

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2010

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 (Miscellaneous) Variation Regulations 2010*.

2—Commencement

These regulations will come into operation on 1 July 2010.

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 (Miscellaneous) Regulations 1999*

4—Variation of regulation 4—Interpretation

- (1) Regulation 4(1)—after the definition of *level crossing offence* insert:

prescribed certification mark means the certification mark of—

- (a) Standards Australia; or
 - (b) a body accredited under the system established by Australia and New Zealand known as the Joint Accreditation System of Australia and New Zealand;
-

(2) Regulation 4—after subregulation (5) insert:

(6) For the purposes of these regulations, each edition of—

- (a) an Australian Standard (or AS) of a specified number; and
- (b) an Australian/New Zealand Standard (or AS/NZS) of the same number,

will be taken to be an edition of the same standard.

5—Variation of regulation 8—Offences included in prescribed circumstances

Regulation 8(e)—delete ", 26A"

6—Variation of regulation 36—Seat belts and seat belt anchorages

Regulation 36(6)(b)—delete "the certification mark of the Standards Association of Australia" and substitute:

a prescribed certification mark

7—Variation of regulation 37—Child restraints, safety harnesses, booster seats etc

(1) Regulation 37(1)(a)—delete "the certification mark of the Standards Association of Australia" and substitute:

a prescribed certification mark certifying compliance with the standard

(2) Regulation 37(1)(b) and (c)—delete paragraphs (b) and (c) and substitute:

- (b) a device that complies with Australian/New Zealand Standard (AS/NZS) 1754—*Child restraint systems for use in motor vehicles* and is clearly marked with a prescribed certification mark certifying compliance with the standard.

(3) Regulation 37—after subregulation (1) insert:

(1a) A booster seat or booster cushion—

- (a) that is an approved child restraint under subregulation (1); or
- (b) that—

- (i) is an integrated part of a motor vehicle; and
- (ii) was installed by the manufacturer of the motor vehicle to enable an existing adult lap and sash type seatbelt to become suitable for use by a child; and
- (iii) complies with the relevant ADR for child restraints of the type concerned,

is an approved booster seat.

(1b) A child safety harness that is an approved child restraint under subregulation (1) is an approved child safety harness.

(4) Regulation 37(3)—delete "child restraint or part of a child restraint" and substitute:

child restraint, child safety harness, booster seat or booster cushion, or part of such a device,

- (5) Regulation 37(4)—delete subregulation (4) and substitute:
- (4) For the purposes of this regulation, a device complies with a standard if it complies with the edition of the standard that was in force at the time of its manufacture in Australia or its importation into Australia (as the case may be) or with any later edition of the standard.
- (5) In this regulation—
- relevant ADR**, in relation to an integrated booster seat or cushion in a motor vehicle, means the ADR that was in force at the time the vehicle was manufactured in Australia or imported into Australia (as the case may be) or with any later version of the ADR.

8—Variation of Schedule 9—Expiation fees

- (1) Schedule 9, Part 3—after item relating to rule 235(2) insert:
- | | | |
|---------|---|------|
| 235(2A) | <i>Failing to finish crossing level crossing in accordance with rule if warning lights start flashing etc</i> | \$20 |
| 235A(2) | <i>Crossing pedestrian level crossing while there is a red pedestrian light</i> | \$20 |
| 235A(3) | <i>Failing to finish crossing pedestrian level crossing in accordance with rule if red pedestrian light appears</i> | \$20 |
- (2) Schedule 9, Part 3, item relating to rule 265(1)—delete "*seatbelt—*" and substitute:
- seatbelt, and be seated, in accordance with rule—*
- (3) Schedule 9, Part 3—after item relating to rule 265(1) insert:
- | | | |
|--------|---|-------|
| 265(3) | <i>Failing to ensure passengers 16 years old or older are wearing seatbelts, and are seated, in accordance with rule—</i> | |
| | failure in relation to 1 such passenger | \$240 |
| | failure in relation to more than 1 such passenger | \$292 |
- (4) Schedule 9, Part 3, item relating to rule 266(1)—delete "*wearing seatbelts or approved child restraints—*" and substitute:
- restrained and seated in accordance with rule—*
- (5) Schedule 9, Part 3, item relating to rule 268(1)—delete "\$144" and substitute:
- \$240
- (6) Schedule 9, Part 3, item relating to rule 268(2)—delete the item and substitute:
- | | | |
|--------|--|-------|
| 268(2) | <i>Travelling in or on part of motor vehicle designed primarily for carriage of goods unless enclosed and seatbelts fitted</i> | \$240 |
|--------|--|-------|
- (7) Schedule 9, Part 3, items relating to rules 268(4A) and 268(4B)—delete the items and substitute:
- | | | |
|---------|--|-------|
| 268(4A) | <i>Driving motor vehicle with passenger in or on part of vehicle not designed primarily for carriage of passengers or goods</i> | \$240 |
| 268(4B) | <i>Driving motor vehicle with passenger in or on part of vehicle designed primarily for carriage of goods unless enclosed and seatbelts fitted</i> | \$240 |

- (8) Schedule 9, Part 6, item relating to regulation 26A—delete the item

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 20 May 2010

No 35 of 2010

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