

South Australia

## **Technical and Further Education (Vehicles) Regulations 1998**

under the *Technical and Further Education Act 1975*

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### **1—Short title**

These regulations may be cited as the *Technical and Further Education (Vehicles) Regulations 1998*.

### **2—Commencement**

These regulations will come into operation on 1 September 1998.

### 3—Revocation

The *Technical and Further Education Parking Regulations 1980* (see *Gazette 15.1.1981 p91*), as varied, are revoked.

### 4—Interpretation

- (1) In these regulations, unless the contrary intention appears—

**commercial vehicle** means a vehicle constructed solely or mainly for the carriage of goods and includes a vehicle of the type commonly called a utility but excludes a vehicle of the type commonly called a station wagon or a station sedan;

**disabled person's parking permit** means—

- (a) a permit issued under Part 3D of the *Motor Vehicles Act 1959*; or
- (b) a similar permit or authority issued under the law of another State or a Territory of the Commonwealth;

**drive** includes ride;

**Loading Area** means an area within the grounds of a college denoted by an official sign as a Loading Area;

**long vehicle** means a vehicle (including a caravan, trailer or other vehicle attached to the vehicle) that exceeds six metres in length;

**No Parking Area** means an area within the grounds of a college denoted by an official sign as a No Parking Area;

**No Standing Area** means an area within the grounds of a college denoted by an official sign as a No Standing Area;

**official sign** means a sign, device or marking, or a combination of signs, devices or markings, erected or placed on the authority of the director of a college (see regulation 5(1));

**owner**, in relation to a vehicle, means—

- (a) a person registered or recorded as the owner or an owner of the vehicle under the *Motor Vehicles Act 1959* or a similar law of the Commonwealth or another State or a Territory of the Commonwealth; or
- (b) if the vehicle is registered in the name of a business under the *Motor Vehicles Act 1959* or a similar law of the Commonwealth or another State or a Territory of the Commonwealth—any person carrying on that business; or
- (c) a person to whom a trader's plate, a permit or other authority has been issued under the *Motor Vehicles Act 1959*, or a similar law of the Commonwealth or another State or a Territory of the Commonwealth, by virtue of which the vehicle is permitted to be driven on roads,

and includes—

- (d) if the ownership of the vehicle has been transferred but the transferee has not yet been registered or recorded as the owner of the vehicle—a person to whom ownership of the vehicle has been transferred; or
- (e) if a person has possession of the vehicle by virtue of the hire or bailment of the vehicle—that person;

*to park* includes to stand;

*parking control* means a provision of these regulations that regulates, restricts or prohibits the parking of vehicles;

*parking space* means a space in an area set aside for parking within the grounds of a college denoted by an official sign as a parking space;

*Permit Area* means an area within the grounds of a college denoted by an official sign as a Permit Area;

*road* includes the shoulders and areas at the side of the road used for the standing or parking of vehicles (including parking bays);

*vehicle* does not include a bicycle propelled by human power.

- (2) For the purposes of these regulations—
  - (a) a person who drives a vehicle to which a trailer or caravan is attached will be taken to be the driver of the trailer or caravan and the trailer or caravan will be taken to be driven by that person; and
  - (b) a vehicle will be regarded as parked in an area, parking space or other place if any part of the vehicle or anything in, on or attached to the vehicle is in or protrudes into the area, parking space or other place; and
  - (c) a permit will be taken to be displayed in a vehicle only if the permit is displayed on the inside of the windscreen on the side opposite to the driver's position (or, if the vehicle does not have a windscreen, in some other prominent position) so that the permit is easily legible to a person standing beside the vehicle.

## **5—Official signs**

- (1) The director of a college may authorise the erection or placement within the grounds of the college of a sign, device or marking, or a combination of signs, devices or markings, for any purpose contemplated by these regulations.
- (2) A sign, device or marking denoting an area for the purposes of a parking control—
  - (a) may specify the periods during which the parking control is to operate in relation to the area (and, if it does so, the parking control only has effect in relation to the area during the periods so denoted); and
  - (b) may be of a kind used by a municipal or district council in relation to similar parking controls in the area of the council or of any other kind that clearly indicates the nature of the parking control; and
  - (c) must be erected or placed in a manner that clearly denotes the area (taking into account any other signs, devices or markings denoting the area, the physical surroundings of the area and any denotation of adjacent areas by signs, devices or markings).

## **6—Dangerous or noisy driving**

- (1) A vehicle must not be driven within the grounds of a college in a dangerous or careless manner or without reasonable consideration for others.
- (2) A vehicle must not be driven within the grounds of a college in such a manner as to cause undue noise to be emitted from the vehicle.

## **7—Speeding**

A vehicle must not be driven within the grounds of a college at a speed in excess of 25 kilometres per hour.

## **8—Driving only on roads**

A vehicle must not be driven within the grounds of a college except on a road.

## **9—Regulating the flow of traffic**

A vehicle must not be driven on a road within the grounds of a college in contravention of an official sign erected or placed on or adjacent to the road providing for one-way traffic or otherwise regulating the flow of traffic.

## **10—Impeding pedestrian access**

A vehicle must not be parked within the grounds of a college in such a manner as to obstruct the passage of vehicles or pedestrians.

## **11—Parking only in areas set aside for parking**

A vehicle must not be parked within the grounds of a college except in an area set aside for the parking of vehicles.

## **12—Parking spaces**

- (1) A vehicle must not be parked in a parking space that is already occupied by another vehicle (except that two motor cycles may be parked in the same parking space).
- (2) Subject to this regulation, a vehicle parked in an area in which parking spaces are marked out must be parked wholly within a parking space so that no part of the vehicle or anything in, on or attached to the vehicle protrudes into any other parking space.
- (3) If an area is marked out with parking spaces and provides for parallel parking, a vehicle the length of which (including any trailer, caravan or other vehicle attached to the vehicle) exceeds the length of any such parking space may be parallel parked in the area so that it takes up more than one space.

## **13—Prohibited areas**

- (1) A vehicle must not be parked in a No Standing Area.
- (2) A vehicle must not be parked in a No Parking Area except for the purpose only of the immediate setting down or picking up of a passenger or goods.

## **14—Permit areas**

- (1) A vehicle must not be parked in a Permit Area for holders of disabled persons' parking permits unless such a permit is lawfully displayed in the vehicle.
- (2) A vehicle must not be parked in a Permit Area other than a Permit Area for disabled persons unless—
  - (a) an appropriate permit issued or recognised by the director of the college is displayed in the vehicle; and
  - (b) the vehicle is parked in accordance with the terms of that permit.

## **15—Loading areas**

A vehicle must not be parked in a Loading Area unless—

- (a) the vehicle is a commercial vehicle that is being loaded or unloaded and the vehicle is parked for no longer than such time as is necessary to complete the loading or unloading (but in any event for no longer than 30 minutes); or
- (b) in the case of any other vehicle, the vehicle is being loaded or unloaded, the cargo is difficult to load or unload because of its weight or size and the vehicle is parked for no longer than such time as is necessary to complete the loading or unloading (but in any event for no longer than 10 minutes); or
- (c) the vehicle is parked only for the purpose of the immediate setting down or picking up of a passenger or goods.

## **16—Limitation on class of vehicle that may be parked**

A vehicle must not be parked in an area within the grounds of a college denoted by an official sign as an area in which parking is limited to a specified class of vehicle unless the vehicle is of the specified class.

## **17—Time limit**

A vehicle must not be parked in an area within the grounds of a college denoted by an official sign as an area in which parking of a vehicle is subject to a specified time limit—

- (a) in the case of a vehicle in which a disabled person's parking permit is lawfully displayed—for a period in excess of 90 minutes longer than the specified time limit;
- (b) in any other case—for a period in excess of the specified time limit.

## **18—Angle parking**

- (1) A vehicle must not be parked in an area within the grounds of a college denoted by an official sign as an area in which vehicles must be angle parked unless the vehicle is parked—
  - (a) at the denoted angle (or, if no particular angle is denoted, 90°) to the kerb or other boundary or line along which vehicles may be angle parked; and
  - (b) with the foremost front wheel (or, in the case of a motor cycle, the front or back wheel) as close as practicable to that kerb, boundary or line.
- (2) A long vehicle must not be parked in an area within the grounds of a college denoted by an official sign as an area in which vehicles must be angle parked.

## **19—Parallel parking**

A vehicle must not be parked in an area within the grounds of a college denoted by an official sign as an area in which vehicles must be parallel parked unless the vehicle is parked—

- (a) in the case of a motor cycle—with at least one wheel as near as practicable to the kerb or other boundary or line along which vehicles may be parallel parked;

- (b) in any other case—aligned to the kerb or other boundary or line along which vehicles may be parallel parked and facing the lawful direction of travel along that part of the road nearest to the kerb or other boundary or line and with the kerbside wheels of the vehicle within 300 millimetres of the kerb, boundary or line.

## **20—Offence**

- (1) If a vehicle is driven or parked in a manner that contravenes or does not comply with these regulations, the driver of the vehicle and the owner of the vehicle are each guilty of the offence.

Maximum penalty: \$200.

Expiation fee: \$20.

- (2) However, the owner and driver of a vehicle are not both liable to be convicted of an offence against these regulations arising out of the same circumstances and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.

## **21—Further offence each hour**

If a person is guilty of an offence by reason of a vehicle being parked in a manner that contravenes or does not comply with these regulations, the person is guilty of a further offence—

- (a) in the case of an offence of exceeding a specified time limit—
  - (i) if the specified limit is one or more hours—for each hour that the vehicle remains parked in the area while the area is in operation;
  - (ii) if the specified limit is less than one hour—for each period so specified that the vehicle remains parked in the area while the area is in operation;
- (b) in any other case—for each hour that the offence continues.

Maximum penalty: \$200.

Expiation fee: \$20.

## **22—Offence to hinder or obstruct a person issuing expiation notices**

A person must not hinder or obstruct a person authorised to issue expiation notices for alleged offences against these regulations in the carrying out of his or her duties.

Maximum penalty: \$200.

## **23—Owner of vehicle may name driver**

- (1) An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged offence against these regulations arising out of the use of the vehicle must be accompanied by a notice inviting the owner, if he or she was not the driver at the time of the alleged offence, to provide the issuing authority (within the meaning of that Act), within the period specified in the notice, with a statutory declaration—

- (a) setting out the name and address of the driver; or

- (b) if he or she had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer—setting out details of the transfer (including the name and address of the transferee).
- (2) Before proceedings are commenced against the owner of a vehicle for an offence against these regulations arising out of the use of the vehicle, the complainant must send the owner a notice—
  - (a) setting out particulars of the alleged offence; and
  - (b) inviting the owner, if he or she was not the driver at the time of the offence, to provide the complainant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subregulation (1).
- (3) Subregulation (2) does not apply to—
  - (a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
  - (b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this regulation as the driver of the vehicle.
- (4) Subject to subregulation (5), in proceedings against the owner of a vehicle for an offence against these regulations, it is a defence to prove—
  - (a) that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged offence; or
  - (b) that the owner provided the complainant with a statutory declaration in accordance with an invitation under this regulation.
- (5) The defence in subregulation (4)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- (6) If—
  - (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this regulation; or
  - (b) proceedings are commenced against a person named as the alleged driver in such a statutory declaration,

the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.

## 24—Evidence

- (1) In proceedings for an offence against these regulations, a certificate apparently signed by the director of the college in the grounds of which the offence is alleged to have been committed certifying that a sign, device or marking was erected or placed on the authority of the director is conclusive proof of the facts so stated.
- (2) In proceedings against a person named in a statutory declaration under these regulations for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the vehicle at the time at which the alleged offence was committed.

- (3) In proceedings for an offence against these regulations, an allegation in the complaint that—
- (a) a specified person was the owner, or one of the owners, of a specified vehicle on a specified day;
  - (b) a notice inviting the owner of a vehicle to provide a statutory declaration has been sent in accordance with these regulations;
  - (c) on a specified day a specified place within the grounds of a college was or was not an area set aside for parking;
  - (d) on a specified day there were signs, devices or marks denoting a specified area within the grounds of a college for specified purposes contemplated by these regulations;
  - (e) on a specified day a specified person did or did not hold a permit authorising parking in a specified Permit Area,
- will be accepted as proved in the absence of proof to the contrary.
- (4) In proceedings for an offence against these regulations, a certificate apparently signed by the director of the college in the grounds of which the offence is alleged to have been committed certifying as to the terms of a permit authorising parking in a Permit Area within the grounds of the college or the terms of an authorisation given by the director under these regulations will, in the absence of proof to the contrary, be accepted as proof of the matters so certified.

## **25—Exemptions**

- (1) Despite these regulations, no offence arises from the driving or parking of—
- (a) a vehicle that is being used by—
    - (i) a person authorised to issue expiation notices for alleged offences against these regulations; or
    - (ii) a member of the police force,  
in the course of official duties;
  - (b) a fire services vehicle that is being used for purposes related to fire fighting or fire prevention;
  - (c) an ambulance or similar vehicle;
  - (d) a vehicle that is being used for the purposes of the State Emergency Service;
  - (e) a vehicle that is being used for purposes related to safety, maintenance or repair of roads or college facilities;
  - (f) a vehicle that is the subject of an automotive workshop constituting or forming part of a course of technical and further education;
  - (g) a vehicle driven or parked within the grounds of a college in accordance with a specific authorisation given by the director of the college for the purposes of this regulation.
- (2) An authorisation given by the director of a college under subregulation (1)(g)—
- (a) may be subject to conditions specified by the director; and

- (b) may be varied or revoked by the director at any time.
- (3) If the director of a college gives an authorisation subject to a condition, a person must not contravene or fail to comply with the condition.

Maximum penalty: \$200.

Expiation fee: \$20.

## **Schedule—Transitional provision**

### **Transitional provision**

For the purposes of these regulations, a sign, device or marking apparently regulating, restricting or prohibiting the driving or parking of vehicles within the grounds of a college at the commencement of these regulations will be taken to have been erected or placed on the authority of the director of the college under these regulations.

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Expiry of regulations

The *Technical and Further Education (Vehicles) Regulations 1998* expired on 1.9.2013: see *Subordinate Legislation Act 1978*.

### Principal regulations

Year	No	Reference	Commencement
1998	173	<i>Gazette 21.8.1998 p606</i>	1.9.1998: r 2