

South Australia

Road Traffic (Driving Hours) Revocation Regulations 2008

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) Revocation Regulations 2008*.

2—Commencement

These regulations will come into operation on 29 September 2008.

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

3—Revocation of regulations

The *Road Traffic (Driving Hours) Regulations 1999* are revoked.

Schedule 1—Transitional provisions

1—Interpretation

- (1) In this Schedule—

revoked regulations means the *Road Traffic (Driving Hours) Regulations 1999*.

- (2) In this Schedule, the following terms have the same meaning as in the revoked regulations:

- (a) *driving record*;
- (b) *exemption*;
- (c) *TFMS*.

2—Applications for TFMS registration

Despite regulation 3, the Minister may register a person as a driver participant, or as an employer participant, in TFMS if—

- (a) the application for registration was made before the commencement of that regulation but had not been determined at that time; or
- (b) following a review of a decision not to register an applicant for TFMS under regulation 136 of the revoked regulations, or an appeal in relation to such a decision under regulation 137 of the revoked regulations, the Minister decides to register the applicant for TFMS,

(and, if the Minister so registers a person, Part 7 Divisions 1 and 2 of the revoked regulations continue to apply in relation to the registration as if those regulations had not been revoked).

3—Exemptions

- (1) An exemption granted under the revoked regulations (other than an exemption under regulation 106 of those regulations) and in force immediately before the commencement of regulation 3 continues to have effect according to its terms—

- (a) until the expiry date specified in the exemption; or
- (b) if no such expiry date is specified—for a period of 3 years after the date on which this clause comes into operation,

whichever is the earlier.

- (2) For the purposes of these regulations and the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*—

- (a) an exemption referred to in subclause (1) will be taken to be an exemption granted under Part 5 Division 2 of the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*; and
- (b) a written exemption issued under the revoked regulations in relation to such an exemption and in force immediately before the commencement of regulation 3 will be taken to be a written exemption (within the meaning of the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*).

- (3) Subject to subclause (4), if—

- (a) a person has made an application for an exemption in accordance with Part 8 of the revoked regulations before the commencement of regulation 3; and
- (b) the Minister has not yet decided the application in accordance with the revoked regulations; and

- (c) the application is for the grant of an exemption corresponding to the kind that may be granted under Part 5 Division 2 of the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*,

the application will, for the purposes of the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*, be taken to be an application for an exemption made to the Authority in accordance with Part 5 Division 2 of those regulations.

- (4) The Authority may, by notice in writing, require an applicant under subclause (3) to provide the Authority with additional information reasonably required to determine the application.

4—Record keeping

- (1) Despite regulation 3, Part 4 Divisions 4, 5 (other than regulation 60), 6 and 7 of the revoked regulations continue to apply to a driving record required to be made or kept under those Divisions as if the provisions had not been revoked.
- (2) Despite a provision of Part 4 Divisions 4, 5 (other than regulation 60), 6 and 7 of the revoked regulations, a requirement under those Divisions that a driving record be kept by a driver or employer for a specified period will be satisfied if the driving record is kept by a driver's record keeper (within the meaning of the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*) for the specified period.

Note—

The specified period is a period of not less than 12 months for driving records for non-local area work and local area management records—see regulations 61 and 62 of the revoked regulations.

5—Review of decisions

- (1) Despite regulation 3, regulation 136 of the revoked regulations continues to apply in relation to a decision of the Minister referred to in regulation 135 of those regulations as if the provisions had not been revoked.
- (2) Despite regulation 3, regulation 137 of the revoked regulations continues to apply in relation to a decision that has been reviewed under regulation 136 of those regulations as if the provisions had not been revoked.

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

with the advice and consent of the Executive Council
on 11 September 2008

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