

South Australia

Criminal Law Consolidation (General) Variation Regulations 2011

under the *Criminal Law Consolidation Act 1935*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Criminal Law Consolidation (General) Regulations 2006*

- 4 Insertion of regulation 3B
 - 3B Emergency workers and employing authorities
 - 5 Insertion of regulation 3C
 - 3C Certain conduct not to constitute street race
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Criminal Law Consolidation (General) Variation Regulations 2011*.

2—Commencement

These regulations will come into operation on the day on which the *Statutes Amendment (Driving Offences) Act 2010* comes into operation.

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 *Criminal Law Consolidation (General) Regulations 2006*

4—Insertion of regulation 3B

After regulation 3A insert:

3B—Emergency workers and employing authorities

- (1) For the purposes of the definition of *emergency workers* in section 19A(11) of the Act, the following persons are emergency workers for the purposes of that section:
 - (a) members of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;
 - (b) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc.
- (2) For the purposes of paragraph (b) of the definition of *employing authority* in section 19A(11) of the Act, the employing authority for a person who is an emergency worker for the purposes of that section is—
 - (a) in relation to an emergency worker referred to in subregulation (1)(a)—
 - (i) if the emergency worker is a member of the South Australian Metropolitan Fire Service—the Chief Officer of SAMFS; or
 - (ii) if the emergency worker is a member of the South Australian Country Fire Service—the Chief Officer of SACFS; or
 - (iii) if the emergency worker is a member of the South Australian State Emergency Service—the Chief Officer of SASES; or
 - (b) in relation to an emergency worker referred to in subregulation (1)(b)—the Chief Executive Officer of SA Ambulance Service Inc.

5—Insertion of regulation 3C

Before regulation 4 insert:

3C—Certain conduct not to constitute street race

- (1) For the purposes of the definition of *street race* in section 19AD(7) of the Act, the following conduct is declared not to be included within the ambit of that definition:
 - (a) conduct reasonably occurring in the course of—

- (i) obtaining a genuine qualification (however described) to operate a motor vehicle of a particular kind or in a particular manner; or
 - (ii) participation in a genuine program designed to improve the defensive driving skills of a person;
 - (b) conduct that occurs in the course of an event the subject of an order made under section 33 of the *Road Traffic Act 1961* (being conduct that complies with any requirement or condition imposed in relation to the order);
 - (c) conduct that occurs in the course of an event the subject of a permit granted by the Confederation of Australian Motor Sport (being conduct that complies with any requirement or condition imposed in relation to the permit);
 - (d) conduct that occurs in the course of an event comprising a tour, regularity trial, treasure hunt or similar event in which the participants drive in a manner that indicates a general intention to comply with the provisions of the *Road Traffic Act 1961*;
 - (e) conduct comprising a road test of a motor vehicle that occurs—
 - (i) in the course of the purchase, or potential purchase, of the motor vehicle; or
 - (ii) in the course of, or is consequential upon, repairing or maintaining the motor vehicle,and that is undertaken in a manner that indicates a general intention on the part of the driver to comply with the provisions of the *Road Traffic Act 1961*;
 - (f) conduct that occurs with the approval of the Commissioner of Police.
- (2) An application for approval under subregulation (1)(f) must be made in a manner and form determined by the Commissioner of Police.
- (3) An approval under subregulation (1)(f)—
 - (a) must be in writing; and
 - (b) may be conditional or unconditional; and
 - (c) may be varied or revoked by the Commissioner of Police by notice in writing.
- (4) If a person contravenes or fails to comply with a condition specified in an approval under subregulation (1)(f), the approval does not, while the contravention or non-compliance continues, operate in that person's favour.

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 18 August 2011

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