec. (5)
amended by 146,
1972, s. 7 (e).

(5) Subject to subsection (6) of this section, in proceedings for an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act, a certificate purporting to be signed by a person authorized under subsection (1) of this section certifying that—

(a) a sample of the breath of a person named therein was furnished for analysis in a breath analysing instrument;

(b) a concentration of alcohol expressed in grams in a hundred millilitres was indicated by that breath analysing instrument as being present in the blood of that person on the day and at the time stated in the certificate;

and

(c) a statement in writing required by subsection (2) of this section was delivered in accordance with that subsection,

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

(6) A certificate referred to in subsection (4) or subsection (5) of this section shall not be received as evidence in proceedings for an offence under subsection (1) of section 47 or subsection (1) of section 47b of this Act unless—

(a) 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 that trial, been served on that person;

and

(b) the person on whom a copy was so served has not at any time before the commencement of the trial served notice on the complainant requiring the attendance at the trial of the person by whom the certificate was signed.

Approval of
apparatus for
the purpose of
breath analysis
and alcotests.
S. 47h enacted
by 43, 1967,
s. 6; substituted
by 146, 1972,
s. 8.

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.

(3) Any notice approving any apparatus as a breath analysing instrument and in force immediately before the commencement of the Road Traffic Act Amendment Act (No. 2), 1972, shall be deemed to be a notice under this section.

Compulsory
blood tests.
S. 47i enacted by
146, 1972, s. 9.

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 fourteen years, who suffered injury in accident attends at, or is admitted into, a hospital for the purpose of receiving treatment for that injury, it shall, subject to this section, be the duty of any 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 shall not take a sample of blood under this section where, in his opinion, it would be injurious to the medical condition of his patient to do so.

(3) A medical practitioner shall not be 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 him that unless his objection is made upon 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 fourteen 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 shall be the duty of a 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 his body under this section.

(5) Where a coroner receives a notification under subsection (4) of this section, he may authorize 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 shall not be obliged to take a sample of blood under this section—

(a) where a sample of blood has been taken in accordance with this section by any other medical practitioner;

or

(b) where the patient has, since the time of the accident, submitted to an analysis of his breath by a breath analysing instrument.

(7) A medical practitioner by whom a sample of blood is taken under this section shall place it, in approximately equal proportions, in two separate containers, shall seal the containers and—

(a) shall make available one of those containers, clearly identified as containing the blood of that patient, by notice signed by the medical practitioner and attached to the container, to a member of the police force;

and

(b) shall cause the other container to be delivered to, or retained on behalf of, the person from whom the sample of blood was taken, or if he is dead, a relative or personal representative of the deceased.

(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 shall be 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 notice referred to in paragraph (a) of subsection (7) of this section must be in the prescribed form and—

(a) must be signed by the medical practitioner by whom the sample of blood was taken and endorsed by him with the following information:—

(i) the name and address of the person from whom the blood was taken;

(ii) the name of the medical practitioner by whom the sample of blood was taken;

and

(iii) the time at which the sample of blood was taken,

and, after analysis of the blood—

(b) must be signed by the person by whom the blood is analysed and endorsed by him with the following information:—

(i) the name and professional qualifications of the analyst;

(ii) the day on which, or the period over which, the analysis was carried out;

(iii) the concentration of alcohol or other drug found to be present in the blood;

and

(iv) 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.

(11) Upon completion of the analysis of the blood, the completed notice must be sent to the Minister who shall send copies of the notice personally or by post—

(a) to the Commissioner of Police;

(b) to the medical practitioner by whom the sample of blood was taken;

and

(c) to the person from whom the sample of blood was taken, or if he is dead, a relative or personal representative of the deceased.

(12) If—

(a) the whereabouts of the person from whom the sample of blood was taken is unknown to the Minister;

or

(b) that person is dead and the identity or whereabouts of a relative or personal representative of the deceased is unknown to the Minister,

the Minister shall not be required to comply with paragraph (c) of subsection (11) of this section but shall, at any time within three years after his receipt of the notice, provide a copy of the notice to any person who satisfies the Minister that he is a person to whom a copy of the notice should, but for this subsection, have been sent.

(13) An apparently genuine document purporting to be a notice or a copy of a notice under this section shall (subject to the discretion of a court to exclude the document from evidence on the ground that it is not relevant to the proceedings or that its probative value is slight and outweighed by the prejudice that it would cause to the defendant) be admissible in proceedings before a court as evidence of any fact stated in the notice.

(14) Any person who, upon 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 upon genuine medical grounds for that refusal or failure;

(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,

shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(15) Where a medical practitioner fails, without reasonable excuse, to comply with a provision of this section, or to perform any duty arising thereunder, he shall be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(16) No proceedings shall be commenced against a medical practitioner for an offence against subsection (15) of this section unless those proceedings have been authorized by the Attorney-General.

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

(18) No proceedings shall lie against a medical practitioner in respect of anything done by him 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.

Speed Restrictions

48. A person shall not drive a vehicle at a greater speed than 110 kilometres an hour.

Penalty: One hundred dollars.

General speed limit.
S. 48 amended by 43, 1967, s. 11; substituted by 3, 1974, s. 5.

PART III

Speed limits.

Subsec. (1)
amended by 58,
1964, s. 10; 43,
1967, s. 11; 106,
1969, s. 10;
substituted by 3,
1974, s. 6.

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

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

Para. (b)
amended by 76,
1974, s. 3 (a).

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

Para. (c)
amended by 76,
1974, s. 3 (b).

(c) 25 kilometres an hour on a portion of a road that is between signs bearing the word "School" at a time when children proceeding to or from a school are on that portion of the road;

Para. (d)
amended by 76,
1974, s. 3 (c).

(d) 25 kilometres an hour when approaching, and within 30 metres of, a pedestrian crossing at which flashing lights are for the time being in operation and at the approach to which there is erected a sign bearing the words "School Crossing Ahead" or words to that effect;

Para. (e)
amended by 76,
1974, s. 3 (d).

(e) 25 kilometres an hour on a portion of a road between signs placed to indicate works in progress pursuant to section 20 of this Act;

(f) 10 kilometres an hour when proceeding from land abutting on a road into that road;

(g) 10 kilometres an hour when passing a tramcar that has, in the course of a journey in the same direction as the vehicle, stopped for the purpose of allowing passengers to board or alight;

or

(h) 10 kilometres an hour when the vehicle is on a ramp or jetty leading to a ferry.

Penalty: One hundred dollars.

(2) In this section "school" includes a Sunday school and schoolgrounds abutting on or surrounding a school.

Speed limit in zones.

Subsec. (1)
amended by 58,
1964, s. 11; 43,
1967, s. 11.

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

Penalty: One hundred dollars.

Subsec. (2)
amended by 3,
1974, s. 7.

(2) The speed limit of 60 kilometres an hour fixed by paragraph (a) of the preceding section shall not apply within a speed zone.

Speed of vehicles carrying pillion passengers.

Subsec. (1)
amended by 17,
1967, s. 8 (a),
(b), (c); 43,
1967, s. 11;
substituted by
106, 1969, s. 11;
amended by 3,
1974, s. 8; 16,
1975, s. 15.

51. (1) A person shall not drive a motor cycle, with or without a sidecar attached thereto, carrying any person in addition to the driver, at a greater speed than 70 kilometres an hour.

Penalty: One hundred dollars.

Subsec. (1a)
inserted by 106,
1969, s. 11.

(1a) Subsection (1) of this section does not derogate from, or relieve any person from the obligation to comply with, any other provision of this Act that may be applicable to that person.

(2) Subsection (1) of this section does not apply where the person other than the driver is carried in a sidecar.

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

Penalty: One hundred dollars.

Speed on bridges.
S. 52 amended by 43, 1967, s. 11.

53. (1) A person shall not drive a motor vehicle (other than an omnibus) at a speed in excess of 80 kilometres an hour where the gross vehicle weight of the motor vehicle, or the gross combination weight of the motor vehicle and any vehicles drawn thereby, exceeds 4 tonnes.

Penalty: Not less than twenty and not more than one hundred and fifty dollars.

Speed limits for certain vehicles.
S. 53 amended by 106, 1969, s. 12; substituted by 93, 1973, s. 4.

(2) A person shall not drive an omnibus, or a motor vehicle carrying more than eight passengers, at a speed in excess of 90 kilometres an hour.

Penalty: Not less than twenty and not more than one hundred and fifty dollars.

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

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.

Heading inserted by 92, 1974, s. 3.

Traffic speed analysers.
S. 53a enacted by 17, 1967, s. 9; amended by 106, 1969, s. 13; repealed by 93, 1973, s. 5; new s. 53a enacted by 92, 1974, s. 3.

Driving on Left and Passing

54. (1) Except as provided in subsection (2) of this section the driver of a vehicle shall keep the vehicle as near as is reasonably practicable to the left boundary of the carriageway.

Penalty: One hundred dollars.

Duty to drive on left of carriageway.
Subsec. (1) amended by 43, 1967, s. 11.

(2) A driver need not keep his vehicle as near as is reasonably practicable to the left boundary of the carriageway—

- (a) where he is about to make or is making a right turn in accordance with this Act; or
- (b) where his vehicle is on a carriageway marked with two or more lanes for traffic moving in the direction in which the vehicle is moving and the vehicle is within any such lane other than the left-hand lane.

55. The driver of a vehicle when passing a vehicle proceeding in the opposite direction, shall keep to his left of that vehicle.

Penalty: One hundred dollars.

Passing oncoming vehicles.
S. 55 amended by 43, 1967, s. 11.

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

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

Penalty: One hundred dollars.

Driving in lanes.
S. 56 amended by 43, 1967, s. 11.

Duty to drive
on left of
barrier lines.
Subsec. (1)
amended by 43,
1967, s. 11.

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

(a) two continuous lines; or

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

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

Penalty: One hundred dollars.

(2) It shall be a defence to a charge of contravening subsection (1) of this section if the defendant proves that the contravention was necessary in order to avoid an accident or owing to an obstruction on the road.

Passing
vehicles.

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

(a) if owing to a bend or rise in the road or any other obstruction he has not a clear view of the road ahead for a sufficient distance; or

(b) if any vehicles are approaching from the opposite direction so as to create a risk of collision or danger.

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

(3) The driver of a vehicle may pass a vehicle proceeding in the same direction on the left when the carriageway has two or more marked lanes for vehicles proceeding in the same direction and the passing vehicle is in a lane on the left of the lane in which the other vehicle is proceeding and it is safe to pass that other vehicle on the left.

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

Subsec. (5)
amended by 43,
1967, s. 11.

(5) Penalty for any breach of this section: One hundred dollars.

Passing
tramcars.
Subsec. (1)
amended by 43,
1967, s. 11.

59. (1) Except as provided in subsection (2) of this section a driver shall, when passing a tramcar proceeding or about to proceed in the same direction, keep his vehicle on the left of the tramcar.

Penalty: Fifty dollars.

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

Duty of driver
being
overtaken.
Subsec. (1)
amended by 43,
1967, s. 11.

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

(a) shall, if it is safe to do so, move his vehicle to the left to the extent necessary to allow the other vehicle a reasonable space to pass his vehicle on the right;

(b) shall not increase the speed of his vehicle until the other vehicle has completely passed it.

Penalty: One hundred dollars.

(2) Subsection (1) of this section does not apply—

- (a) where a vehicle on a carriageway marked with two or more lanes for vehicles proceeding in the same direction is about to pass another vehicle on the left;
- (b) where the driver of the vehicle in front gives a signal of intention to turn to the right.

61. (1) Subject to subsection (2) of this section, a driver shall not drive his vehicle or any part thereof on a footpath except when crossing the footpath for the purpose of entering or leaving land or premises adjacent to the footpath.

Penalty: Fifty dollars.

Driving on footpaths.
S. 61 amended by 43, 1967, s. 11; 71, 1972, s. 12 (a); redesignated s. 61 (1) by 71, 1972, s. 12 (b).

(2) Where a person by reason of some physical infirmity reasonably requires the use of a wheelchair, it shall be lawful for that person to operate a self-propelled wheelchair on a footpath notwithstanding the provisions of subsection (1) of this section.

Subsec. (2) inserted by 71, 1972, s. 12 (b).

(3) A person shall not operate a self-propelled wheelchair on a footpath at a speed exceeding 10 kilometres an hour.

Subsec. (3) inserted by 3, 1974, s. 9.

Penalty: Fifty dollars.

Giving Way

Heading substituted by 17, 1967, s. 10.

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

Meaning of "give way".
S. 62 amended by 17, 1967, s. 11.

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

Giving way at intersections and junctions.
Subsec. (1) substituted by 16, 1966, s. 13 (a); amended by 37, 1966, s. 3; substituted by 17, 1967, s. 12 (a); 93, 1974, s. 3 (a); amended by 10, 1975, s. 3; 31, 1975, s. 3 (a), (b), (c).

(a) where, at or near the intersection or junction, there is—

Para. (a) substituted by 31, 1975, s. 3 (b).

- (i) a stop sign or a give way sign facing in the direction from which he is moving, or proposes to move;

or

- (ii) a stop line or a give way line on the carriageway from which he is moving, or proposes to move—

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

- (b) where the intersection or junction is a roundabout—to any vehicle on his right that is on the carriageway of the roundabout;

and

PART III

Para. (c)
amended by 31,
1975, s. 3 (c).

(c) in any other case—to any vehicle on his right (other than a vehicle whose driver is himself required by paragraph (a) of this subsection to give way).

Penalty: One hundred dollars.

Subsec. (1a)
inserted by 31,
1975, s. 3 (d).

(1a) Notwithstanding the provisions of paragraphs (a) and (c) of subsection (1) of this section, a driver is not required to give way to a vehicle whose driver is himself required to give way pursuant to subsection (1b) of this section.

Subsec. (1b)
inserted by 31,
1975, s. 3 (d).

(1b) A driver turning, or proposing to turn, his vehicle from a carriageway to the right into an intersection or junction shall give way to any vehicle moving, or proposing to move, along that carriageway in the opposite direction, unless—

(a) the driver of that last-mentioned vehicle is required by virtue of a stop sign, give way sign, stop line or give way line to give way;

and

(b) the driver of the turning vehicle is not required by any such sign or line to give way.

Penalty: One hundred dollars.

Subsec. (2)
amended by 17,
1967, s. 12 (b);
43, 1967, s. 11.

(2) The driver of a vehicle approaching an intersection or junction shall give way to any tramcar approaching the intersection or junction from the right or left.

Penalty: One hundred dollars.

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

Subsec. (4)
substituted by
31, 1975,
s. 3 (e).

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

Subsec. (4a)
inserted by 31,
1975, s. 3 (e).

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

Subsec. (5)
struck out by 16,
1966, s. 13 (b).

* * * * *

Subsec. (6)
amended by 17,
1967, s. 12 (c);
struck out by 93,
1974, s. 3 (b).

* * * * *

S. 64 amended
by 58, 1964,
s. 12 (a), (b);
substituted by
17, 1967, s. 13;
repealed by 93,
1974, s. 4.

* * * * *

Giving way at
cross-overs.
S. 56 amended
by 17, 1967,
s. 14; 43, 1967,
s. 11.

65. The driver of a vehicle about to enter or entering a carriageway from a cross-over shall give way to any vehicle on the carriageway.

Penalty: One hundred dollars.

66. (1) The driver of a vehicle about to enter or entering a public road from private land shall give way to any vehicle or person on that public road.
Penalty: One hundred dollars.

Giving way when vehicle enters road from private land.

Subsec. (1) amended by 17, 1967, s. 15; 43, 1967, s. 11; 106, 1969, s. 14 (a).

(2) In this section "private land" means land other than a public road, and "public road" means a road that any person, body or authority is under any statutory duty to maintain, except such a road that is included in, or forms part of, a place or premises set apart or established for the parking of vehicles.

Subsec. (2) amended by 106, 1969, s. 14 (b).

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

Giving way at pedestrian crossings.

Subsec. (1) amended by 17, 1967, s. 16.

* * * * *

(3) A driver shall not permit his vehicle or a part thereof to pass another vehicle which is headed in the same direction and has stopped at a pedestrian crossing for the purpose of giving way to pedestrians thereon.

Subsec. (2) struck out by 16, 1975, s. 16.

Subsec. (4) amended by 43, 1967, s. 11.

(4) Penalty for any breach of this section: One hundred dollars.

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

Turning vehicles to give way to pedestrians.

S. 68 amended by 17, 1967, s. 17; 43, 1967, s. 11.

Penalty: One hundred dollars.

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

Driving from edge of carriageway. S. 69 amended by 17, 1967, s. 18; 43, 1967, s. 11; 106, 1969, s. 15.

Penalty: One hundred dollars.

Turning to the Right

70. (1) A driver shall not make a right turn at an intersection or junction except in accordance with the provisions of this section.

Course to be followed by vehicles turning right.

Penalty: One hundred dollars.

S. 70 substituted by 47, 1963, s. 3; amended by 43, 1967, s. 11.

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

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

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

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

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

(7) For the purposes of subsections (5) and (6), a vehicle shall be taken to enter a carriageway when the vehicle passes the point where it crosses the

prolongation of the property line of the road on which it was travelling before the right turn.

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

(9) In this section, "property line" means the boundary line of any land abutting the footpath or road adjoining that land.

Right turns not at intersections or junctions and U-turns.

71. Notwithstanding the previous section a driver turning his vehicle to the right in a road—

(a) elsewhere than at an intersection or junction; or

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

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

Prohibition of U-turns at traffic lights.
S. 71a enacted by 58, 1964, s. 13; amended by 43, 1967, s. 11; 16, 1975, s. 17.

71a. A driver shall not make a U-turn at an intersection or junction at which there are traffic lights.

Penalty: Fifty dollars.

Turning vehicles to give way.
Subsec. (1) amended by 17, 1967, s. 19 (a), (b); 43, 1967, s. 11; 106, 1969, s. 16; 93, 1974, s. 5 (a), (b); 31, 1975, s. 4 (a).

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

Penalty: One hundred dollars.

(2) In this section "the opposite direction" means the direction opposite to that in which the driver was proceeding before commencing to turn.

Subsec. (3) amended by 31, 1975, s. 4 (b)¹.

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

S. 72a enacted by 106, 1969, s. 17; repealed by 93, 1974, s. 6.

* * * * *

Duty of driver to avoid tramcars when turning.
S. 73 amended by 43, 1967, s. 11.

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

Penalty: Fifty dollars.

Driving Signals

Signals.
S. 74 amended by 58, 1964, s. 14 (a), (b), (c); 17, 1967, s. 20 (a), (b), (c); 43, 1967, s. 11; substituted by 71, 1972, s. 13.

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

Penalty: One hundred dollars.

¹ The amendment made by s. 4 (b) of Act No. 31 of 1975, has been incorporated upon the assumption that the passage struck out from s. 72 (3) has been correctly quoted.

(2) A signal shall not be regarded as being in conformity with the requirements of subsection (1) of this section unless it is given in such a manner and for such time as is necessary to give reasonable warning to persons who may be affected by the manoeuvre.

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

Penalty: Ten dollars.

Signalling device to be switched off after turn completed.
S. 74a enacted by 16, 1966, s. 14; amended by 43, 1967, s. 11; 3, 1974, s. 10.

Traffic Lights and Signs

75. (1) A driver shall comply with any instructions applicable to him which are indicated by traffic lights or any signs exhibited with traffic lights.

Penalty: One hundred dollars.

Duties at traffic lights.

Subsec. (1) amended by 43, 1967, s. 11; 16, 1975, s. 18 (a).

(1a) A pedestrian shall comply with any instructions applicable to him that are indicated by traffic lights, or any signs exhibited with traffic lights.

Penalty: One hundred dollars.

Subsec. (1a) inserted by 16, 1975, s. 18 (b).

(2) Traffic lights and signs exhibited with traffic lights shall be deemed to indicate to drivers and pedestrians such instructions (whether mandatory or prohibitory) as are prescribed in the regulations under this Act.

76. (1) If a sign bearing the words "No Turns" or "No Right Turn" or "No Left Turn" or any other words or symbol to which this section applies is erected on or near a road, a driver shall not cause his vehicle to turn contrary to the instruction inscribed on the sign.

Penalty: One hundred dollars.

Signs prohibiting turns.
S. 76 amended by 43, 1967, s. 11; 71, 1972, s. 14 (a); redesignated s. 76 (1) by 71, 1972, s. 14 (b).
Subsec. (1) substituted by 16, 1975, s. 19.

(2) The Board may, by notice published in the *Gazette*, declare that this section shall apply to any words or symbol referred to in the notice, and this section shall apply to those words or that symbol accordingly.

Subsec. (2) inserted by 71, 1972, s. 14 (b).

77. If a sign inscribed with the words "Keep left" or "Keep right" is erected on a road the driver of a vehicle coming from the direction in which the sign is facing, shall when passing that sign keep his vehicle on the left or right of that sign, according to the instruction given by the sign.

Penalty: One hundred dollars.

Keep left and keep right signs.
S. 77 amended by 43, 1967, s. 11.

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

Duty at stop signs and stop lines.
Subsec. (1) substituted by 58, 1964, s. 15 (a).

(a) if there is a stop line—before any part of it reaches the stop line but as near as practicable to the stop line;

Para. (a) amended by 16, 1966, s. 15 (a).

or

(b) if there is no stop line—at a point before but as near as practicable to the nearer boundary of the carriageway which he is about to enter.

Para. (b) amended by 16, 1966, s. 15 (b).

(2) A driver approaching a stop sign at or near a level crossing from the direction in which the sign is facing shall stop his vehicle so that the front

Subsec. (2) amended by 3, 1974, s. 11.

thereof is not less than 3 metres and not more than 12 metres from the railway line or tramway line.

Subsec. (2a)
inserted by 16,
1975, s. 20 (a).

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

Subsec. (2b)
inserted by 16,
1975, s. 20 (a).

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

Subsec. (3)
amended by 16,
1975, s. 20 (b).

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

Subsec. (3a)
inserted by 31,
1975, s. 5.

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

Penalty: One hundred dollars.

Subsec. (3b)
inserted by 31,
1975, s. 5.

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

(a) at or near an intersection or junction at which traffic lights are operating;

or

(b) at or near a pedestrian crossing,

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

Subsec. (4)
amended by 17,
1967, s. 21;
struck out by 93,
1974, s. 7 (a).

* * * * *

Subsec. (4a)
inserted by 58,
1964, s. 15 (b);
amended by 93,
1974, s. 7 (b).

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

Subsec. (5)
amended by 43,
1967, s. 11.

(5) Penalty for any breach of this section: One hundred dollars.

Duty to comply
with other
traffic signs.
S. 78a enacted
by 58, 1964,
s. 16; amended
by 16, 1966,
s. 16; 43, 1967,
s. 11; 106, 1969,
s. 18; 16, 1975,
s. 21.

78a. Without limiting the application of any other provision of this Act, where a sign or mark is lawfully erected or placed on or near a road or an intersection, junction or crossover for regulating the movement of traffic or the standing of any vehicle or indicating the route to be followed by traffic, a driver shall comply with the instructions indicated by that sign or mark.

Penalty: One hundred dollars.

Duty to obey
police directions
notwithstanding
existence of
traffic control
device.
S. 79 amended
by 31, 1975,
s. 6 (a), (b).

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

Level Crossings

80. A driver shall not drive his vehicle or any part thereof on to a level crossing—

Restrictions on entering level crossings.
S. 80 amended by 43, 1967, s. 11.

- (a) when any railway rollingstock or tramcar with which his vehicle might collide is approaching the crossing; or
- (b) if warned not to do so by a member of the police force or an employee of the South Australian Railways Commissioner¹ or the Municipal Tramways Trust²; or
- (c) while any warning device at or near the crossing is oscillating or emitting sounds or flashing lights or while the crossing is closed against traffic by gates or barriers, unless he is directed by any such employee or member of the police force to proceed through the crossing.

Penalty: One hundred dollars.

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

Certain vehicles to stop at rail crossings.
Subsec. (1) amended by 43, 1967, s. 11; 3, 1974, s. 12³; 16, 1975, s. 22 (a).

- (a) a vehicle carrying more than eight persons;

or

- (b) an omnibus;

or

Para. (b) substituted by 16, 1975, s. 22 (a).

- (c) a vehicle carrying, or designed to be used for the transportation of, flammable liquid, flammable gas, explosives or radioactive, corrosive or poisonous substances,

Para. (c) substituted by 16, 1975, s. 22 (a).

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

Penalty: One hundred dollars.

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

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

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

Subsec. (3) amended by 16, 1975, s. 22 (b).

Standing of Vehicles

82. (1) Except as authorized by this section, a person shall not cause or permit a vehicle to stand—

Position of stationary vehicles.

- (a) on a two-way carriageway or a one-way carriageway of a divided road, unless it is as near as practicable and parallel to the left boundary of that carriageway;

Subsec. (1) amended by 16, 1966, s. 17; 43, 1967, s. 11; 71, 1972, s. 15 (a), (b), (c).

¹ By s. 6 (4) of the Railways Act, 1936-1975, it has been provided, *inter alia*, that a reference to the South Australian Railways Commissioner in any Act shall be read, where the context admits, as a reference to the State Transport Authority.

² By s. 8 (4) of the Bus and Tramways Act, 1935-1975, it has been provided, *inter alia*, that a reference to the Municipal Tramways Trust in any Act shall be read, where the context admits, as a reference to the State Transport Authority.

³ The amendment made by s. 12 of Act No. 3 of 1974, has been incorporated upon the assumption that the passage struck out from subsec. (1) of s. 81 had been correctly quoted.

(b) on a one-way carriageway not being a carriageway of a divided road, unless it is as near as practicable and parallel to a boundary of that carriageway;

Para. (c)
substituted by
71, 1972,
s. 15 (b).

(c) within a temporary parking zone established in pursuance of a permit under this section at any time at which the permit authorizes the use of the temporary parking zone;

or

Para. (d)
inserted by 71,
1972, s. 15 (b).

(d) on a footpath.

Penalty: One hundred dollars.

(2) This section shall not be construed as restricting the operation of any other enactment, regulation, by-law or resolution by which the standing of vehicles in a road is prohibited or restricted.

Subsec. (3)
inserted by 71,
1972, s. 15 (d).

(3) Where it is, in the opinion of the Board, in the public interest to do so, it may grant to any person a permit authorizing him to establish temporary parking zones at such places as may be specified in the permit.

Subsec. (4)
inserted by 71,
1972, s. 15 (d).

(4) The permit must specify the times at which the use of the temporary parking zone is authorized by the permit and shall be subject to such other terms and conditions as the Board thinks fit to include in the permit.

Subsec. (5)
inserted by 71,
1972, s. 15 (d).

(5) A temporary parking zone must be indicated or marked by such signs or markings as the Board may require and specifies in the permit.

Subsec. (6)
inserted by 71,
1972, s. 15 (d).

(6) The Board may, at any time, by instrument in writing, revoke a permit under this section.

Subsec. (7)
inserted by 71,
1972, s. 15 (d).

(7) It shall be lawful—

(a) for the holder of a permit under subsection (3) of this section, or a person authorized by him, to cause or permit a vehicle to stand in accordance with the terms and conditions of the permit in a temporary parking zone at such times as the permit authorizes the use of the temporary parking zone;

or

(b) for a person to cause or permit a vehicle to stand in accordance with a by-law or resolution of a council in a place marked out by the council for the standing of vehicles by markings, a sign or a notice.

Council not to
authorize
angle-parking
on a road
without Board's
approval.

S. 82a enacted
by 17, 1967,
s. 22.
Subsec. (1)
amended by 16,
1975, s. 23.

82a. (1) A council shall not by by-law, resolution, or otherwise, authorize a vehicle to stand at any angle on any road unless the council obtains the prior approval of the Board therefor.

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

Vehicles
standing on
roads.

83. (1) A person shall not cause or permit a vehicle to stand on a road in such a position or condition as to—

Para. (a)
amended by 16,
1966, s. 18.

(a) cause or be likely to cause danger to other traffic using the road; or

(b) obstruct traffic on the road; or

- (c) obstruct a gate, door or entrance by which vehicles enter or leave any land or building, or a crossing place leading across a footpath to any such gate, door or entrance.

(2) A person shall not cause or permit a vehicle to stand near the edge of the carriageway of a road within 6 metres of an intersection or junction.

Subsec. (2)
amended by 3,
1974, s. 13 (a).

Provided that this subsection shall not apply where—

- (a) a vehicle about to enter the intersection or junction has stopped pursuant to a requirement of this Act; or
- (b) a vehicle stands within a junction on the side of the road which is opposite to the side on which another road joins that road to form a junction.

(3) A vehicle on a road shall be deemed to be within 6 metres of an intersection or junction if any part of the vehicle is within 6 metres of an imaginary line being the projection across that road of the lateral boundary of another road which intersects or joins it.

Subsec. (3)
amended by 3,
1974, s. 13 (b).

(4) Penalty for any breach of this section: One hundred dollars.

Subsec. (4)
amended by 43,
1967, s. 11.

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

Restriction
upon sale of
goods etc.,
upon roads.
S. 83a enacted
by 106, 1969,
s. 19.
Subsec. (1)
amended by 16,
1975, s. 24 (a).

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

Penalty: One hundred dollars.

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

Penalty: One hundred dollars.

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

Subsec. (3)
amended by 16,
1975, s. 24 (b).

84. (1) A person shall not cause or permit a vehicle to stand on a bridge or culvert except in circumstances prescribed by this section.

Vehicles
standing on
bridges and
culverts.
Subsec. (1)
amended by 43,
1967, s. 11.

Penalty: One hundred dollars.

(2) The prescribed circumstances are—

- (a) that the vehicle is unable to move because of breakdown or accident; or
- (b) that the vehicle is being used in connection with construction or repairs of the bridge or culvert; or
- (c) that the vehicle has been stopped to comply with a traffic control device or a direction of a member of the police force or to avoid a collision, or for any reasonable cause in case of accident or emergency; or

(d) that the vehicle is an omnibus owned or licensed by the Municipal Tramways Trust¹ and has stopped on the bridge or culvert at a stopping place appointed by that Trust¹.

(3) If it is proved that a person caused or permitted a vehicle to stand on a bridge, the onus of proving that it was there in prescribed circumstances shall be on him.

Control of
parking near
Parliament
House.

85. (1) The Governor may by proclamation—

(a) declare that any area in that part of any street which abuts on the site of either House of Parliament shall be a prohibited area within the meaning of this section;

(b) revoke or amend any such proclamation.

Subsec. (2)
amended by 43,
1967, s. 11.

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

Penalty: Fifty dollars.

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

(4) A prosecution for an offence against this section shall not be commenced except with the authority of the Minister of Works. A document purporting to give such consent and purporting to be signed by the Minister of Works shall be *prima facie* evidence of such consent.

Removal of
vehicles causing
obstruction or
danger.
Subsec. (1)
amended by 84,
1974, s. 3 (1)
(2nd Sched.).

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

(a) on a bridge or culvert; or

(b) on a road so as to be likely to obstruct traffic or any procession lawfully authorized to be held, or to be likely to cause injury or damage to any person or property on the road,

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.

(2) Forthwith after such removal, the person removing the vehicle or a person acting on his behalf shall give the owner written notice of the removal, and of the place to which the vehicle was removed. The notice shall, wherever practicable, be served upon the owner personally; but if it is not so served within fourteen days after the removal, it shall 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, or the council whose officer removed the vehicle shall 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;

¹ By s. 8 (4) of the Bus and Tramways Act, 1935-1975, it has been provided, *inter alia*, that a reference to the Municipal Tramways Trust in any Act shall be read, where the context admits, as a reference to the State Transport Authority.

(c) Thirdly, in payment of the balance to the owner.

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

(a) to the Treasurer in aid of the General Revenue of the State, in a case where the vehicle was sold by the Commissioner of Police;

(b) to the council, in aid of its revenue, in a case where the vehicle was sold by the council.

Pedestrians

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

Penalty: Fifty dollars.

Walking without care or consideration.
S. 87 amended by 43, 1967, s. 11.

88. (1) A person—

(a) shall not walk along a carriageway of a road if there is a footpath on that road;

(b) shall, if walking along a two-way carriageway, keep as near as reasonably practicable to the right side of the two-way carriageway;

(c) shall if walking along a one-way carriageway, walk in the opposite direction to that in which vehicular traffic is permitted to travel on that carriageway and on the right hand side of such carriageway.

Penalty: Fifty dollars.

Walking on footpath or right of road.
Subsec. (1) substituted by 16, 1966, s. 19; amended by 43, 1967, s. 11.

(2) Subsection (1) of this section does not apply to—

(a) a pedestrian drawing or pushing a vehicle; or leading an animal;

(b) persons lawfully walking on the carriageway in a procession or an organized and controlled column or other formation.

(3) A pedestrian on a carriageway of a road drawing or pushing a vehicle or leading an animal, or being in a procession, column or formation as mentioned in subsection (2) of this section shall keep as near as reasonably practicable to the left side of that carriageway.

Penalty: Fifty dollars.

Subsec. (3) amended by 43, 1967, s. 11.

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

Duty of pedestrians at level crossings.

(2) A pedestrian shall not enter or remain on a level crossing—

(a) when any railway rollingstock or tramcar with which he might collide is approaching the crossing; or

(b) if warned not to do so by a member of the police force or an employee of the South Australian Railways Commissioner¹ or the Municipal Tramways Trust²; or

(c) while any warning device at or near the crossing is oscillating or emitting sounds or flashing lights or while the crossing is closed against traffic by gates or barriers unless he is directed by any

¹ By s. 6 (4) of the Railways Act, 1936-1975, it has been provided *inter alia*, that a reference to the South Australian Railways Commissioner in any Act shall be read, where the context admits, as a reference to the State Transport Authority.

² By s. 8 (4) of the Bus and Tramways Act, 1935-1975, it has been provided, *inter alia*, that a reference to the Municipal Tramways Trust in any Act shall be read, where the context admits, as a reference to the State Transport Authority.

such member of the police force or employee to proceed across the crossing.

Subsec. (3)
amended by 43,
1967, s. 11.

(3) Penalty for any breach of this section: Fifty dollars.

Duty of
pedestrians on
pedestrian
crossings.
S. 90 amended
by 43, 1967,
s. 11.

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

Penalty: Fifty dollars.

Duties at Ferries

Obedience to
ferryman's
directions.
S. 91 amended
by 43, 1967,
s. 11; substituted
by 71, 1972,
s. 16.

91. (1) An authorized person may give to the driver of a vehicle that has entered or is about to enter a ferry reasonable directions relating to—

(a) the order in which vehicles are to be driven onto, or off, the ferry;

or

(b) the position to be occupied by the vehicle on the ferry.

(2) An authorized person may request the driver of a vehicle that has entered, or is about to enter, a ferry, to inform him of the laden weight of the vehicle, or to supply him with any information from which that weight might be estimated.

(3) A person who fails forthwith to comply with a direction or request under this section or gives false information, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(4) In this section—

“authorized person” means the person in charge of the ferry or any other person engaged in the loading or operation of the ferry;

“laden weight” means the weight of the vehicle and if a trailer is attached to the vehicle, the weight of the vehicle, and of the trailer or trailers drawn thereby, together with the weight of the load (if any) including passengers, fuel and equipment carried in or on the vehicle and the trailer or trailers.

Stopping at
approach to
ferry.
S. 92 amended
by 43, 1967,
s. 11; 93, 1974,
s. 8.
Para. (a)
amended by 93,
1974, s. 8.

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

(a) shall stop his vehicle—

(i) if there is a stop line—before any part of it reaches the stop line but as near as practicable to the stop line;

or

(ii) if there is no stop line—before any part of it passes the stop sign;

and

(b) shall not commence to drive his vehicle on to the ramp or jetty until directed to do so by the person in charge of the ferry.

Penalty: One hundred dollars.

*Miscellaneous Duties of Road Users***93. A person shall not—**

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

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

Penalty: Fifty dollars.

Opening doors and alighting so as to cause danger.
S. 93 amended by 43, 1967, s. 11.

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

Penalty: Fifty dollars.

Driving with person on roof or bonnet.
S. 94 amended by 43, 1967, s. 11.

94a. (1) On and after the first day of January, 1966¹, a person who is driving or travelling in or on a motor vehicle, other than a motor cycle, shall not permit any portion of his body or limbs—

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

Penalty: Fifty dollars.

Portion of body protruding from vehicle.
S. 94a enacted by 58, 1964, s. 17.
Subsec. (1) amended by 17, 1967, s. 23 (a) (b); 43, 1967, s. 11; 16, 1975, s. 25.

(2) Subsection (1) of this section shall not apply to a driver—

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

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

Subsec. (2a) inserted by 17, 1967, s. 23 (c).

(2b) Any such permit may be general, conditional or restricted as to time, place and circumstances and shall render lawful anything done in accordance therewith.

Subsec. (2b) inserted by 17, 1967, s. 23 (c).

(2c) The Board may, by instrument in writing, delegate (or revoke a delegation of) its powers to grant a permit under subsection (2a) of this section, but any such delegation shall not derogate from the powers of the Board to act under that subsection itself.

Subsec. (2c) inserted by 106, 1969, s. 20.

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

Subsec. (3) amended by 3, 1974, s. 14.

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

Penalty: Twenty dollars.

Riding without driver's consent.
S. 95 amended by 43, 1967, s. 11.

¹ Reference to the year one thousand nine hundred and sixty-six altered to 1966 pursuant to s. 7 (1) of the Acts Republication Act, 1967, as amended.

PART III

Cyclists holding on to other vehicles.

Subsec. (1) amended by 43, 1967, s. 11; 16, 1975, s. 26 (a).

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

Penalty: Twenty dollars.

Subsec. (2) amended by 43, 1967, s. 11; 16, 1975, s. 26 (b).

(2) The driver of a vehicle shall not permit a person riding a pedal cycle to attach himself to or be drawn by the vehicle of such driver.

Penalty: Twenty dollars.

Driving abreast.

Subsec. (1) amended by 43, 1967, s. 11.

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

Penalty: Fifty dollars.

Subsec. (2) amended by 84, 1974, s. 3 (1) (2nd Sched.); 16, 1975, s. 27.

(2) Notwithstanding subsection (1) of this section a person may—

Para. (a) amended by 16, 1975, s. 27 (a).

(a) ride a pedal cycle abreast of one other pedal cycle;

Para. (b) amended by 16, 1975, s. 27 (b), (c).

(b) ride a pedal cycle abreast of other pedal cycles on a portion of the road set apart exclusively for such cycles;

(c) drive a vehicle abreast of other vehicles, if the vehicle so driven is within a marked lane on a carriageway marked with two or more lanes for traffic going in the same direction;

(d) drive a vehicle abreast of another vehicle for the purpose of passing that other vehicle.

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

Carriage of persons on pedal cycles.
S. 98 amended by 43, 1967, s. 11; 16, 1975, s. 28.

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

Penalty: Twenty dollars.

Pacing by cyclists.
S. 99 amended by 43, 1967, s. 11; 3, 1974, s. 15; 16, 1975, s. 29.

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

Penalty: Twenty dollars.

Use of warning device.

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

(2) A person—

(a) shall not sound the warning device attached to a vehicle except for giving warning of danger, or indicating an intention to pass another vehicle from the rear;

(b) shall not sound such a warning device so as to create unnecessary or offensive noise.

Subsec. (3) amended by 43, 1967, s. 11.

(3) Penalty for any breach of this section: Fifty dollars.

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

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

Driving while vehicle emits undue noise, smoke, etc.
S. 101 amended by 43, 1967, s. 11.

Penalty: Fifty dollars.

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

Driving position.

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

Para. (d) amended by 58, 1964, s. 18.

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

Subsec. (2) amended by 16, 1975, s. 30.

(3) Penalty for any breach of this section: Fifty dollars.

Subsec. (3) amended by 43, 1967, s. 11.

103. A person shall not board or leave a vehicle or tramcar while it is in motion.

Boarding and leaving vehicles in motion.
S. 103 amended by 43, 1967, s. 11.

Penalty: Fifty dollars.

104. (1) Except as allowed by subsection (2) of this section a person shall not ride an animal within a municipality, town or township so that three or more animals are abreast.

Riding animals abreast.
Subsec. (1) amended by 43, 1967, s. 11.

Penalty: Fifty dollars.

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

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

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

Leading animals.

Penalty: Fifty dollars.

Prevention of Damage to Roads

106. (1) A person shall not—

- (a) otherwise than by reasonable use thereof 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.

Damage to roads and works.
Subsec. (1) amended by 16, 1966, s. 20 (a); 43, 1967, s. 11.

Penalty: One hundred dollars.

PART III

Subsec. (2)
amended by 58,
1964, s. 19; 16,
1966,
s. 20 (a), (b); 43,
1967, s. 11.

(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 shall forthwith give notice of that damage with full particulars thereof to a member of the police force or to the Commissioner of Highways, or to the Railways Commissioner¹.

Penalty: One hundred dollars.

(3) In proceedings for an offence against subsection (1) of this section 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 deems to be entitled to the compensation.

Subsec. (4)
amended by 3,
1974, s. 16.

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

Damage to road
surface.
S. 107 amended
by 43, 1967,
s. 11.

107. A person shall 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 a road;
- (c) except in crossing a road, drive on or within 2 metres of any part of the metalled, gravelled, or other prepared surface of a road a vehicle having an articulated track in lieu 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.

Penalty: One hundred dollars.

Depositing
material or oil
on roads.
Subsec. (1)
amended by 43,
1967, s. 11.

108. (1) A person shall not—

- (a) without the permission of the Commissioner of Highways in writing stack or deposit any wood, sand, stone, or material of any description 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.

Penalty: One hundred dollars.

(2) If any article or material falls from a vehicle onto a road, the driver of the vehicle shall be deemed to have deposited such article or matter on the road, unless he proves that he had taken reasonable precautions to prevent the article or matter from falling from the vehicle.

(3) In this section "material" includes substances of all kinds whether solid or liquid.

¹ For interpretation of references in Acts to the South Australian Railways Commissioner see now S. 6 (4) and (5) of Railways Act, 1936-1975.

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

Penalty: One hundred dollars.

Tyres.
S. 109 amended
by 43, 1967,
s. 11; 3, 1974,
s. 18.

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

Penalty: Fifty dollars.

Driving on
sealed surface.
S. 110 amended
by 43, 1967,
s. 11.

PART IV

PART IV

EQUIPMENT, SIZE AND WEIGHT OF VEHICLES AND SAFETY PROVISIONS

Lamps

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

Penalty: One hundred dollars.

Duty to comply
with
requirements as
to lamps and
reflectors.
S. 111 amended
by 43, 1967,
ss. 7, 11; 3,
1974, s. 19;
substituted by
16, 1975, s. 31.

* * * * *

S. 112 amended
by 58, 1964,
s. 20; 3, 1974,
s. 20; repealed
by 16, 1975,
s. 31.

* * * * *

S. 113 repealed
by 16, 1975,
s. 31.

* * * * *

S. 114 amended
by 3, 1974,
s. 21; repealed
by 16, 1975,
s. 31.

* * * * *

S. 115 repealed
by 17, 1967,
s. 24.

* * * * *

S. 116 repealed
by 16, 1975,
s. 31.

* * * * *

S. 117 amended
by 3, 1974,
s. 22; repealed
by 16, 1975,
s. 31.

* * * * *

S. 118 amended
by 3, 1974,
s. 23; repealed
by 16, 1975,
s. 31.

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

Penalty: One hundred dollars.

Lamps to be
alight at night.
S. 119 amended
by 43, 1967,
s. 8; 16, 1975,
s. 32.

Lamps to be in good order and clean.

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

Prevention of glare.

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

Duty to dip headlamps.
S. 122 amended by 43, 1967, ss. 9, 11; 3, 1974, s. 24.

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

Penalty: Fifty dollars.

S. 123 repealed by 16, 1975, s. 33.

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Additional requirements as to lamps and reflectors.

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

Brakes

S. 125 repealed by 93, 1973, s. 6.

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Duty to comply with brake requirements.
S. 126 amended by 43, 1967, s. 11; redesignated s. 126 (1) by 93, 1973, s. 7.

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

Penalty: One hundred dollars.

Subsec. (2) inserted by 93, 1973, s. 7.

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

Subsec. (3) inserted by 93, 1973, s. 7.

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

S. 127 amended by 106, 1969, s. 21; repealed by 93, 1973, s. 8.

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Ss. 128-130 repealed by 93, 1973, s. 8.

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S. 131 repealed by 93, 1973, s. 9.

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Warning Devices and Other Equipment

Duty to comply with sections 133 to 138a.
S. 132 amended by 16, 1966, s. 21; 43, 1967, s. 11; 16, 1975, s. 34.

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

Penalty: One hundred dollars.

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

Warning device.
S. 133 amended
by 16, 1975,
s. 35.

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

Bells and
sirens.

- (a) a vehicle used by the Fire Brigades Board or a fire brigade or a fire-fighting organization registered under the laws relating to fire brigades or bushfires; or
- (b) a vehicle used by members of the police force in the course of their duties; or
- (c) an ambulance.

135. Every motor vehicle which—

Mechanical
signals on
certain vehicles.

- (a) has its steering wheel on the left of the longitudinal axis of the vehicle; or
- (b) is 2.2 metres wide or more,

Para. (b)
amended by 3,
1974, s. 25.

must be fitted with a mechanical or electrical device of a kind approved by the Board by which turning stopping and slowing down signals prescribed by this Act can be given.

136. Every motor vehicle (other than a motor cycle) having a windscreen must be equipped in accordance with the regulations with a windscreen wiper or windscreen wipers and a windscreen washer or windscreen washers.

Windscreen
wipers and
washers.
S. 136
substituted by
71, 1972, s. 17;
amended by 16,
1975, s. 36.

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

Rear vision
mirrors.
S. 137
substituted by
71, 1972, s. 17.

* * * * *

S. 137a enacted
by 106, 1969,
s. 22, repealed
by 71, 1972,
s. 17.

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

Silencers.

138a. (1) A motor vehicle which is registered for the first time after the first day of January, 1966¹, shall not have its steering wheel on the left of the longitudinal axis of the vehicle.

Left-hand drive
vehicles not to
be registered
after 1st
January, 1966.
S. 138a enacted
by 16, 1966,
s. 22.

(2) If the Board is satisfied that reasonable cause exists for doing so it may grant a permit permitting a vehicle to be driven on roads without compliance with the requirements of this section, but any such permit may be general, conditional or restricted as to time, place or circumstances and shall render lawful anything done in accordance therewith.

(3) The Board may, by instrument in writing, delegate (or revoke a delegation of) its powers to grant a permit under subsection (2) of this section, but any such delegation shall not derogate from the powers of the Board to act under that subsection itself.

Subsec. (3)
inserted by 106,
1969, s. 23.

¹ Reference to the year one thousand nine hundred and sixty-six altered to 1966 pursuant to s. 7 (1) of the Acts Reproduction Act, 1967, as amended.

PART IV

Heading
Inserted by 71,
1972, s. 18.

Power of Exemption

Exemption.
S. 138b enacted
by 71, 1972,
s. 18.

138b. The Board may, if it is satisfied that proper cause exists for so doing, by instrument in writing under the hand of the secretary, or by notice published in the *Gazette*, exempt, subject to such conditions (if any) as may be specified in the instrument or notice any vehicle, or vehicles of any class, from all or any of the provisions of sections 111 to 137 (inclusive) of this Act, and thereafter, subject to the conditions (if any) specified in the instrument or notice being complied with, the provisions from which the exemption is granted shall not apply to or in relation to that vehicle or vehicle of that class.

Dimensions of Vehicles

Duty to comply
with sections
140, 141 and
142.
S. 139 amended
by 43, 1967,
s. 11.

139. A person shall not drive a vehicle if in any respect the requirements of sections 140, 141 and 142 of this Act are not complied with in relation to that vehicle and any trailers or other vehicles attached thereto, or any load thereon.

Penalty: One hundred dollars.

Length of
vehicles.
S. 140 amended
by 3, 1974,
s. 26.

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

Width of
vehicles.
Subsec. (1)
amended by 106,
1969, s. 24 (a);
3, 1974,
s. 27 (a).

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

Subsec. (2)
substituted by
16, 1966,
s. 23 (a);
amended by 106,
1969, s. 24 (a);
3, 1974,
s. 27 (b); 16,
1975, s. 37 (a).

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

Para. (a)
amended by 106,
1969, s. 24 (a);
3, 1974,
s. 27 (b).

(a) an agricultural machine more than 2.5 metres wide;

Para. (b)
amended by 106,
1969, s. 24 (a);
3, 1974,
s. 27 (b).

(b) a vehicle carrying a load more than 2.5 metres wide consisting of agricultural machines or new motor bodies.

Subsec. (3)
substituted by
16, 1966,
s. 23 (a);
amended by 3,
1974, s. 27 (c);
16, 1975,
s. 37 (b).

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

Subsec. (4)
amended by 16,
1966, s. 23 (b);
17, 1967,
s. 25 (a), (b);
106, 1969,
s. 24 (b).

(4) In determining the width of a vehicle—

(a) any load or framework on the vehicle shall be regarded as part of the vehicle;

Para. (b)
substituted by
106, 1969,
s. 24 (b);
amended by 3,
1974, s. 27 (d).

(b) a rear vision mirror or a signalling device projecting not more than 150 millimetres from either side of the vehicle shall not be taken into account.

(5) In this section “agricultural machine” means a machine (other than a tractor) used for cultivating land or sowing, handling or harvesting crops.

142. The height of a vehicle together with any load or equipment thereon must not exceed 4.3 metres: Provided that this section shall not apply to an electrically driven omnibus having overhead poles for conducting electricity from overhead electrical conductors.

Height of vehicles.
S. 142 amended by 3, 1974, s. 28.

143. (1) If the Board is satisfied that reasonable cause exists for doing so, it may grant a permit permitting a vehicle to be driven on roads without compliance with any specified requirements of sections 140, 141 and 142 of this Act.

Exemptions.

(2) Any such permit may be general, conditional or restricted as to time, place or circumstances, and shall render lawful anything done in accordance therewith.

(3) The Board may, by instrument in writing, delegate (or revoke a delegation of) its powers to grant a permit under this section, but any such delegation shall not derogate from the powers of the Board to act under this section itself.

Subsec. (3) inserted by 106, 1969, s. 25.

Axle Weights

144. (1) If a vehicle that does not comply in any respect with the requirements of sections 145 to 149 (inclusive) of this Act or the regulations under those sections is driven on a road, the owner and the person in charge of the vehicle shall each be guilty of an offence and where the driver has not been required or instructed by his employer to drive the vehicle notwithstanding non-compliance with those requirements, the driver shall also be guilty of an offence.

Duty to comply with rules as to loads.

S. 144 amended by 16, 1966, s. 24 (a), (b); 43, 1967, s. 11; 106, 1969, s. 26 (a); redesignated s. 144 (1) by 106, 1969, s. 26 (b).
Subsec. (1) amended by 71, 1972, s. 19 (a), (b); 3, 1974, s. 29; 84, 1974, s. 3 (1) (2nd Sched.).

Penalty—

(a) For an offence involving non-compliance with a requirement as to the weight on an axle or axles, where the weight in excess of the permitted maximum is not more than 1 tonne—not less than fifty cents and not more than four dollars for every 50 kilograms of the excess;

Para. (a) amended by 43, 1967, s. 11; 3, 1974, s. 29 (a), (b).

(b) For an offence involving non-compliance with a requirement as to the weight on an axle or axles, where the weight in excess of the permitted maximum is more than 1 tonne—not less than fifty cents and not more than four dollars for every 50 kilograms of the first tonne of the excess and not less than four dollars and not more than ten dollars for every additional 50 kilograms of the excess;

Para. (b) amended by 43, 1967, s. 11; 3, 1974, s. 29 (c), (d), (e).

(c) For an offence against section 149: One hundred dollars.

Para. (c) amended by 43, 1967, s. 11.

(2) In any proceedings for an offence under this section, an allegation in a complaint that a person named therein was the owner, person in charge or driver of a vehicle therein referred to on a date therein specified shall be deemed to be proved in the absence of proof to the contrary.

Subsec. (2) inserted by 106, 1969, s. 26 (b).

(3) Where the Minister after consideration of reports from the Commissioner of Highways, and the Board considers that reasonable cause exists for doing so he may grant to any person a permit to operate a motor omnibus notwithstanding that it does not comply with the requirements referred to in subsection (1) of this section.

Subsec. (3) inserted by 71, 1972, s. 19 (c).

(4) Where such a permit is in force in relation to a motor omnibus it shall, subject to subsection (6) of this section, be lawful for the vehicle to be driven

Subsec. (4) inserted by 71, 1972, s. 19 (c).

on a road notwithstanding that it does not comply with the requirements referred to in subsection (1) of this section.

Subsec. (5)
inserted by 71,
1972, s. 19 (c).

(5) Any such permit must define or identify the roads upon which the motor omnibus may be driven in pursuance of the permit and may be subject to such other conditions or restrictions as the Minister thinks fit and includes in the permit.

Subsec. (6)
inserted by 71,
1972, s. 19 (c).

(6) If a motor omnibus in respect of which a permit has been granted under this section is driven on a road otherwise than in accordance with the permit and the conditions and restrictions (if any) to which the permit is subject, the holder of the permit shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

Subsec. (7)
inserted by 71,
1972, s. 19 (c).

(7) A permit under this section may relate to one or more motor omnibuses.

Subsec. (8)
inserted by 71,
1972, s. 19 (c).

(8) The Minister may at any time by notice in writing addressed to the holder of a permit under this section revoke the permit.

Interpretation.
S. 145
substituted by
93, 1973, s. 10.

145. (1) In this Act—

“gross combination weight” in relation to a motor vehicle means the aggregate weight carried on the axles of that motor vehicle and on the axles of any vehicles drawn by that motor vehicle:

“gross combination weight limit” in relation to a motor vehicle means a limit upon the aggregate weight to be carried on the axles of that motor vehicle and on the axles of any vehicles drawn by that motor vehicle determined by the Registrar in pursuance of this Act:

“gross vehicle weight” in relation to a vehicle means the aggregate weight carried on the axles of that vehicle:

“gross vehicle weight limit” in relation to a vehicle means a limit upon the aggregate weight to be carried on the axles of that vehicle determined by the Registrar in pursuance of this Act.

(2) In computing the weight carried on an axle of a vehicle the weight of the axle and of the wheels attached to the axle, and the weight of the vehicle and of its load so far as they bear on the axle, shall be taken into account.

Determination
of limits upon
gross vehicle
weight and
gross
combination
weight.
S. 146 amended
by 16, 1966,
s. 25 (a), (b); 17,
1967, s. 26;
substituted by
93, 1973, s. 10.

146. (1) The Registrar of Motor Vehicles may, on the advice of an advisory committee appointed for the purposes of this section, determine gross vehicle weight limits and gross combination weight limits in relation to any vehicles or class of vehicles.

(2) The Registrar shall enter any gross vehicle weight limit or gross combination weight limit for the time being applicable to a vehicle in the certificate of registration, or renewal of registration, issued by him in relation to the vehicle.

(3) The Minister may appoint an advisory committee for the purposes of this section consisting of such members as he thinks fit.

(4) The members of the advisory committee shall hold office upon such terms and conditions as may be determined by the Minister.

(5) Subject to any direction of the Minister, the advisory committee may conduct its proceedings in such manner as it thinks fit.

147. (1) If an axle is fitted with wheels having solid tyres, the weight on that axle must not exceed the lesser of the following weights:—

Maximum
weights.
S. 147
substituted by
93, 1973, s. 10.

(a) 5 tonnes;

or

(b) 140 kilograms for each 10 millimetres of the aggregate width of the bearing surface of the tyres.

(2) If an axle is fitted with wheels having pneumatic tyres, the weight shall be distributed so that—

(a) the weight on the front axle of a vehicle (other than a trailer or semi-trailer) shall not exceed 6.6 tonnes;

and

(b) the weight on any other axle shall not exceed 8.2 tonnes.

(2a) The weight on two or more axles of a vehicle must not exceed the aggregate of the maximum weight each of those axles may bear as determined in accordance with subsection (1) or subsection (2) of this section.

Subsec. (2a)
inserted by 16,
1975, s. 38.

(3) The total weight carried on all axles of a vehicle, and on all axles of any vehicles drawn by that vehicle (but not including the weight carried on the foremost axle) must not exceed 32.8 tonnes.

(4) On or after the first day of July, 1975, the aggregate weight on all axles of a vehicle—

Subsec. (4)
amended by 92,
1974, s. 4 (a).

(a) where the vehicle is registered in this State must not exceed by more than twenty per centum the gross vehicle weight limit applicable to that vehicle;

and

(b) where the vehicle is not registered in this State must not exceed any limitation or restriction upon gross vehicle weight imposed in respect of the vehicle under the law of the State or Territory of the Commonwealth in which the vehicle is registered.

(5) On or after the first day of July, 1975, the aggregate weight on all axles of a motor vehicle and on the axles of any vehicle or vehicles drawn by that motor vehicle—

Subsec. (5)
amended by 92,
1974, s. 4 (b).

(a) where the motor vehicle is registered in this State must not exceed by more than twenty per centum the gross combination weight limit applicable to that motor vehicle;

and

(b) where the motor vehicle is not registered in this State, must not exceed any limitation or restriction upon gross combination weight imposed in respect of the vehicle under the law of the State or Territory of the Commonwealth in which the motor vehicle is registered.

(6) The Board may by instrument in writing, or by notice published in the *Gazette*, exempt any vehicle, or vehicles of any class, or vehicles carrying any class of load, from any requirement of this section upon such conditions as the Board thinks fit and specifies in the instrument or notice.

(7) In considering whether to grant exemptions that are to be effective while the exempted vehicles are carrying loads consisting of primary produce, the Board shall subject to the requirements of road safety give due consideration to the need for the transfer of primary produce without undue delay from

the point of production to the place at which it is to be stored or processed, or from which it is to be carried further by some other form of transportation.

S. 148 repealed
by 93, 1973,
s. 10.

* * * * *

Requirements
for metal tyres.
S. 149 amended
by 3, 1974,
s. 30.

149. Every metal tyre on the wheel of a vehicle must—

- (a) have an even bearing surface across its full width;
- (b) be not less than 32 millimetres wide.

Exemption of
vehicles with
articulated
track.
S. 150 amended
by 93, 1973,
s. 11.

150. A vehicle having an articulated track in lieu of road wheels is not subject to the requirements of section 145, section 146, section 147 and section 149 of this Act.

Exemptions.

151. (1) The Board may grant a permit permitting a vehicle conveying heavy machinery or merchandise which cannot be taken apart without undue expense or loss to be driven on roads without compliance with any specified requirements of this Act or the regulations as to the maximum weight on any axle or axles of the vehicle: Provided that a permit granting exemption from the requirement of section 147 of this Act may be granted although the vehicle does not convey heavy machinery or merchandise which cannot be taken apart without undue expense or loss.

(2) Any such permit may be general, conditional, or restricted as to time place or circumstance, and shall render lawful anything done in accordance therewith.

Subsec. (3)
inserted by 106,
1969, s. 27.

(3) The Board may, by instrument in writing delegate (or revoke a delegation of) its powers to grant a permit under this section, but any such delegation shall not derogate from the powers of the Board to act under this section itself.

Duty of driver
as to weighing
vehicles and
loads.

Para. (a)
amended by 3,
1974, s. 31.

152. (1) A member of the police force or an inspector may request the driver or person in charge of a vehicle on a road—

- (a) to drive the vehicle or cause it to be driven forthwith to a weighbridge or weighing instrument specified by the person making the request, and situated not more than 8 kilometres from the place where the vehicle is at the time of the request; and
- (b) to permit the weight of the vehicle and its load, or the weight carried on any axle of the vehicle, or all such weights to be ascertained by means of such weighbridge or weighing instrument; and
- (c) to manoeuvre the vehicle as is necessary to enable such weighing to be carried out.

Subsec. (2)
amended by 43,
1967, s. 11; 106,
1969, s. 28.

(2) A person to whom a direction is given under subsection (1) of this section shall forthwith comply with it.

Penalty: Two hundred dollars.

Duty of owner
as to weighing
vehicle unladen.

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

Para. (a)
amended by 3,
1974, s. 32.

- (a) to cause the vehicle to be driven to a weighbridge or other weighing instrument specified in the notice and situated not more than 8 kilometres from the place where the vehicle is at the time of service of the notice; and

(b) to permit the vehicle to be weighed unladen by means of the weighbridge or weighing instrument specified in the notice; and

(c) to deliver the document issued by the person weighing the vehicle, and stating the unladen weight thereof, to the member or inspector who signed the notice.

(2) A person who receives such a notice shall forthwith comply with it.

Subsec. (2)
amended by 43,
1967, s. 11.

Penalty: One hundred dollars.

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

Measurement of
loads.

(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) of this section is made shall forthwith comply with it.

Subsec. (2)
amended by 43,
1967, s. 11.

Penalty: One hundred dollars.

155. (1) The weight of a vehicle with or without its load, or the weight on any axle or axles of a vehicle, calculated in accordance with the regulations shall in proceedings for an offence against this Act be deemed to be correct unless the contrary is proved.

Presumption of
correct weight
ascertained by
measurement.
S. 155
redesignated
s. 155 (1) by 93,
1973, s. 12.

(2) In order to determine the aggregate weight carried on the axles of a vehicle or vehicles, or on any two or more of those axles, it shall, subject to subsection (3) of this section, be unnecessary to measure the weight carried on all of the relevant axles simultaneously, but the aggregate weight may be determined by aggregating measurements of weight taken separately in relation to the axles in question.

Subsec. (2)
inserted by 93,
1973, s. 12.

(3) Where the person in charge of a weigh-bridge or weighing instrument proposes to take separate measurements of weight in relation to the axles of a vehicle and the driver, or person in charge, of the vehicle makes a reasonable and practicable request that a separate measurement of weight be taken in relation to a certain group of axles, the person in charge of the weigh-bridge or weighing instrument shall comply with that request.

Subsec. (3)
inserted by 93,
1973, s. 12.

(4) A weigh-bridge or a weighing instrument upon which any measurement of weight is taken for the purposes of this Act must have a level weighing surface.

Subsec. (4)
inserted by 93,
1973, s. 12.

(5) For the purposes of subsection (4) of this section a weigh-bridge or a weighing instrument has a level weighing surface if no point on the surface on which the weight to be measured bears is more than 15 millimetres above or below any other point on that surface.

Subsec. (5)
inserted by 93,
1973, s. 12.

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

Unloading of
excess weight.

(a) the weight on an axle of a vehicle on a road exceeds by more than 500 kilograms the maximum weight permitted by this Act or the regulations to be carried on that axle; or

Para. (a)
amended by 3,
1974, s. 33 (a).

Para. (b)
amended by 3,
1974, s. 33 (b).

- (b) that the weight on all the axles of the vehicle other than the front axle exceeds by more than 1.5 tonnes the maximum weight permitted by this Act or the regulations to be carried on those axles,

he may give the driver or person in charge of the vehicle such of the following directions as he deems appropriate in the circumstances:—

- (i) If the vehicle is on the carriageway of a road, that the driver or person in charge of the vehicle shall drive it forthwith off the carriageway to a place indicated by the person giving the direction:
- (ii) That the vehicle shall not be 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.

Subsec. (2)
amended by 43,
1967, s. 11.

- (2) A person to whom any such direction is given shall comply with it.

Penalty: One hundred dollars.

Towed Vehicles and Trailers

Requirements
as to towing.
S. 157 amended
by 43, 1967,
s. 11; 106, 1969,
s. 29 (a);
redesignated
s. 157 (i) by 106,
1969, s. 29 (b).

157. (1) A person shall not drive a vehicle having a vehicle (not being a trailer) attached thereto for the purpose of being towed, if any of the following provisions is not observed:—

Para. (a)
amended by 3,
1974, s. 34 (a).

- (a) The space between the vehicles must not exceed 4 metres:

- (b) Where the towed vehicle is a motor vehicle, a competent person must be in charge of that vehicle, to control it so far as the condition of its brakes and mechanism permit:

- (c) Where the two vehicles are joined by means of a rope, chain or wire, a white flag or cloth must be displayed on that rope, chain or wire, midway between the two vehicles:

Para. (d)
amended by 106,
1969, s. 29 (a);
3, 1974,
s. 34 (b).

- (d) Between sunset and sunrise a lighted lamp, showing a bright white light, must be affixed to the front of the towed vehicle in such a manner as to render clearly visible any flag or cloth displayed in accordance with paragraph (c) of this section, and a lighted lamp must be affixed to the off side of the rear of the towed vehicle, showing a red light clearly visible at a distance of 200 metres, to any person approaching the vehicle from the rear:

Provided that—

- (i) if the towed vehicle is attached to the towing vehicle by a towing device of a kind approved by the Board or complying with the regulations it shall not be necessary for a person to be in charge of the towed vehicle; and
- (ii) if the towed vehicle is fastened to the towing vehicle so as to be in contact therewith, the white flag or cloth mentioned in paragraph (c) of this section, and the lighted lamp affixed to the front of the towed vehicle as mentioned in paragraph (d), of this section are not required.

Penalty: One hundred dollars.

Subsec. (2)
inserted by 106,
1969, s. 29 (b).

- (2) The Board may, by instrument in writing, delegate; (or revoke a delegation of) its power to approve a towing device under subsection (1) of this

section, but any such delegation shall not derogate from the powers of the Board to act under this section itself.

158. (1) A person shall not drive—

- (a) a vehicle (other than a vehicle the unladen weight of which exceeds 2 tonnes, or a tractor) towing more than one trailer or other vehicle; or

- (b) a vehicle towing more than two trailers or other vehicles.

(2) The Board may grant to any person a permit permitting any vehicle, irrespective of its unladen weight, to be driven for the purpose of towing two trailers or other vehicles. Any such permit may be general, conditional or restrictive as to time, place or circumstances and shall render lawful the towing of two trailers or other vehicles in accordance with its terms.

Penalty: One hundred dollars.

(3) The Board may, by instrument in writing, delegate (or revoke a delegation of) its powers of granting a permit under this section, but any such delegation shall not derogate from the powers of the Board to act under this section itself.

Number of trailers or towed vehicles.

Para. (a) amended by 3, 1974, s. 35.

Subsec. (2) amended by 43, 1967, s. 11.

Subsec. (3) inserted by 106, 1969, s. 30.

Safety Provisions

* * * * *

S. 159 amended by 58, 1964, s. 23; 16, 1966, s. 26; 43, 1967, s. 11; 106, 1969, s. 31; 3, 1974, s. 36; repealed by 16, 1975, s. 39.

160. (1) In this section—

“defect notice” means a notice issued under subsection (5) of this section:

“inspector” means a person authorized in writing by the Minister to exercise the powers conferred on an inspector under this section:

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

(2) If a member of the police force or an inspector is of opinion that a vehicle does not comply with any one or more requirements of this Act or for any reason cannot safely be driven on roads he may direct the owner or person in charge of the vehicle to produce it for examination at a time and place stated by the member of the police force or the inspector.

(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 are open for business, enter into or upon those premises and, if he is of opinion that any vehicle exhibited or kept for sale therein does not comply with any one or more of the requirements of this Act or for any reason cannot be safely driven on roads, he may give to the owner or person in charge of the vehicle a direction referred to in subsection (2) of this section.

(3) A person shall comply with a direction given to him under subsection (2) or subsection (2a) of this section and no person shall hinder or prevent a member of the police force or an inspector from acting in exercise of the powers conferred on him by this section.

Penalty: One hundred dollars.

Defect notices.

Def. inserted by 71, 1972, s. 20 (a).

Subsec. (2) amended by 71, 1972, s. 20 (b), (c).

Subsec. (2a) inserted by 17, 1967, s. 27 (a); amended by 71, 1972, s. 20 (d).

Subsec. (3) amended by 17, 1967, s. 27 (b), (c); 43, 1967, s. 11; 71, 1972, s. 20 (e).

Subsec. (4)
amended by 71,
1972, s. 20 (f).

(4) A member of the police force or an inspector may—

(a) examine or cause to be examined any vehicle produced pursuant to a direction under this section:

(b) for the purpose of any such examination, drive or test or cause a person to drive or test the vehicle.

Subsec. (4a)
inserted by 106,
1969, s. 32.

(4a) No liability shall attach to any person in respect of any damage to a vehicle resulting from anything done *bona fide* in the course of, or in connection with, an examination of the vehicle conducted pursuant to subsection (4) of this section.

Subsec. (5)
amended by 71,
1972, s. 20 (g), (h).

(5) If a vehicle, upon examination, is found not to comply with this Act or to be unsafe, a member of the police force or an inspector may issue to the owner or person in charge of the vehicle a written notice (hereinafter called a defect notice)—

(a) specifying the repairs which are necessary in order to make the vehicle comply with this Act or to make it safe;

Para. (b)
amended by 17,
1967, s. 27 (d);
71, 1972,
s. 20 (h).

(b) directing that the vehicle shall not, except as provided in the defect notice, stand or be driven on a road or sold or otherwise disposed of after the issue of the defect notice until the said repairs have been made and the vehicle has been produced at a place specified in the defect notice for examination by a member of the police force or an inspector and he has certified that the repairs have been made.

Subsec. (6)
amended by 17,
1967, s. 27 (e), (f); 43,
1967, s. 11.

(6) A person shall 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.

Penalty: One hundred dollars.

Subsec. (6a)
inserted by 17,
1967, s. 27 (g).

(6a) It shall be a defence to a charge under subsection (6) of this section 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 had reason to believe that the vehicle was not intended to be used on a road after such sale or disposal.

(7) A defect notice—

(a) may provide that the vehicle to which it applies may be driven on roads to a convenient place for the purpose of having repairs made as required by the notice;

(b) shall provide that after the repairs have been made the vehicle to which it applies may be driven on a road by the nearest practicable route to the place specified in the defect notice for examination by a member of the police force.

Suspension of
registration of
unsafe vehicles.

161. (1) If the Commissioner of Police is satisfied that a motor vehicle is unsafe for use on roads he may suspend the registration of that vehicle.

(2) When the registration of a motor vehicle is so suspended the Registrar of Motor Vehicles or any person authorized by him or any member of the police force may remove the registration label from the vehicle and for the purpose of so doing may enter and remain upon any land or premises.

(3) If the Commissioner of Police is subsequently satisfied that a vehicle the registration of which has been suspended under this section has been made safe for use on roads he may remove the suspension; and if at the time of the removal of the suspension the period for which the vehicle was registered has not expired, the Registrar of Motor Vehicles shall issue to the owner without

fee a registration label similar to that removed from the vehicle under this section.

(4) The Commissioner of Police shall give to the owner of the vehicle concerned and to the Registrar of Motor Vehicles written notice of every suspension and removal of suspension under this section.

161a. (1) A person shall not drive a vehicle to which this section applies on or over a road without the approval of the Board.

Penalty: One hundred dollars.

Driving of air-cushioned vehicles, etc. prohibited without consent of Board.

S. 161a enacted by 17, 1967, s. 28; redesignated s. 161a (1) by 106, 1969, s. 33. Subsec. (1) amended by 71, 1972, s. 21 (a).

(2) The Board may delegate (or revoke a delegation of) its powers of approval under subsection (1) of this section, but any such delegation shall not derogate from the powers of the Board to act under that subsection itself.

Subsec. (2) inserted by 106, 1969, s. 33.

(3) This section applies to—

Subsec. (3) inserted by 71, 1972, s. 21 (b).

(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.

162. A person shall not drive a vehicle carrying a load if any one or more of the following requirements are not complied with:—

Securing of loads.
S. 162 amended by 16, 1966, s. 27; 43, 1967, s. 11.

(a) The load must be fastened or confined so as to ensure that it will remain in or upon the vehicle while it is in motion;

(b) The load must not project from the vehicle so as to be likely to injure any person or damage any property;

(c) If the load consists of iron, timber, piping or other solid material projecting beyond the front or rear of the vehicle, the projecting ends must be wrapped with bagging or other like material, and must be securely tied so as to prevent noise, flapping and swaying, and must have a piece of material or other device attached thereto in accordance with the regulations so as to clearly indicate the projection.

Penalty: One hundred dollars.

162a. (1) Subject to this section and the regulations, every motor vehicle must be equipped in accordance with the regulations with seat belts and anchorages for seat belts.

Seat belts.
S. 162a enacted by 65, 1963, s. 3; amended by 16, 1966, s. 28; 43, 1967, s. 11; 106, 1969, s. 34 (a), (b), (c); substituted by 71, 1972, s. 22. Subsec. (1) amended by 16, 1975, s. 40.

(2) A person shall not drive a motor vehicle if in any respect it does not comply with the requirements of this section.

Penalty: Fifty dollars.

(3) The Governor may by regulation—

(a) declare that any vehicle or vehicles of any class shall be exempt from the provisions of this section;

(b) prescribe specifications as to the design, materials, strength, construction and installation of seat belts and anchorages for seat belts;

(c) prescribe the seating positions for which seat belts or anchorages for seat belts are required;

and

(d) prescribe any other matters or specifications relating to seat belts and anchorages for seat belts.

(4) The Board 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) of this section, shall be deemed to comply with this section.

Wearing of seat belts to be compulsory.
S. 162ab enacted by 73, 1971, s. 3.

162ab. (1) After a day to be fixed by proclamation for the purposes of this section, a person shall not be seated in a motor vehicle that is in forward motion in a seat for which a seat belt is provided in pursuance of the provisions of this Act unless he is wearing the seat belt and it is properly adjusted and securely fastened.

Penalty: Twenty dollars.

(2) If in proceedings for an offence against this section the court thinks that the charge is proved but that the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment, the court may, without proceeding to conviction, dismiss the complaint and, if the court thinks fit, order the defendant to pay such costs of the proceedings as the court thinks reasonable.

(3) Subsection (1) of this section does not apply to—

(a) a person of a class declared by regulation to be a class of persons to which that subsection does not apply;

or

(b) a person who holds—

(i) a valid certificate signed by a legally qualified medical practitioner certifying that because of physical disability or for some other medical reason that person should not be required to wear a seat belt;

or

(ii) a valid certificate issued by the board under the hand of the chairman or secretary certifying that, in the opinion of the Board, that person should not be required to wear a seat belt,

and who, whenever requested to do so by a member of the police force, produces that certificate forthwith to that member of the police force or, within forty-eight hours after that request, at a police station nominated by the person to the member of the police force making the request.

Para. (c) struck out by 16, 1975, s. 41.

* * * * *

(4) A certificate under this section shall be valid for such period as may be specified in the certificate, or, in the absence of any such specification, for a period of ninety days from the day on which it was granted.

(5) In any legal proceedings, evidence that any person contravened this section shall not be regarded as establishing, or tending to establish, negligence or contributory negligence on the part of that person.

162b. A person shall not offer for sale or for hire a motor vehicle (other than a tractor), or a trailer, the unladen weight of which motor vehicle or trailer is less than 3 tonnes, which is fitted with a tyre that has been re-grooved.

Penalty: Forty dollars.

Prohibition of sale of re-grooved tyres.
S. 162b enacted by 26, 1964, s. 3; amended by 43, 1967, s. 11; 3, 1974, s. 37.

162c. (1) A person shall not drive, or ride on, a motor cycle at a greater speed than 25 kilometres an hour unless he is wearing a safety helmet that complies with the regulations.

Penalty: Twenty dollars.

Safety helmets.
S. 162c enacted by 17, 1967, s. 29; amended by 3, 1974, s. 38; 76, 1974, s. 4; substituted by 16, 1975, s. 42.

(2) Subsection (1) of this section shall not apply to a person who is carried in a side-car that is attached to a motor cycle.

(3) The Governor may by regulation—

(a) prescribe specifications as to the design, materials, strength and construction of safety helmets for use by persons driving or riding on motor cycles;

and

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

Information to be Marked on Certain Vehicles

163. (1) Except as provided in this section, every commercial motor vehicle the weight of which unladen exceeds 1.75 tonnes, and every vehicle carrying passengers or goods for hire, must have the name and address of the owner thereof and the unladen weight, the gross vehicle weight limit, and the gross combination weight limit (if any), of the vehicle painted—

Information to be painted on certain vehicles.
Subsec. (1) substituted by 106, 1969, s. 35 (a); amended by 93, 1973, s. 13 (a), (b), (c).

(a) in the case of a vehicle first registered before the first day of July, 1970, on some conspicuous part of the off side of the vehicle;

and

(b) in the case of a vehicle first registered on or after the first day of July, 1970, on the off side door of the vehicle, or, if there is no such door, on some conspicuous part of the off side of the vehicle near the driver's seat.

(1a) Subsection (1) of this section shall not apply to, or in relation to, a taxi-cab duly licensed by the Metropolitan Taxi-Cab Board, a council, or the Transport Control Board¹.

Subsec. (1a) inserted by 106, 1969, s. 35 (b).

(1b) The information required by this section to be painted upon a motor vehicle must be shown in the manner prescribed by regulation.

Subsec. (1b) inserted by 93, 1973, s. 13 (d).

(2) For the purpose of this section—

“name” means—

(a) in the case of a vehicle owned by an individual—the Christian names or the initials of the Christian names and the full surname of that individual;

¹ For interpretation of references in Acts to the Transport Control Board see now s. 15b of State Transport Authority Act, 1974-1975.

(b) in the case of a vehicle owned by a partnership—the registered business-name of the partnership or the names (stated as mentioned in paragraph (a) hereof) of each partner;

(c) in the case of a vehicle owned by a body corporate—the registered business-name or the full name of the body corporate:

“address” means either place of abode or place of business.

Subsec. (3)
amended by 43,
1967, s. 11.

(3) A person shall not drive a vehicle not complying with this section.

Penalty: One hundred dollars.

Subsec. (4)
inserted by 58,
1964, s. 24.

(4) The Board or a person authorized in writing by the Board may, by a certificate of exemption, exempt a vehicle from all or any of the requirements of this section.

Subsec. (5)
inserted by 58,
1964, s. 24.

(5) Any such exemption—

(a) shall remain in force for a period specified in the certificate or until the happening of a condition specified therein;

(b) shall be subject to any conditions specified in the certificate; and

(c) may be revoked by the Board upon breach of any condition thereof.

PART IVA

Part IVA and
heading enacted
by 16, 1975,
s. 43.

The Authority.
S. 163a enacted
by 16, 1975,
s. 43.

163a. (1) There shall be an authority entitled the “Central Inspection Authority” (in this Part referred to as “the Authority”).

(2) The Minister may, by notice published in the *Gazette*, declare that any person, body or department of Government shall constitute the Authority, and the Authority shall be 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 upon the Authority by this Act.

(5) A delegation under subsection (4) of this section shall be revocable at will and shall not derogate from the power of the Authority to act in any matter.

(6) The Authority shall be subject to the control and direction of the Minister.

Inspectors, etc.
S. 163b enacted
by 16, 1975,
s. 43.

163b. (1) The Governor may, subject to and in accordance with the Public Service Act, 1967-1974¹, appoint such inspectors as may be necessary or expedient for the performance of the functions of the Authority under this Act.

(2) The office of inspector may be held in conjunction with any other office in the public service of the State.

(3) The Authority may, with the approval of the Minister administering any department of the public service of the State, upon terms mutually

¹ Now Public Service Act, 1967-1975.

arranged, make use of the services of any officer, or use any motor vehicles, plant or equipment, of that department.

163c. (1) This Part applies to—

(a) an omnibus;

(b) any vehicle that plies for hire or reward (other than a taxi-cab that is licensed under the Metropolitan Taxi-Cab Act, 1956-1972¹);

and

(c) any other vehicle, or vehicle of a class, that may be prescribed.

(2) Where a vehicle to which this Part applies is driven for the purpose of carrying passengers (other than the driver) and is not the subject of a current certificate of inspection issued by the Authority under this Part, the driver of that vehicle and any person by whom he is employed to drive that vehicle shall each be guilty of an offence and liable to a penalty not exceeding one hundred dollars.

(3) Where the Registrar of Motor Vehicles suspects on reasonable grounds that a motor vehicle has been driven in contravention of this section, he may, upon 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.

163d. (1) The registered owner of a vehicle to which this Part applies shall cause that vehicle to be inspected by the Authority at least once within each prescribed periodic interval, or as the Authority may in any particular case direct.

(2) Subject to subsection (3) of this section, the Authority shall, after inspection of a vehicle and upon 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 shall remain in force until the expiration of the next periodic interval, specified in the certificate, within which the vehicle must be again inspected.

(3) The Authority may decline to issue a certificate where the inspection reveals some mechanical defect or inadequacy that may, in the opinion of the Authority, render the vehicle unsafe for the carriage of passengers.

(4) The Minister may exempt such persons, or persons of such class, from payment of the prescribed fee as he thinks fit.

(5) A certificate of inspection shall be subject to such conditions—

(a) as may be prescribed;

and

(b) as the Authority may think fit to include in the certificate.

(6) No person shall contravene, or fail to comply with, any condition of a certificate of inspection.

Penalty: One hundred dollars.

163e. The Authority may at any time, by notice in writing addressed to the registered owner of any vehicle to which this Part applies, require that owner to present the vehicle for inspection by the Authority at such place and within

Prohibition against driving a vehicle not subject to a certificate of inspection.
S. 163c enacted by 16, 1975, s. 43.

Inspection of vehicles and issue of certificates of inspection.
S. 163d enacted by 16, 1975, s. 43.

Random inspections.
S. 163e enacted by 16, 1975, s. 43.

¹ Now Metropolitan Taxi-Cab Act, 1956-1974.

such period of time as may be specified in the notice, notwithstanding that the vehicle is the subject of a current certificate of inspection.

Cancellation of
certificates of
inspection.
S. 163f enacted
by 16, 1975,
s. 43.

163f. The Authority may cancel a certificate of inspection upon being satisfied—

- (a) that the owner of the vehicle has failed to comply with a notice given to him under section 163e of this Act;
- (b) that a condition of the certificate has been contravened or has not been complied with;
- or
- (c) that a vehicle to which the certificate relates is unsafe for the carriage of passengers.

Inspection of
certificates.
S. 163g enacted
by 16, 1975,
s. 43.

163g. An inspector or a member of the police force may require the driver of a vehicle to which this Part applies to stop his 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.

Prohibition
against
hindering an
inspector.
S. 163h enacted
by 16, 1975,
s. 43.

163h. No person shall hinder or obstruct an inspector in the exercise or performance of any of the powers, functions or duties conferred or imposed upon him by this Part.

Penalty: One hundred dollars.

Evidentiary.
S. 163i enacted
by 16, 1975,
s. 43.

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,

shall, in the absence of proof to the contrary, be proof of the fact so certified.

PART V

PART V

SUPPLEMENTARY PROVISIONS

Proceedings for
offences.

164. Proceedings for offences against this Act shall be heard and determined summarily.

Subsequent
offences.

165. In determining whether an offence against a provision of this Act is a second or subsequent offence within the meaning of this Act, a like offence committed against an Act repealed by this Act shall be taken into account as an offence against the said provision:

Provided that an offence against the repealed Act shall not be so taken into account if the court which tried the case certified the offence to be trifling.

Offences by
employees.

166. If a person is charged with driving a vehicle which does not comply with a requirement of this Act as to lamps, warning devices, brakes, wind-screen wipers, rear vision mirrors, mechanical signals or other equipment or is

charged with causing such a vehicle to stand in a road, and proves that, at the time of the alleged offence—

- (a) he was the employee of another person; and
- (b) he drove the vehicle or caused it to stand under the express instructions of his employer; and
- (c) he was not aware that the vehicle did not comply with the requirement of this Act or had before the time of the alleged offence called the attention of his employer to the fact that the vehicle did not comply with that requirement,

the person so charged shall be acquitted.

167. (1) A person who causes or permits another person to commit any offence against any provision of this Act shall be guilty of an offence and liable to the penalty prescribed for the offence which he so causes or permits.

Causing or permitting certain offences.

(2) This section shall not restrict the application to any provision of this Act of section 53 of the Justices Act, 1921-1960¹, which relates to the liability of persons aiding, abetting, counselling or procuring the commission of offences.

168. (1) When a person is convicted, before the Supreme Court or any other court, of—

Power of court to disqualify driver on conviction.

- (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 may order—

- (i) that that person be disqualified either for a period fixed by the court or until further order from holding and obtaining a driver's licence; and
- (ii) may if it thinks fit order that the person so disqualified shall not at the end of the period of disqualification or upon the removal of the disqualification be granted a driver's licence until he passes a driving test as prescribed by section 79a of the Motor Vehicles Act, 1959-1960².

(2) The court which makes an order under this section may, if satisfied that reasonable cause exists for doing so, order that the disqualification shall take effect from a day or hour subsequent to the making of the order.

(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, his disqualification shall, subject to subsection (4), continue until the expiration or removal of the disqualification.

Subsec. (3) amended by 58, 1964, s. 25; 16, 1966, s. 29 (a).

(4) Notwithstanding anything in this Act or in the Motor Vehicles Act, 1959-1963², a person may drive a motor vehicle for the purpose of being tested pursuant to an order made under subsection (1) of this section notwithstanding that he is disqualified from holding and obtaining a driver's licence and shall for all purposes be deemed to be the holder of a driver's licence while being so tested.

Subsec. (4) inserted by 16, 1966, s. 29 (b).

¹ Now Justices Act, 1921-1975.

² Now Motor Vehicles Act, 1959-1975.

Duty of court to disqualify driver for certain offences.

Subsec. (1) amended by 3, 1974, s. 39; 84, 1974, s. 3 (1) (2nd Sched.).

169. (1) This section shall apply to offences against the following provisions of this Act, namely:—

Paragraph (a) of subsection (3) of section 43 (failure to stop after accident):

Section 46 (reckless and dangerous driving):

Section 48 (general speed limit of 110 kilometres an hour):

Paragraph (a) of subsection (1) of section 49 (speed limit in a municipality, town or township):

Section 50 (speed limit in speed zones):

Section 63 (giving way at intersections and junctions).

Subsec. (2) amended by 58, 1964, s. 26 (a).

(2) If a person after being convicted of an offence against a provision of this Act to which this section applies is convicted of another offence against the same provision committed within three years after the previous conviction the court shall order that that person shall be disqualified for a period fixed by the court or until further order from holding and obtaining a driver's licence: Provided that the court at the hearing of a complaint for any offence mentioned in subsection (1) of this section, if satisfied by evidence given on oath, that any such offence is trifling, may certify accordingly and if such a certificate is given the offence to which it relates shall not be taken into account for purposes of this subsection.

Subsec. (2a) inserted by 16, 1966, s. 30.

(2a) The court which makes an order under this section may, if satisfied that reasonable cause exists for so doing, order that the disqualification shall take effect from a day or hour subsequent to the making of the order.

Subsec. (3) redesignated by 58, 1964, s. 26 (b).

(3) An order made under this section may be in addition to any other penalty to which the defendant is liable.

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 himself or any other person, or to facilitate the escape of himself 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 either for a period fixed by the court or until further order from holding and obtaining a driver's licence.

Disqualification of addicts to liquor or drugs.

171. If a court of summary jurisdiction presided over by a special magistrate, on complaint duly laid by the Commissioner of Police or by the Registrar of Motor Vehicles, is satisfied that a person is by reason of intemperance in the consumption of alcoholic liquor or by reason of the habitual use of drugs, likely to cause danger to the public if he drives a motor vehicle on roads, the court may order that that person be disqualified either for a period fixed by the court or until further order from holding and obtaining a driver's licence.

Removal of disqualification.

172. (1) Where an order has been made against a person disqualifying him from holding and 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 deems it expedient to do so, order that the disqualification be removed as from any date which it thinks proper.

(2) An application shall not be made under this section within three months after the making of the original order for disqualification, nor within

three months after a previous application relating to the same order of disqualification.

173. (1) A person who by virtue of an order of a court under this Act is disqualified from holding and obtaining a driver's licence may appeal against the order in the same manner as against a conviction.

Appeals and suspension of disqualification.

(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 shall not have any 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 thereof, and a notice that the appeal has been duly instituted and the fees paid.

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 deemed to be a servant of that owner; and
- (b) whilst 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,

Liability when hired vehicles driven for hire.

that person shall, as regards liability for any injury, loss or damage caused by him whilst so driving the vehicle, be deemed to be the servant of the owner and to have been so driving the vehicle in the course of his 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.

Subsec. (2) substituted by 84, 1974, s. 3 (1) (2nd Sched.).

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

Evidence. Subsec. (1) amended by 16, 1966, s. 41; 106, 1969, s. 36 (a); 93, 1973, s. 14 (a).

- (a) that a specified traffic control device, warning device, gate, barrier, signal, sign, light, line or mark was on or near a road or conformed to the specifications of this Act and the regulations made thereunder; or
- (b) that any place was a road or carriageway or was on a road or carriageway; or
- (ba) that a road specified in the complaint was, on a date therein specified, a public road within the meaning of section 66 of this Act; or
- (c) that any road or part of a road was or was not within a municipality or in a town or township; or
- (d) that any road or part of a road was within a speed zone; or

Para. (a) amended by 16, 1966, s. 41.

Para. (ba) inserted by 106, 1969, s. 36 (a).

- (e) that any carriageway was a one-way or a two-way carriageway; or
- (f) that any person was at a time specified in the complaint the driver or rider of any vehicle or animal—

shall be proof of the matters so alleged in the absence of proof to the contrary.

Subsec. (2)
amended by 93,
1973, s. 14 (b).

(2) Proof that a person is registered as the owner of a motor vehicle shall be proof that he is the owner of that motor vehicle in the absence of proof to the contrary.

(3) In proceedings for an offence against this Act—

Para. (a)
amended by 93,
1973, s. 14 (c).

(a) a statement produced by the prosecution and purporting to be signed by the person in charge of a weighbridge or weighing instrument and stating the weight on an axle, or any axles, of a vehicle shall be proof of the facts so stated in the absence of proof to the contrary;

Para. (ab)
inserted by 93,
1973, s. 14 (d).

(ab) a statement produced by the prosecution and purporting to be signed by a person in charge of a weigh-bridge or weighing instrument and stating that the weigh-bridge or weighing instrument complies with the requirements of this Act shall be proof of the fact so stated in the absence of proof to the contrary;

Para. (ac)
inserted by 93,
1973, s. 14 (d).

(ac) a statement produced by the prosecution and purporting to be signed by a person in charge of a weigh-bridge or weighing instrument and stating that he has complied with all requirements of this Act in relation to the taking of certain specified measurements of weight shall be proof of the fact so stated in the absence of proof to the contrary;

Para. (b)
amended by 93,
1973, s. 14 (e).

(b) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by a superintendent or an inspector of Police, and purporting to certify that any stop-watch or speedometer specified therein had been tested on a day mentioned therein and was shown by the test to be accurate to the extent indicated in the document, shall, in the absence of proof to the contrary, be proof of the facts certified and that the stop-watch or speedometer was accurate to the said extent on each of the fourteen days following the day of the test;

Para. (ba)
inserted by 58,
1964, s. 27 (a);
amended by 93,
1973, s. 14 (f);
92, 1974, s. 5.

(ba) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or by a superintendent or an inspector of police, and purporting to certify that any traffic speed analyser specified therein had been tested by comparison with an accurate speedometer on a day mentioned therein and was shown by the test to be accurate to the extent indicated in the document, shall, in the absence of proof to the contrary, be 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;

Para. (bb)
inserted by 17,
1967, s. 30;
amended by 106,
1969, s. 36 (b);
93, 1973,
s. 14 (g).

(bb) a document produced by the prosecution and purporting to be signed by the Warden of Standards¹ or the Officer-in-Charge of Testing, Civil Engineering Testing Laboratories of the University of Adelaide and certifying that any weighbridge or weighing instrument had been tested on a day mentioned therein, such day being within twelve 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, shall, in the absence of proof to the contrary, be proof that at the time of the offence the weighbridge or weighing

¹ By s. 19 (3) of the Trade Measurements Act, 1971-1975, it was provided, *inter alia*, that the Warden of Standards in office immediately before the commencement of the Weights and Measures Act Amendment Act, 1975, shall be deemed to be a Warden of Trade Measurements appointed under subsection (1) of that section.

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 chairman of the Board; and

(ii) certifying that a vehicle specified in the document was not at a time stated therein exempted from any of the requirements of section 163 of this Act specified therein,

shall, in the absence of proof to the contrary, be proof of that fact.

Para. (c)
inserted by 58,
1964, s. 27 (b);
amended by 93,
1973, s. 14 (h).

176. (1) The Governor may make regulations for or with respect to all or any of the following matters, namely:—

Regulations.

(a) prescribing the design, colour, marking or other specifications of traffic control devices and of any other lines, marks or words which may be placed or inscribed on road surfaces for the regulation or guidance of traffic and for regulating and controlling the construction, erection, marking and use of such devices, lines, marks or words;

(b) fixing a special speed limit for any specified classes of vehicles, and declaring that any limit so fixed shall apply to such vehicles on all roads, or on any specified roads;

(c) prohibiting regulating or restricting the driving or standing of vehicles upon prescribed roads or parts of roads or on roads or parts of roads within a prescribed area;

(ca) prescribing any matter or thing relating to the manner in which any specified vehicle or class of vehicles is designed or constructed;

Para. (ca)
inserted by 106,
1969, s. 37.

(d) requiring vehicles or any class of vehicles to be equipped or fitted with or to carry brakes, lamps, dipping devices for lamps, reflectors, warning devices, rear vision mirrors, protective covers on driving chains, mudguards, mudflaps and other equipment or devices of any kind, in addition to any equipment or devices required by other provisions of this Act;

Para. (d)
amended by 93,
1973, s. 15 (a).

(e) prescribing requirements, additional to the requirements (if any) mentioned in other provisions of this Act, with which brakes, lamps, dipping devices for lamps, reflectors, warning devices, rear vision mirrors and other equipment and devices carried on or fitted to vehicles or any class of vehicles, or the loads of vehicles or any class of vehicles pursuant to this Act must comply;

Para. (e)
amended by 93,
1973,
s. 15 (b), (c).

(f) declaring that any specified class of lamps or equipment (other than lamps or equipment with which vehicles are required by law to be equipped) must not be carried on or fitted to vehicles or their loads;

(g) the couplings or other devices by which trailers are attached to or connected with the vehicles by which they are drawn, and requiring such trailers and vehicles to be fitted with safety chains complying with the regulations;

(h) prescribing methods of ascertaining the weight of a vehicle with or without its load, or of anything carried on a vehicle or the weight carried on any axle or axles of a vehicle by weighing, measurement, calculation or otherwise;

(i) prescribing a maximum weight, lower than that prescribed by this Act, which may be carried on any axle or axles of a vehicle;

Para. (ia)
inserted by 16,
1975, s. 44 (a).

(ia) prescribing the manner in which certificates of inspection issued by the Authority under Part IVA of this Act are to be affixed to vehicles;

(j) prohibiting the use on roads of vehicles which have any prescribed defect or deficiency or which in any particular do not comply with the regulations made under this Act;

Para. (ja)
inserted by 43,
1967, s. 10.

(ja) for or in respect of the maintenance and use of breath analysing instruments, for the procedures to be employed for ensuring that those breath analysing instruments function effectively and for the manner in which readings must be obtained from those instruments;

(k) prescribing any other matters which by this Act are required or permitted to be prescribed by regulations or which it is necessary or convenient to prescribe for the administration and enforcement of this Act;

(l) prescribing any matters, additional to those prescribed in this Act, which it is necessary or convenient to prescribe for securing the safe or convenient operation of vehicles and the safety or convenience of persons on roads, or for improving or regulating the flow or management of traffic;

Para. (la)
inserted by 58,
1964, s. 28.

(la) prescribing requirements with which a television receiver installed in a motor vehicle must comply and prohibiting the driving of a motor vehicle in which a television receiver is installed unless those requirements are complied with;

(m) declaring that any regulation or any provision of any regulation made under this section shall be subject to limitations in respect of the hours, days, or period in which it applies, or the circumstances, roads, locality, or class of vehicles to which it applies;

Para. (n)
amended by 71,
1972, s. 23 (a).

(n) prescribing exemptions from any of the requirements of sections 111 to 137 of this Act;

Para. (o)
amended by 43,
1967, s. 11.

(o) prescribing penalties recoverable summarily not exceeding fifty dollars for breach of any regulations made under this section.

(2) Regulations prescribing a maximum weight under paragraph (i) of subsection (1) of this section may specify the actual weight, or prescribe the method by which it is to be calculated.

(3) For the purpose of enabling traffic experiments to be conducted, the Governor may make regulations—

(a) suspending or amending any of the provisions of this Act contained in sections 48 to 105 inclusive;

(b) prescribing duties of road users different from or in substitution for any provisions so suspended and any other duties of road users or other matters which it is necessary or convenient to prescribe for the purpose of testing experimental traffic rules or schemes of traffic control.

Any regulations suspending or amending any provisions of this Act shall provide that the suspension or amendment will cease to operate on a day named in the regulations and being not later than six months from the day when the suspension or amendment takes effect.

The Governor may, however, by additional regulations extend the period of operation of any suspension or amendment for any period not exceeding three months at any one extension.

(4) A discretionary power may be conferred upon the Board or any other person or body of persons by regulation under this Act.

Subsec. (4)
inserted by 71,
1972, s. 23 (b).

(5) A regulation under this Act may impose requirements, or require compliance with standards or specifications, as amended, varied or substituted from time to time, that may be stipulated or recommended by a person, body or authority referred to in the regulation.

Subsec. (5)
inserted by 16,
1975, s. 44 (b).

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

Inconsistency
of by-laws.

SCHEDULES

THE FIRST SCHEDULE

Section 3.

Road Traffic Act, 1934, No. 2183 of 1934.
Road Traffic Act Amendment Act, 1936, No. 2332 of 1936.
Road Traffic Act Amendment Act, 1938, No. 2416 of 1938.
Road Traffic Act Amendment Act, 1939, No. 23 of 1939.
Road Traffic Act Amendment Act (No. 2), 1939, No. 34 of 1939.
Road Traffic Act Amendment Act (No. 3), 1939, No. 45 of 1939.
Road Traffic Act Amendment Act, 1940, No. 61 of 1940.
Road Traffic Act Amendment Act, 1941, No. 2 of 1941.
Road Traffic Act Amendment Act (No. 2), 1941, No. 46 of 1941.
Road Traffic Act Amendment Act, 1942, No. 4 of 1942.
Road Traffic Act Amendment Act (No. 2), 1942, No. 17 of 1942.
Road Traffic Act Amendment Act, 1943, No. 35 of 1943.
Road Traffic Act Amendment Act, 1944, No. 2 of 1944.
Road Traffic Act Amendment Act (No. 2), 1944, No. 20 of 1944.
Road Traffic Act Amendment Act, 1945, No. 2 of 1945.
Road Traffic Act Amendment Act (No. 2), 1945, No. 40 of 1945.
Road Traffic Act Amendment Act, 1946, No. 4 of 1946.
Road Traffic Act Amendment Act, 1947, No. 3 of 1947.
Road Traffic Act Amendment Act (No. 2), 1947, No. 40 of 1947.
Road Traffic Act Amendment Act, 1948, No. 55 of 1948.
Road Traffic Act Amendment Act, 1950, No. 29 of 1950.
Road Traffic Act Amendment Act, 1951, No. 48 of 1951.
Road Traffic Act Amendment Act, 1952, No. 41 of 1952.
Road Traffic Act Amendment Act (No. 1), 1953, No. 36 of 1953.
Road Traffic Act Amendment Act (No. 2), 1953, No. 37 of 1953.
Road Traffic Act Amendment Act, 1954, No. 48 of 1954.
Road Traffic Act Amendment Act, 1955, No. 34 of 1955.
Road Traffic Act Amendment Act (No. 2), 1955, No. 56 of 1955.
Road Traffic Act Amendment Act, 1956, No. 35 of 1956.
Road Traffic Act Amendment Act, 1957, No. 51 of 1957.
Road Traffic Act Amendment Act, 1958, No. 23 of 1958.
Road Traffic Act Amendment Act, 1959, No. 51 of 1959.
Road Traffic Board Act, 1960, No. 41 of 1960.

Section 3.

THE SECOND SCHEDULE

Transitional Provisions

In connection with the repeal of the enactments mentioned in the first schedule the following provisions shall have effect except where the context otherwise requires:—

1. Proceedings for an offence committed against a repealed enactment before the repeal, may be commenced or continued, and dealt with and completed in all respects as if this Act had not been passed.
 2. Any order disqualifying a person from holding and obtaining a licence made under a repealed Act before the repeal, may be suspended or removed under this Act, but, subject to any such suspension or removal, shall remain in force.
 3. Any approval, permit, exemption or certificate of safety granted under any of the repealed enactments and in force immediately before the repeal shall remain in force and have effect as if it had been lawfully granted by the appropriate authority under this Act.
 4. The Road Traffic Board of South Australia appointed under Act No. 41 of 1960, shall continue in office as if appointed under this Act, and this Act had been in force at the time of the appointment.
 5. If any doubt or difficulty arises as a result of the repeal by this Act of any enactment, or of the passing of this Act, the Governor may by proclamation give directions for the purpose of removing the doubt or difficulty or declaring what is to be done and such a proclamation shall have effect as if it were a provision of this Act.
 6. The prohibited area declared by proclamation made on the 18th March, 1937, under section 151 of the Road Traffic Act, 1934-1936 shall be deemed to be a prohibited area proclaimed under section 85 of this Act.
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