

South Australia

Road Traffic (Miscellaneous) (Roadworks) Variation Regulations 2017

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) (Roadworks) Variation Regulations 2017*.

2—Commencement

These regulations will come into operation on the day on which the *Road Traffic (Roadworks) Amendment Act 2017* 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 *Road Traffic (Miscellaneous) Regulations 2014*

4—Substitution of Part 2 Division 1

Part 2 Division 1—delete the Division and substitute:

Division 1—Traffic control devices

Subdivision 1—Work areas and work sites

4—Interpretation

- (1) In this Subdivision—

Workzone Traffic Management Standards means the *SA Standards for Workzone Traffic Management* published by the Department of Planning, Transport and Infrastructure, as in force from time to time.
- (2) Unless the contrary intention appears, words and phrases defined in section 20 of the Act have the same respective meanings in this Subdivision (and in clause 3 of Schedule 3) as in that section.

4A—Section 20 of Act not applicable to short term low impact works, accidents, breakdown services etc

- (1) Section 20 of the Act does not apply to or in relation to—
 - (a) a public authority, or a contractor engaged by a public authority, in relation to a work area or work site where workers are engaged at the direction of that authority or contractor to carry out short term low impact works, provided that the public authority or contractor complies with Section 8.2 of the *Workzone Traffic Management Standards*; or
 - (b) the following authorities, bodies or persons, in relation to a work area or work site where workers are engaged at the direction of the authority, body or person:
 - (i) the South Australian Metropolitan Fire Service, South Australian Country Fire Service or South Australian State Emergency Service, or a member of such an organisation acting in the course of the member's duty;
 - (ii) the SA Ambulance Service Inc or St Johns Ambulance Australia South Australia Incorporated, or a person providing ambulance services under the *Health Care Act 2008* on behalf of 1 of those organisations or otherwise;

- (iii) an authorised officer under the *Emergency Management Act 2004* acting in the course of the officer's duty;
 - (iv) the Australian Federal Police or a member of the Australian Federal Police acting in the course of the member's duty;
 - (v) the Australian Border Force or a member of the Australian Border Force acting in the course of the member's duty; or
- (c) an authority, body or person, in relation to a work area or work site where workers are engaged at the direction of the authority, body or person to—
- (i) provide breakdown or towing services; or
 - (ii) investigate, or provide assistance at the site of, a road accident; or
- (d) the Transport Department or an employee in the Department in relation to a work area or work site where workers are engaged at the direction of the Department or employee in road clearance work.

(2) In this regulation—

breakdown services include repairing a disabled vehicle, or providing other assistance to enable a disabled vehicle to be driven, or assisting a person to gain access to the person's vehicle;

member of the Australian Border Force has the same meaning as in regulation 62;

road clearance work means the removal from a road of material (including trees or other debris, animal remains or any article or material that has fallen from a vehicle) that is interfering with the use of the road by persons or vehicles;

short term low impact works means works that involve the occupation of a road for not more than 20 minutes;

towing services include towing vehicles at the site of an accident or towing vehicles that have broken down or that are unsafely or illegally parked and can legally be removed.

4B—Prescribed roads (section 20 of Act)

- (1) Subject to this regulation, the roads within the area of The Corporation of the City of Adelaide specified in Schedule 1A are prescribed roads for the purposes of the definition of ***prescribed road*** in section 20 of the Act.
- (2) If a road referred to in Schedule 1A lies partly within and partly outside the area of The Corporation of the City of Adelaide, only the part within the area is a prescribed road for the purposes of the definition in section 20.

4C—Additional requirements for placement of speed limit signs at work areas or work sites

For the purposes of section 20(3) of the Act, a speed limit sign that is placed on a road by an authority, body or person for the purpose of indicating a maximum speed to be observed by drivers while driving on, by or towards a work area or work site where workers are engaged, or works are in progress, at the direction of that authority, body or person must (in addition to being placed on the road with a relevant authorisation and in accordance with Part 2 of the Act as required by section 20) be placed on the road in accordance with the Workzone Traffic Management Standards.

4D—Fees for roadworks permits

- (1) The fee for a roadworks permit is the fee provided for in Schedule 3.
- (2) For the purpose of determining fees for roadworks permits, the Minister may, by notice in the Gazette, assign a tier level (numbered from 1 to 3) to prescribed roads or parts of prescribed roads.
- (3) A notice by the Minister under subregulation (2) may subsequently be varied or revoked by a further such notice.

4E—Determination of levels of hazard etc in relation to roadworks

Pursuant to section 20(16) of the Act, the Workzone Traffic Management Standards are prescribed as standards or requirements for determining, for the purposes of section 20—

- (a) whether or not a work area involves—
 - (i) a hazard to workers or a greater than normal level of hazard for persons using the road; or
 - (ii) an unusually high level of hazard to workers or persons using the road; or
- (b) the circumstances in which a portion of road will be taken to be—
 - (i) affected by works in progress; or
 - (ii) used to regulate traffic in relation to works or for associated purposes; or
- (c) the circumstances in which work will be taken to be required to be undertaken by a public authority as a matter of urgency.

5—Insertion of Schedule 1A

After Schedule 1 insert:

Schedule 1A—Prescribed roads for purposes of section 20 of Act

Anzac Highway	Montefiore Road
Bartels Road	Morphett Road
Barton Terrace	Morphett Street
Botanic Road	North Terrace
Currie Street	O'Connell Street
East Terrace	Peacock Road
Frome Road	Port Road
Frome Street	Prospect Road
Glen Osmond Road	Pulteney Street
Glover Avenue	Reconciliation Plaza
Goodwood Road	Rundle Road
Grenfell Street	Rundle Street
Grote Street	Sir Donald Bradman Drive
Hutt Road	Sir Edwin Smith Avenue
Hutt Street	Sir Lewis Cohen Avenue
Jeffcott Street	South Terrace
King William Road	Unley Road
King William Street	Victoria Square/Tarndanyangga
Main North Road	Wakefield Road
Mann Terrace	Wakefield Street
Medindie Road	War Memorial Drive
Melbourne Street	West Terrace

6—Variation of Schedule 3—Fees

Schedule 3—after clause 2 insert:

3—Fees for roadworks permits

(1) In this clause—

bicycle lane has the same meaning as in the *Australian Road Rules*;
marked lane has the same meaning as in the *Australian Road Rules*,
but—

- (a) includes a tram lane or tramway; and
- (b) does not include a bicycle lane;

relevant hour, in relation to a prescribed road or part of a prescribed road to which a tier has been assigned, means a period of 1 hour (with a period of less than 1 hour counting as 1 hour) that falls within the following periods for prescribed roads or parts of prescribed roads of the specified tier:

- (a) tier 1—
 - Monday to Saturday (inclusive) 7am to 7pm
 - Sunday 10am to 6pm
- (b) tier 2—
 - Monday to Friday (inclusive) 7am to 10am; 3pm to 6pm
- (c) tier 3—
 - Monday to Friday (inclusive) 7am to 9am; 4pm to 6pm;

tier, in relation to a prescribed road or part of a prescribed road, means a tier level assigned to that road or part of a road by notice in the Gazette under regulation 4D;

traffic restriction, in relation to a prescribed road or part of a prescribed road to which a tier has been assigned, means—

- (a) a reduction in the maximum speed to be observed on the prescribed road or part of a prescribed road by drivers while driving on, by or towards a work area or work site; or
- (b) the closure of a marked lane on the prescribed road or part of a prescribed road in connection with a work area or work site;

tram lane and **tramway** have the same respective meanings as in the *Australian Road Rules*.

- (2) Subject to this regulation, the following fee is payable to the Minister (for payment into the Highways Fund under section 21A of the Act) on application for a roadworks permit:
 - (a) \$20; plus
 - (b) where a traffic restriction in connection with a work area or work site to which the permit relates applies on a prescribed road or part of a prescribed road (to which a tier has been assigned) during a relevant hour—the following additional amount:
 - (i) in the case of a tier 1 road—\$500 per traffic restriction per relevant hour;
 - (ii) in the case of a tier 2 road—\$250 per traffic restriction per relevant hour;
 - (iii) in the case of a tier 3 road—\$100 per traffic restriction per relevant hour.
- (3) The Minister may waive, reduce or remit a fee payable under this clause.

- (4) Where a person is liable to pay a fee referred to in subclause (2)—
- (a) the Minister may, in a manner and form approved by the Minister, permit part or all of the fee to be paid within a specified period after the issue of the roadworks permit; and
 - (b) if the fee is not paid within the period specified, the Minister may recover the fee in a court of competent jurisdiction as a debt due to the Minister.

7—Variation of Schedule 4—Expiation of offences

Schedule 4, Part 2, table—before the item relating to section 40H(5) of the *Road Traffic Act 1961* insert:

21(1a)	<i>Placing speed limit sign on road without relevant authorisation in contravention of section 20(3) or closing portion of prescribed road without roadworks permit in contravention of section 20(5)</i>	\$1 250
21(3)	<i>Holder of approval or roadworks permit failing to comply with condition of approval or permit relating to signs or other traffic control devices used in connection with work area or work site</i>	\$1 250

Made by the Governor

with the advice and consent of the Executive Council
on 19 December 2017

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