House of Assembly—No 163
As laid on the table and read a first time, 4 July 2013

South Australia

Motor Vehicles (Periodic Payments) Amendment Bill 2013

A BILL FOR

An Act to amend the *Motor Vehicles Act 1959*; and to make related amendments to the *Stamp Duties Act 1923*.

Contents

Part 1—Preliminary

1 Short title
2 Commencement
3 Amendment provisions

Part 2—Amendment of *Motor Vehicles Act 1959*

4 Insertion of Part 2 Division 3A

Division 3A—Periodic payments

24A Registrar may accept periodic renewal payments

5 Amendment of section 99A—Insurance premium to be paid on applications for registration

Schedule 1—Related amendments to *Stamp Duties Act 1923*

1 Amendment of Schedule 2—Stamp duties and exemptions

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Motor Vehicles (Periodic Payments) Amendment Act 2013*.

2—Commencement

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

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Insertion of Part 2 Division 3A

After section 24 insert:

Division 3A—Periodic payments

24A—Registrar may accept periodic renewal payments

(1) The Registrar may, by notice in the Gazette, determine a scheme (the ***periodic payment scheme***) for periodic payment, by debit to a nominated ADI account, of—

(a) registration renewal fees under this Act; and

(b) other amounts payable on renewal of the registration of a motor vehicle under this or any other Act.

(2) Without limiting the periodic payment scheme, the terms of the scheme must set out—

(a) how a person can apply to participate in the scheme; and

(b) how a person can cancel his or her participation in the scheme; and

(c) when a person's participation in the scheme may be cancelled by the Registrar; and

(d) the period prior to the expiry of the registration of the motor vehicle before which the debit must occur; and

(e) details of the consequences of failing to comply with the scheme.

(3) The Registrar may, by further notice in the Gazette, vary, substitute or revoke the periodic payment scheme.

(4) The periodic payment scheme may be of general or limited application (and may, to avoid doubt, exclude specified classes of motor vehicles or registrations from its operation).

(5) The provisions of this Act will, by force of this subsection, be taken to be modified to the extent necessary to give effect to the periodic payment scheme.

Note—

For example, the provisions of section 24 that provide for a minimum registration period of 1 quarter will be taken to be modified to allow a registration period of 1 month if the scheme provides for such a period.

(6) If a person applies to participate in the periodic payment scheme in respect of a specified motor vehicle, the Registrar may—

(a) accept the person's application to participate in the scheme in respect of the motor vehicle; and

(b) renew the registration of the motor vehicle from time to time in accordance with the scheme until the person's participation in the scheme in respect of the motor vehicle is cancelled.

(7) A person's participation in the periodic payment scheme in respect of a particular motor vehicle is cancelled if—

(a) the person applies to have his or her participation in the scheme cancelled; or

(b) the registration of the motor vehicle is cancelled under this Act; or

(c) the registration of the motor vehicle is transferred to a different person under this Act; or

(d) the person lodges with the Registrar a notice of the transfer of ownership of the motor vehicle in accordance with section 56(b)(ii); or

(e) the Registrar cancels the person's participation in the scheme in accordance with the scheme.

(8) A person who is a participant in the periodic payment scheme in respect of a particular motor vehicle must, in accordance with the scheme, notify the Registrar of any change in—

(a) the person's personal particulars or circumstances that may affect an amount to be paid in respect of the registration of the motor vehicle; or

(b) such other information or circumstances as may be specified under the scheme for the purposes of this subsection.

(9) A person who refuses or fails to comply with subsection (8) is guilty of an offence.

Maximum penalty: $1 250.

(10) An application under this section or for the purposes of the periodic payment scheme must be made in accordance with the scheme.

(11) If registration renewal fees or other amounts payable on renewal of the registration of a motor vehicle fee are debited to an account in accordance with the periodic payment scheme, the Registrar may (but is not, in any circumstances, required to) refund the whole or part of the amount so debited (including, to avoid doubt, where the person's participation in the scheme has been cancelled after the amount has been so debited).

(12) Without limiting any other provision of this Act, the Registrar may give any notice under this section, or under the periodic payment scheme, to a participant in the periodic payment scheme by email, text message or other electronic form of communication.

(13) For the purposes of this section, a reference to an ADI account includes a reference to a credit card account.

5—Amendment of section 99A—Insurance premium to be paid on applications for registration

Section 99A—after subsection (2) insert:

(2a) For the purposes of subsections (1) and (2), if a person is a participant in the periodic payment scheme under section 24A in respect of a particular motor vehicle—

(a) the time of application in relation to a particular renewal will be taken to be the time when an amount for renewal of registration in accordance with the scheme is debited to the nominated account; and

(b) without limiting subsection (3), the approved insurer selected by the person to be the insurer in his or her most recent application for registration of the vehicle will be taken to be the insurer in terms of the policy of insurance.

Schedule 1—Related amendments to *Stamp Duties Act 1923*

1—Amendment of Schedule 2—Stamp duties and exemptions

(1) Schedule 2 Part 1 clause 2(3)—before paragraph (a) insert:

(aa) not more than 31 days	$5.00

(2) Schedule 2 Part 1 clause 2(3)(a)—before "less" insert:

more than 31 days but