

(Reprint No. 1)

South Australia

**ROAD TRAFFIC (ROAD RULES—ANCILLARY AND
MISCELLANEOUS PROVISIONS) REGULATIONS 1999**

These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 3 August 2000.

REGULATIONS UNDER THE ROAD TRAFFIC ACT 1961
ROAD TRAFFIC (ROAD RULES—ANCILLARY AND MISCELLANEOUS
PROVISIONS) REGULATIONS 1999

being

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as varied by

No. 182 of 2000: *Gaz.* 3 August 2000, p. 425²

¹ Came into operation 1 December 1999: reg. 2.

² Came into operation 3 August 2000: reg. 2.

NOTE:

- *Asterisks indicate repeal or deletion of text.*
- *For the legislative history of the regulations see Appendix.*

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SCHEDULE 1

*Roads on which Wheeled Recreational Devices and Toys Prohibited
Regulation 22*

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LEGISLATIVE HISTORY

1 Citation

These regulations may be cited as the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*.

2 Commencement

These regulations will come into operation on 1 December 1999.

3 Interpretation

In these regulations —

“**the Act**” means the *Road Traffic Act 1961*;

“**the Rules**” means the *Australian Road Rules*.

4 References to rules

In these regulations, a reference to a specified rule is a reference to the provision so specified of the Rules.

5 Words and expressions have same meanings as in Rules

Words and expressions used in the Rules and in these regulations have the same respective meanings as in the Rules, except to the extent that the context or subject matter otherwise requires.

6 Prescribed provisions for purposes of ss. 35, 174A, 174B, 174C and 174D of Act

(1) For the purposes of the following provisions of the Act:

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

the provisions of Part 12 of the Rules (Restrictions on stopping and parking) are prescribed provisions.

(2) For the purposes of section 174C of the Act (Council may grant exemptions from certain provisions), the following are prescribed provisions:

- (a) the provisions of Part 8, Division 3 of the Rules (Signs for trucks, buses and other large vehicles);
- (b) the provisions of Part 12, Division 2 of the Rules (No stopping and no parking signs and road markings);
- (c) the provisions of Part 12, Division 5 of the Rules (Stopping in zones for particular vehicles);
- (d) rule 195 (Stopping at or near a bus stop);
- (e) rule 200 (Stopping on roads—heavy and long vehicles);
- (f) rule 205 (Parking for longer than indicated);
- (g) rule 207 (Parking where fees are payable).

7 General power of Minister to grant exemptions

- (1) The Minister may, by notice 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 the Rules, unconditionally or subject to specified conditions.
- (2) The Minister may, by notice in writing or notice published in the *Gazette*, vary or revoke an exemption under this regulation.

8 Special provisions relating to school zones

- (1) For the purposes of rule 23 (Speed-limit in a school zone), if the words “WHEN CHILDREN PRESENT” are displayed on or with a school zone sign, the words are to be taken to mean that the speed limit displayed on the sign applies when a child is present in the school zone.
- (2) In proceedings for an offence against rule 20 (Obeying the speed-limit) relating to a school zone, if it is proved that a person was present in the school zone area and evidence is given that the person appeared to the witness to be a child, it will be presumed that person was a child in the absence of proof to the contrary.
- (3) In this regulation—

“**child**” means a person under the age of 18 years, and includes a student of any age in school uniform.

8A Special provisions relating to no U-turn signs

- (1) For the purposes of rule 39 (Making a U-turn contrary to a no U-turn sign), if the words “MAINTENANCE VEHICLES EXCEPTED” are displayed on or with a no U-turn sign, the words are to be taken to mean that the no U-turn sign does not apply to the driver of—
 - (a) a towtruck or vehicle breakdown service vehicle while it is being driven for the purpose of providing towing or repair services to a disabled or other vehicle; or
 - (b) a vehicle engaged in roadworks or being driven to or from the site of roadworks for the purpose of engaging in roadworks,if in the circumstances—
 - (c) the driver is taking reasonable care; and
 - (d) it is reasonable that the no U-turn sign should not apply.
- (2) In this regulation—

“**disabled or other vehicle**” means—

 - (a) a vehicle at the scene of a crash;
 - (b) a disabled vehicle;
 - (c) a vehicle unsafely or unlawfully parked that the driver of the towtruck or vehicle breakdown service vehicle is authorised to tow away under a law of this jurisdiction referred to in regulation 35(a) or (b);

“**roadworks**” has the same meaning as in rule 310 (Exemption for road workers etc).

9 Road trains and road train areas

For the purposes of rule 127(2) (Keeping a minimum distance between long vehicles)—

- (a) a combination that is a road train as defined in the *Road Traffic (Mass and Loading Requirements) Regulations 1999* is a road train for the Rules; and
- (b) an area where road trains may be driven under the *Road Traffic (Miscellaneous) Regulations 1999* is a road train area.

10 Bicycles permitted in bus lanes

For the purposes of rule 158(2) (Exceptions to driving in special purpose lanes etc), the rider of a bicycle is permitted to ride in a bus lane.

11 Speed past rear of stopped trams

- (1) For the purposes of rule 163(3) (Driving past the rear of a stopped tram), the maximum speed at which a driver may drive past a tram in accordance with that rule is the speed limit that would otherwise apply to the driver for the length of road.
- (2) For the purposes of rule 164(4) (Giving way to pedestrians crossing the road near a stopped tram), the maximum speed at which a driver may drive past a tram in accordance with that rule is the speed limit that would otherwise apply to the driver for the length of road.

12 Taxis not permitted to stop on clearways

For the purposes of rule 176(3) (Stopping on a clearway), the driver of a taxi is prohibited from stopping on a length of road to which a clearway sign applies.

13 Vehicles (other than public buses or trucks) permitted to stop in loading zones

- (1) For the purposes of rule 179(1) (Stopping in a loading zone)—
 - (a) a commercial vehicle that is dropping off, or picking up, goods is permitted to stop in a loading zone; and
 - (b) a vehicle, other than a commercial vehicle, is permitted to stop in a loading zone if the vehicle is dropping off, or picking up, goods that are difficult to handle because of their weight or size; and
 - (c) a taxi that is dropping off, or (having been hailed or summoned for the purpose) picking up, passengers is permitted to stop in a loading zone provided that the driver does not leave the taxi unattended.
- (2) In this regulation—

“**commercial vehicle**” means a motor vehicle constructed solely or mainly for the carriage of goods (including a vehicle of the kind commonly called a utility, but excluding a vehicle of the kind commonly called a station wagon or station sedan).
- (3) For the purposes of this regulation, a driver leaves a taxi **unattended** if the driver leaves the taxi so the driver is over 3 metres from the closest point of the taxi.

14 Permits for permit zones

- (1) This regulation applies for the purposes of rule 185 (Stopping in a permit zone) if a council has installed, or determined that it will install, permit zone signs to establish a permit zone in its area.

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- (2) The council may determine—
 - (a) the class of permits required for vehicles to stop in the permit zone; and
 - (b) the persons entitled to such permits; and
 - (c) any fees to be paid for such permits; and
 - (d) the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles),and may vary any such determination.
- (3) The council may issue permits in respect of the permit zone to persons entitled to them, on payment of the fee (if any), and subject to the conditions, determined by the council.
- (4) A permit issued by the council and in force in respect of the permit zone permits a vehicle to stop in the permit zone subject to the conditions of the permit.

15 Vehicles permitted to stop on paths, dividing strips and nature strips

- (1) For the purposes of rule 197(1) (Stopping on a path, dividing strip or nature strip), the following drivers are permitted to stop on a path, dividing strip or nature strip:
 - (a) a driver engaged in duties for the Police Security Services Division of the South Australian Police Department;
 - (b) the driver of a motorised wheelchair;
 - (c) the rider of a motor bike delivering postal articles in the course of duties as a postal worker.
- (2) For the purposes of rule 197(1), a driver is permitted to stop on a footpath if the driver is crossing the path to enter a road-related area or adjacent land and is required to open a gate or take some other action to enter the area or land.

16 Structures declared to be public post boxes

For the purposes of rule 199 (Stopping near a post box), post boxes maintained by Australia Post on road-related areas are public post boxes.

17 Permitting heavy or long vehicles to stop in built-up areas for longer than one hour

For the purposes of rule 200(2) (Stopping on roads—heavy and long vehicles), the driver of a heavy or long vehicle is permitted to stop on a road for longer than one hour if the vehicle is dropping off, or picking up, goods and continues to stop there for no longer than is necessary to complete that task.

Note: A council may grant an exemption from rule 200 under section 174C of the Act.

18 Period for which drivers with disabilities permitted to park

For the purposes of rule 206(2) (Time extension for people with disabilities), a driver to whom that rule applies is permitted to park on a length of road, or in an area, to which a permissive parking sign applies for—

- (a) twice the period indicated on the sign; or
 - (b) the period indicated on the sign and a further 90 minutes,
- whichever is the longer.

Note: A council may grant an exemption from rule 205 (Parking for longer than indicated) under section 174C of the Act.

19 Parking and parking ticket-vending machines or parking meters

- (1) For the purposes of rule 207(1) (Parking where fees are payable), if the word “TICKET” is displayed on a permissive parking sign, the word is to be taken to indicate that a fee is payable by buying a ticket through the operation of a parking ticket-vending machine.
- (2) For the purposes of rule 207(2), if a council has installed, or determined that it will install, permissive parking signs to apply to a length of road or an area, the council may determine fees that will be payable for parking in the length of road or the area by the operation of parking ticket-vending machines or parking meters installed or to be installed in or near the length of road or area, and may vary such fees.
- (3) For the purposes of rule 207(2), the driver does not pay the fee payable for parking on the length of road, or in the area, in accordance with that rule unless the driver, on first stopping the vehicle—
 - (a) if the fee is to be paid by buying a ticket—promptly proceeds to a parking ticket-vending machine in the length of road or the area, obtains the ticket and deals with the ticket in accordance with the instructions on or with the ticket-vending machine; or
 - (b) if the fee is to be paid by putting money into a parking meter—promptly proceeds to the parking meter for the place where the vehicle is parked and puts money into the meter in accordance with the instructions on or with the meter.

20 Exemption from requirements relating to making motor vehicles secure

Drivers in South Australia are exempt from rule 213 (Making a motor vehicle secure).

21 Lights to be fitted to vehicles

For the purposes of rule 215(4) (Using lights when driving at night or in hazardous weather conditions) and rule 220(3) (Using lights on vehicles that are stopped), the lights required to be fitted to a vehicle are those required to be fitted to it under the *Road Traffic (Vehicle Standards) Rules 1999*.

22 Dangerous goods and placard loads and towing of vehicles at night etc.

For the purposes of rule 216 (Towing a vehicle at night or in hazardous weather conditions), “**dangerous goods**” and “**placard load**” have the respective meanings given to those terms by the Code as defined in the *Dangerous Substances Regulations 1998*.

23 Operation of hazard warning lights if children being dropped off or picked up

For the purposes of rule 221 (Using hazard warning lights), a driver is permitted to operate hazard warning lights on a bus carrying children when the vehicle stops to drop off or pick up a child.

24 Areas on which wheeled recreational devices and toys prohibited

- (1) For the purposes of rule 240(2) and (3) (Wheeled recreational devices and toys not to be used on certain roads), wheeled recreational devices and wheeled toys are prohibited on an area specified in Schedule 1.
- (2) For the purposes of rule 240(2), wheeled recreational devices are prohibited on a length of footpath to which a *no wheeled recreational devices sign* applies.
- (3) A *no wheeled recreational devices sign* applies to a length of footpath beginning at the sign and ending at the nearer of the following:
 - (a) an *end no wheeled recreational devices sign*;
 - (b) the end of the footpath.

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- (4) Part 20 of the Rules applies in relation to a sign referred to in subregulation (1) or (2) as if this regulation (including the diagrams below) formed part of the Rules.

No wheeled recreational devices sign



End no wheeled recreational devices sign



- (5) For the purposes of rule 240(2) and (3), wheeled recreational devices and wheeled toys are prohibited on all roads at night or in hazardous weather conditions causing reduced visibility.

25 Riders 12 years old or older not to ride on footpath

For the purposes of rule 250(1) (Riding on a footpath or shared path), the rider of a bicycle who is 12 years old or older must not ride on a footpath.

26 Sikhs exempt from wearing bicycle helmets

For the purposes of rule 256(1) and (2) (Bicycle helmets), a person of the Sikh religion who is wearing a turban is exempt from wearing a bicycle helmet.

27 Approved child restraints

For the purposes of rule 266 (Wearing of seatbelts by passengers under 16 years old), child restraints are approved if approved under the *Road Traffic (Miscellaneous) Regulations 1999*.

28 Exemptions from wearing seatbelts

- (1) For the purposes of rule 267(1) (Exemptions from wearing seatbelts), a person is exempt from wearing a seat belt if—
- (a) the vehicle is a historic vehicle (as defined in schedule 1 of the *Motor Vehicles Regulations 1996*) that is registered under section 25 of the *Motor Vehicles Act 1959* and being driven in accordance with the conditions of that registration as prescribed in that schedule; or
 - (b) the vehicle is being used on behalf of the Crown for transporting prisoners or other persons in lawful custody.
- (2) For the purposes of rule 267(3), a certificate stating that a specified person is not required to wear a seatbelt, indefinitely or for a specified period, may be issued—
- (a) by the Minister on any ground the Minister considers appropriate; or
 - (b) by a medical practitioner on the ground of physical disability or any medical ground.

29 Approved motor bike helmets

For the purposes of rule 270 (Wearing motor bike helmets), helmets are approved motor bike helmets if approved for motor bike riders under the *Road Traffic (Miscellaneous) Regulations 1999*.

30 Certain crashes required to be reported to police

For the purposes of rule 287(3) (Duties of a driver involved in a crash), a crash is required to be reported to a police officer by a driver involved in the crash (or the driver's representative) if real or personal property (other than an animal) is destroyed or damaged except where—

- (a) the only property destroyed or damaged is property owned by the driver; or
- (b) a fair estimate of the cost of making good the damage to property is not more than \$1 000.

31 Information required to be reported to police about crashes

For the purposes of rule 287(4) (Duties of a driver involved in a crash) the information required to be given to a police officer about a crash includes—

- (a) the day, the time and the place of the crash; and
- (b) details of other drivers and vehicles involved in the crash; and
- (c) details of injuries and damage resulting from the crash; and
- (d) except where the driver objects to providing the information on the ground that it might incriminate him or her of an offence, details of vehicle speeds and positions before and at the time of impact.

32 Drivers permitted on paths

For the purposes of rule 288 (Driving on a path), a driver engaged in duties for the Police Security Services Division of the South Australian Police Department is permitted to drive on a path.

33 Drivers permitted on nature strips

For the purposes of rule 289(1) (Driving on a nature strip), a driver engaged in duties for the Police Security Services Division of the South Australian Police Department is permitted to drive on a nature strip.

34 Exemptions for certain tests and work

For the purposes of rule 310(3) and (4) (Exemption for road workers etc.), the Minister may, by notice in writing or notice published in the *Gazette*, authorise speed zoning tests, or installation or maintenance work or traffic surveys, subject to specified conditions.

35 Vehicles that may be towed away etc.

Rule 312 (Exemption for tow truck drivers) applies to (in addition to the vehicles referred to in rule 312(3)(a) and (b))—

- (a) a vehicle that the driver is authorised to remove under section 86 of the Act, section 26E of the *Highways Act 1926*, section 748b or 748c of the *Local Government Act 1934*, section 237 of the *Local Government Act 1999*, section 27 of the *South Australian Motor Sport Act 1984* or section 79B of the *Summary Offences Act 1953*; and
- (b) a vehicle unsafely or unlawfully parked that the driver is authorised to remove under any other Act.

36 Exemptions for postal vehicles

For the purposes of rule 313 (Exemptions for postal vehicles), the rules mentioned in rule 313(2) do not apply to drivers of postal vehicles engaged in dropping off, or picking up, postal articles.

37 Approved bicycle helmets

For the purposes of the Rules and the definition of “**approved bicycle helmet**” in the dictionary at the end of the Rules, helmets are approved bicycle helmets if approved for bicycle riders under the *Road Traffic (Miscellaneous) Regulations 1999*.

38 Authorised persons

For the purposes of the Rules and the definition of “**authorised person**” in the dictionary at the end of the Rules, inspectors are authorised persons.

39 Emergency workers

For the purposes of the Rules and the definition of “**emergency worker**” in the dictionary at the end of the Rules, the following are emergency workers:

- (a) officers and employees of the South Australian Metropolitan Fire Service and members of a fire brigade registered under the *South Australian Metropolitan Fire Service Act 1936*;
- (b) officers, employees and members of the Country Fire Service under the *Country Fires Act 1989*;
- (c) persons engaged in the provision of ambulance services under the *Ambulance Services Act 1992*;
- (d) persons engaged in the provision of services on behalf of St. John Ambulance Australia, S.A. Incorporated;
- (e) members of State Emergency Service South Australia and emergency officers under the *State Emergency Service Act 1987*;
- (f) authorised officers under the *State Disaster Act 1980*;
- (g) members of the Australian Federal Police or the Australian Customs Service;
- (h) members of the armed forces of the Commonwealth engaged in police, fire fighting or ambulance duties or duties in connection with the urgent disposal of explosives or any emergency.

40 Hazard warning lights

For the purposes of the Rules and the definition of “**hazard warning lights**” in the dictionary at the end of the Rules, the lights referred to in the definition are lights of that kind fitted under the *Road Traffic (Vehicle Standards) Rules 1999*.

41 Mechanical signalling devices

For the purposes of the Rules and the definition of “**mechanical signalling device**” in the dictionary at the end of the Rules, mechanical signalling devices conforming to the requirements of the *Road Traffic (Vehicle Standards) Rules 1999* are mechanical signalling devices.

42 **Oversize vehicles**

For the purposes of the Rules and the definition of “**oversize vehicle**” in the dictionary at the end of the Rules, vehicles are oversize vehicles if oversize and travelling under a notice or permit within the meaning of the *Road Traffic (Oversize or Overmass Vehicle Exemptions) Regulations 1999*.

43 **Parking permits for people with disabilities**

For the purposes of the Rules and the definition of “**parking permit for people with disabilities**” in the dictionary at the end of the Rules, permits issued under Part 3D of the *Motor Vehicles Act 1959* are parking permits for people with disabilities.

44 **Police officers**

For the purposes of the Rules and the definition of “**police officer**” in the dictionary at the end of the Rules, members of South Australia Police are police officers.

45 **Portable warning triangles**

For the purposes of the Rules and the definition of “**portable warning triangle**” in the dictionary at the end of the Rules, portable warning devices that comply with Australian Standard Specification No. E38-1962 Portable Warning Signs for Motor Vehicles, as amended from time to time, are approved as portable warning triangles.

46 **Postal workers**

For the purposes of the Rules and the definition of “**postal worker**” in the dictionary at the end of the Rules, persons employed by Australia Post are postal workers.

47 **Public buses**

For the purposes of the Rules and the definition of “**public bus**” in the dictionary at the end of the Rules, buses engaged in regular passenger services under the *Passenger Transport Act 1994* are public buses.

48 **Public holidays**

For the purposes of the Rules and the definition of “**public holiday**” in the dictionary at the end of the Rules, a day that is a public holiday under the *Holidays Act 1910* is a public holiday.

49 **Taxis**

For the purposes of the Rules and the definition of “**taxi**” in the dictionary at the end of the Rules, vehicles licensed, or exempted from the requirement to be licensed, under Part 6 of the *Passenger Transport Act 1994* are taxis.

50 **Penalties for offences against Rules**

- (1) A person who is guilty of an offence against a provision of the Rules, other than a provision of Part 12 (Restrictions on stopping and parking), is liable to a penalty not exceeding \$1 250.
- (2) A person who is guilty of an offence against a provision of Part 12 of the Rules is liable to a penalty not exceeding \$500.

51 Evidentiary provisions

- (1) In proceedings for offences against the Rules, an allegation in a complaint that—
 - (a) a specified speed-limit applied to a specified length of road; or
 - (b) a specified length of road was, or was not, in a school zone or shared zone; or
 - (c) a specified length of road was, or was not, in a built-up area; or
 - (d) a specified form of crossing was at a specified place; or
 - (e) a specified vehicle lawfully displayed a *do not overtake turning vehicle sign* or a *give way to buses sign*; or
 - (f) a specified fee was not paid for parking a specified vehicle in a specified place; or
 - (g) a specified ticket was not displayed in a specified part of a specified vehicle; or
 - (h) specified information was on or with a specified traffic control device; or
 - (i) a specified traffic control device applied to a specified length of road, portion of road or area; or
 - (j) a specified traffic control device applied to a specified person in a specified place,is proof of the matters so alleged in the absence of proof to the contrary.
- (2) In proceedings for an offence against rule 287 (Duties of driver involved in a crash), an apparently genuine document produced by the prosecution purporting to be signed by the Commissioner of Police and to certify that the required particulars for a specified person had not been given to a police officer before a specified day and time in relation to a specified crash (whether the crash is specified by reference to the approximate time and place of the crash or to the person or persons involved, or otherwise so as to reasonably identify it) is proof of the matters so certified in the absence of proof to the contrary.

52 Transitional provisions

- (1) A resolution relating to a permit zone made by a council under the *Local Government (Parking) Regulations 1991* and in force immediately before the commencement of these regulations continues in force as a determination made by the council under regulation 14, subject to variation under that regulation.
- (2) A permit for parking in a permit zone issued by a council and in force immediately before the commencement of these regulations continues in force as a permit issued by the council under regulation 14, subject to the conditions (if any) of the permit.
- (3) A resolution relating to fees for parking payable by the operation of parking ticket-vending machines or parking meters, being a resolution made by a council under the *Local Government (Parking) Regulations 1991* and in force immediately before the commencement of these regulations, continues in force as a determination made by the council under regulation 19, subject to variation under that regulation.

SCHEDULE 1

*Areas on which Wheeled Recreational Devices and Toys Prohibited
Regulation 22*

1. (1) The bicycle path adjacent to the Southern Expressway that commences at Darlington Street at Bedford Park and proceeds generally southerly on the eastern side of the carriageway of the Expressway to a point approximately 250 metres north of the intersection of the Expressway, South Road and Panalatinga Road at Trott Park, then generally southerly on the western side of the carriageway of the Expressway to the intersection of Panalatinga Road and Old South Road at Old Reynella.
- (2) In subclause (1)
 - “**Southern Expressway**” means Road Number 6780 Southern Expressway between—
 - (a) its intersection with Road Number 6726 Panalatinga Road and Road Number 6203 Main South Road at Trott Park; and
 - (b) its junction with Road Number 6203 Main South Road at Bedford Park.

APPENDIX

LEGISLATIVE HISTORY

Regulation 8A:

inserted by 182, 2000, reg. 3