

South Australia



MOTOR VEHICLES (MISCELLANEOUS NO. 2) AMENDMENT ACT 1996

No. 30 of 1996

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Interpretation
4. Substitution of ss. 11 and 12
 11. Exemption of fire fighting vehicles
 12. Exemption for certain trailers and farm implements
5. Repeal of s. 13
6. Amendment of s. 16—Permits to drive vehicles without registration
7. Amendment of s. 20—Application for registration
8. Amendment of s. 21—Power of Registrar to return application
9. Amendment of s. 24—Duty to grant registration
10. Amendment of s. 25—Conditional registration of certain classes of vehicles
11. Amendment of s. 31—Registration without fee
12. Amendment of s. 32—Vehicles owned by the Crown
13. Amendment of s. 34—Registration fees for primary producers' commercial vehicles
14. Repeal of ss. 34a, 35 and 36
15. Amendment of s. 37—Registration fees for vehicles in outer areas
16. Insertion of s. 37A
 - 37a. Application of ss. 38 to 38b
17. Repeal of s. 39
18. Amendment of s. 41—Misuse of vehicles registered at reduced fees or without fees
19. Amendment of s. 43—Short payment, etc.
20. Amendment of s. 43a—Temporary configuration certificate for heavy vehicle
21. Amendment of s. 47—Duty to carry number plates
22. Insertion of s. 47c
 - 47c. Return or recovery of number plates
23. Substitution of s. 52
 52. Return or destruction of registration label
24. Substitution of s. 54
 54. Cancellation of registration and refund on application by registered owner
25. Repeal of s. 55
26. Amendment of s. 55a—Cancellation of registration where application information incorrect
27. Amendment of s. 56—Duty of transferor on transfer of vehicle
28. Amendment of s. 60—Cancellation of registration where failure to transfer after change of ownership
29. Amendment of s. 75a—Learner's permit

30. Amendment of s. 77a—Licences and learner's permits to include photographs
31. Amendment of s. 78—Graduated licences
32. Amendment of s. 81a—Provisional licences
33. Amendment of s. 81b—Consequences of holder of learner's permit or provisional licence contravening conditions or incurring four or more demerit points
34. Amendment of s. 82—Registrar to give effect to certain recommendations of consultative committee
35. Amendment of s. 84—Term of licence
36. Amendment of s. 93—Notice to be given to Registrar
37. Amendment of s. 98aab—Duty to carry learner's permit or provisional licence
38. Amendment of s. 99—Interpretation
39. Amendment of s. 102—Duty to insure against third party risks
40. Amendment of s. 136—Duty to notify change of address
41. Amendment of s. 141—Evidence by certificate of Registrar
42. Transitional provision
43. Amendment of Stamp Duties Act 1923



ANNO QUADRAGESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1996

No. 30 of 1996

An Act to amend the Motor Vehicles Act 1959 and to make consequential amendments to the Stamp Duties Act 1923.

[Assented to 2 May 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Motor Vehicles (Miscellaneous No. 2) Amendment Act 1996*.

(2) The *Motor Vehicles Act 1959* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Interpretation

3. Section 5 of the principal Act is amended—

(a) by striking out from the definition of "the balance of the prescribed registration fee" in subsection (1) "prescribed fee" and substituting "prescribed registration fee";

(b) by inserting after the definition of "declared area" in subsection (1) the following definitions:

"farm implement" means a wheeled implement or machine wholly or mainly constructed for operations forming part of a primary producer's business, but does not include a vehicle or trailer wholly or mainly constructed for the carriage of persons or goods on roads;

"garage address", in relation to a motor vehicle, means—

(a) the address of the place of residence or business at which the motor vehicle is ordinarily kept when not in use;

or

- (b) the principal depot or base of operation of the motor vehicle;;
- (c) by striking out from subsection (1) the definition of "prescribed registration fee" and substituting the following definition:

"prescribed registration fee" means the amount of the fee payable in respect of the registration of a motor vehicle that is specified in the regulations as being the registration fee (rather than, for example, an administration fee);;

- (d) by striking out from subsection (1) the definitions of "probationary conditions" and "probationary licence" and substituting the following definitions:

"provisional licence" means a driver's licence subject to provisional licence conditions;

"provisional licence conditions" means the conditions imposed on a licence under section 81a(1);;

- (e) by striking out from subsection (1) the definition of "reduced registration fee" and substituting the following definition:

"reduced registration fee" means—

- (a) the fee payable for conditional registration of a motor vehicle under section 25;

or

- (b) any other fee payable by a person for registration of a motor vehicle that is less than the prescribed registration fee in relation to the vehicle;.

Substitution of ss. 11 and 12

4. Sections 11 and 12 of the principal Act are repealed and the following sections are substituted:

Exemption of fire fighting vehicles

11. A motor vehicle may be driven on roads without registration for the purpose of taking measures for extinguishing or controlling a fire that is causing or threatening to cause loss of life or injury or damage to persons, animals or property.

Exemption for certain trailers and farm implements

12. (1) An unregistered trailer or farm implement may be towed on roads by a tractor or farm implement that is conditionally registered under section 25.

(2) An unregistered farm implement may be towed on roads by a registered motor vehicle the registered owner of which is a primary producer.

(3) While a trailer or farm implement is on a road and is being towed, or is on a road and is connected to a vehicle for towing, as authorised under this section, the policy of insurance in force under Part IV in relation to the towing vehicle is to be taken to extend in coverage so that it is also in force and applies in relation to the trailer or farm implement and its owner and driver and any passenger in or on it.

Repeal of s. 13

5. Section 13 of the principal Act is repealed.

Amendment of s. 16—Permits to drive vehicles without registration

6. Section 16 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (2) and substituting the following paragraph:

(a) the prescribed fee payable in respect of registration of the vehicle;;

(b) by striking out from subsection (14) "proportion of any registration fee" and substituting "part of any fee".

Amendment of s. 20—Application for registration

7. Section 20 of the principal Act is amended—

(a) by inserting after subparagraph (iii) of subsection (1)(a) the following subparagraph:

(iiia) the garage address of the vehicle;;

(b) by inserting after paragraph (a) of subsection (1) the following paragraph:

(ab) must, if there is more than one owner of the vehicle, nominate one of the owners as the responsible operator of the vehicle;;

(c) by striking out paragraph (a) of subsection (2) and substituting the following paragraph:

(a) the prescribed fee;.

Amendment of s. 21—Power of Registrar to return application

8. Section 21 of the principal Act is amended—

(a) by striking out from paragraph (c) "registration or administration";

(b) by striking out "any registration or administration fee" and substituting "any prescribed registration fee".

Amendment of s. 24—Duty to grant registration

9. Section 24 of the principal Act is amended—

(a) by striking out paragraph (a) of subsection (1) and substituting the following paragraph:

(a) for a period of 12 months or one, two or three quarters;;

(b) by striking out subsection (1b) and substituting the following subsection:

(1b) The Registrar may renew the registration of a motor vehicle despite the expiry of the previous registration if the application for renewal is made by the last registered owner of the vehicle within 90 days of that expiry.

Amendment of s. 25—Conditional registration of certain classes of vehicles

10. Section 25 of the principal Act is amended—

(a) by striking out subsection (1) and substituting the following subsection:

(1) The Registrar may register a motor vehicle under this section if—

- (a) the applicant satisfies the Registrar that the vehicle is of a class prescribed for the purposes of this section;
- (b) the applicant undertakes that the conditions of registration of the vehicle under this section will be complied with;

and

- (c) application for registration of the vehicle is made in accordance with section 20 and the fee paid in respect of the registration is the applicable fee fixed by the regulations for the purposes of this section.;

(b) by striking out paragraph (c) of subsection (2);

(c) by striking out subsection (3).

Amendment of s. 31—Registration without fee

11. Section 31 of the principal Act is amended by striking out all paragraphs of subsection (1) other than paragraphs (j) and (q).

Amendment of s. 32—Vehicles owned by the Crown

12. Section 32 of the principal Act is amended by striking out subsection (3).

Amendment of s. 34—Registration fees for primary producers' commercial vehicles

13. Section 34 of the principal Act is amended—

(a) by striking out from subsection (1) "or tractor" twice occurring;

(b) by striking out from subsection (1) the passage commencing with the words "must be reduced" and substituting "for that motor vehicle must be reduced by the prescribed amount".

Repeal of ss. 34a, 35 and 36

14. Sections 34a, 35 and 36 of the principal Act are repealed.

Amendment of s. 37—Registration fees for vehicles in outer areas

15. Section 37 of the principal Act is amended by striking out from subsection (2) the passage commencing with the words "must be reduced" and substituting "for that motor vehicle must be reduced by the prescribed amount".

Insertion of s. 37A

16. The following section is inserted after section 37 of the principal Act:

Application of ss. 38 to 38b

37a. Sections 38 to 38b (inclusive) do not apply in relation to a heavy vehicle.

Motor Vehicles (Miscellaneous No. 2)
Amendment Act 1996

No. 30 of 1996

Repeal of s. 39

17. Section 39 of the principal Act is repealed.

Amendment of s. 41—Misuse of vehicles registered at reduced fees or without fees

18. Section 41 of the principal Act is amended—

(a) by inserting after subsection (2) the following subsection:

(2a) A person must not contravene or fail to comply with a condition of registration of a motor vehicle under section 25.

Penalty: Division 9 fine.;

(b) by inserting in subsection (3)(b) "registration" after "reduced".

Amendment of s. 43—Short payment, etc.

19. Section 43 of the principal Act is amended by striking out subsections (6) and (7).

Amendment of s. 43a—Temporary configuration certificate for heavy vehicle

20. Section 43a of the principal Act is amended by striking out subsection (7) and substituting the following subsection:

(7) A person who drives a vehicle on a road while a certificate is in force in respect of the vehicle under this section must—

(a) carry the certificate in the vehicle;

and

(b) if so required by a member of the police force or an inspector, produce the certificate for inspection by the member or inspector.

Penalty: Division 11 fine.

Amendment of s. 47—Duty to carry number plates

21. Section 47 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A person must not drive a motor vehicle on a road unless a number plate or plates—

(a) that conform to the specifications and design prescribed for number plates of a class established under section 47a;

and

(b) that bear the number allotted to the vehicle under this Act,

are attached to the vehicle in accordance with the regulations.

Insertion of s. 47c

22. The following section is inserted after section 47b of the principal Act:

Return or recovery of number plates

47c. (1) The Registrar must, before cancelling the registration of a motor vehicle on application by the registered owner, be satisfied in respect of any number plates issued for the vehicle that—

- (a) the plates have been returned to the Registrar;
 - (b) the plates cannot be returned because they have been destroyed or stolen;
- or
- (c) there is a proper reason why the applicant should be allowed to retain the plates.

(2) The Registrar must, if the registration of a motor vehicle—

- (a) has expired and has not been renewed within the period allowed for renewal;
 - (b) has become void or has been found to have been void;
- or
- (c) is cancelled otherwise than on application as referred to in subsection (1),

by notice in writing served on the owner of the vehicle or person who is or was last registered as the owner of the vehicle, direct the person to return, within the period specified in the notice, any number plates of a specified kind issued for the vehicle.

(3) A person must not fail, without reasonable excuse, to comply with a direction under subsection (2).

Penalty: Division 10 fine.

(4) If the registration of a motor vehicle—

- (a) has expired and has not been renewed within the period allowed for renewal;
 - (b) has become void or has been found to have been void;
- or
- (c) has been cancelled,

the Registrar, a member of the police force or an inspector may seize any number plates (other than number plates of a prescribed kind) issued for the vehicle and, for the purpose of so doing, may, at any reasonable time, enter and remain on any land or premises.

**Motor Vehicles (Miscellaneous No. 2)
Amendment Act 1996**

No. 30 of 1996

(5) A person must not hinder another person who is acting in the exercise of a power conferred by subsection (4).

Penalty: Division 10 fine.

Substitution of s. 52

23. Section 52 of the principal Act is repealed and the following section is substituted:

Return or destruction of registration label

52. (1) The Registrar must, before cancelling the registration of a motor vehicle on application by the registered owner, be satisfied that—

(a) the registration label issued for the vehicle has been returned or destroyed;

or

(b) the vehicle has been stolen or destroyed.

(2) The Registrar must, if the registration of a motor vehicle has become void or has been found to have been void or is cancelled otherwise than on application as referred to in subsection (1), by notice in writing served on the person who is or was last registered as the owner of the vehicle, direct the person to destroy the registration label issued for the vehicle in such manner as the Registrar thinks fit and specifies in the notice.

(3) A person must not fail, without reasonable excuse, to comply with a direction under subsection (2).

Penalty: Division 10 fine.

(4) If the registration of a motor vehicle has become void or has been found to have been void or has been cancelled, the Registrar, a member of the police force or an inspector, may remove from that vehicle the registration label relating to that registration and, for the purpose of so doing, may, at any reasonable time, enter and remain on any land or premises.

(5) A person must not hinder another person who is acting in the exercise of a power conferred by subsection (4).

Penalty: Division 10 fine.

Substitution of s. 54

24. Section 54 of the principal Act is repealed and the following section is substituted:

Cancellation of registration and refund on application by registered owner

54. (1) Subject to this Act, the Registrar must, on application by the registered owner of a motor vehicle made in a manner and form determined by the Minister, cancel the registration of the vehicle.

(2) Where a registration is cancelled under this section, the Registrar must pay, or place to the credit of, the applicant any refund required under the regulations.

Repeal of s. 55

25. Section 55 of the principal Act is repealed.

Amendment of s. 55a—Cancellation of registration where application information incorrect

26. Section 55a of the principal Act is amended by striking out from subsection (2) "make a refund in respect of the unexpired period of the registration" and substituting "at the Registrar's discretion, refund such part of the amount paid to the Registrar by the person in whose name the vehicle was registered as the Registrar thinks just".

Amendment of s. 56—Duty of transferor on transfer of vehicle

27. Section 56 of the principal Act is amended by striking out paragraph (a) and substituting the following paragraph:

- (a) apply for cancellation of the registration;.

Amendment of s. 60—Cancellation of registration where failure to transfer after change of ownership

28. Section 60 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

- (2) The Registrar must, after cancelling the registration, on application by the transferee, make any refund required under the regulations.

Amendment of s. 75a—Learner's permit

29. Section 75a of the principal Act is amended by striking out from subsection (3)(d) "probationary" twice occurring and substituting, in each case, "provisional".

Amendment of s. 77a—Licences and learner's permits to include photographs

30. Section 77a of the principal Act is amended by striking out subsections (3) and (4).

Amendment of s. 78—Graduated licences

31. Section 78 of the principal Act is amended—

- (a) by striking out from subsection (2) "Subject to subsection (3), a" and substituting "A";
- (b) by striking out subsection (3).

Amendment of s. 81a—Provisional licences

32. Section 81a of the principal Act is amended—

- (a) by striking out from subsection (1aa) "probationary conditions" and substituting "the conditions that would otherwise be imposed under that subsection";
- (b) by striking out "probationary licence" wherever it occurs and substituting, in each case, "provisional licence".

Amendment of s. 81b—Consequences of holder of learner's permit or provisional licence contravening conditions or incurring four or more demerit points

33. Section 81b of the principal Act is amended—

- (a) by striking out "probationary conditions" wherever it occurs and substituting, in each case, "prescribed conditions";
- (b) by striking out "probationary licence" wherever it occurs and substituting, in each case, "provisional licence";

- (c) by striking out from subsection (2)(a) "probationary condition" and substituting "prescribed condition".

Amendment of s. 82—Registrar to give effect to certain recommendations of consultative committee

34. Section 82 of the principal Act is amended—

- (a) by striking out from subsection (1)(ac) "probationary licence" and substituting "provisional licence";
- (b) by striking out from subsection (1)(ac) "probationary conditions" and substituting "provisional licence conditions".

Amendment of s. 84—Term of licence

35. Section 84 of the principal Act is amended—

- (a) by striking out from subsection (1) "5 years" and substituting "10 years";
- (b) by striking out from subsection (1b) "probationary licence" and substituting "provisional licence";
- (c) by striking out from subsection (1b) "probationary conditions" twice occurring and substituting, in each case, "provisional licence conditions".

Amendment of s. 93—Notice to be given to Registrar

36. Section 93 of the principal Act is amended by striking out from subsection (3a)(b) "probationary" and substituting "provisional".

Amendment of s. 98aab—Duty to carry learner's permit or provisional licence

37. Section 98aab of the principal Act is amended by striking out from subsection (2) "probationary" and substituting "provisional".

Amendment of s. 99—Interpretation

38. Section 99 of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) For the purposes of this Part and the fourth schedule, death or bodily injury will be regarded as being caused by or as arising out of the use of a motor vehicle conditionally registered under section 25 that is a tractor or farm implement only if it is caused by or arises out of the use of the vehicle (as referred to in subsection (3)) on a road.

Amendment of s. 102—Duty to insure against third party risks

39. Section 102 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:

(1) A person must not drive a motor vehicle on a road or wharf unless a policy of insurance complying with this Part is in force in relation to the vehicle.;

- (b) by striking out subparagraph (i) of subsection (2)(a);

**Motor Vehicles (Miscellaneous No. 2)
Amendment Act 1996**

No. 30 of 1996

(c) by striking out subparagraph (iii) of subsection (2)(a) and substituting the following subparagraph:

(iii) towing an uninsured trailer that is not a heavy vehicle,.

Amendment of s. 136—Duty to notify change of address

40. Section 136 of the principal Act is amended by inserting after subsection (2) the following subsection:

(2a) The person registered as the owner of a motor vehicle must, if the vehicle ceases to have the garage address registered in respect of the vehicle, give notice to the Registrar in a prescribed manner of the vehicle's new garage address.

Penalty: Division 10 fine.

Amendment of s. 141—Evidence by certificate of Registrar

41. Section 141 of the principal Act is amended by inserting in paragraph (i) "or a change of garage address" after "business".

Transitional provision

42. (1) A probationary licence in force immediately before the commencement of this Act continues in force, subject to the principal Act and any other Act, as if it were a provisional licence and as if the probationary conditions of the licence were provisional licence conditions.

(2) A reference in any Act, statutory instrument, notice, order or other document to a probationary licence or probationary conditions will, unless the context otherwise requires, be taken to be a reference to a provisional licence or provisional licence conditions as the case may be.

Amendment of Stamp Duties Act 1923

43. The *Stamp Duties Act 1923* is amended—

(a) by striking out from schedule 2 item 4 of the *Component payable in respect of Registration* appearing under the heading commencing "APPLICATION to Register a Motor Vehicle" and substituting the following item:

4. Any application to register or to transfer the registration of a trailer that is not a heavy vehicle.;

(b) by striking out from schedule 2 items 10A and 10B of the *Component payable in respect of Registration* appearing under the heading commencing "APPLICATION to Register a Motor Vehicle" and substituting the following item:

10A. Any application to register a motor vehicle where the vehicle is to be conditionally registered under section 25 of the *Motor Vehicles Act 1959* and the application is of a class declared by regulation under that Act to be exempt from stamp duty.;

(c) by striking out from schedule 2 item 11A of the *Component payable in respect of Registration* appearing under the heading commencing "APPLICATION to Register a Motor Vehicle";

**Motor Vehicles (Miscellaneous No. 2)
Amendment Act 1996**

No. 30 of 1996

(d) by striking out from schedule 2 item 2 of the *Component payable in respect of a Policy of Insurance* appearing under the heading commencing "Application to Register a Motor Vehicle" and substituting the following item:

2. Policy of insurance where the application is for registration of a trailer that is not a heavy vehicle.;

(e) by striking out from schedule 2 items 5A and 5B of the *Component payable in respect of a Policy of Insurance* appearing under the heading commencing "Application to Register a Motor Vehicle" and substituting the following item:

5A. Policy of insurance where the motor vehicle is to be conditionally registered under section 25 of the *Motor Vehicles Act 1959* and the application for registration is of a class declared by regulation under that Act to be exempt from stamp duty.;

(f) by striking out from schedule 2 item 6A of the *Component payable in respect of a Policy of Insurance* appearing under the heading commencing "Application to Register a Motor Vehicle".

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

ROMA MITCHELL Governor