



ANNO VICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1973

No. 93 of 1973

An Act to amend the Road Traffic Act, 1961-1972.

[Assented to 13th December, 1973]

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, 1973". Short titles.

(2) The Road Traffic Act, 1961-1972, as amended by this Act, may be cited as the "Road Traffic Act, 1961-1973".

(3) The Road Traffic Act, 1961-1972, is hereinafter referred to as "the principal Act".

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

3. Section 5 of the principal Act is amended—

(a) by striking out the definition of "articulated motor vehicle" and inserting in lieu thereof the following definition:—

"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

Amendment of principal Act, s. 5—
Interpretation.

(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;;

(b) by striking out the word "or" between paragraphs (a) and (b) of the definition of "commercial motor vehicle";

(c) by inserting after paragraph (b) of the definition of "commercial motor vehicle" the following paragraph:—

or

(c) an omnibus.;

(d) by inserting after the definition of "motor vehicle" the following definition:—

"omnibus" means a motor vehicle—

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

and

(b) designed to carry more than eight passengers;;

and

(e) by inserting after the definition of "owner" the following definition:—

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

Repeal of
s. 53 of
principal Act
and enactment
of section in
its place—

Speed limits
for certain
vehicles.

4. Section 53 of the principal Act is repealed and the following section is enacted and inserted in its place:—

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.

(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.

5. Section 53a of the principal Act is repealed.

Repeal of
s. 53a of
principal Act.

6. Section 125 of the principal Act is repealed.

Repeal of
s. 125 of
principal Act.

7. Section 126 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections:—

Amendment of
principal Act,
s. 126—
Duty to comply
with brake
requirements.

(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.

(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.

8. Sections 127 to 130 (inclusive) of the principal Act are repealed.

Repeal of
ss. 127 to 130
of principal
Act.

9. Section 131 of the principal Act is repealed.

Repeal of
s. 131 of
principal Act.

10. Sections 145 to 148 (inclusive) of the principal Act are repealed and the following sections are enacted and inserted in their place:—

Repeal of
ss. 145 to 148
of principal
Act and
enactment of
sections in
their place—
Interpretation.

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.

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.

Maximum weights.

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:—

(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.

(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 January, 1975, the aggregate weight on all axles of a vehicle—

(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 January, 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—

(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.

11. Section 150 of the principal Act is amended by striking out the passage “the preceding five sections” and inserting in lieu thereof the passage “section 145, section 146, section 147 and section 149 of this Act”.

Amendment of
principal Act,
s. 150—
Exemption of
vehicles with
articulated
trucks.

Amendment of
principal Act,
s. 155—
Measurement
of weight.

12. Section 155 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections:—

(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.

(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.

(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.

(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.

Amendment of
principal Act,
s. 163—
Information to
be painted on
certain vehicles.

13. Section 163 of the principal Act is amended—

(a) by striking out from subsection (1) the passage “thirty-five hundredweights” and inserting in lieu thereof the passage “1.75 tonnes”;

(b) by inserting after the passage “unladen weight” in subsection (1) the passage “, the gross vehicle weight limit, and the gross combination weight limit (if any),”;

(c) by striking out from subsection (1) the passage “in letters at least two inches high and at least one inch wide”;

and

(d) by inserting after subsection (1a) the following subsection:—

(1b) The information required by this section to be painted upon a motor vehicle must be shown in the manner prescribed by regulation.

14. Section 175 of the principal Act is amended—

Amendment of
principal Act,
s. 175—
Evidence.

- (a) by striking out from subsection (1) the passage "*prima facie* evidence of the matters so alleged" and inserting in lieu thereof the passage "proof of the matters so alleged in the absence of proof to the contrary";
- (b) by striking out from subsection (2) the passage "*prima facie* evidence that he is the owner of that motor vehicle" and inserting in lieu thereof the passage "proof that he is the owner of that motor vehicle in the absence of proof to the contrary";
- (c) by striking out from paragraph (a) of subsection (3) the passage "*prima facie* evidence of the facts so stated" and inserting in lieu thereof the passage "proof of the facts so stated in the absence of proof to the contrary";
- (d) by inserting after paragraph (a) of subsection (3) the following paragraphs:—
- (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;;
- (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;
- (e) by striking out from paragraph (b) of subsection (3) the passage "shall be *prima facie* evidence" and inserting in lieu thereof the passage "shall, in the absence of proof to the contrary, be proof";
- (f) by striking out from paragraph (ba) of subsection (3) the passage "shall be *prima facie* evidence" and inserting in lieu thereof the passage "shall, in the absence of proof to the contrary, be proof";
- (g) by striking out from paragraph (bb) of subsection (3) the passage "shall be *prima facie* evidence" and inserting in lieu thereof the passage "shall, in the absence of proof to the contrary, be proof";

and

- (h) by striking out from paragraph (c) of subsection (3) the passage "shall be *prima facie* evidence of that fact" and inserting in lieu thereof the passage "shall, in the absence of proof to the contrary, be proof of that fact".

Amendment of
principal Act,
s. 176—
Regulations.

15. Section 176 of the principal Act is amended—

- (a) by inserting in paragraph (d) of subsection (1) after the passage "requiring vehicles" the passage "or any class of vehicles";
- (b) by striking out from paragraph (e) of subsection (1) the passage "to those" and inserting in lieu thereof the passage "to the requirements (if any)";

and

- (c) by striking out from paragraph (e) of subsection (1) the passage "or their loads" and inserting in lieu thereof the passage "or any class of vehicles, or the loads of vehicles or any class of vehicles".

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

M. L. OLIPHANT, Governor