

South Australia

# **Motor Vehicles (Accident Towing Roster Scheme) Regulations 2015**

under the *Motor Vehicles Act 1959*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2015*.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

***accident towing roster*** or ***roster*** means an accident towing roster prepared by the Registrar under Part 2;

***accident towing roster scheme*** or ***scheme*** means the accident towing roster scheme continued in existence by Schedule 4 Part 2 clause 3;

***Act*** means the *Motor Vehicles Act 1959*;

***council*** has the same meaning as in the *Local Government Act 1999*;

***designated police communications centre*** means a police communications centre designated for the purposes of these regulations by the Commissioner of Police from time to time;

***position on a roster*** includes the position originally granted by the Registrar on a roster and any renewal or re-grant of position;

***storage area*** means premises, or a part of premises, set aside for the storage of vehicles that have been towed in compliance with an accident towing direction.

### 4—Definition of declared area

The areas specified in Schedule 1 are within the declared area for the purposes of the definition of ***declared area*** in section 5(1) of the Act.

### 5—Division of declared area into zones

The Registrar may, by notice in the Gazette—

- (a) declare that the declared area is divided into specified zones (which may, without limitation, include 1 or more zones for general accident towing and 1 or more zones for heavy vehicle accident towing); and

- (b) vary or revoke a declaration under paragraph (a).

## **Part 2—Accident towing roster scheme**

### **6—Functions of Registrar**

The Registrar is responsible for the administration of the accident towing roster scheme.

### **7—Functions of Commissioner of Police**

The Commissioner of Police is responsible—

- (a) for receiving all requests for the services of a towtruck for any purpose related to the recovery or towing of a vehicle at or from the scene of an accident occurring within the declared area; and
- (b) for the giving of all accident towing directions under the Act.

### **8—Rosters**

- (1) The Registrar is responsible for preparing a roster for each zone into which the declared area is divided.
- (2) A roster will—
- (a) be in a form determined by the Minister; and
- (b) contain the following information:
- (i) the names and contact telephone numbers of the towtruck operators and towtrucks in the roster;
- (ii) any other information that the Registrar considers necessary.
- (3) The Registrar must endorse on any heavy vehicle accident towing roster, recognition of a contract between the owner of heavy vehicles and a towtruck operator for the towing of that owner's heavy vehicles.
- (4) A roster comes into force at 0001 hours on the first day of the commencement period nominated by the Registrar for that roster and remains in force until 2400 hours on the day nominated by the Registrar.
- (5) A person must not at any time alter, or change in any manner, a roster or roster form without the express permission of the Registrar or an officer appointed under section 7 of the Act and authorised by the Registrar to so act.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### **9—Accident towing directions**

- (1) The Commissioner of Police must direct police officers on duty at the designated police communications centre to—
- (a) receive all requests for the services of a towtruck for any purpose related to the recovery or towing of a vehicle at or from the scene of an accident that has occurred within the declared area; and

- (b) give an accident towing direction directly to the towtruck operator next listed on the appropriate accident towing roster for the zone in which the accident occurred; and
  - (c) identify to the towtruck operator the vehicle to be towed.
- (2) However, if—
- (a) an accident towing direction is to be given to a towtruck operator listed on the heavy vehicle accident towing roster; and
  - (b) there is endorsed on the heavy vehicle accident towing roster recognition of a contract between a towtruck operator and the owner of the vehicle to be towed,

the accident towing direction must be given to that towtruck operator.

### **10—Towtruck operator's turn on roster**

- (1) An accident towing direction given to a towtruck operator constitutes that towtruck operator's turn on the roster.
- (2) No towtruck operator is entitled to receive an accident towing direction, fee, benefit, advantage, reward or compensation in respect of an act or activity that does not result effectively in the towing of a vehicle under an accident towing direction having been given.
- (3) Despite subregulation (2), if a towtruck operator included on a roster can substantiate that he or she has lost 4 or more accident tows during a calendar month under circumstances that appear to be unduly harsh or unfair, or as a result of the misuse or abuse of the scheme, he or she may make written application to the Registrar for the reallocation of turns on a roster.

### **11—Offence to give accident towing direction other than in accordance with regulations**

A person must not give an accident towing direction except in accordance with the Act and these regulations.

Maximum penalty: \$1 250.

Expiation fee: \$310.

## **Part 3—Registered premises**

### **12—Only registered premises to be used for purpose associated with scheme**

A person must not use, or cause or permit to be used, any premises or place for a purpose associated with the operation of the scheme unless the premises have been approved and registered by the Registrar under this Part.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### 13—Standards and requirements for registered premises

- (1) Subject to this regulation, the Registrar must not approve premises for registration unless satisfied that the premises—
  - (a) comply with all requirements of the relevant council; and
  - (b) are situated wholly within the boundaries of the zone for the roster on which the towtruck operator holds a position or for which the operator has applied for a position; and
  - (c) are premises at and from which the towtruck operator seeking registration of the premises conducts the operator's towing business; and
  - (d) are used by only 1 towtruck operator; and
  - (e) are owned or leased solely by the towtruck operator seeking registration of the premises; and
  - (f) include a permanent building that is suitable for use as business premises; and
  - (g) are adequate to prevent the entry of unauthorised persons and the unauthorised removal of vehicles or goods; and
  - (h) include within the boundary fences or walls an area for the storage of vehicles that—
    - (i) is adequate to accommodate vehicles that are towed to those premises in compliance with accident towing directions; and
    - (ii) is constructed and located in such a way that a vehicle can be released from that area within a reasonable time after a request is made for such release; and
- (2) Premises that may be approved for registration by the Registrar include—
  - (a) any buildings or allotments adjacent to, or within the immediate vicinity of, the main place of business of the towtruck operator; and
  - (b) storage areas outside the zone for the roster on which the towtruck operator holds a position or for which the operator has applied for a position.
- (3) The Registrar may exempt a towtruck operator from compliance with subregulation (1)(b) if the Registrar is of the opinion that the towtruck operator can supply a prompt and efficient accident towing service to an adjacent zone.
- (4) The registration of premises takes effect when the premises approved by the Registrar are entered in a register kept under the Registrar's control.
- (5) A person must not make a structural alteration to any part of registered premises that would result in the premises not complying with the standards and requirements set out in subregulation (1).

Maximum penalty: \$1 250.

Expiation fee: \$310.

## 14—Signs

A towtruck operator must ensure that a sign clearly displaying—

- (a) the trading name of the towtruck operator's business; and
- (b) the hours of business; and
- (c) the telephone number for the business,

is erected and maintained near the main entrance of the registered premises used by the operator in a position clearly visible from the road.

Maximum penalty: \$1 250.

Expiation fee: \$310.

## Part 4—Towtrucks

### 15—Towtrucks to comply with certain standards

A person must not use a towtruck, or cause or permit a towtruck to be used, for the recovery or towing of any vehicle at or from the scene of an accident unless the towtruck—

- (a) has been approved by the Registrar under these regulations; and
- (b) is registered under Part 2 of the Act in the name of a person who has been granted a position on a roster by the Registrar; and
- (c) has the legal capacity to tow the vehicle that is to be towed; and
- (d) complies with the *Road Traffic Act 1961* and any regulations or rules made under that Act; and
- (e) if the towtruck is a heavy vehicle—complies with the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### 16—Requirements for approval of towtruck

- (1) The Registrar may not approve a towtruck unless the towtruck complies with—
  - (a) the requirements of the *Road Traffic Act 1961* and any regulations or rules made under that Act; and
  - (b) if the towtruck is a heavy vehicle—the requirements of the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act; and
  - (c) the standards fixed by the Registrar; and
  - (d) any conditions stipulated by the Registrar under these regulations.

- (2) If a towtruck does not carry radio equipment capable of receiving messages transmitted from the registered premises of the towtruck operator who owns it, the Registrar must not approve the towtruck unless the Registrar is satisfied that there is an alternate means of communication by which the driver of the towtruck is able, at all times, to receive messages transmitted from the registered premises.

### **17—Surrender of towtruck number plates**

If an approved towtruck ceases to be used in the operation of the scheme, the owner of that towtruck must, within the time specified by the Registrar, surrender to the Registrar the number plates issued in respect of that towtruck.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### **18—Registrar must be advised of dealings with approved towtrucks**

A person must not sell, transfer, give away, lend, wreck or otherwise dispose of an approved towtruck unless the Registrar has been advised in writing of the intention to do so.

Maximum penalty: \$1 250.

Expiation fee: \$310.

## **Part 5—Qualifications of applicants**

### **19—Qualifications of applicants**

- (1) An applicant for a position on an accident towing roster qualifies for a position if the applicant satisfies each of the following:
- (a) the applicant is the owner or sole lessee of premises approved by the Registrar under Part 3;
  - (b) the applicant satisfies the Registrar that, for a period of not less than the 12 months prior to the application—
    - (i) he or she has been continuously engaged as a proprietor in the business of towing vehicles for or on behalf of the public; and
    - (ii) the business has provided a satisfactory service at all times and on all occasions;
  - (c) the applicant employs, at each of the premises approved by the Registrar under Part 3, such number of persons as, in the opinion of the Registrar, is sufficient to ensure that the applicant is able—
    - (i) to respond in a timely manner to accident towing directions at all times; and
    - (ii) to properly perform all other duties imposed on towtruck operators by the Act and these regulations;
  - (d) the applicant owns not less than 1 towtruck for the first position for which the applicant applies on a general accident towing roster and 1 additional towtruck for every additional position which the applicant may be allocated on the roster;



- (e) the applicant owns not less than 1 towtruck for each heavy vehicle accident towing roster on which the applicant applies for a position;
  - (f) in the case of an applicant who is a natural person—
    - (i) the applicant is not an undischarged bankrupt or subject to a composition or deed or scheme of arrangement with or for the benefit of creditors; and
    - (ii) the applicant has a sound knowledge of the law applicable to motor vehicle towing; and
    - (iii) the applicant is a fit and proper person; and
  - (g) in the case of an applicant that is a body corporate—
    - (i) the body corporate is not in any way in the course of being wound up for the benefit of creditors; and
    - (ii) the body corporate employs, for the purpose of managing its towing business, a person who has adequate experience in the management of a towtruck operator's business and who has a sound knowledge of the law applicable to motor vehicle towing; and
    - (iii) each director, manager and any other person who substantially controls or could substantially control the affairs of the body corporate, is a fit and proper person.
- (2) If the proprietor in a business of towing vehicles for or on behalf of the public is a member of a partnership, each member of the partnership must satisfy the requirements of subregulation (1)(f).

## 20—Applicant to satisfy Registrar as to qualifications

The Registrar may, for the purpose of determining an applicant's qualifications for a position on an accident towing roster, require an applicant to—

- (a) submit himself or herself or, if the applicant is a body corporate, the manager of the applicant's towing business, to an examination of the provisions of—
  - (i) the *Motor Vehicles Act 1959* and these regulations; and
  - (ii) the *Road Traffic Act 1961* and the regulations and rules made under that Act relating to towtrucks and towtruck equipment; and
  - (iii) if any of the towtrucks to be used in the applicant's towing business is a heavy vehicle—the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act relating to towtrucks and towtruck equipment; and
  - (iv) any other law applicable to the business of motor vehicle towing; and
- (b) furnish such further information, books, documents and records as the Registrar may require; and
- (c) make any vehicle, towing equipment or premises available for inspection.

## Part 6—Positions on rosters

### 21—Applications for positions on rosters

- (1) The Registrar will determine each application for a position on a roster.
- (2) An application for a position on a roster must—
  - (a) be made in a manner and form determined by the Minister; and
  - (b) be accompanied by the appropriate fee specified in Schedule 3; and
  - (c) be accompanied by such documents and things as the Registrar may require.
- (3) Subject to subregulation (4), the Registrar must grant an applicant a position on a roster if—
  - (a) the applicant—
    - (i) satisfies the Registrar that the applicant has the qualifications required by these regulations; and
    - (ii) has paid the appropriate fee specified in Schedule 3; and
    - (iii) has otherwise complied with the requirements of the Act and these regulations; and
  - (b) there is a vacant position on the roster for which the applicant qualifies.
- (4) If 2 or more applicants qualify for a vacant position on a roster, the Registrar must decide the grant of the vacant position by lot in a manner determined by the Registrar.

### 22—Restrictions on granting of positions on rosters

- (1) A towtruck operator may not be granted—
  - (a) more than 1 position on any 1 roster; or
  - (b) a position on more than 1 general accident towing roster and 1 heavy vehicle accident towing roster,except in the following circumstances:
  - (c) the Registrar has invited the operator to apply for a position on a roster; and
  - (d) if the Registrar so requires, the operator must, within the time specified by the Registrar, establish and maintain within the zone for which the operator has been invited to apply, premises that qualify for registration under Part 3; and
  - (e) the operator has made an application and paid the appropriate fees specified in Schedule 3.
- (2) If the Registrar determines that a vacancy for a position on a roster exists, the Registrar may invite a towtruck operator to apply for the position.

### 23—Granting of position on roster

- (1) Subject to this Part, the first position on a roster granted to a towtruck operator is for a period of 1 year and each subsequent position on the same roster is granted for a period such that the position will expire at the same time as the first position.
- (2) Each renewal of a position is for a period of 1 year.

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- (3) However, a towtruck operator's position or positions on a roster lapse immediately if—
- (a) the operator leases, sells, transfers or disposes of his or her business, or the operation of the business, to some other person; or
  - (b) the operator ceases to carry on business as a towtruck operator.
- (4) A towtruck operator must give the Registrar written notice of any change in circumstances that would result in the lapsing of a position held by the operator on a roster under this regulation within 3 days of the change.
- Maximum penalty: \$1 250.  
Expiation fee: \$310.
- (5) The Registrar must, if a towtruck operator—
- (a) leases, sells, transfers or disposes of his or her business, or the operation of the business, to some other person; or
  - (b) ceases to carry on business as a towtruck operator,
- transfer the position or positions held on a roster by the operator to the other person if that other person has made application, and qualified, under this Part for a position on a roster.

## **24—Renewals**

- (1) The Registrar must forward an application for renewal of a position on a roster to a towtruck operator's registered premises at least 2 calendar months before the expiration of the operator's position.
- (2) The Registrar must renew a towtruck operator's position (or positions) if—
  - (a) the Registrar receives a duly completed application for renewal together with the appropriate fee specified in Schedule 3 at least 28 days prior to the expiration of the position; and
  - (b) the applicant continues to have the qualifications required by this Part and to comply with the requirements of the Act and these regulations; and
  - (c) a vacancy exists for the position for which renewal is applied.
- (3) The Registrar may accept a late application, on payment of the appropriate fee specified in Schedule 3, if the application is made not less than 14 days before the expiry date.
- (4) The Registrar must, when considering the renewal of positions on a specific roster, give priority to qualified towtruck operators currently holding a position on the roster for that zone.

## **25—Registrar may defer grant or renewal in certain circumstances**

Despite regulation 23, the Registrar may defer the grant or renewal of a position on a roster pending determination of the applicant's qualification or the existence of a vacancy.

## **26—Authorisation Notices**

- (1) The Registrar must, on granting a towtruck operator a position on a roster, send to the towtruck operator an Authorisation Notice in a form determined by the Minister containing the following information:
  - (a) the accident towing roster and the zone to which the operator has been allocated;
  - (b) the towtrucks approved for use by the operator for accident towing;
  - (c) the registration number issued to each of the operator's approved accident towtrucks;
  - (d) the address of the registered premises at and from which the operator is authorised to operate;
  - (e) any other information that the Registrar considers necessary.

- (2) The towtruck operator must display the Authorisation Notice as directed by the Registrar.

Maximum penalty: \$1 250.

Expiation fee: \$310.

- (3) An Authorisation Notice must be immediately surrendered to an authorised officer attending at the registered premises who presents a notice signed by the Registrar requiring surrender of the Authorisation Notice.

Maximum penalty: \$1 250.

Expiation fee: \$310.

## **27—Surrender of positions**

- (1) A towtruck operator may surrender a position on a roster.
- (2) A towtruck operator intending to surrender a position on a roster must notify the Registrar in writing of the intention not less than 7 days before the day on which the surrender is to take place.

## **Part 7—Duties and conduct of towtruck operators**

### **28—Duties**

- (1) In addition to any other duty imposed by the Act and these regulations, a towtruck operator holding a position on an accident towing roster must—
  - (a) be ready and able to receive and comply with an accident towing direction at all times each day; and
  - (b) comply promptly with every accident towing direction given; and
  - (c) conduct the towing business at and from the registered premises; and
  - (d) keep the storage area for motor vehicles that have been towed to the registered premises under an accident towing direction open for business for not less than 8 hours between 7 am and 6 pm each day, other than—
    - (i) Saturday; and

- (ii) Sunday or any other public holiday; and
  - (iii) the day in each month that the towtruck operator has rostered as a day off for persons employed at the premises; and
- (e) maintain, at all times, a telephone service to the registered premises; and
- (f) ensure that, at all times at the registered premises or at the premises to which telephone calls have been diverted, there is an employee or other adult person directly responsible to the towtruck operator to—
  - (i) answer all telephone and personal calls; and
  - (ii) provide necessary information; and
  - (iii) carry out any effective action that the operator would be required to give or take; and
- (g) employ at all times, at each of the registered premises, such number of persons as is sufficient to ensure that the towtruck operator is able—
  - (i) to respond in a timely manner to accident towing directions at all times; and
  - (ii) to properly perform all other duties imposed on towtruck operators by the Act and these regulations; and
- (h) have at all times at the registered premises or within the zone for which the towtruck operator holds a position, not less than 1 approved accident towtruck for the first position held on a roster and 1 additional towtruck for each additional position that—
  - (i) is in operating order; and
  - (ii) is capable of towing a vehicle of the type designated by the Registrar for which the towtruck operator is rostered; and
  - (iii) can be despatched to the scene of an accident immediately on receipt of an accident towing direction; and
- (i) provide at all times a prompt and efficient towing and storage service; and
- (j) not cause or permit any person, other than a person employed by the towtruck operator, to drive or proceed by any means to the scene of an accident in response to an accident towing direction; and
- (k) not tow a vehicle or cause or permit a vehicle to be towed at or from the scene of an accident with a towtruck that does not have the legal capacity to tow such vehicle except in compliance with a direction given by an authorised officer or police officer at the scene of an accident; and
- (l) only permit or cause a person who is the holder of a current towtruck driver's certificate to drive or operate any towtruck; and
- (m) exercise proper supervision and control over the towtruck operator's employees and all other persons acting in the course of the business; and
- (n) maintain at all times the whole of the towtruck operator's registered premises in good repair and clean condition; and

- (o) store every vehicle towed to the registered premises in compliance with an accident towing direction in the storage area; and
  - (p) keep at all times each vehicle being towed or that has been towed in compliance with an accident towing direction, or stored in the storage area, and all accessories and items in or about every such vehicle, safe from damage, loss or theft; and
  - (q) not establish, erect or maintain, or cause or permit to be established, erected or maintained, equipment of any kind capable of receiving, transmitting, intercepting or overhearing a message by means of radio communication on a frequency allocated under Commonwealth law for use by the police, an emergency or taxi service, or some other towtruck operator; and
  - (r) maintain at all times a policy of insurance with a recognised insurer in respect of all liability that may be incurred by the towtruck operator in respect of any loss, theft or damage to any vehicle, vehicle accessory or any item in or about a vehicle being towed or that has been towed in compliance with an accident towing direction; and
  - (s) charge no more than the fees prescribed by the current applicable Prices Order under the *Prices Act 1948* for the recovery, towing, storage and quotation for repair of a vehicle involved in an accident, and for mileage; and
  - (t) comply at all times with the lawful directions given by the Minister, the Registrar, an authorised officer or a police officer; and
  - (u) comply at all times with—
    - (i) the Act and the applicable regulations made under the Act; and
    - (ii) the *Road Traffic Act 1961* and the regulations and rules made under that Act; and
    - (iii) the *Heavy Vehicle National Law (South Australia) Act 2013* and any regulations (whether national or local) made under that Act in relation to any towtruck used in the towtruck operator's business that is a heavy vehicle; and
    - (iv) the laws applicable to motor vehicle towing.
- (2) A towtruck operator who is granted a position on a roster must agree in writing to perform and accept the duties required under this regulation.  
Maximum penalty: \$1 250.  
Expiation fee: \$310.
- (3) A towtruck operator holding a position on an accident towing roster is responsible for the acts and omissions (including wrongful acts and omissions) of every employee and every other person while the employee or person is or should be engaged in the performance of work relating to the operator's accident towing business.

## **29—Diversion of telephone calls from registered premises**

- (1) A towtruck operator may have telephone calls diverted, during times when the operator is not required to keep his or her premises open, from the registered premises to another place which has the same telephone number.

- (2) If a towtruck operator has an accident towing direction diverted from the registered premises to another place, the operator—
  - (a) is responsible for compliance with the Act and these regulations as if he or she had received such accident towing direction in the first instance; and
  - (b) must advise the Registrar in writing of the location of the other place to where accident towing directions are to be diverted.

### **30—Stipulated conditions**

- (1) The Registrar may stipulate such conditions as the Registrar thinks necessary, with which towtruck operators applying for or holding a position on a roster must comply.
- (2) The Registrar must notify each towtruck operator who may be affected by a stipulated condition in writing of the condition.

## **Part 8—Discipline**

### **31—Registrar's powers**

- (1) If, after receiving a report from an authorised officer, the Registrar is satisfied that there is proper cause to discipline a towtruck operator, the Registrar may do 1 or more of the following:
  - (a) reprimand the operator;
  - (b) reduce the number of positions held by the operator on any roster;
  - (c) suspend the operator from a roster for a specified time or until the operator has fulfilled a requirement or satisfied a condition;
  - (d) remove the operator from a roster and specify a date before which the operator may not reapply for a position on a roster;
  - (e) remove the operator from a roster for an unspecified time;
  - (f) remove the operator from a roster permanently.
- (2) Without limiting the Registrar's power to discipline a towtruck operator more severely, the Registrar must—
  - (a) if satisfied that there is proper cause to discipline a towtruck operator who has been reprimanded on 2 separate occasions within the previous year—suspend the operator for not less than 3 months from all rosters on which the operator holds a position;
  - (b) if satisfied that there is proper cause to discipline a towtruck operator who has been previously suspended or removed from a roster within the previous 3 years—suspend the operator for not less than 6 months from all rosters on which the operator holds a position.

### **32—Registrar may grant removed operator position on roster**

The Registrar may grant a towtruck operator who has been removed from a roster another position on a roster if satisfied that—

- (a) the time before which the operator may not reapply for a position, specified by the Registrar or the District Court, has elapsed; and

- (b) the operator qualifies for a position on the roster; and
- (c) the operator has rectified any matter which was a cause for the operator being disciplined that is able to be rectified; and
- (d) there is a vacant position on an appropriate roster; and
- (e) the operator's re-inclusion on a roster would not prejudice the efficient operation of the scheme.

### 33—Cause for disciplinary action

There is proper cause for the Registrar to discipline a towtruck operator if the operator—

- (a) has improperly obtained a position on a roster; or
- (b) has furnished any information, orally or otherwise, that is false or misleading in a material particular; or
- (c) has failed to comply with an accident towing direction or a direction given by an authorised officer or a police officer under the Act; or
- (d) has contravened or failed to comply with the *Radiocommunications Act 1992* of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
- (e) has habitually contravened the *Road Traffic Act 1961* or the regulations or rules made under that Act; or
- (f) has habitually contravened the *Heavy Vehicle National Law (South Australia) Act 2013* or any regulations (whether national or local) made under that Act; or
- (g) has been convicted of an offence involving any dishonest, threatening or violent conduct or any other offence involving the use of a motor vehicle; or
- (h) has, in the course of business as a towtruck operator or vehicle repairer, acted in a dishonest, unfair, unethical or improper manner by—
  - (i) failing to observe or contravening any duty or obligation under any Act or law of the State or Commonwealth; or
  - (ii) failing to have due and proper regard for the rights, duties or obligations on the part of any other person under any Act or law of the State or Commonwealth; or
- (i) has caused, or has attempted to cause, a person to do or omit to do anything relating to—
  - (i) the towing, storage or repair of a vehicle; or
  - (ii) the administration or operation of the scheme,by means of any misrepresentation, intimidation, threat, violence, persistent soliciting or by any other unethical, improper or unfair device, means or conduct; or
- (j) has contravened or failed to comply with the Act, these regulations, or a condition stipulated or imposed by the Registrar under these regulations.



## **Part 9—Authorities to tow**

### **34—Authorities to tow**

- (1) The Registrar must, on payment of the appropriate fee specified in Schedule 3, issue each towtruck operator holding a position on a roster with books of forms for use as authorities to tow.
- (2) The forms—
  - (a) will be in the form determined by the Minister; and
  - (b) will be issued in triplicate in books on the cover of which is written the registration number of the towtruck for which the forms are to be used; and
  - (c) may only be used for the towtruck for which they are issued.

### **35—Completion of authorities to tow**

- (1) A towtruck driver who has obtained an authority to tow or the towtruck operator who employs the driver must—
  - (a) write in the appropriate place on the duplicate and triplicate copies of the authority to tow the following information:
    - (i) all services performed and additional kilometres travelled after leaving the scene of the accident for which the towtruck operator intends to charge a fee;
    - (ii) the fee charged for each service;
    - (iii) the total amount of fees charged;
    - (iv) the registration number of any vehicle lent or hired by the operator or driver to the person who gave the authority to tow or the owner of the vehicle recovered or towed; and
  - (b) give the duplicate copy of the authority to tow to the Registrar within 24 hours of the authority to tow being given.

Maximum penalty: \$1 250.

Expiation fee: \$310.

- (2) The burden of proving that the duplicate copy of the authority to tow has been given to the Registrar lies with the towtruck operator.

### **36—Loss of or damage to authority to tow**

- (1) If an authority to tow or a copy of an authority to tow is lost, destroyed, rendered unusable, illegible or cancelled—
  - (a) the towtruck operator or driver who has or had possession of it must—
    - (i) write, date and sign on the authority to tow (or in the case of loss, destruction or mutilation, by separate explanatory report) an explanation of that happening; and

- (ii) as soon as practicable but, in any case, within 10 hours of that happening, deliver the original and copies of the authority to tow (or the explanatory report) to the registered premises of the towtruck operator to whom the authority to tow was issued; and
- (b) the towtruck operator to whom it was issued must deliver the authority to tow and duplicate copy (or the explanatory report) to the Registrar within 24 hours of receiving or writing the explanation.

Maximum penalty: \$1 250.

Expiation fee: \$310.

- (2) The burden of proving that the duplicate copy of the authority to tow and duplicate copy (or the explanatory report) have been delivered to the Registrar lies with the towtruck operator.

## Part 10—Records

### 37—Records

- (1) A towtruck operator must keep for not less than 3 years at the operator's registered premises in good order and condition the following records (*required records*):
  - (a) in chronological order—all forms, notices and documents required by the Act or these regulations to be made, completed or kept;
  - (b) in alphabetical order—lists of the following:
    - (i) the names of employees;
    - (ii) the job classification of each employee;
    - (iii) the number of hours worked each week by each employee;
    - (iv) the weekly wage or salary and all other remuneration paid to each employee;
    - (v) the commencement and termination dates of the employment of each employee.
- (2) A towtruck operator who formerly held a position on an accident towing roster, or who is suspended from a roster, must—
  - (a) in the case where he or she sells or otherwise transfers the business to another towtruck operator who holds or is granted a position on a roster—deliver the required records to the second towtruck operator who must keep them in accordance with subregulation (1); and
  - (b) in any other case—continue to keep the required records.
- (3) A towtruck operator who continues to keep required records under subregulation (2)(b) may keep and make them available for inspection at a place within the declared area other than the formerly registered premises.

- (4) A towtruck operator who continues to keep required records under subregulation (2)(b) must give the Registrar written notice of the place where the records are kept within 7 days of the operator ceasing to carry on the business of accident towing.  
Maximum penalty: \$1 250.  
Expiation fee: \$310.
- (5) A person who—
- (a) fails to keep required records in accordance with this regulation; or
  - (b) falsifies, mutilates or destroys required records; or
  - (c) causes or permits another person—
    - (i) to fail to keep required records in accordance with this regulation; or
    - (ii) to falsify, mutilate or destroy or remove from his or her control, required records,
- is guilty of an offence.  
Maximum penalty: \$1 250.  
Expiation fee: \$310.
- (6) A towtruck operator may, where reasonable cause exists, keep required records at a place provided by the Registrar.

## **Part 11—Miscellaneous**

### **Division 1—Police powers**

#### **38—Decisions as to zones**

- (1) If there is any doubt as to the zone for which an accident towing direction is to be given, the police officer who is in charge of the designated police communications centre at the time the direction is to be given will decide which zone applies.
- (2) In making such a decision, the police officer may—
- (a) assume that, where the boundary of the zone falls on a railway or river, the mid-point of the width of that railway or river is the boundary;
  - (b) base the decision on the place at which the damaged vehicle came to rest and not the point of impact;
  - (c) consider the welfare and safety of members of the public;
  - (d) consider traffic requirements and congestion generally.
- (3) A decision made under this regulation may not be challenged.

### **39—Accident towing directions**

- (1) If the police officer who is in charge of the designated police communications centre at the time that an accident towing direction is given is of the opinion that there has been or may be a delay in a towtruck operator complying with the direction, or that a towtruck may not have the capacity to tow the vehicle to be towed, the police officer may—
  - (a) cancel the accident towing direction previously given; and
  - (b) give an accident towing direction to the next appropriate towtruck operator on the roster for the zone in which the accident occurred.
- (2) If an accident towing direction is cancelled—
  - (a) the towtruck driver whose direction was cancelled must be notified of the cancellation as soon as reasonably possible; and
  - (b) the cancellation and subsequent direction must be recorded on the roster.
- (3) A towtruck operator is not entitled to receive an accident towing direction in place of the cancelled direction or any fee, advantage, reward or compensation when an accident towing direction given to the operator is cancelled.

### **40—Attendance of other recovery vehicle may be called for in certain circumstances**

- (1) If the holder of a current towtruck certificate attending the scene of an accident in response to an accident towing direction forms the opinion that a vehicle, other than an approved accident towtruck, is required for a purpose related to the recovery or towing of a damaged vehicle, he or she may (with the approval of the police officer in charge of the designated police communications centre at the time or an authorised officer) cause that other vehicle to attend the scene of that accident and recover or tow the damaged vehicle.
- (2) The attendance, identity and owner of that other vehicle, and any other relevant fact, must be recorded on the accident towing roster and the authority to tow.

## **Division 2—General**

### **41—Scale of fees for recovery, towing and storage of vehicles and quotations for repairs (sections 98ME and 98MF of Act)**

The scale of fees set out in Prices Order No. 1136 (S.A.) made under the *Prices Act 1948* (see *Gazette 16.7.2015 p3413*) is prescribed for the purposes of sections 98ME(15) and 98MF(2)(b) of the Act, but, if that Order has been superseded, then the prescribed scale of fees is that set out in the Order under that Act that is in force for the time being.

### **42—Carriage of towtruck certificate by holder of certificate**

For the purposes of section 98ML(a) of the Act, a towtruck certificate or temporary towtruck certificate must be carried by the holder of the certificate—

- (a) on the holder's person; or
- (b) in the towtruck which the holder is driving or riding in or on, or operating the equipment of.

### **43—Prohibition on use of official telephone number**

Subject to these regulations, a person must not use, or cause or permit to be used, an official telephone number allocated for use in conjunction with the operation of the scheme in any advertising, display, correspondence or communication unless the Registrar has given written permission to do so.

Maximum penalty: \$1 250.

Expiation fee: \$310.

### **44—Exemptions**

- (1) The Registrar may exempt the Crown, an agent of the Crown, or any other person from compliance with such provisions of Part 3C of the Act or these regulations as the Registrar specifies for such periods and on such conditions as the Registrar may specify.
- (2) However, the Registrar may not give an exemption in respect of the requirement to call a towtruck under the accident towing roster scheme, except for the towing of vehicles in conjunction with the heavy vehicle towing roster.
- (3) All vehicles (including court exhibits) under the control of the Commissioner of Police are exempt from compliance with Part 3C of the Act and these regulations.

### **45—Complaints**

Subject to section 98PD of the Act, all complaints or reports concerning—

- (a) the administration or operation of the scheme; or
- (b) the conduct of a towtruck operator who holds a position on a roster; or
- (c) an employee or person acting in the course of the business of a towtruck operator who holds a position on a roster,

must be lodged with the Registrar.

### **46—Forms**

- (1) The forms set out in Schedule 2 are prescribed for the purposes of the Act.
- (2) Subject to these regulations, a form set out in Schedule 2 must—
  - (a) be used for the purposes specified in that Schedule; and
  - (b) contain the information required by, and be completed in accordance with, the instructions contained in the forms; and
  - (c) in the case of Form 1 (Notice—storage charges)—be delivered personally or by registered post to the owner of the stored vehicle.

### **47—Fees**

The fees set out in Schedule 3 are prescribed for the purposes set out in that Schedule and are payable to the Registrar.

## **Schedule 1—Declared area**

The whole of the areas of The Corporation of the City of Adelaide, the City of Burnside, The Corporation of the City of Campbelltown, the City of Charles Sturt, the City of Holdfast Bay, The Corporation of the City of Marion, the City of Mitcham, The Corporation of the City of Norwood Payneham and St Peters, the City of Port Adelaide Enfield, the City of Prospect, the City of Salisbury, the City of Tea Tree Gully, The Corporation of the City of Unley, The Corporation of the Town of Walkerville and the City of West Torrens.

The portions of the area of the Adelaide Hills Council bounded as follows:

- the areas between the western boundary of the Adelaide Hills Council and the eastern boundary of that portion of Kersbrook Road extending southerly from Allotment 3 in Deposited Plan 22440 to Section 59, Hundred of Para Wirra;

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- commencing at the intersection of the eastern boundary of Kersbrook Road and the western boundary of the Adelaide Hills Council in the vicinity of the intersection of Kersbrook Road and MG 19 Track, then generally easterly and southerly along the northern and eastern boundaries of Kersbrook Road to a point being the easterly production of the southern boundary of Mount Gawler Road, then westerly and generally south-westerly along the southern boundary of Mount Gawler Road to a point being the easterly production of the southern boundary of Airstrip Road, then westerly and generally north-westerly along the southern boundary of Airstrip Road to the eastern boundary of Lower Hermitage Road, then generally southerly and south-westerly along the eastern boundary of Lower Hermitage Road to the eastern boundary of Salem Bridge Road, then generally south-easterly along the eastern boundary of Salem Bridge Road to a point on the northern boundary of Allotment 98 in Deposited Plan 57485, then continuing generally south-easterly being the production of the eastern boundary of Salem Bridge Road to a point on the northern boundary of North East Road being the northerly production of Black Hill Road, then generally south-easterly along the northern boundary of North East Road to a point being the northerly production of the eastern boundary of Paracombe Road, then generally southerly along the eastern boundary of Paracombe Road to the northern boundary of Torrens Hill Road, then generally easterly along the northern boundary of Torrens Hill Road and the production thereof to the River Torrens, then generally south-westerly, westerly, southerly and easterly along the River Torrens to Kangaroo Creek, then south-easterly along Kangaroo Creek and the production thereof to the southern boundary of Prankerd Road, then westerly along the southern boundary of Prankerd Road to the eastern boundary of Croft Road, then generally southerly along the eastern boundary of Croft Road to the eastern boundary of Mawson Road, then generally south-westerly and southerly along the south-eastern and eastern boundary of Mawson Road to the northern boundary of Lobethal Road, then continuing southerly and south-westerly along the eastern and south-eastern boundary of Deviation Road to the north-eastern boundary of Greenhill Road, then generally south-easterly along the north-eastern boundary of Greenhill Road to a point being the northerly production of the eastern boundary of Beaumont Road, then generally southerly along the eastern boundary of Beaumont Road and the production thereof to the southern boundary of Onkaparinga Valley Road, then generally westerly and southerly along the southern and eastern boundary of Onkaparinga Valley Road to the eastern boundary of Mount Barker Road, then south-easterly along the eastern boundary of Mount Barker Road to the eastern boundary of the Adelaide Hills Council, then generally south-easterly and northerly along the eastern and western boundary of the Adelaide Hills Council to the point of commencement.

That portion of the area of the Alexandrina Council bounded as follows:

- commencing at the intersection of the southern boundary of Wickham Hill Road and the eastern boundary of the Range Road, then generally south-westerly and westerly along the eastern and southern boundaries of Range Road to the northern boundary of Badgers Road, then generally south-easterly and southerly along the eastern boundary of Badgers Road and Pottery Road to the northern boundary of Brookman Road, then generally easterly along the northern boundary of Brookman Road and Woodgate Hill Road to the western boundary of Section 932, Hundred of Kuitpo, then southerly along the western boundary of Sections 932 and 933, Hundred of Kuitpo, to the south-western corner of Section 933, Hundred of Kuitpo, then southerly to the south-western corner of Allotment 4 in Filed Plan 161162, then generally south-westerly along the eastern boundary of Blackfellows Creek Road to the southern boundary of Enterprise Road, then generally north-westerly and westerly along the southern boundary of Enterprise Road and Yundi Road to the eastern boundary of Proctor Road, then southerly along the eastern boundary of Proctor Road and the production thereof to the southern boundary of Bahloo Glen Road, then generally westerly along the southern boundary of Bahloo Glen Road and the production thereof to the western boundary of Victor Harbor Road, then north-westerly along the western boundary of Victor Harbor Road to the southern boundary of Lanacoona Road, then south-westerly along the southern boundary of Lanacoona Road to the intersection of the southern boundary of Lanacoona Road and the western boundary of the Alexandrina Council, then north-westerly and easterly along the western boundary of the Alexandrina Council to the intersection of the western boundary of Blockers Road and the western boundary of the Alexandrina Council, then westerly along the southern boundary of Blockers Road to the intersection of the southern boundary of Blockers Road, the north-western corner of Allotment 6 in Filed Plan 3086 and the western boundary of the Alexandrina Council, then northerly and westerly along the western boundary of the Alexandrina Council to the south-western corner of Dodd Road, then continuing generally northerly along the western boundary of Dodd Road to the southern boundary of Pages Flat Road, then south-westerly along the southern boundary of Pages Flat Road to the intersection of the southern boundary of Pages Flat Road and the western boundary of the Alexandrina Council, then generally north-westerly, north-easterly and easterly along the western boundary of the Alexandrina Council to the point of commencement.

That portion of the area of The Barossa Council bounded as follows:

- commencing at the intersection of the eastern boundary of Cheek Avenue and the southern boundary of The Barossa Council, then generally westerly and northerly along a southern and western boundary of The Barossa Council to un-named creek adjacent to the eastern boundary of Allotment 63 Filed Plan 153664, then generally easterly along un-named creek to its intersection with the eastern boundary of Allotment 3 in Filed Plan 6163, then generally easterly to a point being the production of the eastern boundary of Cheek Avenue, then generally south-westerly to the point of commencement.



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The area of the Town of Gawler other than the portions of that area bounded as follows:

- commencing at the intersection of the eastern boundary of the Town of Gawler and the eastern boundary of Main North Road in the vicinity of the intersection of Main North Road and Kingfisher Drive, then generally northerly along the eastern boundary of Main North Road to the intersection of the eastern boundary of the Town of Gawler and the eastern boundary of Main North Road in the vicinity of the intersection of Main North Road and Kestrel Road, then southerly along the eastern boundary of the Town of Gawler to the point of commencement;
- commencing at the intersection of the eastern boundary of Murray Road and the northern boundary of the Town of Gawler, then generally south-easterly to the North Para River, then continuing south-easterly along the North Para River to the intersection of the North Para River and un-named creek adjacent to the waster boundary of Allotment 3 Filed Plan 153664, then generally easterly along un-named creek to the eastern boundary of the Town of Gawler, then northerly and generally westerly along the boundary of the Town of Gawler to the point of commencement;
- commencing at the intersection of the eastern boundary of Cheek Avenue and the northern boundary of the Town of Gawler, then generally south-easterly, southerly, easterly, south-easterly, south-westerly and westerly along the boundary of the Town of Gawler to the South Para River, then northerly along the South Para River to the south-eastern corner of Allotment 11 in Filed Plan 121155, then northerly, north-easterly and northerly along the eastern boundaries of Allotment 11 in Filed Plan 121155 and Allotment 2 in Filed Plan 11902, then continuing generally northerly along the eastern boundary of Cheek Avenue to the point of commencement.

That portion of the area of the Light Regional Council bounded as follows:

- commencing at the intersection of the southern boundary of the Light Regional Council and the western boundary of Gawler Bypass, extending northerly and north-easterly along the western and north-western boundaries of Gawler Bypass, Northern Expressway and Sturt Highway to the eastern boundary of Horrocks Highway, then southerly along the eastern boundary of Horrocks Highway to the southern boundary of the Light Regional Council, then south-westerly, southerly, south-easterly and generally south-westerly along the boundary of the Light Regional Council to the point of commencement.

The portions of the area of Mount Barker District Council bounded as follows:

- commencing at a point on the northern boundary of Mount Barker Road being the production of the eastern boundary of Taminga Grove, then easterly along the northern boundary of Mount Barker Road to Onkaparinga River, then generally southerly and south-westerly along Onkaparinga River to a point on the western boundary of Mount Barker District Council located on the southern boundary of Allotment 2 in Filed Plan 100821, then generally northerly, easterly and northerly along the western boundary of Mount Barker District Council to the point of commencement;
- commencing at the easternmost corner of Allotment 1 in Filed Plan 13141, then south-westerly along Onkaparinga River to the western boundary of Mount Barker District Council, then northerly and south-easterly along the western boundary of Mount Barker District Council to the point of commencement;

- commencing at the intersection of the northern boundary of Razorback Road and the western boundary of Mount Barker District Council, then south-easterly along the northern boundary of Razorback Road to a point being the north-easterly production of the south-eastern boundary of Kingsway Road, then south-westerly along the south-eastern boundary of Kingsway Road until Kingsway Road terminates, then continuing south-westerly to the intersection of the southern boundary of Harper Road and the western boundary of Mount Barker District Council, then generally northerly along the western boundary of Mount Barker District Council to the point of commencement;
- commencing at the intersection of the northern boundary of Hillyfields Road and the western boundary of Mount Barker District Council, then generally southerly along the northern and eastern boundary of Hillyfields Road to the eastern boundary of Dashwood Gully Road, then south-westerly to the intersection of the western boundary of Dashwood Gully Road and the southern boundary of Wicks Road, then continuing south-westerly and southerly along the south-eastern and eastern boundary of Wicks Road to the intersection of the southern boundary of Mallowa Road and the eastern boundary of Wicks Road, then westerly to the intersection of the western boundary of Kingfisher Road and the western boundary of Mount Barker District Council, then generally northerly along the western boundary of Mount Barker District Council to the point of commencement.

The area of the City of Onkaparinga other than the portions of that area bounded as follows:

- commencing at the intersection of the northern boundary of Hillyfields Road and the eastern boundary of the City of Onkaparinga, then westerly along the northern boundary of Hillyfields Road to the southernmost corner of Allotment 101 in Deposited Plan 88827, then north-easterly along the western boundary of Allotment 101 in Deposited Plan 88827, then north-westerly for a distance of 144.59 metres to a point on the northern boundary of Allotment 100 in Deposited Plan 88827, then north-easterly from that point to the south-eastern boundary of Harper Road, then generally north-easterly along the south-eastern boundary of Harper Road to the intersection of the southern boundary of Harper Road and the eastern boundary of the City of Onkaparinga, then generally easterly and south-westerly along the eastern boundary of the City of Onkaparinga to the point of commencement;
- commencing at the intersection of the southern boundary of Wickham Hill Road and the eastern boundary of the City of Onkaparinga, then northerly along the eastern boundary of Wickham Hill Road to the eastern boundary of Toops Hill Road, then generally northerly along the eastern boundary of Toops Hill Road to the southern boundary of Knotts Hill Road, then generally south-easterly and easterly along the southern boundary of Knotts Hill Road to the intersection of the southern boundary of Knotts Hill Road and the eastern boundary of the City of Onkaparinga, then generally southerly and westerly along the eastern boundary of the City of Onkaparinga to the point of commencement;

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- commencing at the intersection of the eastern boundary of Main South Road and the southern boundary of the City of Onkaparinga, then north-easterly along the eastern boundary of Main South Road to the western boundary of Old Sellicks Hill Road, then generally southerly along the western boundary of Old Sellicks Hill Road to the intersection of the western boundary of Old Sellicks Hill Road and the southern boundary of the City of Onkaparinga, then westerly along the southern boundary of the City of Onkaparinga to the point of commencement.

The area of the City of Playford other than the portion of that area bounded as follows:

- commencing at the intersection of the southern boundary of Karwin Road and the eastern boundary of the City of Playford, then generally south-westerly and southerly along the boundary of the City of Playford to the eastern boundary of Kersbrook Road, then generally northerly along the eastern boundary of Kersbrook Road to the southern boundary of Karwin Road, then generally easterly to the point of commencement.

The portions of the area of The District Council of Yankalilla bounded as follows:

- commencing at the intersection of the southern boundary of Lanacoona Road and the northern boundary of The District Council of Yankalilla, then south-westerly along the southern boundary of Lanacoona Road and the production thereof to the western boundary of Blockers Road, then northerly along the western boundary of Blockers Road to the intersection of the western boundary of Blockers Road and the northern boundary of The District Council of Yankalilla, then generally easterly and south-easterly along the northern boundary of The District Council of Yankalilla to the point of commencement;
- commencing at the intersection of the southern boundary of Blockers Road, the northern boundary of The District Council of Yankalilla and the north-eastern corner of Section 202, Hundred of Myponga, then westerly along the southern boundary of Blockers Road to the north-western corner of Section 202, Hundred of Myponga, then north-westerly to the nearest corner on the eastern boundary of Allotment 4 in Filed Plan 103413, then easterly and southerly along the northern boundary of The District Council of Yankalilla to the point of commencement;
- commencing at the intersection of the southern boundary of Pages Flat Road and the northern boundary of The District Council of Yankalilla in the vicinity of the intersection of Pages Flat Road and Crow Road, then south-westerly along the southern boundary of Pages Flat Road to a point being the southerly production of the western boundary of Old Sellicks Hill Road, then northerly along the western boundary of Old Sellicks Hill Road to the intersection of the western boundary of Old Sellicks Hill Road and the northern boundary of The District Council of Yankalilla, then generally north-easterly and southerly along the northern boundary of The District Council of Yankalilla to the point of commencement.

## Schedule 2—Forms

### Form 1—Notice—storage charges

To (insert name)

of (insert address)

Claim is made for the sum of \$ (insert amount)

being charges for (insert number of days) days storage of the following motor vehicle:

Registered number

Make

Type

Odometer reading

presently stored by (insert business name)

at (insert business address)

Telephone number

You are advised that failure to arrange removal of the vehicle from the business premises will make you liable for further storage charges at the rate of \$ (insert amount) per day.

Signature

Title

Date

**Notes—**

- 1 Charges may not exceed the fees prescribed in the current applicable Prices Order under the *Prices Act 1948* as published in the South Australian Government Gazette.
- 2 This notice must be delivered either personally to the owner of the vehicle or sent by registered post to the address of the owner of the vehicle.

**Form 2—Contract for quotation for repair of motor vehicle**

I (insert full name)

of (insert address)

Business telephone number

Private telephone number

\*being the owner of the following motor vehicle:

\*acting on behalf of the owner of the following motor vehicle:

Registered number

Make

Type

Odometer reading

Authorise a Quotation for Repair to be prepared by—

(insert business name)

on the understanding that fees charged, if any, will be in compliance with the relevant current Prices Order under the *Prices Act 1948* as published in the South Australian Government Gazette.

I acknowledge that I have been given a duplicate copy of this contract.

Signature

Date

Time

Note—

**This contract is unenforceable unless the owner of the motor vehicle or some person duly authorised to act on behalf of the owner confirms the contract not less than 6 hours nor more than 14 days after the signing of the contact.**

Confirmed by (print full name)

of (insert address and telephone number)

Signature of authorising person

Title

Date

Time

*\*Strike out what is inapplicable*

### Schedule 3—Fees

#### Towtruck certificates

1	On application for a towtruck certificate	\$63
2	For a practical test for a towtruck certificate	\$64
3	For a towtruck certificate—	
	(a) when the holder will be proceeding to and attending at the scene of an accident	\$181 per year
	(b) when the holder will not be proceeding to or attending at the scene of an accident	\$90 per year
4	For a temporary towtruck certificate	\$63
5	For a duplicate towtruck certificate	\$63

#### Accident towing roster scheme

6	On application for the first position on a roster	\$510
7	On application for renewal of each position on a roster	\$301
8	On late application for renewal of a position on a roster	\$254
9	On application for re-inclusion on a roster	\$510

#### Books of forms

10	For authority to tow forms (book of 10)	\$225
11	For direction to remove vehicle forms (book of 20)	\$11
12	For quotation to repair vehicle contract forms (book of 80)	\$11
13	For storage notice forms (book of 20)	\$11

## **Schedule 4—Revocation and transitional provisions**

### **Part 1—Revocation of regulations**

#### **1—Revocation of *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2000***

The *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2000* are revoked.

### **Part 2—Transitional provisions**

#### **2—Interpretation**

In this Part—

*revoked regulations* means the regulations revoked by clause 1.

#### **3—Saving of existing accident towing roster scheme**

The accident towing roster scheme in existence under the *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2000* immediately before the commencement of this clause continues in existence as if it had been established under these regulations.

#### **4—Saving of existing division of declared area into zones**

The division of the declared area into zones for general accident towing rosters and zones for heavy vehicle accident towing rosters in operation under the revoked regulations immediately before the commencement of these regulations continues in operation under these regulations as if it had been declared by the Minister under Part 1 of these regulations.

#### **5—Saving of existing accident towing rosters**

The general accident towing roster prepared by the Registrar for each general accident towing zone and the heavy vehicle towing roster for each heavy vehicle accident towing zone in operation immediately before the commencement of these regulations continue in operation as if they had been prepared under Part 2 of these regulations.

#### **6—Registered premises**

Premises that were registered premises under Part 4 of the revoked regulations immediately before the commencement of these regulations will be taken to have been registered under Part 3 of these regulations.

#### **7—Approved towtrucks**

The approval of a towtruck by the Registrar under Part 5 of the revoked regulations in operation immediately before the commencement of these regulations will continue to operate as if it had been approved under Part 4 of these regulations.

#### **8—Qualification of applicants for position on accident towing roster**

A person who qualified under Part 6 of the revoked regulations for a position on an accident towing roster immediately before the commencement of these regulations will be taken to have qualified for a position on an accident towing roster under Part 5 of these regulations.

## **9—Positions on rosters**

A person granted a position on a roster under Part 7 of the revoked regulations immediately before the commencement of these regulations will be taken to have been granted the position on the roster under Part 6 of these regulations.

## **10—Authorisation notices**

An authorisation notice issued under Part 7 of the revoked regulations in operation immediately before the commencement of these regulations will continue to operate as if it had been issued under Part 6 of these regulations.

## **11—Stipulated conditions**

Conditions stipulated by the Registrar under Part 8 of the revoked regulations in operation immediately before the commencement of these regulations will continue to operate as if they had been stipulated under Part 7 of these regulations.

## **12—Books of forms**

Books of forms obtained from the Registrar under the revoked regulations may be used for the purposes of these regulations.

## **13—Exemptions**

An exemption granted under Part 12 of the revoked regulations in force immediately before the commencement of these regulations will continue in force as if it had been granted under these regulations.

## Legislative history

### Notes

- 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).

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2015	202	<i>Gazette 27.8.2015 p3953</i>	1.9.2015: r 2
2016	84	<i>Gazette 23.6.2016 p2213</i>	1.7.2016: r 2
2017	119	<i>Gazette 22.6.2017 p2314</i>	1.7.2017: r 2
2017	339	<i>Gazette 19.12.2017 p5147</i>	20.3.2018: r 2
<b>2018</b>	<b>134</b>	<b><i>Gazette 21.6.2018 p2364</i></b>	<b>1.7.2018: r 2</b>
<b>2019</b>	<b>139</b>	<b><i>Gazette 13.6.2019 p2049</i></b>	<b>1.7.2019: r 2</b>

### Provisions varied

New entries appear in bold.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.7.2016</i>
r 5	varied by 339/2017 r 4	20.3.2018
r 42	substituted by 339/2017 r 5	20.3.2018
Sch 3	substituted by 84/2016 r 4	1.7.2016
	substituted by 119/2017 r 4	1.7.2017
	<b>substituted by 134/2018 r 4</b>	<b>1.7.2018</b>



## **Transitional etc provisions associated with regulations or variations**

### ***Motor Vehicles (Accident Towing Roster Scheme) (Miscellaneous) Variation Regulations 2017 (No 339 of 2017), Pt 3***

#### **6—Transitional provision**

A declaration by the Minister under regulation 5 of the *Motor Vehicles (Accident Towing Roster Scheme) Regulations 2015* in force immediately before the commencement of these regulations will, on that commencement, continue in force as a declaration by the Registrar under that regulation.

#### **Historical versions**

1.7.2016  
1.7.2017  
20.3.2018