

SOUTH AUSTRALIA

**SUMMARY OFFENCES (TRAFFIC INFRINGEMENT NOTICE)
REGULATIONS 1994**

SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Revocation
4. Interpretation
5. Method of referring to offences
6. Expiable offences and expiation fees
7. Causing or permitting commission of expiable offence
8. Being the registered owner of vehicle involved in offence

SCHEDULE

Expiable Offences and Expiation Fees

APPENDIX

LEGISLATIVE HISTORY

REGULATIONS UNDER THE SUMMARY OFFENCES ACT 1953

Summary Offences (Traffic Infringement Notice) Regulations 1994

being

No. 144 of 1994: *Gaz.* 25 August 1994, p. 575¹

as varied by

No. 197 of 1994: *Gaz.* 1 December 1994, p. 1891²

No. 5 of 1995: *Gaz.* 5 January 1995, p. 56³

No. 103 of 1995: *Gaz.* 10 May 1995, p. 2111⁴

No. 222 of 1995: *Gaz.* 7 December 1995, p. 1589⁵

No. 51 of 1996: *Gaz.* 4 April 1996, p. 1923⁶

No. 80 of 1996: *Gaz.* 30 May 1996, p. 2641⁷

No. 202 of 1996: *Gaz.* 29 August 1996, p. 982⁸

- ¹ Came into operation 1 September 1994: reg. 2.
- ² Came into operation 5 December 1994: reg. 2.
- ³ Came into operation 5 January 1995: reg. 2.
- ⁴ Came into operation 1 July 1995: reg. 2.
- ⁵ Came into operation 1 February 1996: reg. 2.
- ⁶ Came into operation 4 April 1996: reg. 2.
- ⁷ Came into operation 1 July 1996: reg. 2.
- ⁸ Came into operation 1 September 1996: reg. 2.

Citation

1. These regulations may be cited as the *Summary Offences (Traffic Infringement Notice) Regulations 1994*.

Commencement

2. These regulations will come into operation on 1 September 1994.

Revocation

3. The *Summary Offences (Traffic Infringement Notice) Regulations 1981* (see *Gazette* 26 November 1981 p. 2149), as varied, are revoked.

Interpretation

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

"the Act" means the *Summary Offences Act 1953*;

"prescribed offence" has the same meaning as in section 64(1) of the Act.

Method of referring to offences

5. Where a provision of the *Road Traffic Act 1961*, *Road Traffic Regulations 1996*, or *Motor Vehicles Regulations 1996* listed in the schedule does not itself create an offence, then, for the purposes of these regulations and any traffic infringement notice issued under section 64 of the Act, a reference to an offence against that provision is to be treated as a reference to an offence against section 164A of the *Road Traffic Act 1961*, regulation 11.01 of the *Road Traffic Regulations 1996* or regulation 54 of the *Motor Vehicles Regulations 1996* (as the case may be) arising from a contravention of, or failure to comply with, that provision.

Exiable offences and expiation fees

6. (1) For the purposes of section 64 of the Act—

- (a) an offence against a provision listed in the first column of the schedule (a description of which is provided in the second column for convenience of reference only) is a prescribed offence; and
- (b) the expiation fee payable in respect of the offence is the amount listed in the third column opposite the provision or, where more than one such amount is so listed, the amount that is applicable according to the circumstances set out in the second column.

(2) Despite any other provision of these regulations, where a prescribed offence (other than an offence constituted of failing to comply with the lawful directions of a person or an offence against section 96(2), 99B(3) or 162C(1), (2) or (2a) of the *Road Traffic Act 1961*) is committed by a person by reason of—

- (a) driving, riding, drawing, propelling, parking or leaving standing a vehicle other than a motor vehicle; or
- (b) driving, riding, drawing or propelling a small-wheeled vehicle (whether the offence was committed by the rider as a pedestrian or otherwise),

the expiation fee payable in respect of that offence is \$16.

Causing or permitting commission of expiable offence

7. For the purposes of section 64 of the Act, an offence against section 167 of the *Road Traffic Act 1961*, or section 143 of the *Motor Vehicles Act 1959*, constituted of causing or permitting the commission of a prescribed offence is itself a prescribed offence and the expiation fee payable in respect of the offence is \$35.

Being the registered owner of vehicle involved in offence

8. For the purposes of section 64 of the Act—

- (a) an offence against section 79B(2) of the *Road Traffic Act 1961* that consists of being the registered owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of an offence consisting of a contravention of, or failure to comply with, section 20(4), 48, 49(1)(a), 49(1)(d), 50(1), 53(1) or 75(1) of the *Road Traffic Act 1961* is a prescribed offence; and
- (b) the expiation fee payable in respect of that prescribed offence is the same as the expiation fee payable in respect of the offence in which it appears that the vehicle has been involved.

SCHEDULE
Expiable Offences and Expiation Fees

| | Description of offence | Expiation fee \$ |
|---|---|------------------------|
| Offence against the <i>Road Traffic Act 1961</i> | | |
| Section 20(4) | Exceeding speed limit indicated by signs at works in progress on road, etc.— | |
| | —by not more than 15 km/h | 110 |
| | —by more than 15 km/h but not more than 30 km/h | 174 |
| | —by more than 30 km/h | 282 |
| Section 33(9) | Disobeying direction of member of police force in relation to event on road | 108 |
| Section 41(2) | Failing to comply with direction of member of police force for regulation of traffic | 108 |
| Section 45A | Entering on, or attempting to cross, intersection, junction or carriageway blocked by other vehicles | 94 |
| Section 47B(1) (if less than .08) | Driving, or attempting to put a vehicle in motion, with a concentration of alcohol in blood of less than .08 grams | 113 |
| Section 48 | Exceeding general speed limit— | |
| | —by not more than 15 km/h | 110 |
| | —by more than 15 km/h but not more than 30 km/h | 174 |
| | —by more than 30 km/h | 282 |
| Section 49(1) | Exceeding speed limit in various circumstances— | |
| | —by not more than 15 km/h | 110 |
| | —by more than 15 km/h but not more than 30 km/h | 174 |
| | —by more than 30 km/h | 282 |
| Section 50(1) | Exceeding speed limit fixed in a speed zone— | |
| | —by not more than 15 km/h | 110 |
| | —by more than 15 km/h but not more than 30 km/h | 174 |
| | —by more than 30 km/h | 282 |
| Section 52 | Exceeding speed limit shown on signs erected on or near a bridge— | |
| | —by not more than 15 km/h | 110 |
| | —by more than 15 km/h but not more than 30 km/h | 174 |
| | —by more than 30 km/h | 282 |
| Section 53(1) | Exceeding speed limit—certain vehicles— | |
| | —by not more than 15 km/h | 139 |
| | —by more than 15 km/h but not more than 30 km/h | 217 |
| | —by more than 30 km/h | 282 |
| Section 53B(1) | Selling, offering for sale, using or driving a vehicle that contains, a radar detector or jammer | 184 |
| Section 54(1)(a) | Driving vehicle in the right hand lane on a carriageway marked with two or more lanes | 99 |
| Section 54(1)(b) | Failing to keep vehicle as near as practicable to the left boundary of a carriageway not marked with lanes | 124 |
| Section 54(3) | Failing to keep as near as reasonably practicable to left boundary of bikeway | 16 |
| Section 55(1) | Failing to keep left of a vehicle proceeding in opposite direction | 140 |
| Section 55A | Failing to keep left of a pedestrian or vehicle proceeding in opposite direction on a bikeway | 16 |
| Section 56(a) | Failing to keep vehicle entirely within traffic lane | 99 |
| Section 56(b) | Moving from lane when movement cannot be made with safety | 138 |
| Section 57(1) | Failing to keep left of barrier lines | 164 |

| | | |
|------------------|---|-----------|
| Section 58(1) | Diverging to the right to overtake, or commencing to overtake when vehicle approaching so as to create a risk of collision or danger | 124 |
| Section 58(2) | Overtaking otherwise than on right of vehicle | 138 |
| Section 58(4) | Overtaking otherwise than on left of vehicle signalling right turn | 143 |
| Section 58A | Pedal cyclist overtaking otherwise than on right of pedestrian on bikeway | 16 |
| Section 59(1) | Overtaking otherwise than on left of a tram | 138 |
| Section 60(1) | Failing to allow overtaking vehicle to pass when warning instrument sounded from behind | 122 |
| Section 60(3) | Pedestrian on bikeway failing to allow cyclist to overtake when warning sounded from behind | 10 |
| Section 61(1) | Unlawfully driving on a footpath | 94 |
| Section 61(3) | Operator of wheelchair exceeding speed limit on footpath | 10 |
| Section 61(4) | Operator of wheelchair failing to comply with pedal cycle rules on bikeway reserved for cyclists | 10 |
| Section 61(5)(a) | Australia Post employee exceeding speed limit on footpath or bikeway— —on pedal cycle —on motor cycle | 21 160 |
| Section 61(5)(b) | Australia Post employee on motor cycle failing to comply with pedal cycle rules on bikeway | 138 |
| Section 63(1) | Failing to give way at intersection or junction—general | 184 |
| Section 63(1b) | Failing to give way at intersection or junction—turning vehicle | 184 |
| Section 63(2) | Failing to give way to tram at intersection or junction | 138 |
| Section 65 | Failing to give way at crossover | 164 |
| Section 65A(1) | Failing to give way when entering carriageway from footpath or bikeway | 164 |
| Section 66(1) | Failing to give way when entering road from private land | 164 |
| Section 67(1) | Failing to give way at pedestrian crossing | 175 |
| Section 67(3) | Passing vehicle stopped at pedestrian crossing to give way to pedestrians | 175 |
| Section 68 | Failing to give way to pedestrian when turning at junction or intersection | 164 |
| Section 68A | Failing to give way to pedestrian who is in, or is about to enter, a shared zone | 140 |
| Section 69 | Failing to give way when driving from stationary position at or near boundary of carriageway | 143 |
| Section 69A | Failing to give way to emergency vehicle | 124 |
| Section 70(1) | Making an improper right hand turn | 132 |
| Section 70B(3) | Making an improper right turn when authorised to make a hook right turn | 116 |
| Section 71A | Making a U turn at an intersection or junction at which there are traffic lights | 129 |
| Section 72(1) | Failing to give way when making right turn to vehicles coming from opposite direction | 164 |
| Section 73 | Making right turn so as to obstruct progress of tram | 75 |
| Section 74(1) | Failing to give prescribed signal | 127 |
| Section 74A | Permitting signalling device to remain in operation after completion of turn or divergence | 75 |
| Section 75(1) | Disobeying traffic lights or signs when driving vehicle | 184 |
| Section 75(1a) | Pedestrian disobeying traffic lights, signals or signs | 10 |
| Section 76(2) | Failing to comply with any instructions indicated by a traffic signal or sign lawfully erected or placed on or near road | 152 |
| Section 76(2a) | Pedestrian failing to comply with any instructions indicated by a traffic signal or sign lawfully erected or placed on or near a road | 10 |
| Section 78(1) | Failing to comply with stop sign at intersection or junction | 184 |
| Section 78(2) | Failing to comply with stop sign at or near level crossing | 160 |
| Section 78(2a) | Failing to comply with stop sign exhibited at or near a pedestrian crossing | 152 |
| Section 78(2b) | Failing to comply with stop sign at roadworks | 152 |
| Section 78(3) | Failing to comply with stop sign elsewhere than at an intersection, junction, level crossing, etc | 152 |
| Section 78(3a) | Failing to stop vehicle before stop line on carriageway | 152 |
| Section 79 | Disobeying direction of member of police force where there is a traffic control device | 117 |
| Section 80 | Unlawful driving of vehicle onto level crossing | 125 |

| | | |
|----------------|---|-------------------|
| Section 81(1) | Failing to stop at railway level crossing—certain vehicles | 125 |
| Section 83A(1) | Person standing or placing himself or herself, goods or signs on carriageway, dividing strip or traffic island for certain purposes | 41 |
| Section 83A(2) | Buying, or offering to buy, goods from person who is on carriageway, dividing strip or traffic island | 40 |
| Section 85 | Leaving vehicle stationary in prohibited area (Parliament House/Constitutional Museum of S.A.) | 50 |
| Section 87 | Pedestrian walking without due care or attention or without reasonable consideration | 10 |
| Section 88(1) | Pedestrian failing to comply with rules as to walking on road | 10 |
| Section 88(3) | Pedestrian failing to comply with rules as to walking on bikeway reserved for cyclists | 10 |
| Section 88(5) | Pedestrian failing to keep to left in certain circumstances | 10 |
| Section 89(1) | Pedestrian failing to stop at stop sign at level crossing | 10 |
| Section 89(2) | Pedestrian unlawfully entering or remaining on level crossing | 10 |
| Section 90 | Pedestrian remaining within limits of pedestrian crossing longer than necessary . . . | 10 |
| Section 90A | Pedestrian unreasonably getting in the way of a vehicle in, or about to enter, a shared zone | 10 |
| Section 91(3) | Disobeying direction of ferry operator | 40 |
| Section 92 | Failing to comply with duties at ferries | 40 |
| Section 93 | Opening doors alighting so as to cause danger | 62 |
| Section 94 | Driving with a person on roof or bonnet | 62 |
| Section 94A(1) | Driving with body protruding from vehicle | 62 |
| Section 95 | Riding on vehicle without consent of driver | 40 |
| Section 96(2) | Driver permitting cyclist to be drawn by vehicle | 52 |
| Section 97(1) | Driving vehicles abreast otherwise than as permitted | 40 |
| Section 98 | Carrying another person on a pedal cycle except on a safe, secure seat | 16 |
| Section 99 | Riding a pedal cycle more than 200 metres within 2 metres from rear of motor vehicle | 16 |
| Section 99A | Failure by pedal cyclist on footpath or bikeway to sound warning | 16 |
| Section 99B(1) | Failure by rider of small-wheeled vehicle to comply with rules as to riding on a road | 16 |
| Section 99B(3) | Driver of vehicle permitting rider of small-wheeled vehicle to be drawn by that vehicle | 52 |
| Section 100(2) | Unlawful use of warning device | 62 |
| Section 101 | Driving while vehicle emits undue noise, smoke, etc | 73 |
| Section 102(1) | Failing to comply with rules as to driving position | 62 |
| Section 102(2) | Riding cycle without at least 1 hand on handlebar | 61 |
| Section 103 | Boarding or leaving a vehicle or tram in motion | 61 |
| Section 104(1) | Unlawful riding of animals abreast | 16 |
| Section 105 | Unlawful leading of animals— —by person riding animal —by person driving or being conveyed in vehicle | 16 40 |
| Section 106(1) | Damaging road or works | 93 |
| Section 107 | Damaging road surface | 93 |
| Section 108(1) | Depositing material on roads | 88 |
| Section 109 | Driving vehicle fitted with a tyre exceeding the prescribed maximum pressure . . . | 40 |
| Section 110 | Failing to drive vehicle on sealed surface | 40 |
| Section 111 | Driving, etc., if vehicle or load does not comply with requirements as to lamps or reflectors: —non-compliance with requirements set out in s. 119 (lighting of lamps) —non-compliance with requirements set out in s. 122 (dipping of headlamps) | 93 93 |
| Section 139 | Driving vehicle that does not comply with requirements as to dimension and design: —non-compliance with requirements of s. 140 (length) —non-compliance with requirements of s. 141 (width) —non-compliance with requirements of s. 142 (height) | 121 121 121 |
| Section 144 | Failing to comply with prescribed requirements as to speed limiting | 113 |

| | |
|------------------|---|
| Section 146(1) | Exceeding mass limits of vehicle— —by not more than 500 kilograms over the permitted mass 148 —by more than 500 kilograms but not more than 1 000 kilograms over the permitted mass 190 —by more than 1 000 kilograms but not more than 1 500 kilograms over the permitted mass 244 —by more than 1 500 kilograms but not more than 2 tonnes over the permitted mass 256 |
| Section 150(2) | Failing to comply with requirements for metal tyres 40 |
| Section 157 | Failing to observe provisions as to towing 56 |
| Section 161A(1) | Driving air-cushioned vehicle or prescribed vehicle on road without approval of Minister 40 |
| Section 162 | Failing to comply with requirements as to securing of loads 45 |
| Section 162A(2) | Driving a motor vehicle not equipped with prescribed seat belts and anchorages . 162 |
| Section 162AB(1) | Person of or above 16 years of age failing to wear seat belt 133 |
| Section 162AB(2) | Driving a motor vehicle while passenger aged 1 to 15 years not wearing seat belt or using prescribed child restraint 133 |
| Section 162AB(3) | Driving a motor vehicle of a prescribed class while passenger under 1 year not using prescribed child restraint 133 |
| Section 162B | Offering for sale or hire certain vehicles fitted with regrooved tyre 40 |
| Section 162C(1) | Failing to wear cycle or small-wheeled vehicle safety helmet 40 |
| Section 162C(2) | Carrying child not wearing safety helmet on cycle or small-wheeled vehicle 39 |
| Section 162C(2a) | Causing or permitting child not wearing safety helmet to ride or be carried on cycle or small-wheeled vehicle 39 |
| Section 163(3) | Failing to mark information on certain vehicles 61 |

Offence against the Road Traffic Regulations 1996

| | |
|-----------------------|--|
| Regulation 3.03A | Pedestrian or driver failing to comply with duties near flashing red lights: —pedestrian 14 —driver 40 |
| Regulation 3.04(1) | Pedestrian failing to comply with duties as to pedestrian crossings or traffic lights . 10 |
| Regulation 3.04(3) | Pedestrian failing to comply with directions of monitor 10 |
| Regulation 3.05(2) | Failing to comply with duties as to driving on a carriageway of a divided road . . 131 |
| Regulation 3.05(3) | Driving on or over a dividing strip 93 |
| Regulation 3.06(2) | Failing to comply with duties as to driving a long vehicle 93 |
| Regulation 3.08(2) | Fishing from certain bridges 40 |
| Regulation 3.11 | Failing to comply with engine capacity requirements 40 |
| Regulation 4.01 | Stationary vehicle causing danger to other traffic or persons or obstructing traffic or gate, etc 48 |
| Regulation 4.07(3) | Failing to comply with provisions as to clearways—vehicles 103 |
| Regulation 4.07(4) | Failing to comply with provisions as to clearways—animals or animal drawn vehicles 16 |
| Regulation 4.07(4a) | Failing to comply with provisions as to clearways —small-wheeled vehicles 16 |
| Regulation 4.08(7) | Failing to comply with provisions as to South Eastern Freeway —subregulation (2) (vehicles) 48 —subregulation (3) (pedal cycles, animals or animal drawn vehicles) 16 —subregulation (4) (pedestrians) 10 —subregulation (4) (small-wheeled vehicles) 16 |
| Regulation 4.09(2) | Failing to comply with provisions as to bus lanes—driving, etc. 104 |
| Regulation 4.09(3) | Failing to comply with provisions as to bus lanes—stopping, etc. 104 |
| Regulation 4.10(2) | Failing to comply with provisions as to bicycle lanes—driving, etc. 104 |
| Regulation 4.10(3) | Failing to comply with provisions as to bicycle lanes—stopping 104 |
| Regulation 5.05(1)(a) | Driving vehicle with spotlights attached 52 |
| Regulation 5.05(1)(b) | Unlawful use of spotlights 52 |
| Regulation 5.10(1) | Failing to comply with provisions as to equipment on animal drawn vehicles 16 |

| | | |
|------------------------|--|----|
| Regulation 5.13(2) | Driving heavy vehicle without carrying portable reflectors | 40 |
| Regulation 5.13(4) | Failing to use portable reflectors | 40 |
| Regulation 5.13(6) | Interfering with portable reflectors | 40 |
| Regulation 5.14A(4) | Failing to comply with conditions as to use of flashing light on vehicle other than emergency vehicle | 52 |
| Regulation 5.14B(3) | Failing to comply with provisions as to operation of hazard lights on motor vehicles | 52 |
| Regulation 7.00A(2)(b) | Failing to comply with provisions as to Australian Design Rules and compliance plates | 40 |
| Regulation 7.01(1) | Failing to comply with provisions as to modifications to motor vehicles | 40 |
| Regulation 8.01(1) | Motor cycle not complying with prescribed requirements | 54 |
| Regulation 8.01(2) | Failing to comply with requirements as to pillion passenger | 54 |
| Regulation 8.02(1) | Failing to comply with prescribed requirements for pedal cycles | 16 |
| Regulation 8.02A(1)(a) | Cyclist towing a vehicle that does not comply with prescribed requirements for a pedal cycle trailer | 16 |
| Regulation 8.02A(1)(b) | Cyclist towing more than one vehicle | 16 |
| Regulation 9.02(2)(c) | Removing, altering or defacing a "Defect Label" | 49 |
| Regulation 9.03(1) | Failing to comply with provisions as to flagging projecting loads | 52 |
| Regulation 10.04(2) | Failing to comply with prescribed requirements as to television receivers | 40 |

Offence against the *Motor Vehicles Act 1959*

| | | |
|--------------------------------------|---|------------------|
| Section 16(9) | Failure to carry permit in vehicle in accordance with regulations | 58 |
| Section 16(11) | Contravention of condition of permit | 49 |
| Section 47(1) | Driving motor vehicle on road without prescribed number plates | 49 |
| Section 47A(7) | Driving motor vehicle on road with special number plates not acquired by way of agreement | 56 |
| Section 48(3) | Failing to comply with directions as to registration labels | 58 |
| Section 53(1) | Unlawful use of registration label or permit, etc | 56 |
| Section 66(3) | Unlawful use of general trader's plates | 56 |
| Section 67(5) | Unlawful use of limited trader's plates | 56 |
| Section 74(1) | Failing to hold appropriate driver's licence or learner's permit | 173 |
| Section 75A(5) | Contravening condition of a learner's permit: —condition requiring licensed driver to accompany learner —condition requiring one "L" plate to be affixed to vehicle (i.e., driving without "L" plates) —any other condition | 112 105 45 |
| Section 75A(5aaa) | Driving on road without two "L" plates affixed to vehicle (i.e., with only one "L" plate affixed) | 40 |
| Section 75A(7) (if less than .08) | Acting as qualified passenger for learner driver while having prescribed concentration of alcohol in blood (but less than .08 grams of alcohol in 100 millilitres of blood) | 113 |
| Section 81(4) | Contravening a condition endorsed on permit or licence | 45 |
| Section 81A(5) | Contravening condition of a probationary licence requiring one "P" plate to be affixed to the motor vehicle (i.e., driving on a road with no "P" plates affixed) Contravening any other condition of a probationary licence | 99 45 |
| Section 81A(5a) | Driving on a road without two "P" plates affixed to the motor vehicle (i.e., with only one "P" plate affixed) | 52 |
| Section 97A(3) | Visiting motorist failing to comply with duties as to licence | 56 |
| Section 98AAB(1) | Failing to carry learner's permit | 51 |
| Section 98AAB(2) | Failing to carry probationary licence | 51 |
| Section 102(2)(a) | Failure to insure in certain circumstances | 16 |
| Section 136(1) | Failing to notify change of address | 72 |

| | | |
|-----------------|--|----|
| Section 136(1a) | Failing to notify change of address of business where vehicle registered in business name | 72 |
| Section 136(2) | Failing to notify change of address of corporation where vehicle registered in company name | 72 |

Offence against the *Motor Vehicles Regulations 1996*

| | | |
|------------------|--|-----|
| Regulation 22 | Driving motor vehicle on a road with number plate or trader’s plate obscured by a device or substance | 220 |
| Regulation 27(1) | Person accompanying learner driver failing to hold appropriate licence | 45 |
| Regulation 27(3) | Person accompanying learner driver failing to take all reasonable steps to supervise and instruct | 45 |

APPENDIX

LEGISLATIVE HISTORY

| | |
|------------------|---|
| Regulation 5: | varied by 80, 1996, reg. 3; 202, 1996, reg. 3 |
| Regulation 6(2): | substituted by 222, 1995, reg. 3; varied by 80, 1996, reg. 4 |
| Regulation 7: | varied by 80, 1996, reg. 5 |
| Schedule: | varied by 197, 1994, reg. 3; 5, 1995, reg. 3; substituted by 103, 1995, reg. 3; varied by 222, 1995, reg. 4; 51, 1996, reg. 3; substituted by 80, 1996, reg. 6; varied by 202, 1996, reg. 4 |