



ANNO DECIMO QUINTO

GEORGI VI REGIS.

A.D. 1951.

No. 48 of 1951.

An Act to amend the Road Traffic Act, 1934-1950.

[Assented to 13th December, 1951.]

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

1. (1) This Act may be cited as the " Road Traffic Act Amendment Act, 1951 ". Short titles.

(2) The Road Traffic Act, 1934-1950, as amended by this Act, may be cited as the " Road Traffic Act, 1934-1951 ".

(3) The Road Traffic Act, 1934-1950, is hereinafter called " the principal Act ".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. The sections of this Act, other than sections 1, 2 and 3, shall commence on such day or days as are fixed by the Governor by proclamation. Different days may be so fixed for the commencement of different sections. Commencement.

4. Section 9 of the principal Act is amended—

(a) by striking out the words " volatile spirit " in the second line of subparagraph (b) of paragraph (1) and inserting in lieu thereof the words " internal combustion engine " :

(b) by inserting at the end of paragraph (4) thereof the following passage :—

If a motor vehicle other than a motor tractor registrable at a reduced fee under paragraph (10)

Amendment of s. 9 of principal Act—
Mode of computing registration fee.

of this section is propelled by a compression ignition engine the fee for every registration thereof effected after the commencement of section 4 of the Road Traffic Act Amendment Act, 1951, shall be at such one of the above rates as is applicable, plus one hundred per cent.

(c) by adding at the end thereof the following paragraph:—

(16) A statutory declaration made for the purpose of satisfying the registrar as to any matter under this section may be made before and taken by any elector of the House of Assembly, not being a member of the declarant's family, and when so taken shall have the like effect under the Oaths Act, 1936, and for all purposes as if it had been made before and taken by a justice.

Enactment of
s. 9d of
principal Act—

5. The following section is enacted and inserted in the principal Act after section 9c:—

Non-
transferability
of registra-
tions at
reduced fee.

9d. (1) The registration of a motor vehicle which has been registered without payment of any fee, or upon payment of a reduced fee, shall not be transferable.

(2) In this section "reduced fee" means a fee other than the full fee, as prescribed by paragraphs (1) to (6) (inclusive) of section 9 of this Act, for the period for which the vehicle is registered: Provided that a fee shall not be deemed to be a reduced fee within the meaning of this section by reason only of the fact that it is reduced pursuant to section 10 of this Act.

Amendment of
section 10b of
the principal
Act—
Concessions to
incapacitated
ex-servicemen.

6. Section 10b of the principal Act is amended—

(a) by inserting after the word "foot" in the fourth line of paragraph (b) of subsection (1) the words "or receives a pension under the Australian Soldiers Repatriation Act, 1920-1949, at the rate for total incapacity";

(b) by striking out "1943" in the sixth line of the said paragraph (b) and inserting in lieu thereof "1949".

(c) by adding at the end thereof the following subsection:—

(4) The registrar shall not grant a registration under this section if the effect of so doing would be that the same person would at any time have more than one vehicle registered at a reduced fee pursuant to this section.

7. Section 20 of the principal Act is amended by adding at the end of subsection (1) the following proviso :—

Amendment of s. 20 of principal Act
Transfer of registration or refund.

Provided that a joint application to transfer the registration of a motor vehicle shall not be made if, pursuant to section 9d of this Act, that registration is not transferable.

8. Section 26 of the principal Act is amended by adding at the end of subsection (2) thereof the following paragraph :—

Amendment of s. 26 of principal Act
Notification of changes in vehicles.

(e) the substitution of a compression ignition engine for an engine of any other type.

9. Section 27 of the principal Act is amended by inserting after the word " subsection " in the first line of subsection (15) the figure " (10) ".

Amendment of s. 27 of principal Act—
Trader's plates.

10. Section 31 of the principal Act is amended—

Amendment of s. 31 of principal Act—
Drivers' licences.

(a) by striking out the last three lines of subsection (2) thereof :

(b) by striking out all words in subsection (4) thereof commencing with and including the words " the following fee " in the fourth line of that subsection and inserting in its place the words " a fee of five shillings ".

11. Section 36 of the principal Act is amended so as to read as follows :—

Amendment of s. 36 of principal Act—

36. Unless cancelled or suspended under this Act—

Duration of licence.

(a) every licence in force at the commencement of the Road Traffic Act Amendment Act 1951 shall continue in force until the next following thirtieth day of June ;

(b) every licence granted after the said commencement shall continue in force for a period of twelve months commencing on the first day of the month in which it is issued.

12. The following section is enacted and inserted in the principal Act after section 40b thereof :—

Enactment of s. 40c of principal Act—

40c. (1) Every motor vehicle which is seven feet wide or more, or which carries a load seven feet wide or more, shall be fitted with a mechanical or electrical device of a kind approved by the Registrar, by which driving signals substantially similar to those prescribed by section 134 of this Act may be given.

Mechanical signals on wide vehicles.

(2) A person who drives or causes or permits any person to drive on any road a motor vehicle which in any particular does not comply with this section shall be guilty of an offence.

Amendment of
s. 42 of
principal Act—
Lights on
motor vehicles.

13. (1) Section 42 of the principal Act is amended by inserting therein after subsection (2) the following subsection :—

(2a) The driver of a motor vehicle which is fitted with a device for dipping the main beam of its headlights shall keep the headlights dipped at any time when, between half an hour after sunset and half an hour before sunrise—

(a) the main beam of the headlights of any other vehicle approaching the vehicle from the opposite direction on the same road has been dipped while visible to such driver, and thereafter until the vehicles pass one another ;

(b) the vehicle is within three hundred yards of any other vehicle approaching it from the opposite direction on the same road.

(2) Section 42 is further amended by inserting after the word "section" in the last line of subsection (3) the words "or if any person fails to comply with subsection (2a) of this section".

Amendment of
s. 45 of
principal Act—
Duty to
produce
licence.

14. Section 45 of the principal Act is amended—

(a) by striking out in the fourth and fifth lines thereof the words "fails to do so within forty-eight hours of the making of the request" and inserting in lieu thereof the words "does not either produce his licence to the said member forthwith upon the making of the request, or produce it within forty-eight hours after the making of the request, at a police station named by the said driver to the member of the police force at the time of the making of the request"; and

(b) by adding at the end thereof the following subsection :—

(3) A document purporting to be signed by the Commissioner of Police and purporting to certify that a licence has not been produced as required by this section shall be *prima facie* evidence of the matter purporting to be so certified.

15. Section 48 of the principal Act is amended as follows :—

Amendment of
s. 48 of
principal Act—
Driving while
drunk or under
influence of
drugs.

- (a) After the word “ pounds ” (second occurring) in the ninth line of subsection (1) the words “ or imprisonment for not more than three months ” are inserted :
- (b) After the word “ and ” (second occurring) in the ninth line of subsection (1) the words “ in either case,” are inserted :
- (c) The words “ a fine of not less than fifty pounds and not more than one hundred pounds, or ” in the thirteenth and fourteenth lines are struck out :
- (d) The words “ two months ” in the fifteenth line are struck out and the words “ one month ” are inserted :
- (e) The words “ or both such fine and imprisonment ” in the sixteenth line are struck out :
- (f) The words “ in any case ” in the seventeenth line are struck out.
- (g) After subsection (1) of section 48 the following subsection is inserted :—

(1a) 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 passing of the Road Traffic Act Amendment Act, 1951.

16. Section 61 of the principal Act is amended by adding after paragraph iv. of subsection (1) thereof the following paragraphs :—

Amendment of
s. 61 of
principal Act—
Regulations.

- iva. Requiring exposed chains on motor vehicles to be protected by guards complying with such requirements as are prescribed by the regulations :
- ivb. Prescribing the methods by which trailers may be attached to or connected with the motor vehicles by which they are drawn, and requiring such trailers and motor vehicles to be fitted with safety chains complying with such requirements as are prescribed by the regulations.

Amendment of
s. 67a of
principal Act—
Effect of
disqualification.

17. Section 67a of the principal Act is amended by adding at the end thereof the following subsection :—

(3) If a person drives a motor vehicle while his licence is suspended or while he is disqualified from holding and obtaining a licence he shall be guilty of an offence and liable to imprisonment for not more than six months.

Amendment of
s. 70c of
principal Act—
Requirements
of policies.

18. Section 70c of the principal Act is amended by striking out subsection (2) thereof, and inserting in its place the following subsection :—

(2) A policy of insurance in relation to any motor vehicle shall be deemed to comply with this Part notwithstanding that the liability of the insurer under the policy is limited to four thousand pounds (including costs) in respect of any claim made by or in respect of any one passenger carried in that vehicle.

Amendment of
s. 70d of
principal Act—
Liability of
insurers.

19. Section 70d of the principal Act is amended—

(a) by inserting at the end of subsection (2) thereof the words "Provided also that the right to recover under this subsection shall be subject to any limitations prescribed by the policy of insurance as to the amount in respect of which the insured is indemnified";

(b) by inserting after the word "cannot" in the third line of subsection (3) the words "after due inquiry and search";

(c) by striking out paragraph (b) of subsection (6).

Amendment of
s. 70g of
principal Act—
Emergency
treatment.

20. Section 70g of the principal Act is amended—

(a) by striking out the words "twelve shillings and sixpence" in the eighteenth and nineteenth lines of subsection (1) and inserting in their place the words "one pound one shilling";

(b) by striking out the words "ten shillings and sixpence" in the twenty-fourth line of subsection (1) and inserting in their place the words "fifteen shillings".

Amendment of
s. 119 of
principal Act—
Interpretation.

21. Section 119 of the principal Act is amended by inserting after the definition of "animal" in subsection (1) thereof the following definition :—

“cross-over” means vehicular track which passes through the strip of land separating the carriage-ways of a double road and gives access from one carriage-way to the other, and includes any such track which is a continuation or part of a road adjoining a double road, but does not include any such track which is a continuation or part of a road intersecting a double road.

22. Section 127a of the principal Act is amended as follows :—

Amendment of s. 127a of principal Act—
Mode of making right turns.

(a) After subsection (3) thereof the following subsection is inserted :—

(3a) A turn to the right from a carriage-way of a double road (whether such turn is made into a cross-over or into an intersecting road) shall be made as if that carriage-way were a one-way traffic road.

The other subsections of this section shall apply to such a turn ; and in those subsections the expression “one-way traffic road” shall include the carriage-way of a double road and the word “junction” shall include the junction formed by a cross-over and the carriage-way of a double road.

(b) After subsection (4) thereof the following subsection is inserted :—

(5) This section shall not affect any duty imposed on any person by section 131 of this Act.

23. Section 130c of the principal Act is repealed and the following section is enacted and inserted in its place :—

Repeal of s. 130c of principal Act—

130c. (1) The Commissioner of Highways may mark on any part of any road a line for the purpose of indicating the division of the carriage-way of that road into traffic lanes. Every such line shall be of the colour and width fixed by the Commissioner and may be either a single or a double line, and the whole or any part of any line may be broken or unbroken.

Traffic lanes.

(2) Where the carriage-way of a road is divided into traffic lanes by a double line consisting of two unbroken lines placed at or near the centre of such carriage-way the driver or rider of a vehicle or animal shall keep the whole of that vehicle or animal on the left hand side of such line.

(3) Where the carriage-way is divided into traffic lanes by a double line consisting of one broken and one unbroken line placed at or near the centre of the carriage-way the driver or rider of a vehicle or animal shall keep the whole of that vehicle or animal on the left hand side of the double line when he is travelling in such a direction that the unbroken line is on the left hand side of the broken line.

(4) The allegation in a complaint that a line was marked on any road by the Commissioner of Highways for the purpose of indicating the division of the carriage-way into traffic lanes shall be *prima facie* evidence of that fact.

(5) For the purpose of this section any bridge used for vehicular traffic shall be deemed to be part of a road.

(6) If a person contravenes this section in any way he shall be guilty of an offence: Provided that it shall be a defence to a charge of contravening 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.

Amendment of
s. 131 of
principal Act—
Right of way.

24. Section 131 is amended by striking out subsection (6) thereof.

Enactment of
s. 131a of
principal Act—

25. The following section is enacted and inserted in the principal Act after section 131 :—

Right of way
at cross-overs
on double
roads.

131a. (1) A person shall not drive or ride a vehicle or animal from a cross-over into a carriage-way of a double road unless that carriage-way is sufficiently clear of traffic to enable the vehicle or animal to enter and proceed across or along the carriage-way without danger.

(2) A person who contravenes this section shall be guilty of an offence.

(3) This section shall have effect notwithstanding anything contained in section 131 of this Act.

Amendment
of s. 139 of
principal Act—
Duty to stop in
in case of
accident.

26. Section 139 of the principal Act is amended by striking out subsection (4) thereof and inserting in its place the following subsection :—

(4) If any person fails to comply with this section in any respect he shall be guilty of an offence: Provided that—

(a) a person shall not be punished for failing to comply with this section if the court is of opinion that the accident was a trivial one:

- (b) it shall be a defence to a charge of an offence under this section if it is shown that the defendant did not know that the accident had occurred and that his want of knowledge was not due to carelessness or recklessness ;
- (c) it shall be a defence to a charge of an offence under this section if it is shown that the only damage or injury resulting from the accident was damage or injury to property owned by the defendant.

27. The following section is enacted and inserted in the principal Act after section 152 thereof:—

Enactment of
s. 152a of
principal Act—

152a. (1) If the Commissioner of Police or the registrar suspects that any registered motor vehicle is unsafe for use on roads he may inspect or authorize any person to inspect that vehicle.

Unsafe
vehicles.

(2) For the purpose of making any such inspection the Commissioner of Police or registrar or any person authorized by either of them may—

- (a) direct any person having possession or control of the vehicle to produce it for inspection at a place specified by the said commissioner, registrar, or authorized person :
- (b) enter any land or premises and remain thereon for such time as is necessary to make the inspection:
- (c) do anything necessary or convenient to be done for the purpose of making an inspection of the vehicle.

(3) If the Commissioner of Police or the registrar is satisfied that any motor vehicle is unsafe for use on roads he may suspend the registration of that vehicle.

(4) When the registration of a motor vehicle is so suspended the registrar or any person authorized by him or any member of the police force may remove from the vehicle the registration card indicating the registration thereof and for the purpose of so doing may enter and remain upon any land or premises.

(5) If the Commissioner of Police or the registrar 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 the period for which the vehicle was registered

before the suspension has not expired the registrar shall upon removal of the suspension issue to the owner without fee a registration card similar to that removed from the vehicle under subsection (4) of this section.

(6) Any person who refuses or fails to comply with a direction given by the Commissioner of Police, the registrar, or an authorized person under this section shall be guilty of an offence.

(7) In this section the word "inspect" includes examine and test.

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

C. W. M. NORRIE, Governor.