

(Reprint No. 10)

South Australia

ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 1999

These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 27 May 2002.

REGULATIONS UNDER THE ROAD TRAFFIC ACT 1961

ROAD TRAFFIC (MISCELLANEOUS) REGULATIONS 1999

being

No. 236 of 1999: *Gaz.* 25 November 1999, p. 2690¹

as varied by

No. 268 of 1999: *Gaz.* 23 December 1999, p. 3834²

No. 22 of 2000: *Gaz.* 23 March 2000, p. 1612³

No. 53 of 2000: *Gaz.* 25 May 2000, p. 2696⁴

No. 103 of 2000: *Gaz.* 25 May 2000, p. 2802⁵

No. 179 of 2000: *Gaz.* 27 July 2000, p. 342⁶

No. 181 of 2000: *Gaz.* 3 August 2000, p. 421⁷

No. 184 of 2000: *Gaz.* 3 August 2000, p. 428⁸

No. 286 of 2000: *Gaz.* 21 December 2000, p. 3767⁹

No. 287 of 2000: *Gaz.* 21 December 2000, p. 3768¹⁰

No. 288 of 2000: *Gaz.* 21 December 2000, p. 3769¹¹

No. 121 of 2001: *Gaz.* 7 June 2001, p. 2189¹²

No. 69 of 2001: *Gaz.* 31 May 2001, p. 1984¹³

No. 71 of 2001: *Gaz.* 31 May 2001, p. 1996¹⁴

No. 169 of 2001: *Gaz.* 5 July 2001, p. 2569¹⁵

No. 233 of 2001: *Gaz.* 11 October 2001, p. 4477¹⁶

No. 32 of 2002: *Gaz.* 23 May 2002, p. 1971¹⁷

- ¹ Came into operation 1 December 1999: reg. 2.
- ² Came into operation 23 December 1999: reg. 2.
- ³ Came into operation 23 March 2000: reg. 2.
- ⁴ Came into operation 1 July 2000: reg. 2.
- ⁵ Came into operation 1 July 2000: reg. 2.
- ⁶ Came into operation 27 July 2000: reg. 2.
- ⁷ Came into operation 3 August 2000: reg. 2.
- ⁸ Came into operation 15 August 2000: reg. 2.
- ⁹ Came into operation 21 December 2000: reg. 2.
- ¹⁰ Came into operation 21 December 2000: reg. 2.
- ¹¹ Came into operation 21 December 2000: reg. 2.
- ¹² Came into operation 7 June 2001: reg. 2.
- ¹³ Came into operation 1 July 2001: reg. 2.
- ¹⁴ Came into operation 1 July 2001: reg. 2.
- ¹⁵ Came into operation 9 July 2001: reg. 2.
- ¹⁶ Came into operation 11 October 2001: reg. 2.
- ¹⁷ **Came into operation 27 May 2002: reg. 2.**

NOTE:

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the regulations see Appendix.

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**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Road Traffic (Miscellaneous) Regulations 1999*.

Commencement

2. These regulations will come into operation on 1 December 1999.

Revocation

3. The following regulations are revoked:

- (a) the *Road Traffic Regulations 1996* (see *Gazette* 29 August 1996 p. 888), as varied;
- (b) the *Road Traffic (Breath Analysis and Blood Test) Regulations 1994* (see *Gazette* 20 January 1994 p. 78), as varied;
- (c) the *Road Traffic (Mass Limits) Regulations 1989* (see *Gazette* 29 June 1989, p. 1823), as varied;
- (d) the *Road Traffic (Photographic Detection Devices) Regulations 1988* (see *Gazette* 30 June 1988 p. 2068), as varied;
- (e) the *Road Traffic (Port Augusta Traffic Prohibition) Regulations 1992* (see *Gazette* 6 August 1992 p. 799);
- (f) the *Road Traffic (Section 47I Hospitals) Regulations 1992* (see *Gazette* 20 August 1992 p. 886), as varied.

Interpretation

4. In these regulations, unless the contrary intention appears—

"**the Act**" means the *Road Traffic Act 1961*;

"**ADR**" (Australian Design Rule) means a national standard under the *Motor Vehicle Standards Act 1989* of the Commonwealth, as in force from time to time;

"**B-double**" means a combination consisting of a prime mover towing 2 semi-trailers where the first semi-trailer is connected to the prime mover by a fifth wheel coupling and the second semi-trailer is connected to the first semi-trailer by a fifth wheel coupling;

"**bicycle trailer**" means a trailer built for being towed by a bicycle;

"**car**" means a motor vehicle built mainly to carry people that—

- (a) seats not over 9 adults (including the driver); and
- (b) has a body commonly known as a sedan, station wagon, coupe, convertible or roadster; and
- (c) has 4 or more wheels;

"**car-type utility**" or "**car-type panel van**" means a motor vehicle of the kind commonly known as a utility or panel van of the same make as a factory produced car and in which the forward part of the body and the greater part of the mechanical equipment are the same as those in the car;

"**Central Inspection Authority**" means the Central Inspection Authority established by Part 4A of the Act;

"**converter dolly**" means a trailer with 1 tandem axle group or single axle and a fifth wheel coupling, designed to convert a semi-trailer into a dog trailer;

"**expiation notice**" means an expiation notice under the *Expiation of Offences Act 1996*;

"**expiation reminder notice**" means an expiation reminder notice under the *Expiation of Offences Act 1996*;

"**fifth wheel coupling**" means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime mover, semi-trailer, or a converter dolly to permit quick coupling and uncoupling and to provide for articulation;

"**GCM**" (gross combination mass), in relation to a motor vehicle, means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at one time—

- (a) as specified by the motor vehicle's manufacturer—
 - (i) on a plate fixed to the vehicle by the manufacturer; or
 - (ii) if the manufacturer has not specified the sum of the maximum loaded mass on a plate fixed to the vehicle—in another place; or
- (b) as specified by the vehicle registration authority if—
 - (i) the manufacturer has not specified the sum of the maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

"**GTM**" (gross trailer mass) means the maximum loaded mass transmitted to the ground by the axles of a trailer when it is connected to a towing vehicle—

- (a) as specified by the manufacturer; or
- (b) as specified by the vehicle registration authority if—
 - (i) the manufacturer has not specified a maximum loaded mass transmitted to the ground by the axles of the trailer when connected to a towing vehicle; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the trailer has been modified to the extent that the manufacturer's specification is no longer appropriate;

"**GVM**" (gross vehicle mass) means the maximum loaded mass of a vehicle—

- (a) as specified by the manufacturer; or

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- (b) as specified by the vehicle registration authority if—
- (i) the manufacturer has not specified a maximum loaded mass; or
 - (ii) the manufacturer cannot be identified; or
 - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

"**public place**" means land (other than a road or road-related area) owned by or under the care, control and management of a council, commonly used by the public or to which the public are permitted to have access, including (without limitation) parklands, plantations, ornamental grounds and reserves;

"**red light offence**" means an offence against rule 59(1) or 60 of the *Australian Road Rules*;

"**road train**" means a combination, other than a B-double, consisting of a motor vehicle towing at least 2 trailers (counting as a single trailer a converter dolly supporting a semi-trailer);

"**speeding offence**" means—

- (a) an offence against a provision of Part 3 of the *Australian Road Rules*; or
- (b) an offence against regulation 9A(1) or (2) of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*;

"**tractor**" does not include a prime mover;

"**Transport Department**" means the administrative unit that, under the Minister, is responsible for the administration of the Act;

"**vehicle registration authority**", in relation to a vehicle, means—

- (a) the authority that last registered the vehicle; or
- (b) if the vehicle has never been registered—the authority responsible for registering vehicles in the State or Territory in which the vehicle is used or intended to be used.

Public places declared to be road-related areas

5. For the purposes of the definition of "**road-related area**" in section 5(1) of the Act (Interpretation), public places are declared to be road-related areas.

Meaning of "unladen mass"

6. (1) For the purposes of the definition of "**unladen mass**" in section 5(1) of the Act, the following accessories or equipment carried (either habitually or intermittently) on the vehicle are prescribed accessories or prescribed equipment:

- (a) stock hurdles, stock crates, sheep gates, cages and other similar equipment used to contain animals;
- (b) containers and tanks used to carry solid, liquid or gaseous loads;

- (c) stake sides, drop sides, canopies, frames, tarpaulins and other similar equipment used to contain or protect a load;
- (d) cranes, hoists, platforms and other similar equipment for the purpose of loading or unloading goods;
- (e) air-conditioners, sleeping and cooking equipment, refrigeration units, radios and tape recorders and similar equipment;
- (f) tools, tool boxes, towbars, spare tyres, roof racks and other similar spare equipment;
- (g) any other equipment that is not part of a load and is usually carried on the vehicle.

(2) However, paragraphs (a), (b) and (c) of subregulation (1) do not apply in relation to vehicles registered at concessional registration fee rates for primary producers under section 34 of the *Motor Vehicles Act 1959*.

PART 2
DRIVING UNDER INFLUENCE OF LIQUOR OR DRUGS

Approved blood test kit

7. For the purposes of the definition of "approved blood test kit" in section 47A of the Act (Interpretation), the following is an approved blood test kit:

the "APPROVED 'BLOOD TEST KIT' Section 47G(2a)(b) Road Traffic Act, 1961", produced by Disposable Products Pty. Ltd. or by Sarstedt Australia Pty. Ltd.

Offences excluded as ground for alcotest or breath analysis

8. For the purposes of section 47E(1)(a) of the Act (Police may require alcotest or breath analysis), offences against Part 12 of the *Australian Road Rules* (Restrictions on stopping and parking) are offences of a prescribed class.

Conduct of breath analysis

8A. (1) Pursuant to section 47E(2e), where a person submits to a breath analysis, the breath analysis must be conducted in the following manner:

- (a) the person must provide two separate samples of breath for analysis; and
- (b) each sample must be provided in accordance with the directions of the operator of the breath analysing instrument and must consist of not less than one litre of breath; and
- (c) there must be an interval of not less than two minutes and not more than 10 minutes between the provision of the samples.

(2) Despite subregulation (1)—

- (a) if, on analysing a sample of breath, the breath analysing instrument indicates an error in the analysis of the sample—
 - (i) that sample, or, if that sample was the second sample provided, both samples, must be disregarded; and
 - (ii) the person may be required to provide two further samples of breath for analysis using a different instrument (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
- (b) if, on analysing a sample of breath, the breath analysing instrument indicates the presence of alcohol in the mouth of the person—
 - (i) that sample, or, if that sample was the second sample provided, both samples, must be disregarded; and
 - (ii) the person may be required to provide two further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
- (c) if, on analysing two samples of breath, the breath analysing instrument indicates that the reading obtained on analysis of the second sample was more than 15% higher or lower than the reading obtained on analysis of the first sample—
 - (i) those samples must be disregarded; and

- (ii) the person may be required to provide two further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
- (d) if, for any reason, a second sample of breath is not provided within 10 minutes of the provision of the first sample—
 - (i) the first sample is to be disregarded; and
 - (ii) the person may be required to provide two further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)).

(3) Where a person submits to a breath analysis, the result of the breath analysis will, for the purposes of the *Road Traffic Act 1961* and any other Act, be taken to be the reading produced by the breath analysing instrument, on analysis of the samples of breath provided by the person in accordance with this regulation, that indicates the lower concentration of alcohol in the person's breath (not taking into account any samples that, in accordance with this regulation, are to be disregarded).

Oral advice on refusal or failure to comply with alcotest or breath analysis direction

8B. The prescribed oral advice for the purposes of section 47E(4)(ab) is set out in Schedule 1AA.

Oral advice and written notice on recording of positive breath analysis reading

9. (1) The oral advice required to be given for the purposes of section 47G(2a)(a) of the Act (Evidence, etc.) must be as set out in Part A of Schedule 1.

(2) The written notice required to be delivered for the purposes of section 47G(2a)(a) of the Act must be as set out in Part B of Schedule 1.

Request for approved blood test kit

10. (1) For the purposes of section 47G(2a)(b) of the Act, a request for an approved blood test kit must be made in accordance with the following provisions:

- (a) the request may, in the first instance, be made orally to the person operating the breath analysing instrument (**the operator**);
- (b) on such a request having been made by the person, the operator or any other member of the police force present at the scene must complete a written request form in the form set out in Schedule 2 by inserting the particulars required by the form;
- (c) the person making the request must then sign the request form in the presence of the operator or other member of the police force and the person's signature must be attested to by the signature of the operator or other member;
- (d) the original of the signed request form may be retained by the person making the request;
- (e) a copy of the signed request form must be delivered to the operator or other member of the police force.

(2) The copy of the request form delivered to the operator or other member of the police force must be delivered to the Minister or retained on the Minister's behalf for 12 months from the day on which the request form was signed by the person making the request.

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Procedures for voluntary blood test

11. The following are the prescribed procedures in accordance with which a sample of a person's blood must be taken and dealt with for the purposes of section 47G(1a) of the Act:

- (a) the person must cause the sample to be taken by a medical practitioner of the person's choice and must deliver the blood test kit supplied to the person under section 47G(2a)(b) to the medical practitioner for use for that purpose;
- (b) the medical practitioner by whom the sample of the person's blood is taken must place the sample, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit);
- (c) each container must contain a sufficient quantity of blood to enable an accurate evaluation to be made of any concentration of alcohol present in the blood and the sample of blood taken by the medical practitioner must be such as to furnish 2 such quantities of blood;
- (d) the medical practitioner must seal each container by application of the adhesive seal (bearing an identifying number) provided as part of the blood test kit;
- (e) it is the duty of the medical practitioner to take such measures as are reasonably practicable in the circumstances to ensure that the blood is not adulterated and does not deteriorate so as to prevent a proper assessment of the concentration of alcohol present in the blood of the person from whom the sample was taken;
- (f) the medical practitioner must then complete a certificate in the form set out in Schedule 3 (being a form provided as part of the blood test kit) by inserting the particulars required by the form;
- (g) the certificate must be signed by the medical practitioner certifying as to the matters set out in the form;
- (h) the certificate must also bear the signature of the person from whom the blood sample was taken, attested to by the signature of the medical practitioner;
- (i) the original of the signed certificate must then be delivered to the person from whom the blood sample was taken together with 1 of the sealed containers containing part of the blood sample;
- (j) a copy of the signed certificate must be delivered by the medical practitioner together with the other sealed container containing part of the blood sample to a member of the police force who must, in turn, deliver that copy of the certificate and the blood sample container to State Forensic Science;
- (k) the blood sample container and copy of the certificate referred to in paragraph (j) must not be delivered into the possession of the person from whom the sample was taken;
- (l) on receipt of the blood sample container and certificate at State Forensic Science, the blood in the container must be analysed as soon as reasonably practicable by or under the supervision of an analyst to determine the concentration of alcohol present in the blood expressed in grams in 100 millilitres of blood;
- (m) the analyst must then complete and sign a certificate certifying as to the following matters:
 - (i) the date of receipt at State Forensic Science of the blood sample container and the certificate accompanying the blood sample container;

- (ii) the identifying number appearing on the adhesive seal used to seal the blood sample container;
 - (iii) the name and professional qualifications of the analyst;
 - (iv) the concentration of alcohol found to be present in the blood expressed in grams in 100 millilitres of blood;
 - (v) any factors relating to the blood sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;
 - (vi) any other information relating to the blood sample or analysis or both that the analyst thinks fit to include;
- (n) the analyst's certificate must be sent by post to the person from whom the blood sample was taken at the address shown as the person's address on the certificate accompanying the blood sample container;
- (o) a copy of the analyst's certificate must be sent to or retained on behalf of the Minister;
- (p) a copy of the analyst's certificate must also be sent to the Commissioner of Police;
- (q) the person from whom the blood sample was taken may cause the sample of blood as contained in the blood sample container delivered to that person to be analysed to determine the concentration of alcohol present in the blood.

Prescribed period for keeping blood samples

12. For the purposes of section 47I(10a)(b) of the Act (Compulsory blood tests), the prescribed period for which a container containing a sample of a person's blood must be kept available for collection by or on behalf of that person is 12 months from the day on which the sample of blood was taken from the person.

Declaration of hospitals for compulsory blood testing

13. For the purposes of section 47I(19) of the Act, the following institutions are declared to be hospitals:

Ardrossan and Districts Hospital Incorporated
Ashford Community Hospital Incorporated
Balaklava and Riverton Districts Health Service Incorporated
Barossa Area Health Services Incorporated
Booleroo Centre District Hospital and Health Services Incorporated
Bordertown Memorial Hospital Incorporated
Burra Clare Snowtown Health Service Incorporated
Ceduna District Health Services Incorporated
Central Yorke Peninsula Hospital Incorporated
Cooper Pedy Hospital and Health Services
Crystal Brook District Hospital Incorporated
Eastern Eyre Health and Aged Care Incorporated
Eudunda & Kapunda Health Service Incorporated
Flinders Medical Centre
Gawler Health Service Incorporated
The Jamestown Hospital and Health Service Incorporated
Kangaroo Island Health Service
Karoonda and District Soldiers' Memorial Hospital Incorporated
Keith and District Hospital Incorporated

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Kingston Soldiers' Memorial Hospital Incorporated
 Lameroo District Health Services Incorporated
 Laura and Districts Hospital Incorporated
 Leigh Creek Health Services Incorporated
 Lower Eyre Health Services Incorporated
 Lower Murray District Hospital Incorporated
 Loxton Hospital Complex Incorporated
 The Mannum District Hospital Incorporated
 Meningie and Districts Memorial Hospital and Health Services Incorporated
 Mid-West Health
 Millicent and District Hospital and Health Services Incorporated
 Modbury Hospital
 Moonta Health and Aged Care Service Incorporated
 Mount Barker District Soldiers' Memorial Hospital Incorporated
 Mount Gambier and Districts Health Service Incorporated
 The Murray Bridge Soldiers' Memorial Hospital Incorporated
 Naracoorte Health Service Incorporated
 Noarlunga Health Services Incorporated
 Northern Adelaide Hills Health Service Incorporated
 Northern Yorke Peninsula Health Service
 North Western Adelaide Health Service
 Onkaparinga District Hospital Inc
 Orroroo and District Health Service Incorporated
 Penola War Memorial Hospital Incorporated
 Peterborough Soldiers' Memorial Hospital and Health Service Incorporated
 Pinnaroo Soldiers' Memorial Hospital Incorporated
 Port Augusta Hospital and Regional Health Services Incorporated
 Port Broughton District Hospital and Health Services Incorporated
 Port Lincoln Health Services Incorporated
 Port Pirie Regional Health Service Incorporated
 Quorn and District Memorial Hospital Incorporated
 Renmark Paringa District Hospital Incorporated
 Repatriation General Hospital Incorporated
 Riverland Regional Health Service Incorporated
 Royal Adelaide Hospital
 South Coast District Hospital Incorporated
 Southern Districts War Memorial Hospital Incorporated
 Southern Yorke Peninsula Health Service Incorporated
 St. Andrew's Hospital Incorporated
 Stirling District Hospital Incorporated
 Strathalbyn & District Health Service
 Waikerie Hospital and Health Services Incorporated
 Wakefield Hospital
 The Whyalla Hospital and Health Services Inc.
 Women's and Children's Hospital.

Prescribed area and approved assessment clinic—recurrent offenders

13A. For the purposes of section 47J of the Act (Recurrent offenders)—

- (a) the part of the State comprised of Metropolitan Adelaide within the meaning of the *Development Act 1993* is declared to be the prescribed area; and
- (b) the Elura Clinic at 74 Hill Street, North Adelaide is an approved assessment clinic.

PART 2A
ALCOHOL INTERLOCK SCHEME

Alcohol interlock scheme conditions

13B. (1) For the purposes of section 51(1) of the Act, a person issued with a driver's licence subject to alcohol interlock scheme conditions must comply with the following requirements:

- (a) the person must attend the following counselling sessions with the Drug and Alcohol Services Council—
 - (i) an initial counselling session, to be held not more than two weeks before and no later than four weeks after the commencement of the required period for which the person's licence is subject to the alcohol interlock scheme conditions; and
 - (ii) at least one session of any further counselling that the Drug and Alcohol Services Council may recommend that the person undertake; and
 - (iii) a final counselling session, to be held before the end of the required period for which the person's licence is subject to the alcohol interlock scheme conditions; and
- (b) the following fees are payable to the Registrar of Motor Vehicles prior to the person's attendance at the relevant counselling session in accordance with subregulation (1)(a) as follows:
 - (i) a fee of \$55 is payable for attendance at the initial counselling session; and
 - (ii) a fee of \$55 is payable for attendance at the final counselling session,(there is no fee payable for attendance at any recommended further counselling sessions under subregulation (1)(a)(ii)); and
- (c) an administration fee is payable to the approved installer for payment to the Transport Department, for each month (part of a month being treated as a whole month) of the prescribed period, as follows:
 - (i) in the case of a low income participant—\$22 per month; and
 - (ii) in any other case—\$30 per month.

(2) Subject to subregulation (1)(a), counselling sessions will be held at times and in places determined by the Drug and Alcohol Services Council, and notified to the person in writing.

(3) In this regulation—

"low income participant" means the holder of a driver's licence subject to alcohol interlock scheme conditions who has been assessed as being eligible for financial assistance in accordance with the scheme established by the Minister under section 53AA of the Act;

"prescribed period" means the period commencing on the date the alcohol interlock is installed by the approved installer and ending on the expiration of the required period for which the person's licence is subject to alcohol interlock scheme conditions.

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Alcohol interlock testing

13C. For the purposes of section 53(7) of the Act, an alcohol interlock must have been tested not more than 60 days before, and not more than 60 days after, the time of the vehicle's operation specified in the relevant certificate.

PART 3
PHOTOGRAPHIC DETECTION DEVICES

Photographic detection devices

14. For the purposes of section 79B of the Act (Provisions applying where certain offences are detected by photographic detection devices)—

- (a) the following are approved as photographic detection devices in relation to a red light offence:
 - (i) a Gatso red light camera, manufactured by Gatsometer of Holland, linked to and used in conjunction with an induction loop vehicle detector;
 - (ii) an Image Master TC1SH red light camera, manufactured by Image Applications Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;
 - (iii) a Traffipax Traffiphot III-SR, manufactured by Robot Foto Und Electronic GMBH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
- (b) the following is approved as a photographic detection device in relation to a speeding offence:

a traffic speed analyser of which a camera forms part or to which a camera is linked, where the camera is designed to operate as part of or in conjunction with, and is used as part of or in conjunction with, the traffic speed analyser.

Prescribed provisions for purposes of s. 79B

15. For the purposes of the definition of "prescribed offence" in section 79B(1) of the Act, the following are prescribed provisions:

- (a) section 46(1) of the Act (Reckless or dangerous driving);
- (b) the provisions of Part 3 of the *Australian Road Rules* (Speed-limits);
- (c) rule 59(1) of the *Australian Road Rules* (Proceeding through a red traffic light);
- (d) rule 60 of the *Australian Road Rules* (Proceeding through a red traffic arrow);
- (e) regulation 9A(1) and (2) of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*.

Notice for purposes of s. 79B(5)

16. For the purposes of section 79B(5) of the Act, the notice that is to accompany an expiation notice, an expiation reminder notice or a summons in respect of an offence against section 79B must be in the form set out in Schedule 4.

Notice for purposes of s. 79B(6)

17. For the purposes of section 79B(6) of the Act, the notice that is to accompany an expiation notice, an expiation reminder notice or a summons in respect of a prescribed offence must be in the form set out in Schedule 5.

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Operation and testing of photographic detection device for red light offences

18. Where a photographic detection device is used to provide evidence of red light offences committed at an intersection or junction, the following provisions must be complied with:

- (a) the camera must be positioned and aimed so that the vehicles to be photographed by the camera may be photographed from the rear when proceeding into the intersection or junction and the photographs also depict the traffic light at the intersection or junction towards which the vehicles are facing when proceeding towards the intersection or junction;
- (b) the induction loop vehicle detector must be installed under the road surface on the intersection or junction side of the stop line before which the vehicles must stop if the traffic light is showing a steady red signal;
- (c) the camera, the induction loop and the traffic light must be linked up and the camera programmed so that—
 - (i) when the traffic light changes to a steady red signal the induction loop is activated after a programmed delay; and
 - (ii) while the loop is activated the camera instantaneously takes an exposure of the vehicle first passing over the loop; and
 - (iii) as that vehicle or both that vehicle and other vehicles proceed over the intersection or junction and the traffic light continues to show a steady red signal the camera takes a second exposure or a series of subsequent exposures; and
 - (iv) the date, time and the code for the location at which each exposure is taken is recorded on the exposure; and
 - (v) when the traffic light changes from a steady red signal the loop is deactivated; and
 - (vi) the process referred to above is repeated in relation to each cycle of the traffic light;
- (d) each person who inserts a film magazine into the camera, or relocates the camera with a film magazine in place, must—
 - (i) ensure that the camera is correctly positioned and aimed; and
 - (ii) use the camera's testing mode (but by reference to green light cycles) to ensure that the camera and induction loop operate correctly as referred to in paragraph (c); and
 - (iii) if a fault is indicated, take corrective action and repeat the testing process until no fault is indicated by the camera in its testing mode;
- (e) the tests referred to in paragraph (d)(i) and (ii) must be repeated—
 - (i) whenever the camera is relocated to another intersection or junction prior to removal of the film magazine; and
 - (ii) immediately before the film magazine is removed from the camera;

- (f) if the tests or the film when developed indicate a fault that has affected the proper operation of the photographic detection device as required under this regulation, the film must be rejected for evidentiary purposes.

Operation and testing of photographic detection device for speeding offences

19. Where a photographic detection device is used to provide evidence of a speeding offence, the following provisions must be complied with:

- (a) the device must be programmed, positioned and set to operate so that—
- (i) when the device registers a vehicle as proceeding at a speed equal to or greater than a speed set on the device, an exposure is taken of that vehicle from the front or from the rear; and
 - (ii) the date, time and the code for the location at which the exposure is taken is recorded on the exposure, together with the speed and direction of travel of the vehicle as registered by the device;
- (b) after the device—
- (i) is set up at a given location; or
 - (ii) has a new film magazine inserted into the device at that location; or
 - (iii) is relocated,
- a check must be made to ensure that the device—
- (iv) correctly indicates on an electronic display the date, time and location code; and
 - (v) is set to operate in accordance with the provisions of paragraph (a);
- (c) the checks referred to in paragraph (b) must be repeated immediately before—
- (i) the device is removed from a given location; or
 - (ii) a film magazine is removed from the device;
- (d) if a check in accordance with paragraph (b) or (c), or a film or part of a film when developed, indicates a fault that has affected the proper operation of the device, any part of the film affected by the fault must be rejected for evidentiary purposes;
- (e) if a photograph produced from an exposure obtained in accordance with the provisions of paragraph (a) depicts the whole or part of more than 1 vehicle—
- (i) in the portion of the photograph specified by the device's manufacturer as the portion that should depict the vehicle whose speed is being registered; and
 - (ii) travelling in the direction recorded on the exposure as the direction of travel of the vehicle whose speed is being registered,
- that photograph must be rejected for evidentiary purposes;
- (f) the accuracy with which the device registers vehicle speeds must be tested on the day on which it is used (or on the day immediately preceding that day) with a view to the issuing of a certificate under section 175(3)(ba) of the Act.

**PART 4
MISCELLANEOUS**

Emergency workers for the purposes of s. 83

19A. For the purposes of the definition of "emergency vehicle" in section 83(3) of the Act, "emergency worker" has the meaning defined in regulation 39 of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999* for the purposes of the Australian Road Rules.

Prohibition of vehicles carrying dangerous substances on certain roads

20. (1) A vehicle must not be driven or towed on a portion of a road described in the Schedule of this regulation if the vehicle contains or is otherwise transporting a dangerous substance.

(2) Subregulation (1) does not apply if the substance—

(a) is in liquid form and does not exceed 25 litres in volume; or

(b) is in solid or gaseous form and does not exceed 45 kg in mass; or

(c) is fuel for the motor of the vehicle.

(3) If a vehicle is driven or towed in contravention of subregulation (1), the driver and the owner and the operator of the vehicle are each guilty of an offence.

(4) In this regulation—

"dangerous substance" has the meaning given to "dangerous goods" by regulation 2.2 of the *Road Transport Reform (Dangerous Goods) (South Australia) Regulations 1998*.

SCHEDULE

1. The portion of the Bordertown-Port MacDonnell Main Road No. 19 known as Bay Road, Mount Gambier, that lies between an imaginary line formed by the prolongation of the western boundary of section 391, Waterworks Reserve, Hundred of Blanche across the road and an imaginary line 30 metres south of and parallel to an imaginary line formed by the prolongation of the southern boundary of allotment 22 Filed Plan 321 across the road.

2. The portion of John Watson Drive, Mount Gambier that lies between an imaginary line formed by the prolongation of the northern boundary of section 415, Hundred of Blanche, across the road and an imaginary line formed by the prolongation of the northern-most boundary of section 414, corporation reserve, Hundred of Blanche across the road.

3. The portion of Ocean Boulevard, City of Marion that lies between an imaginary line formed by the prolongation of the northern boundary of Majors Road across the road, and an imaginary line formed by the prolongation of the eastern boundary of Brighton Road across the road.

Prohibition of towing more than one vehicle

20A. (1) Subject to this regulation, a motor vehicle towing more than one vehicle must not be driven on a road.

(2) If a motor vehicle is driven in contravention of subregulation (1), the driver and the owner and the operator of the motor vehicle are each guilty of an offence.

(3) Subregulation (1) does not apply in the case of—

(a) a tractor towing two vehicles; or

- (b) an articulated motor vehicle, with a prime mover that has a GVM over 4.5 tonnes, towing one other vehicle; or
- (c) a motor vehicle (other than an articulated motor vehicle or a bus) that has a GVM over 4.5 tonnes, towing two vehicles.

Prohibition of parking in certain public places

21. (1) A person must not park a vehicle (other than a bicycle) in a public place except a public place specifically set aside for parking by the council for the area in which the public place is situated.

Penalty: \$500.

(2) Subregulation (1) is a prescribed provision for the purposes of the following provisions of the Act:

- (a) section 35 (Inspectors);
- (b) section 174A (Liability of vehicle owners and expiation of certain offences);
- (c) section 174B (Further offence for continued parking contravention);
- (d) section 174C (Council may grant exemptions from certain provisions);
- (e) section 174D (Proceedings for certain offences may only be taken by certain officers or with certain approvals).

Prohibition of fishing, etc., from certain bridges

22. (1) The Minister may, if of the opinion that it is appropriate to do so in the interests of road safety, by notice published in the *Gazette*, prohibit fishing or other specified activities from a specified bridge or causeway.

(2) The Minister may, by notice published in the *Gazette*, vary or revoke a notice under this regulation.

(3) A person must not contravene a notice under this regulation.

Penalty: \$200.

Prohibition of dogs on certain bicycle paths

23. (1) A person who owns or has possession or control of a dog must ensure that the dog does not enter or remain on a bicycle path referred to in the Schedule of this regulation.

Penalty: \$200.

(2) In proceedings for an offence of contravening subregulation (1), an allegation in the complaint that a specified person was the owner or had possession or control of a specified dog at a specified time will be accepted as proved in the absence of proof to the contrary.

SCHEDULE

1. (1) The bicycle path adjacent to the Southern Expressway that commences at Darlington Street at Bedford Park and proceeds generally southerly on the eastern side of the carriageway of the Expressway to a point approximately 250 metres north of the intersection of the Expressway, South Road and Panalatinga Road at Trott Park, then generally southerly on the western side of the carriageway of the Expressway to the intersection of Panalatinga Road and Old South Road at Old Reynella.

(2) In subclause (1)—

"Southern Expressway" means Road Number 6780 Southern Expressway between—

(a) its intersection with Road Number 6726 Panalatinga Road and Road Number 6203 Main South Road at Trott Park; and

(b) its junction with Road Number 6203 Main South Road at Bedford Park.

Vehicle identification plates and numbers

24. (1) For the purposes of section 110C(8) of the Act (Offences), a vehicle identification plate or plate bearing a vehicle identification number on a motor vehicle or trailer may be removed only—

(a) if it is essential to do so in order to effect necessary repairs to the vehicle or trailer and the plate is put back in the same place on the vehicle as soon as is practicable; or

(b) with the approval of an inspector.

(2) An inspector may issue a South Australian State identification plate to replace the vehicle identification plate for a motor vehicle or trailer, and may approve its placement on the vehicle or trailer, if the vehicle identification plate has been destroyed, removed from the vehicle or trailer or damaged and, in the opinion of the inspector, it is appropriate that a replacement plate be issued and placed on the vehicle or trailer.

(3) An inspector may allot a number for placement on a motor vehicle or trailer as the vehicle identification number for the vehicle or trailer, and may approve its placement on the vehicle or trailer, if the previous vehicle identification number for the vehicle or trailer has been altered, defaced or obliterated and it is, in the opinion of the inspector, appropriate that a replacement number be allotted and placed on the vehicle or trailer.

(4) An inspector may allot a number for placement on the engine block of a motor vehicle as the engine number for the vehicle's engine, and may approve its placement on the engine block, if the previous engine number for the engine has been altered, defaced or obliterated and it is, in the opinion of the inspector, appropriate that a replacement number be allotted and placed on the engine block.

(5) A plate or number removed from a motor vehicle or trailer by a member of the police force or an inspector under section 110C(7) of the Act must be destroyed by the member or inspector.

Modification of motor vehicles

25. (1) A motor vehicle must not be driven or towed on a road if it does not comply with the requirements of this regulation.

(2) If a motor vehicle is driven or towed in contravention of subregulation (1), the driver and the owner and the operator of the vehicle are each guilty of an offence.

(3) A car, car-type utility or car-type panel van must not be altered from its specification as originally manufactured in any of the following respects:

- (a) fitting of an engine of greater displacement volume than an engine available as an option for the vehicle so as to exceed the efficient functioning capacity of the braking system provided for the vehicle;
- (b) fitting of an engine of greater displacement volume than an engine available as an option for the vehicle with the braking system provided at the time of manufacture of the vehicle;
- (c) modification to a braking system—
 - (i) that consists of fitting of a smaller diameter brake drum, or narrower brake drum or brake shoe that reduces the swept area of braking surface; or
 - (ii) that reduces the mass of a brake drum or disc;
- (d) widening of the wheel track of front or rear wheels by more than 26 millimetres beyond the maximum specified by the vehicle manufacturer;
- (e) fitting of spacers between wheels and hubs additional to any provided by the vehicle manufacturer;
- (f) fitting of wheel nuts that do not engage the thread of the wheel studs for at least the same length as the nuts provided by the vehicle manufacturer, or wheel nuts that do not match with the taper on the wheel;
- (g) modifications to axles or suspension that reduce the available suspension travel from static conditions to full bump position to less than two-thirds of that provided by the vehicle manufacturer;
- (h) modifications to axles or suspension such that any part of the vehicle other than the tyre or rim will contact a road surface in the case of the deflation of any tyre;
- (i) welding or heating of axles, stub axles, steering arms or steering knuckle supports;
- (j) lengthening or shortening of the chassis frame or of a mono-construction (chassis-less) body structure;
- (k) alterations affecting any steering components or the steering geometry.

(4) A motor vehicle with a GVM of 4.5 tonnes or less (not being a car, car-type utility, car-type panel van or motor bike) must not be altered from its specification as originally manufactured in any of the following respects:

- (a) fitting of an engine of greater displacement volume or of greater power and torque outputs than an engine available as an option for the vehicle;
- (b) alterations to a braking system;
- (c) widening of the wheel track of the front or rear wheels by more than 26 millimetres beyond the maximum specified by the vehicle manufacturer;

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- (d) fitting of spaces between wheels and between wheels and hubs additional to any provided by the vehicle manufacturer;
- (e) fitting of wheel nuts that do not engage the thread of the wheel studs for at least the same length as the nuts provided by the vehicle manufacturer, or wheel nuts that do not match with the taper on the wheels;
- (f) alterations to the wheelbase;
- (g) alterations to the number of axles;
- (h) alterations affecting any steering components or the steering geometry;
- (i) replacement of any axle with another axle other than an axle available as an option provided by the vehicle manufacturer for the vehicle.

(5) A motor vehicle (not being a bus) with a GVM over 4.5 tonnes must not be modified from its specification when first registered in any of the following respects:

- (a) fitting of an engine with a maximum power or torque output outside the range of engines available for the vehicle from the original manufacturer of the vehicle at the time of its manufacture;
- (b) alteration of the steering components from those provided in the vehicle or available as options for the vehicle from the original manufacturer of the vehicle at the time of its manufacture;
- (c) alteration of the steering geometry from that designed for the vehicle by the original manufacturer of the vehicle;
- (d) alteration of the braking system so that the braking efficiency of the vehicle is reduced;
- (e) alteration of the wheelbase;
- (f) alteration of the number of axles;
- (g) alteration of the suspension system.

Wheels and tyres

26. (1) A vehicle must not be driven or towed on a road if it does not comply with the requirements of this regulation.

(2) If a vehicle is driven or towed in contravention of subregulation (1), the driver and the owner and the operator of the vehicle are each guilty of an offence.

(3) Every road wheel fitted to an axle of a motor vehicle or trailer must—

- (a) conform to one of the dimensional standards for wheel rims set down in the Tyre and Rim Standards Manual issued by the Tyre and Rim Association of Australia; and
- (b) not have a circumferential weld other than one that attaches the rim to the wheel centre; and
- (c) be of the same rim width and have the same offset of the rim relative to the mounting face; and

- (d) if fitted to a motor vehicle manufactured on or after 1 July 1985 (other than a motor vehicle with a GVM over 4.5 tonnes or a trailer), be either—
 - (i) provided as original equipment or as original equipment replacement by the vehicle manufacturer; or
 - (ii) indelibly marked with the wheel's nominal diameter, width and offset and with identification of the manufacturer of the wheel and the standard to which the wheel was manufactured.
- (4) The tyres and wheels fitted to a motor vehicle or trailer must be such that—
 - (a) sufficient clearance is provided so that none of the tyres or wheels will touch any part of the vehicle, other than at the point of attachment, under operating conditions; and
 - (b) none of the tyres protrudes beyond the mudguard or body structure when viewed from above with the wheels in a straight ahead position; and
 - (c) in the case of a vehicle (other than a vehicle with a GVM over 4.5 tonnes), tyres fitted to the same axle are all of the same tyre size designation.
- (5) Despite the requirements of any other regulation or rule under the Act, a motor vehicle that is required to comply with ADR 24 may be—
 - (a) equipped with tyres other than those listed on the tyre placard fitted to the vehicle, provided that—
 - (i) the load of a tyre fitted is not less than the lowest load listed on the tyre placard; and
 - (ii) the overall diameter of a wheel and tyre fitted is not more than 15 millimetres greater than that advised in the Tyre and Rim Standards Manual (issued by the Tyre and Rim Association of Australia) for the largest tyre size listed on the placard and not more than 15 millimetres less than that advised in the Manual for the smallest tyre size listed on the placard; or
 - (b) equipped with wheels wider than those listed on the tyre placard; or
 - (c) equipped with wheels with a rim diameter other than a rim diameter (if any) listed on the tyre placard, provided that the rim diameter of a wheel fitted is not more than 50 millimetres greater than the largest diameter listed on the placard and not more than 50 millimetres less than the smallest diameter listed on the placard.

Sprocket drive vehicles

27. A motor vehicle (not being a motor bike or motor trike) fitted with a chain and sprocket drive must not be driven on a road unless it is so constructed that every chain and sprocket of the drive is fitted with a cover, guard or screen in such a manner as to remove any risk of any person accidentally coming into contact with the chain or sprocket.

Dimensions of bicycles

28. A person must not ride a bicycle on a road unless it complies with the following requirements:

- (a) the handlebars of the bicycle must be symmetrical on each side of the centre line of the bicycle;

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- (b) the extreme ends of the handlebars must extend not less than 200 millimetres nor more than 350 millimetres on each side of the centre line of the bicycle;
- (c) the height of the uppermost part of the handlebar grip must not be more than 300 millimetres above the lowest part of the upper surface of the seat;
- (d) the horizontal distance measured from the centre of the pivot head bearing on the front tube of the frame to a point vertically above the axle of the front wheel must not exceed 250 millimetres;
- (e) the overall width of any equipment or load carried on the bicycle must not exceed 700 millimetres.

Bicycle trailers

29. (1) A person who rides a bicycle—

- (a) must not tow another vehicle on a road unless that other vehicle is a bicycle trailer that complies with the requirements of this regulation; and
- (b) must not tow more than one vehicle.

(2) A bicycle trailer, when towed at night, or in hazardous weather conditions causing reduced visibility, must be fitted with either one or two lighted lamps displaying a red light that is clearly visible for at least 200 metres from the rear and affixed to the rear of the trailer as follows:

- (a) in the case of 1 lamp—in the centre or on the right hand side of the centre of the trailer;
- (b) in the case of 2 lamps—an even distance in the same horizontal plane on either side of the centre of the trailer;
- (c) in either case—with the centre of the lamp not less than 330 millimetres and not more than 1 metre above the ground.

(3) A bicycle trailer must be fitted with two red reflectors in accordance with the following requirements:

- (a) each reflector must be such as to be clearly visible at night for at least 50 metres from the rear when light is projected onto it by a vehicle's headlight on low-beam;
- (b) the reflectors must be fitted symmetrically to the rear of the trailer, with one on each side;
- (c) the centre of each reflector must be not less than 330 millimetres and not more than 1 metre above the ground.

(4) A bicycle trailer, and any equipment or load on the trailer, must not exceed 850 millimetres in width.

(5) A bicycle trailer must be attached to the bicycle by—

- (a) a coupling constructed and fitted so that—
 - (i) it will permit an adequate amount of angular movement between the alignment of the bicycle and the trailer; and

- (i) the strength of the coupling (and of any brackets or other means of securing the coupling to the bicycle and the trailer) is sufficient to prevent the trailer and its equipment and load from becoming separated; and
- (b) a safety connection consisting of a chain, cable or other non-rigid connection affixed to a substantial portion of the trailer and constructed and fitted so that—
 - (i) it will hold the trailer in tow in the event of the failure or detachment of the coupling; and
 - (ii) it is not liable to accidental disconnection and permits all normal angular movements of the coupling without more slack than is necessary for that purpose.

Determination of mass

30. (1) For the purposes of section 148 of the Act (Determination of mass)—

- (a) a weighbridge—
 - (i) must have a steel or concrete platform or, if a wooden platform, must be verified, re-verified or certified, and marked with an inspector's mark or licensee's mark, in accordance with the *Trade Measurement Act 1993* and the regulations under that Act; and
 - (ii) must be so situated as to have sufficient space for vehicles usually weighed on the weighbridge to be driven or drawn on and off without turning on the platform; and
 - (iii) must have a level surface so that no point on the surface on which the mass to be measured bears is more than 15 millimetres above or below any other point on that surface; and
 - (iv) must operate within the appropriate limits of error for that type of weighbridge that may be tolerated under the *Trade Measurement Act 1993*; and
- (b) in order to determine the mass of a vehicle with or without its load and the mass carried on any two or more axles of a vehicle on a weighbridge, it is not necessary to measure the mass carried on all the relevant axles simultaneously, but the mass may be determined by aggregating the measurements of mass taken separately in relation to the axles in question, provided that in determining the mass carried on a vehicle having an axle group or axle groups, the axles within each group must be measured as a whole; and
- (c) when an approved instrument for determining mass is used in order to determine the mass of a vehicle with or without its load and the mass carried on any two or more axles of a vehicle, the mass may be determined by aggregating the measurements of mass taken simultaneously or separately in relation to the axles in question, provided that, in determining the mass carried on individual axles of an axle group, all of the axles within that group must be measured simultaneously and must, as far as possible in the circumstances, be in the same plane.

(2) In this regulation—

"approved instrument for determining mass" means an instrument for determining mass approved in writing by the Minister for the purposes of this regulation.

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Notice for purposes of s. 153(1)

31. For the purposes of section 153(1) of the Act (Determining unladen mass), the notice to be served on the owner or the operator of a vehicle must be in the form set out in Schedule 6.

Prescribed classes of vehicles for purposes of s. 160(1b)

32. For the purposes of section 160(1b) of the Act (Defect notices), the following are vehicles of a prescribed class:

- (a) prime movers;
- (b) commercial motor vehicles;
- (c) trailers.

Defect notices

33. (1) A formal written warning, defect notice or defective vehicle label issued under section 160 of the Act must be in a form approved by the Minister.

(2) A person must not, without lawful authority, obscure a defective vehicle label that has been affixed to a vehicle under section 160 of the Act.

Authorisation under s. 160(8)

34. (1) The Minister may, on application by a person in a form approved by the Minister, authorise the applicant to exercise any of the powers of an inspector under section 160 of the Act, if satisfied (on the basis of evidence provided by the applicant) that the applicant—

- (a) is fully qualified in one or more of the following trades:
 - (i) Motor Mechanic; or
 - (ii) Motor Mechanic, Diesel; or
 - (iii) Brake Mechanic; or
 - (iv) Motor Cycle Mechanic; or
 - (v) any other trade that provides skills equivalent to the skills of a trade referred to above; and
- (b) has successfully completed any training courses approved by the Minister for the purposes of section 160 of the Act; and
- (c) is the holder of an appropriate driver's licence granted and in force under Part 3 of the *Motor Vehicles Act 1959* or an appropriate interstate licence within the meaning of that Act; and
- (d) has an adequate knowledge of the requirements of the Act relating to motor vehicles; and
- (e) is a fit and proper person to be authorised to exercise any of the powers of an inspector under section 160 of the Act.

(1a) The Minister may authorise a person in another State or a Territory of the Commonwealth who has similar powers under the laws of that State or Territory to those of an inspector under section 160 of the Act to exercise a power of an inspector under that section to—

- (a) examine a vehicle for the purpose of determining whether the repairs required by a defect notice issued in relation to the vehicle have been made; or
- (b) issue a clearance certificate in relation to a vehicle; or
- (c) cause a defective vehicle label affixed to a vehicle to be defaced or removed from the vehicle.

(2) The Minister must maintain a record of authorisations issued under section 160(8) of the Act and must make that record available for public inspection.

Prescribed classes of vehicles for purposes of s. 161A

35. (1) For the purposes of section 161A of the Act (Driving of certain vehicles subject to Ministerial approval), the following vehicles (**restricted access vehicles**) are classes of vehicles to which that section applies:

- (a) vehicles that, including their loads (if any), are over 4.3 metres high;
- (b) vehicles that, including their loads (if any), are over 19 metres long;
- (c) vehicles that, including their loads (if any), have a total mass over 42.5 tonnes;
- (d) controlled access buses.

(2) For the purposes of section 161A of the Act, wind-powered vehicles commonly known as land yachts are a class of vehicles to which that section applies.

(3) In this regulation—

"**controlled access bus**" means a bus, except an articulated bus, over 12.5 metres long;

"**vehicle**" includes a combination.

Seat belts and seat belt anchorages

36. (1) Subject to subregulation (7), vehicles manufactured on or after 1 January 1969 are exempt from the provisions of section 162A of the Act (Seat belts and child restraints) and this regulation.

(2) The provisions of this regulation apply for the purposes of section 162A of the Act.

(3) A car, car-type utility or car-type panel van first registered after 30 June 1964 must be fitted with—

- (a) anchorages for a seat belt suitably placed for use by the driver; and
- (b) anchorages for a seat belt suitably placed for use by a person sitting alongside of and on the same seat as the driver or on a separate seat by the side of the driver's seat.

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- (4) An anchorage required to be fitted in accordance with subregulation (3) must—
- (a) in the case of a vehicle first registered after 30 June 1964 but before 10 November 1966, comply with the specification for anchorages published in the *Gazette* of 28 May 1964, page 1180; or
 - (b) in the case of a vehicle first registered on or after 10 November 1966 but before 8 February 1968, comply with the specification for anchorages published in the *Gazette* of 10 November 1966, page 1927; or
 - (c) in the case of a vehicle first registered on or after 8 February 1968 but before 15 January 1970, comply with the specification for anchorages published in the *Gazette* of 8 February 1968, page 346; or
 - (d) in the case of a vehicle first registered on or after 15 January 1970, comply with the Australian Standards Specification for Seat Belt Anchorage Points—(A.S.D. 11-1967).
- (5) A car, car-type utility or car-type panel van first registered on or after 1 January 1967 must be fitted with—
- (a) a seat belt suitably placed for use by the driver; and
 - (b) at least 1 other seat belt placed for use by a person sitting alongside of and on the same seat as the driver or on a separate seat by the side of the driver's seat.
- (6) A seat belt required to be fitted in accordance with subregulation (5) must—
- (a) comply with—
 - (i) Australian Standards Specification for Seat Belt Assemblies for Motor Vehicles—(A.S. E35—1965); or
 - (ii) in the case of a retractor seat belt—Australian Standards Specification for Seat Belt Assemblies (including Retractors) for Motor Vehicles—(A.S. E35 Part II—1970); or
 - (iii) Australian Standard for Seat Belt Assemblies for Motor Vehicles (A.S. 2596—1983); and
 - (b) be clearly and permanently marked with the certification mark of the Standards Association of Australia.
- (7) The following provisions apply to a motor vehicle whenever manufactured:
- (a) seat belts and anchorages for seat belts must be maintained in sound condition and good working order;
 - (b) a person must not sell, or offer for sale, for use in a motor vehicle a seat belt or part of a seat belt—
 - (i) that fails to comply with the requirements of an Australian Standard or Australian Standards Specification referred to in subregulation (6)(a); or

- (ii) that has been removed from a motor vehicle in which it has previously been used.

Note: The *Road Traffic (Vehicle Standards) Rules 1999* apply certain ADRs to vehicles. The ADRs do not cover vehicles manufactured before 1 January 1969.

Child restraints

37. (1) The following devices are approved as child restraints:

- (a) a device that complies with the Australian Standard Specification for Child Restraining Devices for Passenger Cars (AS E46) and is clearly marked with the certification mark of the Standards Association of Australia;
 - (b) a device that complies with the Australian Standard Specification for Child Restraints for Passenger Cars and Derivatives (AS 1754) and is clearly marked with the certification mark of the Standards Association of Australia;
 - (c) a device that complies with—
 - (i) the requirements of the United States of America Federal Motor Vehicle Safety Standard No. 213—Child Seating Systems; and
 - (ii) that is marketed in Australia as the "GM—Child Love Seat" (being General Motors part No. 9677326); and
 - (iii) that is clearly labelled as complying with that standard.
- (2) For the purposes of section 162A of the Act, a child restraint fitted to a motor vehicle must—
- (a) only be used in accordance with the manufacturer's specifications; and
 - (b) be securely attached to an anchorage for a child restraint fitted to that vehicle and to such other anchorages for seat belts fitted to that vehicle as are specified by the manufacturer of the child restraint; and
 - (c) be maintained in sound condition and good working order.

(3) A person must not sell, or offer for sale, for use in a motor vehicle as a child restraint or part of a child restraint a device or part that is not approved under subregulation (1).

(4) A reference in this regulation to a standard is a reference to the standard as in force on 1 January 1987.

Safety helmets

38. (1) Helmets are approved for motor bike riders if—

- (a) manufactured, tested and marked in accordance with the requirements of the Standards Association of Australia contained in—
 - (i) Australian Standard E33/1959—Protective Helmets for Motor Cyclists; or
 - (ii) Australian Standard E33/1968—Protective Helmets for Motor Cyclists; or
 - (iii) Australian Standard E43/1968—Protective Helmets for Racing Motor Cyclists; or

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- (iv) Australian Standard 1698/1974—Protective Helmets for Vehicle Users; or
 - (v) Australian Standard 1698/1988—Protective Helmets for Vehicle Users,
and, if manufactured on or after 1 January 1972, bearing the certification mark of the Standards Association of Australia; or
 - (b) manufactured, tested and marked in accordance with the requirements of the British Standards Institution contained in—
 - (i) British Standard 2001/1972—Protective Helmets for Motor Cyclists; or
 - (ii) British Standard 1869/1960—Protective Helmets for Racing Motor Cyclists; or
 - (iii) British Standard 2495/1960—Protective Helmets and Peaks for Racing Car Drivers,
and bearing the certification mark of the British Standards Institution; or
 - (c) manufactured by Arai Hirotake Limited and marked as model SP-21, SP-22, TX-7, X-7, S-70, R-6m, or XR.
- (2) A person must not sell, or offer for sale, a helmet for use by a motor bike rider or passenger on a motor bike unless—
- (a) the helmet, if manufactured before 1 January 1976, complies with 1 or more of the standards contained in subregulation (1); and
 - (b) the helmet, if manufactured on or after 1 January 1976, complies with Australian Standard 1698/1974—Protective Helmets for Vehicle Users or Australian Standard 1698/1988—Protective Helmets for Vehicle Users.
- (3) Helmets are approved for bicycle riders if they meet the impact attenuation requirement of Australian Standard 2063.
- (4) For the purposes of section 162C of the Act (Safety helmets and riders of wheeled recreational devices and wheeled toys), safety helmets must meet the impact attenuation requirement of Australian Standard 2063.
- (5) A person must not sell, or offer for sale, a helmet for use by a bicycle rider or a rider of a wheeled recreational device or wheeled toy unless the helmet meets the impact attenuation requirement of Australian Standard 2063.
- (6) Despite the other provisions of this regulation and the *Australian Road Rules*, a helmet approved for bicycle riders may be used by a passenger on a motor bike who is under 6 years old and may be sold, or offered for sale, for such use.

Prescribed class of vehicles for purposes of s. 163C(1)

39. For the purposes of section 163C(1) of the Act (Application of Part 4A), buses are vehicles of a prescribed class, other than buses that are used to provide passenger transport services within the meaning of the *Passenger Transport Act 1994*.

Prescribed period for purposes of s. 163D(1a)

40. For the purposes of section 163D(1a) of the Act (Inspection of vehicles and issue of certificates of inspection), a period of 12 months commencing on 1 July is a prescribed period.

Certificate of inspection

41. (1) For the purposes of section 163D(2) of the Act, a certificate of inspection must be in the form set out in Schedule 8.

(2) A certificate of inspection must be issued by the Authority on the condition that, during the currency of the certificate, an inspection label supplied by the Authority is firmly affixed in an upright position to the vehicle—

- (a) to the inside surface of the front windscreen in a corner on the opposite side of the windscreen to the driver's position; or
- (b) in the case of a vehicle that has a pivoted, hinged or fixed side window adjacent to the front windscreen on the opposite side of the windscreen to the driver's position—to the inside surface of that window,

but not so as to obstruct the driver's vision.

Design, maintenance etc. requirements for vehicles to which Part 4A of Act applies

42. (1) For the purposes of sections 163D(3)(b) and 163F of the Act, the prescribed requirements relating to design, construction and safety are the requirements relating to design, construction and safety contained in the Code of Practice for Buses (July 1985), stipulated by the Central Inspection Authority, as amended, varied or substituted from time to time (the **Code of Practice**), to the extent to which those requirements are consistent with the vehicle standards.

(2) For the purposes of sections 163D(3a), 163F and 163GA of the Act, the prescribed scheme of maintenance is the scheme specified in section 15 of the Code of Practice.

(3) For the purposes of section 163GA(1)(a)(i) of the Act, the particulars of prescribed maintenance and repair work carried out on a vehicle are the particulars of maintenance and repair work specified in section 15 of the Code of Practice.

(4) For the purposes of section 163GA(1)(a) of the Act, the prescribed form is the appropriate form set out in the First Schedule of the Code of Practice.

(5) For the purposes of section 163GA(1)(b) of the Act, the records in the form of Part 1 of the First Schedule of the Code of Practice must be retained for a period of not less than 6 months and those in the form of Part 2 of the First Schedule of the Code of Practice must be retained for a period of not less than 12 months.

Fees for inspections

43. (1) In this regulation—

"**Central Inspection Authority inspection**" means an inspection or examination of a vehicle by the Central Inspection Authority for the purposes of section 163D of the Act;

"**one-off motor vehicle**" means a motor vehicle constructed in Australia that has not been certified by the Australian Motor Vehicle Certification Board as complying with the ADRs;

"**Transport Department inspection**" means an inspection or examination of a vehicle by the Transport Department for the purposes of—

- (a) section 160, 161A or 163AA of the Act; or
- (b) regulation 46; or

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- (c) section 139(1)(ab)(i) or (ii) of the *Motor Vehicles Act 1959*; or
- (d) the *Dangerous Substances Act 1979* where the vehicle has been converted to use liquefied petroleum gas;

"**Transport Department premises**", in relation to a Transport Department inspection, includes premises nominated by the Department as a site for such an inspection.

(2) The following fees are payable for a Transport Department inspection of a vehicle (other than a bus) for the purposes of an approval under section 161A of the Act or an exemption under section 163AA of the Act, where—

- (a) the approval or exemption is sought in relation to the use of the vehicle—
- (i) as part of a road train or B-double; or
- (ii) as part of a combination that, including its load (if any), is over 19 metres long or has a total mass over 42.5 tonnes; or
- (b) the vehicle, including its load (if any), has a total mass over 42.5 tonnes:

Type of vehicle	Fee payable for first inspection	Fee payable for further inspection
1. Motor vehicle	\$185.00	\$ 62.50
2. Semi-trailer	\$ 76.50	\$ 36.00
3. Converter dolly	\$ 36.00	\$ 36.00
4. Trailer	\$ 76.50	\$ 36.00

(2a) The following fees are payable for a Transport Department inspection or a Central Inspection Authority inspection of a vehicle, other than an inspection referred to in subregulation (2):

Type of vehicle	Fee payable for first inspection	Fee payable for further inspection
1. Motor vehicle (other than a bus) with a GVM over 4.5 tonnes	\$ 97.50	\$ 62.50
2. Bus	\$ 97.50	\$ 62.50
3. One-off motor vehicle	\$ 97.50	\$ 62.50
4. Any other vehicle	\$ 62.50	\$ 45.50

(3) A further fee of \$5.75 is payable for the issue of each "type approval" plate in connection with an inspection referred to in subregulation (2) or (2a).

(4) Where, pursuant to section 160 of the Act, a vehicle is produced for examination by a member of the police force at a police station, a fee of \$18.50 is payable to the Police Department on certification that the required repairs have been made to the vehicle.

(5) Where the Transport Department carries out an examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the *Motor Vehicles Act 1959*, the following fees are payable:

- (a) if the examination takes place at Transport Department premises—a fee of \$18.50 per vehicle is payable to the Registrar of Motor Vehicles on registration of the motor vehicle;
- (b) if the examination takes place at a site other than Transport Department premises—
 - (i) a fee of \$132 per site visit is payable to the Transport Department prior to the examination; and
 - (ii) a fee of \$18.50 per vehicle is payable to the Registrar of Motor Vehicles on registration of the motor vehicle.

(6) Where a member of the police force carries out an examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the *Motor Vehicles Act 1959*, a fee of \$18.50 is payable to the Police Department prior to the examination.

(7) Where the Transport Department carries out an examination of a motor vehicle for the purposes of completing a report under regulation 23A of the *Motor Vehicles Regulations 1996*, a fee of \$11.60 is payable to the Registrar of Motor Vehicles on registration of the motor vehicle.

(8) Where a member of the police force carries out an examination of a motor vehicle for the purposes of completing a report under regulation 23A of the *Motor Vehicles Regulations 1996*, a fee of \$11.60 is payable to the Police Department prior to the examination.

(9) If more than one fee becomes payable under this regulation in respect of an inspection or examination, only the higher or highest fee (as the case may be) must be paid.

(10) A fee payable under this regulation for an inspection—

- (a) must, except where otherwise specified, be paid to the Transport Department; and
- (b) must be paid prior to that inspection.

Offence and penalty

44. (1) A person who contravenes or fails to comply with a provision of these regulations is guilty of an offence.

(2) A person who is guilty of an offence against these regulations for which no penalty is specifically provided is liable to a penalty not exceeding \$1 250.

Expiation of alleged offences

45. (1) The expiation fees set out in Schedule 9 are fixed for alleged offences against the Act or the rules or regulations specified in the Schedule.

(2) Text set out in italic type under a heading in Schedule 9 commencing with the words "Description of offence" is a description for convenience purposes only and is not to be taken to define the offence for which a particular amount is fixed as the expiation fee.

Power of exemption

46. (1) The Minister may, by instrument in writing or notice published in the *Gazette*, exempt—

- (a) a person or class of persons; or

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(b) a vehicle or class of vehicles,

from a specified provision of these regulations, unconditionally or subject to specified conditions.

(2) The Minister may, by instrument in writing or notice published in the *Gazette*, vary or revoke an exemption under this regulation.

Proof of GVM, etc.

47. In proceedings for an offence against the *Road Traffic Act 1961* involving a breach of a regulation or rule made under that Act, an allegation in a complaint that a specified mass was the GVM, GCM or GTM of a specified vehicle is proof of the matter so alleged in the absence of proof to the contrary.

SCHEDULE 1AA

Prescribed Oral Advice (Section 47E(4)(ab))

ROAD TRAFFIC ACT 1961

**ORAL ADVICE ON REFUSAL OR FAILURE TO COMPLY WITH ALCOTEST OR
BREATH ANALYSIS DIRECTION: SECTION 47E(4)(ab)**

It is a criminal offence to refuse or fail to provide a breath sample without good cause. You could be fined and lose your licence for 12 months or more.

It is a defence if you have some physical or medical condition that prevents you from providing a breath sample, but only if you ask for a sample of your blood to be taken instead or can show that your condition also prevents the taking of blood.

If you want a blood sample taken because of your condition, you should ask for that and the police will help you to have the sample taken at Government expense.

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SCHEDULE 1

Prescribed oral advice and written notice (Section 47G(2a)(a))

ROAD TRAFFIC ACT 1961

PART A

ORAL ADVICE FOR THE PURPOSES OF SECTION 47G(2a)(a)

The breathalyser reading just taken shows that you had a prohibited level of alcohol in your blood.

Therefore, it appears that you have committed an offence against section 47B of the *Road Traffic Act*.

In any court proceedings for that offence, or for an offence against section 47 of the *Road Traffic Act* (driving under the influence of liquor), it will be presumed that the breathalyser accurately indicated your blood alcohol level at the time of the reading and for the preceding two hours. However, the *Road Traffic Act* allows for contrary evidence based on the results of a blood test.

If you want to have such a blood test you will have to make your own arrangements and follow certain procedures, using a special blood test kit. This blood test kit will be supplied to you on your signing a written request.

If you obtain a blood test kit and want to have your blood tested, you should take the kit promptly to a hospital or medical practitioner in order to have a sample of your blood taken.

[*Alternatively, you may have the sample taken by a registered nurse.]

You must not consume any more alcohol before having a sample of your blood taken and must not open the blood test kit before delivering it to a medical practitioner [*or registered nurse].

Under the blood test procedure, the sample of blood is divided and sealed in two containers. You will have to sign a form that will be given to you by the medical practitioner [*or registered nurse].

One of the sealed containers will be given to you and you may make your own arrangements to have the blood in that container analysed.

In any event, the blood in the other container will be analysed by State Forensic Science and you will be given written notice of the results of the analysis.

Further information as to these matters is contained in the written notice which will be delivered to you shortly.

* Advice as to the alternative of a registered nurse is to be given only if the breath analysis was conducted outside Metropolitan Adelaide.

PART B

WRITTEN NOTICE FOR THE PURPOSES OF SECTION 47G(2a)(a) OF ROAD TRAFFIC ACT 1961

OPERATION OF ROAD TRAFFIC ACT IN RELATION TO RESULTS OF BREATH ANALYSIS

1. Offence

A person commits an offence against section 47B(1) of the *Road Traffic Act 1961* if the person—

- (a) drives a motor vehicle: or
- (b) attempts to put a motor vehicle in motion,

while there is present in his or her blood the prescribed concentration of alcohol (as defined in section 47A of the Act).

2. Breath analysis

Your breath has just been analysed by means of a breath analysing instrument which indicated that the prescribed concentration of alcohol was present in your blood.

Accordingly, it appears that you have committed the offence described above.

3. Legal effect of breath analysis result

In proceedings for the offence described above or an offence against section 47(1) of the *Road Traffic Act 1961* (driving under the influence of liquor), the result of the breath analysis will be presumed to accurately record the concentration of alcohol in your blood at the time of the analysis and throughout the preceding 2 hours (*section 47G(1),(1ab)*).

In any proceedings against you for such an offence, you will be able to challenge the accuracy of the breath analysis reading—

- if you have a sample of your blood taken and analysed *as described below*

AND

- if the result of analysis of the blood sample shows that the breath analysing instrument gave an exaggerated reading of the concentration of alcohol present in your blood (*section 47G(1a)*).

PROCEDURES FOR OPTIONAL BLOOD TEST

1. You may have a sample of your blood taken and analysed if you wish.
2. For that purpose, you must request the breath analysis operator to supply you with an approved blood test kit (you must sign a written request form for the kit and should retain a copy of the signed request form).
3. You should then proceed promptly to a hospital or a medical practitioner [*or registered nurse] of your choice and request that a sample of your blood be taken (using the blood test kit).
4. Do not consume any further alcohol before the sample is taken.
5. Do not open the blood test kit.
6. The medical practitioner [*or registered nurse] taking the sample of your blood will divide it and place it into two containers and seal the containers. One container will be delivered to you — do not break the seal on this container.
7. Sign the form presented to you by the medical practitioner [*or registered nurse] — the original of the form will be given to you which you should retain.
8. You may, if you wish, have the blood sample (in the container delivered to you) analysed at a laboratory to determine the concentration of alcohol present in the blood.
9. The other blood sample container will, in any event, be sent to State Forensic Science where the blood will be analysed. The results of this analysis will be sent to you at your address (as indicated on the form presented to you by the medical practitioner [*or registered nurse] who took the blood sample).

* The alternative of a registered nurse applies only if the breath analysis was conducted outside Metropolitan Adelaide.

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SCHEDULE 2

Form of request (Section 47G(2a)(b))

ROAD TRAFFIC ACT 1961

REQUEST FORM FOR THE PURPOSES OF SECTION 47G(2a)(b)

..... of.....
(Name)

.....
(Address)

submitted to a breath analysis at
(Address or description)

at am/pm on the day of 19.....

I (the person named above) now request that I be supplied with an approved blood test kit.

Signature: In the presence of:
(Person making request) (Name of Police Officer)

Signature of witnessing Police Officer:

SCHEDULE 3

Form of Certificate (Section 47G(1a) Reg. 10)

ROAD TRAFFIC ACT 1961

BLOOD TEST FOR ALCOHOL (MEDICAL PRACTITIONER'S OR NURSE'S CERTIFICATE)

A. CERTIFICATE BY *MEDICAL PRACTITIONER/REGISTERED NURSE
Pursuant to Section 47G of the Road Traffic Act, 1961

I, a *medical practitioner/registered nurse, certify that at
 at am/pm on the day
(Name of Hospital/Surgery)

of19....., I took a sample of blood from:

PATIENT'S NAME & ADDRESS *Please print clearly for mailing*

Postcode

Patient's Signature

I witnessed the patient's signature. I divided the sample into two approximately equal portions, placed them in containers and secured the caps. I then sealed each container by application of an adhesive seal bearing the identifying number:
 Serial number:

I personally gave one container to the patient.

Signed by the abovementioned *medical practitioner/registered nurse:

B. POLICE SAMPLE

Place in blood box Box number
 (declared hospital)

Handed to Police Officer

By: Name. Signature:

C. PATIENT'S SAMPLE

Personally given to patient

PATIENT TO SIGN FOR SAMPLE:

I acknowledge receipt of the sample:

Tick Applicable Box.

* Strike out whichever is inapplicable (note: a blood sample may be taken by a registered nurse only if the breath analysis was conducted outside Metropolitan Adelaide)

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SCHEDULE 4

Notice (Section 79B(5))

ROAD TRAFFIC ACT 1961

NOTICE FOR THE PURPOSES OF SECTION 79B(5)

IMPORTANT: IT IS IN YOUR OWN INTEREST TO READ THIS NOTICE

1. Defences Available to Registered Owner

Under section 79B of the *Road Traffic Act 1961*, as the registered owner of the vehicle to which the enclosed expiation notice, expiation reminder notice or summons refers, you will have a defence to the allegation made against you in that notice or summons if—

- (a) you forward to the Commissioner of Police a statutory declaration stating that you were not driving the vehicle at the time of the speeding or traffic light offence referred to in the notice or summons and setting out the name and address of the person who was;

OR

- (b) you do not know and could not by the exercise of reasonable diligence have ascertained the identity of the person who was driving the vehicle at the time of the speeding or traffic light offence, AND you forward to the Commissioner of Police a statutory declaration setting out the reasons why the identity of the driver is not known to you and the inquiries (if any) that you have made to identify the driver;

OR

- (c) it is proved that your vehicle was not used in the commission of the speeding or traffic light offence referred to in the notice or summons.

Where the registered owner of the vehicle is a body corporate, the body corporate will have a defence if—

- (a) an officer of the body corporate acting with the authority of the body corporate forwards to the Commissioner of Police a statutory declaration stating the name and address of the person who was driving the vehicle at the time of the speeding or traffic light offence referred to in the notice or summons;

OR

- (b) the vehicle was not being driven by an officer or employee of the body corporate in the course of his or her duty at the time of the speeding or traffic light offence and the body corporate does not know and could not by the exercise of reasonable diligence have ascertained who was driving at that time, AND an officer of the body corporate acting with the authority of the body corporate forwards to the Commissioner of Police a statutory declaration stating the reasons why the identity of the driver is not known and the inquiries (if any) that have been made to identify the driver;

OR

- (c) it is proved that the vehicle was not used in the commission of the speeding or traffic light offence referred to in the notice or summons.

2. Withdrawal of Allegation

If you believe that you have a defence to the allegation, you may bring it to the attention of the Commissioner of Police for consideration. The evidence in support of your defence must be provided by statutory declaration and forwarded to the EXPIATION NOTICE BRANCH, G.P.O. BOX 2029, ADELAIDE 5001 *before the due date for payment specified in the enclosed expiation notice or expiation reminder notice or, if the enclosed document is a summons, within 21 days after the date of issue of the summons.* On considering the evidence the Commissioner may withdraw the notice or summons.

3. Viewing of Photographic Evidence

The allegation is based on photographic evidence. You may—

- (a) apply in writing to the Commissioner of Police for a copy of the photograph concerned. Your application should be addressed to the EXPIATION NOTICE BRANCH, G.P.O. Box 2029, ADELAIDE 5001 and should include the address to which you want the photograph sent. (If no address is included the photograph will be sent to the recorded address of the registered owner of the vehicle).
- (b) view the photograph by making an appointment with the EXPIATION NOTICE BRANCH, TELEPHONE NO: 8207 5950.

WARNING: Under the *Oaths Act 1936* it is an offence to knowingly make a statutory declaration that is untrue in a material particular. The maximum penalty is 4 years imprisonment.

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SCHEDULE 5

Notice (Section 79B(6))

ROAD TRAFFIC ACT 1961

NOTICE FOR THE PURPOSES OF SECTION 79B(6)

IMPORTANT: IT IS IN YOUR OWN INTEREST TO READ THIS NOTICE

Viewing of Photographic Evidence

The allegation in the expiation notice, expiation reminder notice or summons that accompanies this notice is based on photographic evidence:

You may:

- (a) apply in writing to the Commissioner of Police for a copy of the photograph concerned. Your application should be addressed to the EXPIATION NOTICE BRANCH, G.P.O. BOX 2029, ADELAIDE 5001 and should include the address to which you want the photograph sent. (If no address is included, the photograph will be sent to the recorded address of the registered owner of the vehicle).
- (b) view the photograph by making an appointment with the EXPIATION NOTICE BRANCH, TELEPHONE NO: 8207 5950.

SCHEDULE 6

Notice to Weigh Vehicle (Section 153(1))

**ROAD TRAFFIC ACT 1961
NOTICE TO WEIGH VEHICLE**

To

You are hereby required within(specify time) from the service of this notice upon you—

1. To cause the vehicle, viz., of which you are the owner, to be driven to the following weighbridge or other instrument, namely (specifying weighbridge or other instrument) at

2. To permit the unladen mass of the vehicle to be determined by means of such weighbridge or other instrument.

3. To deliver the document issued by the person determining the unladen mass of the vehicle and stating the unladen mass thereof, to the member of the police force or inspector who has signed this notice.

Dated the day of 19

.....
** Member of the Police Force or Inspector*

.....
Justice of the Peace

*Strike out whichever is inapplicable

* * * * *

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SCHEDULE 8

Certificate of Inspection (Section 163D(2))

**ROAD TRAFFIC ACT 1961
VEHICLES INSPECTED UNDER PART 4A**

This is to certify that the vehicle, Registration No. has been inspected and this Certificate of Inspection is issued *subject to the conditions attached to this certificate.*

Expiry Date: Label No:

Seating Capacity: Adults or Children

Signature of Inspector or authorised person

Date:

Notes:

1. This certificate is issued on behalf of the Central Inspection Authority.
2. This certificate will remain in force up to and including the date of expiry, unless sooner cancelled by the Central Inspection Authority.

SCHEDULE 9

Expiation Fees (Reg. 45)

PART 1

OFFENCES AGAINST THE ROAD TRAFFIC ACT 1961

Section	Description of offence against Road Traffic Act 1961	Fee (\$)
47B(1)	<i>Driving whilst having prescribed concentration of alcohol in blood</i> Contravention involving less than 0.08 grams of alcohol in 100 millilitres of blood	129
79B(2)	<i>See end of Schedule</i>	
91(3)	<i>Failing to comply with direction of ferry operator</i>	45
112(2)	<i>Driving or towing on road vehicle not complying with vehicle standards or requirements relating to safety maintenance or emission control systems</i> Non-compliance with rule 155 of the vehicle standards	129
	Non-compliance with rule 158 of the vehicle standards	66
	Any other contravention of section 112(1)	138
114(2)	<i>Driving or towing on road vehicle not complying with mass and loading requirements</i> Exceeding mass limits of vehicle— by not more than 500 kg over permitted mass	171
	by more than 500 kg but not more than 1 000 over permitted mass	219
	by more than 1 000 kg but not more than 1 500 kg over permitted mass	280
	by more than 1 500 kg but not more than 2 000 kg over permitted mass	295
	Any non-compliance other than exceeding a mass limit	138
164A(1)	<i>Contravening or failing to comply with provision of Act</i> Contravention of or failure to comply with— s. 33(9) <i>Failing to comply with direction of member of police force</i>	124
	s. 41(2) <i>Failing to comply with direction of member of police force</i>	124
	s. 53B(1) <i>Selling radar detector or jammer or storing or offering radar detector or jammer for sale</i>	211
	s. 82(1) <i>Speeding while passing school bus</i> Exceeding the speed-limit while passing a school bus— by less than 15 kph	126
	by 15 kph or more but less than 30 kph	200
	by 30 kph or more	312
	s. 83(1)(a) <i>Speeding while passing emergency vehicle</i> Exceeding 40 kph while passing an emergency vehicle— by less than 15 kph	126
	by 15 kph or more but less than 30 kph	200
	by 30 kph or more	312
	s. 83A(1) <i>Standing, etc. or placing goods or sign on carriageway, dividing strip or traffic island for purpose of soliciting business, etc.</i>	45
	s. 83A(2) <i>Buying or offering to buy goods from person standing, etc. on carriageway, etc. in contravention of rule 83A(1)</i>	45
	s. 85(2) <i>Leaving stationary vehicle in prohibited area near Parliament House, etc. without authority</i>	58
	s. 87 <i>Walking without due care or attention etc.</i>	10
	s. 95 <i>Riding on vehicle without consent of driver</i>	45
	s. 99A <i>Bicycle rider riding on footpath or other road-related area failing to give warning to pedestrians etc.</i>	18
	s. 99B(1) <i>Riding wheeled recreational device or wheeled toy without due care or attention etc.</i>	18
	s. 99B(2) <i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area abreast of another vehicle etc.</i>	18
	s. 99B(3) <i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area without giving warning to pedestrians etc.</i>	18

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s. 106(1)	<i>Damaging road, bridge, etc. otherwise than by reasonable use or removing, damaging or interfering with fence, post, etc.</i>	107
s. 107	<i>Driving, drawing, hauling, dragging over road any implement, sledge, etc.</i>	107
s. 108(1)	<i>Depositing certain articles or materials on road</i>	101
s. 110	<i>Failing to keep whole of vehicle on sealed surface when driving on sealed road</i>	45
s. 160(5f)	<i>Defacing, altering or removing defective vehicle label affixed to vehicle</i>	55
s. 161A(1)	<i>Driving of certain vehicles subject to Ministerial approval</i>	138
s. 162A(2)	<i>Driving motor vehicle not equipped with seat belts, etc. as required by regulations</i>	186
s. 162C(1)	<i>Riding wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	45
s. 162C(2)	<i>Riding wheeled recreational device or wheeled toy on which is carried child under 16 years not wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	45
s. 162C(2a)	<i>Parent or other person having custody or care of child under 16 years causing or permitting child to ride or be carried on wheeled recreational device or wheeled toy without wearing safety helmet complying with regulations and properly adjusted and securely fastened</i>	44
167(1)	<i>Causing or permitting the commission of an expiable offence against the Road Traffic Act 1961 or these regulations</i>	40
174B	<i>Further offence for continued parking contravention</i>	13

PART 2
OFFENCES AGAINST THE AUSTRALIAN ROAD RULES

Rule	Description of offence against Australian Road Rules	Fee (\$)
20	<i>Speeding</i> Exceeding applicable speed-limit on length of road— by less than 15 kph	126
	by 15 kph or more but less than 30 kph	200
	by 30 kph or more	312
27(1)	<i>Failing to keep left when starting left turn (from other than multi-lane road)</i>	153
28(1)	<i>Failing to keep within left lane when starting left turn on multi-lane road</i>	153
29	<i>Failing to make left turn as indicated by road marking</i>	153
31(1)	<i>Starting right turn incorrectly (from other than multi-lane road)</i>	153
32(1)	<i>Failing to keep within right lane when starting right turn (on multi-lane road)</i>	153
33(1)	<i>Making right turn at intersection incorrectly (other than at T-intersection)</i>	153
34(1)	<i>Making hook turn at "hook turn only" sign incorrectly</i>	133
35(2)	<i>Bicycle rider making hook turn at intersection with "no hook turn only" sign, etc. incorrectly</i>	18
36	<i>Bicycle rider making hook turn contrary to "no hook turn by bicycles sign"</i>	18
37	<i>Starting U-turn without clear view, etc.</i>	188
38	<i>Failing to give way when making U-turn</i>	188
39(1)	<i>Making U-turn contrary to "no U-turn sign" at break in dividing strip</i>	175
39(2)	<i>Making U-turn contrary to "no U-turn sign" on length of road</i>	175
40	<i>Making U-turn at intersection with traffic lights and "no U-turn permitted" sign</i>	149
41	<i>Making U-turn at intersection without traffic lights and without "U-turn permitted" sign</i>	175
42	<i>Starting U-turn at intersection from incorrect position</i>	188
43(1)	<i>Starting and making left turn incorrectly</i>	153
43(2)	<i>Starting and making right turn incorrectly</i>	153
46(1)	<i>Failing to give left change of direction signal before turning left</i>	147
46(4)	<i>Failing to stop giving left change of direction signal after turning left</i>	86

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48(1)	<i>Failing to give right change of direction signal before turning right</i>	147
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51	<i>Using direction indicator lights when not permitted</i>	86
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59(1)	<i>Proceeding through red traffic light</i>	211
60	<i>Proceeding through red traffic arrow</i>	211
61(2)	<i>Failing to stop at intersection when traffic lights or arrows change to yellow or red</i>	211
61(5)	<i>Failing to leave intersection when traffic lights or arrows change to yellow or red</i>	211
62	<i>Failing to give way when turning at intersection with traffic lights</i>	211
63(2)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where traffic light-stop sign</i>	211
63(3)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where no traffic light-stop sign</i>	211
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144	<i>Failing to keep safe distance when overtaking</i>	142
145	<i>Increasing speed while being overtaken</i>	140
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148(2)	<i>Failing to give way when moving from one line of traffic to another line of traffic</i>	158
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151(1)	<i>Riding motor bike or bicycle alongside more than 1 other rider on non multi-lane road</i>	45
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154(1)	<i>Driving in bus lane</i>	120
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160(2)	<i>Passing or overtaking to right of tram not at or near far left side of road</i>	159
160(3)	<i>Passing or overtaking left turning, etc. tram not at or near far left side of road</i>	159
161(2)	<i>Passing or overtaking to left of tram at or near the left side of road</i>	159
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164(1)	<i>Failing to give way to pedestrians crossing road near stopped tram</i>	211
167	<i>Stopping where "no stopping" sign applies</i>	40
168(1)	<i>Stopping where "no parking" sign applies</i>	31
169	<i>Stopping on road with continuous yellow edge line</i>	40
170(1)	<i>Stopping in intersection</i>	40
170(2)	<i>Stopping within 20 metres of intersection with traffic lights</i>	40
170(3)	<i>Stopping within 10 metres of intersection without traffic lights</i>	40
171(1)	<i>Stopping on or near children's crossing</i>	40
172(1)	<i>Stopping on or near pedestrian crossing (except at intersection)</i>	40
173(1)	<i>Stopping on or near marked foot crossing (except at intersection)</i>	40
174(2)	<i>Stopping at or near bicycle crossing lights (except at intersection)</i>	40
175(1)	<i>Stopping on or near level crossing</i>	40
176(1)	<i>Stopping on clearway</i>	120
177(1)	<i>Stopping on freeway</i>	120
178	<i>Stopping in emergency stopping lane</i>	120
179(1)	<i>Stopping in loading zone</i>	25
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180(1)	<i>Stopping in truck zone</i>	25
181(1)	<i>Stopping in works zone</i>	25
182(1)	<i>Stopping in taxi zone</i>	25
183(1)	<i>Stopping in bus zone</i>	40
184(1)	<i>Stopping in minibus zone</i>	40
185(1)	<i>Stopping in permit zone</i>	25
186(1)	<i>Stopping in mail zone</i>	25

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187(1)	<i>Stopping in bus lane, transit lane or truck lane</i>	120
187(2)	<i>Stopping in bicycle lane</i>	120
187(3)	<i>Stopping in tram lane or on tram tracks</i>	120
188	<i>Stopping in shared zone</i>	25
189(1)	<i>Double parking</i>	40
190(1)	<i>Stopping in or near safety zone</i>	25
191	<i>Stopping near obstruction</i>	55
192(1)	<i>Stopping on bridge, causeway, ramp or similar structure</i>	40
192(2)	<i>Stopping in tunnel or underpass</i>	55
193(1)	<i>Stopping on crest or curve outside built-up area</i>	55
194(1)	<i>Stopping near fire hydrant, etc.</i>	31
195(1)	<i>Stopping at or near bus stop</i>	40
196(1)	<i>Stopping at or near tram stop</i>	40
197(1)	<i>Stopping on path, dividing strip or nature strip</i>	40
198(1)	<i>Obstructing access to and from footpath ramp, etc.</i>	31
198(2)	<i>Obstructing access to and from driveway, etc.</i>	31
199(1)	<i>Stopping near postbox</i>	40
200(1)	<i>Stopping heavy or long vehicle on road outside built-up area except on shoulder of road</i>	55
200(2)	<i>Stopping heavy or long vehicle on road in built-up area for longer than permitted time</i>	55
201	<i>Stopping on road with "bicycle parking" sign</i>	25
202	<i>Stopping on road with "motor bike parking" sign</i>	25
203(1)	<i>Stopping in parking area for people with disabilities</i>	61
205	<i>Parking for longer than indicated where "permissive parking" sign applies</i>	13
207(2)	<i>Failing to pay fee, etc. for parking where fees payable</i>	13
208(1)	<i>Failing to park on road (except in median strip parking area) in accordance with rule—parallel parking</i>	25
209(2)	<i>Failing to park in median strip parking area in accordance with rule—parallel parking</i>	25
210(1)	<i>Failing to park in accordance with rule—angle parking</i>	25
211(1)	<i>Parking on road, etc. where "park in bays only" sign applies</i>	13
211(2)	<i>Parking in parking bays—failing to park vehicle wholly within parking bay</i>	13
211(3)	<i>Parking in parking bays—failing to park long or wide vehicle in minimum number of parking bays needed to park vehicle</i>	13
212(1)	<i>Entering or leaving median strip parking area—contrary to sign</i>	55
212(2)	<i>Entering or leaving median strip parking area—failing to drive forward</i>	55
215(1)	<i>Failing to use lights when driving at night or in hazardous weather conditions</i>	107
216(1)	<i>Failing to use lights when towing vehicle at night or in hazardous weather conditions</i>	66
217(1)	<i>Using rear fog light when not driving in fog or other hazardous weather conditions</i>	107
218(1)	<i>Using headlights on high-beam</i>	107
219	<i>Using lights to dazzle other road users</i>	107
220(1)	<i>Stopping vehicle on road at night—failing to operate lights</i>	107
221	<i>Using hazard warning lights</i>	60
223	<i>Riding animal-drawn vehicle at night or in hazardous weather conditions—failing to operate lights</i>	18
224	<i>Using horn or similar warning device</i>	72
225(1)	<i>Using radar detector or similar device</i>	211
226(1)	<i>Driving heavy vehicle not equipped with portable warning triangles</i>	45
226(2)	<i>Failing to produce warning triangles on demand</i>	45
227(2)	<i>Failing to use portable warning triangles—vehicle stopped on road</i>	45
227(3)	<i>Failing to use portable warning triangles—fallen load</i>	45
228	<i>Pedestrian passing "no pedestrians" sign</i>	10
229	<i>Pedestrian on road to which "road access" sign applies</i>	10
230(1)	<i>Failing to cross road in accordance with rule</i>	10
231(1)	<i>Failing to cross road with pedestrian lights in accordance with rule</i>	10
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232(3)	<i>Failing to cross road at traffic lights while light turning yellow or red in accordance with rule</i>	10
232(4)	<i>Crossing road at traffic lights—failing to remain in safety area</i>	10
233(1)	<i>Crossing road to get on tram—crossing before tram stops at tram stop</i>	10
233(2)	<i>Crossing road from tram—failing to comply with rule</i>	10
234(1)	<i>Crossing road near crossing for pedestrians</i>	10
234(2)	<i>Pedestrian staying on road longer than necessary to cross road</i>	10
235(1)	<i>Crossing level crossing</i>	10
235(2)	<i>Crossing level crossing while warning lights flashing, etc</i>	10
236(1)	<i>Pedestrian causing traffic hazard</i>	10
236(2)	<i>Pedestrian causing obstruction</i>	10
237(1)	<i>Getting on or into moving vehicle</i>	71
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240(1)	<i>Travelling in or on wheeled recreational device or wheeled toy on road with dividing line, median strip, one-way road or road with more than 1 marked lane</i>	18
240(2)	<i>Travelling in or on wheeled recreational device on certain roads or during certain times</i>	18
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296(1)	<i>Reversing vehicle when not safe to do so</i>	211
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297(2)	<i>Driving motor vehicle without clear view of road, etc.</i>	72
298	<i>Driving motor vehicle towing trailer with person in trailer</i>	106
299(1)	<i>Driving motor vehicle with TV or VDU in operation in vehicle</i>	45
300(1)	<i>Using hand-held mobile phone while driving vehicle</i>	159
301	<i>Leading animal while driving motor vehicle</i>	45
301	<i>Leading animal while riding bicycle</i>	18
302	<i>Rider of animal on footpath or nature strip failing to give way to pedestrian</i>	18
303(1)	<i>Riding animal alongside more than 1 other rider on non multi-lane road</i>	18
303(2)	<i>Riding animal alongside another rider in marked lane</i>	18
303(4)	<i>Riding animal alongside another rider more than 1.5 metres from other rider</i>	18
304(1)	<i>Failing to obey direction of police officer or authorised person</i>	134

Road Traffic (Miscellaneous) Regulations 1999

PART 3
OFFENCES AGAINST THE ROAD TRAFFIC (DRIVING HOURS)
REGULATIONS 1999

Reg.	Description of offence against Road Traffic (Driving Hours) Regulations 1999	Fee (\$)
19(2)	<i>Exceeding driver's maximum driving time for relevant period 1, 2 or 3 (heavy truck or commercial bus)</i>	165
20(2)	<i>Exceeding driver's maximum work time for relevant period 1, 2 or 3 (heavy truck or commercial bus)</i>	165
21(2)	<i>Failing to comply with driver's required minimum rest time for relevant period 1, 2 or 3 (heavy truck)</i>	165
21(3)	<i>Failing to comply with driver's required minimum rest time for relevant period 1, 2 or 4 (commercial bus)</i>	165
28(3)	<i>Exceeding driver's maximum driving time for relevant period (heavy truck)</i>	165
29(2)	<i>Exceeding driver's maximum work time for relevant period (heavy truck)</i>	165
30(3)	<i>Failing to comply with driver's required minimum rest time for relevant period (heavy truck)</i>	165
39	<i>Employer registered as employer participant in TFMS failing to comply with requirement of reg. 39</i>	165
129(1)	<i>Contravention or failure to comply with provision for which no penalty is specifically provided</i>	165

PART 4
OFFENCES AGAINST THE ROAD TRAFFIC (MISCELLANEOUS)
REGULATIONS 1999

Reg.	Description of offence against Road Traffic (Miscellaneous) Regulations 1999	Fee (\$)
20(3)	<i>Driving or towing vehicle on certain roads while transporting dangerous substance . . .</i>	138
20A(2)	<i>Towing prohibited number of vehicles</i>	138
21(1)	<i>Parking in certain public places</i>	
	<i>Parking in City of Adelaide Park Lands</i>	67
	<i>Parking in other public place</i>	25
22(3)	<i>Contravening notice prohibiting fishing or other specified activities from specified bridge or causeway</i>	45
23(1)	<i>Failing to ensure dog does not enter or remain on certain bicycle paths</i>	91
25(2)	<i>Driving or towing on road vehicle not complying with requirements of regulation—vehicle altered from original specifications</i>	44
44(1)	<i>Contravening or failing to comply with provision of regulations</i>	
	<i>Contravention of or failure to comply with—</i>	
reg. 28	<i>Riding bicycle not complying with requirements of regulation</i>	18
reg. 29(1)	<i>Bicycle rider towing vehicle other than bicycle trailer complying with regulation or towing more than one vehicle</i>	18
reg. 33(2)	<i>Obscuring defective vehicle label affixed to vehicle</i>	55
reg. 36(7)	<i>Selling, or offering for sale, for use in motor vehicle seat belt or part of seat belt not complying with requirements of regulation or removed from vehicle in which previously used</i>	186
reg. 37(3)	<i>Selling, or offering for sale, for use in motor vehicle child restraint or part of child restraint not approved</i>	186
reg. 38(3)	<i>Selling, or offering for sale, for use by motor bike rider or passenger helmet not complying with standard</i>	186

Road Traffic (Miscellaneous) Regulations 1999

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reg. 38(5)	<i>Selling, or offering for sale, for use by bicycle rider or rider of wheeled recreational device or wheeled toy helmet not meeting requirement</i>	186
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PART 5**OFFENCES AGAINST THE ROAD TRAFFIC (ROAD RULES—ANCILLARY AND MISCELLANEOUS PROVISIONS) REGULATIONS 1999**

Reg.	Description of offence against Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999	Fee (\$)
9A(1)	<i>Speeding while driving road train</i> Exceeding 90 kph speed-limit—	
	by less than 15 kph	126
	by 15 kph or more but less than 30 kph	200
	by 30 kph or more	312
9A(2)	<i>Speeding while driving road train</i> Exceeding 40 kph speed-limit—	
	by less than 15 kph	126
	by 15 kph or more but less than 30 kph	200
	by 30 kph or more	312

Photographic detection devices

1. The expiation fee for an alleged offence against s. 79B(2) of the Act constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an expiable offence is the same as the expiation fee payable for that expiable offence.

Lesser expiation fee if motor vehicle not involved

2. (1) Despite the fees fixed in the tables in this Schedule, the expiation fee is \$18 for an alleged offence (other than an offence referred to in subclause (2)) constituted of—

- (a) driving, towing, stopping or parking a vehicle other than a motor vehicle; or
- (b) travelling in or on a wheeled recreational device or wheeled toy.

(2) Subclause (1) does not apply in the case of—

- (a) an offence constituted of failing to comply with the lawful directions of a person; or
- (b) an offence against section 162C(1), (2) or (2a) of the Act; or
- (c) an offence against rule 244, 254(2), 256(1) or 256(2) of the Australian Road Rules.

APPENDIX

LEGISLATIVE HISTORY

(entries in bold type indicate amendments incorporated since the last reprint)

Regulation 4:	definition of "GCM" revoked by 181, 2000, reg. 3(a); inserted by 121, 2001, reg. 3(a) definition of "GTM" inserted by 121, 2001, reg. 3(a) definition of "speeding offence" substituted by 169, 2001, reg. 3 definition of "tractor" inserted by 181, 2000, reg. 3(b) definition of "vehicle registration authority" inserted by 121, 2001, reg. 3(b)
Regulations 8A and 8B:	inserted by 32, 2002, reg. 3
Regulation 13:	varied by 179, 2000, reg. 3; 286, 2000, reg. 3
Regulation 13A:	inserted by 22, 2000, reg. 3
	Part 2A comprising regs. 13B, 13C and heading inserted by 223, 2001, reg. 3
Regulation 14:	varied by 287, 2000, reg. 3
Regulation 15:	varied by 169, 2001, reg. 4
Regulation 19:	varied by 288, 2000, reg. 3
Regulation 19A:	inserted by 184, 2000, reg. 3
Regulation 20(4):	definition of "dangerous substance" substituted by 121, 2001, reg. 4
Regulation 20A:	inserted by 181, 2000, reg. 4
Regulation 25(3):	varied by 121, 2001, reg. 5
Regulation 33:	substituted by 169, 2001, reg. 5
Regulation 34(1a):	inserted by 181, 2000, reg. 5; substituted by 169, 2001, reg. 6
Regulation 35(1):	varied by 181, 2000, reg. 6
Regulation 39:	varied by 121, 2001, reg. 6
Regulation 43(1):	definition of "Central Inspection Authority inspection" inserted by 181, 2000, reg. 7(a) definition of "Transport Department or Central Inspection Authority vehicle inspection" revoked and definition of "Transport Department inspection" inserted in its place by 181, 2000, reg. 7(b) definition of "Transport Department premises" inserted by 121, 2001, reg. 7(a)
Regulation 43(2):	varied by 103, 2000, reg. 3(a); substituted by 181, 2000, reg. 7(c); varied by 71, 2001, reg. 3(a)
Regulation 43(2a):	inserted by 181, 2000, reg. 7(c); varied by 71, 2001, reg. 3(b)
Regulation 43(3):	varied by 103, 2000, reg. 3(b); 181, 2000, reg. 7(d); 71, 2001, reg. 3(c)
Regulation 43(4):	varied by 103, 2000, reg. 3(c); 71, 2001, reg. 3(d)
Regulation 43(5):	varied by 103, 2000, reg. 3(d); substituted by 121, 2001, reg. 7(b); varied by 71, 2001, reg. 3(e)
Regulation 43(6):	varied by 103, 2000, reg. 3(e); 71, 2001, reg. 3(f)
Regulation 43(7):	varied by 103, 2000, reg. 3(f); 71, 2001, reg. 3(g)
Regulation 43(8):	varied by 103, 2000, reg. 3(g); 71, 2001, reg. 3(h)
Regulation 43(10):	varied by 121, 2001, reg. 7(c)
Regulation 47:	inserted by 121, 2001, reg. 8
Schedule 1AA:	inserted by 32, 2002, reg. 4
Schedule 7:	revoked by 169, 2001, reg. 7
Schedule 9:	varied by 268, 1999, reg. 3; 53, 2000, reg. 3; 181, 2000, reg. 8; 184, 2000, reg. 4; substituted by 69, 2001, reg. 3
Part 1:	varied by 169, 2001, reg. 8(a)
Part 4:	varied by 169, 2001, reg. 8(b)
Part 5:	inserted by 169, 2001, reg. 8(c)