No. 56 of 1955

An Act to amend the Road Traffic Act, 1934-1954.

[Assented to 8th December, 1955.]

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 (No. 2), 1955”.

(2) The Road Traffic Act, 1934-1954, as amended by this Act, may be cited as the “Road Traffic Act, 1934-1955”.

(3) The Road Traffic Act, 1934-1954, is hereinafter referred to as “the principal Act”.

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

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

(2) The Governor may by proclamation fix a day or days on which all or any of the provisions of this Act, other than sections 1, 2 and 3, shall come into operation, and those provisions shall come into operation on the day or days so fixed.

4. Section 4 of the principal Act is amended by striking out the word “buckboard” in the fourth line of the definition of “commercial motor vehicle” and inserting in lieu thereof the word “utility”.
5. Subsection (5) of section 7 of the principal Act is amended—
(a) by striking out the word “fifteen” in the third line
and inserting in lieu thereof the word “twenty-
five”;
(b) by inserting after the word “implements” occurring
in the eighteenth line thereof the following
passage:—
If there is no workshop where repairs can be
efficiently carried out to a tractor within twenty-
five miles of the farm occupied by the owner of the
tractor, the tractor may be driven as aforesaid on
roads more than twenty-five miles from the said
farm for the purpose of proceeding to the nearest
workshop where such repairs can be efficiently
carried out and returning to the said farm from
such workshop;
(c) by striking out the words “a tractor as mentioned
in this subsection” in the twenty-first and twenty-
second lines and inserting in their place the words
“a tractor or other motor vehicle on any road within
twenty-five miles of a farm occupied by the owner
of such tractor or motor vehicle”.

6. Section 7b of the principal Act is amended by striking
out in the second and third lines of subsection (3) the words
“the windscreen of”.

7. Section 27 of the principal Act is amended as follows:—
(a) After subsection (1) thereof the following subsection
is inserted:

(1a) The registrar may also issue as aforesaid to
any manufacturer of agricultural machinery
such number of limited traders’ plates as
the registrar in his discretion considers
necessary for attachment to agricultural
machines driven or drawn on roads in the
course of the business of such manu-
facturer.

(b) At the end of subsection (5) thereof the following
proviso is inserted:—
Provided that the Registrar may, in accordance
with this section, issue limited traders’ plates to
a manufacturer of agricultural machinery whether
such manufacturer does or does not hold general
traders’ plates.
8. (1) Section 38a of the principal Act is amended by striking out the word "ten" in paragraph (b) in subsection (1a) and inserting in lieu thereof the word "three".

(2) The amendment made by subsection (1) of this section shall apply in every case where, after the commencement of this section, a person is convicted of a second or subsequent offence as mentioned in subsection (1a) of section 38a of the principal Act.

9. Section 42 of the principal Act is amended as follows:

(a) Paragraph (b) of subsection (1) is struck out and the following paragraphs are inserted in lieu thereof:

(b) a lighted lamp on the rear of such motor vehicle either in the centre thereof or on the right hand side of such centre, showing a red light to the rear clearly visible under normal atmospheric conditions at a distance of two hundred yards;

(c) a lighted lamp (which may be the lamp provided under paragraph (b) of this subsection, or a different lamp) illuminating and rendering easily distinguishable from a distance of at least sixty feet each figure and letter on the number plate attached to the rear of such motor vehicle:

(b) The expression "light provided for by subdivision (b)" in the second line of paragraph (a) of the proviso to subsection (1) is struck out and the expression "lights mentioned in the foregoing paragraphs (b) and (c)" is inserted in lieu thereof.

(c) Paragraph (a) of subsection (2) is amended by striking out the words "and also illuminate and render easily distinguishable from a distance of at least ten yards, each figure and letter on the number-plate attached to the front of the motor cycle."

10. Section 42c of the principal Act is amended—

(a) by striking out the words "motor cycle" in the first line of subsection (1) and inserting in lieu thereof the word "trailer"; and

(b) by striking out the proviso to subsection (1); and

(c) by striking out subsection (3).
11. Section 85 of the principal Act is amended as follows:—

(a) The following definition is inserted therein before the definition of "council":—

"axle" means that part of a vehicle consisting of one or more shafts, spindles or bearings in the same transverse vertical plane or between two transverse vertical planes not more than forty inches 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:

(b) In the definitions of "council" and "local government area" or "area", the expression "No. 1" is struck out:

(c) In the definition of "motor vehicle" the whole of paragraph (a), and the letter "(b)" and the word "semi-trailer" in the last line are struck out:

(d) In the definition of "non-mechanical vehicle" the word "semi-trailer" in the third and fourth lines is struck out.

12. Section 88 of the principal Act is amended by adding after paragraph (c) thereof the following passage:—

or (d) any motor vehicle having rubber tires and carrying on any two axles thereof a greater weight than sixteen tons.

13. Section 90 of the principal Act is amended by striking out the proviso in paragraph (b) thereof and inserting in lieu thereof the following proviso:—

Provided that the consent of the Commissioner of Highways has been obtained to the conveyance of such machinery or merchandise, and that the conditions (if any) on which the consent is given are complied with. Before giving any such consent the Commissioner shall consult with any other authorities which have the duty to maintain the roads over which the load is to be conveyed.

14. Section 96 of the principal Act is amended by striking out the words "one mile" in the second line of subsection (2) and inserting in lieu thereof the words "five miles".
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15. Section 99 of the principal Act is repealed and the following section is enacted and inserted in lieu thereof:

99. (1) Any member of the police force, any inspector, or any authorized officer may—

(a) direct the driver of any vehicle on a road to stop such vehicle;

(b) request the driver or the person apparently in charge of a vehicle on any road to answer any question put to him for the purpose of ascertaining the name and address of the owner of the vehicle.

(2) Any person who—

(a) does not obey any direction given to him under this section; or

(b) does not answer any question put to him under this section; or

(c) gives any untrue information in answer to a question put to him under this section,

shall be guilty of an offence.

16. Section 101 of the principal Act is amended by striking out the word “two” in the last line of paragraph (a) of subsection (3) and inserting in lieu thereof the word “five”.

17. Section 102 of the principal Act is amended by striking out the word “ten” in the second line of subsection (2) and inserting in lieu thereof the word “fifty”.

18. Section 105 of the principal Act is amended—

(a) by striking out the word “ten” in the third line and inserting in lieu thereof the word “fifty”; and

(b) by striking out the word “twenty” in the last line and inserting in lieu thereof the words “one hundred”.

19. Section 122 of the principal Act is amended—

(a) by inserting after the word “operating” in the last line of paragraph (d) of subsection (2) the words “unless he is directed by an employee of the Railways Commissioner to proceed across the railway line”;

Repeal of  
1 of  
principal Act  
and re-enactment  
with amendments—  
Power to stop vehicles and ask questions.

Amendment of  
a. 101 of  
principal Act—  
Duty to weigh vehicle if required.

Amendment of  
a. 102 of  
principal Act—  
Penalty in regulations.

Amendment of  
a. 105 of  
principal Act—  
General penalty.

Amendment of  
a. 122 of  
principal Act—  
Crossing railways.
(b) by inserting after subsection (2) the following sub-
sections:—

(2a) If any person when approaching an
authorized railway crossing place drives a vehicle
at a speed exceeding twenty miles an hour
within fifty yards of the railway line he shall
be guilty of an offence.

(2b) A person driving an omnibus or driving a
vehicle which is carrying inflammable gases, or
explosive material, shall before driving across a
railway line stop such omnibus or vehicle not less
than ten feet and not more than forty feet from
the railway line.

A person contravening this subsection shall be
guilty of an offence.

In this subsection “omnibus” means—

(a) any vehicle which has seating accommo-
dation for more than eight persons and
is carrying any person other than the
driver; and

(b) any other vehicle which is carrying more
than eight persons.

20. Section 123 of the principal Act is amended by adding
at the end of subsection (2) thereof the following paragraph:—

(d) Notwithstanding the previous paragraphs of this
subsection, where a green signal has a directional
arrow thereon a person who has driven or ridden a
vehicle or animal across the stop line during the
showing of such a signal or upon the change of such
a signal as allowed by paragraph (c) of this sub-
section, shall—

(i.) if the arrow pointed to the right or left,
forthwith complete a turn in the direction
so indicated and leave the intersection;

(ii.) if the arrow pointed in a vertical direction,
forthwith complete the crossing of the
intersection without turning.

21. Section 130b of the principal Act is amended by striking
out subsections (2) and (2a) thereof and inserting in lieu thereof
the following subsections:—

(2) When any such sign is erected at or near a level
crossing the rider or driver of a vehicle or animal shall when
approaching that level crossing, stop his vehicle or animal not less than ten feet and not more than forty feet from the railway line.

(2a) When any such sign is erected at or near a level crossing a person on foot shall when approaching that level crossing stop not less than ten feet and not more than forty feet from the railway line.

22. The following section is enacted and inserted in the principal Act after section 130d thereof:—

130e. (1) In this section “pedestrian crossing” means a crossing marked on a road in accordance with this section.

(2) Subject to this section, a municipal or district council may mark pedestrian crossings across the carriage-way of any road.

(3) No pedestrian crossing shall be so marked except with the approval of the Commissioner of Highways, or with the approval of the Minister of Roads given on an appeal from the Commissioner of Highways.

If the Commissioner of Highways refuses to approve of a pedestrian crossing which a council desires to mark on any road the council may appeal against the refusal to the Minister of Roads.

When such an appeal is made the Minister of Roads shall consider any representations made by the council or the Commissioner of Highways and may obtain any other information and advice which he deems necessary and shall decide the appeal. The decision of the Minister shall be final.

(4) Every pedestrian crossing shall be marked on the surface of the carriage-way in accordance with the regulations.

(5) Where a vehicle or animal approaching a pedestrian crossing would, if it continued without changing speed, collide or run the risk of colliding with any pedestrian on such crossing the driver or rider of the vehicle or animal shall decrease the speed of his vehicle or animal to such an extent or stop his vehicle for such time as is necessary to allow the pedestrian to pass in front thereof.

(6) This section shall not apply to a pedestrian crossing at which traffic is being controlled by a member of the police force or other authorized person, or by a system of lights.
(7) A pedestrian shall not remain within the limits of a pedestrian crossing longer than is necessary for the purpose of passing over that crossing with reasonable despatch.

(8) A person who contravenes subsection (5) or subsection (7) of this section shall be guilty of an offence.

(9) Subsection (5) of this section shall be deemed to create a single offence and no objection shall be taken on the ground of duplicity or uncertainty to a complaint under that subsection alleging that in the circumstances mentioned in that subsection the defendant “did not decrease the speed of his vehicle (or animal) to such an extent or stop his vehicle (or animal) for such time” as is required by the subsection.

(10) The council of the municipality or district in which a pedestrian crossing is marked on a road shall cause to be published in the Gazette a notice stating that the pedestrian crossing has been so marked, and giving reasonable details of the width and situation thereof. A copy of the Gazette containing such a notice shall be prima facie evidence that the crossing is a pedestrian crossing duly marked on the road with the approval required by this section.

(11) The Governor may make regulations prescribing any matters necessary or convenient to be prescribed for giving effect to this section, and prescribing fines recoverable summarily and not exceeding twenty-five pounds for breach of any such regulation.

23. (1) Section 133 of the principal Act is amended by inserting therein after subsection (2) thereof the following subsection:

(2a) If any person rides or drives a vehicle or animal at a greater speed than fifteen miles per hour while passing a school omnibus which is stopped on any road for the purpose of permitting children to board it or alight from it he shall be guilty of an offence.

In this subsection “school omnibus” means a motor vehicle which—

(a) has seating accommodation for at least ten persons; and

(b) is being used for the transport of children to and from a school; and
(c) bears signs on the front and rear thereof respectively containing in clear letters at least four inches high the words "Caution—School Bus".

If it is proved that a vehicle bears signs complying with this subsection it shall be deemed to be a school omnibus unless the contrary is proved.

(2) Section 133 is further amended by striking out in subsection (3) thereof the words "school playground" or "children's playground" in the tenth and eleventh lines and inserting in lieu thereof the words 'or "playground"'.

24. The following section is enacted and inserted in the principal Act after section 136 thereof:

136a. If any person—

(a) opens or leaves open a door of a vehicle on any road; or

(b) alights from a vehicle on to the carriage-way of any road,

so as to cause danger to other persons using the road or so as to impede the passage of traffic on the road, he shall be guilty of an offence.

25. Section 141 of the principal Act is repealed and the following section is enacted and inserted in its place:

141. A person shall not drive on a road, or cause or permit to be driven on a road a vehicle carrying a load if any one or more of the following requirements are not complied with:

(a) The load thereon shall be so secured that it will remain in or upon the vehicle while the vehicle is in motion:

(b) The load shall not project from the vehicle so as to be likely to cause injury or damage to other vehicles or persons:

(c) If the load consists of iron, timber, piping or other solid materials projecting beyond the front or rear of the vehicle the projecting ends shall be wrapped with bagging or other like material and securely tied so as to prevent noise, flapping and swaying, and covered with white material so as to indicate the presence of the projection.

26. Section 161 of the principal Act is amended as follows:

(a) before the definition of "commissioner" the following definition is inserted:

"commercial motor vehicle" means a motor vehicle constructed or adapted solely or mainly for
the carriage of goods and includes a motor vehicle of the type commonly called utility;

(b) the definition of “motor lorry” is struck out;

(c) the following definition is added at the end of the section:

“trailer” means any vehicle without motive power constructed or adapted for being drawn by a motor vehicle and any machine which is mounted on wheels and is constructed or adapted for being drawn by a motor vehicle: Provided that a vehicle without motive power constructed or adapted for being drawn by a motor vehicle shall not be deemed a trailer, but shall be deemed part of the motor vehicle by which it is drawn if—

(a) it is constructed or adapted for attachment to a motor vehicle by means of a turntable and kingpin; and

(b) a substantial part of its weight and of the weight of its load rests upon the motor vehicle by which it is drawn.

27. Section 174 of the principal Act is amended—

(a) by striking out subsections (1) and (2) and inserting in lieu thereof the following subsections:—

(1) No person shall drive on any road outside a municipality, town or township any commercial vehicle whether with or without a trailer at any speed in excess of those hereinafter prescribed:—

(a) if the aggregate weight of the vehicle and of every trailer drawn thereby does not exceed seven tons—forty miles an hour;

(b) if the aggregate weight of the vehicle and of every trailer drawn thereby exceeds seven tons but does not exceed fifteen tons—thirty miles an hour;

(c) if the aggregate weight of the vehicle and of every trailer drawn thereby exceeds fifteen tons—twenty-five miles an hour.

(2) No person shall drive on any road within a municipality, town or township any commercial motor vehicle whether drawing a trailer or not at any speed in excess of those hereinafter prescribed:—
(a) if the aggregate weight of the vehicle and of every trailer drawn thereby does not exceed seven tons—thirty miles an hour;

(b) if the aggregate weight of the vehicle and of every trailer drawn thereby exceeds seven tons—twenty miles an hour.

(2a) This section does not apply to any vehicle the aggregate weight of which and of any trailer drawn thereby does not exceed three tons.

(b) by adding at the end of subsection (5) thereof the words “and, notwithstanding section 180 of this Act shall be liable on summary conviction to a penalty of not less than ten pounds and not more than fifty pounds”.

28. Section 177 of the principal Act is amended—

(a) by striking out the words “motor lorry (not being a buckboard)” in the first line and inserting in lieu thereof the words “commercial motor vehicle the weight of which unladen exceeds thirty-five hundredweights”;

(b) by striking out the words “motor lorry” in the first line of subsection (2) and inserting in lieu thereof the words “commercial motor vehicle”;

(c) by striking out the word “lorry” in the fifth and sixth lines of subsection (2) and inserting in lieu thereof in each case the words “commercial motor vehicle”;

(d) by striking out the definition of “buckboard” at the end of subsection (1).

29. Section 180 of the principal Act is amended by striking out the word “twenty” in the third line and inserting in lieu thereof the word “fifty”.

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

R. A. GEORGE, Governor.