

South Australia

## **Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014**

under the *Road Traffic Act 1961*

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### **1—Short title**

These regulations may be cited as the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*.

### 3—Interpretation

In these regulations—

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

*crossing for pedestrians* means a marked foot crossing, pedestrian crossing or scramble crossing;

*medical practitioner* has the same meaning as in rule 267 (Exemptions from wearing seatbelts);

*Rules* means the *Australian Road Rules*;

*scramble crossing* means an intersection with traffic lights and a pedestrians may cross diagonally sign.

### 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—General power of Minister to grant exemptions

(1) The Minister may, by notice in writing or notice 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 or these regulations, unconditionally or subject to specified conditions.

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

### 7—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.

## 8—Speed limits applying to driving of road trains

- (1) Despite anything in Part 3 of the Rules (Speed limits), a driver must not drive a road train on any length of road at a speed exceeding the prescribed speed limit (road trains) for that length of road.  
Maximum penalty: \$5 000.
- (2) Despite anything in Part 3 of the Rules (Speed limits), a driver must not drive a road train at a speed exceeding 40 kilometres per hour on a length of road in a built-up area in Orroroo, Peterborough, Port Augusta or Whyalla.  
Maximum penalty: \$5 000.
- (3) Nothing in this regulation authorises the driving of a vehicle on a length of road at a speed exceeding any lower speed limit applying to the driver of the vehicle on that length of road by virtue of the Rules or another law of the State.
- (4) For the purposes of subregulation (1), the *prescribed speed limit (road trains)* is as follows:
  - (a) the prescribed speed limit (road trains) for a length of road comprising any part of the Eyre Highway that is generally west of Port Augusta and that has a speed limit applying to drivers of vehicles other than road trains of 100 kilometres per hour or more is 100 kilometres per hour;
  - (b) the prescribed speed limit (road trains) for a length of road comprising any part of the Stuart Highway that is generally north of Port Augusta and that has a speed limit applying to drivers of vehicles other than road trains of 100 kilometres per hour or more is 100 kilometres per hour;
  - (c) the prescribed speed limit (road trains) for any other length of road is 90 kilometres per hour.

- (5) In this regulation—

*road train* means a road train as defined in the *Road Traffic (Miscellaneous) Regulations 2014* that, including its load (if any), is over 19 metres long.

## 9—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 tow truck or breakdown 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—

*breakdown vehicle* has the same meaning as in regulation 48;

*disabled or other vehicle* means—

- (a) a vehicle at the scene of a crash; or
- (b) a disabled vehicle; or
- (c) a vehicle unsafely or unlawfully parked that the driver of the tow truck or breakdown vehicle is authorised to tow away under a law of this jurisdiction referred to in regulation 46(a) or (b);

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

## 10—Alteration of definition of *level crossing*

Despite anything in rule 120, for the purposes of the Rules and the definition of a *level crossing* in rule 120(1)—

- (a) where there is a stop line across all or part of a road referred to in paragraph (a) or (b) of rule 120(1) at or near an entrance from that road to the area referred to in that paragraph, a level crossing includes the whole or part of the road (as the case may be) that lies between the commencement of the stop line and the area referred to in paragraph (a) or (b);

but—

- (b) a level crossing does not include an area referred to in rule 120(1A) that is not otherwise included under rule 120(1) and paragraph (a) of this regulation.

## 11—Road trains

For the purposes of rule 127(2) (Keeping a minimum distance between long vehicles), a combination that is a road train as defined in the *Road Traffic (Miscellaneous) Regulations 2014* is a road train for the Rules.

## 11A—Keeping a safe lateral distance when passing bicycle rider

- (1) Despite anything in rule 144, a driver of a motor vehicle driving past to the right of the rider of a bicycle travelling in the same direction as the driver must pass the bicycle at a sufficient distance from the bicycle.

Maximum penalty: \$2 500.

- (2) In this regulation, unless the contrary intention appears—

*bicycle* includes—

- (a) the rider of the bicycle and any passenger on the bicycle; and
- (b) any bicycle trailer towed by the bicycle and any passenger in or on the trailer; and
- (c) any basket or pannier bags attached to the bicycle or any trailer,

but does not include a flag or stick (whether or not flexible) attached to and projecting sideways from the bicycle or any trailer;

*bicycle trailer* has the same meaning as in rule 257(2);

*lateral distance*, from a bicycle that is being passed by the driver of a motor vehicle, means the distance between the following points:

- (a) the furthestmost point to the right on the bicycle; and

- (b) the furthestmost point to the left on the driver's vehicle or any projection from the vehicle (whether or not attached to the vehicle);

*sufficient distance*, from a bicycle that is being passed by the driver of a motor vehicle, means—

- (a) if the speed limit applying to the driver for the length of road is not more than 60 kilometres per hour—a lateral distance from the bicycle of at least 1 metre; or
- (b) if the speed limit applying to the driver for the length of road is more than 60 kilometres per hour—a lateral distance from the bicycle of at least 1.5 metres.

### **11B—Exemption from certain rules when passing bicycle rider**

- (1) Despite anything in rule 132, 137, 138, 146 or 147, a driver of a motor vehicle driving past to the right of the rider of a bicycle travelling in the same direction as the driver may, if it is necessary in order to comply with regulation 11A for the passing of the rider, do any of the following:
  - (a) if the driver is driving on a two-way road without a dividing line or median strip—drive to the right of the centre of the road, provided that the driver has a clear view of any approaching traffic and can do so safely;
  - (b) if the driver is driving on a road with a dividing line—drive to the right of the dividing line, provided that the driver has a clear view of any approaching traffic and can do so safely;
  - (c) drive—
    - (i) on a dividing strip that is at the same level as the road; or
    - (ii) on or over a single continuous line, or 2 parallel continuous lines, along a side of or surrounding a painted island,provided that the driver has a clear view of any approaching traffic and can do so safely;
  - (d) if the driver is driving on a multi-lane road—drive so that the driver's vehicle is not completely in a marked lane;
  - (e) if the driver is driving on a road with 2 or more lines of traffic travelling in the same direction as the driver, but without marked lanes—drive so that the driver's vehicle is not completely in a single line of traffic;
  - (f) if the driver is driving on a multi-lane road—move from one marked lane to another marked lane across a continuous line separating the lanes, provided that the driver can perform the movement safely.
- (2) For the purposes of subregulation (1)(c), a dividing strip does not include a painted island and is to be taken to be at the same level as the road even if the dividing strip contains 1 or more raised pavement bars or markers.
- (3) Subregulation (1)(a), (b) and (c) do not apply to a service road other than a service road to which a two-way sign applies (in which case they apply to the service road as if it were a separate road).

## **12—Vehicles permitted in bus lanes**

For the purposes of rule 158(2) (Exceptions to driving in special purpose lanes etc)—

- (a) the driver of a taxi is permitted to drive in a bus lane; and
- (b) the rider of a bicycle is permitted to ride in a bus lane,

other than a bus lane or portion of a bus lane referred to in regulation 13.

## **13—Vehicles not permitted in lanes marked "bus only"**

Despite anything in Part 11 (Keeping left, overtaking and other driving rules) or Part 12 (Restrictions on stopping and parking) of the Rules, a driver (except the driver of a public bus or emergency vehicle) must not drive or stop in a bus lane or other marked lane (or portion of such a lane) the road surface of which is painted red and marked with the words "bus only" in white letters.

Maximum penalty: \$2 500.

## **14—Exemption from requirements relating to passing or proceeding past tram stopped at tram stop**

If—

- (a) a driver—
  - (i) is driving behind or alongside, or is overtaking, a tram travelling in the same direction as the driver and the tram stops at a tram stop, except at the far left side of the road; or
  - (ii) is stopped beside a tram stop and a tram stops at the tram stop, except at the far left side of the road; and
- (b) there is no safety zone, dividing strip or traffic island between the tram and the part of the road where the driver is driving,

the driver is exempt from compliance with rules 163 (Driving past the rear of a stopped tram at a tram stop), 164 (Stopping beside a stopped tram at a tram stop) and 164A (Staying stopped if a tram comes from behind a stopped driver and stops) if—

- (c) the doors of the tram facing the part of the road where the driver is driving are closed; and
- (d) there is a safety zone, dividing strip, traffic island, pedestrian refuge or similar structure on the area of road between the tram and the far right side of the road; and
- (e) access to the structure from the far left side of the road is provided by 1 or more crossings for pedestrians.

## **15—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.

## 16—Vehicles (other than public buses or trucks) permitted to stop in loading zone

- (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; and
  - (d) a vehicle to which an alcohol interlock is fitted is permitted to stop in a loading zone to enable the driver to take action to comply with alcohol interlock scheme conditions to which the driver's licence of the driver is subject, provided that the vehicle stops for no longer than is necessary in the circumstances.
- (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.
- (4) In this regulation, **alcohol interlock** and **alcohol interlock scheme conditions** have the same respective meanings as in the *Motor Vehicles Act 1959*.

## 17—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.
- (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.



## **18—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, nature strip, painted island or traffic island), the following drivers are permitted to stop on a bicycle path, footpath, shared path, dividing strip or nature strip:
  - (a) the driver of a motorised wheelchair;
  - (b) the rider of a motor bike (with or without a trailer attached) that—
    - (i) is a postal vehicle; and
    - (ii) has an engine capacity not exceeding 125cc,who is engaged in dropping off or picking up postal articles.
- (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.

## **19—Structures declared to be public postboxes**

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

## **20—Prohibition on parking outside times indicated by permissive parking sign if road is a bicycle, bus or transit lane**

Despite anything in rule 205A (Parking outside times indicated), nothing in that rule permits a driver to park on a length of road, or in an area, that is a bicycle lane, bus lane or transit lane.

## **21—Display of parking permit for people with disabilities**

For the purposes of Part 12 (Restrictions on stopping and parking) of the Rules, a vehicle displays a parking permit for people with disabilities if the permit is displayed in accordance with the requirements of the *Motor Vehicles Act 1959* for the display of a disabled person's parking permit under that Act.

## **22—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.

### **23—Exemption from requirements relating to making motor vehicles secure**

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

### **24—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—

- (a) in the case of a heavy vehicle—those required to be fitted to the vehicle under the *Heavy Vehicle (Vehicle Standards) National Regulation (South Australia)*; or
- (b) in the case of a light vehicle—those required to be fitted to the vehicle under the *Road Traffic (Light Vehicle Standards) Rules 2013*.

### **25—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 *Dangerous Substances (Dangerous Goods Transport) Regulations 2008*.

### **26—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.

### **27—Restrictions on crossing to or from tram stop other than at crossing for pedestrians**

- (1) Despite anything in rule 233 (Crossing a road to or from a tram) or 234 (Crossing a road on or near a crossing for pedestrians), where, at a tram stop—
- (a) the place at which a tram will stop is not at the far left side of a road; and

- (b) the tram stop consists of 2 sets of tram tracks (1 set each for trams travelling in opposite directions along the road) divided by a safety zone, dividing strip, traffic island, pedestrian refuge or similar structure (with no such structure between either set of tracks and the side of the road nearest to those tracks); and
- (c) access to the structure from each side of the road is provided by 1 or more crossings for pedestrians,

a pedestrian must not cross an area of road that lies between the structure and a side of the road—

- (d) within 20 metres of such a crossing; or
- (e) while a tram is stopped (on either set of tracks) at the tram stop.

Maximum penalty: \$2 500.

- (2) Subregulation (1) does not apply to a pedestrian who crosses the area of road at a crossing for pedestrians in accordance with the Rules.
- (3) In this regulation—

*road* does not include a road-related area, but does include the shoulder of a road;  
*tram* includes a bus travelling along tram tracks.

## **28—Prohibition of hitchhiking, selling, buying etc on roads not applicable**

Despite anything in rule 236 (Pedestrians not to cause a traffic hazard or obstruction)—

- (a) a pedestrian is not required to comply with subrule (4) of that rule; and
- (b) a driver, or a passenger, in or on a vehicle is not required to comply with subrule (5) of that rule.

**Note—**

See section 83A of the Act in relation to restrictions that may apply.

## **29—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.

- (4) Part 20 (Traffic control devices and traffic-related items) of the Rules applies in relation to a sign referred to in subregulation (2) or (3) 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), wheeled recreational devices are prohibited on all roads in hazardous weather conditions causing reduced visibility.
- (6) For the purposes of rule 240(3), wheeled toys are prohibited on all roads at night or in hazardous weather conditions causing reduced visibility.

### 30—Prohibition of use of motorised scooters

For the purposes of rule 244C (Motorised scooters not to be used), the use of motorised scooters on a road or road-related area is prohibited.

### 31—Entering a bicycle storage area

Despite anything in rule 247A (Entering a bicycle storage area), a rider of a bicycle approaching a bicycle storage area at an intersection that has traffic lights or traffic arrows showing a red traffic light or red traffic arrow may enter the bicycle storage area other than from a bicycle lane if there is no bicycle lane from which the bicycle storage area can be entered.

### 32—Exemption for riders with disabilities

- (1) A rider of a bicycle who—
- (a) is carrying a certificate; and
  - (b) is complying with any conditions stated in the certificate,
- is exempt from complying with rule 248 (No riding across a road on a crossing).
- (2) In this regulation—
- certificate** means a certificate that—
- (a) is signed by a medical practitioner; and
  - (b) identifies the rider; and
  - (c) states that, in the opinion of the medical practitioner, the rider should be permitted to ride a bicycle across a pedestrian, children's or marked foot crossing on the ground of a physical disability or on any medical ground (whether or not it also states that the rider should, on such a ground, be permitted to ride a bicycle on a footpath); and
  - (d) displays no expiry date or, if it does display an expiry date, has not expired,

and includes such a certificate issued before the commencement of this regulation.

### **34—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.

### **35—Approved booster seats, child restraints and child safety harnesses**

For the purposes of rule 266 (Wearing of seatbelts by passengers under 16 years old), booster seats, child restraints and child safety harnesses are approved if approved under the *Road Traffic (Miscellaneous) Regulations 2014*.

### **36—Wearing of seatbelts by passengers under 16 years old**

Despite anything in rule 266(5C) (Wearing of seatbelts by passengers under 16 years old), the exemption in subrule (5C) only applies to the driver of a correctional vehicle, juvenile justice vehicle or sheriff's vehicle if—

- (a) the vehicle has 2 or more rows of seats and the passenger is not in the front row of seats or there is not a seating position available for the passenger in another row of seats; or
- (b) the vehicle has a caged, or other secured, area designed for the carriage of passengers and the passenger occupies a seating position in that area.

### **37—Exemptions from wearing seatbelts**

- (1) For the purposes of rule 267(1) (Exemptions from wearing seatbelts), a person is exempt from wearing a seatbelt if the vehicle is a historic vehicle as defined in regulation 15 of the *Motor Vehicles Regulations 2010* that is—
  - (a) registered under section 25 of the *Motor Vehicles Act 1959*; and
  - (b) being driven in accordance with the conditions of that registration.
- (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.

### **38—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 2014*.

### **39—Additional crashes that are 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 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 \$3 000.

#### **40—Requirement to stop and report crashes to police in accordance with Rules not applicable where person killed or injured**

Despite anything in the Rules or these regulations, where a crash is an accident to which section 43 of the Act applies, a driver involved in the crash is not required to comply with rule 287 (Duties of a driver involved in a crash) apart from the requirement in subrule (2) that the driver give the driver's required particulars, within the required time and, if practicable, at the scene of the crash, to the persons indicated by subrule (2)(a), (b) and (c).

#### **41—Crashes required to be reported to police may instead be reported to persons authorised by Commissioner of Police**

For the purposes of rule 287(3) (Duties of a driver involved in a crash), *police officer* includes—

- (a) an employee of the South Australian Police Department; or
- (b) a contractor of the Department; or
- (c) a member of the staff of a contractor of the Department,

authorised by the Commissioner of Police as a person to whom required particulars of a driver involved in a crash may be given.

#### **42—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 if 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.

#### **43—Exemptions for operators of traffic speed analysers or photographic detection devices**

- (1) A person engaged in the setting up, preparation, operation, testing, maintenance or relocation of a traffic speed analyser or photographic detection device for or on behalf of the South Australian Police Department—
  - (a) is, for the purposes of rule 288 (Driving on a path), permitted to drive on a path; and
  - (b) is, for the purposes of rule 289(1) (Driving on a nature strip), permitted to drive on a nature strip; and
  - (c) is, for the purposes of rule 307(2) (Stopping and parking exemption for police and emergency vehicles and authorised persons) and the definition of *authorised person* in the dictionary at the end of the Rules, an authorised person for rule 307(2).

(2) In this regulation—

*photographic detection device* and *traffic speed analyser* have the same meaning as in the Act.

#### **44—Prohibition of use of mobile phone by holder of learner's permit, P1 licence etc**

(1) Despite anything in rule 300 (Use of mobile phones), a driver of a vehicle (except an emergency vehicle or police vehicle) who is a learner or P1 driver must not use a mobile phone while the vehicle is moving or is stationary but not parked.

Maximum penalty: \$2 500.

(2) In this regulation—

*corresponding permit or licence* means—

- (a) a learner licence, provisional licence or probationary licence issued under the *Road Transport (Driver Licensing) Act 1999* of the Australian Capital Territory; or
- (b) a learner licence or provisional licence issued under the *Road Transport Act 2013* of New South Wales; or
- (c) a learner licence or licence that is provisional issued under the *Motor Vehicles Act* of the Northern Territory; or
- (d) a learner licence, provisional licence or probationary licence issued under the *Transport Operations (Road Use Management) Act 1995* of Queensland; or
- (e) a learner licence or provisional licence issued under the *Vehicle and Traffic Act 1999* of Tasmania; or
- (f) a learner permit or probationary driver licence issued under the *Road Safety Act 1986* of Victoria; or
- (g) a learner's permit or provisional licence issued under the *Road Traffic Act 1974* of Western Australia;

*learner or P1 driver*, in relation to a vehicle, means a driver—

- (a) who is the holder of a learner's permit or P1 licence within the meaning of the *Motor Vehicles Act 1959* that authorises him or her to drive a vehicle of that class on a road; or
- (b) who—
  - (i) is the holder of a corresponding permit or licence issued under a law of another State or a Territory of the Commonwealth that authorises him or her to drive a vehicle of that class on a road; and
  - (ii) is prohibited by the law of that State or Territory from driving a vehicle of that class on a road in that State or Territory without displaying an "L" plate or a red "P" plate (as the case may be) on the vehicle;

*"L" plate* means a plate or sign displaying the letter "L" in black lettering on a yellow background;

*mobile phone* has the same meaning as in rule 300;

*red "P" plate* means a plate or sign displaying the letter "P" in red lettering on a white background or in white lettering on a red background;

*use* has the same meaning as in rule 300.

#### **45—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 in the Gazette, authorise speed zoning tests, or installation or maintenance work or traffic surveys, subject to specified conditions.

#### **46—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 move or remove under—
  - (i) section 40M or 40N of the Act; or
  - (ii) section 237 of the *Local Government Act 1999*; or
  - (iii) section 22 of the *Heavy Vehicle National Law (South Australia) Act 2013*; or
  - (iv) section 518 or 519 of the *Heavy Vehicle National Law (South Australia)*; or
  - (v) section 27 of the *South Australian Motor Sport Act 1984*; or
  - (vi) section 79B of the *Summary Offences Act 1953*; and
- (b) a vehicle unsafely or unlawfully parked that the driver is authorised to move or remove under any other Act.

#### **47—Exemptions for postal vehicles**

For the purposes of rule 313 (Exemption 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.

#### **48—Exemption for breakdown vehicles**

- (1) For the purposes of rule 313B (Exemption for breakdown vehicles), a provision of the Rules specified in subregulation (2) does not apply to the driver of a breakdown vehicle if—
  - (a) the driver is engaged in repairing a disabled vehicle, or is assisting a person to gain access to a vehicle in which the person has locked his or her vehicle access key; and
  - (b) the driver is unable to comply with the provision; and
  - (c) the breakdown vehicle is displaying a flashing light; and
  - (d) the driver is acting safely.
- (2) For the purposes of subregulation (1), the following provisions of the Rules are specified:
  - (a) rule 137 (Keeping off a dividing strip);



- (b) rule 138 (Keeping off a painted island);
  - (c) rule 147 (Moving from one marked lane to another marked lane across a continuous line separating the lanes);
  - (d) rule 288(1) (Driving on a path);
  - (e) rule 289 (Driving on a nature strip);
  - (f) rule 290 (Driving on a traffic island).
- (3) Despite anything in rule 313B (Exemption for breakdown vehicles), the provisions of Part 12 of the Rules (Restrictions on stopping and parking) also do not apply to the driver of a breakdown vehicle in the circumstances referred to in subregulation (1).
- (4) In this regulation—  
***breakdown vehicle*** means any vehicle driven by a person who is—
- (a) a breakdown worker; and
  - (b) driving the vehicle in the course of his or her duties as a breakdown worker.
- (5) For the purposes of this regulation and rule 313B (Exemption for breakdown vehicles)—  
***breakdown worker*** means a person who is engaged in the provision of assistance to disabled vehicles on behalf of an organisation that provides such a service for disabled vehicles.

#### 49—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 2014*.

#### 50—Approved seatbelts

- (1) For the purposes of the Rules and the definition of ***approved seatbelt*** in the dictionary at the end of the Rules, a seatbelt is an approved seatbelt if it complies with, and is fitted to a vehicle in compliance with, the vehicle standards applicable to the vehicle in which it is fitted.
- (2) In this regulation—  
***vehicle standards***, in relation to a vehicle, means the requirements specified in—
- (a) regulation 49 of the *Road Traffic (Miscellaneous) Regulations 2014*; or
  - (b) the *Road Traffic (Light Vehicle Standards) Rules 2013*; or
  - (c) the *Heavy Vehicle (Vehicle Standards) National Regulation (South Australia)*,
- that apply to the vehicle.

#### 51—Authorised persons

- (1) For the purposes of the Rules and the definition of ***authorised person*** in the dictionary at the end of the Rules, authorised officers other than police officers are authorised persons.

- (2) However, for the purposes of rules 163(5) (Driving past the rear of a stopped tram at a tram stop), 164(5) (Stopping beside a stopped tram at a tram stop) and 164A(4) (Staying stopped if a tram comes from behind a stopped driver and stops), all authorised officers (including police officers) are authorised persons.

**Note—**

*Authorised officer* is defined in the Act.

## 52—Bicycle storage area

For the purposes of the Rules and the definition of *bicycle storage area* in the dictionary at the end of the Rules—

*bicycle storage area* means an area of road before an intersection with traffic lights—

- (a) that has painted on it 1 or more bicycle symbols; and
- (b) that is between 2 parallel stop lines, regardless of whether the lines are of equal length,

but does not include any stop line.

## 53—Correctional worker and correctional vehicle

- (1) For the purposes of the Rules and the definition of *correctional worker* in the dictionary at the end of the Rules, an employee or officer of the Department for the purposes of the *Correctional Services Act 1982* is a correctional worker.
- (2) Despite anything in the definition of *correctional vehicle* in the dictionary at the end of the Rules, a correctional worker will only be taken to be driving a vehicle in the course of his or her duties as a correctional worker for the purposes of that definition and the Rules if a passenger in the vehicle is a prisoner, young offender or other person in the custody of the worker.

## 54—Emergency workers

- (1) 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) members of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;
  - (b) authorised officers under the *Emergency Management Act 2004*;
  - (c) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of—
    - (i) SA Ambulance Service Inc; or
    - (ii) St Johns Ambulance Australia South Australia Incorporated;
  - (d) any other persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008*;
  - (e) members of the Australian Federal Police or Australian Border Force;
  - (f) 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;

- (g) employees of Airservices Australia engaged in fire fighting duties or duties in connection with any emergency.
- (2) For the purposes of subregulation (1)(e), a person is a member of the Australian Border Force if—
  - (a) —
    - (i) the person is covered by paragraph (a) of the definition of ***Immigration and Border Protection worker*** in section 4 of the *Australian Border Force Act 2015* of the Commonwealth; and
    - (ii) he or she is in the Australian Border Force (as defined in that Act); or
  - (b) —
    - (i) the person is covered by paragraph (b), (c) or (d) of the definition of ***Immigration and Border Protection worker*** in section 4 of the *Australian Border Force Act 2015* of the Commonwealth; and
    - (ii) his or her services have been made available to the Australian Border Force or he or she is performing services for the Australian Border Force.

### 55—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—

- (a) in the case of a heavy vehicle—lights of a kind referred to in the *Heavy Vehicle (Vehicle Standards) National Regulation (South Australia)*;
- (b) in the case of a light vehicle—lights of a kind referred to in the *Road Traffic (Light Vehicle Standards) Rules 2013*.

### 56—Juvenile justice worker and juvenile justice vehicle

- (1) For the purposes of the Rules and the definition of ***juvenile justice worker*** in the dictionary at the end of the Rules, a person who is an employee or officer of the Department for the purposes of the *Young Offenders Act 1993* is a juvenile justice worker.
- (2) Despite anything in the definition of ***juvenile justice vehicle*** in the dictionary at the end of the Rules, a juvenile justice worker will only be taken to be driving a vehicle in the course of his or her duties as a juvenile justice worker for the purposes of that definition and the Rules if a passenger in the vehicle is a prisoner, young offender or other person in the custody of the worker.

### 57—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—

- (a) in the case of a heavy vehicle—mechanical signalling devices conforming to the requirements of the *Heavy Vehicle (Vehicle Standards) National Regulation (South Australia)* are mechanical signalling devices;

- (b) in the case of a light vehicle—mechanical signalling devices conforming to the requirements of the *Road Traffic (Light Vehicle Standards) Rules 2013* are mechanical signalling devices.

### **58—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 mass or dimension exemption within the meaning of the *Heavy Vehicle National Law (South Australia)*.

### **59—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.

### **60—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.

### **61—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 AS 3790: *Portable warning triangles for motor vehicles*, as amended from time to time, are approved as portable warning triangles.

### **62—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.

### **63—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.

### **64—Sheriff's officer and sheriff's vehicle**

- (1) For the purposes of the Rules and the definition of *sheriff's officer* in the dictionary at the end of the Rules, a person appointed as a sheriff's officer under the *Sheriff's Act 1978* or the *Courts Administration Act 1993* is a sheriff's officer.
- (2) Despite anything in the definition of *sheriff's vehicle* in the dictionary at the end of the Rules, a sheriff's officer will only be taken to be driving a vehicle in the course of his or her duties as a sheriff's officer for the purposes of that definition and the Rules if a passenger in the vehicle is a prisoner, young offender or other person in the custody of the officer.

### **65—Stop line**

- (1) Despite the definition of *stop line* in the dictionary at the end of the Rules, a stop line does not for the purposes of the Rules or that definition include a stub line.

- (2) In this regulation—

*stub line* has the same meaning as in the *Road Traffic (Miscellaneous) Regulations 2014*.

## 66—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.

## 67—Penalties for offences against Rules

A person who is guilty of an offence against a provision of the Rules is liable to a penalty not exceeding—

- (a) in the case of an offence against a provision of Part 3 (Speed limits)—\$5 000;
- (b) in the case of an offence against a provision of Part 12 (Restrictions on stopping and parking)—\$1 250;
- (c) in any other case—\$2 500.

## 68—Evidentiary provisions

- (1) In proceedings for offences against the Rules or these regulations, 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 a 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.

## Schedule 1—Areas on which wheeled recreational devices and toys prohibited

(regulation 29)

### 1—Description of area

- (1) The bicycle path adjacent to the Southern Expressway that commences at Seacombe Road 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 between the western side of the Expressway off-ramp and the eastern side of the Expressway carriageway 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—
- its intersection with Road Number 6726 Panalatinga Road and Road Number 6203 Main South Road at Trott Park; and
  - its junction with Road Number 6203 Main South Road at Bedford Park.

## Schedule 2—Transitional provisions

### Part 1—Preliminary

#### 1—Interpretation

In this Schedule—

*the revoked regulations* means the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999*;

*the revoked Rules* means the *Australian Road Rules* (No 219 of 1999, see *Gazette 11.11.1999 p1643*), as varied.

### Part 3—Transitional provisions

#### 3—Transitional provisions

- (1) An exemption from a specified provision of the revoked Rules—
- given by the Minister under regulation 7 of the revoked regulations; and
  - in force immediately before the commencement of these regulations,

continues in force as an exemption from that provision of the Rules given by the Minister under regulation 6 of these regulations, subject to—

- (c) the conditions (if any) specified in the notice of exemption; and
- (d) variation or revocation under regulation 6.

(2) A determination—

- (a) made by a council under regulation 14 of the revoked regulations (or continued in force as such a determination by regulation 52 of the revoked regulations); and
- (b) in force immediately before the commencement of these regulations,

continues in force as a determination made by the council under regulation 17 of these regulations, subject to variation under that regulation.

(3) A permit in respect of a permit zone—

- (a) issued by a council under regulation 14 of the revoked regulations (or continued in force as such a permit by regulation 52 of the revoked regulations); and
- (b) in force immediately before the commencement of these regulations,

continues in force as a permit issued by the council under regulation 17 of these regulations, subject to the conditions (if any) of the permit.

(4) A determination of a council in respect of fees for parking payable by the operation of parking ticket-vending machines or parking meters—

- (a) made by the council under regulation 19 of the revoked regulations (or continued in force as such a determination by regulation 52 of the revoked regulations); and
- (b) in force immediately before the commencement of these regulations,

continues in force as a determination made by the council under regulation 22 of these regulations, subject to variation under that regulation.

(5) A certificate—

- (a) issued by the Minister or a medical practitioner under regulation 28(2) of the revoked regulations; and
- (b) in force immediately before the commencement of these regulations,

continues in force as a certificate issued by the Minister or medical practitioner under regulation 37(2) of these regulations, indefinitely or for a specified period, as stated in the certificate.

(6) An authorisation—

- (a) given by the Commissioner of Police under regulation 30A of the revoked regulations; and
- (b) in force immediately before the commencement of these regulations,

continues in force as an authorisation given by the Commissioner under regulation 41 of these regulations, subject to variation or revocation under that regulation.

- (7) A notice authorising speed zoning tests, or installation or maintenance work or traffic surveys—
- (a) issued by the Minister under regulation 34 of the revoked regulations; and
  - (b) in force immediately before the commencement of these regulations,
- continues in force as a notice by the Minister under regulation 45 of these regulations, subject to the specified conditions (if any) of the authorisation.



## Legislative history

### Notes

- 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 (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014* revoked the following:

*Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions)  
 Regulations 1999*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2014	207	<i>Gazette 31.7.2014 p3794</i>	1.9.2014: r 2
2015	210	<i>Gazette 8.10.2015 p4559</i>	25.10.2015: r 2
<b>2016</b>	<b>5</b>	<b><i>Gazette 14.1.2016 p104</i></b>	<b>14.1.2016: r 2</b>

### Provisions varied

New entries appear in bold.

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

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>25.10.2015</i>
rr 11A and 11B	inserted by 210/2015 r 4	25.10.2015
r 32	substituted by 210/2015 r 5	25.10.2015
<i>r 33</i>	<i>deleted by 210/2015 r 5</i>	<i>25.10.2015</i>
<b>r 54</b>		
<b>r 54(1)</b>	<b>r 54 varied and redesignated as r 54(1) by 5/2016 r 4(1), (2)</b>	<b>14.1.2016</b>
<b>r 54(2)</b>	<b>inserted by 5/2016 r 4(2)</b>	<b>14.1.2016</b>
Sch 2		
<i>Pt 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>25.10.2015</i>

## **Historical versions**

25.10.2015