



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 99 of 1981**An Act to amend the Road Traffic Act, 1961-1981.***[Assented to 23 December 1981]*

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

Short titles.

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act (No. 5), 1981".

(2) The Road Traffic Act, 1961-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1981".

Commence-
ment.

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

Amendment of
s. 5—
Interpretation.

3. Section 5 of the principal Act is amended—

(a) by inserting in subsection (1) after the definition of "driver" the following definition:

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

(b) by inserting after the definition of "the standing" in subsection (1) the following definition:

"towtruck" means a motor vehicle (including a trailer attached to a motor vehicle) designed, adapted or intended to lift and carry or partially lift and tow a motor vehicle that is incapable, by reason of damage or malfunction, of being operated properly under its own motive power;

and

(c) by inserting after subsection (2) the following subsection:

(3) For the purposes of this Act, a vehicle shall be deemed to be attached to another vehicle if it is drawn by that other vehicle, notwithstanding that the vehicles are not directly attached to each other.

4. Section 47a of the principal Act is amended by striking out from the definition of "alcotest" the passage "is indicated by the discolouration of a reagent contained in the apparatus upon contact with the breath exhaled by that person" and substituting the passage "who exhales into the apparatus is indicated".
- Amendment of
s. 47a—
Interpretation.
5. Section 91 of the principal Act is amended by striking out subsections (1) and (2) and substituting the following subsections:
- Amendment of
s. 91—
Duty to comply
with direction
of authorized
person.
- (1) An authorized person may give to any other person reasonable directions relating to the movement or positioning of vehicles or persons on or in the vicinity of a ferry.
- (2) An authorized person may request the driver of a vehicle that has entered or is about to enter a ferry to inform him of the total mass of the vehicle, any attached vehicle, and the loads (if any) on the vehicle, or any attached vehicle, or to supply him with information from which that total mass might be estimated.
6. Section 138a of the principal Act is amended by striking out subsections (2) and (3).
- Amendment of
s. 138a—
Prohibition
of left-hand
drive
vehicles.
7. Section 138b of the principal Act and the heading preceding that section are repealed.
- Repeal of
s. 138b
and heading.
8. Section 143 of the principal Act is repealed.
- Repeal of
s. 143.
9. Section 147 of the principal Act is amended by striking out subsections (6), (7) and (8).
- Amendment of
s. 147—
Maximum
masses.
10. Sections 157 and 158 of the principal Act are repealed and the following section is substituted:
- Repeal of
ss. 157 and
158 and
substitution of
new section.
157. A person shall not drive a vehicle to which another vehicle is attached for the purpose of being towed if a requirement of the regulations relating to the towing of vehicles is not complied with.
- Requirements
as to towing.
11. Section 162ab of the principal Act is amended by striking out subsection (5).
- Amendment of
s. 162ab—
Wearing of
seat belts
is compulsory.
12. Section 163 of the principal Act is amended—
- (a) by striking out subsections (1) and (2) and substituting the following subsection:
- (1) A vehicle of a prescribed class must have marked on it in accordance with the regulations the information prescribed in relation to that class of vehicle.;
- and
- (b) by striking out subsections (4) and (5).
- Amendment of
s. 163—
Information to
be painted on
certain
vehicles.
13. The following section and heading are inserted after section 163 and before Part IVA of the principal Act:
- Insertion of
new s. 163aa.

Power of
exemption.

Power of Exemption

163aa. (1) The Board may, by instrument in writing, or by notice published in the *Gazette*—

(a) exempt—

(i) any specified vehicle;

(ii) any vehicles of a specified class;

or

(iii) vehicles carrying loads of a specified kind,
from specified provisions of this Part;

or

(b) vary or revoke an exemption under paragraph (a).

(2) An exemption under subsection (1) shall be subject to such conditions and limitations (if any) as the Board thinks fit and specifies in the instrument or notice of exemption.

(3) The Board may by instrument in writing delegate (or revoke a delegation of) its powers to grant an exemption under this section but any such delegation shall not derogate from the powers of the Board to act under this section itself.

Amendment of
s. 163c—
Prohibition
against
driving a
vehicle not
subject to a
certificate of
inspection.

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

(a) by inserting after paragraph (b) of subsection (1) the following paragraph:

(ba) any towtruck;;

and

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

(2) Where a vehicle to which this Part applies is driven—

(a) in the case of a passenger vehicle—for the purpose of carrying passengers (other than the driver);

or

(b) in the case of a towtruck—for the purpose of towing or carrying another vehicle,

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.

Amendment of
s. 163d—
Inspection of
vehicles and
issue of
certificates of
inspection.

15. Section 163d of the principal Act is amended by striking out subsection (3) and substituting the following subsection:

(3) The Authority shall 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.

Amendment of
s. 163f—
Cancellation of
certificates of
inspection.

16. Section 163f of the principal Act is amended by striking out from paragraph (c) the passage “for the carriage of passengers”.

17. The following section is inserted after section 164a of the principal Act:

Insertion of new s. 164b.

164b. (1) If a person contravenes or fails to comply with a condition or restriction specified in a permit or exemption granted under this Act, the permit or exemption does not, while the contravention or non-compliance continues, operate in his favour.

Permit or exemption does not operate in favour of person who contravenes a condition thereof.

(2) Where, by virtue of subsection (1), a person is guilty of an offence against the provision of this Act from which he was exempted by the permit or exemption, he may be proceeded against either for that offence, or for the offence of contravening, or failing to comply with, a condition or restriction of the permit or exemption.

18. Section 168 of the principal Act is amended—

Amendment of s. 168—

(a) by striking out from paragraph (i) the passage “holding and obtaining” and substituting the passage “holding or obtaining”; and

Power of court to disqualify.

(b) by striking out from subsection (4) the passage “holding and obtaining” and substituting the passage “holding or obtaining”.

19. Section 169 of the principal Act is amended by striking out from subsection (2) the passage “holding and obtaining” and substituting the passage “holding or obtaining”.

Amendment of s. 169—
Duty of court to disqualify driver for certain offences.

20. Section 170 of the principal Act is amended by striking out the passage “holding and obtaining” and substituting the passage “holding or obtaining”.

Amendment of s. 170—
Disqualification where vehicle used for criminal purposes.

21. Section 172 of the principal Act is amended by striking out the passage “holding and obtaining” and substituting the passage “holding or obtaining”.

Amendment of s. 172—
Removal of disqualification.

22. Section 173 of the principal Act is amended by striking out from subsection (1) the passage “holding and obtaining” and substituting the passage “holding or obtaining”.

Amendment of s. 173—
Appeals and suspension of disqualification.

23. Section 176 of the principal Act is amended by inserting after paragraph (o) of subsection (1) the following paragraphs:

Amendment of s. 176—
Regulations.

(p) prescribing and providing for the payment of fees (not exceeding twenty dollars) in respect of specified matters;

(q) providing for the granting by the Board, subject to such conditions or restrictions as it may think fit, of exemptions from any provision of the regulations.

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

K. D. SEAMAN, Governor