

South Australia

## Road Traffic (Miscellaneous) Regulations 1999

under the *Road Traffic Act 1961*

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 4 Interpretation
- 6 Meaning of unladen mass

#### Part 1A—Road closure

- 6A Definitions for Part 1A
- 6B Event management plan
- 6C Advertisements
- 6D Information to be available from council

#### Part 1B—Notices relating to licence disqualification or suspension

- 6E Prescribed particulars of notice of licence disqualification or suspension—section 45B
- 6F Prescribed particulars of notice of immediate licence disqualification or suspension—section 47IAA
- 6G Prescribed form of notice of licence disqualification or suspension

#### Part 2—Drink driving and drug driving

- 7 Approved blood test kit
- 8 Offences included in prescribed circumstances
- 8AA Prescribed drugs
- 8A Conduct of breath analysis
- 8B Oral advice on refusal or failure to comply with alcotest or breath analysis direction
- 8C Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction
- 9 Oral advice and written notice on recording of positive breath analysis reading
- 10 Request for approved blood test kit
- 11 Procedures for voluntary blood test
- 12 Prescribed period for keeping blood samples and oral fluid samples
- 12A Information to be included on analyst's certificate
- 13 Declaration of hospitals for compulsory blood testing
- 13A Prescribed area and approved assessment clinic—recurrent offenders

#### Part 2A—Alcohol interlock scheme

- 13B Alcohol interlock scheme conditions
- 13C Alcohol interlock testing

## Part 3—Photographic detection devices

### Division 1—Preliminary

- 14 Apparatus approved as photographic detection devices
- 15 Prescribed provisions for the purposes of section 79B

### Division 2—Notices

- 16 Notices for purposes of section 79B(5) and (6)

### Division 3—Operation and testing of photographic detection devices

- 17 Operation and testing of certain photographic detection devices for certain offences committed at intersections, marked foot crossings or level crossings
- 19 Operation and testing of certain photographic detection devices for speeding offences
- 19A Operation and testing of Safe-T-Cam photographic detection devices

### Division 4—Special provisions relating to Safe-T-Cam photographic detection devices

- 19B Heavy vehicles and minimum allowable travel time
- 19C Same person not liable for more than one offence evidenced by same electronic record
- 19D Expiation fee for certain Road Rules contraventions within 100 metres of Safe-T-Cam photographic detection device
- 19E Evasive action in relation to Safe-T-Cam photographic detection device
- 19F Evidentiary

## Part 3A—Mass, dimension and load restraint requirements—categorisation of breaches

- 19FA Purpose of Part
- 19FB Interpretation
- 19FC Categories of mass requirement breaches
- 19FD Categories of dimension requirement breaches
- 19FE Recategorisation of certain dimension requirement breaches
- 19FF Categories of load restraint requirement breaches
- 19FG Special categorisation of breaches of requirements relating to dangerous projections
- 19FH Default category

## Part 4—Miscellaneous

- 19G Emergency workers (sections 83 and 110AAAA)
- 20 Prohibition of vehicles carrying dangerous substances on certain roads
- 20A Prohibition of towing more than one vehicle
- 21 Prohibition of parking in certain public places
- 22 Prohibition of fishing etc from certain bridges
- 23 Prohibition of dogs on certain bicycle paths
- 23A Warrants
- 23B Embargo notices
- 23C Administrative actions under corresponding road laws
- 23D Court orders under corresponding road laws
- 24 Vehicle identification plates and numbers
- 25 Modification of motor vehicles
- 26 Wheels and tyres
- 27 Sprocket drive vehicles

---

28	Dimensions of bicycles
29	Bicycle trailers
30	Determination of mass
32	Prescribed classes of vehicles for purposes of section 145(1b)
33	Formal written warnings, defect notices etc
34	Authorisation under section 145(8)
34A	Withdrawal of formal warnings
35	Prescribed classes of vehicles for purposes of section 161A
36	Seat belts and seat belt anchorages
37	Child restraints
38	Safety helmets
39	Prescribed class of vehicles for purposes of section 163C(1)
40	Prescribed period for purposes of section 163D(1a)
41	Certificate of inspection
42	Design, maintenance etc requirements for vehicles to which Part 4A of Act applies
43	Fees for inspections
43A	Fees for vehicle permits etc
44	Offence and penalty
45	Expiation of alleged offences
46	Power of exemption
47	Proof of GTM

Schedule 1AAA—Notice of licence disqualification or suspension

Schedule 1AA—Prescribed oral advice

Schedule 1A—Prescribed oral advice

Schedule 1—Prescribed oral advice and written notice

Schedule 2—Form of request

Schedule 3—Form of certificate

Schedule 4—Notice

Schedule 8—Certificate of inspection

Schedule 9—Expiation fees

Part 1—Preliminary

1	Photographic detection devices
2	Lesser expiation fee if motor vehicle not involved

Part 2—Offences against the *Road Traffic Act 1961*

Part 3—Offences against the *Australian Road Rules*

Part 4—Offences against the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*

Part 4A—Offences against the *Road Traffic (Approved Road Transport Compliance Schemes) Regulations 2008*

Part 5—Offences against the *Road Traffic (Miscellaneous) Regulations 1999*

Part 6—Offences against the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*

Legislative history

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## Part 1—Preliminary

### 1—Short title

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

### 4—Interpretation

- (1) 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;

***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 an Australian 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;

**level crossing offence** means an offence against rule 123(a) of the *Australian Road Rules* constituted of entering a level crossing while warning lights are operating;

**recording media**—

- (a) in relation to a wet film camera—means a film magazine;
- (b) in relation to a digital or other electronic camera—means any disk, card or other thing used to store electronic records made by the camera;

**red light offence** means an offence against rule 56(1), 56(2), 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);

**Safe-T-Cam photographic detection device** means a photographic detection device of a kind referred to in regulation 14(1)(d) that includes a camera that, when activated, makes an electronic record of a vehicle at one of 2 points on a road, which electronic record, when used in conjunction with an electronic record of the vehicle made by another such camera at the other point, may be used for the purposes of calculating the time taken for the vehicle to travel, or the speed of the vehicle, between the 2 points;

**speeding offence** means—

- (aa) an offence against section 45A of the Act; or
- (a) an offence against a provision of Part 3 of the *Australian Road Rules*; or
- (b) an offence against regulation 9A(1) or 9A(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.

- (3) For the purposes of paragraph (b) of the definition of **corresponding Authority** in section 5(1) of the Act—
  - (a) the Authority as defined in the *Road Transport (General) Act 2005* of New South Wales is declared to be the corresponding Authority for that State;
  - (b) the Corporation as defined in the *Road Safety Act 1986* of Victoria is declared to be the corresponding Authority for that State.
- (4) For the purposes of the definition of **corresponding law** in section 5(1) of the Act, the following are declared to be corresponding laws:
  - (a) the *Road Transport (General) Act 2005* of New South Wales;
  - (b) the *Road Safety Act 1986* of Victoria.

- (5) For the purposes of paragraph (a) of the definition of *corresponding road law* in section 5(1) of the Act—
- (a) the *Road Transport (General) Act 2005* of New South Wales is declared to be a corresponding road law for that State;
  - (b) the *Road Safety Act 1986* of Victoria is declared to be a corresponding road law for that State.

## 6—Meaning of unladen mass

- (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 1A—Road closure

### 6A—Definitions for Part 1A

In this Part—

*council area* means a municipality or district council district;

*event* means an event—

- (a) to which section 33 of the Act has been declared to apply; or
- (b) in relation to which application has been made to the Minister for a declaration that section 33 is to apply.

### 6B—Event management plan

- (1) For the purposes of section 33(1) of the Act, the Minister may require an applicant seeking an order for either or both of the following:
  - (a) closure of a road;
  - (b) exemption of persons from the duty to observe an enactment, regulation or by-law,to provide the Minister with an *event management plan*.
- (2) The event management plan must be prepared in consultation with—
  - (a) the Commissioner of Police; or
  - (b) the Commissioner of Highways; or
  - (c) each council within whose area the event is to take place,as the Minister directs.
- (3) The event management plan must specify the person with primary responsibility for the following tasks, and the time at which the tasks are to be carried out or completed, as may be necessary:
  - (a) the provision, placement, erection and dismantling of traffic control devices;
  - (b) the placement of advance warning signs;
  - (c) the provision and distribution of written material advising of the road closure, as well as any necessary additional information, to members of the public likely to be affected by the closure, including—
    - (i) local residents; and
    - (ii) proprietors of local businesses; and
    - (iii) persons who pay council rates on local property but do not use the property as a principal place of residence;
  - (d) the fulfilment of other conditions the Minister thinks fit to impose under section 33(4) of the Act.

## 6C—Advertisements

- (1) For the purposes of section 33(3) of the Act, an order to close a road must be advertised at least 2 clear days before the order takes effect in the following manner:
  - (a) if the Minister is of the opinion that closure of the road will not substantially affect road users—
    - (i) in another council area adjoining the council area within which the road to be closed is situated; or
    - (ii) on a road under the care, control and management of the Commissioner of Highways,  
notice of the order is to be placed in a newspaper circulated in the vicinity of the road that is to be closed;
  - (b) if the Minister is of the opinion that closure of the road will substantially affect road users—
    - (i) in another council area adjoining the council area within which the road to be closed is situated; or
    - (ii) on a road under the care, control and management of the Commissioner of Highways,  
notice of the order is to be placed in one or more newspapers as determined by the Minister after the applicant has engaged in the required consultations.
- (2) For the purposes of subregulation (1)(b), the required consultations are—
  - (a) consultations with the councils for the council areas within which the road to be closed is situated; and
  - (b) consultations with the councils for any other council areas within which road users will be substantially affected by the closure; and
  - (c) if road users on a road under the care, control and management of the Commissioner of Highways will be substantially affected by the closure, consultations with the Commissioner of Highways; and
  - (d) where the Minister directs, consultations with the Commissioner of Police.
- (3) A notice in accordance with subregulation (1) must—
  - (a) identify the name of the road to be closed and the council area or council areas within which the road is situated; and
  - (b) if the road closure order applies to only part of a road, identify the section of the road to be closed; and
  - (c) specify the date on which the road is to be closed; and
  - (d) specify the period of time during which the road is to be closed; and
  - (e) identify all roads that will be inaccessible by vehicle as a result of the closure; and
  - (f) include the name and telephone number of a person (where possible) or body from whom further details regarding the road closure can be obtained; and
  - (g) include, where possible—

- (i) the email address of a person from whom further information regarding the road closure can be obtained; or
  - (ii) the address of a website from which further information regarding the road closure can be obtained; and
- (h) include advice of any order that has been made under section 33(1)(b) of the Act exempting persons from the duty to observe an enactment, regulation or by-law.

#### **6D—Information to be available from council**

The Minister must ensure that every council within whose area a road to be closed is situated is provided with the following information, which is to be kept available for inspection by members of the public at the office of the council until the event has taken place:

- (a) the name of every road that will be inaccessible by vehicle as a result of the closure;
- (b) the duration of the closure;
- (c) if an order has been made under section 33(1)(b) of the Act exempting persons from the duty to observe an enactment, regulation or by-law, particulars of the order;
- (d) a copy of the road closure order;
- (e) if a traffic management plan has been prepared in relation to the road closure, a copy of that plan;
- (f) if an event management plan has been prepared, a copy of that plan;
- (g) other relevant documentation.



## **Part 1B—Notices relating to licence disqualification or suspension**

### **6E—Prescribed particulars of notice of licence disqualification or suspension—section 45B**

- (1) For the purposes of section 45B(3) of the Act, the prescribed particulars of a notice of licence disqualification or suspension given to a person that must be forwarded to the Registrar of Motor Vehicles are as follows:
  - (a) the person's name;
  - (b) the person's address;
  - (c) the person's date of birth;
  - (d) if the person produces his or her licence—the person's licence number;
  - (e) the date and time of the offence to which the notice relates;
  - (f) whether the notice relates to—
    - (i) an offence against section 45A of the Act; or
    - (ii) an offence against section 79B 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 offence against section 45A of the Act;
  - (g) the date and time of the issue of the notice;
  - (h) an indication as to when the disqualification or suspension of licence should commence.
- (2) For the purposes of section 45B(4) of the Act, the prescribed particulars that must be included in a notice of licence disqualification or suspension sent, by post, to a person by the Registrar of Motor Vehicles are as follows:
  - (a) the person's name;
  - (b) the person's address;
  - (c) the person's date of birth;
  - (d) the person's licence number;
  - (e) the date and time of the offence to which the notice relates;
  - (f) whether the notice relates to—
    - (i) an offence against section 45A of the Act; or
    - (ii) an offence against section 79B 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 offence against section 45A of the Act;
  - (g) the date and time of the issue of the notice;
  - (h) the date and time of the commencement of the disqualification or suspension of licence.

**6F—Prescribed particulars of notice of immediate licence disqualification or suspension—section 47IAA**

- (1) For the purposes of section 47IAA(5) of the Act, the prescribed particulars of a notice of immediate licence disqualification or suspension given to a person that must be forwarded to the Registrar of Motor Vehicles are as follows:
- (a) the person's name;
  - (b) the person's address;
  - (c) the person's date of birth;
  - (d) if the person produces his or her licence—the person's licence number;
  - (e) the date and time of the offence to which the notice relates;
  - (f) whether the notice relates to—
    - (i) a category 2 offence; or
    - (ii) a category 3 offence; or
    - (iii) an offence against section 47E(3) of the Act; or
    - (iv) an offence against section 47I(14) committed by a person who was the driver of a motor vehicle involved in the accident;
  - (g) the date and time of the issue of the notice;
  - (h) an indication as to when the disqualification or suspension of licence should commence.
- (2) For the purposes of section 47IAA(6) of the Act, the prescribed particulars that must be included in a notice of licence disqualification or suspension sent, by post, to a person by the Registrar of Motor Vehicles are as follows:
- (a) the person's name;
  - (b) the person's address;
  - (c) the person's date of birth;
  - (d) the person's licence number;
  - (e) the date and time of the offence to which the notice relates;
  - (f) whether the notice relates to—
    - (i) a category 2 offence; or
    - (ii) a category 3 offence; or
    - (iii) an offence against section 47E(3) of the Act; or
    - (iv) an offence against section 47I(14) committed by a person who was the driver of a motor vehicle involved in the accident;
  - (g) the date and time of the issue of the notice;
  - (h) the date and time of the commencement of the disqualification or suspension of licence.

**6G—Prescribed form of notice of licence disqualification or suspension**

For the purposes of section 45B(1) and section 47IAA(2) of the Act, the prescribed form for the notice of licence disqualification or suspension, or notice of immediate licence disqualification or suspension, (as the case may be) is the form set out in Schedule 1AAA.





## Part 2—Drink driving and drug driving

### 7—Approved blood test kit

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 47K(2a)(b) *Road Traffic Act 1961*", produced by Disposable Products Pty. Ltd. or by Sarstedt Australia Pty. Ltd.

### 8—Offences included in prescribed circumstances

For the purposes of paragraph (a) of the definition of *prescribed circumstances* in section 47A(1) of the Act (Interpretation), each of the following is an offence of a prescribed class:

- (a) an offence against section 40H, 40I, 40J or 40K of the Act;
- (b) an offence against section 40V, 40W or 40X of the Act committed by a person who was, at the time of the offence, the driver or other person in charge of a vehicle;
- (c) an offence against a provision of Part 3 of the Act;
- (d) an offence against a provision of the *Australian Road Rules* (other than an offence against a provision of Part 12 (Restrictions on stopping and parking));
- (e) an offence against regulation 9A, 10A or 26A of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*.

### 8AA—Prescribed drugs

For the purposes of the definition of *prescribed drug* in section 47A(1) of the Act (Interpretation), the following are declared to be prescribed drugs:

- (a) delta-9-tetrahydrocannabinol;
- (b) methylamphetamine;
- (c) 3, 4-methylenedioxymethamphetamine (MDMA).

### 8A—Conduct of breath analysis

- (1) Pursuant to section 47E(2e) of the Act (Police may require alcotest or breath analysis), 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).

### **8B—Oral advice on refusal or failure to comply with alcotest or breath analysis direction**

The prescribed oral advice for the purposes of section 47E(4)(ab) of the Act (Police may require alcotest or breath analysis) is set out in Schedule 1AA.

### **8C—Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction**

The prescribed oral advice for the purposes of section 47EAA(10)(b) of the Act (Police may require drug screening test, oral fluid analysis or blood test) is set out in Schedule 1A.

### **9—Oral advice and written notice on recording of positive breath analysis reading**

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

### **10—Request for approved blood test kit**

- (1) For the purposes of section 47K(2a)(b) of the Act (Evidence etc), 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 (*operator*);
  - (b) on such a request having been made by the person, the operator or any other police officer 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 police officer and the person's signature must be attested to by the signature of the operator or other police officer;
  - (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 police officer.
- (2) The copy of the request form delivered to the operator or other police officer 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.

### **11—Procedures for voluntary blood test**

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 47K(1a) of the Act (Evidence etc):

- (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 47K(2a)(b) of the Act (Evidence etc) 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 police officer 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.

## **12—Prescribed period for keeping blood samples and oral fluid samples**

For the purposes of clauses 2(e)(ii) and 7(e)(ii) of Schedule 1 of the Act, the prescribed period for which a container containing a sample of a person's blood or oral fluid (as the case requires) must be kept available for collection by or on behalf of that person is 12 months from the day on which the sample was taken from the person.

## **12A—Information to be included on analyst's certificate**

For the purposes of clause 7(f)(iv) of Schedule 1 of the Act, the required information in relation to any prescribed drug or drugs found to be present in the sample is information identifying the drug or drugs.

## **13—Declaration of hospitals for compulsory blood testing**

The institutions declared to be hospitals for the purposes of section 47I(19) of the Act are—

- (a) Ashford Community Hospital Incorporated; and
- (b) Ardrossan and Districts Hospital Incorporated; and
- (c) the following hospital facilities of Central Northern Adelaide Health Service Incorporated:
  - Lyell McEwin Health Service;
  - Modbury Hospital;
  - The Queen Elizabeth Hospital;
  - Royal Adelaide Hospital; and
- (d) the following hospital facilities of Country Health SA Hospital Incorporated:
  - Angaston District Hospital;
  - Balaklava Soldiers Memorial District Hospital;
  - Baramba Hospital;

- Berri Hospital;
- Booleroo Centre District Hospital & Health Service;
- Bordertown Memorial Hospital;
- Burra Hospital;
- Ceduna District Health Services;
- Clare Hospital;
- Cleve District Health and Aged Care;
- Cowell Community Health and Aged Care;
- Crystal Brook and District Hospital;
- Cummins District and Memorial Hospital;
- Coober Pedy Hospital and Health Services;
- Elliston Hospital;
- Eudunda Hospital;
- Gawler Health Service;
- Gumeracha District Soldiers Memorial Hospital;
- Hawker Memorial Hospital;
- Jamestown Hospital & Health Service;
- Kangaroo Island Health Service;
- Kapunda Hospital;
- Karoonda and Districts Soldiers' Memorial Hospital;
- Kimba District Health and Aged Care;
- Kingston Soldiers' Memorial Hospital;
- Lameroo District Health Services;
- Laura and District Hospital;
- Leigh Creek Health Services;
- Loxton Hospital Complex;
- Maitland Hospital;
- The Mannum District Hospital;
- Meningie & Districts Memorial Hospital and Health Services;
- Millicent and District Hospital and Health Services;
- Mt Barker District Soldiers' Memorial Hospital;
- Mt Gambier and Districts Health Service;
- Mount Pleasant District Hospital;
- The Murray Bridge Soldiers' Memorial Hospital;
- Naracoorte Health Service;

- Northern Yorke Peninsula Health Service;
  - Oodnadatta Health Service;
  - Orreroo and District Health Service;
  - Penola War Memorial Hospital;
  - Peterborough Soldiers' Memorial Hospital and Health Service;
  - Pinnaroo Soldiers' Memorial Hospital;
  - Port Augusta Hospital;
  - Port Broughton District Hospital & Health Service;
  - Pt Lincoln Health Services;
  - Pt Pirie Regional Health Service;
  - Quorn Health Services;
  - Renmark Paringa District Hospital;
  - Riverton District Soldiers Memorial Hospital;
  - Roxby Downs Health Service;
  - Snowtown Hospital;
  - South Coast District Hospital;
  - Strathalbyn & Districts Health Service;
  - Streaky Bay Hospital;
  - Tailem Bend District Hospital;
  - Tumby Bay Hospital and Health Services;
  - Waikerie Health Services;
  - The Whyalla Hospital & Health Service;
  - Woomera Community Hospital;
  - Wudinna Hospital;
  - Yorketown Hospital; and
- (e) Keith and District Hospital Incorporated; and
- (f) Moonta Health and Aged Care Service Incorporated; and
- (g) the following, depending on the way in which the entity known as the *Repatriation General Hospital* is constituted:
- Repatriation General Hospital Incorporated;
  - Repatriation General Hospital as a hospital facility of Southern Adelaide Health Service Incorporated; and
- (h) the following hospital facilities of Southern Adelaide Health Service Incorporated:
- Flinders Medical Centre;
  - Noarlunga Health Services; and

- (i) St. Andrew's Hospital Incorporated; and
- (j) Stirling District Hospital Incorporated; and
- (k) Wakefield Hospital; and
- (l) The Women's and Children's Hospital facility of the Children, Youth and Women's Health Service Incorporated.

**13A—Prescribed area and approved assessment clinic—recurrent offenders**

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

### 13B—Alcohol interlock scheme conditions

- (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.

### **13C—Alcohol interlock testing**

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

### Division 1—Preliminary

#### 14—Apparatus approved as photographic detection devices

- (1) Pursuant to section 79A of the Act, the following are approved as photographic detection devices:
  - (a) in relation to an offence against section 46(1) of the Act, a red light offence, a speeding offence, a level crossing offence or a red light offence and a speeding offence arising out of the same incident—
    - (i) a Traffipax Traffiphot III-SR manufactured by Robot Visual Systems GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
    - (ii) a Traffipax Traffiphot III-SRD manufactured by Robot Visual Systems GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
    - (iii) a Traffistar SR520 manufactured by Robot Visual Systems GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
    - (iv) a REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;
  - (c) in relation to an offence against section 46(1) of the Act or a speeding offence (other than a speeding offence arising out of the same incident as a red light offence)—
    - (i) a MultaRadar C radar speed camera system (with or without tripod mounting) manufactured by Robot Visual Systems GmbH of Germany;
    - (ii) a device (other than a device referred to in paragraph (a)) consisting of a camera that forms part of or is linked to a traffic speed analyser, 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;
  - (d) in relation to an offence against section 46(1) of the Act, a speeding offence or prescribed heavy vehicle driving offence—
    - (i) a system incorporating the following modules:
      - (A) a Model P359 visual scene camera manufactured by PIPS Technology Inc;
      - (B) a Model P358 infrared flash unit manufactured by PIPS Technology Inc;
      - (C) a Model P357 roadside processor manufactured by PIPS Technology Inc;

- (D) a Model P366 vehicle detection camera manufactured by PIPS Technology Inc or such a camera together with an induction loop vehicle detector; or
  - (ii) a system incorporating the following modules:
    - (A) a Model P359 visual scene camera manufactured by PIPS Technology Inc;
    - (B) a Model P358 infrared flash unit manufactured by PIPS Technology Inc;
    - (C) a Talon Automatic Number Plate Recognition roadside processor manufactured by APPIAN Technology PLC;
    - (D) a Model P366 vehicle detection camera manufactured by PIPS Technology Inc or such a camera together with an induction loop vehicle detector; or
  - (iii) a system incorporating the following modules:
    - (A) a Kodak Digital Traffic Camera MegaPlus KDTC 2.0;
    - (B) a HYMOD roadside processor manufactured by CSIRO.
- (2) In this regulation—  
***prescribed heavy vehicle driving offence*** means—
- (a) an offence against regulation 19B; or
  - (b) an offence against any of the following provisions of the *Road Traffic (Driving Hours) Regulations 1999*:
    - (i) the provisions of Part 2 Division 2;
    - (ii) the provisions of Part 3 Division 2;
    - (iii) the provisions of Part 4 Division 7;
    - (iv) the provisions of Part 5;
    - (v) regulation 125;
    - (vi) regulation 134.

## **15—Prescribed provisions for the purposes of section 79B**

For the purposes of paragraph (b) of the definition of ***prescribed offence*** in section 79B(1) of the Act, the following provisions are prescribed:

- (a) section 46(1) of the Act (Reckless or dangerous driving);
- (b) the following provisions of the *Australian Road Rules*:
  - (i) the provisions of Part 3 (Speed-limits);
  - (ii) rule 56(1) (Stopping for a red traffic light);
  - (iii) rule 56(2) (Stopping for a red traffic arrow);
  - (iv) rule 59(1) (Proceeding through a red traffic light);
  - (v) rule 60 (Proceeding through a red traffic arrow);

- (vi) rule 123(a) (Entering a level crossing when a train or tram is approaching etc);
- (c) the following provisions of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*:
  - (i) regulation 9A(1) (Speed-limits applying to driving of road trains);
  - (ii) regulation 9A(2) (Speed-limits applying to driving of road trains);
- (d) regulation 19B of these regulations (Heavy vehicles and minimum allowable travel time);
- (e) the following provisions of the *Road Traffic (Driving Hours) Regulations 1999*:
  - (i) the provisions of Part 2 Division 2 (Driving, work and rest times of regulated hours drivers);
  - (ii) the provisions of Part 3 Division 2 (Driving, work and rest times of TFMS drivers);
  - (iii) the provisions of Part 4 Division 7 (General driving record offences);
  - (iv) the provisions of Part 5 (Extended offences);
  - (v) regulation 125 (Failure to comply with conditions of exemptions);
  - (vi) regulation 134 (False and misleading statements to Minister and authorised persons).

## Division 2—Notices

### 16—Notices for purposes of section 79B(5) and (6)

For the purposes of section 79B(5) and (6) of the Act, a notice that accompanies an expiation notice, expiation reminder notice or summons must be in the form set out in Schedule 4 and contain the information and instructions set out in that form.

## Division 3—Operation and testing of photographic detection devices

### 17—Operation and testing of certain photographic detection devices for certain offences committed at intersections, marked foot crossings or level crossings

- (1) In this regulation—
  - (a) *intersection, level crossing, marked foot crossing, stop line* and *traffic lights* have the same respective meanings as in the *Australian Road Rules*;
  - (b) *red traffic light* means a red traffic light or red traffic arrow as defined in the *Australian Road Rules*;
  - (c) *relevant offences* means—
    - (i) red light offences committed at an intersection or marked foot crossing; or
    - (ii) speeding offences committed at an intersection, marked foot crossing or level crossing; or

- (iii) red light offences and speeding offences arising out of the same incidents committed at an intersection or marked foot crossing; or
  - (iv) level crossing offences.
- (2) Where a photographic detection device referred to in regulation 14(1)(a) is used to provide evidence of relevant offences, the following provisions must be complied with:
  - (a) the camera or cameras forming part of the device must be positioned and aimed so that when vehicles are proceeding into the intersection, or over the marked foot crossing or level crossing, as the case may be, a photograph or series of photographs may be taken of the vehicles from the rear, at least 1 of which will depict the traffic lights or warning lights towards which the vehicles are facing when proceeding towards the intersection or crossing;
  - (b) the induction loop vehicle detector (*induction loop*) must be installed—
    - (i) in the case of an intersection or marked foot crossing—under the road surface on the intersection or crossing side of the stop line before which vehicles must stop if the traffic lights referred to in paragraph (a) are showing a red traffic light; or
    - (ii) in the case of a level crossing—under the road surface on the crossing side of the entrance to the crossing;
  - (c) if the device is used to provide evidence of speeding offences, the device must be programmed and set to operate, and the induction loop and the traffic lights or warning lights referred to in paragraph (a) must be linked up with the device, so that if a vehicle is detected by the device passing over the induction loop at a speed equal to or greater than a speed set on the device, at least 2 exposures are taken, or at least 2 electronic records are made, of that vehicle from the rear—
    - (i) at least 1 of which is taken or made following a programmed delay after the first is taken or made; and
    - (ii) on at least 1 of which is recorded the speed of the vehicle as detected by the device; and
    - (iii) on each of which is recorded the date, time and code for the location at which the exposure or record is taken or made, together with the lane in which the vehicle is travelling;
  - (d) if the device is used to provide evidence of red light or level crossing offences, the device must be programmed and set to operate, and the induction loop and the traffic lights or warning lights referred to in paragraph (a) must be linked up with the device, so that, following a programmed delay after the traffic lights commence showing a red traffic light, or the warning lights commence operating, as the case may be, if a vehicle is detected by the device passing over the induction loop while the red traffic light is showing, or the warning lights are operating, as the case may be, at least 2 exposures are taken, or at least 2 electronic records are made, of that vehicle from the rear—
    - (i) the first of which is taken or made following the detection of the vehicle by the device; and

- (ii) at least 1 of which is taken or made (as that vehicle or both that vehicle and other vehicles proceed over the intersection or crossing) following a programmed delay after the first is taken or made; and
  - (iii) on each of which is recorded the date, time and code for the location at which the exposure or record is taken or made, together with the lane in which the vehicle is travelling;
- (e) if the device is used to provide evidence of red light offences and speeding offences arising out of the same incidents, the device must be programmed and set to operate, and the induction loop and the traffic lights referred to in paragraph (a) must be linked up with the device, so that, following a programmed delay after the traffic lights commence showing a red traffic light, if a vehicle is detected by the device passing over the induction loop while the red traffic light is showing, at least 2 exposures are taken, or at least 2 electronic records are made, of that vehicle from the rear—
  - (i) the first of which is taken or made following the detection of the vehicle by the device; and
  - (ii) at least 1 of which is taken or made (as that vehicle or both that vehicle and other vehicles proceed over the intersection or crossing) following a programmed delay after the first is taken or made; and
  - (iii) on at least 1 of which is recorded the speed of the vehicle as detected by the device; and
  - (iv) on each of which is recorded the date, time and code for the location at which the exposure or record is taken or made, together with the lane in which the vehicle is travelling;
- (f) subject to paragraph (g), once in every 7 days while the device is being used to provide evidence of speeding offences—
  - (i) a test must be carried out (by reference to speeds not exceeding the speed-limit applying to drivers driving vehicles through the intersection or crossing) to ensure that the device detects vehicles passing over the induction loop and accurately indicates the speed of any vehicle so detected and the lane in which the vehicle is travelling; and
  - (ii) the device must be checked to ensure that the device—
    - (A) indicates the correct date, time and code for the location at which exposures or electronic records are taken or made by the device; and
    - (B) is set to operate in accordance with paragraph (c) or (e); and
  - (iii) if a fault is indicated by the test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and
  - (iv) if a fault is indicated by the check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

Part 3—Photographic detection devices

Division 3—Operation and testing of photographic detection devices

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- (g) if that part of the road surface under which the induction loop is installed has 2 or more lanes for vehicles travelling in the same direction, the test referred to in paragraph (f)(i) is not required to be carried out in relation to each such lane in the same 7 day period provided that, once in every 7 days, the test is carried out in relation to one of those lanes and the lane in relation to which the test is carried out is not the same as the lane in relation to which the previous test was carried out;
- (h) once in every 7 days while the device is being used to provide evidence of red light or level crossing offences—
  - (i) a test must be carried out to ensure that the device detects and takes exposures, or makes electronic records, of vehicles passing over the induction loop and accurately indicates the lane in which any such vehicle is travelling; and
  - (ii) the device must be checked to ensure that the device—
    - (A) indicates the correct date, time and code for the location at which exposures or electronic records are taken or made by the device; and
    - (B) is set to operate in accordance with paragraph (d) or (e); and
  - (iii) if a fault is indicated by the test referred to in subparagraph (i), corrective action must be taken and the test must be repeated until no fault is indicated; and
  - (iv) if a fault is indicated by the check referred to in subparagraph (ii), corrective action must be taken until no fault is indicated;
- (i) after a person relocates the device with recording media in place, that person must do the following:
  - (i) ensure that each camera forming part of the device is correctly positioned and aimed as referred to in paragraph (a) and that the induction loop is correctly installed as referred to in paragraph (b);
  - (ii) if the device is being used for the purpose of providing evidence of speeding offences, ensure that the test and check referred to in paragraph (f) are carried out and—
    - (A) if a fault is indicated by the test, take corrective action and repeat the test until no fault is indicated;
    - (B) if a fault is indicated by the check, take corrective action until no fault is indicated;
  - (iii) if the device is being used for the purpose of providing evidence of red light or level crossing offences, ensure that the test and check referred to in paragraph (h) are carried out and—
    - (A) if a fault is indicated by the test, take corrective action and repeat the test until no fault is indicated;
    - (B) if a fault is indicated by the check, take corrective action until no fault is indicated;
- (j) if—



- (i) a test or check; or
- (ii) in the case of a wet film camera—the film when developed; or
- (iii) in the case of a digital or other electronic camera—any electronic record made by the camera,

indicates a fault that has affected the proper operation of the device as required by this subregulation, that part of the film affected by the fault, or those electronic records affected by the fault, (as the case may be), must be rejected for evidentiary purposes;

- (k) the accuracy with which the device detects vehicle speeds must be tested on the day on which it is used (or on a day within the period of 6 days immediately preceding that day) with a view to the issuing of a certificate under section 175(3)(ba) of the Act.

### **19—Operation and testing of certain photographic detection devices for speeding offences**

Where a photographic detection device referred to in regulation 14(1)(c) is used to provide evidence of speeding offences, the following provisions must be complied with:

- (a) the device must be programmed, positioned and set to operate so that when the device registers a vehicle as proceeding at a speed equal to or greater than a speed set on the device—
  - (i) the camera forming part of or linked to the device takes an exposure, or makes an electronic record, of that vehicle from the front or from the rear; and
  - (ii) the date, time and code for the location at which the exposure is taken, or the electronic record is made, together with the speed and direction of travel of the vehicle as registered by the device, are recorded on the exposure or electronic record;
- (b) after a person—
  - (i) sets up the device at a given location; or
  - (ii) inserts recording media into the camera at that location; or
  - (iii) relocates the device with recording media in place,
 the person must make a check to ensure that the device—
  - (iv) correctly indicates on an electronic display the date, time and code for the location where exposures are taken, or electronic records are made, by the camera; 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 the device is removed from a given location;
- (d) if—
  - (i) a check; or
  - (ii) in the case of a wet film camera—the film when developed; or

- (iii) in the case of a digital or other electronic camera—any electronic record made by the camera,

indicates a fault that has affected the proper operation of the device as required by this regulation, that part of the film affected by the fault, or those electronic records affected by the fault, (as the case may be), must be rejected for evidentiary purposes;

- (e) if a photograph produced from an exposure or electronic record 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 or electronic record 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.

### **19A—Operation and testing of Safe-T-Cam photographic detection devices**

Where a Safe-T-Cam photographic detection device is used to provide evidence of an offence, the following provisions must be complied with:

- (a) the camera forming part of the device must be positioned and aimed so that, when activated, an electronic record is made of the number plate of the vehicle activating it;
- (b) the date, time and code for the location at which the electronic record of a vehicle is made must be recorded on the electronic record;
- (c) when the device is set up at a given location or temporarily moved or repaired, a person must make a check to ensure that the device is correctly positioned and aimed as referred to in paragraph (a) and correctly indicates on an electronic display the date, time and code for the location where the electronic records are made by the camera;
- (d) if—
  - (i) a check; or
  - (ii) an electronic record made by the camera,

indicates a fault that has affected the proper operation of the device as required by this regulation, those electronic records affected by the fault must be rejected for evidentiary purposes.

## **Division 4—Special provisions relating to Safe-T-Cam photographic detection devices**

### **19B—Heavy vehicles and minimum allowable travel time**

- (1) The driver of a heavy vehicle must not take a shorter length of time than the minimum allowable travel time when driving the vehicle between 2 Safe-T-Cam photographic detection devices.
- (2) The minimum allowable travel time between 2 particular Safe-T-Cam photographic detection devices is the time determined in respect of those devices by the Minister from time to time and notified in the Gazette.
- (3) For the purposes of calculating a driver's travel time between 2 Safe-T-Cam photographic detection devices, any rest time recorded in the driver's logbook under the *Road Traffic (Driving Hours) Regulations 1999* as having been taken between the devices may be deducted from the driver's travel time.

### **19C—Same person not liable for more than one offence evidenced by same electronic record**

- (1) A person may not be found guilty of a relevant offence relating to a vehicle on the basis of evidence of an electronic record, produced through the operation of a Safe-T-Cam photographic detection device, of the number plate of the vehicle if—
  - (a) the person has been found guilty of another relevant offence on the basis of evidence of the same electronic record; or
  - (b) the person has expiated another relevant offence and the allegation relating to that other relevant offence was based on evidence of the same electronic record.
- (2) In this regulation—

*relevant offence* means a speeding offence or an offence against regulation 19B.

### **19D—Expiation fee for certain Road Rules contraventions within 100 metres of Safe-T-Cam photographic detection device**

Despite regulation 45 and Schedule 9, the expiation fee for an alleged offence constituted of contravention by the driver of a heavy vehicle of any of the following provisions of the *Australian Road Rules* is \$384 if the contravention takes place within 100 metres of a Safe-T-Cam photographic detection device:

- (a) rule 95 (1) (Driving in emergency stopping lane);
- (b) rule 126 (Failing to keep safe distance behind other vehicles);
- (c) rule 127 (1) (Failing to keep required minimum distance behind long vehicle);
- (d) rule 132 (2) (Failing to keep to left of dividing line);
- (e) rule 146 (1) (Failing to drive within single marked lane);
- (f) rule 147 (Moving from one marked lane to another marked lane across continuous line);
- (g) rule 150 (1) (Driving on or across continuous white line);

- (h) rule 215 (1) (Using lights when driving at night or in hazardous weather conditions).

**19E—Evasive action in relation to Safe-T-Cam photographic detection device**

The driver of a heavy vehicle must not take any action, other than a contravention referred to in regulation 19D, designed to avoid an electronic record being made through the operation of a Safe-T-Cam photographic detection device of the number plate of the vehicle as the vehicle is driven towards or away from the photographic detection device.

**19F—Evidentiary**

In proceedings for a speeding offence, a document produced by the prosecution, purporting to be signed by the Minister and certifying the shortest distance, expressed in metres, that would be travelled by a vehicle on a road between 2 points, will be accepted as proof, in the absence of proof to the contrary, of the distance so certified.

## Part 3A—Mass, dimension and load restraint requirements— categorisation of breaches

### 19FA—Purpose of Part

This Part makes provision for the categorisation of breaches of mass, dimension or load restraint requirements as—

- (a) minor risk breaches; or
- (b) substantial risk breaches; or
- (c) severe risk breaches,

for the purposes of section 120 of the Act.

### 19FB—Interpretation

- (1) In this Part—

*declared route* means a road, or part of a road, declared under subregulation (4) to be a declared route for the purposes of this Part;

*dimension requirement* means a mass, dimension or load restraint requirement relating to dimensions;

*legislatively specified mass limit* means a mass limit specified in a law, under the authority of a law or by a sign erected or displayed under a law, whether a law of this State or another jurisdiction;

*load restraint requirement* means a mass, dimension or load restraint requirement relating to the restraint or positioning of loads on vehicles;

*mass requirement* means a mass, dimension or load restraint requirement relating to mass limits.

- (2) For the purposes of this Part, the loss or shifting of the load of a vehicle is *imminent* if it is assessed by the officer or court concerned to be likely to occur during the journey being or about to be undertaken by which the load is being or is to be transported, having regard to—
  - (a) the nature and condition of the vehicle; and
  - (b) the nature, condition, placement and securing of the load; and
  - (c) the length of the journey; and
  - (d) the nature and condition of the route of the journey; and
  - (e) any other relevant factors.
- (3) For the purposes of this Part, the disembarkation of persons from, or the movement of persons on, a vehicle does not constitute a loss or shifting of the load of the vehicle.
- (4) The Minister may, by notice published in the Gazette—
  - (a) declare a road, or part of a road, to be a declared route for the purposes of this Part; and
  - (b) vary or revoke a declaration under this subregulation.

### **19FC—Categories of mass requirement breaches**

- (1) This regulation applies to a mass requirement imposed by reference to—
  - (a) a legislatively specified mass limit; or
  - (b) a manufacturer’s mass rating; or
  - (c) the lower of—
    - (i) a legislatively specified mass limit; and
    - (ii) a manufacturer’s mass rating.
- (2) A breach of a mass requirement to which this regulation applies is a minor risk breach if the subject-matter of the breach is less than the lower limit for a substantial risk breach of the requirement.
- (3) A breach of a mass requirement to which this regulation applies is a substantial risk breach if the subject-matter of the breach—
  - (a) is equal to or greater than the lower limit for a substantial risk breach of the requirement; and
  - (b) is less than the lower limit for a severe risk breach of the requirement.
- (4) A breach of a mass requirement to which this regulation applies is a severe risk breach if the subject-matter of the breach is equal to or greater than the lower limit for a severe risk breach of the requirement.
- (5) The lower limit for a substantial risk breach of a mass requirement to which this regulation applies is—
  - (a) in the case of a mass requirement that relates to the gross mass of a vehicle—
    - (i) if the vehicle is a heavy vehicle—
      - (A) 105% of the maximum permissible mass, rounded up to the nearest 0.1 tonne; or
      - (B) 0.5 tonne,whichever is the greater; or
    - (ii) if the vehicle is not a heavy vehicle—105% of the maximum permissible mass;
  - (b) in any other case—
    - (i) if the vehicle is a heavy vehicle—105% of the maximum permissible mass, rounded up to the nearest 0.1 tonne; or
    - (ii) if the vehicle is not a heavy vehicle—105% of the maximum permissible mass.
- (6) The lower limit for a severe risk breach of a mass requirement to which this regulation applies is—
  - (a) if the vehicle is a heavy vehicle—120% of the maximum permissible mass, rounded up to the nearest 0.1 tonne; or
  - (b) if the vehicle is not a heavy vehicle—120% of the maximum permissible mass.

### **19FD—Categories of dimension requirement breaches**

- (1) Subject to regulation 19FE, a breach of a dimension requirement is a minor risk breach if the subject-matter of the breach is less than the lower limit for a substantial risk breach of the requirement.
- (2) A breach of a dimension requirement is a substantial risk breach if the subject-matter of the breach—
  - (a) is equal to or greater than the lower limit for a substantial risk breach of the requirement; and
  - (b) is less than the lower limit for a severe risk breach of the requirement.
- (3) A breach of a dimension requirement is a severe risk breach if the subject-matter of the breach is equal to or greater than the lower limit for a severe risk breach of the requirement.
- (4) If a dimension requirement is imposed by reference to the length of a projection of a load from either side of a vehicle—
  - (a) the lower limit for a substantial risk breach of the dimension requirement is 40 millimetres over the maximum permissible dimension limit;
  - (b) the lower limit for a severe risk breach of the dimension requirement is 80 millimetres over the maximum permissible dimension limit.
- (5) If a dimension requirement is imposed by reference to the overall width of a vehicle together with a load and the load is a factor in determining the overall width—
  - (a) a breach of the dimension requirement is categorised by reference to the length of the projection of the load from a side of the vehicle; and
  - (b) —
    - (i) the lower limit for a substantial risk breach of the dimension requirement is 40 millimetres measured from a side of the vehicle;
    - (ii) the lower limit for a severe risk breach of the dimension requirement is 80 millimetres measured from a side of the vehicle.
- (6) For the purposes of subregulation (5), if the load projects from both sides and the length of the projection from one side is greater than the length of the projection from the other side, the breach is to be categorised by reference to the longer projection.
- (7) If a dimension requirement is imposed by reference to the overall height of a vehicle together with a load and the load is a factor in determining the overall height—
  - (a) the lower limit for a substantial risk breach of the dimension requirement is 150 millimetres over the maximum permissible dimension limit;
  - (b) the lower limit for a severe risk breach of the dimension requirement is 300 millimetres over the maximum permissible dimension limit.
- (8) If a dimension requirement is imposed by reference to the overall length of a vehicle together with a load and the load is a factor in determining the overall length—
  - (a) the lower limit for a substantial risk breach of the dimension requirement is 0.35 metre over the maximum permissible dimension limit;

- (b) the lower limit for a severe risk breach of the dimension requirement is 0.60 metre over the maximum permissible dimension limit.

### **19FE—Recategorisation of certain dimension requirement breaches**

- (1) Circumstances exist for recategorisation of a breach of a dimension requirement if—
  - (a) in the case of a breach of a dimension requirement imposed by reference to the length of a projection of a load from either side of a vehicle or by reference to the overall width of a vehicle together with a load, the breach is committed—
    - (i) at night; or
    - (ii) in hazardous weather conditions causing reduced visibility; or
    - (iii) on a declared route; or
  - (b) in the case of a breach of a dimension requirement imposed by reference to the overall length of a vehicle together with a load, the rear of the load on the vehicle concerned fails to carry a required warning signal; or
  - (c) the load on the vehicle concerned projects from the vehicle in a way that is dangerous to persons or property.
- (2) If circumstances exist for recategorisation of a breach of a dimension requirement and the breach would, apart from this regulation, be a minor risk breach, the breach is recategorised as a substantial risk breach.
- (3) If circumstances exist for recategorisation of a breach of a dimension requirement and the breach would, apart from this regulation, be a substantial risk breach, the breach is recategorised as a severe risk breach.

### **19FF—Categories of load restraint requirement breaches**

- (1) A breach of a load restraint requirement is a minor risk breach if the loss or shifting of the load concerned—
  - (a) has not occurred and is not imminent; and
  - (b) is assessed by the officer or court concerned not to involve (if it were to occur) an appreciable risk of harm to public safety, the environment, road infrastructure or public amenity.
- (2) A breach of a load restraint requirement is a substantial risk breach if—
  - (a) the loss or shifting of the load concerned—
    - (i) has already occurred or is imminent; and
    - (ii) is assessed by the officer or court concerned not to involve an appreciable risk of harm to public safety, the environment or road infrastructure; or
  - (b) the loss or shifting of the load concerned—
    - (i) has not occurred and is not imminent; and
    - (ii) is assessed by the officer or court concerned to be likely to occur (though not imminent) and to involve an appreciable risk of harm to public safety, the environment, road infrastructure or public amenity.



- (3) A breach of a load restraint requirement is a severe risk breach if the loss or shifting of the load concerned—
- (a) has already occurred or is imminent; and
  - (b) is assessed by the officer or court concerned to involve an appreciable risk of harm to public safety, the environment, road infrastructure or public amenity.

**19FG—Special categorisation of breaches of requirements relating to dangerous projections**

- (1) This regulation applies to a breach of a requirement of an Australian road law to the effect that a load on a vehicle must not project in a way that is dangerous to a person or property, even if all dimension, warning or other requirements are met.
- (2) A breach to which this regulation applies is taken to be—
- (a) a breach of a dimension requirement; and
  - (b) a minor risk breach of that requirement, unless subregulation (3) applies.
- (3) The breach is taken to be a substantial risk breach if the breach is committed—
- (a) at night; or
  - (b) in hazardous weather conditions causing reduced visibility.

**19FH—Default category**

If a breach of a mass, dimension or load restraint requirement is not categorised under another provision of this Part, the breach is a minor risk breach.



## Part 4—Miscellaneous

### 19G—Emergency workers (sections 83 and 110AAAA)

For the purposes of the definition of *emergency vehicle* in section 83(3) or 110AAAA(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*.

### 20—Prohibition of vehicles carrying dangerous substances on certain roads

- (1) A vehicle must not be driven or towed on a portion of a road to which this regulation applies 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*.
- (5) This regulation applies to—
  - (a) 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;
  - (b) 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;
  - (c) 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.

### 20A—Prohibition of towing more than one vehicle

- (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.

## 21—Prohibition of parking in certain public places

- (1) A person must not park a vehicle (other than a bicycle) in a public place owned by or under the care, control or management of a council or parking authority except in an area specifically set aside for parking by the council or parking authority.

Penalty: \$500.

- (2) Subregulation (1) is a prescribed provision for the purposes of the following provisions of the Act:
- (a) section 35 (Authorised officers);
  - (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).

- (3) In this regulation—

***parking authority*** means a road authority (other than the Commissioner of Highways or a council) that has the care, control or management of a road on, above or near which the road authority has, with the approval of the Minister under section 17 of the Act, installed, maintained, altered or operated, or caused to be installed, maintained, altered or operated, traffic control devices for the purposes of Part 12 of the *Australian Road Rules*.

## 22—Prohibition of fishing etc from certain bridges

- (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.

## 23—Prohibition of dogs on certain bicycle paths

- (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 to which this regulation applies.

Penalty: \$200.

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- (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.
- (3) This regulation applies to 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.
- (4) In this regulation—
- 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.

### 23A—Warrants

- (1) An application for a warrant under section 41B of the Act may be made by facsimile.
- (2) An application for a warrant made personally or by facsimile must be in a form approved by the Chief Magistrate.
- (3) An application for a warrant may be made by telephone or facsimile only if, in the opinion of the applicant, the warrant is urgently required and there is not enough time to lodge a written application and appear before a magistrate.
- (4) If an application for a warrant is made by telephone, the following provisions apply:
  - (a) the applicant must inform the magistrate of the applicant's name and identify himself or herself as an authorised officer or police officer and the magistrate, on receiving that information, is entitled to assume its accuracy without further inquiry;
  - (b) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought;
  - (c) the magistrate may, on being satisfied as to the grounds for the issue of the warrant, inform the applicant of the facts on which the magistrate relies as grounds for the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts;
  - (d) the magistrate must inform the applicant of the terms of the warrant;
  - (e) the applicant must fill out and sign a warrant form (the ***duplicate warrant***) that specifies—
    - (i) the name of the magistrate issuing the warrant; and
    - (ii) the person authorised to exercise the powers conferred by the warrant; and
    - (iii) the period for which the warrant will be in force;

- (f) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c) and a copy of the duplicate warrant.
- (5) If an application for the issue of a warrant is made by facsimile, the following provisions apply:
- (a) the applicant must be available to speak to the magistrate by telephone;
  - (b) the magistrate is entitled to assume, without further inquiry, that a person who identifies himself or herself as the applicant acting in the capacity of an authorised officer or police officer during a telephone conversation with the magistrate is indeed the applicant acting in that capacity;
  - (c) the magistrate must forward the warrant to the applicant by facsimile transmission.

### 23B—Embargo notices

An embargo notice under section 41G of the Act must set out the following particulars:

- (a) the full name, residential address and date of birth of the occupier of the vehicle or premises concerned;
- (b) the registration number of the vehicle concerned (if any) and the State or Territory in which it is registered;
- (c) the address of the premises concerned (if any);
- (d) a description of the record, device or other thing to which the notice applies and the address at which it is located.

### 23C—Administrative actions under corresponding road laws

- (1) For the purposes of the definition of *administrative authority* in section 41P(1) of the Act, a person holding an office, or a body, constituted by or under a corresponding road law who is authorised under that law to take administrative action of a kind prescribed in subregulation (2) is an administrative authority in relation to that administrative action.
- (2) Section 41P of the Act applies to the following kinds of administrative actions:
- (a) the giving of directions and authorisations under—
    - (i) Part 3.3 Division 3 (Enforcement powers) of the *Road Transport (General) Act 2005* of New South Wales; or
    - (ii) Part 10 Division 3 (Enforcement Powers Concerning Mass, Dimension or Load Restraint Breaches) of the *Road Safety Act 1986* of Victoria;
  - (b) an administrative action under—
    - (i) Part 3.5 Division 2 (Improvement notices) of the *Road Transport (General) Act 2005* of New South Wales; or
    - (ii) Part 11 Division 5 (Improvement notices) of the *Road Safety Act 1986* of Victoria.

### **23D—Court orders under corresponding road laws**

Section 41Q of the Act applies to the following kinds of orders:

- (a) an order under any of the following provisions of the *Road Transport (General) Act 2005* of New South Wales:
  - (i) Part 3.5 Division 6 (Supervisory intervention orders);
  - (ii) Part 3.5 Division 7 (Prohibition orders);
- (b) an order under any of the following provisions of the *Road Safety Act 1986* of Victoria:
  - (i) section 205 (Supervisory intervention orders);
  - (ii) section 207 (Prohibition orders).

### **24—Vehicle identification plates and numbers**

- (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 authorised officer.
- (2) An authorised officer 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 authorised officer, it is appropriate that a replacement plate be issued and placed on the vehicle or trailer.
- (3) An authorised officer 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 authorised officer, appropriate that a replacement number be allotted and placed on the vehicle or trailer.
- (4) An authorised officer 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 authorised officer, 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 police officer or an authorised officer under section 110C(7) of the Act must be destroyed by the police officer or authorised officer.

### **25—Modification of motor vehicles**

- (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, or of greater power or torque output, 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, or of greater power or torque output, 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 (including axle housings or supporting structures but not including springs, dampers, bushes or ball joints) that reduce the available suspension travel from static conditions to full bump position by more than one-third 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 or torque output, than an engine available as an option for the vehicle;
  - (b) alterations to a braking system;



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- (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;
  - (d) fitting of spacers 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.

## 26—Wheels and tyres

- (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 or the tyre and rim selection requirements of ADR 42 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.
- (6) Despite the requirements of any other regulation or rule under the Act (including subregulation (5)), a motor vehicle with a GVM of 4.5 tonnes or less that has 3 or more wheels may be fitted with a wheel or tyre that does not comply with those requirements if—
  - (a) the wheel or tyre is being used in an emergency as part of a temporary replacement wheel and tyre combination that complies with the requirements of this subregulation; and
  - (b) the wheel and tyre combination is recommended by the vehicle manufacturer as suitable for use on the vehicle; and

- (c) any conditions specified by the vehicle manufacturer in relation to the use of the wheel and tyre combination are complied with; and
- (d) the vehicle is not driven at a speed exceeding 80 kilometres per hour; and
- (e) only one temporary replacement wheel and tyre combination is fitted to the vehicle at any one time.

## **27—Sprocket drive vehicles**

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.

## **28—Dimensions of bicycles**

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;
- (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.

## **29—Bicycle trailers**

- (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
    - (ii) 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.

### 30—Determination of mass

- (1) For the purposes of determining the mass of a vehicle—
- (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.

### **32—Prescribed classes of vehicles for purposes of section 145(1b)**

For the purposes of section 145(1b) of the Act (Defect notices), the following are vehicles of a prescribed class:

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

### **33—Formal written warnings, defect notices etc**

- (1) A formal written warning, defect notice or defective vehicle label issued under section 145 of the Act must be in a form approved by the Minister.

### **34—Authorisation under section 145(8)**

- (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 authorised officer under section 145 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 145 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 authorised officer under section 145 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 authorised officer under section 145 of the Act to exercise a power of an authorised officer 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 145(8) of the Act and must make that record available for public inspection.

### **34A—Withdrawal of formal warnings**

For the purposes of section 147(1) of the Act, a formal warning may be withdrawn by—

- (a) the Minister; or
- (b) a police officer of or above the rank of sergeant.

### **35—Prescribed classes of vehicles for purposes of section 161A**

- (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.

### 36—Seat belts and seat belt anchorages

- (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.
- (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.

### **37—Child restraints**

- (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.



### 38—Safety helmets

- (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
    - (iv) Australian Standard 1698/1974—*Protective Helmets for Vehicle Users*; or
    - (v) Australian Standard 1698/1988—*Protective Helmets for Vehicle Users*; or
    - (vi) Australian/New Zealand Standard 1698:1992—*Protective Helmets for Vehicle Users*; or
    - (vii) Australian/New Zealand Standard 1698:2006—*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*; or
    - (iv) British Standard 6658:1985—*Specification for Protective Helmets for Vehicle Users*,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—
    - (i) Australian Standard 1698/1974—*Protective Helmets for Vehicle Users*; or

- (ii) Australian Standard 1698/1988—*Protective Helmets for Vehicle Users*; or
  - (iii) Australian/New Zealand Standard 1698:1992—*Protective Helmets for Vehicle Users*; or
  - (iv) Australian/New Zealand Standard 1698:2006—*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.

### **39—Prescribed class of vehicles for purposes of section 163C(1)**

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*.

### **40—Prescribed period for purposes of section 163D(1a)**

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.

### **41—Certificate of inspection**

- (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.

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## 42—Design, maintenance etc requirements for vehicles to which Part 4A of Act applies

- (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.

## 43—Fees for inspections

- (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;

**further inspection** means an inspection undertaken to determine if faults or defects identified by a previous inspection have been corrected;

**heavy vehicle** means a vehicle that has a GVM greater than 4.5 tonnes or, in the case of a trailer, that has a GTM greater than 4.5 tonnes;

**LPG** means liquefied petroleum gas;

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

- (a) section 145, 161A or 163AA of the Act; or
- (b) regulation 46; or
- (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,

other than an inspection or examination for the purposes of an application for a vehicle permit to which regulation 43A(2) applies;

**written-off vehicle** has the same meaning as in Part 4A of the *Motor Vehicles Regulations 1996*.

- (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 the approval or exemption is in relation to the use of the vehicle—

- (a) as part of a road train or B-double; or
- (b) 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:

<b>Type of vehicle and inspection</b>	<b>Fee</b>
First inspection of a motor vehicle	\$273.00
First inspection of a trailer (other than a converter dolly)	\$137.00
First inspection of a converter dolly	\$68.50
Further inspection of a vehicle	\$68.50

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

<b>Type of vehicle and inspection</b>	<b>Fee</b>
<b>1. Heavy vehicles and buses</b>	
(1) First inspection of a motor vehicle (other than a bus)	\$205.00
(2) First inspection of a trailer	\$137.00
(3) First inspection of a bus	\$205.00
(4) Further inspection of a vehicle	\$68.50
<b>2. Vehicles other than heavy vehicles or buses</b>	
(1) First inspection of a vehicle for the purposes of an exemption under section 163AA of the Act or regulation 46	\$205.00
(2) First inspection of a written-off vehicle for the purposes of section 139(1)(ab)(i) or (ii) of the <i>Motor Vehicles Act 1959</i>	\$205.00
(3) First inspection of LPG-converted vehicle for the purposes of the <i>Dangerous Substances Act 1979</i>	\$205.00
(4) Any other first inspection of a vehicle	\$137.00
(5) Further inspection of a vehicle	\$68.50

- (3) A further fee of \$7.75 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 145 of the Act, a vehicle is produced for examination by a police officer at a police station, a fee of \$24.50 is payable to the Police Department on certification that the required repairs have been made to the vehicle.
- (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.

#### **43A—Fees for vehicle permits etc**

- (1) In this regulation—

*heavy vehicle* means a vehicle that has a GVM greater than 4.5 tonnes or, in the case of a trailer, that has a GTM greater than 4.5 tonnes;

*oversize or overmass vehicle exemption* means an exemption granted by the Minister by instrument in writing under section 163AA of the Act in respect of a heavy vehicle, from—

- (a) a dimension limit in the vehicle standards; or
- (b) a mass or dimension limit in the mass and loading requirements;

*restricted access vehicle approval* means an approval granted under section 161A of the Act by the Minister in respect of a restricted access vehicle referred to in regulation 35(1);

*supplied vehicle specifications*, in relation to an application for assessment, means details of a vehicle's dimensions and mechanical and other specifications supplied to the Transport Department by the applicant;

*vehicle permit* means an oversize or overmass vehicle exemption, a restricted access vehicle approval, or both.

- (2) A fee of \$60.50 is payable to the Transport Department on application for the issue or renewal of a vehicle permit for a vehicle or combination.
- (3) A fee of \$40.75 per vehicle is payable to the Transport Department on application for an assessment of supplied vehicle specifications for the purposes of a vehicle permit or for other purposes.
- (4) A fee under subregulation (3) is payable for each vehicle whose specifications are to be assessed (including each vehicle forming part of a combination) and, where the assessment is for the purposes of a vehicle permit, is payable in addition to any fee payable under subregulation (2).
- (5) Where a more detailed or complex assessment is required in relation to an application referred to in subregulation (2), involving the detailed inspection (or inspection other than at Transport Department premises) of a vehicle, the survey or inspection of proposed routes, the examination of bridges or other transport infrastructure, the determination of road work or other work required to enable the use of a proposed route, the consideration of special conditions that may be applicable to the permit, or any other exceptional action or costs—an additional fee of the Minister's estimate of the reasonable cost of providing that more detailed and complex assessment is payable.
- (6) A fee referred to in subregulation (5) is payable to the Transport Department prior to the making of that more detailed or complex assessment.

#### **44—Offence and penalty**

- (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 \$2 500.

#### **45—Expiation of alleged offences**

- (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.

#### **46—Power of exemption**

- (1) The Minister may, by instrument in writing or notice published in the Gazette, exempt—
  - (a) a person or class of persons; or
  - (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.

#### **47—Proof of GTM**

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 GTM of a specified vehicle is proof of the matter so alleged in the absence of proof to the contrary.

## Schedule 1AAA—Notice of licence disqualification or suspension

(Section 45B and section 47IAA)

 <p><b>ROAD TRAFFIC ACT 1961</b>  <b>NOTICE OF LICENCE</b>  <b>DISQUALIFICATION OR SUSPENSION</b>          under section 45B or section 47IAA</p>	NOTICE NUMBER: CROSS REF:
FAMILY NAME: _____ LICENCE NUMBER: _____ GIVEN NAMES: _____ Class: P / L / CAR / BIKE / Other: _____ Size of Issue: _____ ADDRESS: _____ LIC. CHECK CONDUCTED: Y / N LIC. PRODUCED: Y / N SUBURB / TOWN: _____ POST CODE: _____ REASON IF LICENCE CHECK NOT CONDUCTED: _____ PHONE: _____ DATE OF BIRTH: [ ][ ][ ][ ][ ][ ][ ][ ][ ] SEX: M / F	
<b>CATEGORY 2 OR 3 OFFENCE OR REFUSE/FAIL TO COMPLY – Section 47IAA of the Road Traffic Act 1961</b>	
At about _____ am/pm on [ ][ ][ ][ ][ ][ ][ ][ ][ ] at _____ (location) It is alleged that you had committed the offence of: <input type="checkbox"/> blood alcohol concentration 0.08 – 0.149 (category 2 offence) (section 47(1) Road Traffic Act 1961) <input type="checkbox"/> refuse/fail to comply with request for breath sample etc (section 47(2) Road Traffic Act 1961) <input type="checkbox"/> blood alcohol concentration of or above 0.15 (category 3 offence) (section 47(1) Road Traffic Act 1961) <input type="checkbox"/> refuse/fail to comply with request for blood sample (section 47(14) Road Traffic Act 1961, as a driver of a motor vehicle involved in an offence)	
As a result of this allegation, your driver's licence is suspended or you are disqualified from holding or obtaining a driver's licence for a period of: <input type="checkbox"/> 6 months – 0.08 – 0.149 offences only      or <input type="checkbox"/> 12 months – any other prescribed offence This notice of suspension or disqualification commences: <input type="checkbox"/> forthwith – at the time the notice is given to you or <input type="checkbox"/> 48 hours after the notice is given to you OR: If your driver's licence is already suspended or you are already disqualified from holding or obtaining a driver's licence, this notice will take effect at the conclusion of that suspension or disqualification.	
<b>EXCEED SPEED BY 45 KMH OR MORE - Section 45B of the Road Traffic Act 1961</b>	
At about _____ am/pm on [ ][ ][ ][ ][ ][ ][ ][ ][ ] at _____ (location) an offence was allegedly committed in respect of which you have been given an expiration notice for an offence against: <input type="checkbox"/> Section 45A of the Road Traffic Act 1961 (Excessive Speed) <input type="checkbox"/> Section 79B of the Road Traffic Act 1961 (being owner of a vehicle that appears from evidence obtained by a photographic detection device to have been involved in an excessive speed offence)	
As a result of this allegation, your driver's licence is suspended or you are disqualified from holding or obtaining a driver's licence for a period of <b>6 months</b> This notice of suspension or disqualification commences: <input type="checkbox"/> 24 hours after the notice is given to you (all offences where the <u>device</u> was issued an expiration notice.) (Section 45A of the Road Traffic Act 1961) <input type="checkbox"/> 28 days after the notice is given to you (camera offences where the <u>device</u> was issued an expiration notice.) (Section 79B of the Road Traffic Act 1961) OR: If your driver's licence is already suspended or you are already disqualified from holding or obtaining a driver's licence, this notice will take effect at the conclusion of that suspension or disqualification.	
<b>TIME AND DATE NOTICE GIVEN:</b>	
This notice was issued and given at _____ am/pm on [ ][ ][ ][ ][ ][ ][ ][ ][ ] Issuing Officer's Signature _____ Name _____ Rank _____ ID [ ][ ][ ][ ][ ][ ][ ][ ][ ]	
<b>ACKNOWLEDGEMENT OF RECEIPT OF NOTICE:</b>	
I acknowledge receipt of this notice at the time and date recorded above. Signature _____ Name _____ Witness's Signature _____ Name _____ Rank _____ ID [ ][ ][ ][ ][ ][ ][ ][ ][ ] <input type="checkbox"/> Driver / Occupant of vehicle refused / unable to sign / accept order (state as applicable)	
CHECKED BY _____ NAME _____ ID [ ][ ][ ][ ][ ][ ][ ][ ][ ] DATE _____ / _____ / _____	
ORIGINAL: 1/1 FOR NOTICE BRANCH (1/1) WITHIN 24 HOURS. DUPLICATE: OFFICER. TRIPLICATE: AP. QUADRUPPLICATE: TO BE RETURNED TO ROAD. PD 104 (Amended 01/08/08)	

#### ADVICE TO NOTICE RECIPIENT

The maximum penalty for contravening this notice is 6 months imprisonment for a first offence.

##### CATEGORY 2 OR 3 OFFENCE OR REFUSE/FAIL TO COMPLY - Section 47IAA of the Road Traffic Act 1961

Review of Licence Suspension / Disqualification - Road Traffic Act 1961, Section 47IAB (1)

You have the right to apply to the Magistrates Court of South Australia for a review of this driver's licence suspension or disqualification from holding or obtaining a driver's licence. A Magistrates Court may order that the suspension or disqualification:

- be removed if the Court is satisfied that there is a reasonable prospect that you would be acquitted of the alleged offence; or
- be reduced if the Court is satisfied that there is a reasonable prospect that you could successfully argue the offence was either trifling or that you are guilty of a Category 2 rather than Category 3 offence or that you are guilty of a Category 1 offence.

The notice will remain in force unless the Magistrates Court, following a review, makes an order removing or reducing the suspension / disqualification.

To apply for a review go to website [www.courts.sa.gov.au](http://www.courts.sa.gov.au), Magistrates Court section, obtain an application form and information on how to lodge your application or contact the Magistrates Court Call Centre on 8204 2444 between 8.30 am and 5.30 pm Monday to Friday.

##### EXCEED SPEED BY 45 K/PH OR MORE - Section 45B of the Road Traffic Act 1961

Cancellation of Licence Suspension / Disqualification - Road Traffic Act 1961, Section 45B (6)

The notice of suspension or disqualification will be cancelled upon the withdrawal of the expiation notice or if election to be prosecuted is made in accordance with the Expiation of Offences Act.

If you seek a **withdrawal** of the expiation notice, please provide evidence verified by statutory declaration and forward to Manager, Expiation Notice Branch, GPO Box 2029, Adelaide 5001. The evidence must be received by the Expiation Notice Branch before the due date for payment specified in the expiation notice or expiation reminder notice.

If you wish to **elect to be prosecuted**, please complete, sign and post the appropriate portion of the expiation notice to the Manager, Expiation Notice Branch, GPO Box 2029, Adelaide, 5001. The election form must be received by the Expiation Notice Branch before the due date for payment specified in the expiation notice or expiation reminder notice.

The notice of suspension or disqualification will remain in force unless the expiation notice is withdrawn or until a correctly completed election to be prosecuted form is received at Expiation Notice Branch.

**For exceed speed enquiries** contact the Expiation Notice Branch between 8.30 am and 4.00 pm Monday to Friday, on telephone number 8463 4388 or write to the Manager, Expiation Notice Branch, South Australia Police, GPO Box 2029, Adelaide SA 5001.



## 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.

## Schedule 1A—Prescribed oral advice

(Section 47EAA(10)(b))

*Road Traffic Act 1961*

### **Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction: section 47EAA(10)(b)**

It is a criminal offence to refuse or fail to provide a sample of oral fluid or blood without good cause. You could be fined and lose your licence for 6 months or more.

It is a defence if you have some physical or medical condition that prevents you from providing a sample of oral fluid or blood [whichever is applicable], but only if you ask for a sample of your blood or oral fluid [whichever is applicable] to be taken instead.

If you want a sample of blood or oral fluid [whichever is applicable] taken because of your condition, you should ask for that and the police will help you to have the sample taken at Government expense.

## Schedule 1—Prescribed oral advice and written notice

(Section 47K(2a)(a))

### **Part A—Oral advice for the purposes of section 47K(2a)(a) of *Road Traffic Act 1961***

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 Forensic Science SA 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.

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**Part B—Written notice for the purposes of section 47K(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 47K(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 47K(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 Forensic Science SA 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.

## Schedule 2—Form of request

(Section 47K(2a)(b))

*Road Traffic Act 1961*

### Request form for the purposes of section 47K(2a)(b)

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

.....  
*(Address)*

submitted to a breath analysis at.....  
*(Address or description)*

at ..... am/pm on the ..... day of ..... 20.....

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 47K(1a) and regulation 11)

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 47K of the Road Traffic Act 1961

I, \_\_\_\_\_, a \*medical practitioner/registered nurse, certify that at  
\_\_\_\_\_ at \_\_\_\_\_, on the \_\_\_\_\_ day  
Place (Name of Hospital/Surgery/Medical Institution)  
of \_\_\_\_\_, 20\_\_\_\_\_, I took a sample of blood from:

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

Postcode

I placed the sample of blood, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit that was delivered to me by the patient) and secured the caps. I then sealed each container by application of the adhesive seal (bearing the identifying number specified below) provided as part of the blood test kit. I delivered 1 of the sealed containers containing part of the blood sample by giving the container to the patient. I witnessed the patient's signature.

Signature of \*medical practitioner/registered nurse \_\_\_\_\_

**IDENTIFYING NUMBER BARCODE**

**B. PATIENT'S CONTAINER**

**PATIENT TO SIGN ON RECEIPT OF SAMPLE**  
I acknowledge receipt of 1 sealed container containing part of the blood sample

Signature of patient \_\_\_\_\_

**C. POLICE CONTAINER**  
Please indicate by an "X" in the appropriate box:

I delivered 1 of the sealed containers containing part of the blood sample to a member of the police force by  
 Placing the container in a secured blood box \_\_\_\_\_ (Box number)  Giving the container to a member of the police force

Signature of \*medical practitioner/registered nurse \_\_\_\_\_

\* delete as required

NOTE: Where a person submits to a breath analysis conducted outside Metropolitan Adelaide a sample of the person's blood may be taken by a registered nurse instead of a medical practitioner.

## Schedule 4—Notice

(Section 79B(5) and (6))

### ROAD TRAFFIC ACT 1961 NOTICE FOR THE PURPOSES OF SECTION 79B(5) AND (6)

#### Photographic detection devices - Your questions answered

- Q1.** There is more than one vehicle in the photograph. How do you know it is my vehicle that was speeding?
- A1.** There will often be more than one vehicle travelling in the same direction in the photograph. However, this does not mean that your vehicle cannot be accurately identified as being involved in an alleged offence.
- If the photograph was taken by a mobile speed camera, a template is used to mark the detection zone of the camera so that the infringing vehicle can be pinpointed and identified.
- If the photograph was taken by a fixed speed camera, the infringing vehicle is identified by its position on the road and its lane of travel. A detection area, or "loop", has been installed in each traffic lane and a photograph is taken as the vehicle crosses that loop.
- Q2.** What if I was overtaking at the time?
- A2.** You cannot exceed the speed limit under any circumstances. This includes overtaking another vehicle.
- Q3.** I have never been booked before. Can you show some leniency because of this?
- A3.** No. Speeding, disobeying a red traffic light or entering a level crossing when warning lights are operating are considered to be offences that endanger life.
- Q4.** Can I be issued with an expiation notice if I am speeding through a green or yellow (amber) traffic light, or only through a red traffic light?
- A4.** At intersections, junctions or crossings where the operation of combined red light and speed cameras has been approved, you can be detected speeding through all phases of the traffic lights (green, yellow or red). If you are speeding through a red light, a single expiation notice listing both the speeding and red light offences will be issued to you.
- Q5.** If I pay the expiation fee, will I also incur demerit points?
- A5.** Yes. Demerit points will be incurred for speeding, red light or level crossing offences detected by a camera. If you hold an unrestricted licence and you accumulate 12 or more demerit points, you will face a period of disqualification from driving. Provisional licence holders will face a period of disqualification if they breach their licence conditions or accumulate 4 or more demerit points. If a provisional licence holder incurs one or more demerit points before reaching the age of 19, the period for which their provisional conditions apply may be extended.
- Q6.** If the offence is minor or there are extenuating circumstances, can demerit points be reduced or not imposed?
- A6.** Only a court can reduce the number of demerit points. You are advised to seek independent legal advice to consider your options.
- Q7.** What if I did not see the speed limit sign?
- A7.** It is your responsibility as a driver to be aware of and obey the speed limit at all times. Failure to be aware of the speed limit is not a ground for the withdrawal of an expiation notice or summons.
- Q8.** If I want to see the photographic evidence, what do I need to do?
- A8.** You are entitled to see the photographic evidence. A copy of the photographic evidence on which the allegation is based:
- (a) will, if you complete the Request for Photographic Evidence form at the foot of this page and forward it by post to **Commissioner of Police Expiation Notice Branch GPO Box 2029 Adelaide SA 5001** (or by fax to **(08) 8463 4361**), be sent by post to you at the address nominated by you on the form (or in the absence of a nominated address, to your last known address); and
- (b) may be viewed by appointment with the Expiation Notice Branch by telephoning **(08) 8463 4388**.

REQUEST FOR PHOTOGRAPHIC EVIDENCE Please forward a copy of the Traffic Camera Photograph relating to the following:  
(Note the Expiation Notice DUE DATE WILL NOT BE EXTENDED upon request for photographic evidence)

Expiation Notice Number	<input type="text"/>	Vehicle Registration	<input type="text"/>
TO: Name	<input type="text"/>	Signature	<input type="text"/>
Address	<input type="text"/>		
Suburb / Town	<input type="text"/>		
State	<input type="text"/>	Postcode	<input type="text"/>
		Date	<input type="text"/>

### Defences available to registered owners

- Q9. What if I was not driving the vehicle at the time?**
- A9.** If the vehicle is registered in your name, an expiation notice or summons will automatically be sent to you. If you were not driving the vehicle at the time of the alleged offence, you can nominate the driver by completing a Statutory Declaration (as the registered owner of the vehicle) and forwarding it to the Commissioner of Police. The Statutory Declaration must state that you were not driving the vehicle and provide the name and address of the person who was driving.
- Depending on the information you have provided, the expiation notice or summons may be withdrawn and an expiation notice or summons issued to the driver you have named.
- Where the registered owner of the vehicle is a company, an officer of the company acting with the authority of the company must forward a Statutory Declaration to the Commissioner of Police stating the name and address of the person who was driving the vehicle at the time of the alleged speeding or red light offence.
- If the vehicle was not being driven at the time by any officer or employee of the company acting in the ordinary course of his or duties as such, and the company does not know and could not, "by the exercise of reasonable diligence", have known who was driving the vehicle at the time, the officer of the company must forward a Statutory Declaration stating the reasons why the identity of the driver is not known to the company and what inquiries (if any) the company has made to find out who was driving the vehicle.
- The Commissioner may ask for further evidence in support of the claim and, in relation to the question of withdrawal of the expiation notice or summons, will give due consideration to the evidence you have provided.
- However, a company is expected to keep records of people who use company vehicles. Failure to nominate the driver in this circumstance will not be considered as grounds for withdrawal of an expiation notice or summons.
- Q10. What if I don't know who was driving my vehicle at the time?**
- A10.** If you do not know who the driver was at the time of the alleged offence and can show that you have tried to find out his or her identity "by the exercise of reasonable diligence", you can send a Statutory Declaration to the Commissioner of Police, stating the reasons why the driver's identity is unknown to you and what inquiries (if any) you have made to find out who was driving the vehicle.
- The Commissioner may ask you for further evidence in support of your claim and, in relation to the question of withdrawal of the expiation notice or summons, will give due consideration to the evidence you have provided.
- However, owners who lend their vehicle or allow it to be taken for a test drive should record the driver's details. Failure to identify the driver in these circumstances will not be considered as grounds for withdrawal of an expiation notice or summons.
- Q11. What if I have sold the vehicle to someone else and I receive an expiation notice or summons?**
- A11.** You can send a completed Statutory Declaration to the Commissioner of Police, stating the name and address of the person or company to whom you sold the vehicle.
- Q12. What if the vehicle is registered to a company?**
- A12.** If an expiation notice or summons is issued to a company, the expiation fee or the fine that may be imposed is higher than that payable by a natural person.
- Q13. If I will be sending a Statutory Declaration should I also pay the expiation notice?**
- A13.** No. If you nominate another person as the driver of the vehicle at the time of the alleged offence, *do not* forward any payment on behalf of that person.
- An expiation notice or summons will be sent to the nominated person.
- If you are unable to send a completed Statutory Declaration, you must pay the expiation fee unless you choose to defend the allegation in court.
- Q14. What if my vehicle appears to have been involved in the alleged speeding, red light or level crossing offence, but no such offence was in fact committed?**
- A14.** You will have a defence if you can prove that your vehicle was not used in the commission of the alleged offence.

### How to complete a Statutory Declaration

If you believe you have a defence to the offence alleged in the enclosed expiation notice, expiation reminder notice or summons, you must complete a Statutory Declaration and forward it to the Commissioner of Police by post to Commissioner of Police Expiation Notice Branch GPO Box 2029 Adelaide SA 5001 or by fax to (08) 8463 4361.

**You must provide the following information:**

- your full name and address;
- expiation notice number;
- motor vehicle registration number; and,
- the full name and address of the person or company you wish to nominate or the reasons why the driver's identity is not known and what inquiries you have made to ascertain the driver's identity; or,
- information about the defence you have to the allegation; or,
- the full name and address of the person or company to whom you sold the vehicle.

**The Statutory Declaration must be witnessed by one of the following:**

- Justice of the Peace (including ID No.)
- Proclaimed Manager
- Proclaimed Police Officer
- Commissioner for taking affidavits

The Statutory Declaration must be received by the Commissioner of Police *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*.

Depending on the information you have provided, the Commissioner may withdraw the notice or summons.

**NOTE:** It is an offence to make a Statutory Declaration that you know to be untrue in a material particular. The maximum penalty is 4 years imprisonment.

## 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

(Regulation 45)

### Part 1—Preliminary

#### 1—Photographic detection devices

The expiation fee for an alleged offence against section 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.

#### 2—Lesser expiation fee if motor vehicle not involved

- (1) Despite the fees fixed in the tables in this Schedule, the expiation fee is \$25 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(2), 254(2), 256(1) or 256(2) of the *Australian Road Rules*.

### Part 2—Offences against the *Road Traffic Act 1961*

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
40H(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to stop vehicle, or not move it, or not interfere with vehicle or its equipment or load—</i>	
	if direction relates to heavy vehicle	\$518
	if direction relates to vehicle other than heavy vehicle	\$164
40I(2)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move vehicle to specified location—</i>	
	if direction relates to heavy vehicle	\$518
	if direction relates to vehicle other than heavy vehicle	\$164
40J(3)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move vehicle or do anything else reasonably required by officer to avoid causing harm or obstruction—</i>	
	if direction relates to heavy vehicle	\$518
	if direction relates to vehicle other than heavy vehicle	\$164

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

Schedule 9—Expiation fees

<b>Section</b>	<b>Description of offence against <i>Road Traffic Act 1961</i></b>	<b>Fee</b>
40K(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to vacate or not occupy driver's seat, or to leave or not enter vehicle—</i>	
	if direction relates to heavy vehicle	\$518
	if direction relates to vehicle other than heavy vehicle	\$164
40V(4)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to give personal details or produce evidence of correctness of personal details</i>	\$518
40W(4)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to produce records, devices or other things</i>	\$518
40X(3)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to provide information about vehicle or load or equipment carried or to be carried by vehicle</i>	\$518
40Y(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to provide assistance to officer to enable effective exercise of officer's powers</i>	\$518
45A	<i>Driving at speed exceeding applicable speed limit by 45 kph or more</i>	\$541
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	\$420
47BA(1)	<i>Driving with prescribed drug in oral fluid or blood</i>	\$420
91(3)	<i>Failing to comply with direction of ferry operator</i>	\$60
110C(2)	<i>Selling or offering for sale for use on roads motor vehicle or trailer not bearing vehicle identification plate for that vehicle or trailer—offence not committed in course of trade or business</i>	\$160
110C(3)	<i>Driving motor vehicle or trailer not bearing vehicle identification plate for that vehicle or trailer</i>	\$160
117(1)	<i>Vehicle in breach of vehicle standards or maintenance requirement driven on road—being driver of vehicle—</i>	
	non-compliance with rule 155 of the vehicle standards	\$170
	non-compliance with rule 158 of the vehicle standards	\$87
	any other contravention of section 117	\$183
118(1)	<i>Vehicle in breach of vehicle standards or maintenance requirement driven on road—being operator of vehicle—</i>	
	non-compliance with rule 155 of the vehicle standards	\$170
	non-compliance with rule 158 of the vehicle standards	\$87
	any other contravention of section 118	\$183
123(1)	<i>Vehicle not complying with mass, dimension or load restraint requirement driven on road—being driver of vehicle—</i>	
	minor risk breach involving heavy vehicle	\$259
	minor risk breach involving vehicle other than heavy vehicle	\$104
	substantial risk breach involving heavy vehicle	\$518

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
	substantial risk breach involving vehicle other than heavy vehicle	\$207
	severe risk breach involving vehicle other than heavy vehicle	\$311
124(1)	<i>Vehicle not complying with mass, dimension or load restraint requirement driven on road—being operator of vehicle—</i>	
	minor risk breach involving heavy vehicle—	
	• if the operator is a natural person	\$259
	• if the operator is a body corporate	\$362
	minor risk breach involving vehicle other than heavy vehicle	\$104
	substantial risk breach involving heavy vehicle—	
	• if the operator is a natural person	\$518
	• if the operator is a body corporate	\$673
	substantial risk breach involving vehicle other than heavy vehicle	\$207
	severe risk breach involving vehicle other than heavy vehicle	\$311
125(2)	<i>Heavy vehicle not complying with mass, dimension or load restraint requirement driven on road—being consignor of goods in or on vehicle—</i>	
	minor risk breach—	
	• if the consignor is a natural person	\$259
	• if the consignor is a body corporate	\$362
	substantial risk breach—	
	• if the consignor is a natural person	\$518
	• if the consignor is a body corporate	\$673
125(4)	<i>Weight of freight container containing goods consigned for road transport by heavy vehicle exceeding maximum gross weight marked on container or container's safety approval plate—being consignor of any of the goods—</i>	
	• if the consignor is a natural person	\$518
	• if the consignor is a body corporate	\$673
126(2)	<i>Heavy vehicle not complying with mass, dimension or load restraint requirement driven on road—being packer of goods in or on vehicle—</i>	
	minor risk breach—	
	• if the packer is a natural person	\$259
	• if the packer is a body corporate	\$362
	substantial risk breach—	
	• if the packer is a natural person	\$518
	• if the packer is a body corporate	\$673
126(4)	<i>Weight of freight container containing goods consigned for road transport by heavy vehicle exceeding maximum gross weight marked on container or container's safety approval plate—being packer of any of the goods—</i>	
	• if the packer is a natural person	\$518
	• if the packer is a body corporate	\$673

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

Schedule 9—Expiation fees

<b>Section</b>	<b>Description of offence against <i>Road Traffic Act 1961</i></b>	<b>Fee</b>
127(2)	<i>Heavy vehicle not complying with mass, dimension or load restraint requirement driven on road—being loader of goods in or on vehicle—</i> minor risk breach— <ul style="list-style-type: none"> <li>• if the loader is a natural person</li> <li>• if the loader is a body corporate</li> </ul> substantial risk breach— <ul style="list-style-type: none"> <li>• if the loader is a natural person</li> <li>• if the loader is a body corporate</li> </ul>	\$259 \$362 \$518 \$673
128(2)	<i>Heavy vehicle not complying with mass, dimension or load restraint requirement driven on road—consignee of goods in or on vehicle engaging in conduct resulting or likely to result in inducing or rewarding breach—</i> minor risk breach— <ul style="list-style-type: none"> <li>• if the consignee is a natural person</li> <li>• if the consignee is a body corporate</li> </ul> substantial risk breach— <ul style="list-style-type: none"> <li>• if the consignee is a natural person</li> <li>• if the consignee is a body corporate</li> </ul>	\$259 \$362 \$518 \$673
135(3)	<i>Responsible entity failing to provide operator or driver of heavy vehicle with complying container weight declaration relating to freight container offered for transport by vehicle—</i> <ul style="list-style-type: none"> <li>• if the responsible entity is a natural person</li> <li>• if the responsible entity is a body corporate</li> </ul>	\$518 \$673
136(5)	<i>Operator of heavy vehicle failing to provide driver with complying container weight declaration relating to freight container arranged by operator to be transported by vehicle—</i> <ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$518 \$673
137(3)	<i>Driver of heavy vehicle loaded with freight container driving vehicle without first having been provided with container weight declaration or failing to keep declaration in or about vehicle or readily accessible from vehicle during journey</i>	\$518
148(4)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to driver or operator of vehicle to rectify specified minor risk breaches of mass, dimension or load restraint requirement, or move vehicle to specified location and not proceed from there until breaches are rectified—</i> if direction relates to heavy vehicle if direction relates to vehicle other than heavy vehicle	\$518 \$164
149(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to driver or operator of vehicle not to proceed until specified substantial risk breaches of mass, dimension or load restraint requirement are rectified, or to move vehicle to specified location and not proceed from there until breaches are rectified—</i> if direction relates to heavy vehicle	\$518

Section	Description of offence against <i>Road Traffic Act 1961</i>	Fee
	if direction relates to vehicle other than heavy vehicle	\$164
151(4)	<i>Engaging in conduct in contravention of condition of authorisation granted by authorised officer or police officer to driver of vehicle authorising vehicle to continue journey—</i>	
	if authorisation relates to heavy vehicle	\$518
	if authorisation relates to vehicle other than heavy vehicle	\$164
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 police officer</i>	\$164
s 53B(1)	<i>Selling radar detector or jammer or storing or offering radar detector or jammer for sale</i>	\$280
s 82(1)	<i>Speeding while passing school bus</i>	
	Exceeding the speed-limit while passing a school bus—	
	by less than 15 kph	\$182
	by 15 kph or more but less than 30 kph	\$290
	by 30 kph or more	\$435
s 83(1)(a)	<i>Speeding while passing emergency vehicle</i>	
	Exceeding 40 kph while passing an emergency vehicle—	
	by less than 15 kph	\$182
	by 15 kph or more but less than 30 kph	\$290
	by 30 kph or more	\$435
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>	\$60
s 83A(2)	<i>Buying or offering to buy goods from person standing etc on carriageway etc in contravention of section 83A(1)</i>	\$60
s 85(2)	<i>Leaving stationary vehicle in prohibited area near Parliament House etc without authority</i>	\$76
s 87	<i>Walking without due care or attention etc</i>	\$19
s 95	<i>Riding on vehicle without consent of driver</i>	\$60
s 99A	<i>Bicycle rider riding on footpath or other road-related area failing to give warning to pedestrians etc</i>	\$25
s 99B(1)	<i>Riding wheeled recreational device or wheeled toy without due care or attention etc</i>	\$25
s 99B(2)	<i>Riding wheeled recreational device or wheeled toy on footpath or other road-related area abreast of another vehicle etc</i>	\$25
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>	\$25
s 107(1)	<i>Driving, drawing, hauling, dragging over road any implement, sledge etc</i>	\$140

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

## Schedule 9—Expiation fees

<b>Section</b>	<b>Description of offence against <i>Road Traffic Act 1961</i></b>	<b>Fee</b>
s 107(2)	<i>Removing or interfering with road infrastructure, or damaging road infrastructure other than by reasonable use</i>	\$140
s 108(1)	<i>Depositing certain articles or materials on road</i>	\$131
s 110	<i>Failing to keep whole of vehicle on sealed surface when driving on sealed road</i>	\$60
s 145(3)	<i>Failing to comply with direction of police officer or authorised officer to stop vehicle or produce vehicle for examination</i>	\$164
s 145(5f)	<i>Defacing, altering, obscuring or removing defective vehicle label affixed to vehicle</i>	\$104
s 161A(1)	<i>Driving vehicle to which section 161A applies without Ministerial approval</i>	\$183
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>	\$60
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>	\$60
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>	\$58
167(1)	<i>Causing or permitting the commission of an expiable offence against the Road Traffic Act 1961, these regulations, the Road Traffic (Driving Hours) Regulations 1999 or the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999</i>	\$54
174B	<i>Further offence for continued parking contravention</i>	\$20

**Part 3—Offences against the Australian Road Rules**

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
20	<i>Speeding</i> Exceeding applicable speed-limit on length of road—	
	by less than 15 kph	\$182
	by 15 kph or more but less than 30 kph	\$290
	by 30 kph or more	\$435
27(1)	<i>Failing to keep left when starting left turn (from other than multi-lane road)</i>	\$201
28(1)	<i>Failing to keep within left lane when starting left turn on multi-lane road</i>	\$201
29	<i>Failing to make left turn as indicated by road marking</i>	\$201
31(1)	<i>Starting right turn incorrectly (from other than multi-lane road)</i>	\$201
32(1)	<i>Failing to keep within right lane when starting right turn (on multi-lane road)</i>	\$201
33(1)	<i>Making right turn at intersection incorrectly (other than at T-intersection)</i>	\$201

**29.9.2008 to 24.1.2009—Road Traffic (Miscellaneous) Regulations 1999**

Expiation fees—Schedule 9

<b>Rule</b>	<b>Description of offence against Australian Road Rules</b>	<b>Fee</b>
34(1)	<i>Making hook turn at "hook turn only" sign incorrectly</i>	\$176
35(2)	<i>Bicycle rider making hook turn at intersection with no "hook turn only" sign etc incorrectly</i>	\$25
36	<i>Bicycle rider making hook turn contrary to "no hook turn by bicycles" sign</i>	\$25
37	<i>Starting U-turn without clear view etc</i>	\$248
38	<i>Failing to give way when making U-turn</i>	\$248
39(1)	<i>Making U-turn contrary to "no U-turn" sign at break in dividing strip</i>	\$231
39(2)	<i>Making U-turn contrary to "no U-turn" sign on length of road</i>	\$231
40	<i>Making U-turn at intersection with traffic lights and no "U-turn permitted" sign</i>	\$231
41	<i>Making U-turn at intersection without traffic lights where "no U-turn" sign</i>	\$231
42	<i>Starting U-turn at intersection from incorrect position</i>	\$248
43(1)	<i>Starting and making left turn incorrectly</i>	\$201
43(2)	<i>Starting and making right turn incorrectly</i>	\$201
46(1)	<i>Failing to give left change of direction signal before turning left</i>	\$195
46(4)	<i>Failing to stop giving left change of direction signal after turning left</i>	\$115
48(1)	<i>Failing to give right change of direction signal before turning right</i>	\$195
48(4)	<i>Failing to stop giving right change of direction signal after turning right</i>	\$115
51	<i>Using direction indicator lights when not permitted</i>	\$115
53(1)	<i>Failing to give stop signal before stopping or suddenly slowing</i>	\$195
53(2)	<i>Failing to give sufficient warning of stopping</i>	\$195
53(3)	<i>Failing to give stop signal while slowing</i>	\$195
56(1)	<i>Failing to stop for red traffic light</i>	\$307
56(2)	<i>Failing to stop for red traffic arrow</i>	\$307
57(1)	<i>Failing to stop for yellow traffic light</i>	\$307
57(2)	<i>Failing to stop for yellow traffic arrow</i>	\$307
57(3)	<i>Failing to leave intersection showing yellow traffic light or arrow</i>	\$307
59(1)	<i>Proceeding through red traffic light</i>	\$307
60	<i>Proceeding through red traffic arrow</i>	\$307
61(2)	<i>Failing to stop at intersection when traffic lights or arrows change to yellow or red</i>	\$307
61(5)	<i>Failing to leave intersection when traffic lights or arrows change to yellow or red</i>	\$307
62	<i>Failing to give way when turning at intersection with traffic lights</i>	\$280
63(2)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where traffic light-stop sign</i>	\$280
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>	\$280
64	<i>Failing to give way at flashing yellow traffic arrow at intersection</i>	\$280
65(2)	<i>Failing to give way at marked foot crossing (except at intersection) with flashing yellow traffic light</i>	\$264

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

## Schedule 9—Expiation fees

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
66(1)	<i>Failing to stop for twin red lights (except at level crossing)</i>	\$60
66(4)	<i>Proceeding after stopping for twin red lights (except at level crossing)</i>	\$60
67(1)	<i>Failing to stop and give way at "stop" sign or stop line at intersection without traffic lights</i>	\$280
68(1)	<i>Failing to stop and give way at "stop" sign or stop line at other place</i>	\$231
69(1)	<i>Failing to give way at "give way" sign or give way line at intersection (except roundabout)</i>	\$280
70	<i>Failing to give way at "give way" sign at bridge or length of narrow road</i>	\$280
71(1)	<i>Failing to give way at "give way" sign or give way line at other place</i>	\$231
72(1)	<i>Failing to give way at intersection (except T-intersection or roundabout)</i>	\$280
73(1)	<i>Failing to give way at T-intersection</i>	\$280
74(1)	<i>Failing to give way when entering road from road-related area or adjacent land</i>	\$248
75(1)	<i>Failing to give way when entering road-related area or adjacent land from road</i>	\$248
76(1)	<i>Moving into path of tram travelling in tram lane etc</i>	\$115
76(2)	<i>Failing to move out of path of tram travelling in tram lane etc</i>	\$115
77(1)	<i>Failing to give way to bus</i>	\$115
78(1)	<i>Moving into path of police or emergency vehicle</i>	\$280
78(2)	<i>Failing to move out of path of police or emergency vehicle</i>	\$280
79(1)	<i>Failing to give way to police or emergency vehicle</i>	\$280
80(2)	<i>Failing to stop at children's crossing</i>	\$280
80(3)	<i>Failing to obey hand-held "stop" sign at children's crossing</i>	\$231
80(4)	<i>Proceeding while pedestrian on children's crossing</i>	\$280
81(2)	<i>Failing to give way at pedestrian crossing</i>	\$264
82	<i>Overtaking or passing vehicle at children's crossing or pedestrian crossing</i>	\$264
83	<i>Failing to give way to pedestrian in shared zone</i>	\$213
84(1)	<i>Failing to give way when driving through break in dividing strip</i>	\$248
85	<i>Failing to give way on painted island</i>	\$231
86(1)	<i>Failing to give way in median turning bays</i>	\$248
87(1)	<i>Failing to give way when moving from side or shoulder of road</i>	\$219
87(3)	<i>Failing to give way when moving from median strip parking area</i>	\$219
88(1)	<i>Failing to turn left at intersection with "left turn only" sign</i>	\$231
88(2)	<i>Failing to turn left when in left lane at intersection with "left lane must turn left" sign</i>	\$231
89(1)	<i>Failing to turn right at intersection with "right turn only" sign</i>	\$231
89(2)	<i>Failing to turn right when in right lane at intersection with "right lane must turn right" sign</i>	\$231
90	<i>Turning at intersection with "no turn" sign</i>	\$231
91(1)	<i>Turning left at intersection with "no left turn" sign</i>	\$231



**29.9.2008 to 24.1.2009—Road Traffic (Miscellaneous) Regulations 1999**

Expiation fees—Schedule 9

<b>Rule</b>	<b>Description of offence against Australian Road Rules</b>	<b>Fee</b>
91(2)	<i>Turning at intersection with "no right turn" sign</i>	\$231
92(1)	<i>Failing to drive in direction indicated by traffic lane arrows</i>	\$231
93(1)	<i>Driving or overtaking on bridge or length of road where "no overtaking or passing" sign applies</i>	\$231
94	<i>Overtaking on bridge with "no overtaking on bridge" sign</i>	\$231
95(1)	<i>Driving in emergency stopping lane</i>	\$231
96(1)	<i>Stopping on area of road marked with "keep clear" marking</i>	\$231
97(1)	<i>Driving on length of road where "road access" sign applies</i>	\$231
98(1)	<i>Driving in wrong direction on length of road where "one-way" sign applies</i>	\$280
99(1)	<i>Failing to drive to left of "keep left" sign</i>	\$231
99(2)	<i>Failing to drive to right of "keep right" sign</i>	\$231
100	<i>Driving past "no entry" sign</i>	\$231
101(1)	<i>Failing to stop before hand-held "stop" sign</i>	\$231
101(2)	<i>Proceeding after stopping for hand-held "stop" sign</i>	\$231
102(1)	<i>Driving past "clearance" or "low clearance" sign</i>	\$231
103(1)	<i>Driving past "bridge load limit (gross mass)" or "gross load limit" sign—vehicle exceeding gross mass indicated by sign</i>	\$231
103(2)	<i>Driving past "bridge load limit (mass per axle group)" sign—vehicle axle group carrying mass exceeding mass indicated by sign</i>	\$231
104(1)	<i>Driving past "no trucks" sign—vehicle GVM exceeding permitted mass</i>	\$231
104(2)	<i>Driving truck past "no trucks" sign—vehicle or combination exceeding permitted length</i>	\$231
104(3)	<i>Driving truck past "no trucks" sign where no mass or length indicated</i>	\$231
105	<i>Failing to enter area indicated by "trucks must enter" sign</i>	\$231
106(1)	<i>Driving bus past "no buses" sign—bus exceeding mass indicated by sign</i>	\$231
106(2)	<i>Driving bus past "no buses" sign—bus exceeding length indicated by sign</i>	\$231
106(3)	<i>Driving bus past "no buses" sign where no mass or length indicated</i>	\$231
107	<i>Failing to enter area indicated by "buses must enter" sign</i>	\$231
108(1)	<i>Failing to drive truck or bus in low gear on length of road where "trucks and buses low gear" sign applies</i>	\$231
111(1)	<i>Failing to enter roundabout from multi-lane road or road with 2 or more lines of traffic travelling in same direction correctly</i>	\$231
112(2)	<i>Failing to give left change of direction signal when entering roundabout</i>	\$195
112(3)	<i>Failing to continue left change of direction signal while in roundabout</i>	\$195
113(2)	<i>Failing to give right change of direction signal when entering roundabout</i>	\$195
113(3)	<i>Failing to continue right change of direction signal while in roundabout</i>	\$195
114(1)	<i>Failing to give way when entering roundabout</i>	\$280
114(2)	<i>Failing to give way to tram when driving in roundabout</i>	\$280
115(1)	<i>Failing to drive in roundabout to left of central traffic island</i>	\$280

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

## Schedule 9—Expiation fees

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
116	<i>Failing to obey traffic lane arrows when driving in or leaving roundabout</i>	\$231
117(1)	<i>Failing to give left change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	\$195
117(2)	<i>Failing to give right change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	\$195
118(1)	<i>Failing to give left change of direction signal when leaving roundabout</i>	\$195
118(2)	<i>Failing to stop left change of direction signal after leaving roundabout</i>	\$195
119	<i>Failing to give way by rider of bicycle or animal to vehicle leaving roundabout</i>	\$25
121	<i>Failing to stop and give way at "stop" sign at level crossing</i>	\$307
122	<i>Failing to give way at "give way" sign or give way line at level crossing</i>	\$307
123	<i>Entering level crossing when train or tram is approaching etc</i>	\$307
124	<i>Failing to leave level crossing as soon as safe to do so</i>	\$307
125(1)	<i>Unreasonably obstructing path of other driver or pedestrian</i>	\$71
126	<i>Failing to keep safe distance behind other vehicles</i>	\$209
127(1)	<i>Failing to keep required minimum distance behind long vehicle</i>	\$140
128	<i>Entering blocked intersection</i>	\$144
128A	<i>Entering blocked crossing</i>	\$144
129(1)	<i>Failing to keep to far left side of road</i>	\$187
130(2)	<i>Driving in right lane on certain multi-lane roads</i>	\$151
131	<i>Failing to keep to left of oncoming vehicles</i>	\$213
132(1)	<i>Failing to keep to left of centre of road</i>	\$248
132(2)	<i>Failing to keep to left of dividing line</i>	\$248
135(1)	<i>Failing to keep to left of median strip</i>	\$200
136	<i>Driving in wrong direction on one-way service road</i>	\$200
137(1)	<i>Failing to keep off dividing strip</i>	\$140
138(1)	<i>Failing to keep off painted island</i>	\$151
140	<i>Overtaking when not safe to do so</i>	\$187
141(1)	<i>Driver overtaking to left of other vehicle</i>	\$209
141(2)	<i>Bicycle rider overtaking to left of vehicle turning left</i>	\$25
142(1)	<i>Overtaking to right of vehicle turning right</i>	\$219
143(1)	<i>Passing or overtaking to left of turning left vehicle displaying "do not overtake turning vehicle" sign</i>	\$113
143(2)	<i>Passing or overtaking to right of turning right vehicle displaying "do not overtake turning vehicle" sign</i>	\$113
144	<i>Failing to keep safe distance when overtaking</i>	\$187
145	<i>Increasing speed while being overtaken</i>	\$185
146(1)	<i>Failing to drive within single marked lane</i>	\$151
146(2)	<i>Failing to drive within single line of traffic</i>	\$151

**29.9.2008 to 24.1.2009—Road Traffic (Miscellaneous) Regulations 1999**

Expiation fees—Schedule 9

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
147	<i>Moving from one marked lane to another marked lane across continuous line</i>	\$151
148(1)	<i>Failing to give way when moving from one marked lane to another marked lane</i>	\$208
148(2)	<i>Failing to give way when moving from one line of traffic to another line of traffic</i>	\$208
149	<i>Failing to give way when lines of traffic merge into single line of traffic</i>	\$208
150(1)	<i>Driving on or across continuous white edge line</i>	\$60
151(1)	<i>Riding motor bike or bicycle alongside more than 1 other rider on non multi-lane road</i>	\$60
151(2)	<i>Riding motor bike or bicycle alongside more than 1 other rider in marked lane</i>	\$60
151(4)	<i>Riding motor bike or bicycle more than 1.5 metres from another rider</i>	\$60
152(1)	<i>Driving in marked lane to which overhead lane control device applies—failing to comply with rule</i>	\$231
153(1)	<i>Driving in bicycle lane</i>	\$158
154(1)	<i>Driving in bus lane</i>	\$158
155(1)	<i>Driving in tram lane</i>	\$158
156(1)	<i>Driving in transit lane</i>	\$158
157(1)	<i>Driving in truck lane</i>	\$158
159(1)	<i>Driving in marked lane required to be used by particular kinds of vehicles</i>	\$158
160(2)	<i>Passing or overtaking to right of tram not at or near far left side of road</i>	\$209
160(3)	<i>Passing or overtaking left turning etc tram not at or near far left side of road</i>	\$209
161(2)	<i>Passing or overtaking to left of tram at or near the left side of road</i>	\$209
161(3)	<i>Passing or overtaking tram turning right or giving right change of direction signal</i>	\$209
162(1)	<i>Driving past safety zone</i>	\$280
163(1)	<i>Driving past rear of stopped tram</i>	\$280
164(1)	<i>Failing to give way to pedestrians crossing road near stopped tram</i>	\$280
167	<i>Stopping where "no stopping" sign applies</i>	\$54
168(1)	<i>Stopping where "no parking" sign applies</i>	\$40
169	<i>Stopping on road with continuous yellow edge line</i>	\$54
170(1)	<i>Stopping in intersection</i>	\$54
170(2)	<i>Stopping within 20 metres of intersection with traffic lights</i>	\$54
170(3)	<i>Stopping within 10 metres of intersection without traffic lights</i>	\$54
171(1)	<i>Stopping on or near children's crossing</i>	\$54
172(1)	<i>Stopping on or near pedestrian crossing (except at intersection)</i>	\$54
173(1)	<i>Stopping on or near marked foot crossing (except at intersection)</i>	\$54
174(2)	<i>Stopping at or near bicycle crossing lights (except at intersection)</i>	\$54
175(1)	<i>Stopping on or near level crossing</i>	\$54
176(1)	<i>Stopping on clearway</i>	\$158
177(1)	<i>Stopping on freeway</i>	\$158
178	<i>Stopping in emergency stopping lane</i>	\$158

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**  
Schedule 9—Expiation fees

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
179(1)	<i>Stopping in loading zone</i>	\$33
179(2)	<i>Stopping in loading zone—exceeding time in loading zone</i>	\$33
180(1)	<i>Stopping in truck zone</i>	\$33
181(1)	<i>Stopping in works zone</i>	\$33
182(1)	<i>Stopping in taxi zone</i>	\$79
183(1)	<i>Stopping in bus zone</i>	\$79
184(1)	<i>Stopping in minibus zone</i>	\$54
185(1)	<i>Stopping in permit zone</i>	\$33
186(1)	<i>Stopping in mail zone</i>	\$33
187(1)	<i>Stopping in bus lane, transit lane or truck lane</i>	\$158
187(2)	<i>Stopping in bicycle lane</i>	\$158
187(3)	<i>Stopping in tram lane or on tram tracks</i>	\$158
188	<i>Stopping in shared zone</i>	\$33
189(1)	<i>Double parking</i>	\$54
190(1)	<i>Stopping in or near safety zone</i>	\$33
191	<i>Stopping near obstruction</i>	\$71
192(1)	<i>Stopping on bridge, causeway, ramp or similar structure</i>	\$54
192(2)	<i>Stopping in tunnel or underpass</i>	\$71
193(1)	<i>Stopping on crest or curve outside built-up area</i>	\$71
194(1)	<i>Stopping near fire hydrant etc</i>	\$40
195(1)	<i>Stopping at or near bus stop</i>	\$54
196(1)	<i>Stopping at or near tram stop</i>	\$54
197(1)	<i>Stopping on path, dividing strip or nature strip</i>	\$54
198(1)	<i>Obstructing access to and from footpath ramp etc</i>	\$40
198(2)	<i>Obstructing access to and from driveway etc</i>	\$40
199(1)	<i>Stopping near postbox</i>	\$54
200(1)	<i>Stopping heavy or long vehicle on road outside built-up area except on shoulder of road</i>	\$71
200(2)	<i>Stopping heavy or long vehicle on road in built-up area for longer than permitted time</i>	\$71
201	<i>Stopping on road with "bicycle parking" sign</i>	\$33
202	<i>Stopping on road with "motor bike parking" sign</i>	\$33
203(1)	<i>Stopping in parking area for people with disabilities</i>	\$235
203A	<i>Stopping in slip lane</i>	\$54
205(1)	<i>Parking for longer than indicated where "permissive parking" sign applies</i>	\$20
207(2)	<i>Failing to pay fee etc for parking where fees payable</i>	\$20
208(1)	<i>Failing to park on road (except in median strip parking area) in accordance with rule—parallel parking</i>	\$33

**29.9.2008 to 24.1.2009—Road Traffic (Miscellaneous) Regulations 1999**

Expiation fees—Schedule 9

<b>Rule</b>	<b>Description of offence against Australian Road Rules</b>	<b>Fee</b>
209(2)	<i>Failing to park in median strip parking area in accordance with rule—parallel parking</i>	\$33
210(1)	<i>Failing to park in accordance with rule—angle parking</i>	\$33
211(1)	<i>Parking on road etc where "park in bays only" sign applies</i>	\$20
211(2)	<i>Parking in parking bays—failing to park vehicle wholly within parking bay</i>	\$20
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>	\$20
212(1)	<i>Entering or leaving median strip parking area—contrary to sign</i>	\$71
212(2)	<i>Entering or leaving median strip parking area—failing to drive forward</i>	\$71
215(1)	<i>Failing to use lights when driving at night or in hazardous weather conditions</i>	\$140
216(1)	<i>Failing to use lights when towing vehicle at night or in hazardous weather conditions</i>	\$87
217(1)	<i>Using rear fog light when not driving in fog or other hazardous weather conditions</i>	\$140
218(1)	<i>Using headlights on high-beam</i>	\$140
219	<i>Using lights to dazzle other road users</i>	\$140
220(1)	<i>Stopping vehicle on road at night—failing to operate lights</i>	\$140
221	<i>Using hazard warning lights</i>	\$80
223	<i>Riding animal-drawn vehicle at night or in hazardous weather conditions—failing to operate lights</i>	\$25
224	<i>Using horn or similar warning device</i>	\$95
225(1)	<i>Using radar detector or similar device</i>	\$280
226(1)	<i>Driving heavy vehicle not equipped with portable warning triangles</i>	\$60
226(2)	<i>Failing to produce warning triangles on demand</i>	\$60
227(2)	<i>Failing to use portable warning triangles—vehicle stopped on road</i>	\$60
227(3)	<i>Failing to use portable warning triangles—fallen load</i>	\$60
228	<i>Pedestrian passing "no pedestrians" sign</i>	\$19
229	<i>Pedestrian on road to which "road access" sign applies</i>	\$19
230(1)	<i>Failing to cross road in accordance with rule</i>	\$19
231(1)	<i>Failing to cross road with pedestrian lights in accordance with rule</i>	\$19
232(1)	<i>Failing to cross road at traffic lights without pedestrian lights in accordance with rule</i>	\$19
232(3)	<i>Failing to cross road at traffic lights while light turning yellow or red in accordance with rule</i>	\$19
232(4)	<i>Crossing road at traffic lights—failing to remain in safety area</i>	\$19
233(1)	<i>Crossing road to get on tram—crossing before tram stops at tram stop</i>	\$19
233(2)	<i>Crossing road from tram—failing to comply with rule</i>	\$19
234(1)	<i>Crossing road near crossing for pedestrians</i>	\$19
234(2)	<i>Pedestrian staying on road longer than necessary to cross road</i>	\$19
235(1)	<i>Crossing level crossing</i>	\$19

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

## Schedule 9—Expiation fees

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
235(2)	<i>Crossing level crossing while warning lights flashing etc</i>	\$19
236(1)	<i>Pedestrian causing traffic hazard</i>	\$19
236(2)	<i>Pedestrian causing obstruction</i>	\$19
237(1)	<i>Getting on or into moving vehicle</i>	\$94
238(1)	<i>Pedestrian travelling along road—failing to use footpath</i>	\$19
238(2)	<i>Pedestrian travelling along road—failing to keep left or walking abreast</i>	\$19
239(1)	<i>Pedestrian on bicycle path or separated footpath</i>	\$19
239(3)	<i>Pedestrian on bicycle path or separated footpath—failing to keep out of path of bicycle etc</i>	\$19
240(1)	<i>Travelling in or on wheeled recreational device or wheeled toy on certain types of roads</i>	\$25
240(2)	<i>Travelling in or on wheeled recreational device on declared roads or during certain times</i>	\$25
240(3)	<i>Travelling in or on wheeled toy on declared roads or during certain times</i>	\$25
241(1)	<i>Travelling in or on wheeled recreational device or wheeled toy on road—failing to keep to left or travelling abreast</i>	\$25
242(1)	<i>Travelling in or on wheeled recreational device or wheeled toy on footpath or shared path—failing to keep left or give way</i>	\$25
243(1)	<i>Travelling on rollerblades etc on bicycle path or separated footpath</i>	\$25
243(2)	<i>Travelling on rollerblades etc on bicycle path etc—failing to keep out of path of bicycle</i>	\$25
244(1)	<i>Travelling in or on wheeled recreational device or wheeled toy that is being towed by vehicle</i>	\$25
244(2)	<i>Travelling in or on wheeled recreational device or wheeled toy while holding onto moving vehicle</i>	\$60
244(3)	<i>Travelling in or on wheeled recreational device or wheeled toy too close to rear of moving motor vehicle</i>	\$25
245	<i>Riding bicycle not in accordance with rule</i>	\$25
246	<i>Carrying on bicycle more persons than bicycle designed to carry</i>	\$25
247(1)	<i>Failing to ride in bicycle lane on road</i>	\$25
248(1)	<i>Riding bicycle across road on children's crossing or pedestrian crossing</i>	\$25
248(2)	<i>Riding bicycle across road on marked foot crossing</i>	\$25
249	<i>Riding bicycle on separated footpath</i>	\$25
250(1)	<i>Riding bicycle on footpath or shared path if prohibited by another law</i>	\$19
250(2)	<i>Riding bicycle on footpath or shared path—failing to keep to left or give way</i>	\$25
251	<i>Riding bicycle on bicycle path etc—failing to keep to left of oncoming bicycle riders on path</i>	\$25
252(1)	<i>Riding bicycle where "no bicycles" sign or no bicycles road marking applies</i>	\$25
253	<i>Bicycle rider causing traffic hazard</i>	\$25
254(1)	<i>Bicycle being towed—riding towed bicycle</i>	\$25

**29.9.2008 to 24.1.2009—Road Traffic (Miscellaneous) Regulations 1999**

Expiation fees—Schedule 9

<b>Rule</b>	<b>Description of offence against Australian Road Rules</b>	<b>Fee</b>
254(2)	<i>Bicycle rider holding onto moving vehicle</i>	\$60
255	<i>Riding bicycle too close to rear of motor vehicle</i>	\$25
256(1)	<i>Riding bicycle—rider failing to wear bicycle helmet</i>	\$60
256(2)	<i>Riding bicycle—rider carrying passenger not wearing bicycle helmet</i>	\$58
257(1)	<i>Riding with person on bicycle trailer</i>	\$25
258	<i>Riding bicycle not equipped with brake or warning device</i>	\$25
259	<i>Riding bicycle at night or in hazardous weather conditions without displaying lights etc</i>	\$25
260(1)	<i>Failing to stop bicycle for red bicycle crossing light</i>	\$25
260(2)	<i>Proceeding after stopping for red bicycle crossing light—proceeding before light changes etc</i>	\$25
261(1)	<i>Failing to stop bicycle for yellow bicycle crossing light</i>	\$25
262(1)	<i>Proceeding at intersection when bicycle crossing lights change to yellow from red—failing to finish crossing</i>	\$25
262(2)	<i>Proceeding on road when bicycle crossing lights change to yellow from red—failing to cross road</i>	\$25
264(1)	<i>Failing to wear seatbelt—driver</i>	\$230
265(1)	<i>Failing to wear seatbelt—passenger 16 years old, or older</i>	\$230
266(1)	<i>Failing to ensure passengers under 16 years old are wearing seatbelts or approved child restraints—</i>	
	<i>failure in relation to 1 such passenger</i>	\$230
	<i>failure in relation to more than 1 such passenger</i>	\$280
268(1)	<i>Travelling in or on part of motor vehicle not designed primarily for carriage of passengers or goods</i>	\$138
268(2)	<i>Travelling in or on part of motor vehicle designed primarily for carriage of goods</i>	\$138
268(3)	<i>Travelling in or on motor vehicle with part of body outside window or door</i>	\$95
268(4)	<i>Driving motor vehicle with part of passenger's body outside window or door</i>	\$95
268(4A)	<i>Driving motor vehicle with passenger under 16 in or on part of vehicle not designed primarily for carriage of passengers or goods</i>	\$138
268(4B)	<i>Driving motor vehicle with passenger under 16 in or on part of vehicle designed primarily for carriage of goods that is not enclosed etc</i>	\$138
269(1)	<i>Getting off or out of moving vehicle</i>	\$94
269(3)	<i>Creating hazard by opening door of vehicle, leaving door open etc</i>	\$95
269(4)	<i>Driving bus while doors not closed</i>	\$209
270(1)	<i>Riding motor bike without wearing helmet or with passenger not wearing helmet</i>	\$168
270(2)	<i>Passenger on motor bike failing to wear helmet</i>	\$168
271(1)	<i>Riding on motor bike—rider failing to ride in correct position</i>	\$83
271(2)	<i>Riding on motor bike—passenger failing to ride in correct position</i>	\$83
271(3)	<i>Riding on motor bike—rider riding with passenger not riding correctly</i>	\$83

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**  
Schedule 9—Expiation fees

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
271(4)	<i>Riding on motor bike—riding with more than one passenger (excluding passenger in sidecar or on seat other than pillion seat)</i>	\$83
271(5)	<i>Riding on motor bike—riding with more than permitted number of passengers in sidecar or on seat</i>	\$83
272	<i>Passenger interfering with driver's control of vehicle etc</i>	\$209
274	<i>Failing to stop for red T light—tram driver</i>	\$307
275	<i>Failing to stop for yellow T light—tram driver</i>	\$307
277	<i>Proceeding after stopping for a red or yellow T light—tram driver</i>	\$307
279(2)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver proceeding before entering intersection</i>	\$307
279(3)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver failing to leave intersection</i>	\$307
281	<i>Failing to stop for red B light—bus driver</i>	\$307
282	<i>Failing to stop for yellow B light—bus driver</i>	\$307
284	<i>Proceeding after stopping for red or yellow B light—bus driver</i>	\$307
286(2)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver proceeding before entering intersection</i>	\$307
286(3)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver failing to leave intersection</i>	\$307
288(1)	<i>Driving on path</i>	\$144
288(4)	<i>Driving on path—failing to give way</i>	\$140
289(1)	<i>Driving on nature strip</i>	\$140
289(2)	<i>Driving on nature strip—failing to give way</i>	\$140
290	<i>Driving on traffic island</i>	\$140
291	<i>Making unnecessary noise or smoke while starting or driving</i>	\$112
292	<i>Driving or towing vehicle carrying insecure or overhanging load</i>	\$225
293(2)	<i>Failing to remove from road things fallen from vehicle while driving</i>	\$131
294(1)	<i>Towing vehicle without keeping control of vehicle being towed</i>	\$87
294(2)	<i>Towing trailer without keeping control of trailer</i>	\$87
295(1)	<i>Motor vehicle towing another vehicle with towline not in accordance with rule</i>	\$87
296(1)	<i>Reversing vehicle when not safe to do so</i>	\$280
296(2)	<i>Reversing vehicle further than reasonably necessary</i>	\$151
297(1)	<i>Driving motor vehicle without having proper control of vehicle</i>	\$95
297(2)	<i>Driving motor vehicle without clear view of road etc</i>	\$95
298	<i>Driving motor vehicle towing trailer with person in trailer</i>	\$138
299(1)	<i>Driving motor vehicle with TV or VDU in operation in vehicle</i>	\$60
300(1)	<i>Using mobile phone while driving vehicle</i>	\$209
301	<i>Leading animal while driving motor vehicle</i>	\$60
301	<i>Leading animal while riding bicycle</i>	\$25



<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Fee</b>
302	<i>Rider of animal on footpath or nature strip failing to give way to pedestrian</i>	\$25
303(1)	<i>Riding animal alongside more than 1 other rider on non multi-lane road</i>	\$25
303(2)	<i>Riding animal alongside another rider in marked lane</i>	\$25
303(4)	<i>Riding animal alongside another rider more than 1.5 metres from other rider</i>	\$25
304(1)	<i>Failing to obey direction of police officer or authorised person</i>	\$177

#### **Part 4—Offences against the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008***

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i></b>	<b>Fee</b>
8(4)	<i>Failing to comply with regulation 8(4)—Additional duty of employers and prime contractors</i> <ul style="list-style-type: none"> <li>• if the employer or prime contractor is a natural person</li> <li>• if the employer or prime contractor is a body corporate</li> </ul>	\$500 \$650
8(5)	<i>Failing to comply with regulation 8(5)—Additional duty of operators</i> <ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500 \$650
9(3)	<i>Failing to comply with regulation 9(3)—Additional duty of schedulers</i> <ul style="list-style-type: none"> <li>• if the scheduler is a natural person</li> <li>• if the scheduler is a body corporate</li> </ul>	\$500 \$650
10(3)	<i>Failing to comply with regulation 10(3)—Additional duty of consignors and consignees</i> <ul style="list-style-type: none"> <li>• if the consignor or consignee is a natural person</li> <li>• if the consignor or consignee is a body corporate</li> </ul>	\$500 \$650
11(3)	<i>Failing to comply with regulation 11(3)—Additional duty of loading managers</i> <ul style="list-style-type: none"> <li>• if the loading manager is a natural person</li> <li>• if the loading manager is a body corporate</li> </ul>	\$500 \$650
16(3)	<i>Failing to comply with regulation 16(3)—standard hours—solo drivers</i> <ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)</li> <li>• in any other case</li> </ul> </li> <li>• substantial risk offence</li> </ul>	\$200 \$250 \$500
16(5)	<i>Failing to ensure driver does not contravene regulation 16(3)</i> <ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)—</li> </ul> </li> </ul>	

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

Schedule 9—Expiation fees

Regulation	Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i>	Fee
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> </ul>	\$200
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a body corporate</li> </ul>	\$250
	<ul style="list-style-type: none"> <li>• in any other case—</li> </ul>	
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> </ul>	\$250
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a body corporate</li> </ul>	\$350
	<ul style="list-style-type: none"> <li>• substantial risk offence—</li> </ul>	
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> </ul>	\$500
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a body corporate</li> </ul>	\$650
17(3)	<i>Failing to comply with regulation 17(3)—standard hours—solo drivers (buses)</i>	
	<ul style="list-style-type: none"> <li>• minor risk offence—</li> </ul>	
	<ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)</li> </ul>	\$200
	<ul style="list-style-type: none"> <li>• in any other case</li> </ul>	\$250
	<ul style="list-style-type: none"> <li>• substantial risk offence</li> </ul>	\$500
17(5)	<i>Failing to ensure driver does not contravene regulation 17(3)</i>	
	<ul style="list-style-type: none"> <li>• minor risk offence—</li> </ul>	
	<ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)—</li> </ul>	
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> </ul>	\$200
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a body corporate</li> </ul>	\$250
	<ul style="list-style-type: none"> <li>• in any other case—</li> </ul>	
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> </ul>	\$250
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a body corporate</li> </ul>	\$350
	<ul style="list-style-type: none"> <li>• substantial risk offence—</li> </ul>	
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> </ul>	\$500
	<ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a body corporate</li> </ul>	\$650
19(3)	<i>Failing to comply with regulation 19(3)—standard hours —two-up drivers</i>	
	<ul style="list-style-type: none"> <li>• minor risk offence—</li> </ul>	
	<ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)</li> </ul>	\$200
	<ul style="list-style-type: none"> <li>• in any other case</li> </ul>	\$250

**29.9.2008 to 24.1.2009—Road Traffic (Miscellaneous) Regulations 1999**

Expiation fees—Schedule 9

Regulation	Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i>	Fee
	<ul style="list-style-type: none"> <li>• substantial risk offence</li> </ul>	\$500
19(6)	<i>Failing to ensure driver does not contravene regulation 19(3)</i>	
	<ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• in any other case— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul> </li> <li>• substantial risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$200 \$250 \$250 \$350 \$500 \$650
21(3)	<i>Failing to comply with regulation 21(3)—solo drivers working under BFM accreditation</i>	
	<ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)</li> <li>• in any other case</li> </ul> </li> <li>• substantial risk offence</li> </ul>	\$200 \$250 \$500
21(5)	<i>Failing to ensure driver does not contravene regulation 21(3)</i>	
	<ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• in any other case— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul> </li> <li>• substantial risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$200 \$250 \$250 \$350 \$500 \$650

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

Schedule 9—Expiation fees

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i></b>	<b>Fee</b>
23(3)	<i>Failing to comply with regulation 23(3)—two-up drivers working under BFM accreditation</i> <ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• for failing to have the minimum required rest time (the required period of rest time being not more than 1 hour)</li> <li>• in any other case</li> </ul> </li> <li>• substantial risk offence</li> </ul>	\$200 \$250 \$500
23(5)	<i>Failing to ensure driver does not contravene regulation 23(3)—</i> <ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• substantial risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$250 \$350 \$500 \$650
24(3)	<i>Failing to comply with regulation 24(3)—AFM hours—driving hours for drivers working under AFM accreditation</i> <ul style="list-style-type: none"> <li>• minor risk offence</li> <li>• substantial risk offence</li> </ul>	\$250 \$500
24(5)	<i>Failing to ensure driver does not contravene regulation 24(3)</i> <ul style="list-style-type: none"> <li>• minor risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>• substantial risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$250 \$350 \$500 \$650
25(3)	<i>Failing to comply with regulation 25(3)—AFM hours—offences related to AFM outer limits</i> <ul style="list-style-type: none"> <li>• substantial risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$500 \$650
25(6)	<i>Failing to ensure driver does not contravene regulation 25(3)</i> <ul style="list-style-type: none"> <li>• substantial risk offence— <ul style="list-style-type: none"> <li>• if the party in the chain of responsibility is a natural person</li> <li>• if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$500 \$650
26(3)	<i>Failing to comply with regulation 26(3) when changing work/rest hours option</i>	\$500
27(1)	<i>Failing to have required documentation</i>	\$500
27(2)	<i>Failing to ensure driver does not contravene regulation 27(1)</i>	

**29.9.2008 to 24.1.2009—Road Traffic (Miscellaneous) Regulations 1999**

Expiation fees—Schedule 9

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i></b>	<b>Fee</b>
	<ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500 \$650
27(3)	<i>Failing to return documentation</i>	\$500
28(1)	<i>Failing to have required documentation</i>	\$500
28(2)	<i>Failing to ensure driver does not contravene regulation 28(1)</i>	
	<ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500 \$650
28(3)	<i>Failing to return documentation</i>	\$500
40(1)	<i>Failing to record required information in work diary (driver engaged in 100-plus kilometre work or working under BFM or AFM accreditation or work/rest hours exemption)</i>	\$500
41(1)	<i>Failing to make supplementary record</i>	\$500
42(1)	<i>Failing to notify Authority that work diary destroyed, lost or stolen</i>	\$500
42(2)	<i>Failing to apply for a new work diary</i>	\$500
42(4)	<i>Failing to take required steps following recovery or return of lost or stolen work diary</i>	\$500
42(6)	<i>Failing to notify record keeper of malfunctioning electronic work diary</i>	\$500
42(7)	<i>Failing to ensure electronic work diary is repaired etc</i>	
	<ul style="list-style-type: none"> <li>• if the record keeper is a natural person</li> <li>• if the record keeper is a body corporate</li> </ul>	\$500 \$650
43(1)	<i>Failing to ensure odometer is maintained</i>	
	<ul style="list-style-type: none"> <li>• if the owner is a natural person</li> <li>• if the owner is a body corporate</li> </ul>	\$500 \$650
43(2)	<i>Failing to notify persons of malfunctioning odometer</i>	\$500
43(3)	<i>Failing to ensure odometer examined etc</i>	
	<ul style="list-style-type: none"> <li>• if the owner is a natural person</li> <li>• if the owner is a body corporate</li> </ul>	\$500 \$650
43(4)	<i>Failing to ensure owner of regulated heavy vehicle complies with regulation 43(3)</i>	
	<ul style="list-style-type: none"> <li>• if the employer or operator is a natural person</li> <li>• if the employer or operator is a body corporate</li> </ul>	\$500 \$650
44(1)	<i>Failing to make or keep certain records (driver engaged in 100 kilometre work)</i>	
	<ul style="list-style-type: none"> <li>• if the record keeper is a natural person</li> <li>• if the record keeper is a body corporate</li> </ul>	\$500 \$650
44(2)	<i>Failing to make or keep certain records (driver engaged in 100-plus kilometre work or working under BFM or AFM accreditation or work/rest hours exemption)</i>	
	<ul style="list-style-type: none"> <li>• if the record keeper is a natural person</li> </ul>	\$500

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

Schedule 9—Expiation fees

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i></b>	<b>Fee</b>
	<ul style="list-style-type: none"> <li>if the record keeper is a body corporate</li> </ul>	\$650
44(3)	<i>Failing to make record as soon as practicable</i>	
	<ul style="list-style-type: none"> <li>if the record keeper is a natural person</li> <li>if the record keeper is a body corporate</li> </ul>	\$500 \$650
44(5)	<i>Failing to keep record at record location etc</i>	
	<ul style="list-style-type: none"> <li>if the record keeper is a natural person</li> <li>if the record keeper is a body corporate</li> </ul>	\$500 \$650
45(1)	<i>Failing to give information to record keeper within 21 days (driver engaged in 100 kilometre work)</i>	\$500
45(2)	<i>Failing to give information to record keeper within 21 days (driver engaged in 100-plus kilometre work or working under BFM or AFM accreditation or work/rest hours exemption)</i>	\$500
46(1)	<i>Failing to ensure driver complies with regulation 45</i>	
	<ul style="list-style-type: none"> <li>if the record keeper is a natural person</li> <li>if the record keeper is a body corporate</li> </ul>	\$500 \$650
46(2)	<i>Failing to give new record keeper required information</i>	\$500
46(3)	<i>Failing to ensure driver complies with regulation 46(2)</i>	
	<ul style="list-style-type: none"> <li>if the new record keeper is a natural person</li> <li>if the record keeper is a body corporate</li> </ul>	\$500 \$650
62(2)	<i>Failing to comply with regulation 62(2)—driver working under work/rest hours exemption</i>	
	<ul style="list-style-type: none"> <li>minor risk offence</li> <li>substantial risk offence</li> </ul>	\$250 \$500
62(4)	<i>Failing to ensure driver complies with regulation 62(2)</i>	
	<ul style="list-style-type: none"> <li>minor risk offence— <ul style="list-style-type: none"> <li>if the party in the chain of responsibility is a natural person</li> <li>if the party in the chain of responsibility is a body corporate</li> </ul> </li> <li>substantial risk offence— <ul style="list-style-type: none"> <li>if the party in the chain of responsibility is a natural person</li> <li>if the party in the chain of responsibility is a body corporate</li> </ul> </li> </ul>	\$250 \$350 \$500 \$650
63(1)	<i>Failing to have copy of written exemption</i>	\$500
63(2)	<i>Failing to ensure driver does not contravene regulation 63(1)</i>	
	<ul style="list-style-type: none"> <li>if the new record keeper is a natural person</li> <li>if the record keeper is a body corporate</li> </ul>	\$500 \$650
64	<i>Failing to return copy of written exemption</i>	\$500

## Part 4A—Offences against the *Road Traffic (Approved Road Transport Compliance Schemes) Regulations 2008*

Regulation	Description of offence against <i>Road Traffic (Approved Road Transport Compliance Schemes) Regulations 2008</i>	Fee
17(4)	<i>Operator of regulated heavy vehicle failing to keep records in required manner</i> <ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500 \$650
17(7)	<i>Operator refusing or failing to comply with a requirement under regulation 17(5)</i> <ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500 \$650
17(8)	<i>Operator of regulated heavy vehicle failing to inform driver or scheduler of variation, suspension or revocation of BFM accreditation</i> <ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500 \$650
19(4)	<i>Operator of regulated heavy vehicle failing to keep records in required manner</i> <ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500 \$650
19(7)	<i>Operator refusing or failing to comply with a requirement under regulation 19(5)</i> <ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500 \$650
19(8)	<i>Operator of regulated heavy vehicle failing to inform driver or scheduler of variation, suspension or revocation of AFM accreditation</i> <ul style="list-style-type: none"> <li>• if the operator is a natural person</li> <li>• if the operator is a body corporate</li> </ul>	\$500 \$650

## Part 5—Offences against the *Road Traffic (Miscellaneous) Regulations 1999*

Regulation	Description of offence against <i>Road Traffic (Miscellaneous) Regulations 1999</i>	Fee
20(3)	<i>Driving or towing vehicle on certain roads while transporting dangerous substance</i>	\$183
20A(2)	<i>Towing prohibited number of vehicles</i>	\$183
21(1)	<i>Parking in certain public places</i> <ul style="list-style-type: none"> <li>parking in City of Adelaide Park Lands</li> <li>parking in other public place</li> </ul>	\$88 \$33

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

## Schedule 9—Expiation fees

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Miscellaneous) Regulations 1999</i></b>	<b>Fee</b>
22(3)	<i>Contravening notice prohibiting fishing or other specified activities from specified bridge or causeway</i>	\$60
23(1)	<i>Failing to ensure dog does not enter or remain on certain bicycle paths</i>	\$121
25(2)	<i>Driving or towing on road vehicle not complying with requirements of regulation—vehicle altered from original specifications</i>	\$58
44(1)	<i>Contravening or failing to comply with provision of regulations</i> <i>Contravention of or failure to comply with—</i>	
r 19B(1)	<i>Heavy vehicles and minimum allowable travel time</i>	\$384
r 19E	<i>Evasive action in relation to Safe-T-Cam photographic detection device</i>	\$384
r 28	<i>Riding bicycle not complying with requirements of regulation</i>	\$25
r 29(1)	<i>Bicycle rider towing vehicle other than bicycle trailer complying with regulation or towing more than 1 vehicle</i>	\$25
r 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>	\$246
r 37(3)	<i>Selling, or offering for sale, for use in motor vehicle child restraint or part of child restraint not approved</i>	\$246
r 38(2)	<i>Selling, or offering for sale, for use by motor bike rider or passenger helmet not complying with standard</i>	\$246
r 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>	\$246

**Part 6—Offences against the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999***

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999</i></b>	<b>Fee</b>
9A(1)	<i>Speeding while driving road train</i> Exceeding 90 kph speed-limit—	
	by less than 15 kph	\$182
	by 15 kph or more but less than 30 kph	\$290
	by 30 kph or more	\$435
9A(2)	<i>Speeding while driving road train</i> Exceeding 40 kph speed-limit—	
	by less than 15 kph	\$182
	by 15 kph or more but less than 30 kph	\$290
	by 30 kph or more	\$435



**29.9.2008 to 24.1.2009—Road Traffic (Miscellaneous) Regulations 1999**

Expiation fees—Schedule 9

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<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999</i></b>	<b>Fee</b>
10A(1)	<i>Driving in bus only lane</i>	\$153
26A	<i>Failing to ensure passengers 16 years old or older are wearing seatbelts</i>	
	failure in relation to 1 such passenger	\$230
	failure in relation to more than 1 such passenger	\$280



## Legislative history

### Notes

- This version is comprised of the following:

Part 1	29.9.2008
Part 1A	1.7.2006
Part 1B	1.7.2006
Part 2	1.7.2008
Part 2A	1.7.2006
Part 3	1.7.2008
Part 3A	30.4.2007
Part 4	1.7.2008
Schedules	29.9.2008
- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Road Traffic (Miscellaneous) Regulations 1999* revoked the following:

*Road Traffic Regulations 1996*

*Road Traffic (Breath Analysis and Blood Test) Regulations 1994*

*Road Traffic (Mass Limits) Regulations 1989*

*Road Traffic (Photographic Detection Devices) Regulations 1988*

*Road Traffic (Port Augusta Traffic Prohibition) Regulations 1992*

*Road Traffic (Section 47I Hospitals) Regulations 1992*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1999	236	<i>Gazette 25.11.1999 p2690</i>	1.12.1999: r 2
1999	268	<i>Gazette 23.12.1999 p3834</i>	23.12.1999: r 2
2000	22	<i>Gazette 23.3.2000 p1612</i>	23.3.2000: r 2
2000	53	<i>Gazette 25.5.2000 p2696</i>	1.7.2000: r 2
2000	103	<i>Gazette 25.5.2000 p2802</i>	1.7.2000: r 2

## Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009

### Legislative history

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2000	179	<i>Gazette 27.7.2000 p342</i>	27.7.2000: r 2
2000	181	<i>Gazette 3.8.2000 p421</i>	3.8.2000: r 2
2000	184	<i>Gazette 3.8.2000 p428</i>	15.8.2000: r 2
2000	286	<i>Gazette 21.12.2000 p3767</i>	21.12.2000: r 2
2000	287	<i>Gazette 21.12.2000 p3768</i>	21.12.2000: r 2
2000	288	<i>Gazette 21.12.2000 p3769</i>	21.12.2000: r 2
2001	69	<i>Gazette 31.5.2001 p1984</i>	1.7.2001: r 2
2001	71	<i>Gazette 31.5.2001 p1996</i>	1.7.2001: r 2
2001	121	<i>Gazette 7.6.2001 p2189</i>	7.6.2001: r 2
2001	169	<i>Gazette 5.7.2001 p2569</i>	9.7.2001: r 2
2001	233	<i>Gazette 11.10.2001 p4477</i>	11.10.2001: r 2
2002	32	<i>Gazette 23.5.2002 p1971</i>	27.5.2002: r 2
2002	113	<i>Gazette 20.6.2002 p2638</i>	1.7.2002: r 2
2002	116	<i>Gazette 20.6.2002 p2649</i>	1.7.2002: r 2
2002	217	<i>Gazette 21.11.2002 p4255</i>	1.12.2002: r 2
2003	10	<i>Gazette 30.1.2003 p403</i>	1.3.2003: r 2
2003	58	<i>Gazette 29.5.2003 p2149</i>	1.7.2003: r 2
2003	123	<i>Gazette 29.5.2003 p2327</i>	1.7.2003: r 2
2003	147	<i>Gazette 12.6.2003 p2500</i>	12.6.2003: r 2
2003	160	<i>Gazette 3.7.2003 p2881</i>	3.7.2003: r 2
2003	235	<i>Gazette 27.11.2003 p4275</i>	8.12.2003: r 2
2003	242	<i>Gazette 11.12.2003 p4437</i>	15.12.2003: r 2
2004	15	<i>Gazette 18.3.2004 p830</i>	18.3.2004: r 2
2004	82	<i>Gazette 27.5.2004 p1534</i>	1.7.2004: r 2
2004	85	<i>Gazette 27.5.2004 p1565</i>	1.7.2004: r 2
2004	120	<i>Gazette 27.5.2004 p1671</i>	27.5.2004: r 2
2004	124	<i>Gazette 3.6.2004 p1730</i>	3.6.2004: r 2
2004	145	<i>Gazette 1.7.2004 p2420</i>	1.7.2004: r 2
2004	169	<i>Gazette 12.8.2004 p3230</i>	1.9.2004: r 2
2004	202	<i>Gazette 16.9.2004 p3658</i>	1.11.2004: r 2
2004	234	<i>Gazette 4.11.2004 p4232</i>	4.11.2004: r 2
2005	20	<i>Gazette 14.4.2005 p882</i>	18.4.2005: r 2
2005	102	<i>Gazette 26.5.2005 p1539</i>	1.7.2005: r 2
2005	129	<i>Gazette 26.5.2005 p1616</i>	1.7.2005: r 2
2005	131	<i>Gazette 26.5.2005 p1639</i>	1.6.2005: r 2
2005	182	<i>Gazette 18.8.2005 p3064</i>	18.8.2005: r 2
2005	195	<i>Gazette 8.9.2005 p3280</i>	8.9.2005: r 2
2005	234	<i>Gazette 10.11.2005 p3931</i>	1.12.2005: r 2
2005	238	<i>Gazette 10.11.2005 p3944</i>	1.12.2005: r 2
2005	267	<i>Gazette 8.12.2005 p4253</i>	8.12.2005: r 2
2006	34	<i>Gazette 16.2.2006 p612</i>	16.2.2006: r 2
2006	37	<i>Gazette 16.2.2006 p617</i>	16.3.2006: r 2
2006	72	<i>Gazette 8.6.2006 p1630</i>	1.7.2006: r 2

2006	162	<i>Gazette 15.6.2006 p1940</i>	1.7.2006 immediately after 72/2006: r 2
2006	169	<i>Gazette 15.6.2006 p1973</i>	1.7.2006: r 2
2006	170	<i>Gazette 15.6.2006 p1975</i>	1.7.2006: r 2
2006	178	<i>Gazette 27.6.2006 p2056</i>	27.6.2006: r 2
2006	180	<i>Gazette 29.6.2006 p2135</i>	1.7.2006: r 2
2006	190	<i>Gazette 20.7.2006 p2337</i>	1.8.2006: r 2
2006	224	<i>Gazette 7.9.2006 p3175</i>	8.9.2006: r 2
2006	272	<i>Gazette 14.12.2006 p4387</i>	15.12.2006: r 2
2007	43	<i>Gazette 26.4.2007 p1370</i>	30.4.2007: r 2
2007	72	<i>Gazette 7.6.2007 p2295</i>	1.7.2007: r 2
2007	77	<i>Gazette 7.6.2007 p2318</i>	1.7.2007: r 2
2007	209	<i>Gazette 9.8.2007 p3316</i>	9.8.2007: r 2
2007	270	<i>Gazette 29.11.2007 p4408</i>	29.11.2007: r 2
2007	271	<i>Gazette 29.11.2007 p4409</i>	17.12.2007: r 2
2008	7	<i>Gazette 31.1.2008 p358</i>	1.3.2008: r 2
2008	52	<i>Gazette 29.5.2008 p1814</i>	1.7.2008: r 2
2008	142	<i>Gazette 5.6.2008 p2166</i>	1.7.2008 immediately after 52/2008: r 2
2008	150	<i>Gazette 5.6.2008 p2201</i>	1.7.2008: r 2
2008	193	<i>Gazette 26.6.2008 p2715</i>	1.7.2008: r 2
<b>2008</b>	<b>252</b>	<b><i>Gazette 11.9.2008 p4409</i></b>	<b>29.9.2008: r 2</b>
<b>2008</b>	<b>257</b>	<b><i>Gazette 18.9.2008 p4516</i></b>	<b>25.9.2008: r 2</b>
2008	262	<i>Gazette 25.9.2008 p4592</i>	25.1.2009: r 2

## Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>15.12.2003</i>
<i>r 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>15.12.2003</i>
r 4		
r 4(1)	r 4 redesignated as r 4(1) by 43/2007 r 4(4)	30.4.2007
<i>GCM</i>	<i>deleted by 181/2000 r 3(a)</i>	<i>3.8.2000</i>
	<i>inserted by 121/2001 r 3(a)</i>	<i>7.6.2001</i>
	<i>deleted by 43/2007 r 4(1)</i>	<i>30.4.2007</i>
GTM	inserted by 121/2001 r 3(a)	7.6.2001
	varied by 43/2007 r 4(2)	30.4.2007
<i>GVM</i>	<i>deleted by 43/2007 r 4(3)</i>	<i>30.4.2007</i>
<i>heavy vehicle</i>	<i>inserted by 20/2005 r 4(1)</i>	<i>18.4.2005</i>
	<i>deleted by 43/2007 r 4(3)</i>	<i>30.4.2007</i>

## Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009

### Legislative history

level crossing offence	inserted by 15/2004 r 4(1)	18.3.2004
<i>parking authority</i>	<i>inserted by 120/2004 r 4</i>	<i>27.5.2004</i>
	<i>deleted by 43/2007 r 4(3)</i>	<i>30.4.2007</i>
<i>public place</i>	<i>substituted by 120/2004 r 4</i>	<i>27.5.2004</i>
	<i>deleted by 43/2007 r 4(3)</i>	<i>30.4.2007</i>
recording media	inserted by 242/2003 r 4	15.12.2003
red light offence	substituted by 15/2004 r 4(2)	18.3.2004
Safe-T-Cam photographic detection device	inserted by 20/2005 r 4(2)	18.4.2005
	varied by 182/2005 r 4	18.8.2005
speeding offence	substituted by 169/2001 r 3	9.7.2001
	varied by 10/2003 r 4	1.3.2003
	varied by 234/2004 r 4	4.11.2004
	varied by 238/2005 r 4	1.12.2005
tractor	inserted by 181/2000 r 3(b)	3.8.2000
<i>vehicle registration authority</i>	<i>inserted by 121/2001 r 3(b)</i>	<i>7.6.2001</i>
	<i>deleted by 43/2007 r 4(3)</i>	<i>30.4.2007</i>
<i>r 4(2)</i>	<i>inserted by 43/2007 r 4(4)</i>	<i>30.4.2007</i>
	<b><i>deleted by 252/2008 r 4</i></b>	<b><i>29.9.2008</i></b>
<i>r 4(3)—(5)</i>	inserted by 43/2007 r 4(4)	30.4.2007
<i>r 5</i>	deleted by 43/2007 r 5	30.4.2007
Pt 1A	inserted by 217/2002 r 3	1.12.2002
<i>r 6C</i>		
<i>r 6C(3)</i>	varied by 34/2006 r 4	16.2.2006
Pt 1B	inserted by 238/2005 r 5	1.12.2005
Pt 2		
heading	substituted by 72/2006 r 4	1.7.2006
<i>r 7</i>	varied by 72/2006 r 5	1.7.2006
<i>r 8</i>	substituted by 160/2003 r 4	3.7.2003
	varied by 234/2004 r 5	4.11.2004
	varied by 131/2005 r 4	1.6.2005
	substituted by 43/2007 r 6	30.4.2007
	varied by 7/2008 r 4	1.3.2008
<i>r 8AA</i>	inserted by 72/2006 r 6	1.7.2006
	varied by 224/2006 r 4	8.9.2006
<i>r 8A</i>	inserted by 32/2002 r 3	27.5.2002
<i>r 8A(1)</i>	varied by 72/2006 r 7	1.7.2006
<i>r 8B</i>	inserted by 32/2002 r 3	27.5.2002
	varied by 72/2006 r 8	1.7.2006
<i>r 8C</i>	inserted by 72/2006 r 9	1.7.2006

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r 9		
r 9(1)	varied by 72/2006 r 10(1)	1.7.2006
r 9(2)	varied by 72/2006 r 10(2)	1.7.2006
r 10		
r 10(1)	varied by 72/2006 r 11	1.7.2006
	varied by 43/2007 r 7(1), (2)	30.4.2007
r 10(2)	varied by 43/2007 r 7(1)	30.4.2007
r 11	varied by 72/2006 r 12(1), (2)	1.7.2006
	varied by 43/2007 r 8	30.4.2007
r 12	substituted by 72/2006 r 13	1.7.2006
r 12A	inserted by 72/2006 r 14	1.7.2006
r 13	varied by 179/2000 r 3	27.7.2000
	varied by 286/2000 r 3	21.12.2000
	varied by 124/2004 r 4	3.6.2004
	varied by 145/2004 r 4	1.7.2004
	varied by 267/2005 r 4(1), (2)	8.12.2005
	varied by 180/2006 r 4(1), (2)	1.7.2006
	varied by 190/2006 r 4(1), (2)	1.8.2006
	substituted by 193/2008 r 4	1.7.2008
r 13A	inserted by 22/2000 r 3	23.3.2000
Pt 2A	inserted by 233/2001 r 3	11.10.2001
Pt 3	varied by 287/2000 r 3	21.12.2000
	varied by 288/2000 r 3	21.12.2000
	varied by 169/2001 r 4	9.7.2001
	varied by 10/2003 r 5	1.3.2003
	substituted by 242/2003 r 5	15.12.2003
Pt 3 Div 1		
r 14		
r 14(1)	r 14 varied by 15/2004 r 5(1), (2)	18.3.2004
	r 14 varied and redesignated as r 14(1) by 20/2005 r 5(1), (2)	18.4.2005
	varied by 182/2005 r 5(1), (2)	18.8.2005
	varied by 238/2005 r 6(1)—(4)	1.12.2005
	varied by 34/2006 r 5	16.2.2006
	varied by 272/2006 r 4(1)	15.12.2006
	(b) deleted by 272/2006 r 4(2)	15.12.2006
r 14(2)	inserted by 20/2005 r 5(2)	18.4.2005
<i>r 15 before substitution by 238/2005</i>	<i>varied by 15/2004 r 6</i>	<i>18.3.2004</i>
	<i>varied by 234/2004 r 6</i>	<i>4.11.2004</i>
	<i>varied by 20/2005 r 6</i>	<i>18.4.2005</i>
r 15	substituted by 238/2005 r 7	1.12.2005
Pt 3 Div 3		

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

## Legislative history

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<i>r 17 before substitution by 272/2006</i>		
<i>r 17(1)</i>		
<i>relevant offences</i>	<i>substituted by 15/2004 r 7(1)</i>	18.3.2004
<i>traffic light</i>	<i>inserted by 15/2004 r 7(1)</i>	18.3.2004
<i>r 17(2)</i>		
	<i>varied by 15/2004 r 7(2)—(14)</i>	18.3.2004
	<i>varied by 182/2005 r 6</i>	18.8.2005
r 17	substituted by 272/2006 r 5	15.12.2006
<i>r 18</i>		
	<i>varied by 15/2004 r 8</i>	18.3.2004
	<i>varied by 234/2004 r 7</i>	4.11.2004
	<i>varied by 182/2005 r 7</i>	18.8.2005
	<i>deleted by 272/2006 r 5</i>	15.12.2006
r 19	varied by 182/2005 r 8	18.8.2005
r 19A—see r 19G		
r 19A	inserted by 20/2005 r 8	18.4.2005
Pt 3 Div 4	inserted by 20/2005 r 9	18.4.2005
<i>r 19D</i>		
	<i>varied by 77/2007 r 4</i>	1.7.2007
	<i>varied by 142/2008 r 4</i>	1.7.2008
Pt 3A	inserted by 43/2007 r 9	30.4.2007
Pt 4		
<i>r 19G</i>		
	<i>r 19A inserted by 184/2000 r 3</i>	15.8.2000
	<i>r 19A redesignated as r 19G by 20/2005 r 7</i>	18.4.2005
	<i>varied by 238/2005 r 8</i>	1.12.2005
<i>r 20</i>		
<i>r 20(1)</i>		
	<i>varied by 147/2003 Sch 1</i>	12.6.2003
<i>r 20(4)</i>		
<i>dangerous substance</i>	substituted by 121/2001 r 4	7.6.2001
<i>r 20</i>		
<i>r 20(5)</i>		
	Sch varied and redesignated as r 20(5) by 147/2003 Sch 1	12.6.2003
r 20A	inserted by 181/2000 r 4	3.8.2000
<i>r 21</i>		
<i>r 21(1)</i>		
	substituted by 120/2004 r 5	27.5.2004
<i>r 21(2)</i>		
	varied by 43/2007 r 10(1)	30.4.2007
<i>r 21(3)</i>		
	inserted by 43/2007 r 10(2)	30.4.2007
<i>r 23</i>		
<i>r 23(1)</i>		
	varied by 147/2003 Sch 1	12.6.2003
<i>r 23(3)</i>		
	Sch varied and redesignated as r 23(3) by 147/2003 Sch 1	12.6.2003
<i>r 23(4)</i>		
	Sch (2) varied and redesignated as r 23(4) by 147/2003 Sch 1	12.6.2003
rr 23A—23D	inserted by 43/2007 r 11	30.4.2007



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r 24		
r 24(1)	varied by 43/2007 r 12(1)	30.4.2007
r 24(2)	varied by 43/2007 r 12(1)	30.4.2007
r 24(3)	varied by 43/2007 r 12(1)	30.4.2007
r 24(4)	varied by 43/2007 r 12(1)	30.4.2007
r 24(5)	varied by 43/2007 r 12(1)—(3)	30.4.2007
r 25		
r 25(3)	varied by 121/2001 r 5	7.6.2001
	varied by 195/2005 r 4(1)—(3)	8.9.2005
r 25(4)	varied by 195/2005 r 4(4), (5)	8.9.2005
r 26		
r 26(5)	varied by 195/2005 r 5(1)	8.9.2005
r 26(6)	inserted by 195/2005 r 5(2)	8.9.2005
r 30		
r 30(1)	varied by 43/2007 r 13	30.4.2007
r 31	<i>deleted by 43/2007 r 14</i>	30.4.2007
r 32	varied by 43/2007 r 15	30.4.2007
r 33	substituted by 169/2001 r 5	9.7.2001
	varied by 43/2007 r 16	30.4.2007
r 33(2)	<i>deleted by 160/2003 r 5</i>	3.7.2003
r 34		
r 34(1)	varied by 43/2007 r 17(1), (2)	30.4.2007
r 34(1a)	inserted by 181/2000 r 5	3.8.2000
	substituted by 169/2001 r 6	9.7.2001
	varied by 43/2007 r 17(1), (2)	30.4.2007
r 34(2)	varied by 43/2007 r 17(3)	30.4.2007
r 34A	inserted by 43/2007 r 18	30.4.2007
r 35		
r 35(1)	varied by 181/2000 r 6	3.8.2000
r 38		
r 38(1)	varied by 209/2007 r 4(1), (2)	9.8.2007
r 38(2)	varied by 209/2007 r 4(3)	9.8.2007
r 39	varied by 121/2001 r 6	7.6.2001
r 43		
r 43(1)		
Central Inspection Authority inspection	inserted by 181/2000 r 7(a)	3.8.2000
further inspection	inserted by 72/2007 r 4(1)	1.7.2007
heavy vehicle	inserted by 72/2007 r 4(1)	1.7.2007
LPG	inserted by 72/2007 r 4(1)	1.7.2007
one-off motor vehicle	<i>deleted by 72/2007 r 4(1)</i>	1.7.2007

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

Legislative history

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<i>Transport Department or Central Inspection Authority vehicle inspection</i>	<i>deleted by 181/2000 r 7(b)</i>	3.8.2000
Transport Department inspection	inserted by 181/2000 r 7(b)	3.8.2000
	substituted by 170/2006 r 4	1.7.2006
	varied by 43/2007 r 19(1)	30.4.2007
<i>Transport Department premises</i>	<i>inserted by 121/2001 r 7(a)</i>	<i>7.6.2001</i>
	<i>deleted by 202/2004 r 4(1)</i>	<i>1.11.2004</i>
written-off vehicle	inserted by 72/2007 r 4(2)	1.7.2007
r 43(2)	varied by 103/2000 r 3(a)	1.7.2000
	substituted by 181/2000 r 7(c)	3.8.2000
	varied by 71/2001 r 3(a)	1.7.2001
	varied by 113/2002 r 3(a)	1.7.2002
	varied by 123/2003 r 4(1)	1.7.2003
	varied by 85/2004 r 4(1)	1.7.2004
	varied by 102/2005 r 4(1)	1.7.2005
	varied by 169/2006 r 4(1)	1.7.2006
	substituted by 72/2007 r 4(3)	1.7.2007
	varied by 150/2008 r 4(1)	1.7.2008
r 43(2a)	inserted by 181/2000 r 7(c)	3.8.2000
	varied by 71/2001 r 3(b)	1.7.2001
	varied by 113/2002 r 3(b)	1.7.2002
	varied by 123/2003 r 4(2)	1.7.2003
	varied by 85/2004 r 4(2)	1.7.2004
	varied by 102/2005 r 4(2)	1.7.2005
	varied by 169/2006 r 4(2)	1.7.2006
	substituted by 72/2007 r 4(3)	1.7.2007
	varied by 150/2008 r 4(2)	1.7.2008
r 43(3)	varied by 103/2000 r 3(b)	1.7.2000
	varied by 181/2000 r 7(d)	3.8.2000
	varied by 71/2001 r 3(c)	1.7.2001
	varied by 113/2002 r 3(c)	1.7.2002
	varied by 123/2003 r 4(3)	1.7.2003
	varied by 85/2004 r 4(3)	1.7.2004
	varied by 102/2005 r 4(3)	1.7.2005
	varied by 169/2006 r 4(3)	1.7.2006
	varied by 72/2007 r 4(4)	1.7.2007
	varied by 150/2008 r 4(3)	1.7.2008
r 43(4)	varied by 103/2000 r 3(c)	1.7.2000

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	varied by 71/2001 r 3(d)	1.7.2001
	varied by 113/2002 r 3(d)	1.7.2002
	varied by 123/2003 r 4(4)	1.7.2003
	varied by 85/2004 r 4(4)	1.7.2004
	varied by 102/2005 r 4(4)	1.7.2005
	varied by 169/2006 r 4(4)	1.7.2006
	varied by 43/2007 r 19(2), (3)	30.4.2007
	varied by 72/2007 r 4(5)	1.7.2007
	varied by 150/2008 r 4(4)	1.7.2008
r 43(5)	<i>varied by 103/2000 r 3(d)</i>	<i>1.7.2000</i>
	<i>substituted by 121/2001 r 7(b)</i>	<i>7.6.2001</i>
	<i>varied by 71/2001 r 3(e)</i>	<i>1.7.2001</i>
	<i>varied by 113/2002 r 3(e)—(g)</i>	<i>1.7.2002</i>
	<i>varied by 123/2003 r 4(5)—(7)</i>	<i>1.7.2003</i>
	<i>varied by 85/2004 r 4(5)-(7)</i>	<i>1.7.2004</i>
	<i>deleted by 202/2004 r 4(2)</i>	<i>1.11.2004</i>
r 43(6)	<i>varied by 103/2000 r 3(e)</i>	<i>1.7.2000</i>
	<i>varied by 71/2001 r 3(f)</i>	<i>1.7.2001</i>
	<i>varied by 113/2002 r 3(h)</i>	<i>1.7.2002</i>
	<i>varied by 123/2003 r 4(8)</i>	<i>1.7.2003</i>
	<i>varied by 85/2004 r 4(8)</i>	<i>1.7.2004</i>
	<i>deleted by 202/2004 r 4(2)</i>	<i>1.11.2004</i>
r 43(7)	<i>varied by 103/2000 r 3(f)</i>	<i>1.7.2000</i>
	<i>varied by 71/2001 r 3(g)</i>	<i>1.7.2001</i>
	<i>varied by 113/2002 r 3(i)</i>	<i>1.7.2002</i>
	<i>varied by 123/2003 r 4(9)</i>	<i>1.7.2003</i>
	<i>varied by 85/2004 r 4(9)</i>	<i>1.7.2004</i>
	<i>deleted by 202/2004 r 4(2)</i>	<i>1.11.2004</i>
r 43(8)	<i>varied by 103/2000 r 3(g)</i>	<i>1.7.2000</i>
	<i>varied by 71/2001 r 3(h)</i>	<i>1.7.2001</i>
	<i>varied by 113/2002 r 3(j)</i>	<i>1.7.2002</i>
	<i>varied by 123/2003 r 4(10)</i>	<i>1.7.2003</i>
	<i>varied by 85/2004 r 4(10)</i>	<i>1.7.2004</i>
	<i>deleted by 202/2004 r 4(2)</i>	<i>1.11.2004</i>
r 43(10)	varied by 121/2001 r 7(c)	7.6.2001
r 43A	inserted by 170/2006 r 5	1.7.2006
r 43A(1)		
heavy vehicle	inserted by 72/2007 r 5(1)	1.7.2007
oversize or overmass vehicle exemption	substituted by 72/2007 r 5(1)	1.7.2007
r 43A(2)	substituted by 72/2007 r 5(2)	1.7.2007
	varied by 150/2008 r 5(1)	1.7.2008

**Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

## Legislative history

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r 43A(3)	varied by 72/2007 r 5(3)	1.7.2007
	varied by 150/2008 r 5(2)	1.7.2008
r 44		
r 44(2)	varied by 43/2007 r 20	30.4.2007
r 47	inserted by 121/2001 r 8	7.6.2001
	varied by 43/2007 r 21	30.4.2007
Sch 1AAA	inserted by 238/2005 r 9	1.12.2005
	varied by 178/2006 r 4(1)—(6)	27.6.2006
Sch 1AA	inserted by 32/2002 r 4	27.5.2002
Sch 1A	inserted by 72/2006 r 15	1.7.2006
	varied by 270/2007 r 4	29.11.2007
Sch 1	varied by 147/2003 Sch 1	12.6.2003
	substituted by 72/2006 r 16	1.7.2006
Sch 2	substituted by 72/2006 r 17	1.7.2006
Sch 3	substituted by 72/2006 r 18	1.7.2006
Sch 4	substituted by 242/2003 r 6	15.12.2003
	substituted by 15/2004 r 9	18.3.2004
Sch 5	<i>deleted by 242/2003 r 6</i>	<i>15.12.2003</i>
Sch 6	<i>deleted by 43/2007 r 22</i>	<i>30.4.2007</i>
Sch 7	<i>deleted by 169/2001 r 7</i>	<i>9.7.2001</i>
Sch 9 before substitution by 82/2004	<i>varied by 268/1999 r 3</i>	<i>23.12.1999</i>
	<i>varied by 53/2000 r 3</i>	<i>1.7.2000</i>
	<i>varied by 181/2000 r 8</i>	<i>3.8.2000</i>
	<i>varied by 184/2000 r 4</i>	<i>15.8.2000</i>
	<i>substituted by 69/2001 r 3</i>	<i>1.7.2001</i>
	<i>varied by 169/2001 r 8</i>	<i>9.7.2001</i>
	<i>substituted by 116/2002 r 3</i>	<i>1.7.2002</i>
	<i>varied by 10/2003 r 6</i>	<i>1.3.2003</i>
	<i>substituted by 58/2003 r 4</i>	<i>1.7.2003</i>
	<i>varied by 235/2003 r 4</i>	<i>8.12.2003</i>
Sch 9 before substitution by 129/2005	<i>substituted by 82/2004 r 4</i>	<i>1.7.2004</i>
	<i>varied by 169/2004 r 4</i>	<i>1.9.2004</i>
	<i>varied by 234/2004 r 8</i>	<i>4.11.2004</i>
	<i>varied by 20/2005 r 10</i>	<i>18.4.2005</i>
Sch 9	substituted by 129/2005 r 4	1.7.2005
	varied by 234/2005 r 4(1), (2)	1.12.2005
	varied by 37/2006 r 4	16.3.2006
	varied by 72/2006 r 19	1.7.2006
	substituted by 162/2006 r 4	1.7.2006
	varied by 43/2007 r 23	30.4.2007
	substituted by 77/2007 r 5	1.7.2007

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varied by 271/2007 r 4(1)—(4)	17.12.2007
varied by 7/2008 r 5(1)—(4)	1.3.2008
varied by 52/2008 r 4(1), (2)	1.7.2008
substituted by 142/2008 r 5	1.7.2008
<b>varied by 257/2008 r 4(1), (2)</b>	<b>25.9.2008</b>
<b>varied by 252/2008 r 5</b>	<b>29.9.2008</b>
varied by 262/2008 r 4(1)—(36)	25.1.2009—not incorporated

## Transitional etc provisions associated with regulations or variations

### *Road Traffic (Miscellaneous) Variation Regulations 2006 (No 72 of 2006), Sch 1*

- 1 A reference in a form purporting to be a form prescribed by these regulations to section 47G(1a), 47G(2a)(a) or 47G(2a)(b) of the Act will be taken to be a reference to section 47K(1a), 47K(2a)(a) or 47K(2a)(b) of the Act as appropriate.
- 2 A reference on a blood test kit purporting to be an approved blood kit for the purposes of the Act to section 47G(2a)(b) of the Act will be taken to be a reference to section 47K(2a)(b) of the Act.

## Historical versions

Reprint No 1—23.12.1999  
 Reprint No 2—23.3.2000  
 Reprint No 3—1.7.2000  
 Reprint No 4—27.7.2000  
 Reprint No 5—15.8.2000  
 Reprint No 6—21.12.2000  
 Reprint No 7—7.6.2001  
 Reprint No 8—9.7.2001  
 Reprint No 9—11.10.2001  
 Reprint No 10—27.5.2002  
 Reprint No 11—1.7.2002  
 Reprint No 12—1.12.2002  
 Reprint No 13—1.3.2003  
 Reprint No 14—1.7.2003  
 Reprint No 15—8.12.2003  
 Reprint No 16—15.12.2003  
 18.3.2004  
 27.5.2004 (electronic only)  
 3.6.2004  
 1.7.2004  
 1.9.2004  
 1.11.2004 (electronic only)  
 4.11.2004  
 18.4.2005

## **Road Traffic (Miscellaneous) Regulations 1999—29.9.2008 to 24.1.2009**

### Legislative history

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1.6.2005

1.7.2005

18.8.2005

8.9.2005

1.12.2005

8.12.2005

16.2.2006

16.3.2006

27.6.2006 (electronic only)

1.7.2006

1.8.2006

8.9.2006

15.12.2006

30.4.2007

1.7.2007

9.8.2007

29.11.2007

17.12.2007

1.3.2008

1.7.2008

25.9.2008 (electronic only)