



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 55 of 1972

An Act to amend the Motor Vehicles Act, 1959-1971

[Assented to 27th April, 1972]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short titles.

1. (1) This Act may be cited as the "Motor Vehicles Act Amendment Act, 1972".

(2) The Motor Vehicles Act, 1959-1971, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1972".

(3) The Motor Vehicles Act, 1959-1971, is hereinafter referred to as "the principal Act".

Commencement.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on the day on which it is assented to.

(2) Sections 11, 13, 14 and 16 shall come into operation on a day to be fixed by proclamation.

**Amendment of principal Act, s. 5—
Interpretation:**

3. Section 5 of the principal Act is amended—

(a) by inserting after the definition of "licence" the following definition:—

"Minister" means the Minister of Roads and Transport or any other Minister to whom the administration of this Act is committed by the Governor;

and

(b) by inserting after the definition of "mobile fork lift" the following definitions:—

"motor car" means a motor vehicle—

(a) designed for the principal purpose of carrying passengers;

and

(b) designed to carry not more than eight adult passengers (including the driver):

"motor cycle" means a motor vehicle (not being a trailer) that moves upon only two wheels, or where a side car or side box is attached, upon not more than three wheels:

"motor omnibus" means a motor vehicle—

(a) designed for the principal purpose of carrying passengers;

and

(b) designed to carry more than eight adult passengers (including the driver):.

4. Section 6 of the principal Act is repealed.

Repeal of s. 6
of principal
Act.

5. The following section is enacted and inserted in the principal Act immediately after section 17 thereof:—

Enactment of
s. 17a of
principal Act—

17a. (1) Where, upon application to the Registrar for a permit under this section, the Registrar is satisfied that it would in the circumstances be unreasonable or inexpedient to require registration of the motor vehicle to which the application relates, he may, in his discretion, upon payment of the prescribed fee, grant to the applicant a permit permitting the motor vehicle specified in the permit to be driven on roads over any period, not exceeding three days, specified in the permit.

Short term
permit.

(2) The permit must throughout the period for which it remains in force be affixed to the vehicle to which it relates in the position prescribed for the carrying of a registration label.

(3) A person shall not drive a motor vehicle in respect of which a permit is in force under this section unless the permit is affixed to the vehicle in accordance with subsection (2) of this section.

Penalty: Fifty dollars.

(4) Any such permit may contain a provision exempting any person from the duty to comply in respect of the vehicle with any specified provisions of this Act, or any other Act relating to road traffic.

Amendment of
principal Act,
s. 20—
Application for
registration.

6. Section 20 of the principal Act is amended by inserting after subsection (2) the following subsections:—

(3) It shall not be competent for a person under the age of sixteen years to apply for, or be granted, registration in respect of a motor vehicle.

(4) If the Registrar purports to register a motor vehicle upon an application that is invalid by reason of subsection (3) of this section, a policy of insurance under Part IV of this Act shall, notwithstanding the invalidity of the registration, come into operation in respect of the motor vehicle in all respects as if it had been validly registered.

Amendment of
principal Act,
s. 29—
Registration
fees.

7. Section 29 of the principal Act is amended by striking out from subsection (6) the passage “an additional \$5.20 for each P.W. or fractional part of 5 P.W. in excess of 40 P.W.” and inserting in lieu thereof the passage “an additional \$5.20 for each 5 P.W. or fractional part of 5 P.W. in excess of 40 P.W.”.

Amendment of
principal Act,
s. 33a—
Separate
registrations
for parts of
articulated
motor vehicles.

8. Section 33a of the principal Act is amended by striking out from paragraph (c) the passage “subsection (3) of section 29 of this Act” and inserting in lieu thereof the passage “subsection (6) of section 29 of this Act”.

Amendment of
principal Act,
s. 41—
Misuse of
vehicles
registered at
reduced fee or
without fee.

9. Section 41 of the principal Act is amended by striking out subsections (3) and (4).

Amendment of
principal Act,
s. 46—
Duty to carry
number plates,
etc.

10. Section 46 of the principal Act is amended by inserting after subsection (8) the following subsections:—

(9) After a date to be fixed by proclamation for the purposes of this section, a person shall not sell a number plate for attachment to a motor vehicle under this section unless the number plate has been manufactured by a person licensed under this section.

Penalty: One hundred dollars.

(10) After the date fixed for the purposes of subsection (9) of this section a person shall not drive a motor vehicle to which a number plate is attached unless the number plate—

(a) was manufactured by a licensed manufacturer;

or

(b) was manufactured before that date.

Penalty: One hundred dollars.

(11) The Minister may, upon such terms and conditions as he thinks fit, license any person as a manufacturer of number plates.

11. Section 72 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 72 of principal Act and enactment of section in its place—
Classification of licences.

72. (1) A licence granted or renewed on or after the commencement of this section must be endorsed with one or more of the following classifications:—

- Class 1
- Class 2
- Class 3
- Class 4
- Class 5.

(2) Subject to this Act, a licence endorsed with the classification "Class 1" shall authorize the holder of the licence to drive—

(a) any motor car;

or

(b) any other motor vehicle the weight of which (excluding the weight of any trailer) does not exceed thirty-five hundredweights except an articulated motor vehicle, a motor cycle or a motor omnibus.

(3) Subject to this Act, a licence endorsed with the classification "Class 2" shall authorize the holder of the licence to drive any motor vehicle except an articulated motor vehicle, a motor cycle or a motor omnibus.

(4) Subject to this Act, a licence endorsed with the classification "Class 3" shall authorize the holder of the licence to drive any motor vehicle except a motor cycle or a motor omnibus.

(5) Subject to this Act, a licence endorsed with the classification "Class 4" shall authorize the holder of the licence to drive a motor cycle.

(6) Subject to this Act, a licence endorsed with the classification "Class 5" shall authorize the holder of the licence to drive a motor omnibus.

(7) A licence in force under this Act immediately before the commencement of this section, shall remain in force for the remainder of the term for which it was granted or last renewed and shall confer the same rights (subject to any conditions upon which it may have been granted or renewed) as it conferred under this Act immediately before the commencement of this section.

(8) Subject to this section, where the Registrar is satisfied that an applicant for the grant or renewal of a licence has held a licence under this Act (other than a licence endorsed with a restrictive condition that the holder is authorized to drive motor cycles only) within the period of three years immediately preceding the date of the application, a licence, if granted upon the application—

(a) shall, where the applicant prior to the commencement of this section, passed a practical driving test under this Act appropriate to a licence of Class A, be endorsed with the classification "Class 2";

and

(b) in any other case, shall be endorsed with the classification "Class 1".

(9) Where an applicant for the grant or renewal of a licence seeks the endorsement of any further or other classification upon the licence and he satisfies the Registrar by such evidence as he may require—

(a) in the case of an application made within twelve months after the commencement of this section, that the applicant has, during the period of twelve months immediately preceding the date of his application, lawfully driven a motor vehicle in respect of which that further or other classification is required under this Act;

or

(b) in the case of an application whenever made, that the applicant is competent to drive a motor vehicle in respect of which that further or other classification is required under this Act,

a licence, if granted upon the application, shall be endorsed with the further or other classification sought in the application.

Amendment of
principal Act,
s. 74a—
Tow-truck
certificates.

12. Section 74a of the principal Act is amended—

(a) by inserting after subsection (3) the following subsection:—

(3a) If the Registrar is not satisfied of the applicant's good character, he shall refer the matter to the consultative committee for inquiry, and if the consultative committee is satisfied that the applicant is not guilty of any dishonest or dishonourable conduct by reason of which he is unfit to hold the licence, the Registrar shall not refuse to issue the licence on the ground that he is not satisfied of the applicant's good character.;

and

(b) by inserting after subsection (5) the following subsection:—

(5a) Where the Registrar is of the opinion that proper grounds exist for the cancellation of a certificate under subsection (5) of this section, he shall not proceed to cancel the certificate unless he has referred the matter to the consultative committee and the committee has concurred in his opinion that proper grounds exist for cancellation of the certificate under that subsection.

13. Section 76 of the principal Act is amended by striking out the passage “of Class A or a licence of Class B”.

Amendment of principal Act, s. 76—
Licence and learner's permit fee.

14. Section 78 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections:—

Amendment of principal Act, s. 78—
Age of drivers to whom learner's permits may be issued.

(2) A licence endorsed with the classification “Class 2” shall not be issued to a person under the age of seventeen years who did not hold a licence under this Act before the commencement of this subsection.

(3) A licence endorsed with the classification “Class 3” or the classification “Class 5” shall not be issued to a person under the age of eighteen years who did not hold a licence under this Act before the commencement of this subsection.

15. Section 82 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 82 of principal Act and enactment of section in its place—

82. The Registrar shall, upon the recommendation of the consultative committee—

Cancellation or suspension of licence or learner's permit.

(a) refuse to issue or renew a licence or a learner's permit to any person;

or

(b) cancel the licence or learner's permit of any person,

who—

(c) has been convicted of driving a motor vehicle while he is so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle;

(d) has been convicted of driving a motor vehicle recklessly, or at a speed or in a manner dangerous to the public, or of any offence that, in the opinion of the consultative committee, shows him to be unfit to hold a licence or a learner's permit;

or

(e) is, in the opinion of the consultative committee, otherwise unfit to hold a licence or a learner's permit.

Repeal of s. 85 of principal Act and enactment of section in its place—

16. Section 85 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Exchange of licence.

85. If a person who holds a licence satisfies the Registrar by such evidence as the Registrar may require that he is competent to drive motor vehicles for which a licence endorsed with any further or other classification is required under this Act, he may surrender his licence to the Registrar, and the Registrar shall issue to him, without fee, a licence endorsed with the appropriate further or other classification.

Amendment of principal Act, s. 98a—
Instructors' licences.

17. Section 98a of the principal Act is amended—

(a) by striking out from subsection (2) the passage "over the age of eighteen years";

(b) by inserting after subsection (2) the following subsection:—

(2a) If the Registrar is not satisfied of the applicant's good character, he shall refer the matter to the consultative committee for inquiry, and if the consultative committee is satisfied that the applicant is not guilty of any dishonest or dishonourable conduct by reason of which he is unfit to hold the licence, the Registrar shall not refuse to issue the licence upon the ground that he is not satisfied of the applicant's good character.;

and

(c) by inserting after subsection (7) the following subsection:—

(7a) Where the Registrar is of the opinion that proper grounds exist for the cancellation of an instructor's licence under subsection (7) of this section, he shall not proceed to cancel the certificate unless he has referred the matter to the consultative committee and the committee has concurred in his opinion that proper grounds exist for cancellation of the certificate under that subsection.

Enactment of s. 139b of principal Act—

18. The following section is enacted and inserted in the principal Act immediately after section 139a:—

Consultative committee.

139b. (1) The Minister shall appoint a consultative committee for the purposes of this Act.

(2) The consultative committee shall consist of—

(a) the Registrar or his nominee;

(b) the Commissioner of Police or his nominee;
and

(c) a legal practitioner of at least five years standing.

(3) The members of the consultative committee shall hold office upon such terms and conditions as the Minister may determine.

(4) It shall be the duty of the consultative committee to determine any matters upon which its opinion or decision is required under this Act.

(5) Two members of the consultative committee shall constitute a quorum at any meeting of the committee and any decision concurred in by two members of the committee shall be the decision of the committee.

(6) A member of the consultative committee shall be entitled to receive such remuneration, allowances and expenses as the Minister may determine.

19. Section 145 of the principal Act is amended by striking out from paragraph (d) the passage "fifty dollars" and inserting in lieu thereof the passage "one hundred dollars".

Amendment of
principal Act,
s. 145—
Regulations.

In the name and on behalf of Her Majesty, I hereby assent
to this Bill.

J. M. NAPIER, Governor's Deputy