

South Australia

## **Road Traffic (Driving Hours) Variation Regulations 2007**

under the *Road Traffic Act 1961*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Road Traffic (Driving Hours) Variation Regulations 2007*.

#### **2—Commencement**

These regulations will come into operation on 30 April 2007.

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### 3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Road Traffic (Driving Hours) Regulations 1999*

### 4—Insertion of heading

After the heading to Part 1 insert:

#### **Division 1—Formal and application provisions**

### 5—Variation of regulation 5—Application of regulations

Regulation 5(3)(d) and (e)—delete paragraphs (d) and (e) and substitute:

- (d) any public place that is not a road and on which a motor vehicle may be driven, whether or not it is lawful to drive a motor vehicle there.

### 6—Substitution of regulation 42

Regulation 42—delete the regulation and substitute:

#### **42—What is a driver's base and the garage address of a vehicle**

- (1) The *base* of the driver of a heavy truck or commercial bus is—
  - (a) the place recorded for the time being as the driver's base in the log book kept by the driver of the vehicle; or
  - (b) if no place is recorded as specified in paragraph (a)—the garage address of the vehicle (or, in the case of a combination, the towing vehicle of the combination), as recorded by an Australian Authority; or
  - (c) if no place is recorded as specified in paragraph (a) or (b)—the place from which the driver normally works and receives instructions.
- (2) The *garage address* of the vehicle is—
  - (a) the address of the place of residence or business at which the vehicle is ordinarily kept when not in use; or
  - (b) the principal depot or base of operation of the vehicle.
- (3) For the purposes of this regulation, if a driver is a self-employed driver and an employed driver at different times, the driver may have one base as a self-employed driver and another base as an employed driver.
- (4) For the purposes of this regulation, if a driver has 2 or more employers, the driver may have a different base in relation to each employer.

**7—Variation of regulation 46—What is an approved DSMD**

Regulation 46—delete "Ministerial" and substitute:

Australian Transport

**8—Variation of regulation 58—Driving records—non-local area work**

Regulation 58(2), (3) and (5)—delete "authorised person" wherever occurring and substitute in each case:

authorised officer or police officer

**9—Variation of regulation 68—Definitions for Division 7**

Regulation 68, definition of *entry*—delete "authorised person" and substitute:

authorised officer or police officer

**10—Variation of regulation 71—Making entries in someone else's driving records prohibited**

Regulation 71(1)—delete "authorised person" and substitute:

authorised officer or police officer

**11—Variation of regulation 79—Logbooks**

Regulation 79(5)—delete "Ministerial" and substitute:

Australian Transport

**12—Variation of regulation 80—Applications for logbooks**

Regulation 80(5)—delete "Ministerial" and substitute:

Australian Transport

**13—Variation of regulation 129—General offence and penalty for bodies corporate**

Regulation 129(1)—delete "\$1 250" and substitute:

\$2 500

**14—Variation of regulation 130—Information about exemptions**

Regulation 130(1), (2) and (3)—delete "authorised person" wherever occurring and substitute in each case:

authorised officer or police officer

**15—Variation of regulation 131—Information about TFMS etc**

Regulation 131(1), (2), (3) and (4)—delete "authorised person" wherever occurring and substitute in each case:

authorised officer or police officer

**16—Variation of regulation 132—Information about whether drivers engaged in non-local area work**

Regulation 132(1)—delete "authorised person" and substitute:  
authorised officer or police officer

**17—Variation of regulation 133—Information about driver's base**

- (1) Regulation 133(1)—delete subregulation (1) and substitute:
- (1) An authorised officer or police officer may ask the driver of a heavy truck or commercial bus to produce his or her logbook for inspection to see which place (if any) is recorded for the time being in the logbook as the driver's base.
- (2) Regulation 133(2)—delete "authorised person" and substitute:  
authorised officer or police officer

**18—Variation of regulation 134—False and misleading statements**

Regulation 134—delete "authorised person" and substitute:  
authorised officer or police officer

**19—Variation of regulation 137—Appeals to District Court**

Regulation 137(1)—delete "138" and substitute:  
136

**20—Variation of regulation 139—Declaration of relevant jurisdictions**

Regulation 139—delete "Ministerial" and substitute:  
Australian Transport

**21—Revocation of regulations 140, 141 and 142**

Regulations 140, 141 and 142—delete these regulations

**22—Variation of dictionary**

- (1) Dictionary, definitions of *approved fatigue management training course* and *approved sleeper berth*—delete "Ministerial" and substitute:  
Australian Transport
- (2) Dictionary, definition of *authorised person*—delete the definition and substitute:  
*Australian Transport Council* has the same meaning as in the *National Transport Commission Act 2003* of the Commonwealth;
- (3) Dictionary, definition of *GVM*—delete the definition and substitute:  
*GVM* of a vehicle means the maximum loaded mass of the vehicle—
  - (a) as specified by the vehicle's manufacturer; or
  - (b) as specified by an Australian Authority if—
    - (i) the manufacturer has not specified a maximum loaded mass;  
or

- (ii) the manufacturer cannot be identified; or
  - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;
- (4) Dictionary, definitions of *identity card* and *Ministerial Council*—delete the definitions

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 26 April 2007

No 45 of 2007

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