



ANNO TRICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1989

No. 25 of 1989

An Act to amend the Road Traffic Act, 1961; and to repeal the Road Traffic Act Amendment Act, 1982.

[Assented to 27 April 1989]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Road Traffic Act Amendment Act, 1989*.
- (2) The *Road Traffic Act, 1961*, is referred to in this Act as "the principal Act".

Commencement

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

Interpretation

3. Section 5 of the principal Act is amended—

- (a) by striking out from subsection (1) the definition of "axle" and substituting the following definition:

"axle" in relation to a vehicle means an imaginary line that extends from one side of the vehicle to the other side and around points in which wheels of the vehicle revolve;

- (b) by striking out from subsection (1) the definitions of "gross combination mass", "gross combination mass limit", "gross vehicle mass" and "gross vehicle mass limit" and substituting the following definition:

"group of axles" means a tandem axle group or a tri-axle group;

- (c) by inserting after the definition of "level crossing" in subsection (1) the following definition:

"mass" in relation to a vehicle includes the mass of any load that the vehicle is carrying;

- (d) by inserting after the definition of "stop sign" in subsection (1) the following definition:

"tandem axle group" means a group of two axles that are more than one metre apart but not more than two metres apart;

(e) by inserting after the definition of "trailer" in subsection (1) the following definition:

"tri-axle group" means a group of three equally spaced axles each of which is more than one metre but less than 3.2 metres from the other axles in the group;;

and

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

(2) For the purposes of this Act the mass carried on an axle, or group of axles, of a vehicle will be taken to be the force required to counterbalance the aggregate of the gravitational forces exerted on the surface of the road by the wheels of that axle or group of axles.

Repeal of s. 34 and heading

4. Section 34 of the principal Act and the heading preceding that section are repealed.

Speed limits for certain vehicles

5. Section 53 of the principal Act is amended by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) a vehicle the mass of which exceeds four tonnes or a vehicle the mass of which when combined with the mass of a vehicle that is attached to it, exceeds four tonnes;.

Substitution of new heading

6. The heading preceding section 139 of the principal Act is repealed and the following heading is substituted:

Dimensions and Design of Vehicles

Duty to comply with dimension and design requirement

7. Section 139 of the principal Act is amended by striking out "sections 140, 141 and 142" and substituting "the sections under this heading".

Insertion of s. 143

8. The following section is inserted after section 142 of the principal Act:

Disposition of axles and axle groups

143. (1) The design of vehicles must comply with the following requirements:

- (a) a vehicle must not be fitted with a group of axles other than a tandem axle group or a tri-axle group;
- (b) two groups of axles or a single axle and a group of axles must not be located adjacent to each other;
- (c) a semi-trailer drawn by a prime mover must be fitted with a single axle or group of axles located at or near the rear of the trailer;
- (d) all other trailers must be fitted—
 - (i) with a single axle or group of axles located anywhere along the length of the trailer;
 - or
 - (ii) with a single axle or tandem axle group located at or near the front of the trailer and a single axle or group of axles located at or near the rear of the trailer;

(e) all other vehicles must be fitted with a single axle or tandem axle group located at or near the front of the vehicle and a single axle or group of axles located at or near the rear of the vehicle.

(2) In this section—

“single axle” includes a group of two axles one metre or less apart.

Substitution of new heading

9. The heading preceding section 146 of the principal Act is repealed and the following heading is substituted:

Vehicle Mass Limits

Substitution of ss. 146, 147, 149 and 150

10. Sections 146, 147, 149 and 150 of the principal Act are repealed and the following sections are substituted:

Mass limits of vehicles

146. (1) A person must not drive a vehicle if—

(a) the mass of the vehicle;

(b) the combined mass of the vehicle and any vehicle attached to it;

or

(c) the mass carried on an axle, or group of axles, of the vehicle, or of any vehicle attached to it,

exceeds the maximum prescribed by regulation or fixed by the Registrar of Motor Vehicles pursuant to the regulations.

(2) Where a vehicle is driven in contravention of subsection (1), the owner and the driver of the vehicle are each guilty of an offence, and each liable to a penalty of—

(a) not less than \$1.75 and not more than \$10 for every 50 kilograms of the first tonne of mass in excess of the permitted maximum;

and

(b) not less than \$10 and not more than \$20 for every 50 kilograms of the excess mass after the first tonne.

(3) In the case of a combination of vehicles attached to each other the owner is, for the purposes of subsection (2), the owner of the vehicle that provides the motive power for the combination.

Mass of towed vehicle must not exceed mass of towing vehicle

147. (1) A person must not drive a vehicle of a prescribed kind that has another vehicle attached to it if—

(a) the mass of the vehicle being driven exceeds the prescribed limit;

and

(b) the mass of the attached vehicle exceeds the mass of the vehicle being driven.

(2) Subsection (1) does not apply in relation to an articulated motor vehicle.

The determination of mass

148. (1) A council may within its area, and the Minister may in any part of the State, erect, provide or maintain weighbridges or other instruments for the purpose of determining the mass of a vehicle with or without its load, or the mass carried on an axle or group of axles of a vehicle.

(2) A determination (made in accordance with the regulations) of the mass of a vehicle with or without its load, or the mass carried on an axle or group of axles of a vehicle, will be taken to be correct for the purpose of proceedings for an offence against this Act unless the contrary is proved.

Measurement of distance between axles

149. (1) For the purposes of this Act the distance between two axles will be taken to be the distance between the centres of the hubs of the wheels of those axles and if that distance varies from one side of the vehicle or combination of vehicles to the other, the shorter distance will be taken to be the distance between the axles.

(2) A measurement of the distance between the axles of a vehicle or combination of vehicles made by an inspector or a member of the police force will be taken to be correct for the purposes of proceedings for an offence against this Act unless the contrary is proved.

Vehicle fitted with metal tyres

150. (1) If a vehicle fitted with metal tyres is driven on, or drawn along, a road, the surfaces of the tyres that come into contact with the surface of the road must be smooth and must be at least 32 millimetres in width.

(2) A person who drives, or draws, a vehicle in contravention of subsection (1) is guilty of an offence.

Unloading of excess mass

11. Section 156 of the principal Act is amended by striking out paragraphs (a) and (b) of subsection (1) and substituting the following paragraphs:

(a) the mass carried on—

(i) an axle of a vehicle (or on two axles of a vehicle that are not more than one metre apart) exceeds by more than 500 kilograms the maximum mass permitted by or under this Act;

or

(ii) a group of axles of a vehicle exceeds by more than one tonne the maximum mass permitted by or under this Act;

or

(b) the mass of the vehicle, or the combined mass of the vehicle and any vehicle that is attached to it, exceeds by more than 5% or two tonnes the maximum permitted by or under this Act.

Evidence

12. Section 175 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (3) and substituting the following paragraph:

(a) a statement produced by the prosecution and purporting to be signed by a member of the police force or an inspector and stating—

(i) the mass of a vehicle with or without its load;

(ii) the mass carried on an axle, or group of axles, of a vehicle;

(iii) the dimensions or measurements of a vehicle or its load, or any part of a vehicle or its load;

(iv) that a wheel or tyre of a vehicle is of a specified type or class;

or

(v) that a vehicle has, or does not have, a specified mechanical part, or system, of a specified type or class,

is proof of the fact so stated in the absence of proof to the contrary;;

(b) by inserting after “or instrument” in paragraph (ab) of subsection (3) “is of a specified class, or that it”;

and

(c) by striking out from paragraph (ac) of subsection (3) “of mass”.

Regulations

13. Section 176 of the principal Act is amended—

(a) by striking out from paragraph (h) of subsection (1) “or axles” and substituting “, or group of axles,”;

and

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

(ha) empowering the Registrar of Motor Vehicles to fix mass limits in relation to specified vehicles, or vehicles of a specified class;

(hb) providing for the establishment of a committee to advise the Registrar of Motor Vehicles in relation to the fixing of mass limits;

(i) providing for a mass limit fixed by the Registrar of Motor Vehicles to be entered in the certificate of registration of vehicles to which the mass limit is applicable;.

Repeal

14. The *Road Traffic Act Amendment Act, 1982*, is repealed.

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

D. B. DUNSTAN, Governor