



ANNO QUINTO

ELIZABETHAE II REGINAE

A.D. 1956.

No. 22 of 1956.

An Act to amend the Road and Railway Transport Act,
1930-1939.

[Assented to 8th November, 1956.]

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 and Railway Transport Act Amendment Act, 1956". Short titles.

(2) The Road and Railway Transport Act, 1930-1939, as amended by this Act, may be cited as the "Road and Railway Transport Act, 1930-1956".

(3) The Road and Railway Transport Act, 1930-1939, 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. This Act shall commence on a day to be fixed by the Governor by proclamation. Commencement of Act.

4. The following heading and sections are enacted and inserted in the principal Act after section 27e thereof :— Enactment of ss. 27f-27p.

Payment for use of roads by unregistered vehicles.

Interpretation.

27f. (1) In sections 27g to 27q—

“tare weight” means the weight of a vehicle without load, passengers, fuel, oil or tools, but including the weight of all equipment and accessories affixed to the vehicle :

“unregistered commercial vehicle” means a motor vehicle the tare weight of which is two and a half tons or more, and which is not registered under the Road Traffic Act, 1934-1955.

(2) For the purpose of the said sections a motor vehicle having at the rear thereof a portion on wheels which is pivoted and partly superimposed on the forward part of the vehicle shall be deemed to be one motor vehicle.

Payment for
use of roads.

27g. (1) If an unregistered commercial vehicle is driven on public roads in South Australia the owner of that vehicle shall pay to the board a charge for the use of those roads at the rate per mile of one-twentieth of a penny for each complete hundredweight of the tare weight of the vehicle.

(2) Every such charge shall become due at the time of the use of the road by the vehicle, and if not then paid, shall be paid as provided in section 27j.

(3) Every charge payable under this section shall be a debt due to the Board by the owner of the vehicle concerned and may be recovered by the Board—

(a) by action in a local court ; or

(b) by proceedings instituted by complaint in a court of summary jurisdiction ; or

(c) pursuant to an order of a court of summary jurisdiction made in proceedings for an offence against this Act.

(4) Notwithstanding the Local Courts Act, 1926-1947, an action to recover a charge payable by virtue of this section may be brought—

(a) in the Local Court of Adelaide ; or

(b) in any other local court having jurisdiction by virtue of the Local Courts Act, 1926-1947.

(5) When a complaint to recover a charge payable by virtue of this section is laid before a court of summary jurisdiction at Adelaide for recovery of any such charge, the court shall not desist from proceeding with the hearing because of any objection under section 47 of the Justices Act, 1921-1943.

27h. (1) The owner of an unregistered commercial vehicle which is driven on public roads in South Australia shall— Records.

- (a) cause a record to be kept in duplicate in the prescribed form of all journeys taken on public roads in South Australia by that vehicle ; and
- (b) on each day on which such a journey is taken by that vehicle cause to be entered in such record the particulars indicated therein of such journey ; and
- (c) retain every such record for at least six months after the last day to which it relates.

(2) A person shall not drive an unregistered commercial motor vehicle on a public road in South Australia unless there is in the vehicle the record kept pursuant to this section of journeys taken by the vehicle on public roads during the month then current, with particulars duly entered therein as required by this section.

(3) A person having the possession or custody of a record kept pursuant to this section shall on demand made by an officer of the Board or a member of the police force forthwith deliver such record to the person making the demand.

The Board, or an officer of the Board or a member of the police force may examine any such record and for that purpose retain it for a reasonable time.

(4) A person who fails to comply with or contravenes any provision of this section shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

27j. (1) Subject to section 27k, the owner of an unregistered commercial motor vehicle shall before the expiration of the fourteenth day after the end of each month in which the vehicle has been driven on roads in South Australia—

Returns and
payments

(a) deliver to the Board at its office in Adelaide one of the original copies of the record kept under section 27h of journeys made by that vehicle during that month, with the certificate hereinafter mentioned ; and

(b) pay to the Board the charges payable in respect of the miles travelled by that vehicle on roads in South Australia during the said month.

(2) An owner who is required by this section to deliver a record shall—

(a) personally certify in writing that the record is complete and correct in all particulars, or appoint some person in his employment to give such a certificate ; and

(b) deliver such a certificate to the Board with the record to which it applies.

(3) A record or payment may be sent to the Board by post, and if properly stamped, addressed and posted, shall be deemed to have been delivered to the Board on the day of posting.

(4) A person who fails to comply with any requirement of subsection (1) or (2) of this section shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

**Alternative
arrangements.**

27k. (1) The Board may make an arrangement in writing with the owner of an unregistered commercial vehicle as to—

(a) the time and place and manner of paying the charges imposed by section 27g ; and

(b) the records to be kept by that owner ;

(c) the delivery of such records to the board.

(2) An owner of an unregistered commercial vehicle who carries out an arrangement made under this section shall be deemed to have complied with this Act as regards the payments made and records kept and delivered by him in accordance with that arrangement.

(3) An arrangement made under this section shall not provide for altering the amount of any charge imposed by this Act, or for postponing the time for payment of any charge for more than three months after it would otherwise be payable.

27l. All money received by the Board in payment of charges under section 27g shall be paid into the Highways Fund, and shall be used solely for the maintenance of roads.

Payment of
charges to
Highways
Fund.

27m. A person who makes a false or misleading statement in any such record as mentioned in section 27h, or in any such certificate as mentioned in section 27j shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

False
statements.

27n. Where a person is convicted of an offence against section 27h or 27j and the Court is satisfied upon evidence given in the proceedings that he has not paid any charge imposed by section 27g which he is liable to pay, the Court may in addition to convicting that person and imposing a fine, give judgment or make an order for the payment of such charges.

Orders for
payment of
charges.

27o. (1) A certificate by the Registrar or Deputy Registrar of Motor Vehicles certifying that at any time or during any period specified therein a vehicle was not registered under Road Traffic Act, 1934-1955, shall be *prima facie* evidence of the matter so certified.

Evidentiary
provisions.

(2) A certificate by the Registrar or Deputy Registrar of Motor Vehicles certifying that the tare weight of the vehicle described therein is of or above an amount stated in the certificate shall be *prima facie* evidence of the matter so certified.

(3) An apparently genuine document purporting to be a certificate such as is mentioned in subsection (1) or subsection (2) of this section shall on its mere production on behalf of the prosecutor be accepted in evidence as such a certificate. No proof of the signature or official position of the person purporting to give the certificate shall be required.

(4) Any road or street ordinarily used for the passage of vehicles shall be deemed to be a public road unless the contrary is proved.

(5) In proceedings for an offence against section 27h, 27j, or 27p, or any regulation under section 27q, the allegation in the complaint that any person was at any specified time the owner of a vehicle described therein shall be *prima facie* evidence of the matter so certified.

Duty of driver
to answer
questions.

27p. (1) The driver of an unregistered commercial vehicle shall truly answer any question put to him by an officer of the Board or a member of the police force for the purpose of ascertaining all or any of the following matters, namely, the name and address of the owner of the vehicle and the times when and the routes on which any journeys were taken by the vehicle on public roads in South Australia.

(2) A person who fails to comply with subsection (1) of this section shall be guilty of an offence and liable to a fine not exceeding fifty pounds.

Regulations.

27q. The powers conferred on the Governor by section 36 of this Act shall include power to make regulations—

- (a) providing for stopping and detaining unregistered commercial vehicles in respect of which any charges due under this Act are not paid, and for the release of any such vehicles after payment of the charges ;
- (b) prescribing any matters incidental to such stopping, detaining and release ;
- (c) prescribing any matters necessary or convenient to be prescribed for the administration and enforcement of sections 27g to 27p (inclusive) of this Act or of regulations made under this section.

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

J. M. NAPIER, Governor's Deputy.