

South Australia

Road Traffic (Miscellaneous) (Roadworks) Variation Regulations 2021

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 2021*.

2—Commencement

These regulations come into operation on 5 April 2021.

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 for Infrastructure and Transport, 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 or certain fire, ambulance, breakdown or other 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, or an employee of a public authority or of such a contractor, in relation to a work area or work site where workers are engaged at the direction of that authority, contractor or employee to carry out short term low impact works, provided that—
 - (i) the public authority, contractor or employee complies with Section 8.2 of the *Workzone Traffic Management Standards*; and
 - (ii) the works are not carried out—
 - (A) between the hours of 7 am and 9 am, Monday to Friday (inclusive); or
 - (B) between the hours of 4 pm and 6 pm, Monday to Friday (inclusive); or
 - (C) if the work area or work site includes a length of road to which a clearway sign applies—during a period referred to above or during any additional period for which the clearway sign applies to that length of road; 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, St John Ambulance Australia South Australia Incorporated or any other authority, body or person authorised to provide ambulance services under the *Health Care Act 2008*, or a person providing ambulance services under that Act on behalf of such an authority, body or person;
 - (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;
 - (vi) members of the armed forces of the Commonwealth engaged in police, fire fighting or ambulance duties or duties in connection with the urgent disposal of explosives or any emergency;
 - (vii) employees of Airservices Australia engaged in fire fighting duties or duties in connection with an emergency; 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 a contractor acting on behalf of the Department, or an employee of the Department or of such a contractor, in relation to a work area or work site where workers are engaged at the direction of the Department, contractor 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;

clearway sign has the same meaning as in the *Australian Road Rules*;

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—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.

4C—Fees for roadworks permits

The fee for a roadworks permit is the fee provided for in Schedule 3.

4D—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—Variation of Schedule 3—Fees

Schedule 3—after clause 2 insert:

3—Fees for roadworks permits

The fee payable to the Minister (for payment into the Highways Fund under section 21A of the Act) on application for a roadworks permit is \$0.

6—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

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 4 March 2021

No 21 of 2021