

# MOTOR VEHICLES ACT 1959

Reprint No. 1—1.10.91	
Reprint No. 2—3.2.92	[New Parts 2, 3D and Appendices]
Reprint No. 3—1.6.92	[New Parts 3, 3B, 5, Schedules and Appendices]
Reprint No. 4—10.12.92	[New Part 4 and Appendices]
Reprint No. 5—3.5.93	[New Part 4, Schedules and Appendices]
Reprint No. 6—1.7.93	[New Parts 2, 4, 5 and Appendices]
Reprint No. 7—5.8.93	[New Part 3 and Appendices]
Reprint No. 8—21.10.93	[New Part 3 and Appendices]
Reprint No. 9—5.12.94	[New Part 3 and Appendices]
Reprint No. 10—2.3.95	[New Part 2 and Appendices]
Reprint No. 11—22.6.95	[New Part 4 and Appendices]
Reprint No. 12—4.4.96	[New Part 3 and Appendices]
Reprint No. 13—1.7.96	[Whole Act replaced]
Reprint No. 14—7.11.96	[New Part 3B, Schedules and Appendices]
Reprint No. 15—3.2.97	[New Parts 1, 3, 3B, 5 and Appendices]
Reprint No. 16—24.3.97	[New Parts 1, 3C, 5, Schedules and Appendices]
Reprint No. 17—7.4.97	[New Parts 1, 2, 5 and Appendices]
Reprint No. 18—1.7.97	[New Parts 2, 5 and Appendices]
Reprint No. 19—17.11.97	[New Parts 2, 3C, 4, 5, Schedules and Appendices]
Reprint No. 20—24.12.97	[New Parts 1, 5 and Appendices]
Reprint No. 21—15.1.98	[New Parts 1, 2, 4 and Appendices]
Reprint No. 22—2.5.98	[New Parts 1, 3 and Appendices]
Reprint No. 23—28.5.98	[Whole Act replaced]
Reprint No. 24—3.9.98	[New Part 5 and Appendices]

[Each Part is numbered from Page 1. Subscribers to the Consolidation Service will receive complete replacement Parts incorporating amendments to this Act as they come into force.]



(Reprint No. 24)

SOUTH AUSTRALIA

**MOTOR VEHICLES ACT 1959**

*This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 3 September 1998.*

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**APPENDIX 2**

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# MOTOR VEHICLES ACT 1959

being

Motor Vehicles Act 1959 No. 53 of 1959  
[Assented to 22 December 1959]<sup>1</sup>

as amended by

Motor Vehicles Act Amendment Act 1960 No. 16 of 1960 [Assented to 8 September 1960]<sup>2</sup>  
Motor Vehicles Act Amendment Act (No. 2) 1960 No. 55 of 1960 [Assented to 24 November 1960]<sup>3</sup>  
Motor Vehicles Act Amendment Act 1961 No. 33 of 1961 [Assented to 9 November 1961]<sup>4</sup>  
Motor Vehicles Act Amendment Act 1962 No. 17 of 1962 [Assented to 25 October 1962]<sup>5</sup>  
Motor Vehicles Act Amendment Act (No. 2) 1962 No. 49 of 1962 [Assented to 15 November 1962]  
Motor Vehicles Act Amendment Act 1963 No. 23 of 1963 [Assented to 14 November 1963]  
Statutes Amendment (Stamp Duties and Motor Vehicles) Act 1964 No. 24 of 1964 [Assented to 9 October 1964]<sup>6</sup>  
Motor Vehicles Act Amendment Act 1966 No. 75 of 1966 [Assented to 1 December 1966]  
Motor Vehicles Act Amendment Act (No. 2) 1966 No. 76 of 1966 [Assented to 1 December 1966]<sup>7</sup> (as amended by Motor Vehicles Act Amendment Act (No. 2) 1966, Rectification Act 1967 No. 2 of 1967 [Assented to 23 March 1967]<sup>8</sup>)  
Motor Vehicles Act Amendment Act (No. 3) 1966 No. 88 of 1966 [Assented to 8 December 1966]  
Motor Vehicles Act Amendment Act 1968 No. 6 of 1968 [Assented to 19 September 1968]  
Motor Vehicles Act Amendment Act (No. 2) 1968 No. 18 of 1968 [Assented to 28 November 1968]<sup>9</sup>  
Motor Vehicles Act Amendment Act 1970 No. 10 of 1970 [Assented to 3 September 1970]  
Motor Vehicles Act Amendment Act (No. 2) 1970 No. 32 of 1970 [Assented to 19 November 1970]  
Motor Vehicles Act Amendment Act 1971 No. 12 of 1971 [Assented to 1 April 1971]  
Age of Majority (Reduction) Act 1971 No. 15 of 1971 [Assented to 8 April 1971]<sup>10</sup>  
Motor Vehicles Act Amendment Act (No. 2) 1971 No. 39 of 1971 [Assented to 29 April 1971]  
Motor Vehicles Act Amendment Act (No. 3) 1971 No. 79 of 1971 [Assented to 18 November 1971]<sup>11</sup>  
Motor Vehicles Act Amendment Act 1972 No. 55 of 1972 [Assented to 27 April 1972]<sup>12</sup>  
Statutes Amendment (Miscellaneous Provisions) Act 1972 No. 58 of 1972 [Assented to 27 April 1972]<sup>13</sup>  
Motor Vehicles Act Amendment Act (No. 2) 1972 No. 143 of 1972 [Assented to 7 December 1972]<sup>14</sup>  
Motor Vehicles Act Amendment Act 1973 No. 91 of 1973 [Assented to 13 December 1973]<sup>15</sup>  
Motor Vehicles Act Amendment Act 1974 No. 51 of 1974 [Assented to 30 August 1974]<sup>16</sup>  
Motor Vehicles Act Amendment Act (No. 2) 1974 No. 89 of 1974 [Assented to 28 November 1974]<sup>17</sup>  
Motor Vehicles Act Amendment Act 1975 No. 22 of 1975 [Assented to 27 March 1975]<sup>18</sup>  
Statute Law Revision Act 1975 No. 24 of 1975 [Assented to 27 March 1975]  
Motor Vehicles Act Amendment Act 1976 No. 14 of 1976 [Assented to 4 March 1976]<sup>19</sup>  
Motor Vehicles Act Amendment Act (No. 2) 1976 No. 79 of 1976 [Assented to 9 December 1976]<sup>20</sup>  
Motor Vehicles Act Amendment Act 1978 No. 120 of 1978 [Assented to 14 December 1978]<sup>21</sup>  
Motor Vehicles Act Amendment Act 1980 No. 37 of 1980 [Assented to 17 April 1980]<sup>22</sup>  
Motor Vehicles Act Amendment Act 1981 No. 40 of 1981 [Assented to 19 March 1981]<sup>23</sup>  
Motor Vehicles Act Amendment Act (No. 2) 1981 No. 48 of 1981 [Assented to 18 June 1981]<sup>24</sup>  
Motor Vehicles Act Amendment Act (No. 3) 1981 No. 49 of 1981 [Assented to 18 June 1981]  
Motor Vehicles Act Amendment Act (No. 4) 1981 No. 66 of 1981 [Assented to 15 October 1981]  
Motor Vehicles Act Amendment Act (No. 5) 1981 No. 98 of 1981 [Assented to 23 December 1981]<sup>25</sup>  
Motor Vehicles Act Amendment Act 1983 No. 10 of 1983 [Assented to 28 April 1983]

**NOTE:**

- Asterisks indicate repeal or deletion of text.
- Entries appearing in bold type indicate the amendments incorporated since the last reprint.
- For the legislative history of the Act see Appendix 1.

Motor Vehicles Act Amendment Act (No. 2) 1983 No. 20 of 1983 [Assented to 26 May 1983]  
Motor Vehicles Act Amendment Act (No. 3) 1983 No. 90 of 1983 [Assented to 8 December 1983]<sup>26</sup>  
Motor Vehicles Act Amendment Act (No. 4) 1983 No. 119 of 1983 [Assented to 22 December 1983]  
Statute Law Revision Act 1984 No. 50 of 1984 [Assented to 24 May 1984]<sup>27</sup>  
Motor Vehicles Act Amendment Act 1985 No. 61 of 1985 [Assented to 30 May 1985]<sup>28</sup>  
Motor Vehicles Act Amendment Act (No. 2) 1985 No. 72 of 1985 [Assented to 6 June 1985]<sup>29</sup>  
Motor Vehicles Act Amendment Act 1986 No. 4 of 1986 [Assented to 13 March 1986]  
Motor Vehicles Act Amendment Act (No. 2) 1986 No. 5 of 1986 [Assented to 13 March 1986]<sup>30</sup>  
Motor Vehicles Act Amendment Act (No. 3) 1986 No. 94 of 1986 [Assented to 11 December 1986]<sup>31</sup>  
Motor Vehicles Act Amendment Act (No. 4) 1986 No. 127 of 1986 [Assented to 24 December 1986]<sup>32</sup>  
Motor Vehicles Act Amendment Act 1987 No. 12 of 1987 [Assented to 9 April 1987]  
Motor Vehicles Act Amendment Act (No. 2) 1987 No. 75 of 1987 [Assented to 19 November 1987]<sup>33</sup>  
Motor Vehicles Act Amendment Act (No. 3) 1987 No. 81 of 1987 [Assented to 26 November 1987]  
Motor Vehicles Act Amendment Act 1988 No. 40 of 1988 [Assented to 5 May 1988]<sup>34</sup>  
Motor Vehicles Act Amendment Act 1989 No. 11 of 1989 [Assented to 30 March 1989]  
Motor Vehicles Act Amendment Act (No. 2) 1989 No. 15 of 1989 [Assented to 20 April 1989]<sup>35</sup>  
Motor Vehicles Act Amendment Act (No. 3) 1989 No. 35 of 1989 [Assented to 4 May 1989]<sup>36</sup>  
Motor Vehicles Act Amendment Act (No. 4) 1989 No. 53 of 1989 [Assented to 14 September 1989]<sup>37</sup>  
Motor Vehicles Act Amendment Act (No. 5) 1989 No. 65 of 1989 [Assented to 29 October 1989]<sup>38</sup>  
Motor Vehicles Act Amendment Act 1990 No. 20 of 1990 [Assented to 26 April 1990]<sup>39</sup>  
Motor Vehicles Act Amendment Act (No. 2) 1990 No. 51 of 1990 [Assented to 22 November 1990]<sup>40</sup>  
Motor Vehicles Act Amendment Act (No. 3) 1990 No. 82 of 1990 [Assented to 20 December 1990]  
Road Traffic (Alcohol, Speed and Helmets) Amendment Act 1991 No. 12 of 1991 [Assented to 28 March 1991]<sup>41</sup>  
Motor Vehicles (Historic Vehicles and Disabled Persons' Parking) Amendment Act 1991 No. 54 of 1991 [Assented to 28 November 1991]<sup>42</sup>  
Motor Vehicles (Licences and Demerit Points) Amendment Act 1992 No. 1 of 1992 [Assented to 5 March 1992]<sup>43</sup>  
Statutes Amendment (Public Actuary) Act 1992 No. 69 of 1992 [Assented to 19 November 1992]<sup>44</sup>  
Criminal Law (Sentencing) (Suspension of Vehicle Registration) Amendment Act 1992 No. 73 of 1992 [Assented to 19 November 1992]<sup>45</sup>  
Motor Vehicles (Confidentiality) Amendment Act 1992 No. 87 of 1992 [Assented to 3 December 1992]<sup>46</sup>  
Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Act 1993 No. 4 of 1993 [Assented to 4 March 1993]<sup>47</sup>  
Statutes Amendment (Motor Vehicles and Wrongs) Act 1993 No. 5 of 1993 [Assented to 4 March 1993]<sup>48</sup>  
Statutes Amendment (Attorney-General's Portfolio) Act 1993 No. 34 of 1993 [Assented to 13 May 1993]<sup>49</sup>  
Motor Vehicles (Driving Whilst Disqualified—Penalties) Amendment Act 1993 No. 73 of 1993 [Assented to 21 October 1993]  
Motor Vehicles (Learners' Permits and Probationary Licences) Amendment Act 1994 No. 65 of 1994 [Assented to 3 November 1994]<sup>50</sup>  
Motor Vehicles (Conditional Registration) Amendment Act 1994 No. 76 of 1994 [Assented to 8 December 1994]<sup>51</sup>  
SGIC (Sale) Act 1995 No. 47 of 1995 [Assented to 22 June 1995]<sup>52</sup>  
Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995 No. 77 of 1995 [Assented to 23 November 1995]<sup>53</sup>  
Statutes Amendment (Drink Driving) Act 1995 No. 95 of 1995 [Assented to 7 December 1995]<sup>54</sup>  
Motor Vehicles (Miscellaneous) Amendment Act 1996 No. 29 of 1996 [Assented to 2 May 1996]<sup>55</sup>  
Motor Vehicles (Miscellaneous No. 2) Amendment Act 1996 No. 30 of 1996 [Assented to 2 May 1996]<sup>56</sup>  
Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996 No. 34 of 1996 [Assented to 2 May 1996]<sup>57</sup>  
Statutes Amendment (Administrative and Disciplinary Division of District Court) Act 1996 No. 53 of 1996 [Assented to 1 August 1996]<sup>58</sup>  
Motor Vehicles (Trade Plates) Amendment Act 1996 No. 65 of 1996 [Assented to 15 August 1996]<sup>59</sup>  
Motor Vehicles (Demerit Points) Amendment Act 1996 No. 73 of 1996 [Assented to 7 November 1996]  
Motor Vehicles (Inspection) Amendment Act 1996 No. 99 of 1996 [Assented to 19 December 1996]<sup>60</sup>  
Motor Vehicles (Farm Implements and Machines) Amendment Act 1997 No. 51 of 1997 [Assented to 31 July 1997]<sup>61</sup>

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Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1997 No. 77 of 1997 [Assented to 18 December 1997]<sup>62</sup>

Motor Vehicles (Disabled Persons' Parking Permits) Amendment Act 1998 No. 13 of 1998 [Assented to 2 April 1998]<sup>63</sup>

**Motor Vehicles (Cheque and Debit or Credit Card Payments) Amendment Act 1998 No. 53 of 1998 [Assented to 3 September 1998]**

- <sup>1</sup> Ss. 1-3 came into operation on assent: s. 2(1); remainder of Act came into operation 14 April 1960: *Gaz.* 14 April 1960, p. 1039.
- <sup>2</sup> S. 6(1) came into operation 22 December 1959: s. 6(2); remainder of Act (except s. 4) came into operation 14 April 1960: s. 3(1); s. 4 came into operation 1 December 1960: *Gaz.* 10 November 1960, p. 1301.
- <sup>3</sup> Ss. 1-3 came into operation on assent: s. 3(1); remainder of Act came into operation 1 July 1961: *Gaz.* 18 May 1961, p. 1139.
- <sup>4</sup> Ss. 1-3, 5 and 7 came into operation on assent: s. 3(1); ss. 6(a), 8 and 9 came into operation 1 March 1962 and ss. 4, 10 and 11 came into operation 1 May 1962: *Gaz.* 1 March 1962, p. 430; s. 6(b) will not be brought into operation (it amended a section that was subsequently substituted by Act No. 120 of 1978, s. 14).
- <sup>5</sup> S. 3(1) came into operation 9 November 1961: s. 3(2); remainder of Act came into operation on assent.
- <sup>6</sup> Ss. 1, 2 and 9(a) came into operation on assent: s. 2(1); remainder of Act came into operation 19 October 1964: *Gaz.* 15 October 1964, p. 1203.
- <sup>7</sup> Came into operation 1 January 1968: *Gaz.* 16 November 1967, p. 2199.
- <sup>8</sup> Came into operation 1 January 1968: s. 1(1).
- <sup>9</sup> Came into operation 1 January 1969: *Gaz.* 5 December 1968, p. 2429.
- <sup>10</sup> Came into operation 15 April 1971: *Gaz.* 15 April 1971, p. 1598.
- <sup>11</sup> Came into operation 1 January 1972: *Gaz.* 9 December 1971, p. 2370.
- <sup>12</sup> Came into operation (except ss. 11, 13, 14 and 16) on assent: s. 2(1); remainder of Act came into operation 1 April 1973: *Gaz.* 8 March 1973, p. 861.
- <sup>13</sup> Came into operation 18 May 1972: *Gaz.* 18 May 1972, p. 1926.
- <sup>14</sup> Came into operation 21 December 1972: *Gaz.* 21 December 1972, p. 2722.
- <sup>15</sup> Came into operation 18 February 1974: *Gaz.* 17 January 1974, p. 109.
- <sup>16</sup> Came into operation 1 October 1974: *Gaz.* 30 August 1974, p. 1605.
- <sup>17</sup> Came into operation 1 March 1975: *Gaz.* 13 February 1975, p. 506.
- <sup>18</sup> Came into operation 1 January 1976: *Gaz.* 11 December 1975, p. 3137.
- <sup>19</sup> Came into operation (except s. 52) 13 May 1976, s. 52 came into operation 7 July 1976: *Gaz.* 13 May 1976, p. 2460.
- <sup>20</sup> Came into operation 17 January 1977: *Gaz.* 13 January 1977, p. 45.
- <sup>21</sup> Came into operation (except ss. 4(2), 13, 17, 35-40, 45 and 75) 18 January 1979, s. 13 came into operation 19 February 1979, ss. 40 and 45 came into operation 19 March 1979, ss. 35-39 came into operation 1 April 1979: *Gaz.* 18 January 1979, p. 98; s. 75 came into operation 31 May 1979: *Gaz.* 31 May 1979, p. 1611; ss. 4(2) and 17 repealed by Act No. 65 of 1989, s. 7.
- <sup>22</sup> Came into operation 1 June 1980: *Gaz.* 22 May 1980, p. 1372.
- <sup>23</sup> Came into operation 4 June 1981: *Gaz.* 4 June 1981, p. 1641.
- <sup>24</sup> Came into operation 18 June 1981: *Gaz.* 18 June 1981, p. 1841.
- <sup>25</sup> Came into operation 2 September 1984: *Gaz.* 8 March 1984, p. 548.
- <sup>26</sup> Came into operation 1 February 1984: *Gaz.* 19 January 1984, p. 88.
- <sup>27</sup> Came into operation (except Scheds. 1, 3, 4 and 5) 1 November 1984: *Gaz.* 1 November 1984, p. 1398; Scheds. 1, 3 and 5 came into operation 1 January 1985: *Gaz.* 13 December 1984, p. 1811; Sched. 4 came into operation 6 July 1985: *Gaz.* 9 May 1985, p. 1398.
- <sup>28</sup> Came into operation 5 September 1985: *Gaz.* 5 September 1985, p. 700.
- <sup>29</sup> Came into operation 1 July 1985: *Gaz.* 20 June 1985, p. 2182.
- <sup>30</sup> Came into operation 14 April 1960: s. 2.
- <sup>31</sup> Came into operation (except ss. 5 - 8) 11 December 1986, ss. 7 and 8 came into operation 6 January 1987, ss. 5 and 6 came into operation 1 January 1988: *Gaz.* 11 December 1986, p. 1820.
- <sup>32</sup> Came into operation 8 February 1987: *Gaz.* 5 February 1987, p. 248.
- <sup>33</sup> Came into operation 27 January 1988: *Gaz.* 21 January 1988, p. 116.
- <sup>34</sup> Came into operation 8 February 1987: s. 2.
- <sup>35</sup> Came into operation 4 September 1989: *Gaz.* 31 August 1989, p. 700.
- <sup>36</sup> Came into operation (except s. 3) 30 October 1989: *Gaz.* 26 October 1989, p. 1298; s. 3 will not be brought into operation (the amendment it made was subsequently substituted by Act No. 20 of 1990, s. 18).
- <sup>37</sup> Came into operation 13 November 1989: *Gaz.* 2 November 1989, p. 1349.
- <sup>38</sup> Came into operation 28 March 1990: *Gaz.* 15 March 1990, p. 728.
- <sup>39</sup> Came into operation 17 July 1990: *Gaz.* 5 July 1990, p. 198.
- <sup>40</sup> Came into operation 31 January 1991: *Gaz.* 24 January 1991, p. 232.
- <sup>41</sup> Came into operation 1 July 1991: *Gaz.* 9 May 1991, p. 1484.
- <sup>42</sup> Came into operation 3 February 1992: *Gaz.* 23 January 1992, p. 200.

- <sup>43</sup> Came into operation 1 June 1992: *Gaz.* 28 May 1992, p. 1512.
- <sup>44</sup> Came into operation 10 December 1992: *Gaz.* 10 December 1992, p. 1752.
- <sup>45</sup> Came into operation 1 July 1993: *Gaz.* 1 July 1993, p. 198.
- <sup>46</sup> Came into operation 1 July 1993: *Gaz.* 22 April 1993, p. 1400.
- <sup>47</sup> Came into operation 1 July 1993: *Gaz.* 6 May 1993, p. 1578
- <sup>48</sup> Came into operation 3 May 1993: *Gaz.* 29 April 1993, p. 1476.
- <sup>49</sup> Came into operation 5 August 1993: *Gaz.* 29 July 1993, p. 682.
- <sup>50</sup> Came into operation 5 December 1994: *Gaz.* 1 December 1994, p. 1869.
- <sup>51</sup> Came into operation 2 March 1995: *Gaz.* 2 March 1995, p. 734.
- <sup>52</sup> Sched. 4 came into operation 1 May 1995: Sched. 4 cl. 1(2).
- <sup>53</sup> Came into operation 1 July 1996: *Gaz.* 30 May 1996, p. 2637.
- <sup>54</sup> Came into operation 4 April 1996: *Gaz.* 4 April 1996, p. 1886.
- <sup>55</sup> Came into operation (except ss. 9 and 10(a)) 1 July 1996: *Gaz.* 30 May 1996, p. 2637; ss. 9 and 10(a) came into operation 24 December 1997: *Gaz.* 18 December 1997, p. 1645.
- <sup>56</sup> Came into operation (except definition of "garage address" (as inserted by s. 3(b)), ss. 3(d), 7(a), (b), 21, 22, 29, 31-37 and 40-42) 1 July 1996 by proclamation made 30 May 1996: see *Gaz.* 6 June 1996, p. 2874 under heading "Erratum" [incorrect version published 30 May 1996, p. 2637]; definition of "garage address" (as inserted by s. 3(b)), ss. 7(a), (b), 22, 40 and 41 came into operation 27 March 1997: *Gaz.* 27 March 1997, p. 1342; s. 21 came into operation 15 January 1998: *Gaz.* 8 January 1998, p. 4; ss. 3(d), 29, 31-37 and 42 came into operation 2 May 1998: *Gaz.* 30 April 1998, p. 2022.
- <sup>57</sup> Came into operation 3 February 1997: *Gaz.* 19 December 1996, p. 1923.
- <sup>58</sup> Came into operation 24 March 1997: *Gaz.* 20 March 1997, p. 1292.
- <sup>59</sup> Came into operation (except ss. 3, 5-18 and sched.) 7 April 1997; *Gaz.* 27 March 1997, p. 1342; ss. 3, 5-18 and sched. came into operation 17 November 1997: *Gaz.* 13 November 1997, p. 1280.
- <sup>60</sup> Came into operation 1 July 1997: *Gaz.* 26 June 1997, p. 3051.
- <sup>61</sup> Came into operation (except ss. 5 & 6) 15 January 1998: *Gaz.* 8 January 1998, p. 4; s. 5 came into operation 27 March 1997: s. 2(2); s. 6 came into operation 15 January 1998: s. 2(3).
- <sup>62</sup> Came into operation 1 July 1996: s. 2.
- <sup>63</sup> Came into operation 28 May 1998: *Gaz.* 21 May 1998, p. 2199.

N.B. The amendments effected to this Act by the *Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Act 1998*, the *Statutes Amendment (Fine Enforcement) Act 1998* and the *Statutes Amendment (Motor Accidents) Act 1998* had not been brought into operation at the date of, and have not been included in, this reprint.

Motor Vehicles Act 1959

An Act to make provision for the registration of motor vehicles, drivers licences and third party motor insurance; and for other purposes.

The Parliament of South Australia enacts as follows:

PART 1
PRELIMINARY

Short title

1. This Act may be cited as the Motor Vehicles Act 1959.

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Interpretation

5. (1) In this Act, unless the context otherwise requires or some other meaning is clearly intended—

"accident" means a collision or impact (whether caused accidentally or on purpose) resulting in damage to a motor vehicle;

"accident towing direction", in relation to a motor vehicle damaged in an accident, means a direction to tow that motor vehicle from the scene of the accident, being a direction given to a towtruck operator by or on behalf of a member of the police force in accordance with the accident towing roster scheme;

"accident towing roster scheme" means the accident towing roster scheme provided for by the regulations;

"agriculture" includes horticulture, viticulture, dairying, bee keeping, livestock production and other similar activity;

and "agricultural" has a corresponding meaning;

"authority to tow", in relation to a damaged motor vehicle, means authorisation in writing to remove the motor vehicle given for the purposes of this Act by the owner or person in charge of the vehicle or an inspector or member of the police force;

"authorised agent" means a person or body authorised by the Registrar under section 7(3) to exercise or discharge prescribed powers or duties under this Act;

"authorised examiner" means—

- (a) a member of the police force appointed by the Commissioner of Police for the purpose of conducting practical driving tests; or
(b) a person appointed by the Registrar for the purpose of conducting practical driving tests; or

- (c) a person appointed by some public authority, and approved by the Registrar, for the purpose of conducting practical driving tests;

"**the balance of the prescribed registration fee**", in relation to a motor vehicle registered under this Act at a reduced registration fee, means an amount calculated by the Registrar on the basis of the difference between the reduced fee and the prescribed registration fee, in relation to the number of months of the registration period that remain unexpired; for the purposes of this definition, a portion of a month will be treated as a whole month;

"**business name**" means a name registered under the *Business Names Act 1996*;

"**caravan**" means a trailer that is constructed or adapted so as to provide sleeping accommodation for one or more persons;

"**commercial motor vehicle**" means—

- (a) a motor vehicle constructed or adapted solely or mainly for the carriage of goods (including a motor vehicle of the type commonly called a utility); and
- (b) a prime mover;

"**the committee**" means the consultative committee established under section 139B;

"**the Commonwealth Road Transport Charges Act**" means the *Road Transport Charges (Australian Capital Territory) Act 1993* of the Commonwealth as amended and in force for the time being;

"**configuration**", in relation to a heavy vehicle, means a description of a heavy vehicle in the schedule of the Commonwealth Road Transport Charges Act for which separate provision is made in Part 2 of that schedule for the amount of the registration charge;

"**court**" means court (whether the Supreme Court or any other court) having jurisdiction to deal with the matters in relation to which the word is used;

"**declared area**" means—

- (a) the area of a municipal council; and
- (b) the areas of the District Councils of East Torrens and Stirling; and
- (c) a part of the State declared by regulation to be within the area for the purposes of this definition;

"**farm implement**" means a vehicle without its own automotive power, built to perform agricultural tasks;

"**farm machine**" means a machine with its own automotive power, built to perform agricultural tasks;



**Motor Vehicles Act 1959**

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"**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;

"**heavy vehicle**" means a vehicle of a kind referred to in section 2 of the Commonwealth Road Transport Charges Act;

"**inspector**" means inspector appointed under this Act;

"**interstate licence**" means a licence or permit issued under the law of another State or Territory of the Commonwealth that corresponds to a driver's licence or learner's permit issued under this Act;

"**licence**" means a driver's licence;

"**mass**" of a vehicle includes the mass of any prescribed accessories or equipment carried (either habitually or intermittently) on the vehicle;

"**mobile crane**" means a motor vehicle (other than a towtruck) which is fitted with a crane operated by power other than human power and which is constructed or adapted solely or mainly for lifting and moving goods by means of that crane;

"**mobile fork lift**" means a motor vehicle fitted with an apparatus of the kind commonly known as a fork lift and constructed or adapted solely or mainly for lifting and moving goods by means of the fork lift;

"**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 persons (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 vehicle**" means—

- (a) a vehicle, tractor or mobile machine driven or propelled or ordinarily capable of being driven or propelled by a steam engine, internal combustion engine, electricity or any other power, not being human or animal power; and
- (b) a caravan or a trailer,

but does not include a mobile machine controlled and guided by a person walking, or a vehicle run upon a railway or tramway;

"**number**" means—

- (a) a figure or a combination of figures; or

(b) a combination of letters of the alphabet; or

(c) a combination of figures and letters of the alphabet;

"owner" includes a person who takes a motor vehicle on hire;

"premises" includes land and the fences, walls or structures on the boundaries of land;

"premium" or "insurance premium", in relation to a motor vehicle, means the premium, appropriate to the motor vehicle, for a policy of insurance under Part 4—

(a) determined by the insurance premium committee established under that Part; or

(b) notified to the Registrar by the insurer that has assumed, or is to assume, the risk under the policy,

whichever is the lesser;

"prescribed registration fee" means—

(a) in relation to a heavy vehicle—

(i) for registration for one or more quarters—a fee equal to the product of the number of quarters for which the vehicle is to be registered multiplied by one quarter of the amount that would be the annual registration charge determined in accordance with the Commonwealth Road Transport Charges Act for registration of the vehicle in the Australian Capital Territory; or

(ii) for registration for any other period—a fee equal to the product of the number of days for which the vehicle is to be registered multiplied by one-three hundred and sixty-fifth of the amount that would be the annual registration charge determined in accordance with the Commonwealth Road Transport Charges Act for registration of the vehicle in the Australian Capital Territory; or

(b) in relation to any other motor vehicle—the amount of the fee payable in respect of the registration of the vehicle that is specified in the regulations as being the registration fee (rather than, for example, an administration fee);

"primary producer" means a person—

(a) who carries on as principal an agricultural business; or

(b) who under a written sharefarming agreement works land as a sharefarmer and not as an employee; or

(c) who carries on as principal the business of fishing;

**Motor Vehicles Act 1959**

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"**prime mover**" means a motor vehicle constructed or adapted so as to enable a trailer to be attached by means (other than a pole, drawbar or similar device) whereby the trailer is pivoted to and superimposed on that motor vehicle;

"**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);

"**quarter**" means any period of three months;

"**quotation for repair**" means an assessment or estimate of the actual or probable cost of repairing damage to a motor vehicle;

"**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;

"**registered owner**" means a person recorded in the register of motor vehicles as the owner of a motor vehicle;

"**registered premises**", in relation to a towtruck operator, means the premises registered in the name of the towtruck operator pursuant to the accident towing roster scheme;

"**the Registrar**" means the Registrar of Motor Vehicles and includes any person acting on behalf of the Registrar in accordance with this Act;

"**registration**" of a motor vehicle includes re-registration or renewal of registration; and "**to register**" has a corresponding meaning;

"**road**" means—

- (a) a road, street or thoroughfare; and
- (b) any other place commonly used by the public or to which the public are permitted to have access;

"**scene of an accident**" means the area within a radius of 200 metres from the point at which a vehicle involved in an accident has, as an immediate result of the accident, come or been brought to a stationary position;

"**stamp duty**" means the duty payable under the *Stamp Duties Act 1923*;

"**temporary towtruck certificate**" means a temporary towtruck certificate issued by the Registrar under Part 3C;

"**tow**", in relation to a motor vehicle, means tow, partially lift and tow, lift and carry or carry a motor vehicle by means of another motor vehicle;

"**towtruck**" means a motor vehicle (including a trailer attached to a motor vehicle) designed, adapted or intended to lift and carry or partially lift and tow a motor vehicle that cannot, because of damage or malfunction, be operated properly under its own motive power;

"**towtruck certificate**" means a towtruck certificate issued by the Registrar under Part 3C;

"**towtruck driver**" means a person who drives, or operates the equipment of, a towtruck;

"**towtruck operator**" means a person who carries on the business of towing motor vehicles or a business that includes towing motor vehicles;

"**trailer**" means a vehicle, or a machine on wheels, that is not self-propelled, and is constructed or adapted for being drawn by a motor vehicle;

"**wharf**" includes—

- (a) any wharf, quay, jetty, pier, landing place, stage, platform, slip, basin, siding, dock, or other place at which goods can be landed, loaded or unloaded, whether situated on or near the shore of the sea or of any of its arms or inlets, or on or near the shore of any inland river or other inland water; and
- (b) all railways and tramways on the wharf and the approaches to them; and
- (c) a wharf only partly constructed as well as a completed wharf.

(2) For the purposes of this Act, a person who is driving a motor vehicle that tows another motor vehicle will be taken to be driving both motor vehicles.

(3) A reference in a provision of this Act to drivers or the driving of vehicles will be taken to include a reference to riders and the riding of vehicles unless the provision by its express terms indicates that it does not apply to riders or riding.

(3a) The Governor may, by proclamation—

- (a) declare that a motor vehicle of a certain design or with certain characteristics is to be regarded for the purposes of this Act as a motor vehicle of a specified class; and
- (b) revoke or vary any proclamation under this subsection.

(4) Subject to section 22A of the *Acts Interpretation Act 1915*, this Act applies in relation to motor vehicles engaged in trade, commerce and intercourse between the States.

(5) Where a provision of this Act confers a power or duty on a person and an authorised agent has been empowered to exercise or discharge that power or duty, a reference in that provision to the person on whom the power or duty is conferred will be taken to include a reference to that authorised agent.

**Motor Vehicles Act 1959**

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(6) A person who is granted an order for relief under the *Expiation of Offences Act 1996* in respect of an expiation notice for an offence that attracts demerit points under this Act will, for the purposes of this Act, be taken to have expiated that offence on the day on which the order is granted.

*Note: For definition of divisional penalties (and divisional expiation fees) see Appendix 2.*

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Motor Vehicles Act 1959

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**PART 2  
REGISTRATION OF MOTOR VEHICLES**

*Registration*

**Appointment of Registrar and officers**

7. (1) The Governor may appoint a Registrar of Motor Vehicles and such deputy registrars of motor vehicles, inspectors of motor vehicles and other officers as the Governor considers necessary for the administration of this Act.

(2) A deputy registrar or any other officer may, subject to and in accordance with any directions given by the Registrar, act on behalf of the Registrar—

- (a) during the absence of the Registrar;
- (b) at any time in any matters allotted to the deputy registrar or officer by the Registrar.

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(3) The Registrar may authorise any person or body to exercise or discharge any prescribed powers or duties under this Act (except the powers conferred by this section).

(4) An authorisation under subsection (3)—

- (a) must be by instrument in writing; and
- (b) may be absolute or conditional; and
- (c) does not derogate from the power of the person on whom the power or duty is conferred by this Act to act in any matter; and
- (d) may be revoked by the Registrar at any time by notice in writing.

(5) Where—

- (a) the exercise or discharge of a prescribed power or duty by the person on whom the power or duty is conferred by this Act is dependent on the opinion or state of mind of that person in relation to a particular matter; and
- (b) the registrar authorised some other person or body under subsection (3) to exercise or discharge the power or duty,

an authorised agent may exercise or discharge the power or duty on the basis of his or her own opinion or state of mind in relation to the matter.

**The register**

8. (1) The Registrar must keep a register of motor vehicles.

(2) The register must contain such information as the Registrar thinks necessary for the administration of this Act, and will be in a form fixed by the Registrar.

**Duty to register**

**9.** (1) A person must not drive a motor vehicle on a road unless that vehicle has been registered under this Act and the registration is for the time being in force; but it is a defence to a charge under this section to prove that the motor vehicle was driven in circumstances in which this Act or the regulations permit a motor vehicle to be driven without registration.

Maximum penalty: \$750.

(2) Subsection (1) does not apply to a person who drives a motor vehicle registered in the name of a company while the registration of the vehicle is suspended pursuant to a court order made on default in payment of a fine imposed on the company, if—

- (a) the person did not know and could not reasonably be expected to have known that the registration was so suspended; and
- (b) the person was driving the motor vehicle with the express or implied authority of the company.

*Exemptions and Permits*

**Exemption of vehicles with trade plates**

**10.** A motor vehicle may be driven on roads without registration if it bears trade plates issued under this Act and is driven in conformity with the provisions of this Act as to trade plates.

**Exemption of vehicles being loaded or unloaded from transporter**

**10A.** (1) A motor vehicle may be driven without registration on roads if—

- (a) the vehicle is driven for the purpose of loading it onto, or unloading it from, a transporter; and
- (b) the vehicle is driven not more than 500 metres from the transporter.

(2) When a motor vehicle is being driven on a road as authorised by subsection (1), the policy of insurance in force under Part 4 in relation to the transporter is to be taken to be in force and extend in its coverage in relation to the vehicle being driven and its owner and driver and any passenger in or on it.

(3) In this section—

"**transporter**" means a motor vehicle (not including a towtruck but including a trailer attached to a motor vehicle) designed for the transportation of motor vehicles.

**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, farm implements and farm machines**

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

**Motor Vehicles Act 1959**

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

(2a) Subject to subsection (2b), a prescribed farm machine may be driven on roads without registration or insurance.

(2b) A prescribed farm machine must not be driven without registration or insurance on the carriageway of a road unless—

- (a) the prescribed farm machine is driven only—
  - (i) to move the machine across the carriageway by the shortest possible route; or
  - (ii) to move the machine from a point of unloading to a worksite by the shortest possible route; or
  - (iii) to enable the machine to perform on the carriageway a special function that the machine is designed to perform; and
- (b) there is in force a policy of public liability insurance indemnifying the owner and any authorised driver of the prescribed farm machine in an amount of at least five million dollars in relation to death or bodily injury caused by, or arising out of, the use of the prescribed farm machine on a road.

(3) While a trailer, farm implement or farm machine 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 4 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, farm implement or farm machine and its owner and driver and any passenger in or on it.

(4) In this section—

**"prescribed farm machine"** means a farm machine that—

- (a) is designed mainly for use outside public road systems; and
- (b) when driven by its own automotive power, is capable of a speed not exceeding 7 kilometres per hour.

**Exemption of certain vehicles from requirements of registration and insurance**

**12A.** (1) A motor vehicle may be driven without registration on a wharf for the purpose of loading or unloading cargo.

(2) A self-propelled wheelchair or any other motor vehicle (not being a motor car) of a prescribed class may be driven upon a road without registration or insurance by a person who, because of some physical infirmity reasonably requires the use of a wheelchair or such a motor vehicle.

(3) A self-propelled lawn mower may be driven on a road without registration or insurance where—

- (a) it is being used to mow lawn or grass; or



- (b) it is being driven on a road to or from a place at which it is to be, or has been, used for that purpose.

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**Permits to drive vehicles without registration**

**16. (1) Where—**

- (a) the Registrar is unable to determine an application for registration of a motor vehicle without delay; or
- (b) the Registrar determines that an application for registration of a motor vehicle should be granted but is unable to effect registration without delay; or
- (c) the owner of a motor vehicle—
  - (i) applies for a permit following the return by the Registrar of an application for registration of the vehicle; or
  - (ii) applies for a permit authorising the vehicle to be driven on roads without registration in prescribed circumstances or in circumstances in which it is, in the opinion of the Registrar, unreasonable or inexpedient to require the vehicle to be registered,

and pays the prescribed fee and the appropriate insurance premium,

the Registrar may issue to the owner of the vehicle a permit, subject to such terms and conditions as the Registrar thinks fit to impose, authorising the vehicle to be driven on roads without registration during the period specified in the permit.

(2) Where the owner of a motor vehicle not previously registered in his or her name, or a person acting on the owner's behalf, satisfies a member of the police force stationed at a police station situated outside a radius of 40 kilometres from the General Post Office at Adelaide that an application in the proper form for the registration of the vehicle, to commence as from a day not later than the issue of the permit under this subsection, has been sent to the Registrar by or on behalf of the owner of the vehicle together with a sum sufficient to cover—

- (a) the prescribed fee payable in respect of registration of the vehicle; and
- (b) the appropriate insurance premium; and
- (c) the stamp duty (if any) payable on the application,

the member of the police force may issue without fee to the owner of the vehicle a permit authorising the vehicle to be driven on roads without registration during the prescribed period.

(3) A permit under this section will be in a form determined by the Minister.

(4) Where a permit has been issued under this section, the motor vehicle to which the permit relates will, while the permit remains in force, be taken to be duly registered under this Act.

**Motor Vehicles Act 1959**

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(5) A policy of insurance under Part 4 is, subject to this Act, in force in respect of a motor vehicle for which a permit has been issued under this section from the time of the granting of the permit until—

- (a) where an application for registration of the vehicle made before the issue of the permit is subsequently granted—the expiration of the period for which the registration was applied for, and a further period of grace in accordance with that Part; or
- (b) in any other case—the expiration of the period for which the permit remains in force.

(6) Where an application for registration made before the issue of the permit is subsequently granted, the registration will be taken to have commenced from the time of issue of the permit.

(7) A permit under this section ceases to have any force or effect—

- (a) when the registration label issued in respect of the motor vehicle is affixed to the vehicle; or
- (b) —
  - (i) in the case of a permit under subsection (1)—on the expiration of the period specified in the permit;
  - (ii) in the case of a permit under subsection (2)—on the expiration of the prescribed period,

whichever first occurs.

(8) A permit under this section must, throughout the period for which it remains in force, be carried, in accordance with the regulations, in the vehicle to which it relates.

(9) A person must not drive on a road a motor vehicle in respect of which a permit under this section is in force unless the permit is carried in the vehicle in accordance with the regulations.

Maximum penalty: \$125.

(10) If a condition of a permit under subsection (1) is contravened the Registrar may, by notice in writing served personally or by post on the holder of the permit, revoke the permit.

(11) A person who contravenes a condition of a permit under subsection (1) is guilty of an offence.

Maximum penalty: \$250.

(12) If the Registrar is satisfied that a permit under subsection (1) has been lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate permit.

(13) If a member of the police force stationed at a police station situated outside a radius of 40 kilometres from the General Post Office at Adelaide is satisfied that a permit under subsection (2) has been lost or destroyed, the member of the police force may, on payment of the prescribed fee, issue a duplicate permit.

(14) Where the Registrar or a member of the police force has, pending the determination of an application for registration of a motor vehicle, issued a permit under this section and the Registrar is subsequently unable to grant registration to the applicant, the Registrar may, by notice in writing served personally or by post on the applicant, refuse the application for registration and refund such part of any fee and insurance premium paid as the Registrar thinks appropriate.

(15) In this section—

"the prescribed period" means a period determined by the Registrar after consulting the Commissioner of Police.

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**Vehicles registered, etc., in other States of the Commonwealth**

**19A.** (1) A motor vehicle that is owned by a person who ordinarily resides in another State or Territory of the Commonwealth, or by a body corporate that carries on business in another State or Territory of the Commonwealth, may be driven in this State without registration under this Act if—

- (a) the vehicle is in this State for the purpose of temporary use; and
- (b) the vehicle is permitted to be driven on roads within another State or Territory of the Commonwealth by virtue of registration, a permit or other authority granted and in force under the law of that other State or Territory of the Commonwealth; and
- (c) any current registration label, certificate, card, permit and plate or plates that are required to be affixed to the vehicle if it is to be driven in accordance with the law of that other State or Territory of the Commonwealth are duly affixed to the vehicle in accordance with that law; and
- (ca) any conditions or restrictions imposed upon the use of the vehicle by virtue of the law of that other State or Territory of the Commonwealth are complied with; and
- (d) there is in force in relation to the vehicle a policy of insurance—
  - (i) that complies with the law of that other State or Territory of the Commonwealth; and
  - (ii) under which the owner and driver of the motor vehicle are insured against liability that might be incurred in respect of death of, or bodily injury to, any person caused by, or arising out of the use of, the motor vehicle in this State.

(2) A motor vehicle that is owned by a person who has changed his or her place of residence from another State or Territory of the Commonwealth to this State may be driven in this State without registration under this Act if—

**Motor Vehicles Act 1959**

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- (a) the vehicle is permitted to be driven on roads within another State or Territory of the Commonwealth by virtue of registration, a permit or other authority granted and in force under the law of that other State or Territory of the Commonwealth; and
- (b) any current registration label, certificate, card, permit and plate or plates that are required to be affixed to the vehicle if it is to be driven in accordance with the law of that other State or Territory of the Commonwealth are duly affixed to the vehicle in accordance with that law; and
- (ba) any conditions or restrictions imposed upon the use of the vehicle by virtue of the law of that other State or Territory of the Commonwealth are complied with; and
- (c) an application for registration of the motor vehicle under this Act has been, or is to be, made as soon as reasonably practicable after the date of the change in the owner's place of residence; and
- (d) there is in force in relation to the vehicle a policy of insurance—
  - (i) that complies with the law of that other State or Territory of the Commonwealth; and
  - (ii) under which the owner and driver of the motor vehicle are insured against liability that might be incurred in respect of death of, or bodily injury to, any person caused by, or arising out of the use of, the motor vehicle in this State.

*Registration Procedure*

**Application for registration**

20. (1) An application to register a motor vehicle—

- (a) must state correctly—
  - (i) the full name of the owner of the vehicle; and
  - (ii) where the owner of the vehicle is a natural person, the address at which the owner is ordinarily resident and, in the case of an application for registration in a business name, the address of the principal place of business at which the owner carries on business in that business name; and
  - (iii) where the owner of the vehicle is a body corporate, the address of the principal place of business in this State of the body corporate; and
  - (iiia) the garage address of the vehicle; and
  - (iv) in the case of an application to register a heavy vehicle—the configuration of the vehicle for the period of registration; and
- (ab) must, if there is more than one owner of the vehicle, nominate one of the owners as the registered operator of the vehicle; and
- (b) must be made in a manner and form determined by the Minister.

(2) At the time of making the application—

- (a) the prescribed fee; and
- (b) the appropriate insurance premium; and
- (c) the stamp duty (if any) payable on the application,

must be paid to the Registrar.

(2a) Where an application to register a motor vehicle falsely states the name of the owner of the vehicle, any registration of the motor vehicle pursuant to that application is void and of no effect.

(3) A person under the age of 16 years cannot 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 (2a) or (3), a policy of insurance under Part 4 will, notwithstanding the invalidity of the registration, come into operation in respect of the motor vehicle as if it had been validly registered.

#### **Power of Registrar to return application**

**21.** Where application for registration of a motor vehicle is made and—

- (a) the application is not entirely in order; or
- (b) the full amount payable to the Registrar in respect of the application has not been paid;  
or
- (c) the owner of the vehicle is, at the time of lodging the application, unable to supply all the information required for the Registrar to assess the fee or determine the application;  
or
- (d) the Registrar has refused to determine the application until the particulars disclosed in the application are verified; or
- (e) a court has ordered that the vehicle not be registered until some condition is complied with and the condition has not been complied with,

the Registrar may return the application and any prescribed registration fee and insurance premium paid in respect of the application.

#### **Registrar may require applicant to supply information**

**22.** The Registrar may require a person applying for the registration of a motor vehicle or a permit to provide satisfactory evidence by statutory declaration, weighbridge note or other means as to—

- (a) any facts upon which the amount of any payment to be made to the Registrar for, or in respect of, registration or insurance depends; or
- (b) any facts by reason of which the applicant is entitled to be granted registration of the vehicle or a permit without payment of a fee; or

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- (c) any matter in relation to which information is required to be disclosed in the application.

**Refusal to register unfit vehicles**

**23.** If a court has ordered that a vehicle not be registered until some condition is complied with, the Registrar must not register that vehicle until satisfied that that condition has been complied with.

**Information required before registration of new vehicles**

**23A.** (1) The Registrar must not register a new motor vehicle unless a report containing the particulars prescribed by regulation has been received in relation to that motor vehicle.

(2) A person must not sell, by retail, a new motor vehicle unless a report referred to in subsection (1) has been lodged with the Registrar in relation to that motor vehicle.

Maximum penalty: \$750.

- (3) In this section—

"**new motor vehicle**" means a motor vehicle that has not previously been registered under this Act or the law of any other State or Territory of the Commonwealth.

**Duty to grant registration**

**24.** (1) On application duly made and payment of the prescribed fee, the appropriate insurance premium and the stamp duty (if any) payable on the application, the Registrar must, subject to this Act, register the motor vehicle in the register of motor vehicles—

- (a) for a period of 12 months or one, two or three quarters; or
- (b) where the applicant is the owner of a number of motor vehicles that equals or exceeds a number to be determined by the Registrar—for a period expiring on a day fixed by the Registrar as a common day of expiry in relation to those motor vehicles,

at the option of the applicant.

(1a) Notwithstanding subsection (1), the Registrar may register a motor vehicle for a period of less than a period referred to in subsection (1)(a) where the last registered owner has cancelled the registration of the vehicle but subsequently applies for registration of the vehicle before the day on which that previous registration would, but for cancellation, have expired.

(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.

(1c) Notwithstanding the renewal of the registration of a motor vehicle pursuant to subsection (1b), the vehicle is not, for the purposes of this Act, to be taken as registered during the period between expiry of the previous registration and that renewal.

(2) The Registrar may refuse to register a motor vehicle pending investigations (which may include examination of the vehicle)—

- (a) to verify any information disclosed in the application or any evidence provided by the applicant in response to any requirement of the Registrar under this Act; or
  - (b) to ascertain whether the vehicle—
    - (i) complies with an Act or law that regulates the design, construction or maintenance of such a vehicle; or
    - (ii) would, if driven on a road, put the safety of persons using the road at risk; or
    - (iii) has been reported as stolen.
- (3) If, on investigation under this section, the Registrar finds—
- (a) that any information disclosed in the application or any evidence provided by the applicant in response to a requirement of the Registrar under this Act is not correct; or
  - (b) that the vehicle—
    - (i) does not comply with an Act or law that regulates the design, construction or maintenance of such a vehicle; or
    - (ii) would, if driven on a road, put the safety of persons using the road at risk; or
    - (iii) has been reported as stolen,

the Registrar may refuse to register the vehicle.

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*Conditional Registration*

**Conditional registration of certain classes of vehicles**

**25.** (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; and
- (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.

(2) Where a motor vehicle is registered under this section—

- (a) the period of registration will be the period specified in the regulations; and

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- (b) the registration of the vehicle is subject to—
  - (i) the conditions imposed by the regulations;
  - (ii) such other conditions (if any) as the Registrar thinks fit to impose; and

\* \* \* \* \*

- (d) the registration is not transferable.

\* \* \* \* \*

*Duration of Registration*

**Period of registration**

26. Subject to this Act, the registration of a motor vehicle commences—

- (a) on the day on which it is effected (or, where a permit is issued, the date of issue of the permit); or
- (b) where the motor vehicle is registered, or was last registered, in the name of the applicant and application is made before the expiry of the previous registration or after that expiry but within the period allowed for renewal—on the day after that expiry,

and the registration of a motor vehicle expires on the last day of the period for which it was registered.

*Registration Fees*

**Regulation of registration fees**

27. The Governor may, by regulation—

- (a) prescribe a scale of registration fees, or provide for the computation or assessment of registration fees, in respect of motor vehicles or any class of motor vehicles; and
- (b) make any provision necessary or expedient in relation to the computation or assessment of registration fees or the resolution of any dispute between the Registrar and an applicant for registration as to the appropriate registration fee to be paid on an application for registration of a motor vehicle; and
- (c) provide for the public exhibition of lists containing the specifications of motor vehicles of standard models or kinds and any other information relevant to the computation of registration fees.

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**Registration without fee**

31. (1) The Registrar must register without fee—

\* \* \* \* \*



- (j) any motor vehicle owned by an accredited diplomatic officer or accredited consular officer *de carriere*, who is a national of the country which he or she represents and who resides in the State;

\* \* \* \* \*

- (q) any motor vehicle that is to be registered without fee by virtue of the regulations.

(2) Where—

- (a) a motor vehicle has been registered under this section; and
- (b) an application for registration of the motor vehicle is made otherwise than under this section; and
- (c) the motor vehicle has not previously been registered under this Act upon an application by the present applicant in respect of which stamp duty has been paid,

the Registrar must treat the application as if the vehicle had not previously been registered under this Act, and registration fees and stamp duty will be payable on the application accordingly.

(3) This section does not apply in relation to a heavy vehicle other than a heavy vehicle of a kind referred to in subsection (1)(j).

**Vehicles owned by the Crown**

32. (1) Motor vehicles owned by the Crown are not exempt from registration under this Act and registration or administration fees are payable in respect of those vehicles.

(2) The amount of any such fees, and the circumstances in which they are payable, are the same as in the case of vehicles owned by subjects.

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**Registration fees for primary producers' commercial vehicles**

34. (1) If the owner of a commercial motor vehicle—

- (a) satisfies the Registrar by such evidence as the Registrar requires that the owner is a primary producer in this State; and
- (b) undertakes that that motor vehicle will not, unless the balance of the prescribed registration fee is paid, be used on roads for carrying Her Majesty's mails, goods or passengers for pecuniary reward or for carrying goods in the course of any trade or business other than that of a primary producer,

the prescribed registration fee for that motor vehicle must be reduced by the prescribed amount.

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(2) In this section—

"**carry**", "**carrying**" and "**carriage**" respectively include haul, hauling and haulage.

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\* \* \* \* \*

**Registration fees for vehicles in outer areas**

**37.** (1) In this section—

"**outer area**" means—

- (a) the whole of Kangaroo Island; or
- (ab) the area of the District Council of Coober Pedy; or
- (ac) the area of the District Council of Roxby Downs; or
- (b) all other parts of the State that are not within a municipality, a district council area or Iron Knob.

(1a) In subsection (1)—

"**Iron Knob**" means all that portion of County of Manchester within a circle having a radius of 2 415 metres and its centre at the south-western corner of Allotment 270, town of Iron Knob.

(2) If the owner of a motor vehicle undertakes that, unless the balance of the prescribed registration fee is paid, the motor vehicle will, during the period for which registration is applied for—

- (a) be used wholly or mainly in outer areas; and
- (b) be in the possession and under the control of a person who resides in an outer area; and
- (c) be usually kept at premises situated in an outer area,

the prescribed registration fee for that motor vehicle must be reduced by the prescribed amount.

**Application of ss. 38 to 38B**

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

**Registration fees for incapacitated ex-servicemen**

**38.** (1) If the Registrar is satisfied by such evidence as the Registrar requires that—

- (a) a motor vehicle is owned by a person who has been a member of a naval, military or air force of Her Majesty; and

- (b) the owner, as a result of service in a naval, military or air force, is totally and permanently incapacitated, or is blind, or has lost a leg or foot, or receives under the laws of the Commonwealth relating to repatriation a pension at the rate for total incapacity, or a pension granted by reason of impairment of the power of locomotion at a rate not less than 75 per cent of the rate for total incapacity; and
- (c) the motor vehicle will, during the period for which it is sought to be registered, be wholly or mainly used for the transport of the owner,

the prescribed registration fee for that motor vehicle must be reduced by the prescribed amount.

(2) This section does not apply to or in relation to—

- (a) more than one motor vehicle owned by the same owner; or
- (b) any motor vehicle in respect of the registration of which a reduced fee is payable pursuant to any provision of this Act other than this section.

(3) If the registered owner of a motor vehicle that has been registered at a reduced fee in accordance with this section dies, or ceases to be the owner of the vehicle, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void upon the expiration of that period.

#### **Reduced fees for certain concession card holders**

**38A.** (1) If the Registrar is satisfied by such evidence as the Registrar requires that the owner of a motor vehicle—

- (a) is entitled, as the holder of—
  - (i) a State Concession Card issued by the Department of Human Services; or
  - (ii) a pensioner entitlement card issued under any Act or law of the Commonwealth,to travel on public transport in this State at reduced fares; and
- (b) the motor vehicle will, during the period for which it is sought to be registered, be wholly or mainly used for the transport of the owner,

the prescribed registration fee for that motor vehicle must be reduced by the prescribed amount.

(2) This section does not apply to or in relation to—

- (a) more than one motor vehicle owned by the same owner; or
- (b) any motor vehicle in respect of the registration of which a reduced fee is payable pursuant to any provision of this Act other than this section.

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(3) If the registered owner of a motor vehicle that has been registered at a reduced fee in accordance with this section dies, or ceases to be the owner of the vehicle, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void on the expiration of that period.

**Registration fees for trailers owned by certain concession card holders**

**38AB.** (1) If the Registrar is satisfied by such evidence as the Registrar requires that the owner of a trailer—

- (a) is entitled, as the holder of—
  - (i) a State Concession Card issued by the Department of Human Services; or
  - (ii) a pensioner entitlement card issued under any Act or law of the Commonwealth,to travel on public transport in this State at reduced fares; and
- (b) the trailer will, during the period for which it is sought to be registered, be wholly or mainly employed in the personal use of the owner,

the prescribed registration fee for that trailer must be reduced by the prescribed amount.

(2) This section does not authorise the registration at a reduced fee of more than one trailer owned by the same owner.

(3) If the registered owner of a trailer that has been registered at a reduced fee in accordance with this section dies, or ceases to be the owner of the trailer, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void on the expiration of that period.

**Registration fees for certain incapacitated persons**

**38B.** (1) If the Registrar is satisfied by such evidence as the Registrar requires that the owner of a motor vehicle—

- (a) in consequence of the loss of the use of one or both legs, is permanently unable to use public transport; and
- (b) the motor vehicle will, during the period for which it is sought to be registered, be wholly or mainly used for the transport of the owner,

the prescribed registration fee for that motor vehicle must be reduced by the prescribed amount.

(2) This section does not apply to or in relation to—

- (a) more than one motor vehicle owned by the same owner; or
- (b) any motor vehicle in respect of the registration of which a reduced fee is payable pursuant to any provision of this Act other than this section.

(3) If the registered owner of a motor vehicle that has been registered at a reduced fee in accordance with this section dies, or ceases to be the owner of the vehicle, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void on the expiration of that period.

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**Balance of registration fee**

**40.** Where a vehicle has been registered at a reduced registration fee, the owner of the vehicle may, at any time while that registration is in force, pay to the Registrar the balance of the prescribed registration fee, and thereafter during the balance of the period for which it was registered, the vehicle may be used as if it had been registered upon payment of the prescribed registration fee.

\* \* \* \* \*

**Refund of part of registration fee on eligibility for reduced fee**

**40A.** Where a vehicle has been registered upon payment of the prescribed registration fee and the owner of the vehicle becomes entitled to an exemption from, or reduction of, registration fees at any time during the period for which the vehicle is registered, the Registrar has a discretion to refund to the owner of the vehicle such part of the registration fee as the Registrar thinks just in the circumstances.

**Misuse of vehicles registered at reduced fees or without fees**

**41.** (1) In this section—

"**motor vehicle of restricted registration**" means a motor vehicle—

- (a) registered for a period in respect of which no registration fee has been paid; or
- (b) registered for a period in respect of which only a reduced registration fee has been paid.

\* \* \* \* \*

(2) A person must not use or keep a motor vehicle of restricted registration for a purpose or in circumstances contrary to the terms of a statement or undertaking that was made in connection with the application for registration, or transfer of registration, of the vehicle.

Maximum penalty: \$750.

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

Maximum penalty: \$750.

(3) Where a person has been convicted of an offence under this section, the court may order, in addition to any penalty it may have imposed, that the convicted person pay to the Registrar within a period specified in the order—

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- (a) if the motor vehicle was registered without fee—the whole of the prescribed registration fee that would have been payable in respect of the period of registration during which the offence was committed had the motor vehicle not qualified for restricted registration; or
- (b) if the motor vehicle was registered at a reduced registration fee—the balance between the fee paid and the prescribed registration fee that would have been payable in respect of the period of registration during which the offence was committed had the motor vehicle not qualified for restricted registration,

together with the stamp duty (if any) that would have been payable by the convicted person upon the application for that period of registration had the motor vehicle not qualified for restricted registration.

(4) Upon making an order under subsection (3), the court must notify the Registrar in writing of the terms of the order.

(5) Notwithstanding any other provision of this Act, registration fees paid pursuant to an order under subsection (3) are not refundable upon subsequent cancellation of registration.

**Registration not transferable in certain cases where vehicle registered at reduced fee or for no fee**

**42.** (1) The registration of a motor vehicle that has been registered without payment of a fee is not transferable unless the transferee satisfies the Registrar that the transferee is entitled to the same exemption from registration fees as the transferor.

(2) The registration of a motor vehicle that has been registered at a reduced registration fee is not transferable unless—

- (a) the transferee satisfies the Registrar that the transferee is entitled to the same reduction of registration fees as the transferor; or
- (b) the balance of the prescribed registration fee is paid at or before the time of lodgement of an application to transfer the registration of the vehicle to the transferee.

**Short payment, etc.**

**43.** (1) Where any amount is payable to the Registrar for registration, or insurance, in respect of a motor vehicle—

- (a) because the motor vehicle was incorrectly described in the application for registration of the motor vehicle and the vehicle was consequently registered or insured for less than the full amount payable in respect of the vehicle; or
- (b) because of any alteration of, or addition to, the motor vehicle; or
- (c) for any other reason,

the Registrar may by notice in writing served personally or by post upon the registered owner of the motor vehicle demand payment of that amount.

(2) The amount referred to in subsection (1) may be recovered by the Registrar as a debt in any court of competent jurisdiction.

(3) Where the amount referred to in subsection (1) is not paid within 14 days after the service of a notice under that subsection, the Registrar may, by notice in writing served personally or by post upon the person registered as the owner of the motor vehicle, cancel the registration.

(4) The Registrar may, without any authority or appropriation other than this subsection, refund upon cancellation of the registration of a motor vehicle under this section such proportion of the amount paid to the Registrar by the person in whose name the motor vehicle was registered, as the Registrar thinks just.

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**Temporary configuration certificate for heavy vehicle**

**43A.** (1) A person must not drive a registered heavy vehicle on a road in an unregistered configuration unless a temporary configuration certificate is in force under this section in respect of the vehicle for that configuration.

(2) If a person drives a heavy vehicle on a road in contravention of subsection (1), the vehicle will be taken to be unregistered for the purposes of this Act.

(3) If a person is guilty of an offence of driving an unregistered vehicle on a road by virtue of subsection (2), a person who caused or permitted the vehicle to be so driven is also guilty of an offence.

Maximum penalty: \$750.

(4) If the owner of a registered heavy vehicle—

(a) applies for a temporary configuration certificate to be issued in respect of the vehicle for a configuration other than the vehicle’s registered configuration; and

(b) pays to the Registrar—

(i) a fee equal to the product obtained by multiplying the number of days in the period for which the certificate is to be in force or 90 days (whichever is the greater) by one-three hundred and sixty fifth of the difference between—

(A) the prescribed registration fee that would be payable for registration of the vehicle for 12 months if that other configuration were nominated in an application for such registration; and

(B) the prescribed registration fee that would be payable for registration of the vehicle for 12 months if its registered configuration were nominated in an application for such registration,

(a fraction of one dollar being counted as one dollar); and

(ii) the prescribed administration fee,

the Registrar may issue such a certificate to the owner of the vehicle.

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(5) A certificate may be issued under this section in respect of a vehicle so as to be in force for a period specified in the certificate at the option of the applicant, being a period not exceeding the unexpired portion of the vehicle's registration.

(6) A certificate under this section will be in a form determined by the Minister.

(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.

Maximum penalty: \$125.

(8) If the Registrar is satisfied that a certificate under this section has been lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate.

(9) The Registrar may, on application by the holder of a certificate under this section, cancel the certificate.

(10) If the registration of a vehicle in respect of which a certificate is in force under this section is cancelled or transferred, the certificate is cancelled.

(11) Subject to subsection (12), if a certificate under this section is cancelled, any registration fee paid for the issue of the certificate is not refundable.

(12) The Registrar may, if satisfied that reasonable cause exists for doing so, refund all or part of a fee (other than an administration fee) paid for the issue of a certificate under this section.

(13) Where the person recorded in the register of motor vehicles as the owner of a heavy vehicle is convicted of an offence of driving the vehicle while it is unregistered by virtue of subsection (2) or of an offence against subsection (3), the court must order, in addition to any other penalty it may have imposed, that the convicted person pay to the Registrar within a period specified in the order, the difference between—

(a) the prescribed registration fee that would have been payable for registration of the vehicle for the period for which the vehicle's registration was effected if the current configuration of the vehicle at the time of the offence had been nominated in the application for the registration of the vehicle; and

(b) the prescribed registration fee that was paid for registration of the vehicle.

(14) On making an order under subsection (13), the court must notify the Registrar in writing of the terms of the order.

(15) Despite any other provision of this Act, registration fees paid pursuant to an order under subsection (13) are not refundable on subsequent cancellation of registration.



(16) For the purposes of this section—

- (a) "**current configuration**", in relation to a registered heavy vehicle, means the vehicle in its current form together with the trailers (within the meaning of the Commonwealth Road Transport Charges Act), if any, that are being hauled by the vehicle;
- (b) "**registered configuration**", in relation to a registered heavy vehicle, means the configuration nominated in the application for the registration of the vehicle;
- (c) the current configuration of a registered heavy vehicle will be taken to be an unregistered configuration if—
  - (i) it does not conform to the vehicle's registered configuration; and
  - (ii) the amount paid for registration in respect of the vehicle was less than the amount that would have been payable if the vehicle's current configuration had been nominated in the application for the registration of the vehicle.

*Duty to Notify Alterations or Additions to Vehicles*

**Duty to notify alterations or additions to vehicles**

**44.** (1) If while the registration of a motor vehicle is in force any of the alterations or additions mentioned in subsection (2) are made to the vehicle, the registered owner must, within 14 days after making that alteration or addition, give written notice to the Registrar containing particulars of the alteration or addition.

(2) The alterations and additions referred to in subsection (1) are the following:

- (a) any alteration of or addition to the motor vehicle by which its power or mass is increased;
- (b) the removal of the engine by which the vehicle is driven and the substitution of another engine;
- (c) in the case of a motor vehicle having no tyres other than pneumatic tyres, the removal of a pneumatic tyre and the substitution of a tyre other than a pneumatic tyre;
- (d) in the case of a vehicle having no metal tyres, the removal of a tyre and the substitution of a metal tyre;
- (e) the attachment of a sidecar to a motor cycle not having a sidecar;
- (f) any alteration or addition by which a motor vehicle that is not a commercial motor vehicle is converted into a commercial motor vehicle;
- (g) any alteration or addition prescribed by the regulations.

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(3) If a motor vehicle is altered or added to during the period for which it is registered and the alteration or addition is such that, if it had been made before the registration, the fee for that registration would have been more than the amount paid, the registered owner must, within 28 days after the making of the alteration or addition, pay to the Registrar as an additional fee the amount that bears to the difference the same proportion as the number of months in the unexpired period of the registration (portion of a month being treated as a month) bears to the number of months in the period of registration.

(3a) In calculating an additional fee payable under this section, any amount of cents not exceeding five cents will be excluded and any amount of cents exceeding five cents will be counted as ten cents.

(3b) Despite subsections (3) and (3a), the regulations may, for cases of a prescribed kind, provide a different method for calculating an additional fee payable under subsection (3).

(4) A person must not fail to comply with a requirement of this section.

Maximum penalty: \$250.

(5) In proceedings for an offence against this section, the court may, in addition to imposing a fine, order the defendant to pay to the Registrar any additional fee for which the defendant is liable under subsection (3).

(6) In this section—

"**alteration**", in relation to a vehicle, includes the wrecking of the vehicle or the disassembling of the vehicle or part of the vehicle for salvage.

**Refund where vehicle altered**

**45.** If a motor vehicle is altered during the period for which it was registered and the alteration is such that, if it had been made before the registration, the fee for that registration would have been less than the amount paid, the Registrar has a discretion to refund to the owner of the vehicle such part of the registration fee as the Registrar thinks just in the circumstances.

*Numbers and Number Plates*

**Allotment of number on registration**

**46.** (1) On registering a motor vehicle under this Act, the Registrar must allot a number to the vehicle.

(2) The Registrar may, at any time, vary or amend the number allotted to a vehicle under subsection (1).

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**Duty to carry number plates**

**47.** (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.

Maximum penalty: \$250.

(2) This section does not apply to—

- (a) a motor vehicle exempted from registration under this Act; or
- (b) a motor vehicle in relation to which a permit has been issued under this Act permitting the vehicle to be driven without registration; or
- (ba) an owner of a registered motor vehicle during the period between application to the Registrar for a number plate or plates and expiry of the day following the day on which the number plate or plates are delivered to the owner; or
- (c) a person who fails to comply with this section by reason of damage caused by a collision or other road accident where the person has had no reasonable opportunity to repair the damage.

**Classes of number plates and agreements for the allotment of numbers**

**47A.** (1) The Registrar may, by notice published in the *Gazette*, establish different classes of number plates and prescribe the specifications and design to which number plates of each class must conform.

(2) The Registrar may, in a notice under subsection (1), declare that number plates of a particular class may not be attached to a motor vehicle except pursuant to an agreement under subsection (4).

(3) The Registrar may, by notice published in the *Gazette*, vary or revoke a notice under this section.

(4) The Registrar may enter into an agreement with a person providing for any of the following matters:

- (a) the right to be allotted a particular number in respect of a vehicle registered or to be registered in the person's name;
- (b) the right to attach number plates of a particular class to a vehicle registered or to be registered in the person's name;
- (c) the assignment of rights conferred under the agreement;
- (d) such other matters relating to registration numbers or number plates as the Registrar thinks fit.

(5) An agreement may be made under subsection (4)—

- (a) upon payment to the Registrar of such fee as the Registrar may require; or
- (b) by the sale by public auction of rights of the kind referred to in that subsection.

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(6) This section does not affect the duty of the Registrar, in the absence of any agreement under subsection (4), to allot a number to a vehicle upon registering the vehicle.

(7) A person must not drive a motor vehicle on a road, being a vehicle to which a number plate or plates of a class in respect of which a declaration has been made under subsection (2) are attached, unless the registered owner of the vehicle acquired the right to attach the number plate or plates to the vehicle pursuant to an agreement under subsection (4).

Maximum penalty: \$250.

**Issue of number plates**

**47B.** (1) The owner of a motor vehicle to which a number has been allotted under this Act may obtain a number plate bearing that number—

- (a) upon payment of the prescribed fee, from the Registrar; or
- (b) from a person approved by the Minister to sell or supply number plates.

(2) No person other than a person approved by the Minister may sell or supply number plates of a kind required to be attached to motor vehicles under this Act.

Maximum penalty: \$250.

**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; or
- (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; or
- (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).

Maximum penalty: \$250.

(4) If the registration of a motor vehicle—

- (a) has expired and has not been renewed within the period allowed for renewal; or
- (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.

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

Maximum penalty: \$250.

#### *Registration Labels*

#### **Registration labels**

**48.** (1) At the time of registering a motor vehicle, the Registrar must issue to the registered owner of the vehicle or his or her agent—

- (a) a certificate of registration, in a form determined by the Minister, relating to that vehicle; and
- (b) in relation to a vehicle other than a vehicle of a prescribed class, a registration label endorsed with—
  - (i) particulars of the vehicle;
  - (ii) the date of expiry of registration;
  - (iii) such other information as the Registrar thinks fit to include.

(1a) The Registrar may, at any time, issue to the registered owner, or the agent of the registered owner, of a motor vehicle an amended registration label complying with subsection (1) and may, by notice in writing served personally or by post, direct the registered owner or agent to destroy the label previously issued in such manner as the Registrar thinks fit and specifies in the notice.

(1b) A person must not fail to comply with a direction under subsection (1a).

Maximum penalty: \$125.

(2) The registration label issued in respect of a motor vehicle other than a motor vehicle of a prescribed class or, where an amended registration label has been issued in respect of such a motor vehicle, the amended registration label must, throughout the period during which the registration remains in force, be affixed to and carried on the motor vehicle for which it is issued, in accordance with the regulations.

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(3) A person must not drive on a road a motor vehicle registered under this Act other than a motor vehicle of a prescribed class that does not carry the registration label or, where an amended registration label has been issued, the amended registration label issued for that vehicle under this section, or that carries the label otherwise than in conformity with all the requirements of this section and the regulations.

Maximum penalty: For a first offence—\$125.

For a subsequent offence—\$250.

(4) It is a defence to a charge under subsection (3) if the defendant proves that the motor vehicle was driven on a road under circumstances under which this Act or the regulations provide that a motor vehicle on which a registration label or permit is not affixed may be driven.

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**Permit to drive where label lost or destroyed**

**50.** (1) If the owner of a motor vehicle—

- (a) produces to a member of the police force stationed at a police station more than 40 kilometres by a direct line from the General Post Office at Adelaide the current registration certificate issued in respect of the motor vehicle; and
- (b) satisfies that member of the police force that the registration label issued in respect of the vehicle has not been received by the owner or any person on the owner's behalf, or has been lost or destroyed, and that an application in the proper form for a duplicate label together with the prescribed fee have been forwarded to the Registrar,

the member of the police force may issue a permit permitting the motor vehicle to be driven on roads without carrying a registration label during the period of operation of the permit.

(2) A permit under subsection (1)—

- (a) has no force unless the permit is carried, in accordance with the regulations, in the vehicle to which it relates; and
- (b) expires—
  - (i) on the expiration of the current registration of the vehicle; or
  - (ii) on the date specified in the permit,

whichever is the earlier.

**Issue of permit or duplicate label**

**51.** (1) If the Registrar is satisfied by statutory declaration or such other evidence as the Registrar may require that the registration label issued in respect of any motor vehicle has not been received by the owner, or has been lost or destroyed, the Registrar may issue a permit or a duplicate label upon payment of the prescribed fee; but the Registrar may remit the fee if of the opinion that reasonable cause exists for doing so.

(2) A permit under subsection (1)—

- (a) has no force unless the permit is carried, in accordance with the regulations, in the vehicle to which it relates; and
- (b) expires on the date specified in the permit.

**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).

Maximum penalty: \$250.

(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).

Maximum penalty: \$250.

**Offences in connection with registration labels and permits**

**53.** (1) A person must not—

- (a) drive on a road a motor vehicle on which is affixed a registration label or in which is carried a permit that has ceased to be in force or has been issued in respect of another motor vehicle; or
- (b) drive on a road a motor vehicle on which is affixed a registration label or in which is carried a permit that has been altered, defaced, mutilated or added to; or
- (c) drive on a road a motor vehicle on which is affixed a colourable imitation of a registration label or in which is carried a colourable imitation of a permit; or

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- (d) without lawful excuse, have in his or her possession—
  - (i) a registration label or an article resembling a registration label that is liable to be mistaken for a registration label; or
  - (ii) a permit or an article resembling a permit that is liable to be mistaken for a permit.

Maximum penalty: \$250.

(2) In this section—

"**permit**" means a permit that permits a vehicle to be driven on roads without carrying a registration label.

*Cancellation and Transfers of Registration*

**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.

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**Cancellation of registration where application information incorrect**

**55A.** (1) The Registrar may, by notice in writing served on the person registered as the owner of a motor vehicle, cancel the registration of the vehicle if satisfied—

- (a) that any information disclosed in the application for registration of the vehicle, or, if the registration has been transferred, in the application for transfer of the registration, was incorrect; or
- (b) that any evidence provided by the applicant in response to a requirement of the Registrar under this Act was incorrect.

(2) The Registrar may, after cancelling a registration under this section, 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.

**Duty of transferor on transfer of vehicle**

**56.** Where the ownership of a motor vehicle is transferred (whether on a sale or other transaction) at any time during the currency of its registration, the transferor must within seven days after the transfer either—

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



- (b) —
- (i) give to the transferee the current certificate of registration or a current duplicate certificate of registration issued to the transferor in respect of the vehicle; and
  - (ii) sign an application, in a form determined by the Minister, to transfer the registration of the vehicle; and
  - (iii) sign or cause to be signed by a person acting on behalf of the transferor, in the presence of the transferee or a person acting on behalf of the transferee, a notice, in a form determined by the Minister, of the transfer of ownership of the vehicle.

Penalty: Division 10 fine.

**Duty of transferee on transfer of vehicle**

**57.** (1) Where the ownership of a motor vehicle is transferred not later than 14 days before the expiration of the registration of the vehicle, the transferee must, within seven days after the transfer, sign or cause to be signed by a person acting on behalf of the transferee, in the presence of the transferor or a person acting on behalf of the transferor, a notice under section 56(b)(iii).

Maximum penalty: \$250.

(2) Where—

- (a) the ownership of a motor vehicle is transferred not later than 14 days before the expiration of the registration of the vehicle; and
- (b) an application to cancel the registration is not made within seven days after the transfer,

the transferee must, within 14 days after the transfer, deliver to the Registrar an application to transfer the registration of the vehicle in a form determined by the Minister that—

- (c) has been signed by the transferor and transferee; and
- (d) is accompanied by—
  - (i) the current certificate of registration or a current duplicate certificate of registration issued to the transferor in respect of the vehicle; and
  - (ii) the prescribed fee for the transfer; and
  - (iii) the stamp duty (if any) payable on the application.

Maximum penalty: \$250.

(3) Where—

- (a) the transferee fails to lodge an application required under subsection (2) within 14 days after the transfer of the vehicle; and

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- (b) the transferee—
- (i) lodges the application after the expiration of that period; or
  - (ii) lodges an application to register the vehicle,

the Registrar may charge, in addition to the fee prescribed under this Act for the transfer or registration, a late payment fee determined in accordance with the regulations.

(4) The Registrar may, if satisfied that reasonable cause exists for doing so, extend the time for making an application for transfer of registration.

**Power of Registrar to record change of ownership of motor vehicles**

**57A.** Where no application to transfer the registration of a motor vehicle has been made but the Registrar is satisfied that ownership of the vehicle has been transferred to a particular person, the Registrar may, without registering the vehicle in the name of the transferee, record on the register the transferee as the owner of the vehicle.

**Transfer of registration**

**58.** (1) When the current certificate of registration or a current duplicate certificate of registration issued to the transferor in respect of a motor vehicle and an application to transfer the registration are duly delivered to the Registrar and the prescribed transfer fee and the stamp duty (if any) payable on the application paid, the Registrar must, subject to this Act, register the vehicle in the name of the transferee for the balance of the period of registration.

(2) The Registrar may require a person applying for transfer of the registration of a motor vehicle to provide satisfactory evidence by statutory declaration or other means as to any matter in relation to which information is required to be disclosed in the application.

(3) The Registrar may refuse to transfer the registration of a motor vehicle pending investigations (which may include examination of the vehicle) to verify any information disclosed in the application or any evidence provided by the applicant in response to a requirement of the Registrar under this section.

(4) If, on investigation under this section, the Registrar finds that any information disclosed in the application or any evidence provided by the applicant in response to a requirement of the Registrar under this section is incorrect, the Registrar may refuse to transfer the registration of the vehicle.

**Non-transferable registrations**

**59.** If a registration is not transferable, no application to transfer the registration may be required or made.

**Cancellation of registration where failure to transfer after change of ownership**

**60.** (1) If no application for the cancellation or transfer of the registration of a motor vehicle has been made—

- (a) within 14 days after the transfer of ownership of the vehicle; or
- (b) where the Registrar has, under section 57(4), extended the time for the making of an application to transfer the registration, within that time,

the Registrar may cancel the registration.

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

**Hire-purchase transactions**

**61.** (1) Where a motor vehicle is registered in the name of a person who takes the vehicle on hire in pursuance of a hire-purchase agreement, the passing of the ownership of the vehicle to that person is not a transfer within the meaning of this Act.

(2) Where—

(a) an owner has, pursuant to a hire-purchase agreement, repossessed a motor vehicle registered in the name of the person who took the vehicle on hire in pursuance of the agreement; and

(b) the hirer has lost any legal right to obtain the return of the vehicle,

section 57 applies in relation to the owner as if—

(c) the hirer had transferred the ownership of the vehicle to the owner at the time the right to obtain the return of the vehicle was lost; and

(d) the reference to "the transferee" in that section were a reference to "the owner",

and sections 58 and 60 have effect accordingly.

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(4) Where a hirer of a motor vehicle in whose name the vehicle is registered—

(a) returns the vehicle to the owner on termination of the hiring; or

(b) if the vehicle is the subject of a hire-purchase agreement, voluntarily returns the vehicle to the owner,

the return will be taken to be a transfer for the purposes of sections 56, 57, 58 and 60.

*Trade Plates*

**Issue of trade plates**

**62.** (1) If the Registrar is satisfied, on such evidence as the Registrar may require, that a person is engaged in a business in which trade plates are reasonably required for use for a purpose of a kind prescribed by the regulations and stated in the person's application, the Registrar may, on payment of the prescribed fee, issue to the person such number of trade plates as the Registrar considers necessary, having regard to the person's business requirements.

(2) The Registrar may, in determining whether an applicant for the issuing of trade plates satisfies the requirements of subsection (1), seek the advice and assistance of a person or body that represents the interests of those engaged in a business of the kind in which the applicant is engaged.

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(3) For the purposes of subsection (2), the Registrar may enter into an arrangement with a person or body on such terms and conditions as the Registrar thinks fit.

(4) The Registrar must keep a record showing the name and place of business of every person to whom a trade plate has been issued under this section.

\* \* \* \* \*

(6) The Registrar may issue a trade plate to any person or persons in a business name registered in accordance with the *Business Names Act 1996* under which that person or those persons carry on business.

(7) A trade plate will be taken to have been issued on a date determined by the Registrar in respect of that trade plate and will not be effective for the purposes of this Act before that date.

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**Specifications of plates**

**64.** Every trade plate must bear a distinctive number and conform to such specifications as the Registrar may determine.

**Duration**

**65.** A trade plate may be issued for a period of 12 months, 2 years or 3 years at the option of the applicant, and may be reissued for any such period.

**Use of vehicle to which trade plates are affixed**

**66.** (1) A motor vehicle to which trade plates are affixed in accordance with the regulations may be driven on a road for a purpose of a kind prescribed by the regulations and stated in the application for the issuing of the plates.

(2) If a motor vehicle to which trade plates are affixed is driven on a road other than for a purpose of a kind prescribed by the regulations and stated in the application for the issuing of the plates—

- (a) the driver of the vehicle; and
- (b) where the driver of the vehicle is not the person to whom the trade plates were issued—that person,

are each guilty of an offence.

Maximum penalty: \$1 250.

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**Return of trade plates and refunds**

**70.** (1) A person to whom a trade plate has been issued may surrender it to the Registrar at any time.

(2) Subject to section 71, if a person who holds a trade plate ceases to carry on the business in relation to which that plate was issued, the person must, within seven days of ceasing to carry on that business—

- (a) in the case of the purchase or acquisition of the business by another person, notify the Registrar in writing of the name and address of that other person and the date of the sale or acquisition; or
- (b) in any other case, surrender the plate to the Registrar.

Maximum penalty: \$250.

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(4) Where a person fails to surrender a trade plate pursuant to subsection (2), a member of the police force or an inspector may take possession of the trade plate and for that purpose enter and search any premises or place.

(5) If a person surrenders a trade plate to the Registrar under this section, the Registrar must make any refund required under the regulations.

**Transfer of trade plates**

**71.** (1) A person must, within seven days of purchasing or acquiring a business in relation to which a trade plate is held, apply in writing to the Registrar for the transfer of that plate.

Maximum penalty: \$250.

(2) Upon an application under this section, the Registrar may, upon payment of the prescribed fee, cause the trade plate to be transferred to the person who has purchased or acquired the business for the remainder of the period for which the plate was issued.

(3) The transferee of a trade plate will for the purposes of this Act be taken to be the person to whom that plate was issued.

*Registration in Business Names*

**Registration in business names**

**71A.** (1) Where an application for registration is made by a person carrying on a business the name of which is registered under the *Business Names Act 1996*, the Registrar may, notwithstanding the preceding provisions of this Part, register the motor vehicle in that business name.

(2) Upon registration of a motor vehicle under this section, the provisions of this Act apply and have effect in relation to each person who is carrying on the business as if that person were the owner of the motor vehicle, but it will be sufficient compliance with any such provision if any one of those persons discharges the obligations imposed by the provision on the owner.

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PART 3  
DRIVERS' LICENCES

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**Classification of licences**

72. (1) A licence must be endorsed with one or more of the prescribed classifications.

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(7) Subject to this Act, where a person applies for the grant of a licence, the licence, if granted, must be endorsed with any classification for which the person has applied.

(8) Subject to this Act, where a person applies for the renewal of a licence, the licence, if renewed, must be endorsed with the classification with which the licence was endorsed immediately prior to renewal.

(9) Where an applicant for the renewal of a licence applies for the endorsement of any further or other classification upon the licence, and satisfies the Registrar, by such evidence as the Registrar may require, that the applicant is competent to drive a motor vehicle in respect of which that further or other classification is required under this Act, the licence, if renewed, must be endorsed with that further or other classification.

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**Register of licences**

73. (1) The Registrar must keep a register of the names and addresses of all licensed drivers, and of all endorsements on, and renewals, suspensions, and cancellations of, licences.

(2) The register will contain such other information as the Registrar thinks necessary for the administration of this Act and will be in a form determined by the Registrar.

**Duty to hold licence or learner's permit**

74. (1) Subject to this Act, a person must not drive a motor vehicle on a road unless the person holds an appropriate licence or a learner's permit.

Maximum penalty: \$1 250.

(1a) A person who drives a motor vehicle on a wharf for the purpose of loading or unloading cargo is not required to comply with subsection (1) while so driving.

(2) "**Appropriate licence**", in relation to the driving of any motor vehicle, means a licence which authorises the holder to drive motor vehicles of the class to which that motor vehicle belongs.

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**Issue and renewal of licences**

**75.** (1) Subject to this Act, the Registrar must issue a licence to, or renew the licence of, any person who—

- (a) makes a written application for the licence or renewal in a form determined by the Minister; and
- (b) forwards with the application the prescribed fee; and
- (c) has complied with any requirements of the Registrar under section 77B.

(2) A licence will be in a form determined by the Minister.

(3) Where an application for the issue or renewal of a licence is not entirely in order or the prescribed fee has not been paid, the Registrar may return the application and any fee paid in respect of the application.

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**Only one licence to be held at any time**

**75AA.** (1) The Registrar must not issue a licence or learner's permit to a person who holds an interstate licence unless the person—

- (a) surrenders the interstate licence to the Registrar; and
- (b) provides the Registrar with a letter addressed to the authority that issued the interstate licence requesting the authority to cancel the licence.

(2) Where a person who holds an interstate licence is issued with a licence or learner's permit under this Act, the interstate licence will, for the purposes of this Act, be taken to have been cancelled on the date of issue of the licence or permit under this Act.

(3) Where a person who holds a licence or learner's permit under this Act is issued with an interstate licence, the licence or permit under this Act will, for the purposes of this Act, be taken to have been cancelled on the date of issue of the interstate licence.

(4) Where a person holds a licence or learner's permit and one or more interstate licences, the Registrar may, by written notice to the person, require the person to elect either—

- (a) to surrender the licence or learner's permit to the Registrar; or
- (b) to surrender the interstate licences to the Registrar and provide the Registrar with letters addressed to the authorities that issued the interstate licences requesting those authorities to cancel the licences.

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(5) If a person does not surrender his or her licence or learner's permit or surrender his or her interstate licences and provide appropriate letters within the period allowed in a notice under subsection (4), the licence or learner's permit will, for the purposes of this Act, be taken to have been cancelled on the expiry of that period.

**Learner's permit**

**75A.** (1) Subject to this Act, the Registrar must issue a learner's permit to any person who—

- (a) makes a written application for the permit in a form determined by the Minister; and
- (b) forwards with the application the prescribed fee; and
- (c) has passed the examination prescribed in section 79; and
- (d) has complied with any requirements of the Registrar under section 77B.

(1a) Subject to this Act, the Registrar may renew the learner's permit of a person who—

- (a) makes a written application for the permit in a form determined by the Minister; and
- (b) forwards with the application the prescribed fee; and
- (c) has complied with any requirements of the Registrar under section 77B.

(1b) Where an application for the issue or renewal of a learner's permit is not entirely in order or the prescribed fee has not been paid, the Registrar may return the application and any fee paid in respect of the application.

(2) A learner's permit—

- (a) will be in a form determined by the Minister; and
- (b) authorise the holder of the permit to drive a motor vehicle on roads—
  - (i) during the period specified in the permit; and
  - (ii) subject to the conditions imposed by or under subsection (3); and
- (c) while the conditions to which the permit are subject are observed, have effect as a licence.

(3) A learner's permit is subject to the following conditions:

- (a) a condition that the holder of the permit must not drive a motor vehicle, or attempt to put a motor vehicle in motion, on a road while there is present in his or her blood the prescribed concentration of alcohol;
- (b) a condition that the holder of the permit must not drive a motor vehicle at a speed exceeding by 10 kilometres an hour or more a speed limit that applies under the *Road Traffic Act 1961* or this Act;



- (c) a condition that the holder of the permit must not drive a motor vehicle on a road unless one plate bearing the letter "L" is affixed to the vehicle in accordance with the regulations;
- (d) a condition that the holder of the permit must not drive a motor vehicle on a road—
  - (i) being a motor vehicle other than a motor cycle—unless another person who holds a driver's licence authorising the person to drive that motor vehicle (not being a provisional licence) occupies a seat in the vehicle next to the holder of the permit; or
  - (ii) being a motor cycle—unless any person who is carried by the holder of the permit as a passenger on the motor cycle or in a sidecar attached to the motor cycle is the holder of a driver's licence authorising the person to drive that motor cycle (not being a provisional licence);

\* \* \* \* \*

- (e) any other condition—
  - (i) limiting the kind of vehicle that may be driven pursuant to the permit; or
  - (ii) limiting the hours during which or the locality within which a vehicle may be driven pursuant to the permit; or
  - (iii) imposing any other restriction,
 that the Registrar thinks necessary.

(3aa) A condition imposed on a learner's permit by the Registrar under subsection (3)(e) must be endorsed on the permit.

(3a) In subsection (3)(a)—

**"prescribed concentration of alcohol"** means any concentration of alcohol in the blood.

(3b) The conditions referred to in subsection (3) do not apply to the holder of a permit when driving any vehicle that the person is authorised to drive pursuant to a driver's licence.

(3c) The condition referred to in subsection (3)(d) does not apply to the holder of a permit when driving a motor vehicle during the course of a practical driving test conducted pursuant to this Act.

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(4) If an applicant is not willing to accept a learner's permit subject to the conditions imposed by or under this section, the Registrar must refuse to issue a permit to, or renew the permit of, the applicant.

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(5) A person must not contravene a condition of a learner's permit.

Maximum penalty: \$1 250.

(5aaa) The holder of a learner's permit must not drive a motor vehicle, other than a motor cycle, on a road unless two plates bearing the letter "L" are affixed to the vehicle in accordance with the regulations.

Maximum penalty: \$125.

(5aa) The holder of a learner's permit must not drive a motor vehicle on a road in any part of the State at a speed exceeding 80 kilometres an hour.

Maximum penalty: \$1 250.

(5a) Sections 47B(2), 47C, 47D, 47E, 47G and 47GA of the *Road Traffic Act 1961* apply in relation to an offence against subsection (5) of contravening the condition referred to in subsection (3)(a) as if—

- (a) a reference in any of those sections (apart from section 47E(1)) to an offence against that Act were a reference to an offence against subsection (5); and
- (b) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47A of that Act were a reference to the prescribed concentration of alcohol as defined in subsection (3a).

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(5e) Section 175 of the *Road Traffic Act 1961*, applies in relation to—

- (a) an offence against subsection (5) of contravening the condition referred in subsection (3)(b); or
- (b) an offence against subsection (5aa),

as if a reference in that section to an offence against that Act were a reference to an offence against subsection (5) or (5aa).

(6) Sections 88 to 97 and 136 apply in relation to learner's permits and to the holders of learner's permits in the same way as they apply to licences and the holders of licences; and in their application to learner's permits and the holders of learner's permits those sections will be construed as if the words "or learner's permit" were inserted wherever the word "licence" occurs.

(7) A person must not act as a qualified passenger for a learner driver while there is present in his or her blood the prescribed concentration of alcohol.

Maximum penalty: \$1 250.

(8) For the purposes of subsection (7)—

(a) a person acts as a qualified passenger for a learner driver if—

- (i) when the holder of a learner's permit drives a motor vehicle, or attempts to put a motor vehicle in motion, on a road, the person occupies a seat in the vehicle next to the holder of the permit, or, if the vehicle is a motor cycle, is a passenger on the cycle or in a sidecar attached to the cycle; and
- (ii) the person is the holder of a driver's licence (not being a provisional licence) authorising the person to drive the vehicle; and

(b) "**prescribed concentration of alcohol**" means a concentration of .05 grams or more of alcohol in 100 millilitres of blood.

(9) Sections 47B(2), 47C, 47D, 47E, 47G and 47GA of the *Road Traffic Act 1961* apply in relation to an offence against subsection (7) as if—

- (a) a reference in any of those sections (apart from section 47E(1)) to an offence against that Act were a reference to an offence against subsection (7); and
- (b) the person alleged to have committed an offence against subsection (7) were, when acting as a qualified passenger for a learner driver, driving the motor vehicle in question; and
- (c) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47A of that Act were a reference to the prescribed concentration of alcohol as defined for the purposes of subsection (7).

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#### **Issue of duplicate licence or learner's permit**

**77.** (1) On the application of the holder of a licence or learner's permit, the Registrar may, if satisfied of the loss or destruction of the licence or learner's permit, or on the surrender of the licence or permit to the Registrar, and payment of the prescribed fee, issue to the holder a duplicate licence or learner's permit bearing all memoranda endorsed on the original licence or learner's permit that are current; but the Registrar may, for reasonable cause, remit the fee in any case.

(2) Any such duplicate will avail for all purposes as if it were the original licence or learner's permit.

#### **Licences and learner's permits to include photographs**

**77A.** (1) A licence (other than a temporary licence) issued or renewed after the commencement of this section must include a photograph of the holder of the licence.

(2) A learner's permit (other than a temporary learner's permit) issued or renewed after the commencement of this section must, if the Registrar so determines, include a photograph of the holder of the permit.

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**Powers of Registrar in relation to applicant for licence or permit**

**77B.** (1) Where a photograph of a person is to be included on a licence or permit, the Registrar may, for the purpose of obtaining such a photograph—

- (a) require the person to attend at a specified place for the purpose of having the person's photograph taken; or
- (b) require the person to supply to the Registrar one or more photographs of the person as specified by the Registrar.

(1a) The Registrar may require an applicant for the issue or renewal of a licence or learner's permit to provide such evidence as the Registrar thinks appropriate as to the identity, age or address of the applicant.

(2) Where—

- (a) a person of whom a requirement is made under this section refuses or fails to comply with the requirement; or
- (ab) the Registrar is not satisfied as to the identity, age or address of an applicant for the issue or renewal of a licence or learner's permit; or
- (b) a photograph of a person taken or supplied pursuant to subsection (1) is not, in the opinion of the Registrar, suitable for inclusion on a licence or permit,

the Registrar may determine that the licence or permit in question not be issued or renewed as the case may be.

**Temporary licences and learner's permits**

**77C.** (1) Where—

- (a) the Registrar is unable to determine an application for the issue or renewal of a licence or learner's permit without delay; or
- (b) the Registrar determines that an application for the issue or renewal of a licence or learner's permit should be granted but the licence or permit must when issued or renewed include a photograph of the holder; or
- (c) a person—
  - (i) applies for a temporary licence or temporary learner's permit following the return by the Registrar of an application by the person for the issue or renewal of a licence or learner's permit; or
  - (ii) applies for a temporary licence or temporary learner's permit in circumstances in which, in the opinion of the Registrar, the issue of a temporary licence or temporary learner's permit is justified,

and pays the prescribed fee,

the Registrar may issue to the person a temporary licence or temporary learner's permit.

(2) A temporary licence or temporary learner's permit will be in a form determined by the Minister.

(3) A temporary licence or temporary learner's permit issued to a person under this section—

(a) must bear all the appropriate endorsements and has effect for all purposes as if it were a licence or learner's permit issued to the person; but

(b) expires—

(i) in the case of a temporary licence or temporary learner's permit issued under subsection (1)(b)—

(A) on the day specified for that purpose in the licence or permit, being not more than one month after the date on which it is issued; or

(B) on the day on which the person receives the licence or permit that bears a photograph of the person,

whichever is the earlier;

(ii) in the case of a temporary licence or temporary learner's permit issued under subsection (1)(c)(i)—

(A) on the day specified for that purpose in the licence or permit, being not more than one month after the date on which it is issued; or

(B) on the day that a proper application for a licence or learner's permit is determined,

whichever is the earlier;

(iii) in any other case—on the day specified for that purpose in the licence or permit, being not more than one month after the date on which it is issued.

**Graduated licences**

78. (1) A learner's permit cannot be issued to a person under the age of 16 years.

(2) A licence cannot be issued to a person under the age of 16 years and six months.

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**Examination of applicant for driver's licence or learner's permit**

79. (1) Subject to this Act, the Registrar may not issue a licence or a learner's permit to an applicant who has not held a licence at some time during the period of five years immediately preceding the date of the application unless—

(a) the applicant produces to the Registrar a certificate signed by an examiner certifying that the applicant has passed an examination conducted by the examiner, in the rules required by law to be observed by drivers of motor vehicles; or

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- (b) the applicant satisfies the Registrar by such evidence as the Registrar may require that, within the period of five years immediately preceding the date of the application, the applicant held a licence to drive a motor vehicle under the law of a State or Territory of Australia other than this State.

(2) A person will not be regarded as having passed an examination for the purposes of this section unless the person has answered correctly at least three-quarters of the questions asked in the examination. Although a person may have answered correctly at least three-quarters of the questions asked in the examination, the Registrar may treat the person as having failed if an incorrect answer has been given to any question dealing with any rule which in the Registrar's opinion is one of special importance.

(3) The following persons are examiners for the purposes of this section:

- (a) every member of the police force; and
- (b) any other person appointed by the Registrar to be an examiner for the purposes of this section.

(4) The examination will consist of such number of questions as the Registrar may determine and the questions for each applicant must be selected by the examiner from a series of questions formulated and supplied by the Registrar.

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**Practical driving tests**

**79A.** The Registrar must not issue a licence to an applicant who has not held a licence at some time during the period of five years immediately preceding the date of application, unless—

- (a) the applicant produces to the Registrar a certificate signed by an authorised examiner certifying that the applicant has passed a practical driving test conducted by that examiner and appropriate to the class of the licence for which application is made; or
- (b) the applicant satisfies the Registrar by such evidence as the Registrar may require that the applicant—
  - (i) has at some time during the period of five years immediately preceding the date of application held a licence to drive motor vehicles under the law of some place outside this State; and
  - (ii) has experience such that the Registrar should issue a licence of the category for which application is made without requiring a practical driving test under this Act.

**Licence or permit falsely obtained is void**

**79B.** A driver's licence or learner's permit that is issued or renewed by the Registrar pursuant to a false or misleading statement of the applicant, or on the basis of any false evidence produced by the applicant, is void and of no effect.

**Licence or learner's permit unlawfully altered or damaged is void**

**79BA.** Where a person, without lawful authority, wilfully alters, defaces or otherwise damages a licence or learner's permit, the licence or permit is void and of no effect.

**Duty on holder of licence to notify illness, etc.**

**79C.** The holder of a learner's permit or driver's licence who suffers during the term of the permit or licence any illness or injury that may impair his or her competence to drive a motor vehicle without danger to the public must, within a reasonable time after the occurrence of the illness or injury, notify the Registrar in writing accordingly.

Penalty: Division 9 fine.

**Power to test applicants**

**80.** (1) If in the opinion of the Registrar it is desirable that the ability or fitness of an applicant for the issue or renewal of a learner's permit or driver's licence, or of the holder of a learner's permit or driver's licence, to drive a motor vehicle should be tested, the Registrar may require the person to undergo such tests or to furnish such evidence of ability or fitness to drive as the Registrar directs.

(1a) The Registrar may, with the approval of the Minister, direct that all applicants for the issue or renewal of a learner's permit or driver's licence who are of a particular class must undergo such tests, or furnish such evidence as to ability or fitness to drive a motor vehicle, or a motor vehicle of a particular class, as the Registrar may require.

(2) If a person fails to comply with a requirement of the Registrar under subsection (1) or (1a), or if, after considering the results of the tests or the evidence, the Registrar is satisfied that a person is not competent to drive a motor vehicle without danger to the public, the Registrar may refuse to issue a learner's permit or licence to that person, or suspend a learner's permit or licence issued to that person, until the person satisfies the Registrar, in such a manner as the Registrar directs, that he or she is competent so to drive a motor vehicle.

(3) The Registrar may issue to any person who has been required to undergo tests, or to furnish other evidence of ability or fitness to drive a motor vehicle, a temporary driving permit authorising that person, subject to such conditions and restrictions as may be specified in the permit, to drive motor vehicles.

(4) A temporary driving permit has, subject to any conditions and restrictions specified in the permit, effect as a licence.

(5) A person must not contravene any condition or restriction of a temporary driving permit.

Maximum penalty: \$250.

**Restricted learner's permits and licences**

**81.** (1) Where, in such circumstances as the Registrar thinks fit and upon such evidence as the Registrar may require, the Registrar is satisfied that the holder of a learner's permit or driver's licence, or an applicant for the issue or renewal of a learner's permit or driver's licence, should only be permitted to drive a motor vehicle subject to restriction, the Registrar may endorse upon the permit or licence all or any of the following conditions:

- (a) a condition that the holder of the permit or licence is permitted to drive only in specified localities; or
- (b) a condition that the holder of the permit or licence is permitted to drive only a vehicle of a specified class, size or type or a vehicle fitted with specified equipment; or

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- (c) any other condition that the Registrar thinks necessary for the purpose of preventing accident or injury.

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(2) Where the Registrar is satisfied that, because of special circumstances it would be unreasonable to require the applicant to take an examination under section 79 or to pass a driving test under section 79A, the Registrar may, without submitting the applicant to such an examination or test, issue a permit or licence containing conditions as provided by subsection (1).

(3) If a person is not willing to accept a condition proposed by the Registrar under this section, the Registrar must refuse to issue or renew the permit or licence, or cancel the permit or licence, as the case may require.

(4) A person must not contravene a condition endorsed upon a licence pursuant to this section.

Maximum penalty: \$250.

**Provisional licences**

**81A.** (1) Without derogating from any other provision of this Act, where the applicant for the issue of a driver's licence—

- (a) has not held an unconditional licence issued under this Act or under the law of a place outside this State at some time during the period of three years immediately preceding the application; or
- (b) holds a licence issued under the law of a place outside this State subject to conditions that are substantially the same as the conditions referred to in paragraphs (d) and (e); or
- (ba) holds a licence issued under the law of a place outside this State that is not subject to conditions substantially the same as those referred to in paragraphs (d) and (e) but—
  - (i) is under the age of 19 years; or
  - (ii) has held that licence for less than one year; or
- (c) has been disqualified from holding or obtaining a licence—
  - (i) pursuant to section 81B; or
  - (ii) by order of a court made pursuant to section 47, 47B, 47E or 47I of the *Road Traffic Act 1961*,

and has not held an unconditional licence issued under this Act since the end of the period of disqualification,

a licence issued to such an applicant is subject to the following conditions:



- (ca) a condition that the holder of the licence must not drive a motor vehicle or attempt to put a motor vehicle in motion on a road while there is present in his or her blood the prescribed concentration of alcohol;
- (d) a condition that the holder of the licence must not drive a motor vehicle at a speed exceeding by 10 kilometres an hour or more a speed limit that applies under the *Road Traffic Act 1961* or this Act;
- (e) a condition that the holder of the licence must not drive a motor vehicle on a road unless one plate bearing the letter "P" is affixed to the vehicle in accordance with the regulations.

\* \* \* \* \*

(1aa) Notwithstanding subsection (1), where the applicant for the issue of a driver's licence has previously held an unconditional licence issued under this Act or under the law of a place outside this State but not during the period of three years immediately preceding the date of the application, the Registrar may issue a licence not subject to the conditions that would otherwise be imposed under that subsection.

(1a) In this section—

"**prescribed concentration of alcohol**" means any concentration of alcohol in the blood;

"**unconditional licence**" means a licence not subject to the conditions referred to in subsection (1)(d) and (e) or conditions substantially the same as those conditions and includes a licence issued under this Act that has been subject to such conditions for the period fixed by or under this Act.

(2) Subject to subsection (3), the conditions imposed under subsection (1) are effective—

- (a) in the case of an applicant who is under the age of 18 years—until he or she turns 19;
- (b) in any other case—for a period of one year.

\* \* \* \* \*

(3) Where—

- (a) a licence is issued to an applicant referred to in subsection (1)(b) or (ba)—the Registrar may, if of the opinion that there is proper cause to do so, reduce the period for which the conditions will be effective; or
- (b) a licence is issued to an applicant referred to in subsection (1)(c)(ii) and the court by which the order of disqualification was made ordered that the conditions were to be effective for a greater period than that prescribed by subsection (2)—the conditions will be effective for the period ordered by the court.

(4) If an applicant is not willing to accept a provisional licence, the Registrar must refuse to issue a licence to the applicant.

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(5) A person must not contravene a condition of a provisional licence.

Maximum penalty: \$1 250.

(5a) The holder of a provisional licence must not drive a motor vehicle, other than a motor cycle, on a road unless two plates bearing the letter "P" are affixed to the vehicle in accordance with the regulations.

Maximum penalty: \$125.

(5b) The holder of a provisional licence must not drive a motor vehicle on a road in any part of the State at a speed exceeding 100 kilometres an hour.

Maximum penalty: \$1 250.

(6) Sections 47B(2), 47C, 47D, 47E, 47G and 47GA of the *Road Traffic Act 1961* apply in relation to an offence against subsection (5) of contravening the condition referred to in subsection (1)(ca) as if—

- (a) a reference in any of those sections (apart from section 47E(1)) to an offence against that Act were a reference to an offence against subsection (5); and
- (b) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47A of that Act were a reference to the prescribed concentration of alcohol as defined in subsection (1a).

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(10) Section 175 of the *Road Traffic Act 1961* applies in relation to—

- (a) an offence against subsection (5) of contravening the condition referred to in subsection (1)(d); or
- (b) an offence against subsection (5b),

as if a reference in that section to an offence against that Act were a reference to an offence against subsection (5) or (5b).

**Consequences of holder of learner's permit or provisional licence contravening conditions or incurring four or more demerit points**

**81B.** (1) In this section—

"prescribed conditions"—

- (a) in relation to a learner's permit, means the conditions referred to in section 75A; or

(b) in relation to a provisional licence, means the conditions referred to in section 81A.

\* \* \* \* \*

(2) Where a person who holds a learner's permit or a provisional licence—

- (a) commits an offence of contravening a prescribed condition; or
- (b) commits an offence in respect of which a demerit point is, or demerit points are, recorded against the person and, in consequence, the total number of demerit points recorded against the person in respect of offences committed while the holder of a learner's permit or a provisional licence equals or exceeds four,

the Registrar must, on becoming aware of that fact, give notice—

- (c) that the person is disqualified from holding or obtaining a permit or licence for a period of six months commencing on a day specified in the notice; and
- (d) that, if the person holds any permit or licence at the commencement of the period of disqualification, the permit or licence is cancelled.

(3) If the Registrar is required to give a person a notice under subsection (2), the Registrar may, in that notice or by subsequent notice, require the person—

- (a) to attend, within a period specified in the notice, a lecture conducted pursuant to the regulations; and
- (b) to pay to the Registrar, in accordance with the notice, the attendance fee prescribed by the regulations.

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

Maximum penalty: \$125.

(3b) A notice under subsection (2) or (3) must be in writing given to or served on the person to whom it is directed.

(4) Notwithstanding the provisions of subsection (2), any notice given to a person under that subsection does not apply in relation to any unconditional licence held or sought by the person if the person held an unconditional licence when the offence giving rise to the notice was committed.

(5) In subsection (4)—

**"unconditional licence"** means a licence not subject to prescribed conditions.

(6) Where a person has been or is liable to be given notice of disqualification under subsection (2), that person may, in accordance with the relevant rules of court, appeal to a local court against the disqualification.

(7) The appellant and the Crown are entitled to be heard upon the appeal.

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(8) If the local court is satisfied by evidence given on oath by or on behalf of the appellant that the disqualification would result in undue hardship to the appellant, the court may allow the appeal.

(9) Where a court has allowed an appeal against disqualification under this section, the court must order—

- (a) that the disqualification be removed; and
- (b) that any licence held by or issued to the appellant be subject to prescribed conditions for the following period:
  - (i) in the case of a licence subject to prescribed conditions held by or issued to a person under the age of 19 years—a period of six months commencing on the expiry of those previous conditions;
  - (ii) in any other case—for a period of one year commencing on the date of the order or the issue of the licence, as the case may require; and
- (c) if the appellant is the holder of a licence—that the Registrar vary the endorsements on the licence, or cancel the licence and issue a provisional licence, as the case may require.

(10) Where an appeal against disqualification has been instituted under this section, the disqualification and any related cancellation are suspended until the determination or withdrawal of the appeal.

(10a) Where an appeal against disqualification is allowed under this section, any related cancellation has no effect.

(10b) An order under subsection (9)(b) does not affect the period for which prescribed conditions imposed by section 81A on a licence issued to the appellant after the date of the order would be effective under that section.

(11) A person who has successfully appealed against disqualification under this section is not entitled to appeal against any subsequent disqualification under this section until the expiration of one year from the day on which that previous appeal was allowed.

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(12) Nothing in this section derogates from any provision of this Act, or any other Act, dealing with disqualification from holding or obtaining permits or licences, or suspension of permits or licences.

**Registrar to give effect to certain recommendations of consultative committee**

**82.** (1) The Registrar must, upon the recommendation of the consultative committee—

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

- (ab) suspend, for such period as the consultative committee recommends, the licence or learner's permit of any person; or
- (ac) cancel the licence of any person and issue in its place a provisional licence subject to provisional licence conditions effective for such period as the committee recommends; or
- (b) cancel the licence or learner's permit of any person,

if that person has been convicted of an offence, or a series of offences, involving the use of a motor vehicle that, in the opinion of the consultative committee, shows the person to be unfit to hold a licence or a learner's permit or has behaved in some other manner that, in the opinion of the consultative committee, shows the person to be unfit to hold a licence or a learner's permit.

(1aa) A person who expiates an offence that attracts demerit points under this Act will, for the purposes of subsection (1), be taken to have been convicted of that offence.

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(2) The Registrar must, upon a recommendation of the consultative committee, exercise the powers under section 81, where the committee is of the opinion that a person should only be permitted to drive a motor vehicle subject to restriction.

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**Term of licence**

**84.** (1) Subject to this section and the regulations, every licence will be issued or renewed for a term not exceeding 10 years, specified on the licence.

(1a) The Registrar may, if of the opinion that it is appropriate to do so, extend the term of a licence for a period not exceeding 12 months.

(1b) A provisional licence issued after the commencement of this subsection expires on the expiration of the period for which the provisional licence conditions are effective but may be renewed as a licence not subject to provisional licence conditions.

(2) Subject to subsection (2a), an application for renewal of a licence must be made before the expiry of that licence.

(2a) The Registrar may renew a licence notwithstanding its expiry provided that application for renewal is made within 90 days of the expiry.

(2b) Notwithstanding the renewal of a licence after its expiry, the holder of the licence is not, for the purposes of this Act, to be taken as licensed during the period between the expiry of the licence and the date of its renewal.

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(3) The term of a licence issued in renewal of a previous licence commences on the day after the expiry of the previous licence.

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(7) Every licence will, subject to this Act and the other laws of this State, continue in force for the term for which it was issued or renewed unless the holder surrenders the licence to the Registrar.

(8) Upon surrender of a licence, the person surrendering the licence is, subject to the regulations, entitled to a refund of a proportion of the licence fee determined in accordance with the regulations.

**Variation of licence classifications**

**85.** (1) If a person who holds a licence satisfies the Registrar by such evidence as the Registrar may require that he or she is competent to drive motor vehicles for which a licence endorsed with any further or other classification is required under this Act, the Registrar must, on production of the licence, endorse the licence with the appropriate further or other classification.

(2) If, in such circumstances as the Registrar thinks fit and on such evidence as the Registrar may require, the Registrar is satisfied that the holder of a licence is no longer competent to drive motor vehicles of a particular class, the Registrar may remove a classification from the licence or substitute another classification.

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*Disqualification of Drivers and Suspension of Licences*

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**Suspension of licence of person suffering from disease or disability**

**88.** (1) If the Commissioner of Police or the Registrar suspects that any person holding a driver's licence is suffering from any disease (mental or physical) or any disability that impairs or may at any time impair the person's ability to drive a motor vehicle, the Commissioner or the Registrar may suspend the licence of that person for such period as the Commissioner or the Registrar thinks proper.

(2) If the Commissioner of Police or the Registrar is subsequently satisfied that the ability of the person to drive a motor vehicle is not impaired, or is not impaired to such an extent as to justify the continuance of the suspension, the Commissioner or the Registrar may remove the suspension.

(3) Where the licence of any person has been suspended under this section, that person may on complaint duly laid before a court of summary jurisdiction and served on the Commissioner of Police or the Registrar, as the case may be, as defendant to the proceedings, apply to that court for an order removing the suspension.

(4) The court may if it deems it expedient to do so order that the suspension be removed as from any date that it thinks proper, or that the period of suspension be altered, or may refuse the application or make any other order (including an order as to costs) that the court thinks just.

**Cancellation or suspension of licence where driver disqualified in another State**

**89.** If an applicant for a licence, or a person holding a licence, is, by reason of any judgment, order or decision given or made pursuant to a law of any other State or Territory of the Commonwealth or of any country outside the Commonwealth, disqualified, prevented or prohibited from driving a motor vehicle in that State, Territory or country, the Registrar may refuse to issue a licence to, or may suspend a licence held by, that person, for all or part of the time during which the person is so disqualified, prevented or prohibited.

**Mode of suspension**

**90.** Every suspension imposed by the Registrar or the Commissioner of Police must be effected by notice in writing signed by the Commissioner or the Registrar, as the case may require, and served on the holder of the licence either personally or by registered post.

**Effect of suspension and disqualification**

**91.** (1) This section and section 93 apply to suspensions and disqualifications imposed under this or any other Act.

(2) While a licence is suspended it has no force or effect.

(3) While a person is disqualified from holding and obtaining a licence, any licence held or obtained by that person has no force or effect.

(4) The Registrar must not issue a licence to any person who is so disqualified.

(5) A person must not drive a motor vehicle on a road while his or her licence is suspended or while disqualified from holding or obtaining a licence.

Maximum penalty: For a first offence—imprisonment for 6 months.

For a subsequent offence—imprisonment for 2 years.

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**Notice to be given to Registrar**

**93.** (1) If a court—

- (a) convicts a person of an offence that attracts demerit points under this Act; or
- (b) finds a person guilty of the offence of contravening or failing to comply with a condition of a permit or licence under this Act; or
- (c) makes an order affecting demerit points or disqualifying a person from holding or obtaining a driver's licence,

the proper officer of the court must notify the Registrar in writing of the date of the finding or order, the nature of the finding or order (including the period of any disqualification) and short particulars of the grounds on which the finding or order was made.

(2) If any such finding or order is quashed or varied by a court on appeal, the proper officer of the court must forthwith notify the Registrar in writing of the date of the order made on the appeal and the effect of the order.

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(2a) If the Commissioner of Police suspends a driver's licence, the Commissioner must notify the Registrar in writing of the date on which the licence was suspended, the period of suspension and short particulars of the grounds for the suspension.

(3) If any such suspension is removed by the Commissioner of Police, the Commissioner must forthwith send to the Registrar a notice in writing stating the date of the removal of the suspension, the date as from which it takes effect and the grounds for the removal.

(3a) Where a person expiates an offence to which an expiation notice relates, and that offence—

(a) attracts demerit points under this Act; or

(b) is an offence of contravening a condition of a learner's permit or provisional licence,

the Commissioner of Police must send to the Registrar notice in writing of the expiation.

(3b) Where the Commissioner of Police withdraws an expiation notice in relation to which notice under subsection (3a) has been given, the Commissioner must, by further notice in writing, advise the Registrar forthwith of the withdrawal and the grounds upon which the withdrawal was made.

(4) In this section—

"proper officer" means—

(a) in relation to the Supreme Court, the registrar of that court;

(b) in relation to any other court, the clerk of that court.

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**Duty to produce licence**

**96.** (1) The driver of a motor vehicle, if requested by a member of the police force to produce his or her licence, must produce the licence either—

(a) forthwith to the member of the police force who made the request; or

(b) within 48 hours after the making of the request, at a police station conveniently located for the driver, specified by the member of the police force at the time of making the request.

Maximum penalty: \$250.

(2) A document purporting to be signed by the Commissioner of Police and purporting to certify that a licence has not been produced as required by this section is, in the absence of proof to the contrary, proof of the matter purporting to be so certified.



(3) A person must not falsely represent to a member of the police force that he or she is the person named in a licence.

Maximum penalty: \$250.

(4) In this section—

"**driver**" includes—

- (a) a person sitting next to the holder of a learner's permit in a vehicle being driven by the holder of the permit;
- (b) a person being carried as a passenger on, or in a sidecar attached to, a motor cycle being driven by the holder of a learner's permit;

"**member of the police force**" includes—

- (a) an inspector;
- (b) an inspector as defined in the *Road Traffic Act 1961*.

#### **Duty to produce licence at court**

**97.** (1) A licensed driver who is charged with an offence against any provision of any Act relating to motor vehicles may be required to produce his or her licence to the court at the time of the hearing of the charge.

Maximum penalty: \$250.

(2) It is a defence to a charge under this section to prove that the defendant had a reasonable excuse for not producing the licence.

#### **Visiting motorists**

**97A.** (1) Subject to subsection (2)—

- (a) a member of the armed forces or the spouse, or a dependant, of the member who is living with the member may drive a vehicle in this State pursuant to an interstate licence;
- (b) the spouse, or a dependant, of a member of the armed forces who is living with the member may drive a vehicle in this State pursuant to a foreign licence if he or she last entered this State less than three months before driving the vehicle;
- (c) any other person may drive a vehicle in this State pursuant to an interstate licence or a foreign licence if that person last entered this State less than three months before driving the vehicle.

(2) A person who is disqualified from holding or obtaining an interstate licence in any State or Territory of the Commonwealth cannot drive a vehicle in this State pursuant to a licence or learner's permit issued in another State or Territory of the Commonwealth.

(3) A person when driving a vehicle in this State pursuant to subsection (1) must carry the licence and must produce it if requested to do so by—

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- (a) a member of the police force; or
- (b) an inspector; or
- (c) an inspector under the *Road Traffic Act 1961*.

Maximum penalty: \$250.

(4) Where a person drives a vehicle in this State pursuant to subsection (1) the interstate licence or foreign licence will, for the purposes of the law of this State, be taken to be a licence issued under this Act.

(5) Where a person drives a vehicle in this State pursuant to an interstate licence or foreign licence, the licence will, for the purposes of any contract or policy of insurance relating to the vehicle, be taken to be a licence issued under this Act notwithstanding that the driver last entered the State three months or more before driving the vehicle.

(6) In this section—

"**foreign licence**" means a licence issued under the law of another country that corresponds to a driver's licence issued under this Act;

"**member of the armed forces**" means a serving member of the naval, military or air forces of the Commonwealth.

**Enforcement of duty to hold licence**

**98.** The Commissioner of Police must at intervals of not more than 12 months take such steps as are reasonably practicable to ascertain whether any persons are driving motor vehicles without holding licences.

**Duty to carry licence when driving heavy vehicle**

**98AAA.** (1) A person must carry his or her driver's licence at all times while driving a heavy vehicle on a road and must produce the licence forthwith if requested to do so by a member of the police force.

Maximum penalty: \$750.

(2) It is a defence to a charge of an offence against this section if it is proved that the vehicle was being used on a journey wholly—

- (a) within a radius of 80 kilometres from a farm occupied by the driver of the vehicle; and
- (b) outside Metropolitan Adelaide within the meaning of the Development Plan under the *Planning Act 1982*.

(3) In this section—

"**gross vehicle mass**", in relation to a vehicle, means—

- (a) if the vehicle is registered in this State and a gross vehicle mass limit has been fixed in respect of that vehicle by the Registrar—the mass by reference to which that limit has been fixed;

- (b) if the vehicle is registered in another State or a Territory of the Commonwealth and a limitation or restriction on the mass of the vehicle has been imposed by or under the law of that State or Territory—the mass by reference to which that limitation or restriction is imposed;
- (c) in any other case—the unladen mass of the vehicle;

**"heavy vehicle"** means—

- (a) a motor vehicle with a gross vehicle mass exceeding 15 tonnes; or
- (b) a prime mover with an unladen mass exceeding 4 tonnes;

**"unladen mass"** has the same meaning as in the *Road Traffic Act 1961*.

**Duty to carry licence when teaching holder of learner's permit to drive**

**98AA.** The holder of a motor driving instructor's licence must display the licence on his or her person at all times—

- (a) when seated next to the holder of a learner's permit in a vehicle being driven by the holder of the permit; or
- (b) when carried as a passenger on, or in a sidecar attached to, a motor cycle being driven by the holder of a learner's permit.

Maximum penalty: \$750.

**Duty to carry learner's permit or provisional licence**

**98AAB.** (1) The holder of a learner's permit must carry his or her permit at all times while driving a motor vehicle on a road and must produce the permit forthwith if requested to do so by a member of the police force.

Maximum penalty: \$250.

(2) The holder of a provisional licence must carry his or her licence at all times while driving a motor vehicle on a road and must produce the licence forthwith if requested to do so by a member of the police force.

Maximum penalty: \$250.

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**PART 3A  
MOTOR DRIVING INSTRUCTORS' LICENCES**

**Instructors' licences**

**98A.** (1) A person who is not the holder of a current motor driving instructor's licence must not, for fee, reward, salary, wages or other remuneration or for any other consideration paid or payable by any person, teach any other person to drive a motor vehicle.

Maximum penalty: \$250.

(2) If the Registrar is satisfied that an applicant for an instructor's licence—

- (a) is the holder of a valid driver's licence; and
- (b) has held a driver's licence in South Australia or elsewhere for a continuous period of not less than three years immediately preceding the date of the application; and
- (c) is a fit and proper person to hold an instructor's licence; and
- (d) is proficient as a motor driving instructor,

the Registrar must issue to the applicant an instructor's licence in a form determined by the Minister.

(2aa) An instructor's licence may be issued subject to such conditions as the Registrar thinks fit.

(2a) An application for an instructor's licence must be made in a manner and form determined by the Minister and must be accompanied by the prescribed fee.

(2b) If the Registrar is not satisfied that an applicant for an instructor's licence is a fit and proper person to hold such a licence, the Registrar must refer the question of whether the applicant is a fit and proper person to hold an instructor's licence to the consultative committee for inquiry, and the determination of that question by the consultative committee is binding on the Registrar.

(3) Every instructor's licence will, subject to this Act, remain in force for a period, not exceeding five years, specified on the licence, but nothing in this subsection precludes the issue, subject to this Act, of a further instructor's licence to the holder to take effect upon the expiration of an earlier instructor's licence.

\* \* \* \* \*

(5) In order to test the proficiency of any applicant for an instructor's licence (whether or not the applicant is or has been the holder of such a licence) the Registrar may require the applicant to undergo such tests as the Registrar may think necessary, whether written, oral or practical, and those tests must, without limiting the generality of the foregoing, include examination in traffic laws, driving practices, vehicle manipulation and teaching technique.

(6) Where the driver's licence of any holder of an instructor's licence is cancelled or suspended or any such holder otherwise ceases to hold a driver's licence, the instructor's licence automatically ceases to have any effect, and where the driver's licence of any such holder is suspended, the instructor's licence, unless cancelled pursuant to the provisions of this Part, is automatically suspended for the same period.

(7) The Registrar may cancel any instructor's licence or suspend any instructor's licence for such term as the Registrar thinks fit if satisfied that the holder has been guilty of conduct making him or her unfit to hold such a licence.

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

(8) Where an instructor's licence is suspended, it has no effect during the term of the suspension.

(9) The provisions of sections 77, 96, 139BA and 141(a) apply to and in respect of holders of instructor's licences as if the words "instructor's licence" were substituted for the word "licence" wherever it occurs in those sections and that paragraph.

(10) This section does not apply to—

- (a) a member of the police force acting in the execution of duty; or
- (b) a person who teaches another to drive a motor vehicle if both the teacher and the learner are employed by the same employer and are acting in the ordinary course of their employment.

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**PART 3B  
DEMERIT POINTS SCHEME**

**Demerit points for offences in this State**

**98B.** (1) Where a person is convicted of, or expiates, an offence specified in schedule 3, the number of demerit points prescribed by the schedule in relation to that offence is, subject to this section, incurred by that person.

(1a) Demerit points are not incurred on the conviction of a person for an offence if the person has already incurred demerit points for that offence by virtue of being granted an order for relief under the *Expiation of Offences Act 1996* in respect of an expiation notice for that offence.

(2) Where a person is convicted of an offence against this Part, two demerit points are, subject to this section, incurred by that person.

(3) Where a person is convicted of or expiates two or more offences arising from the same incident, demerit points are incurred only in respect of the offence (or one of the offences) that attracts the most demerit points.

(4) If a court by which a person is convicted of an offence is satisfied by evidence given on oath forthwith on conviction that the offence is trifling, or that any other proper cause exists, it may order that a reduced number of demerit points, or no demerit points, are incurred by the person in respect of that offence.

**Demerit points for offences interstate**

**98BB.** Where demerit points are incurred or recorded by or in relation to a person under a law of another State or Territory of the Commonwealth declared by the regulations to be a corresponding law for the purposes of this Part, they will be taken to be incurred by that person under this Part.

**Liability to disqualification**

**98BC.** (1) A person—

- (a) who holds a licence or learner's permit; or
- (b) who does not hold a licence, a learner's permit or an interstate licence,

is liable to be disqualified under this Part from holding or obtaining a licence for a period of three months if the person has incurred an aggregate of 12 or more demerit points in respect of offences committed within a period of three years up to and including the most recent date on which the person committed an offence in respect of which the person incurred demerit points.

(2) A person who holds an interstate licence is liable to be disqualified under this Part from holding or obtaining a licence for a period of three months if the person has incurred an aggregate of 12 or more demerit points in respect of offences of a kind set out in Part 2 of schedule 3 committed within a period of three years preceding the most recent date on which the person committed an offence of that kind in respect of which the person incurred demerit points.

**Notices to be sent by Registrar**

**98BD.** (1) Subject to this section, the Registrar must notify a person when he or she has incurred a number or aggregate of demerit points equal to or exceeding one-half of the number that results in liability to be disqualified under this Part.

(2) Where a person is liable to be disqualified under this Part, the Registrar must, subject to this section, give the person notice of the disqualification.

(3) Notice under this section must be in writing and may be given personally or sent by post.

(4) The Registrar may, but is not required to, give notice under this section to a person who the Registrar is satisfied is not usually resident in this State.

(5) The operation of this Part is not affected by any failure to comply with subsection (1).

#### **Disqualification and discounting of demerit points**

**98BE.** (1) Subject to this section, on service of notice of disqualification on a person, the person is disqualified from holding or obtaining a licence for a period of three months and any licence held by the person is, by force of this section, suspended for that period.

(2) If, at the time of service of notice of disqualification, the person is already disqualified from holding or obtaining a licence, the disqualification takes effect on termination of that prior disqualification.

(3) Where a disqualified person—

(a) institutes an appeal against a conviction in respect of which demerit points were incurred that are included in the points resulting in the disqualification; or

(b) applies for a rehearing of the proceedings that led to the conviction,

the disqualification is inoperative until the appeal or application for rehearing is determined or withdrawn.

(4) Where a disqualified person appeals under this Part against the disqualification, the disqualification is inoperative until the appeal has been determined or withdrawn.

(5) Where a disqualification has taken effect under this section, the following demerit points are discounted:

(a) all demerit points in respect of the offence that brought the aggregate of the demerit points to 12 or more (and led to notice of disqualification being sent to the person);

(b) all demerit points in respect of offences committed prior to the time at which the person committed that offence (whether or not the person had been convicted of, or had expiated, those offences when the disqualification took effect).

#### **Appeal against disqualification**

**98BF.** (1) Subject to this section, a person who has become liable to disqualification under this Part may (whether or not the disqualification has taken effect) appeal to a local court against the disqualification.

(2) A person is not entitled to appeal against disqualification if any of the demerit points on which the person is liable to be disqualified formed part of an aggregate that was reduced by the court on a previous appeal under this section.

(3) The appellant and the Crown are entitled to be heard on the appeal.

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(4) If the court is satisfied by evidence given on oath by or on behalf of the appellant that—

- (a) it is not in the public interest that the appellant should be disqualified under this Part;  
or
- (b) that the disqualification would result in undue hardship to the appellant,

the court may order that demerit points in respect of offences committed by the appellant before the determination of the appeal (including any offence that appellant may subsequently expiate or be convicted of) are discounted so that the aggregate of the appellant's demerit points is reduced to 10.

(5) Where a court makes an order under subsection (4), it may also order—

- (a) that specified conditions are imposed on the appellant's licence until the expiry of a period of three months from the time of endorsement of the conditions on the licence;  
and
- (b) that the appellant deliver the licence to the Registrar to enable those conditions to be endorsed on the licence.

(6) Where a court has made an order under this section, demerit points are discounted according to the order in which the offences attracting the points were committed by the appellant, commencing with the offence committed earliest in time.

**Offence of contravention of conditions**

**98BG.** A person who fails to comply with a condition imposed on a licence under this Part is guilty of an offence.

Maximum penalty: \$250.

**Court not to take into account demerit points**

**98BH.** A court in determining the penalty to be imposed on a person convicted of an offence must not take into account the fact that, in consequence of the conviction, demerit points will be incurred by the person.



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**PART 3C  
TOWTRUCKS**

**Interpretation**

**98C.** In this Part—

"**District Court**" means the Administrative and Disciplinary Division of the District Court;

"**inspector**" means an inspector appointed under this Part.

**Certain towtruck drivers required to hold certificates**

**98D.** (1) Subject to subsection (2), a person who is not the holder of a towtruck certificate or temporary towtruck certificate must not drive or operate the equipment of a towtruck within the declared area.

Maximum penalty: \$1 250.

(2) Subsection (1) does not prevent a person who does not hold a towtruck certificate or temporary towtruck certificate from driving or operating the equipment of a towtruck within the declared area in the course of a business conducted from a place of business outside the declared area, provided that the towtruck is not used for the purpose of towing a motor vehicle damaged in an accident occurring within the declared area.

\* \* \* \* \*

**Applications for towtruck certificates**

**98E.** (1) An application for a towtruck certificate must be made to the Registrar in such manner and form, contain such information and be accompanied by such papers and documents (including photographs) as the Registrar may require.

(2) An applicant for a towtruck certificate must, if the Registrar so requires—

- (a) undergo such tests or furnish such other evidence as the Registrar may require of ability to drive and operate the equipment of a towtruck of a kind specified by the Registrar; and
- (b) furnish the Registrar with such further information, papers or documents as the Registrar may require; and
- (c) verify by statutory declaration information furnished for the purposes of the application.

(3) An applicant for a towtruck certificate must at the time of making the application pay the prescribed application fee to the Registrar.

**Entitlement to be granted towtruck certificates**

**98F.** (1) Subject to this Act, an applicant is entitled to be granted a towtruck certificate if the applicant—

- (a) is of or above the age of 18 years; and
- (b) is the holder of a class 2 or class 3 driver's licence granted and in force under Part 3; and

- (c) is a fit and proper person to be granted a towtruck certificate; and
- (d) has an adequate knowledge of the provisions of this Act relating to driving and operating the equipment of towtrucks; and
- (e) is proficient in driving and operating the equipment of a towtruck of the kind specified by the Registrar.

(2) Where due application is made for a towtruck certificate under this Part and the applicant is entitled to be granted the certificate, the Registrar must, upon payment of the prescribed fee, grant the certificate.

**Renewal of towtruck certificates**

**98G.** \* \* \* \* \*

(2) A towtruck certificate granted or renewed under this Part will, subject to this Act, remain in force for a period of 12 months from the grant or renewal of the certificate and may from time to time be renewed for successive periods of 12 months.

(3) An application for renewal of a towtruck certificate must be made to the Registrar in such manner and form as may be required by the Registrar.

(4) Where due application is made for renewal of a towtruck certificate, the Registrar must, upon payment of the prescribed fee, renew the certificate.

**Conditions of towtruck certificates**

**98H.** (1) The Registrar may, upon granting or renewing a towtruck certificate, or at any other time, by notice in writing to the holder of the certificate, impose a condition of the certificate.

(2) The Registrar may, at any time, by notice in writing to the holder of a towtruck certificate, vary or revoke a condition of the certificate.

(3) A person who is the holder of a towtruck certificate must not contravene or fail to comply with a condition of the certificate.

Maximum penalty: \$750.

**Surrender of towtruck certificate**

**98I.** A person who is the holder of a towtruck certificate may, at any time, surrender the certificate and the certificate thereupon ceases to have any effect.

**Suspension of towtruck certificate**

**98J.** A towtruck certificate will be taken to be suspended for any period for which the holder of the certificate is not the holder of a class 2 or class 3 driver's licence that is in force under Part 3.

\* \* \* \* \*

**Temporary towtruck certificates**

**98K.** (1) The Registrar may, in such circumstances as the Registrar thinks fit, grant a person a temporary towtruck certificate authorising that person to drive and operate the equipment of a towtruck during a period specified in the certificate.

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(2) The Registrar may, upon granting a temporary towtruck certificate, or at any other time, by notice in writing to the holder of the certificate, impose a condition of the certificate.

(3) The Registrar may, at any time, by notice in writing to the holder of a temporary towtruck certificate, vary or revoke a condition of the certificate.

\* \* \* \* \*

(5) A person who is the holder of a temporary towtruck certificate must not contravene or fail to comply with a condition of the certificate.

Maximum penalty: \$750.

**Form of certificates**

**98L.** (1) Towtruck certificates and temporary towtruck certificates will be in a form determined by the Registrar.

(2) The Registrar may, at any time, by notice in writing to the holder of a towtruck certificate or temporary towtruck certificate, require the certificate to be returned to the Registrar at a place and within a period specified in the notice for the purpose of varying the form of the certificate or replacing the certificate with a certificate in a different form.

(3) A person given a notice under this section must not fail to comply with the notice.

Maximum penalty: \$750.

**Duplicate certificates**

**98M.** (1) The Registrar may, on the application of the holder of a towtruck certificate or temporary towtruck certificate, if satisfied of the loss or destruction of the certificate, or on the surrender of the certificate to the Registrar, and on payment of the prescribed fee, issue to the holder a duplicate certificate.

(2) The Registrar may, for reasonable cause, remit a fee payable under subsection (1).

(3) A duplicate issued under this section has effect as if it were the original.

**Return of certificates when cancelled or suspended**

**98MA.** (1) Where a towtruck certificate or temporary towtruck certificate is cancelled or suspended under this Act, the Registrar may, by notice in writing to the former holder of the certificate, require the certificate to be returned to the Registrar at a place and within a period specified in the notice.

(2) A person given a notice under this section must not fail to comply with it.

Maximum penalty: \$750.

**Register of certificates**

**98MB.** (1) The Registrar must keep a register of all towtruck certificates and temporary towtruck certificates granted under this Part and record in the register all related conditions, suspensions, cancellations and disqualifications.

(2) The register will contain such other information as the Registrar thinks necessary for the administration of this Part and be in a form fixed by the Registrar.

**Towtruck operators to notify Registrar of towtruck drivers in their employ**

**98MC.** (1) A towtruck operator must not cause, suffer or permit a person to drive or operate the equipment of a towtruck in the course of the operator's business in circumstances in which that person is required to hold a towtruck certificate or temporary towtruck certificate unless—

- (a) that person holds a towtruck certificate or temporary towtruck certificate; and
- (b) the towtruck operator has notified the Registrar in writing that that person will be employed in the operator's business as a towtruck driver.

Maximum penalty: \$750.

(2) Where notification has been given under subsection (1)(b) of the employment of a person as a towtruck driver and that person dies or ceases to be so employed, the towtruck operator must, within 48 hours, notify the Registrar in writing of that fact.

Maximum penalty: \$750.

**Only persons directed by police to proceed to or be present at scene of accident for purposes related to removal, wrecking or repair**

**98MD.** (1) A person must not, for or in expectation of a fee, reward or benefit of any kind, or in the course of a business, proceed to, or be present at, the scene of an accident that occurred within the declared area for any purpose related to the removal, storage, repair or wrecking of a motor vehicle that was damaged in the accident unless the person—

- (a) is the holder of a towtruck certificate; and
- (b) is acting pursuant to an accident towing direction given—
  - (i) if the person is a towtruck operator—to the person; or
  - (ii) in any other case—to a towtruck operator by whom the person is employed; and
- (c) is proceeding or has proceeded to the scene of the accident in a towtruck registered in the name of the towtruck operator to whom the accident towing direction was given.

Maximum penalty: \$10 000.

(2) In any proceedings for an offence against subsection (1), an allegation in the complaint that the defendant was acting for a purpose related to the removal, storage, repair or wrecking of a motor vehicle damaged in the accident is, in the absence of proof to the contrary, proof of the facts so alleged.

(3) A member of the police force or an inspector may, for the purpose of protecting the driver, owner or person in charge of a motor vehicle damaged in an accident (whether occurring within or outside the declared area) from undue soliciting or harassment, require a person to leave the scene of the accident, or give such other direction as the member of the police force or inspector thinks fit to a person present at the scene of the accident.

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(4) A person must comply with any requirement or direction given under this section.

Maximum penalty: \$1 250.

**Towing of vehicle at or from scene of accident**

**98ME.** (1) A person must not, for or in expectation of a fee, reward or benefit of any kind, or in the course of a business, tow or otherwise remove a motor vehicle damaged in an accident that occurred within the declared area at or from the scene of the accident unless the person—

- (a) is the holder of a towtruck certificate; and
- (b) is acting pursuant to an accident towing direction given—
  - (i) if the person is a towtruck operator—to the person; or
  - (ii) in any other case—to a towtruck operator by whom the person is employed; and
- (c) tows the damaged vehicle by means of a towtruck registered in the name of the towtruck operator to whom the accident towing direction was given; and
- (d) has before removing the damaged vehicle personally obtained from the owner or person in charge of the vehicle or an inspector or member of the police force authorisation to remove the vehicle in the form of a valid authority to tow.

Maximum penalty: \$10 000.

(2) An authority to tow is not valid for the purposes of subsection (1)—

- (a) if it is given by a towtruck operator, towtruck driver or a person acting on behalf of a towtruck operator, or towtruck driver, unless the towtruck operator or towtruck driver is the owner of the damaged vehicle or was the driver of, or a passenger in, the vehicle immediately before the accident occurred; and
- (b) if it is given by a person under the age of 16 years; and
- (c) unless it is contained in a document issued by the Registrar to the towtruck operator to whom the accident towing direction was given for use as an authority to tow; and
- (d) unless it is signed and completed in triplicate; and
- (e) unless the towtruck driver before presenting the document to any person for signature fully and accurately enters in the document the particulars required by the document; and
- (f) unless the document is signed by the person authorising removal of the damaged vehicle; and
- (g) unless the towtruck driver, forthwith upon obtaining the signature of the person authorising removal of the damaged vehicle, signs the document personally and enters in it the date and time at which each person signed it and then forthwith delivers the original of the authority to that other person.

(3) A towtruck driver who has obtained an authority to tow under this section authorising the towtruck driver to remove a vehicle from the scene of an accident must remove the vehicle in accordance with the terms of the authority to the address specified in the authority by the shortest route practicable and leave the vehicle at that address until it is lawfully removed.

Maximum penalty: \$1 250.

(4) A person must not prevent by intimidation or force a person duly authorised to remove a damaged motor vehicle from the scene of an accident from doing so, or from delivering the vehicle to and leaving it at the place specified in the authority.

Maximum penalty: \$1 250.

(5) Where a towtruck driver has been given, or expects to be given, a fee, reward or benefit of any kind in anticipation of, or return for, removing a damaged vehicle from the scene of an accident to a particular place (other than the registered premises of the towtruck operator to whom the accident towing direction was given), the towtruck driver must not solicit from the owner or person in charge of the vehicle authorisation to remove the vehicle to that place.

Maximum penalty: \$1 250.

(6) Where, in proceedings for an offence against subsection (5), it is proved that the defendant solicited from the owner or person in charge of a motor vehicle authorisation to remove the vehicle from the scene of an accident to a place other than the registered premises of the towtruck operator to whom the accident towing direction was given, the defendant will be taken, in the absence of proof to the contrary, to have been given, or to have expected to be given, a fee, reward or benefit of any kind in anticipation of, or return for, removing the vehicle to that place.

(7) A person must not alter any of the particulars in an authority to tow under this section without the consent of the person who gave the authority indicated by signature of that person in the margin of the authority near to the alteration.

Maximum penalty: \$1 250.

(8) Where an alteration is made to any of the particulars in an authority to tow under this section, the authority is not valid for the purposes of this section unless the signatures of the towtruck driver and the person who gave the authority appear in the margin of the authority near to the alteration.

(9) A person must not solicit a person who has signed an authority to tow a motor vehicle from the scene of an accident for a revocation or variation of that authority or for any further or other authorisation superseding that authority.

Maximum penalty: \$1 250.

(10) An inspector or a member of the police force present at the scene of an accident may, by oral or written direction, revoke an authority to tow if the inspector or member of the police force considers that—

- (a) the particulars required to be entered in the authority have not been fully or correctly entered; or

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- (b) the authority or an alteration of the authority has been obtained or made in contravention of a provision of this Act; or
- (c) the removal or repair of the vehicle should be delayed in order to preserve evidence for the purpose of future court proceedings.

(11) An inspector or a member of the police force may give such directions as are reasonable in the circumstances to a towtruck operator or towtruck driver requiring that person to tow or remove a motor vehicle at or from the scene of an accident (whether or not an authority to tow has been obtained in respect of that vehicle and whether the accident occurred within or outside the declared area) for the purpose of removing or preventing an obstruction or danger arising or likely to arise from the accident.

(12) A towtruck operator or towtruck driver must not, without reasonable excuse, fail to comply with a direction given under subsection (11).

Maximum penalty: \$1 250.

(13) A towtruck driver who has obtained an authority to tow under this section in relation to a motor vehicle—

- (a) must within the period of ten hours after obtaining the authority, deliver the duplicate and triplicate copies of the authority to the registered premises of the towtruck operator to whom the accident towing direction in relation to that motor vehicle was given; and
- (b) must, until those copies of the authority have been delivered, carry them with him or her and, on demand, produce them for inspection to an inspector or member of the police force.

Maximum penalty: \$1 250.

(14) A towtruck operator (being a towtruck driver or the employer of a towtruck driver who has obtained an authority to tow)—

- (a) must ensure—
  - (i) that the duplicate and triplicate copies of the authority to tow are completed in the prescribed manner with the prescribed additional information;
  - (ii) that the duplicate copy so completed is forwarded to the Registrar in such manner and within such time as may be prescribed; and
- (b) must retain the triplicate copy at his or her registered premises for a period of not less than three years after receipt of the authority.

Maximum penalty: \$1 250.

(15) Where a towtruck operator removes a motor vehicle from the scene of an accident in accordance with an authority to tow to the place specified in the authority and leaves the vehicle at that place, the towtruck operator is entitled to recover from the owner of the vehicle, by action in a court of competent jurisdiction, as a debt, a fee for so removing the vehicle determined according to the prescribed scale of fees.

**Storage of vehicles by towtruck operators**

**98MF.** (1) Where a motor vehicle damaged in an accident is stored by or on behalf of a towtruck operator (being a towtruck operator who engages in the towing of motor vehicles damaged in accidents occurring within the declared area) otherwise than at the towtruck operator's registered premises, the towtruck operator is guilty of an offence.

Maximum penalty: \$1 250.

(2) Where a motor vehicle has been removed by a towtruck operator in accordance with an authority to tow from the scene of an accident that occurred within the declared area to the registered premises of the towtruck operator for storage of the vehicle at those premises, the towtruck operator must—

- (a) store the vehicle at those premises in accordance with the regulations until it is lawfully removed from the premises; and
- (b) be entitled to recover from the owner of the vehicle, by action in a court of competent jurisdiction, as a debt, a fee for so storing the vehicle determined according to the prescribed scale of fees.

**Removal of vehicle from place to which it was removed from the scene of an accident**

**98MG.** (1) Where a motor vehicle has been removed from the scene of an accident to the place specified in an authority to tow given in relation to that vehicle, a person must not, for or in expectation of a fee, reward or benefit of any kind, or in the course of a business, remove the vehicle from that place except—

- (a) pursuant to a written direction, in the form determined by the Registrar, of the owner of the vehicle or a person duly authorised to act on the owner's behalf to a place specified in the direction, being a direction given after the removal of the vehicle to the place specified in the authority to tow; or
- (b) with the approval of the Registrar to a place and in accordance with the conditions specified in the approval.

Maximum penalty: \$1 250.

(2) The Registrar may, upon application made in writing by a person into whose possession a motor vehicle has come as a result of its removal from the scene of an accident in accordance with the terms of an authority to tow, give approval by notice in writing, upon such conditions as the Registrar thinks fit and specifies in the approval, for the vehicle to be removed to a place specified in the approval, if the Registrar is satisfied that the person has made reasonable attempts to obtain the permission of the owner of the vehicle or a person duly authorised to act on the owner's behalf to remove the vehicle to another place and that it is reasonable in the circumstances that the vehicle be removed to that other place.



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**Contracts relating to the repair of certain motor vehicles**

**98MH.** (1) A person must not, at the scene of any accident within the declared area involving or affecting a motor vehicle, or, where the vehicle was removed from the scene of the accident by a towtruck, within the period of 12 hours following that accident, solicit the owner, driver or person in charge of the vehicle for a contract, authority, insurance claim or other document for or relating to the storage, wrecking or repair or a quotation for repair of the vehicle or for revocation or variation of any such contract, authority, insurance claim or document.

Maximum penalty: \$1 250.

(2) No contract for a quotation for repair of a motor vehicle or for repair of a motor vehicle, being a motor vehicle that has been damaged in an accident within the declared area, is, if entered into before the prescribed time, enforceable or may be relied upon in any way unless—

- (a) the contract is in writing (and, in addition, in the case of a contract for quotation for repair of a motor vehicle, is in the prescribed form) and has been signed by the owner of the vehicle or some person duly authorised to act on the owner's behalf; and
- (b) there is printed conspicuously on that contract in capital letters in bold, black type so as to be clearly seen the words "This contract is unenforceable unless the owner of the motor vehicle or some person duly authorised to act on the owner's behalf confirms the contract not less than six hours nor more than fourteen days after the signing of the contract"; and
- (c) the owner of the vehicle or person duly authorised to act on the owner's behalf is given a duplicate of the contract immediately after signing the contract and the other party to the contract has obtained from that person an acknowledgment in writing of receipt of the duplicate; and
- (d) the owner of the vehicle or some person duly authorised to act on the owner's behalf has not less than six hours nor more than fourteen days after the signing of the contract notified the other party to the contract in writing that the owner confirms the contract.

(3) No amount is payable, nor does a lien arise, in respect of the cost of making repairs to, or preparing a quotation for repair of, a motor vehicle referred to in subsection (2) where the repairs are made or the quotation is prepared before the prescribed time, unless the repairs are made or the quotation is prepared pursuant to a contract that has been entered into and confirmed in accordance with subsection (2).

(4) In this section—

**"the prescribed time"** means—

- (a) where the vehicle was removed from the scene of the accident by a towtruck—the time at which after the vehicle was so removed the owner or some person duly authorised to act on the owner's behalf recovers actual physical possession of the vehicle; or
- (b) the expiration of 24 hours after the removal of the vehicle from the scene of the accident,

whichever last occurs.

(5) An agreement or arrangement that purports to exclude, modify or restrict the operation of this section is to that extent void and of no effect.

(6) A purported waiver of a right conferred by this section is void and of no effect.

(7) The provisions of this section, other than subsection (1), do not apply to a contract to which Part 3 of the *Fair Trading Act 1987* applies.

#### **Duty to surrender vehicle**

**98MI.** (1) A person who has in his or her possession or control a motor vehicle that has been damaged in an accident and removed from the scene of the accident by a towtruck or that has broken down and been removed by a towtruck, must, at the request of the owner of the vehicle or a person acting on the owner's behalf, and upon payment or tender of payment of all amounts lawfully claimed from the owner in relation to—

- (a) removal of the vehicle from the scene of the accident or the place at which it broke down;
- (b) storage of the vehicle;
- (c) quotation for repair of the vehicle;
- (d) repair of the vehicle,

forthwith deliver up the vehicle to the owner or person acting on the owner's behalf.

Maximum penalty: \$2 500.

(2) Notwithstanding the provisions of section 98MF(2), no amount is payable for storage of a motor vehicle referred to in subsection (1) for a period exceeding 14 days unless notices in the prescribed form and containing the prescribed information have been given in the prescribed manner before the vehicle has been stored for that period.

(3) An agreement or arrangement that purports to exclude, modify or restrict the operation of subsection (2) is to that extent void and of no effect.

(4) Subject to subsection (5), where an inspector has reason to believe that a person has failed to deliver up a vehicle in contravention of subsection (1), the inspector may seize and remove the vehicle and deliver it to the owner or person acting on the owner's behalf and for that purpose may exercise the powers conferred on inspectors for the purpose of an investigation under section 98P.

(5) An inspector must not exercise the powers conferred by subsection (4) except upon the authority of a warrant issued by a justice.

#### **Accident spotting**

**98MJ.** (1) A person must not enter into an agreement or arrangement under which information relating to the occurrence of an accident involving or affecting a motor vehicle or to the location of a motor vehicle damaged in an accident is, for a fee, reward or benefit of any kind, furnished to or by that person for any purpose relating to the towing, storage, repair or wrecking of the vehicle.

Maximum penalty: \$2 500.

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(2) Where in any proceedings for an offence against subsection (1) it is proved that information of the kind referred to in that subsection was furnished to or by the defendant, the defendant will be taken, in the absence of proof to the contrary, to have entered into an agreement or arrangement under which such information is, for a fee, reward or benefit, furnished to or by the defendant, for a purpose relating to the towing, storage, repair or wrecking of the vehicle.

**Off the hook transactions**

**98MK.** (1) A person must not directly or indirectly give or agree or offer to give, or receive, agree to receive, or solicit, a fee, reward or benefit of any kind for or in expectation of obtaining for himself or herself or another person—

- (a) the work of repairing or wrecking a damaged motor vehicle; or
- (b) permission to prepare or give a quotation for repair of a damaged motor vehicle; or
- (c) permission to place a damaged motor vehicle in storage; or
- (d) possession or control of a damaged motor vehicle for any purpose related to the storage, repair or wrecking of the vehicle.

Maximum penalty: \$10 000.

(2) Where in any proceedings for an offence against subsection (1) circumstances are proved from which it is reasonable to infer that the defendant was a party to a transaction to which that subsection applies, it will be presumed, in the absence of proof to the contrary, that the defendant was a party to such a transaction.

**Towtruck driver to carry certificate while driving towtruck**

**98ML.** (1) A person who is the holder of a towtruck certificate or temporary towtruck certificate must have that certificate fixed to his or her clothing in accordance with the regulations at all times when driving or riding in or upon a towtruck or operating the equipment of a towtruck.

Maximum penalty: \$750.

(2) A person who is the holder of a towtruck certificate or temporary towtruck certificate must, upon being requested by a member of the police force or an inspector to do so, forthwith deliver the certificate to the member of the police force or inspector for inspection.

Maximum penalty: \$750.

**Trade plates not to be used for the purpose of a towtruck in certain circumstances**

**98N.** A person must not drive a towtruck bearing trade plates within the declared area for the purpose of proceeding to, returning from, or towing, a motor vehicle that has become unable to proceed under its own motive power.

Maximum penalty: \$750.

**Persons who may ride in towtruck**

**98O.** (1) No person other than—

- (a) the driver of the towtruck; and

- (b) the owner, driver or person in charge of a vehicle that is being, or is to be, towed,

may ride in or upon a towtruck while it is being driven within the declared area to the scene of an accident.

Maximum penalty: \$750.

- (2) A person other than—

- (a) the driver of the towtruck; and
- (b) the owner, driver or person in charge of a damaged vehicle that is being towed; and
- (c) any person who was a passenger in that damaged vehicle,

must not ride in or upon a towtruck while it is towing a damaged vehicle within the declared area from the scene of an accident.

Maximum penalty: \$750.

(3) Where a person rides in or upon a towtruck in contravention of subsection (1) or (2), the driver of the towtruck is also guilty of an offence.

Maximum penalty: \$750.

(4) An allegation in any complaint for an offence against this section that a towtruck was being driven, or was towing a vehicle, within the declared area to or from the scene of an accident is, in the absence of proof to the contrary, proof of the facts so stated.

(5) Notwithstanding any other provision of this section, one other person who is the holder of a towtruck certificate or temporary towtruck certificate may accompany the driver (in addition to any other persons referred to in subsection (1) or (2)) on any towtruck with a mass of more than five tonnes.

### **Inspectors**

**98P.** (1) The Minister may appoint such inspectors as the Minister thinks necessary for the purposes of this Part.

(2) An inspector must make such investigations and reports, relevant to the administration of this Part, as the Registrar may direct.

(3) Subject to subsection (3a), for the purposes of an investigation under this section, an inspector may, on any day and at any hour, with such assistants (if any) as the inspector thinks reasonably necessary—

- (a) upon the authority of a warrant issued by a justice—
- (i) break into any premises; and
- (ii) break into any part of the premises or any vehicle or thing contained in the premises; and

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- (b) without a warrant—
- (i) enter upon and search any premises or any vehicle or thing contained in those premises; and
  - (ii) require the driver of a towtruck to stop the vehicle; and
  - (iii) require any person to produce any documents or books that may be relevant to the investigation, and to take copies of those documents or books, or any part of them; and
  - (iv) seize any documents, books or other objects that may furnish evidence of an offence against this Act; and
  - (v) require any person to answer any question that may be relevant to the investigation.

(3a) An inspector may not exercise the power conferred under subsection (3)(b)(i), in relation to any premises, at any time when those premises are not open for business.

(4) A person must not—

- (a) assault or hinder an inspector, or a person assisting an inspector, while the inspector is acting in the exercise of powers conferred by this section; or
- (b) refuse or fail to answer truthfully and forthwith any question put to the person in the course of an investigation under this Part by an inspector.

Maximum penalty: \$20 000.

(4a) A person must not use abusive, threatening or insulting language to an inspector, or a person assisting an inspector, while the inspector is acting in the exercise of powers conferred under this Part.

Maximum penalty: \$750.

(5) Any statement of fact made in a report made by an inspector at the direction of the Registrar under this section will, in any legal proceedings under this Act, be accepted, in the absence of proof to the contrary, as proof of the fact so stated.

(6) An apparently genuine document purporting to be a report made by an inspector at the direction of the Registrar under this section will be accepted, in any legal proceedings, in the absence of proof to the contrary, to be such a report.

(7) An allegation in a complaint that a person named in the report is an inspector will, in the absence of proof to the contrary, be proof of the fact so stated.

(8) An inspector must, upon the request of any person in relation to whom the inspector intends to exercise any of the powers conferred by this Part, produce for the inspection of that person the certificate of identity furnished to the inspector by the Minister.

Maximum penalty: \$250.

(9) A person must not, by words or conduct, falsely represent that he or she is an inspector.

Maximum penalty: \$750.

(10) An inspector does not incur any liability by virtue of any act or omission in the exercise, or purported exercise, in good faith of the powers conferred by this Part.

**Power to require production or attendance for investigations**

**98PA.** (1) An inspector may, for the purposes of an investigation, by notice in writing given to a person require the person—

- (a) within the time and in the manner specified to furnish information specified in the notice; or
- (b) within or at the time and at the place specified to produce for inspection a vehicle or other object or books, papers, documents or records of any kind specified in the notice; or
- (c) at a reasonable time and at the place specified in the notice to attend in person in order to enable an inspector to put questions to that person.

(2) A person must not, without reasonable excuse, fail to comply with a requirement of an inspector made under subsection (1).

Maximum penalty: \$2 500.

**Reference of certain matters to the consultative committee**

**98PB.** (1) The Registrar must, before refusing an application for a towtruck certificate or temporary towtruck certificate, or before imposing a condition of a certificate under this Part, refer the matter to the committee for decision by the committee.

(2) Where a matter is decided by the committee pursuant to this section, the Registrar must give effect to the decision of the committee.

**Cause for disciplinary action**

**98PC.** (1) There is proper cause for disciplinary action against a person who holds or has held a towtruck certificate or a temporary towtruck certificate if—

- (a) the certificate of the person was improperly obtained; or
- (b) the person has contravened or failed to comply with a provision of this Act; or
- (c) the person has contravened or failed to comply with a condition of the certificate; or
- (d) the person has contravened, or failed to comply with, a provision of the *Radiocommunications Act 1992* of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
- (e) the person has been convicted, or found guilty, of an offence involving dishonest, threatening or violent behaviour or involving the use of a motor vehicle; or

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(f) the person has been guilty of any other act or default of such a nature that, in the opinion of the District Court, disciplinary action should be taken against the person.

(2) If a person has expiated an offence that attracts demerit points under this Act, the person will be taken, for the purposes of subsection (1), to have been convicted of the offence.

(3) This section applies in relation to conduct occurring before or after the commencement of this section.

**Complaints**

**98PD.** An inspector or any other person may lodge with the District Court a complaint setting out matters that are alleged to constitute grounds for disciplinary action under this Part.

**Hearing by District Court**

**98PE.** (1) On the lodging of a complaint, the District Court may conduct a hearing for the purpose of determining whether the matters alleged in the complaint constitute grounds for disciplinary action under this Part.

(2) Without limiting the usual powers of the District Court, the Court may during the hearing—

(a) allow an adjournment to enable an inspector to investigate or further investigate matters to which the complaint relates; and

(b) allow the modification of the complaint or additional allegations to be included in the complaint subject to any conditions as to adjournment and notice to parties and other conditions that the Court may think fit to impose.

**Participation of assessors in disciplinary proceedings**

**98PF.** In any proceedings under this Part, the District Court will, if the judicial officer who is to preside at the proceedings so determines, sit with assessors selected in accordance with schedule 5.

**Disciplinary action**

**98PG.** (1) On the hearing of a complaint, the District Court may, if it is satisfied on the balance of probabilities that there is proper cause for taking disciplinary action against the person to whom the complaint relates, by an order or orders do one or more of the following:

(a) reprimand the person;

(b) impose a fine not exceeding \$1 250;

(c) in the case of a person who holds a towtruck certificate or temporary towtruck certificate—suspend or cancel the certificate;

(d) disqualify the person from holding a towtruck certificate or temporary towtruck certificate under this Act.

(2) The District Court may—

(a) stipulate that a disqualification is to apply permanently;

- (b) stipulate that a suspension or disqualification is to apply—
  - (i) for a specified period; or
  - (ii) until the fulfilment of stipulated conditions; or
  - (iii) until further order;
- (c) stipulate that an order relating to a person is to have effect at a specified future time.
- (3) If—
  - (a) a person has been found guilty of an offence; and
  - (b) the circumstances of the offence form, in whole or in part, the subject matter of the complaint,

the person is not liable to a fine under this section in respect of conduct giving rise to the offence.

### Appeals

**98PH.** (1) A person may appeal to the District Court against a decision or order of the Registrar under the accident towing roster scheme.

(2) Subject to subsection (4), an appeal must be instituted within one month of the making of the decision or order appealed against or such longer period as the District Court may allow.

(3) The Registrar must, if so required by the person, state in writing the reasons for the Registrar's decision or order.

(4) If the reasons of the Registrar are not given in writing at the time of making the decision or order and the person (within one month of the making of the decision or order) requires the Registrar to state the reasons in writing, the time for instituting an appeal runs from the time at which the person receives the written statement of those reasons.

(5) If the Registrar or the District Court is satisfied that an appeal against a decision or order of the Registrar has been instituted, the Registrar or the Court may suspend the operation of the decision or order until the determination of the appeal.

(6) Except as determined by the District Court, an appeal is to be conducted by way of a fresh hearing and for that purpose the Court may receive evidence given orally or, if the Court determines, by affidavit.

- (7) The District Court may, on the hearing of an appeal—
  - (a) affirm the decision or order appealed against or rescind the decision or order and substitute a decision or order that the Court thinks appropriate; and
  - (b) make any other order that the case requires (including an order for costs).



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**PART 3D  
DISABLED PERSONS' PARKING PERMITS**

**Application for permit**

**98R.** (1) The following persons may apply to the Registrar for a disabled person's parking permit:

- (a) a disabled person; and
- (b) an organisation that provides to at least 4 disabled persons services that include transportation services.

(2) An application under this section must be made in a manner and form determined by the Minister, and must be accompanied by the prescribed fee.

(2a) The Registrar may require an applicant to furnish the Registrar with specified evidence as to the applicant's eligibility for a permit under this section.

(3) The Registrar may require an applicant who is a disabled person to be examined by a medical practitioner nominated by the Registrar, at a place accessible and convenient to the applicant.

(4) If the Registrar is satisfied that an applicant is eligible for a permit under this section, the Registrar must grant a disabled person's parking permit to the applicant.

**Duration and renewal of permits**

**98S.** (1) A disabled person's parking permit will be granted or renewed—

- (a) in the case of a permit issued to a disabled person with a temporary physical impairment—for such period, not exceeding 12 months, as the Registrar thinks appropriate in view of the likely duration of the impairment;
- (b) in any other case—for a number of years, not exceeding 5, determined by the Registrar.

(2) A permit may be renewed on application made in a manner and form determined by the Minister and accompanied by the prescribed fee.

**Parking permit entitlements**

**98T.** (1) A disabled person's parking permit entitles—

- (a) in the case of a permit issued to a disabled person—the owner and the driver of any motor vehicle, while the vehicle is in the course of being used for the transportation of the disabled person;
- (b) in the case of a permit issued to an organisation—the owner and the driver of any motor vehicle, while the vehicle is in the course of being used by the organisation for the transportation of a disabled person to whom the organisation provides services,

to such exemptions, conditional or unconditional, in relation to the parking or standing of the vehicle as may be prescribed by regulation under the *Local Government Act 1934*.

(2) A disabled person—

- (a) who is the holder of a disabled person's parking permit; and
- (b) who drives a motor vehicle to and from his or her place of employment,

may apply in writing to the council of the area in which that place of employment is situated, for permission to park a motor vehicle near to that place of employment.

(3) A council to which an application is duly made under subsection (2) may, after consultation with the applicant, make such arrangements for the parking of the applicant's motor vehicle near to the place of employment while the applicant is in attendance at that place as are reasonably practicable, having regard to—

- (a) the speed of movement of the applicant and the distance the applicant is able to move without undue difficulty; and
- (b) the particular needs, requirements and disabilities of the applicant; and
- (c) the range of other parking facilities that may be available, accessible and convenient to the applicant.

(4) A council must, for the purpose of giving effect to an arrangement made under subsection (3), exempt the applicant, conditionally or unconditionally, from such of the regulations under the *Local Government Act 1934*, as may be necessary.

(5) A council may, after consultation with the person in relation to whom an arrangement has been made under subsection (3), revoke or vary that arrangement.

(6) A person who is aggrieved by a decision of a council to refuse to make an arrangement under subsection (3), or to revoke or vary such an arrangement, may apply to the Minister, in a manner and form determined by the Minister, for a review of the decision.

#### **Misuse of permit**

**98U.** A person must not display, or permit to be displayed, a disabled person's parking permit on a motor vehicle unless that vehicle is in the course of being used for the transportation of the holder of the permit or, if the permit was issued to an organisation, the transportation of a disabled person to whom the organisation provides services.

Maximum penalty: \$750.

#### **Cancellation of permit**

**98V.** (1) The Registrar—

- (a) must, if satisfied, upon the report of a medical practitioner, that a disabled person who is the holder of a disabled person's parking permit no longer meets the criteria set out in section 98R(1); or
- (ab) must, if satisfied that an organisation that is the holder of a disabled person's parking permit no longer meets the criteria set out in section 98R(1); or

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- (b) may, if the holder of a disabled person's parking permit is convicted of an offence against section 98U,

cancel, or refuse to renew, the permit.

(2) The Registrar may, by notice in writing served personally or by post on the holder of a disabled person's parking permit, require that person to deliver the permit to the Registrar, at a place and within a reasonable time specified in the notice, for the purpose of cancelling the permit pursuant to this section.

- (3) A person must comply with a notice served under subsection (2).

Maximum penalty: \$250.

**Review by the Minister**

**98W.** A person who is aggrieved by a decision of the Registrar to refuse to issue or renew a disabled person's parking permit, or to cancel a permit, may apply to the Minister, in a manner and form determined by the Minister, for a review of the decision.

**Interstate permit holders have reciprocal entitlements**

**98WA.** (1) The holder of a permit issued in another State or a Territory of the Commonwealth under a corresponding law will, while in this State, be taken to be the holder of a disabled person's parking permit under this Part and the permit will give rise to the same entitlements and obligations (including liability to cancellation) as if it had been issued under the relevant provision of this Part.

(2) The Minister may, by notice in the *Gazette*, declare that a law of another State or a Territory of the Commonwealth is a corresponding law for the purposes of this section.

**Interpretation**

**98X.** (1) A motor vehicle will for all purposes be taken to be in the course of being used for the transportation of a disabled person despite the fact that the person is accompanied by other persons.

- (2) In this Part—

"**disabled person**" means a person with a temporary or permanent physical impairment—

- (a) whose speed of movement is severely restricted by the impairment; and
- (b) whose ability to use public transport is significantly impeded by the impairment;

"**temporary physical impairment**" means a physical impairment that, in the opinion of the Registrar, is likely to endure for more than 6 months but is not likely to be permanent.

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**PART 4  
THIRD PARTY INSURANCE**

**Interpretation**

**99.** (1) In this Part and in schedule 4, unless the context otherwise requires—

"**approved insurer**" means a person or body of persons approved by the Minister as an insurer under this Part;

"**bodily injury**" includes mental or nervous shock;

"**the insurance premium committee**" means the committee appointed under section 129;

"**insured motor vehicle**" or "**insured vehicle**" means a motor vehicle in relation to which a policy of insurance under this Part is in force;

"**insured person**" means a person insured by a policy of insurance under this Part;

"**the nominal defendant**" means a person appointed by the Minister to be the nominal defendant, and for the time being holding that appointment;

"**owner**" means an owner or joint owner or part owner of a motor vehicle and a person who has the use of a motor vehicle under a hire-purchase agreement;

"**passenger**", in relation to a motor vehicle, includes any person in or on the vehicle whether or not the person is travelling, has travelled or is proposing to travel in or on the vehicle;

"**policy of insurance**" means a policy of insurance that complies with this Part.

(1a) Where two corporations are related corporations for the purposes of the *Corporations Law*, they are related corporations for the purposes of this Part.

(2) Other words and expressions used in this Part have the meaning assigned to them in section 5, unless the context otherwise requires.

(3) For the purposes of this Part and schedule 4, death or bodily injury will not be regarded as being caused by or as arising out of the use of a motor vehicle if it is not a consequence of—

- (a) the driving of the vehicle; or
- (b) a collision, or action taken to avoid a collision, with the vehicle whether in motion or stationary; or
- (c) the vehicle running out of control.

(4) For the purposes of this Part and schedule 4, 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 machine only if it is caused by or arises out of the use of the vehicle (as referred to in subsection (3)) on a road.

**Insurance premium to be paid on applications for registration**

**99A.** (1) An applicant for—

- (a) the registration of a motor vehicle; or
- (b) an exemption from registration in respect of a motor vehicle; or
- (c) a permit in respect of a motor vehicle,

must at the time of application pay to the Registrar the premium upon a policy of insurance in terms of schedule 4 for the motor vehicle in respect of which the application is made.

(2) The applicant must, in the application, select an approved insurer to be the insurer in terms of the policy of insurance and if the applicant fails so to select an approved insurer the Registrar may, subject to subsection (3), select such an insurer in respect of the application.

(3) Where an applicant purports to select a corporation as the approved insurer in respect of the motor vehicle, and the corporation is not an approved insurer but a related corporation is such an insurer, the Registrar must, subject to any agreement with an approved insurer under this Part, select the related corporation as the approved insurer.

(4) Where the Registrar purports to select an approved insurer pursuant to the provisions of this section, that selection will be conclusively presumed to be valid and effectual for the purposes of this section and no claim or proceedings can lie against the Registrar in respect of any such selection.

(5) The applicant must, in the application, furnish the Registrar with such information as may be necessary in order to determine the appropriate insurance premium.

(6) Where as a result of any transfer in the ownership of a vehicle, any alteration to the nature of a vehicle, or any change in the use of a vehicle, a greater premium becomes payable in respect of the motor vehicle than that paid to the Registrar when the application was made, the insurer may recover the amount of the difference between the respective premiums as a debt in any court of competent jurisdiction.

(7) Where by reason of any fact known to the insured person a greater premium becomes payable to the insurer in respect of the motor vehicle, the insured person must forthwith give the insurer notice in writing of that fact.

Maximum penalty: \$250.

(8) A policy of insurance in terms of schedule 4 is in force in respect of the motor vehicle as from the time at which the grant of registration, the exemption from registration, or permit becomes effective and, subject to this Part—

- (a) remains in force for the whole of the period for which registration is granted and for a further period of grace of 30 days (but falls due for renewal at the expiration of the former period); or
- (b) remains, subject to express provision in this Act for the policy to be effective for a longer period, in force for the whole of the period for which the exemption from registration, or permit, is granted, but then expires.

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(9) The insurer selected pursuant to the provisions of this section in respect of a motor vehicle becomes the insurer under the policy of insurance relating to that motor vehicle.

(10) Where a policy of insurance comes into force in relation to a motor vehicle during the period of grace referred to in subsection (8), the period of grace thereupon terminates.

(11) Where the registration of a motor vehicle is transferred, the policy of insurance continues in operation in relation to the person to whom the registration is transferred.

(12) A policy of insurance cannot be cancelled while the registration, exemption from registration, or permit, in respect of the motor vehicle to which the policy relates remains in force but upon any renewal of registration a different approved insurer may be selected and that insurer thereupon becomes the insurer of the motor vehicle from the day and time at which the renewal becomes effective.

(13) The Registrar must, subject to subsection (14), pay to an approved insurer the premiums collected by the Registrar in respect of policies of insurance in respect of which that approved insurer was selected as the insurer under this section.

(14) The Registrar must retain out of the amounts to be paid to each approved insurer under this section such administration expenses as are determined by agreement between the Registrar and the approved insurers or as may, in default of agreement, be determined by the insurance premium committee.

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(17) A policy of insurance under this section is not invalidated by any error or omission on the part of the Registrar or any officer acting at the direction or under the control of the Registrar.

(18) An entry in the register of motor vehicles kept under this Act to the effect that a specified insurer is, or was for a period to which the entry relates, the insurer under a policy of insurance relating to a specified motor vehicle is conclusive evidence that the insurer is, or was for that period, the insurer under such a policy of insurance relating to that motor vehicle.

(19) An application for the issue of trade plates will, for the purposes of this section, be taken to be an application for registration in respect of a motor vehicle, and the policy of insurance that comes into operation upon the issue of the trade plates is effective (whether or not the trade plates have been transferred) in relation to any motor vehicle driven in pursuance of the trade plates.

**Application of this Part to the Crown**

**100.** (1) This Part does not render it obligatory to insure any vehicle owned by the Crown and used solely in the public business of the State.

(2) Where a motor vehicle owned by the Crown is not insured under this Part—

(a) the Crown will, without affecting its rights or liabilities, if any, as an owner, be taken to be an insurer who has issued a policy of insurance complying with this Part in relation to the use of that vehicle; and

(b) any person who drives or is a passenger in or on that vehicle either with or without the consent of the Crown will, subject to subsection (3), be taken to be an insured person.

(3) Where a person drives or is a passenger in or on a vehicle owned by the Crown without the consent of the Crown or a person authorised to give such consent on behalf of the Crown, and the Crown pays any money or incurs any costs in respect of a claim for death or bodily injury for which that person is wholly or partly liable caused by or arising out of the use of the motor vehicle, the Crown may recover the amount so paid and the costs so incurred from the person who so drove or was a passenger in or on the vehicle.

### Approved insurers

**101.** (1) Any person or body of persons, corporate or unincorporate, carrying on, or intending to carry on, the business of insurance within the State may apply to the Minister for approval as an insurer under this Part.

(2) The Minister may grant or refuse any such application.

(3) If an application for approval under this section is made—

(a) an approval cannot be granted within 3 months of the date of the application; and

(b) if the applicant is approved, the approval takes effect on 1 July 1998 or 1 July next following the date of the approval (whichever is the later).

(4) Before approving of an insurer the Minister may require the insurer to enter into an undertaking and an agreement by which the insurer accepts duties and obligations relating to insurance under this Part and matters incidental to those duties and obligations.

(5) If, at or before 1 April in any year, an approved insurer applies to the Minister for the withdrawal of approval under this Part, the Minister may, as from 1 July next ensuing, withdraw the approval of that insurer.

(6) Where the Minister is satisfied that there are special circumstances justifying doing so, the Minister may, upon receipt of due application (which need not be made in conformity with the limitations of time stipulated by this section) grant approval as an approved insurer or withdraw approval from an approved insurer, and the grant or withdrawal of approval will be effective as from a date determined by the Minister.

(7) The Minister may, by notice in writing served personally or by post upon an approved insurer, require the insurer to furnish the Minister, within such time as may be stipulated in the notice, with such evidence of the insurer's financial position and capacity to meet existing and future liabilities under policies of insurance under this Part as may be required in the notice.

(8) If—

(a) an approved insurer commits a breach of a term or condition of a provision of this Part, or a term or condition on an undertaking or agreement entered into pursuant to this section; or

(b) an approved insurer fails to comply with a requirement under subsection (7); or

(c) the Minister, after considering evidence furnished by an approved insurer in compliance with a requirement under subsection (7), is not satisfied that the approved insurer has sufficient financial resources to continue properly to carry on business as an approved insurer,

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the Minister may—

- (d) withdraw the approval of the insurer; or
- (e) suspend the approval of the insurer for such period as the Minister thinks fit.

(9) The withdrawal, suspension or non-renewal of the approval of an insurer does not affect the validity of any policy of insurance.

**Duty to insure against third party risks**

**102.** (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.

(2) The penalty for an offence against subsection (1) is—

(a) in the case of an offence arising out of—

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(ii) driving a motor vehicle on a wharf for the purpose of loading or unloading cargo; or

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

for a first offence—\$75;

or a subsequent offence—\$250; and

(b) in any other case—

(i) \$750; and

(ii) disqualification from holding and obtaining a driver's licence for a period of not more than 12 months.

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(3a) Subsection (1) does not apply to a person who drives a motor vehicle registered in the name of a company while no policy of insurance is in force in relation to the vehicle in consequence of its registration having been suspended by a court order made on default in payment of a fine imposed on the company, if—

(a) the person did not know and could not reasonably be expected to have known that the registration had been so suspended; and

(b) the person was driving the motor vehicle with the express or implied authority of the company.



(4) Subsection (1) does not apply to a person who, on any road, drives a motor vehicle, if—

- (a) the motor vehicle is registered in a proclaimed State or Territory of the Commonwealth or is otherwise permitted by the law of a proclaimed State or Territory of the Commonwealth to be driven on public roads within that proclaimed State or Territory; and
- (b) there is in force in that State or Territory in respect of the motor vehicle a policy of insurance—
  - (i) that complies with the law of the State or Territory; and
  - (ii) under which the owner and the driver of the motor vehicle are insured against liability which might be incurred by the owner or driver in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the motor vehicle in this State.

(5) For the purposes of subsection (4), the Governor may by proclamation declare any State or Territory, the law of which in the Governor's opinion substantially meets the requirements of this Part, to be a proclaimed State or Territory.

(6) A proclamation under subsection (5) may be revoked or varied by a subsequent proclamation.

**Duty to produce evidence of insurance**

**103.** (1) An owner of a motor vehicle, if requested by a member of the police force or an inspector to produce evidence that a policy of insurance complying with this Part is, or was at any specified time or for any specified period in force in relation to that vehicle, must produce that evidence either—

- (a) forthwith to the member of the police force or inspector making the request; or
- (b) at a police station (to be nominated to the member or inspector by the owner when the request is made), within five days after the making of the request.

Maximum penalty: \$250.

(2) The production of a valid certificate of registration, in respect of the motor vehicle is sufficient evidence that a policy of insurance complying with this Part was in force during any period in respect of which the certificate was granted in respect of the motor vehicle.

**Requirements if policy is to comply with this Part**

**104.** In order to comply with this Part a policy of insurance must insure the owner of the motor vehicle to which the policy relates, and any other person who at any time drives or is a passenger in or on the vehicle, whether with or without the consent of the owner, in respect of all liability that may be incurred by the owner or other person in respect of the death of, or bodily injury to, any person caused by, or arising out of the use of, the vehicle in any part of the Commonwealth.

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**Policies to conform to amending Acts**

**105.** When an Act comes into operation altering the insurance required to be given by a policy under this Part or the rights or liabilities of the insurer under any such policy, every policy of insurance providing insurance required by this Part and in force when that Act comes into operation, or at any time thereafter, will be taken to provide the insurance required by this Part, as altered by that Act.

\* \* \* \* \*

**Rights of persons named in policies**

**107.** Notwithstanding any enactment, an insurer under a policy of insurance (whether under this Part or otherwise) in relation to a motor vehicle is, as from the date of the policy, liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover.

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**Liability of insurers where premium not paid**

**109.** The fact that the correct premium has not been paid in respect of a policy of insurance under this Part does not affect the validity or operation of the policy.

**Liability of insurer to pay for emergency treatment**

**110.** (1) Where—

- (a) (i) a legally qualified medical practitioner or registered nurse renders emergency treatment in respect of bodily injury (including fatal injury) to a person caused by or arising out of the use of an insured motor vehicle; or
- (ii) the person so injured is immediately after the injury conveyed in any vehicle; and
- (b) within one month after the occurrence out of which the death or bodily injury arose, the medical practitioner, nurse or person who conveyed the injured person gives notice in writing of a claim under this section to the insurer in relation to the motor vehicle,

the insurer must make such of the following payments as are applicable to the case:

- (c) to the medical practitioner—the prescribed fee for each person to whom emergency treatment is rendered together with any travelling expenses reasonably and necessarily incurred in respect of that emergency treatment; and
- (d) to the nurse—the prescribed fee for all emergency treatment rendered by the nurse to the person or persons injured in the accident together with any travelling expenses reasonably and necessarily incurred by the nurse in respect of that emergency treatment (which sum will, if emergency treatment is rendered to two or more persons, be taken to have been paid on behalf of all those persons in equal shares); and
- (e) to any person who conveyed the injured person as mentioned in paragraph (a)—an amount to be ascertained in accordance with the regulations.

(2) Where bodily injury (including fatal injury) is caused by or arises out of the use of two or more motor vehicles insured by different insurers, each insurer must pay an equal share of the payments required to be made under subsection (1).

(3) The liability (if any)—

- (a) of the owner or driver of the motor vehicle, or of a passenger in or on the vehicle, in respect of the death or bodily injury; and
- (b) of the insurer to the owner, driver or passenger in respect of the contract of insurance; and
- (c) of the injured person or his or her personal representatives to the person to whom a payment is made under this section,

is reduced by the amount paid by the insurer under this section.

(4) In this section—

"**emergency treatment**" means such medical or surgical treatment or examination by a legally qualified medical practitioner or a registered nurse as is immediately required as the result of injury referred to in subsection (1).

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(6) A sum payable under this section is recoverable as if it were a simple contract debt due from the insurer to the person entitled to that sum.

(7) The Commissioner of Police must, if so requested by a person who alleges entitlement to a payment under this section, furnish that person with any information at the Commissioner's disposal as to—

- (a) the identification marks of any motor vehicle that the person alleges to be a motor vehicle out of the use of which the death or bodily injury arose; and
- (b) the identity and address of the person who was using the vehicle at the time of the event out of which the death or bodily injury arose.

(8) A person who was using a motor vehicle at the time when death or bodily injury was caused by or arose from such use must, upon the request of any person who alleges entitlement to payment under this section, furnish the person with the name and address of the insurer in relation to that vehicle at the time of the death or injury.

Maximum penalty: \$125.

**Liability of insurer to pay for hospital treatment**

**111.** When a payment is made (whether or not with an admission of liability) by an insurer under or in consequence of a policy of insurance under this Part in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle, the insurer must, in addition to making any other payments provided for by this Part, make such payments with respect to hospital treatment as are payable pursuant to any Act.

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**Liability of insurer in respect of burial at public expense**

**111A.** Where—

- (a) the death of a person has been caused by, or has arisen out of the use of, an insured motor vehicle; and
- (b) the deceased person has been buried at public expense,

the Treasurer may, in any court of competent jurisdiction, recover from the insurer the cost of the burial.

**Liability of insurer when judgment obtained against insured**

**112.** Where—

- (a) a person has obtained judgment in an action against an insured person for death or bodily injury caused by, or arising out of the use of, an insured motor vehicle; and
- (b) before the action came on for hearing the insurer knew that the action had been commenced,

the judgment creditor may recover by action from the insurer such amount of the money (including costs or a proportionate part of those costs) payable pursuant to the judgment as relates to death or bodily injury and has not been paid.

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**Liability of insurer where the insured is dead or cannot be found**

**113.** (1) Where—

- (a) death or bodily injury has been caused by, or has arisen out of the use of, an insured motor vehicle, but any person insured under a policy of insurance in respect of the vehicle who is wholly or partly liable for the death or bodily injury is dead or cannot be served with process; and
- (b) a person who could have obtained a judgment in respect of that death or bodily injury against the insured person if he or she were living or had been served with process, has given notice of a claim under this section and a short statement of the grounds of the claim as soon as possible after ascertaining that the insured person was dead or could not be found, or within such time as would prevent the possibility of the insurer being prejudiced by want of such notice,

the person who could have so recovered judgment against the insured person may recover the amount of that judgment by action against the insurer.

(2) Without limiting the scope of subsection (1), it is declared that a right of action against the insurer under that subsection in a case where the insured person is dead exists and has existed since the enactment of that subsection notwithstanding that the claimant has or had a right of action against the estate of the deceased person under the *Survival of Causes of Action Act 1940* or any other law.

**Certain defences ineffective in actions against insurers**

**114.** It is not a defence to an action under either of the two preceding sections that the insurer is not liable under a policy of insurance by reason of the fact that—

- (a) the policy was obtained by mis-statement or non-disclosure; or
- (b) the insured person has committed a breach of or failed to comply with a term, condition or warranty of the policy or a provision of this Part.

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\* \* \* \* \*

**Claims against nominal defendant where vehicle not identified**

**115.** (1) Where—

- (a) death, or bodily injury, has been caused by, or has arisen out of the use of, a motor vehicle; and
- (b) the identity of the vehicle has not after due inquiry and search been ascertained,

a person who could have obtained a judgment in respect of that death or bodily injury against a person insured under a policy of insurance in respect of the vehicle (assuming that the vehicle had been an insured vehicle at the relevant time) may recover by action against the nominal defendant the amount of the judgment that could have been so recovered.

(2) The nominal defendant is not liable to satisfy a judgment obtained against the nominal defendant, but the judgment and the nominal defendant's costs must be paid—

- (a) out of money contributed by approved insurers pursuant to a scheme under section 119; or
- (b) if no such scheme is in operation, by the Minister and approved insurers in accordance with section 120.

(3) A person who proposes to proceed against the nominal defendant in pursuance of this section must, as soon as reasonably practicable after it becomes apparent that the identity of the vehicle is not readily ascertainable, give to the nominal defendant notice in writing of the person's claim and a short statement of the grounds on which it is made.

(4) Where a claimant fails to give notice of a claim in accordance with the requirements of subsection (3), and the court before which the action is brought is satisfied on the balance of probabilities that the defendant has been prejudiced in the conduct of his or her defence by that failure, it may, if the justice of the case so requires, dismiss the action.

**Claim against nominal defendant where vehicle uninsured**

**116.** (1) In this section—

"**uninsured motor vehicle**" means a motor vehicle in relation to which no policy of insurance as required by this Part is in force but does not include a motor vehicle in relation to which there is in force a policy of insurance—

- 
- (a) that complies with the law of some other State or Territory of the Commonwealth; and
  - (b) under which the owner and driver of the motor vehicle are insured against liability that might be incurred by either or both of them in respect of the death of, or bodily injury to, any person caused by, or arising out of the use of, the motor vehicle in this State.

(2) A person claiming damages in respect of death or bodily injury caused by or arising out of the use of an uninsured motor vehicle on a road may bring an action for the recovery of those damages against the nominal defendant.

(3) Where an action may be brought against the nominal defendant under subsection (2)—

- (a) the amount recoverable is the amount of the judgement that in the circumstances could have been recovered in respect of the death or bodily injury against a person who would have been an insured person if the vehicle had been an insured vehicle at the relevant time; and
- (b) no action for damages in respect of the death or bodily injury may be commenced or proceeded with against such a person or a person liable in respect of the acts or omissions of such a person.

(4) A person who proposes to proceed against the nominal defendant in pursuance of this section must, as soon as reasonably practicable after it becomes apparent that the motor vehicle in respect of which the claim arises was uninsured, give to the nominal defendant notice in writing of the claim and a short statement of the grounds on which it is made.

(5) Where a claimant fails to give notice of a claim in accordance with the requirements of subsection (4) and the court before which the action is brought is satisfied on the balance of probabilities that the defendant has been prejudiced in the conduct of his or her defence by that failure, it may, if the justice of the case so requires, dismiss the action.

(6) The nominal defendant is not liable to satisfy a claim or judgment obtained against the nominal defendant under this section but the claim or judgment and the nominal defendant's costs must be paid out of money contributed by approved insurers pursuant to a scheme under section 119.

(7) Where—

- (a) a sum is properly paid by the nominal defendant to satisfy a claim made or judgment obtained in respect of death or bodily injury caused by or arising out of the use of an uninsured motor vehicle; and
- (b) the driver of the uninsured vehicle was wholly or partly liable for the death or bodily injury,

the nominal defendant may bring an action to recover the sum, or such part of the sum as the court considers just and reasonable in the circumstances, together with costs from the driver or a person liable in respect of the acts or omissions of the driver; but it will be a defence to an action under this subsection if the defendant satisfies the court that—

- (c) the vehicle was being used at the relevant time by or with the consent of the owner; and
- (d) the defendant did not know and had no reason to believe that the vehicle was an uninsured motor vehicle.

(8) The nominal defendant must pay any amount recovered under this section to approved insurers in such amounts or proportions as the Minister directs.

**Appointment of nominal defendant**

**116A.** (1) The Minister may, by instrument published in the *Gazette*, appoint a person to be the nominal defendant for the purposes of this Part.

(2) The person for the time being holding the appointment as the nominal defendant may be designated or described (without specification of an actual name) as "The Nominal Defendant" in any legal process or other document.

**Interpretation of expression in ss. 113 and 115**

**117.** In sections 113 and 115 the expression "a person who could have obtained a judgment in respect of that death or bodily injury" includes a tortfeasor against whom a claim has been made in respect of that death or bodily injury and who is entitled to recover contribution in respect of it from some other person pursuant to Part 3 of the *Wrongs Act 1936*.

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**Appointment of nominal defendant when approved insurer is in liquidation or enters into compromise with creditors**

**118A.** (1) Where the Minister is satisfied that an approved insurer, being a corporation incorporated in the State or elsewhere, has insufficient assets to meet all its liabilities and—

- (a) is being wound up; or
- (b) has entered into a compromise or arrangement with its creditors,

the Governor may, on the recommendation of the Minister, by proclamation declare that this section applies to that insurer and thereupon this section will apply to that insurer in accordance with the declaration.

\* \* \* \* \*

(3) Where this section applies to an insurer, any person having any claim or entitled to bring any action or enforce any judgment against that insurer—

- (a) under the terms and conditions of a policy of insurance under this Part; or
- (b) pursuant to any provision of this Part,

may make or bring that claim or action or enforce that judgment against the nominal defendant.

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(4) The nominal defendant has the same duties and liabilities and has and may exercise the same powers and rights in or in relation to any such claim, action or judgment as the insurer would have if it were not being wound up, or had not entered into a compromise or arrangement with its creditors.

(5) Notwithstanding any other Act, where the nominal defendant pays or is liable to pay any sum pursuant to subsection (3) and the amount so paid or liable to be paid or any part of it would, if paid by the insurer, have been recoverable by the insurer from another person under any provision of this Part or a contract or arrangement for reinsurance, the nominal defendant has and may exercise the rights and powers of the insurer under that contract or arrangement so as to enable the nominal defendant to recover that amount from that other person.

(6) The insurer or any officer or agent of the insurer or, where the insurer is being wound up, the liquidator of the insurer must, upon the request of the nominal defendant forthwith—

- (a) furnish the nominal defendant with such particulars as the nominal defendant requires relating to claims, actions and judgments referred to in subsection (3) of which the insurer or liquidator has received notice; and
- (b) make available to the nominal defendant all books and papers of the insurer relating to those claims, actions and judgments; and
- (c) give the nominal defendant such assistance as the nominal defendant reasonably requires in relation to any such claim, action or judgment.

(7) All money paid out or costs incurred by the nominal defendant under this section in respect of any claim, action or judgment will be paid—

- (a) out of money contributed by approved insurers pursuant to a scheme under section 119; or
- (b) if no such scheme is in operation, by the Treasurer and approved insurers in accordance with section 120.

(8) The amount of all money paid out or costs incurred by the nominal defendant under this section may, in the winding up of the insurer or in any compromise or arrangement between the insurer and any of its creditors, be proved as a debt due to the nominal defendant by the insurer, and the nominal defendant must pay any amounts received as dividends out of the assets of the insurer, and any amounts recoverable by the insurer under this Part that have been recovered by the nominal defendant, to such approved insurers in such amounts or proportions as the Minister directs.

**Scheme under which approved insurers indemnify liabilities incurred by nominal defendant**

**119.** (1) The Minister may, by notice in the *Gazette*, publish a scheme under which all approved insurers will contribute money in proportions provided for in the scheme for—

- (a) satisfying claims made, or judgments pronounced, against the nominal defendant under this Part; and
- (b) otherwise indemnifying the nominal defendant against payments made, and costs incurred, in respect of claims under this Part.



(2) The Minister may, by notice published in the *Gazette*, vary or revoke any scheme previously published under this section.

(3) The nominal defendant may by action in any court of competent jurisdiction enforce the terms of any scheme published under this section.

**Satisfaction of judgment against nominal defendant where no scheme in force**

**120.** (1) If no scheme is in force under the preceding section, the amount of a judgment against the nominal defendant and the nominal defendant's costs and any other money that the nominal defendant is liable to pay under this Part will be paid by the Treasurer out of the General Revenue of the State.

(2) This section without further appropriation is sufficient authority for making payments under subsection (1).

(3) Every person who was an approved insurer at the date of the accident giving rise to the injury is liable to pay a contribution to the Treasurer to reimburse the Treasurer for the amount paid pursuant to this section.

(4) The contribution of each insurer will be determined by the Treasurer and in so determining the Treasurer must have regard to the premium income received for insurance under this Part during the previous year by each insurer.

**Policy to bind all insured persons**

**121.** While a policy of insurance remains in force, every person who is insured in terms of the policy is contractually bound by the provisions of the policy in all respects as if the person had agreed with the insurer so to be bound.

**Cancellation of policy**

**122.** (1) An insurer may, subject to subsection (2), by notice in writing served personally or by post upon the insured person, cancel a policy of insurance in respect of a motor vehicle.

(2) A policy of insurance may not be cancelled under subsection (1) unless the insurer has received from the Registrar a written notice stating that no registration, exemption from registration or permit is in force in relation to the motor vehicle.

**Right of insurer against unauthorised driver of vehicle**

**123.** Where a person without lawful excuse drives a motor vehicle without first obtaining the consent of its owner, the insurer may, by action in a court of competent jurisdiction, recover from the person any money paid or costs incurred by the insurer in respect of a claim for death or bodily injury caused by his or her driving.

**Notice of accident or claim**

**124.** (1) Where an accident caused by, or arising out of the use of, a motor vehicle results in the death of, or bodily injury to, any person, written notice must be given as soon as practicable to the person who is the insurer under a policy of insurance in respect of the vehicle stating in detail—

(a) the fact of the accident; and

(b) the time and place at which it occurred; and

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- (c) the circumstances of the accident; and
- (d) the name and address of any person killed or injured in the accident; and
- (e) the names and addresses of any witnesses of the accident.

(2) Where notice is not given as required by subsection (1), the owner, the person in charge, and the driver, of the motor vehicle at the time of the accident are each guilty of an offence.

Maximum penalty: \$1 250 or imprisonment for 3 months.

- (3) It is a defence to a prosecution under subsection (2)—
- (a) that the defendant did not know of the accident, or gave the requisite notice as soon as practicable after the accident came to his or her knowledge; or
  - (b) that the defendant believed upon reasonable grounds that the requisite notice had been given.

(4) Where a claim is made upon an insured person in respect of an accident of a kind referred to in subsection (1), the insured person must as soon as practicable give notice of the claim to the insurer and furnish the insurer with such information in relation to the claim as the insurer may reasonably require.

Maximum penalty: \$250.

- (5) The insurer may, by notice in writing, require—
- (a) the driver of the motor vehicle at the time of the accident to produce the licence or permit in pursuance of which he or she was driving the motor vehicle, for the inspection of the insurer; or
  - (b) the owner of the motor vehicle at the time of the accident to produce the certificate of registration or permit in respect of the motor vehicle, for the inspection of the insurer,

and if a person of whom such a requirement has been duly made fails to comply with the requirement the person is guilty of an offence.

Maximum penalty: \$250.

(6) A person must not give any notice or information under this section that is, to his or her knowledge, false or misleading in any material particular.

Maximum penalty: \$1 250 or imprisonment for 3 months.

(7) A notice or information given under this section is privileged from production or disclosure in any legal proceedings except proceedings under this Part.

**Recovery by the insurer**

**124A.** (1) Where an insured person incurs a liability against which he or she is insured under this Part and the insured person has contravened or failed to comply with a term of the policy of insurance—

- (aa) by driving a motor vehicle, or doing or omitting to do anything in relation to a motor vehicle, with the intention of causing the death of, or bodily injury to, a person or damage to another's property, or with reckless indifference as to whether such death, bodily injury or damage results; or
- (a) by driving a motor vehicle while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle; or
- (b) by driving a motor vehicle while there is present in his or her blood a concentration of .15 grams or more of alcohol in 100 millilitres of blood,

the insurer may, by action in a court of competent jurisdiction, recover from the insured person any money paid or costs incurred by the insurer in respect of that liability.

(2) Where an insured person incurs a liability against which he or she is insured under this Part and the insured person has, to the prejudice of the insurer—

- (a) contravened or failed to comply with a term of the policy of insurance other than one referred to in subsection (1); or
- (b) contravened or failed to comply with—
  - (i) a requirement of section 124; or
  - (ii) a provision of section 126,

the insurer may, by action in a court of competent jurisdiction, recover from the insured person so much of the money paid or costs incurred by the insurer in respect of that liability as the court thinks just and reasonable in the circumstances.

**Recovery of an excess in certain cases**

**124AB.** (1) Where an insured person incurs a liability against which he or she is insured under this Part and the liability arises out of an accident which was to the extent of more than 25 per cent the fault of the insured person, the insurer may recover from the insured person as a debt—

- (a) where the money paid and costs incurred by the insurer in respect of the liability does not exceed \$300—the amount of that money paid and costs incurred; and
- (b) where the money paid and costs incurred by the insurer exceed \$300—\$300.

(2) The insurer is not entitled to recover an amount under subsection (1) if the insurer exercises any other right of recovery against the insured person under this Part.

**Power of insurer to deal with claims against insured**

**125.** (1) An insurer may, on behalf of an insured person—

- (a) conduct any legal proceedings in respect of circumstances out of which a claim against the insurer has arisen, or may arise; and
- (b) conduct and control negotiations in respect of any claim against the insured person; and

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- (c) at any stage of those negotiations or proceedings pay, compromise or settle any claim against the insured person.

(2) The insured person must sign and execute all such warrants, authorities, and other documents as are necessary to give effect to this section and, if he or she makes default in doing so or is absent or cannot be found, the insurer may sign or execute the warrants, authorities, or other documents on behalf of the insured person.

(3) Where—

- (a) as the result of the use of a motor vehicle an accident happens which results in the death of or bodily injury to any person, as well as damage to property; and
- (b) claims are made in respect of the death or bodily injury and also in respect of the damage to property,

then nothing said or done in any negotiations for settlement of either claim, and no judgment given in legal proceedings in respect of either claim, can be evidence in legal proceedings in respect of the other claim.

**Joinder of insurer as defendant to an action**

**125A.** (1) Where an action for damages or other compensation has been commenced in a court against an insured person in respect of death or bodily injury resulting from the use of a motor vehicle, the court may, on the application of the insurer, join it as a defendant to the action.

(2) The court may not join an insurer as a defendant to an action under subsection (1) unless the court is of the opinion that—

- (a) there is an actual or potential conflict of interest between the insurer and the insured in relation to the presentation of the defence; and
- (b) the defence proposed by the insurer in relation to which the actual or potential conflict of interest arises is, in the circumstances of the case, not merely speculative.

(3) Where, in pursuance of this section, an insurer has been joined as a defendant to an action—

- (a) the insurer will be taken to have directly assumed the liability (if any) of the insured person upon the claim in respect of death or bodily injury and, where such a liability is found to exist, judgment upon that claim will be given not against the insured person but against the insurer; and
- (b) the insured person remains a party to the action only for the purposes of—
  - (i) defending a claim that is not a claim in respect of death or bodily injury; or
  - (ii) proceeding upon a counterclaim,

and where there is no such claim or counterclaim, the insured person ceases to be a party to the action; and

- (c) the insured person may not be joined as a third party to the action; and

- (d) the insured person is, notwithstanding paragraphs (b) and (c), entitled to be heard in the proceedings upon any question related to the claim in respect of death or bodily injury; and
- (e) for the purpose referred to in paragraph (d), the insured person is entitled to be represented by counsel of his or her own choice, and the insured person's costs must be paid by the insurer unless, in the opinion of the court, there are special reasons for ordering otherwise; and
- (f) the insurer may apply to call the insured person to give evidence and, in that event, the person will be called, or summoned to appear, as a witness and be liable to cross-examination by the insurer.

(4) No judgment or finding of a court in proceedings in which an insurer has been joined as a defendant under this section is binding in subsequent proceedings against the insured person under section 124A.

**Duty of insured not to litigate or negotiate claim**

**126.** An insured person must not, without the consent in writing of the insurer concerned—

- (a) enter upon, or incur any expense in, any litigation; or
- (b) make any offer or promise of payment or settlement; or
- (c) make any payment or settlement; or
- (d) make any admission of liability; or
- (e) authorise the repair of the motor vehicle, or dismantle, or wilfully cause damage to, the motor vehicle,

in respect of any claim in respect of which the person is insured with that insurer, but this provision does not prevent any person from truthfully answering any question reasonably asked of the person by any police officer.

\* \* \* \* \*

**Medical examination of claimants**

**127.** (1) In this section—

"**claimant**" means a person who has made a claim, or on whose behalf a claim has been made, for bodily injury caused by or arising out of the use of a motor vehicle.

(2) A claimant must—

- (a) submit himself or herself to any medical examination by a legally qualified medical practitioner nominated by the insurer that the insurer may require; and
- (b) within 21 days of consulting a legally qualified medical practitioner in relation to the injury to which the claim relates, or such longer period as may be reasonable in the circumstances of the case or as the insurer may allow, inform the insurer, by notice in writing, of—

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- (i) the name of the medical practitioner; and
- (ii) the day on which the consultation occurred; and
- (c) within 21 days of receiving (either personally or through a legal practitioner engaged by the claimant) a written report from a legally qualified medical practitioner consulted by the claimant in relation to the injury, or such longer period as may be reasonable in the circumstances of the case, send a copy of that report to the insurer.

(3) A claimant cannot be required to submit to a medical examination under subsection (2)(a) more frequently than is permitted by the regulations.

(4) The cost of a medical examination under subsection (2)(a) must be borne by the insurer.

(5) If a claimant fails to comply with subsection (2)(a)—

- (a) the claimant is not entitled, until he or she complies with the subsection, to commence proceedings or to continue proceedings that have been commenced in respect of the injury; and
- (b) if proceedings have been commenced, the court may award costs against the claimant; and
- (c) the claimant is not entitled to damages or compensation for any period during which the failure continues.

(6) If a claimant fails to comply with subsection (2)(b) or (c) and proceedings have been commenced before a court—

- (a) the court may award costs against the claimant; and
- (b) the court may take that failure into account in assessing an award of compensation in favour of the claimant.

(6a) Subsection (6) will not apply to any failure by a claimant to comply with subsection (2)(c) if the claimant has dealt with the medical report and taken other action in accordance with any rules of the court under which a party to proceedings may be relieved from the obligation to disclose to another party a medical report the disclosure of which would unfairly prejudice the party's case.

(7) In deciding on an award of costs under subsection (6)(a) or a reduction in an award of compensation under subsection (6)(b), the court may take into account—

- (a) the effect that the non-compliance with subsection (2)(b) or (c) has had on the proper conduct of the case by any other party to the action; and
- (b) the effect that that non-compliance may have had on the possibility of settling the case before trial.

(8) Where a written report is obtained by the insurer on the findings made, or the opinions formed, by a legally qualified medical practitioner on the examination of a claimant under subsection (2)(a), the insurer must, within 21 days of receiving the report, send a copy of the report to the claimant (or a legal practitioner engaged by the claimant).

**Duty of insurers to furnish information**

**128.** (1) The Minister may by written notice given to an approved insurer require the insurer to furnish to the Minister within a period fixed by the notice, being not less than two months, any information reasonably required by the Minister and specified in the notice, relating to—

- (a) premiums received for insurance under this Part;
- (b) claims paid under this Part;
- (c) persons insured under this Part;
- (d) any other matters relevant to this Part.

(2) An insurer who receives such a notice must comply with it; but it is a defence to a charge of non-compliance to show that the insurer had a reasonable excuse for the non-compliance.

Maximum penalty: \$750.

(3) An insurer must not wilfully or negligently furnish to the Minister any false information relating to matters specified in a notice under this section.

Maximum penalty: \$750.

**Inquiries into premiums**

**129.** (1) Upon the recommendation of the Minister, the Governor may appoint a committee to inquire into and determine from time to time what premiums in respect of insurance under this Part are fair and reasonable.

\* \* \* \* \*

- (2) The persons appointed to such a committee will be—
  - (a) a judge of the Supreme Court, a magistrate, or a legal practitioner who has been admitted for at least ten years, who will be the presiding officer;
  - (b) a person nominated by the Minister;
  - (c) three persons appointed to represent owners of motor vehicles;
  - (d) three persons appointed to represent approved insurers.

(3) The members referred to in subsection (2)(c) and (d) will be appointed after consultation between the Minister and bodies which, in the opinion of the Minister, represent approved insurers and owners of motor vehicles respectively.

(4) The members of the committee hold office during the Governor's pleasure and the Governor will make appointments to fill vacancies occurring on the committee.

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(5) The committee has all the powers of a royal commission, and the *Royal Commissions Act 1917* with the necessary modifications applies to the presiding officer and other members of the committee and its secretary and its proceedings and to witnesses and persons summoned as witnesses before the committee.

(6) The Minister must lay every determination of the committee before Parliament.

**Rebate and commissions prohibited**

**129A.** An approved insurer must not make a payment in the nature of a rebate or commission to any person in respect of any policy of insurance.

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**Insurance by visiting motorists**

**131.** The Registrar must not grant a certificate of temporary registration of a motor vehicle to a person visiting the State unless an insurance policy is in force under which persons who drive or are passengers in or on that vehicle in the State are, in the Registrar's opinion, adequately insured against any liability which may be incurred by them in respect of the death of or bodily injury to any person caused by or arising out of the use of that motor vehicle in the State.

**Power to disqualify on application of insurer**

**132.** (1) An approved insurer may apply on complaint to a court of summary jurisdiction for an order that any person be disqualified for such period as the court fixes from holding or obtaining a driver's licence.

(2) If it is proved to the satisfaction of the court that the defendant is likely, in the event of continuing to drive motor vehicles, to endanger unduly the safety of the public, the court may make such order under subsection (1) as it thinks just.

**Contracting out of liability**

**133.** (1) Subject to subsection (2), any contract (whether under seal or not) by virtue of which a person contracts in advance out of any right to claim damages or any other remedy in respect of death or bodily injury caused by or arising out of the use of a motor vehicle is to that extent void.

(2) Neither subsection (1) nor any corresponding previous enactment will be construed as applying to a right or remedy in respect of loss of or damage to property.

\* \* \* \* \*

**Persons entitled to act in connection with claims**

**134.** (1) A person must not—

(a) for or in the expectation of directly or indirectly receiving any reward accept any instructions or authority to act on behalf of any person in respect of the making, commencement, resisting, negotiation, compromise or settlement of any claim or action for damages for death, bodily injury, or injury to property, arising out of the use of a motor vehicle; or

(b) for or in the expectation of directly or indirectly receiving any reward make, commence, resist, negotiate, compromise or settle or cause to be made, commenced, resisted, negotiated, compromised or settled on behalf of any person, any such claim or action; or



- (c) hold himself or herself out as being willing to act for reward on behalf of any person in making, commencing, resisting, negotiating, compromising or settling any such claim or action.

Maximum penalty: \$750.

(2) This section does not apply to—

- (a) any qualified legal practitioner acting in the course of his or her profession;
- (b) any officer of an association formed for the protection of the interests of employees and whether registered under any Commonwealth or State Act or not, when acting in the course of his or her duties for a member of that association;
- (c) any person employed or instructed by an approved insurer to act on its behalf in connection with—
  - (i) any claim or action in a case where the insurer is liable to indemnify the person against whom the claim is made or the action brought;
  - (ii) any claim for injury to property in a case where the insurer is exercising rights of subrogation in respect of that injury and where the person so employed or instructed limits himself or herself to making and settling the claim without threatening or otherwise referring to legal proceedings in respect of the claim.

(3) An agreement to pay money for work done or services rendered contrary to this section is void and any money so paid is recoverable by the person who has paid it.

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**PART 5  
SUPPLEMENTARY PROVISIONS**

**Right of appeal**

**134A.** (1) Any person who is aggrieved by a decision of the Registrar or the Commissioner of Police to exercise a power conferred by Part 3 or 3A in a manner adverse to the aggrieved person may, in accordance with the relevant rules of court, appeal against the decision to a magistrate sitting in chambers.

(2) On an appeal under this section, the magistrate may—

(a) confirm, reverse or vary the decision appealed against; and

(b) make such order as to costs, or any other ancillary matter, as the magistrate thinks just.

**False statements**

**135.** (1) A person must not in furnishing information, or compiling a record, pursuant to this Act make, or include in the record, a statement that is false or misleading in a material particular.

Maximum penalty: \$2 500 or imprisonment for 6 months.

(2) On a charge of an offence under subsection (1), it is not necessary for the prosecutor to prove the state of mind of the defendant, but the defendant is entitled to be acquitted if the defendant proves that when making the statement he or she believed and had reasonable grounds for believing it was true.

(3) This section applies to written and oral statements, and in respect of written and oral applications and requests.

(4) Where, in pursuance of a false statement made by a person, the Registrar has refunded any money paid under this Act—

(a) the court may, in any proceedings against that person for an offence against this section, in addition to any penalty, order the defendant to pay to the Registrar the money so refunded; or

(b) the Registrar may recover the money from that person as a debt in any court of competent jurisdiction.

**Bribes**

**135A.** A person must not, while acting in the administration of this Act or in the exercise of any powers conferred or delegated under this Act, solicit, receive or accept any bribe, and a person must not give or offer a bribe to any such person.

Maximum penalty: \$2 500 or imprisonment for 6 months.

**Duty to notify change of address**

**136.** (1) If the holder of a licence, or a person (other than a body corporate) registered as the owner of a motor vehicle, changes the place at which he or she is ordinarily resident, the person must within 14 days of so doing give notice to the Registrar in a prescribed manner of the new place at which he or she is ordinarily resident.

Maximum penalty: \$250.

(1a) Where a motor vehicle is registered in a business name, and the owner of the motor vehicle changes the principal place of business at which he or she carries on business in that business name, the owner must within 14 days of so doing give notice to the Registrar in a prescribed manner of the address of the new principal place of business.

Maximum penalty: \$250.

(2) A body corporate registered as the owner of a motor vehicle or a person holding trade plates must, within 14 days of changing the principal place of business of the body corporate or person within the State, give notice to the Registrar in a prescribed manner of the new principal place of business.

Maximum penalty: \$250.

(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.

Maximum penalty: \$250.

(3) The Registrar may require a person giving notice of a change of residence, principal place of business or garage address of a vehicle in a particular manner to produce evidence of the change to the satisfaction of the Registrar.

(4) A requirement under subsection (3) may be made in writing or orally.

(5) If a person fails to comply with a requirement of the Registrar under subsection (3), the person will, for the purposes of this section, be taken to have failed to give notice in the manner to which the requirement relates.

**Duty to answer certain questions**

**137.** A person must when requested by a member of the police force or an inspector in the course of performing duties under this Act forthwith truly answer any question put to the person for the purpose of ascertaining—

(a) the purpose for which or the circumstances in which a motor vehicle bearing a trade plate or a motor vehicle registered at a reduced fee is being or was being driven on any occasion;

(b) the name and place of residence or business of any person who is or was driving any motor vehicle on any occasion.

Maximum penalty: \$250.

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**Duty of registered owners to furnish particulars of vehicles**

**138.** A person who is registered as the owner of a motor vehicle must, upon request by the Registrar or an inspector, deliver to the Registrar or inspector such evidence of the nature and mass of any motor vehicle owned by that person and of the nature of the tyres with which that vehicle is fitted as is required by the Registrar or inspector.

Maximum penalty: \$250.

**Commissioner of Police to give certain information to Registrar**

**138A.** The Commissioner of Police—

- (a) must, upon the request of the Registrar; and
- (b) may, at any other time,

provide the Registrar with such information as may be relevant to the question of whether a particular person is a fit and proper person to hold any licence, permit or towtruck certificate under this Act, to hold a position on an accident towing roster established under the accident towing roster scheme or to be an authorised agent.

**Effect of dishonoured cheques, etc. on transactions under the Act**

**138B.** (1) If—

- (a) an amount payable to the Registrar under this Act or lawfully collected by the Registrar on behalf of any other person or body is purportedly paid by the giving of a cheque or use of a debit card or credit card; and
- (b) the cheque is dishonoured on presentation or the amount is not paid to the Registrar by the body that issued the card or is required to be repaid by the Registrar,

the transaction in relation to which the payment was purportedly made will be taken to be, and to always have been, void and of no effect.

(2) The Registrar may, in such circumstances as the Registrar thinks fit, by notice in writing served personally or by post upon the person who is liable to make the payment, suspend the operation of subsection (1) for such period as may be specified in the notice, for the purpose of allowing that person to make payment in accordance with subsection (3) within that period.

(3) If a person on whom a notice has been served under subsection (2) pays the due amount and the prescribed charges in the time specified, the transaction will be taken to be, and to always have been, effective.

(4) Where a transaction is void by virtue of this section, the Registrar may, by notice in writing served personally or by post upon the person who is liable to make the payment—

- (a) require the person to deliver to the Registrar at a place and within a reasonable time specified in the notice any licence, permit, label, certificate, plate or other document or thing issued or renewed by the Registrar in consequence of the purported transaction; or
- (b) require the person to deal with any such licence, permit, label, certificate, plate, document or thing in the prescribed manner.

(5) A person must comply with a notice served under subsection (4).

Maximum penalty: \$250.

(6) Where, in any proceedings for an offence against this or any other Act, it is proved that the defendant has had the benefit of any licence, permit, label, certificate, plate or other document or thing issued or renewed pursuant to a transaction that is void by virtue of this section, the court may, in addition to any penalty, order the defendant to pay to the Registrar such proportion as the court thinks appropriate of the sum that the defendant was liable to pay on the issue or renewal of that licence, permit, label, certificate, or other document or thing and the prescribed charges.

(7) Notwithstanding any other provision of this section, where a transaction is void pursuant to this section, the Registrar, in such circumstances as the Registrar thinks fit—

- (a) may accept late payment by the applicant of the due amount and the prescribed charges and direct that the transaction be taken to have been effective as from a day specified by the Registrar; or
- (b) may refuse to enter into any further transaction with the applicant, unless the applicant pays to the Registrar the amount that was payable in respect of the void transaction, or such proportion of that amount as the Registrar thinks fit, and the prescribed charges.

(8) In this section—

"prescribed charges" means—

- (a) the prescribed administration fee; and
- (b) any charges imposed on the Registrar in respect of the dishonoured cheque or debit card or credit card transaction concerned.

### Inspection of motor vehicles

**139.** (1) The Registrar, an inspector, a member of the police force or a person authorised in writing by the Registrar to examine motor vehicles in accordance with this section may—

- (a) examine any motor vehicle for the purpose of—
  - (i) ascertaining any facts on which the amount of any fee or payment to the Registrar in respect of the vehicle depends; or
  - (ii) verifying any information disclosed in an application made to the Registrar in respect of the vehicle or any evidence provided by the applicant in response to a requirement of the Registrar under this Act;
- (ab) where an application to register a motor vehicle has been made, examine the motor vehicle for the purpose of ascertaining whether it—
  - (i) complies with any Act or regulation that regulates the design, construction or maintenance of such a motor vehicle; or
  - (ii) would, if driven on a road, put the safety of persons using the road at risk; or

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- (iii) has been reported as stolen;
- (b) for the purpose of an examination under paragraph (a) or (ab) enter and remain in any premises at any reasonable time and search those premises for motor vehicles;
- (c) take from any part of a motor vehicle a sample of any liquid fuel used or appearing to be used for propelling that motor vehicle;
- (d) for all or any of the abovementioned purposes require any person to produce a motor vehicle at a specified place and at a specified day and time for the purpose of examination.

(2) An authorisation to examine motor vehicles—

- (a) may only be granted to—
  - (i) a person employed by a person carrying on the business of selling new motor vehicles or new and second hand motor vehicles; or
  - (ii) a person authorised to exercise any of the powers of an inspector under section 160 of the *Road Traffic Act 1961*; and
- (b) may be subject to conditions; and
- (c) may be revoked at any time.

(3) All authorisations to examine motor vehicles granted by the Registrar under this section will expire on the third anniversary of the day on which subsection (2) comes into operation, and no new authorisations may be granted on or after that day.

(4) The Minister may, for the purposes of this section, establish a code of practice to be observed by persons authorised to examine motor vehicles in accordance with this section.

(5) A person who contravenes a code of practice established under subsection (4) is guilty of an offence.

Maximum penalty: \$5 000.

**Where vehicle suspected of being stolen**

**139AA.** Where, following inspection of a vehicle under this Part, the person responsible for carrying out the inspection (other than a member of the police force) reasonably suspects that the vehicle has been reported as stolen, the person must—

- (a) immediately inform a member of the police force of that suspicion and the reason for it; and
- (b) seize and detain the vehicle until it can be delivered into the custody of a member of the police force.

**Suspension of disqualification on appeal**

**139A.** (1) A person who by virtue of an order of a court under this Act is disqualified from holding or obtaining a driver's licence may appeal against the order in the same manner as against a conviction.

(2) Pending the hearing and determination of any such appeal the operation of any such order may be suspended—

- (a) in the case of an order made by a court of summary jurisdiction, by the court which made the order, or a judge of the Supreme Court;
- (b) in the case of an order made by the Supreme Court, by a judge of that Court.

(3) An order of suspension may be made before or after the institution of the appeal, but will not have any effect until the defendant—

- (a) has duly instituted the appeal and paid the appropriate court fees; and
- (b) has served on the Registrar the order of suspension or a copy of it, and a notice that the appeal has been duly instituted and the fees paid.

**Consultative committee**

**139B.** (1) The Minister must appoint a consultative committee for the purposes of this Act.

(2) The consultative committee consists of—

- (a) the Registrar or a nominee of the Registrar; and
- (b) the Commissioner of Police or a nominee of the Commissioner; and
- (c) a legal practitioner of at least five years standing.

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

(3a) The Minister may appoint a suitable person to be the deputy of a member of the consultative committee and any such person will, while acting in the absence of that member, be taken to be a member of the committee with all the powers, authorities, duties and obligations of a member of the committee.

(4) It is 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 constitute a quorum at any meeting of the committee and any decision concurred in by two members of the committee is the decision of the committee.

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

(7) The Registrar must furnish the consultative committee with any information known to the Registrar that is relevant to any matter being considered by the committee.

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(8) No proceedings, decision or order of the consultative committee in relation to any matter may be called into question, quashed or set aside by reason of any antecedent decision or action by the Registrar, or a delegate of the Registrar, in relation to the matter pursuant to this Act.

**Power to require production of licence, etc.**

**139BA.** (1) Where by or under this or any other Act—

- (a) a licence or learner's permit is cancelled or suspended or has become void, or the holder of a licence or learner's permit is disqualified from holding or obtaining a licence or permit; or
- (b) a decision or order is made, or the Registrar is required—
  - (i) to cancel or suspend a licence or learner's permit;
  - (ii) to disqualify the holder of a licence or learner's permit from holding or obtaining a licence or permit;
  - (iii) to make, vary or remove any endorsement on a licence or learner's permit of or relating to any classification, condition, disqualification, suspension or other restriction,

the court, person or body making the decision or order, or, in any case, the Registrar, may require the holder of the licence or permit to produce the licence or permit at a specified place and within a specified period.

(2) A requirement for production of a licence or permit may be imposed by order of a court, or by notice in writing served on the holder of the licence or permit.

(3) A person must comply with a requirement for production of a licence or permit imposed under this section.

Maximum penalty: \$750.

(4) Where a licence or permit is produced pursuant to this section, the court, person or body to whom it is produced, or, in any case, the Registrar, may do one or more of the following as the case may require:

- (a) make, vary or remove any endorsement on the licence or permit;
- (b) where the licence or permit is or is to be cancelled or suspended or has become void, or a disqualification is imposed on the holder of the licence or permit—retain the licence or permit.

**Issue of new licence or permit where licence, etc., cannot be endorsed**

**139BB.** (1) Where—

- (a) an endorsement is to be made on a licence or learner's permit or an existing endorsement on a licence or permit is to be varied or removed; and
- (b) the licence or permit is in such a form that the endorsement cannot be made, varied or removed,



the Registrar may, on production of the licence or permit, retain the licence or permit and issue to the holder of the licence or permit a new licence or permit bearing the appropriate endorsements.

(2) Where a new licence or permit is issued under this section, the old licence or permit has no further force or effect and must be destroyed.

(3) A licence or permit issued under this section will, for the purposes of this Act, be taken to have been in force from the date on which the old licence or permit was issued or last renewed.

**Manner of endorsing licence, etc.**

**139BC.** An endorsement on a licence or learner's permit is, for the purposes of this Act, sufficiently made if it is made in accordance with the regulations.

**Notices**

**139C.** Except as otherwise provided in this Act, a document or notice required or authorised by this Act to be given to or served on a person may—

- (a) be served on that person personally; or
- (b) be sent by post addressed to that person at his or her last known place of residence, employment or business.

**Confidentiality**

**139D.** (1) A person engaged or formerly engaged in the administration of this Act must not divulge or communicate information obtained (whether by that person or otherwise) in the administration of this Act except—

- (a) as required or authorised by or under this Act; or
- (b) as authorised by or under any other Act; or
- (c) with the consent of the person from whom the information was obtained or to whom the information relates; or
- (d) in connection with the administration of this Act; or
- (e) for the purposes of any legal proceedings arising out of the administration of this Act; or
- (f) in accordance with guidelines approved by the Minister.

Maximum penalty: \$5 000.

(2) The Registrar or a person authorised by the Registrar may—

- (a) require a person applying for the disclosure of information obtained in the administration of this Act to provide such evidence as the Registrar or authorised person considers necessary to determine the application;
- (b) if the Registrar or authorised person thinks fit, require any such evidence to be verified by statutory declaration.

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**Protection from civil liability**

**139E.** (1) No civil liability is incurred by the Registrar, a member of the committee or any person engaged in the administration of this Act for an honest act or omission in the exercise or discharge, or purported exercise or discharge, of a power, function or duty under this Act.

(2) A liability that would, but for subsection (1), lie against the person lies instead against the Crown.

**Offence to hinder, etc., inspector or authorised agent**

**139F.** A person must not, without reasonable excuse, obstruct or hinder an inspector or authorised agent exercising powers under this Act.

Maximum penalty: \$1 250.

**Evidence of registers**

**140.** A document purporting to be an extract from, or copy of, an entry contained in any register kept pursuant to this Act and purporting to be certified as such an extract or copy by the Registrar is, in all legal proceedings and arbitrations, admissible as evidence, and is, in the absence of proof to the contrary, proof of the matters stated without the production of any register, licence, notice or other document upon which any entry may be founded.

**Evidence by certificate of Registrar**

**141.** A document purporting to be a certificate signed by the Registrar stating all or any of the following matters, namely:

- (a) that a specified person was not on a specified day or during a specified period the holder of a licence of a specified category or was not the holder of a towtruck certificate;
- (ab) that premises described in the certificate were not on a specified day or during a specified period the registered premises of a towtruck operator described in the certificate;
- (ac) that a motor vehicle described in the certificate was or was not on a specified day or during a specified period registered in the name of a person or a business name described in the certificate;
- (b) that a specified person had not on a specified day or during a specified period registered any motor vehicle whatever, or a specified motor vehicle;
- (c) that no trade plate or no trade plate bearing a particular number had on a specified day or during a specified period been issued to a specified person;
- (d) that a specified number was not the number on any trade plate in force on a specified day;
- (e) that a specified motor vehicle was not on a specified day or during a specified period a registered motor vehicle;
- (ea) that specified purposes were the purposes stated in the application for registration, renewal of registration, exemption from registration or a permit in respect of a specified motor vehicle or in the application for the issuing of specified trade plates;

- (f) that a specified number was not on any specified day assigned to any motor vehicle whatever, or to a specified motor vehicle;
- (g) that a specified person had not on or before a specified day made or delivered an application to the Registrar under a specified provision of this Act, or had not given, furnished or produced to the Registrar a notice, document or object required by or under a specified provision of this Act;
- (h) that a specified person had not on or before a specified day delivered to the Registrar, or dealt with in the prescribed manner, the registration label issued in respect of a specified motor vehicle;
- (i) that a specified person had not on or before a specified day notified the Registrar in a prescribed manner of a change of residence or principal place of business or a change of garage address;
- (j) that a document that is attached to the certificate, or that a document a copy of which is attached to the certificate, was lodged in the Registrar's office on a specified day;
- (k) that a specified person had or had not on or before a specified day paid any specified fee or amount payable to the Registrar under this Act;
- (l) that a specified person had not within a specified period attended a lecture conducted under a specified provision of this Act,

is in all legal proceedings and arbitrations proof of the matters so stated in the absence of proof to the contrary.

**Facilitation of proof**

**142.** In proceedings for an offence against this Act—

- (a) proof that a motor vehicle does not bear a distinguishing number as prescribed by this Act or that it does not bear a registration label or that it bears a number or a registration label other than the one issued in respect of that motor vehicle is, in the absence of proof to the contrary, proof that the motor vehicle is not registered;
- (b) proof that a person is registered as the owner of a motor vehicle is, in the absence of proof to the contrary, proof that the person is the owner of that motor vehicle;
- (ba) proof that a motor vehicle is registered in a business name as provided by section 71A is, in the absence of proof to the contrary, proof that any person carrying on the business is the owner of that motor vehicle;
- (c) the allegation in a complaint that a place is a street or road is, in the absence of proof to the contrary, proof that that place is a road within the meaning of this Act;
- (ca) the allegation in a complaint that a specified vehicle was a heavy vehicle within the meaning of section 98AAA is, in the absence of proof to the contrary, proof of that fact;

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- (d) the allegation in a complaint that at the time mentioned in the complaint there was not in force in respect of a particular motor vehicle a policy of insurance complying with Part 4 is, in the absence of proof to the contrary, proof of the fact so alleged;
- (e) the allegation in a complaint that a person performed a specified act for or in expectation of any fee or reward or benefit, or in the course of a business, is, in the absence of proof to the contrary, proof of the fact so alleged;
- (f) a document purporting to be a certificate signed by a member of the police force of or above the rank of inspector stating that a person specified in the certificate was or was not given an accident towing direction on a specified day and in relation to a motor vehicle and accident specified in the certificate is proof of the matters so stated in the absence of proof to the contrary.

**Evidence of ownership of motor vehicle**

**142A.** A notice under section 56(b)(iii) is, in all legal proceedings, proof of the matters stated in the notice in the absence of proof to the contrary.

**Causing or permitting offences**

**143.** (1) A person who causes or permits another person to do or omit to do anything in contravention of any provision of this Act is guilty of an offence and liable to the penalty prescribed for that contravention.

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**Offences by corporations**

**143A.** Where a person convicted of an offence against this Act is a corporation, every member of the governing body of the corporation is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless the person proves that he or she could not by the exercise of reasonable diligence have prevented the commission of the offence by the corporation.

**Prosecution of offences**

**144.** Proceedings for an offence against this Act must be commenced—

- (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*;
- (b) in any other case—within 2 years of the date on which the offence is alleged to have been committed.

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**Regulations**

**145.** (1) The Governor may make regulations—

- (a) prescribing all matters necessary or convenient to be prescribed for the administration of this Act and for carrying out the objects of this Act; and

\* \* \* \* \*

- (b) exempting, subject to such conditions as may be stipulated in the regulations, any specified motor vehicle, or motor vehicles of any specified class, from the obligation to be registered or to bear identification numbers or a registration label or permit in pursuance of this Act; and
- (c) exempting, subject to such conditions as may be stipulated in the regulations, persons of any specified class from the obligation to hold a licence or a licence of a specified class, instructor's licence, or towtruck certificate under this Act; and
- (ca) requiring persons of a specified class to notify the Registrar of specified matters relating to any motor vehicle (whether registered or unregistered) that is—
  - (i) written off as a total loss or constructive total loss for insurance purposes; or
  - (ii) wrecked or wholly or partly disassembled for salvage; or
  - (iii) sold or acquired for wrecking or such disassembling or when in a condition such that it cannot be driven on a road lawfully or at all and requires extensive repairs; and

\* \* \* \* \*

- (d) providing for the determination by the Registrar of the load capacity of a motor vehicle to be registered and for the insertion in the registration certificate issued in respect of a motor vehicle of a note of its load capacity; and
- (e) prescribing, and providing for the payment of fees, for any practical driving test conducted for the purposes of this Act; and
- (ea) prescribing, and providing for the payment of fees for the inspection of a motor vehicle for the purposes of this Act; and
- (f) prescribing any other fees or monetary amount for the purposes of this Act; and
- (fa) prescribing fees for the purposes of the *Interstate Road Transport Act 1985* of the Commonwealth; and
- (g) providing for the remission or reduction of any fee payable under this Act; and
- (ga) regulating the use of motor vehicles to which "L" or "P" plates are affixed pursuant to this Act; and
- (gb) providing for the attachment of number plates to motor vehicles, or any class of motor vehicles, and prescribing the fees payable for number plates, or any class of number plates; and
- (gc) providing for the classification of licences and the classes of motor vehicles permitted to be driven pursuant to those classifications; and
- (gd) prescribing the qualifications that are required to be held before a person may hold a licence endorsed with a particular classification, and empowering the Registrar to exempt persons, conditionally or unconditionally, from that requirement; and

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- (h) providing for an accident towing roster scheme and for that purpose may by regulation—
- (i) provide for and regulate the issuing of directions by or on behalf of members of the police force for towtrucks to proceed to the scenes of accidents occurring in the declared area;
  - (ii) provide for and regulate the administration of an accident towing roster under which the towtrucks of towtruck operators holding positions on the roster may be directed to proceed to the scenes of accidents occurring within the declared area, or, if the declared area is divided into zones, within a particular zone;
  - (iii) empower the Minister to declare, by notice published in the *Gazette*, that the declared area be divided into zones specified in the notice, and to vary or revoke any such declaration by a subsequent notice;
  - (iv) empower the Registrar to determine applications by towtruck operators for positions on an accident towing roster;
  - (v) prescribe the qualifications that applicants must have in order to be granted positions on an accident towing roster;
  - (vi) otherwise provide for and regulate applications for and the allocation of positions on an accident towing roster;
  - (vii) provide for and prescribe the duties of and regulate the activities and conduct of towtruck operators holding positions on an accident towing roster;
  - (viii) empower the Registrar to stipulate conditions with which towtruck operators holding positions on an accident towing roster must comply;
  - (ix) empower the Registrar to reprimand a towtruck operator who holds a position on an accident towing roster, to remove or suspend the operator from the roster or to reduce the number of positions held by the operator on the roster and prescribe the circumstances in which the Registrar may exercise those powers;
  - (x) provide for tests or examinations for the purpose of determining applications for positions on an accident towing roster;
  - (xi) prohibit any conduct that might interfere with the operation or administration of an accident towing roster or the issuing of accident towing directions;
  - (xii) regulate the activities and conduct of persons employed or acting in the course of the business of a towtruck operator holding a position on an accident towing roster;
  - (xiii) prescribe the standards and requirements for and provide for the registration of the premises used by towtruck operators who hold positions on an accident towing roster;

- (xiv) require the display at towtruck operators' registered premises of signs of a prescribed size, construction and form and containing the prescribed information and regulate the positioning of such signs;
  - (xv) regulate the storage at the registered premises of towtruck operators of vehicles damaged in accidents;
  - (xvi) prescribe the standards and requirements for and provide for the approval by the Registrar of towtrucks and equipment carried on towtrucks used for towing motor vehicles damaged in accidents in the declared area and prohibit the driving of towtrucks that do not comply with the prescribed standards and requirements or that have not been so approved;
  - (xvii) provide for and prescribe the hours at which towtruck operators must be ready and able to engage in towing pursuant to accident towing directions;
  - (xviii) require towtruck operators to insure against risks of damage to or loss relating to motor vehicles towed or stored in the course of their businesses;
  - (xix) prescribe application fees and fees payable annually for positions on an accident towing roster, being fees which may vary according to prescribed factors;
  - (xx) provide for the issuing of documents to be used as authorities to tow and the fees for issuing such documents;
  - (xxi) regulate the possession or use of documents issued by the Registrar for use as authorities to tow;
  - (xxii) prescribe the duties of a towtruck driver or towtruck operator where a document issued for use as an authority to tow, or an authority to tow, or a copy of an authority to tow, is lost, destroyed, rendered unusable or illegible or cancelled;
  - (xxiii) require the keeping and preserving of records by persons holding or formerly holding positions on an accident towing roster;
  - (xxiv) require the provision of information to the Registrar by towtruck operators holding positions on an accident towing roster; and
- (i) providing for the inspection of towtrucks and equipment carried on towtrucks; and
  - (j) prescribing the forms of certificates, notices or documents required or authorised to be given under Part 3C or under the regulations or providing that the forms of those certificates, notices or documents must be as determined by the Minister; and
  - (k) prescribing the fees for certificates under Part 3C which may be of varying amounts according to factors prescribed in the regulations; and

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- (l) exempting, or conferring on the Registrar a power to exempt, a person from compliance with a specified provision of Part 3C or a regulation made for the purposes of that Part for a period and subject to conditions specified in the regulations or by the Registrar; and
- (la) exempting, conditionally or unconditionally, any person or class of persons or any motor vehicle or class of motor vehicle, from any provision of this Act; and
- (m) prescribing fines not exceeding \$1 250, for breach of, or non-compliance with, the regulations; and
- (n) fixing expiation fees, not exceeding \$310, for alleged offences against the Act or regulations.

(2) Any regulations made under this section or any other section may be of general application or limited by reference to time, places, circumstances or any other factor.

(3) The regulations may prescribe a matter by reference to the *Road Transport Charges (Australian Capital Territory) Act 1993* of the Commonwealth as amended and in force from time to time.

**Persons in service of Crown bound**

**146.** Except where otherwise expressly provided, this Act applies to persons in the Public Service of the Crown while engaged on such service, as well as when not so engaged.

**Financial provision**

**147.** (1) The money required to make any refund authorised by this Act will be paid out of the General Revenue of the State, and this Act is a sufficient appropriation and authority for any such payment.

(2) Other money required for the administration of this Act will be paid out of money voted by Parliament for that purpose.

**Duty of medical practitioners**

**148.** (1) Where a legally qualified medical practitioner, a registered optician, or a registered physiotherapist has reasonable cause to believe that—

- (a) a person whom he or she has examined holds a driver's licence or a learner's permit; and
- (b) that person is suffering from a physical or mental illness, disability or deficiency such that, if the person drove a motor vehicle, he or she would be likely to endanger the public,

the medical practitioner, registered optician or registered physiotherapist is under a duty to inform the Registrar in writing of the name and address of that person, and of the nature of the illness, disability or deficiency from which the person is believed to be suffering.

(2) Where a medical practitioner, registered optician or registered physiotherapist furnishes information to the Registrar in pursuance of subsection (1), he or she must notify the person to whom the information relates of that fact and of the nature of the information furnished.



(3) A person incurs no civil or criminal liability in carrying out his or her duty under subsection (1).

**Motor Vehicles Act 1959****SCHEDULES**

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**SCHEDULE 3***Demerit Points*

Where a section of the Road Traffic Act 1961 set out below does not itself create an offence, the demerit points prescribed in relation to the section are prescribed in relation to an offence against section 164A of that Act arising from a contravention of the section.

**PART 1****DEMERIT POINTS WITHIN NATIONAL SCHEME**

<i>Offence under Road Traffic Act 1961</i>	<i>Nature of offence</i>	<i>Number of demerit points attracted by offence</i>
Section 20(4)	Exceeding the speed indicated by signs where works are in progress	
	—by less than 15 km/hr	1
	—by 15 km/hr or more but less than 30 km/hr	3
	—by 30 km/hr or more but less than 45 km/hr	4
	—by 45 km/hr or more	6
Section 41(2)	Driver of vehicle failing to comply with directions of a member of the police force	3
Section 42(2)(a)	Failing to stop a vehicle when requested by a member of the police force or an inspector	3
Section 45	Careless driving	3
Section 45A	Entering or attempting to drive across blocked intersection	3
Section 48	Exceeding general speed limit	
	—by less than 15 km/hr	1
	—by 15 km/hr or more but less than 30 km/hr	3
	—by 30 km/hr or more but less than 45 km/hr	4
	—by 45 km/hr or more	6
Section 49(1)	Exceeding a special speed limit	
	—by less than 15 km/hr	1
	—by 15 km/hr or more but less than 30 km/hr	3
	—by 30 km/hr or more but less than 45 km/hr	4
	—by 45 km/hr or more	6
Section 50(1)	Exceeding speed limit in speed zone	
	—by less than 15 km/hr	1
	—by 15 km/hr or more but less than 30 km/hr	3
	—by 30 km/hr or more but less than 45 km/hr	4
	—by 45 km/hr or more	6
Section 52	Exceeding speed indicated by signs on or near bridge	
	—by less than 15 km/hr	1
	—by 15 km/hr or more but less than 30 km/hr	3
	—by 30 km/hr or more but less than 45 km/hr	4
	—by 45 km/hr or more	6
Section 53(1)	Exceeding speed limit fixed for certain vehicles	
	—by less than 15 km/hr	1
	—by 15 km/hr or more but less than 30 km/hr	3
	—by 30 km/hr or more but less than 45 km/hr	4
	—by 45 km/hr or more	6
Section 54(1)	Failing to keep left	2

Section 55	Failing to keep left of oncoming vehicle	2
Section 56	Failing to keep vehicle entirely within traffic lane or moving from a lane when movement cannot be made with safety	3
Section 57(1)	Failing to keep left of barrier lines	3
Section 58(1)	Overtaking or attempting to overtake without clear view or creating risk of collision or danger	3
Section 58(2)	Overtaking on left	2
Section 58(4)	Overtaking otherwise than on left of vehicle signalling right turn	2
Section 59	Failing to keep left when passing tram	2
Section 60(1)	Failing to move to left, or increasing speed, when being overtaken	2
Section 61(1)	Driving on footpath	3
Section 63(1), (1b), (2)	Failing to give way at intersection or junction	3
Section 65	Failing to give way at crossover	3
Section 66(1)	Failing to give way when entering road from private land	3
Section 67(1)	Failing to give way to pedestrian on pedestrian crossing	3
Section 67(3)	Passing vehicle stopped at pedestrian crossing to give way to pedestrian	3
Section 68	Failing to give way to pedestrian when turning at intersection or junction	3
Section 69	Failing to give way when driving from stationary position at or near boundary of carriageway	3
Section 69A	Failing to give way to emergency vehicle	3
Section 70(1)	Failing to turn right at intersection or junction properly	2
Section 71A	Making U-turn at traffic lights	2
Section 72(1)	Failing to give way to vehicle coming from opposite direction when making right turn or U-turn or proceeding across road after making such a turn at place other than intersection or junction	3
Section 73	Permitting vehicle turning right to obstruct tram or to stand in place likely to do so	3
Section 74(1)	Failing to give appropriate turning or stopping signal	2
Section 74A	Failing to ensure signalling device switched off	2
Section 75(1)	Driver disobeying traffic lights or signals or signs exhibited with traffic lights	3
Section 76(2)	Failing to comply with traffic sign or traffic signal	3
Section 78(1) to (3a)	Failing to comply with stop sign or to stop at stop line	3
Section 79	Driver failing to comply with direction of member of police force or other authorised person, notwithstanding traffic control device	3
Section 80	Failing to comply with restrictions on entering level crossings	3
Section 81(1)	Failing to stop certain vehicles at railway level crossing	3
Section 91(3)	Driver failing to comply with direction or request of authorised person in connection with ferry	3
Section 92	Failing to comply with stop sign at or near ramp or jetty leading to ferry or commencing to drive onto ramp or jetty before directed	3
Section 93	Driver opening or leaving open door or alighting from vehicle causing danger or impeding traffic	3
Section 94	Driving with person on roof or bonnet	3
Section 94A(1)	Driving with portion of body protruding from vehicle	3
Section 96(2)	Permitting pedal cyclist to attach to or be drawn by vehicle	3
Section 97(1)	Driving abreast of another vehicle	3
Section 102(1)	Driving in unlawful position	3
Section 102(2)	Driving motor cycle without at least one hand on handlebar	3
Section 110	Driving on unsealed portion of road	3
Section 122	Failing to dip headlamps	1
Section 160(6)	Driving vehicle contrary to terms of defect notice	3
Section 162	Driving in non-compliance with requirements relating to loads	3
Section 162AB(1)	Driver of vehicle failing to wear seat belt	3
Section 162AB(2)	Driving vehicle in which there is an unrestrained child of or above 1 but under 16 years	3

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Section 162AB(3)	Driving vehicle in which there is an unrestrained child under 1 year	3
Section 162C(1)	Failing to wear safety helmet while driving a motor cycle	3

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**PART 2  
 DEMERIT POINTS PECULIAR TO S.A.**

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<i>Offence under Road Traffic Act 1961</i>	<i>Nature of offence</i>	<i>Number of demerit points attracted by offence</i>
Section 43(3)(a)	Failing to stop after an accident —in which any real or personal property (other than an animal) is destroyed or damaged	3
	—in which any person or animal is injured or killed	5
Section 46(1)	Reckless or dangerous driving	6
Section 47(1)	Driving, or attempting to put a vehicle in motion, while under influence of liquor or drug	6
Section 47B(1)	Driving, or attempting to put a vehicle in motion, with a concentration of alcohol in blood of —less than .08 grams in 100 millilitres of blood	3
	—.08 grams or more, but less than .15 grams, in 100 millilitres of blood	5
	—.15 grams or more in 100 millilitres of blood	6
Section 47E(3)	Refusing or failing to comply with reasonable direction of member of police force in relation to alcotest or breath analysis (including direction to exhale into apparatus)	6
Section 47I(14)	Refusing or failing to comply with request to provide sample of blood	6
Section 111	Driving or causing vehicle to stand if vehicle or load not in compliance with requirements relating to prescribed lamps or reflectors	1

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**SCHEDULE 4**

*Policy of Insurance*

1. The insurer insures the owner of the motor vehicle and any other person who at any time drives or is a passenger in or on the vehicle, whether with or without the consent of the owner, in respect of all liability that may be incurred by the owner or other person in respect of the death of, or bodily injury to, any person caused by, or arising out of the use of, the vehicle in any part of the Commonwealth.

2. A person so insured warrants that he or she will not—

- (a) drive the vehicle, or do or omit to do anything in relation to the vehicle, with the intention of causing the death of, or bodily injury to, a person or damage to another's property or with reckless indifference as to whether such death, bodily injury or damage results; or
- (b) drive the vehicle while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle; or
- (c) drive the vehicle while there is present in his or her blood a concentration of .15 grams or more of alcohol in 100 millilitres of blood; or
- (d) drive the vehicle while not duly licensed or otherwise permitted by law to drive the motor vehicle; or
- (e) drive the vehicle while the vehicle is overloaded, or in an unsafe, unroadworthy or damaged condition; or
- (f) use the vehicle otherwise than—
  - (i) for purposes stated in the application for registration, renewal of registration, exemption from registration or a permit, in respect of the vehicle; or
  - (ii) if trade plates are affixed to the vehicle—for purposes stated in the application for the issuing of those plates; or
  - (iii) for purposes agreed on between the insurer and the registered owner of the vehicle.

3. The owner of the vehicle warrants that no other person will, with his or her knowledge or consent (which will be presumed in any proceedings in the absence of proof to the contrary), drive or use the vehicle, or do or omit to do anything in relation to the vehicle, contrary to any of the paragraphs of clause 2.

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**SCHEDULE 5**

*Appointment and Selection of Assessors for District Court Proceedings  
under Part 3C*

1. The Minister must establish the following panels of persons who may sit with the District Court as assessors in proceedings under Part 3C:

- (a) a panel consisting of persons representative of the motor trade industry;
- (b) a panel consisting of persons representative of the towtruck industry.

2. A member of a panel is to be appointed by the Minister for a term of office not exceeding three years and on conditions determined by the Minister and specified in the instrument of appointment.

3. A member of a panel is, on the expiration of a term of office, eligible for reappointment.

4. Subject to clause 5, if assessors are to sit with the District Court in proceedings under Part 3C, the judicial officer who is to preside at the proceedings must select one member from each of the panels to sit with the Court in the proceedings.

5. A member of a panel who has a personal or a direct or indirect pecuniary interest in a matter before the District Court is disqualified from participating in the hearing of the matter.

6. If an assessor dies or is for any reason unable to continue with any proceedings, the District Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.

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**APPENDIX 1**

**LEGISLATIVE HISTORY**

**Repeals**

The *Motor Vehicles Act 1959* repealed certain provisions of the *Road Traffic Act 1934-1958* (repealed).

**Transitional Provisions**

*(Transitional provision from Motor Vehicles Act Amendment Act (No. 4) 1986, s. 8)*

8. The amendments made by this Act do not affect a cause of action, right or liability that arose before the commencement of this Act.

*(Transitional provision from Motor Vehicles Act Amendment Act (No. 3) 1989, s. 7)*

7. (1) Subject to subsection (2), sections 78, 81A(1), (2) and (3) and 81B of the principal Act, as in force immediately prior to the commencement of this Act, continue to apply to and in relation to a person who is, as at that commencement, the holder of a learner's permit or a licence subject to probationary conditions, as if the amendments effected by this Act had not been enacted.

(2) Subsection (1) does not apply in relation to a learner's permit or licence issued subsequent to the cancellation of a permit or licence referred to in that subsection.

*(Transitional provision from Motor Vehicles Act Amendment Act (No. 5) 1989, s. 6)*

6. (1) Where an articulated motor vehicle was, immediately prior to the commencement of this Act, registered under the principal Act (otherwise than pursuant to section 33A), the prime mover and semi-trailer portions of that vehicle will each be taken to be registered for the balance of the period for which the vehicle was registered.

(2) In this section—

"articulated motor vehicle" has the meaning assigned to that expression under the principal Act immediately prior to the commencement of this Act.

*(Transitional provision from Motor Vehicles Act Amendment Act (No. 2) 1990, s. 6)*

6. Where—

(a) the Registrar has, before the commencement of this Act, purported to authorise a person or body to exercise or discharge a power or duty under the principal Act; and

(b) that person or body has purportedly exercised or discharged that power or duty in accordance with the authorisation,

that purported exercise or discharge of the power or duty is declared to be a valid exercise or discharge of the power or duty as if it had been exercised or discharged, in accordance with the principal Act, by the person on whom the power or duty is conferred by that Act.

*(Transitional provisions from Motor Vehicles (Licences and Demerit Points) Amendment Act 1992, Sched. 2)*

1. Demerit points incurred by a person and recorded or required to be recorded against the person under Part 3B of the principal Act as in force immediately before the commencement of this Act will be taken to have been incurred by the person under that Part as substituted by this Act as if that substituted Part had been in force when the demerit points were incurred.

2. (1) Where schedule 3 of the principal Act as substituted by this Act increases the number of demerit points prescribed in respect of an offence or prescribes demerit points in respect of an offence where previously none were prescribed, the increase in or imposition of demerit points only applies in respect of offences committed on or after the commencement of this Act.

(2) Where schedule 3 of the principal Act as substituted by this Act decreases the number of demerit points prescribed in relation to an offence, the decrease applies only in relation to demerit points incurred after the commencement of this Act whether in respect of offences committed before, on or after that commencement.

*(Transitional provision from Statutes Amendment (Motor Vehicles and Wrongs) Act 1993, s. 19)*

19. The amendments made by this Act do not affect a cause of action, right or liability that arose before the commencement of this Act.

*(Transitional provision from Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996, s. 5)*

5. An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

*(Transitional provision from Motor Vehicles (Demerit Points) Amendment Act 1996, s. 4)*

Effect of disqualification notices issued prior to commencement of Act

4. (1) Subject to subsection (2), a notice of disqualification issued under Part 3B of the principal Act prior to the commencement of this Act will be taken to have been issued under that Part as amended by section 2 of this Act.

(2) Subsection (1) does not apply in relation to criminal proceedings commenced or completed after the commencement of this Act that relate to the driving of a vehicle before that commencement.

*(Transitional provisions from Motor Vehicles (Trade Plates) Amendment Act 1996, s. 18)*

18. (1) A trader's plate issued under the principal Act as in force immediately before the commencement of this Act will be taken to be a trade plate for the purposes of the principal Act as in force after that commencement.

(2) Despite subsection (1)—

(a) the provisions of section 66 of the principal Act as in force immediately before the commencement of this Act continue to apply in relation to a motor vehicle to which general trader's plates issued under the principal Act as in force immediately before that commencement are affixed in accordance with the regulations;

(b) the provisions of section 67 of the principal Act as in force immediately before the commencement of this Act continue to apply in relation to a motor vehicle to which limited trader's plates issued under the principal Act as in force immediately before that commencement are affixed in accordance with the regulations,

but only for the unexpired portion of the period for which the plates were issued.

*(Transitional provision from Motor Vehicles (Miscellaneous No. 2) Amendment Act 1996, s. 42)*

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.



**Motor Vehicles Act 1959****Legislative History**

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 7 of The Public General Acts of South Australia 1837-1975 at page 435.
- Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 1 January 1985 and as at 18 December 1989. Schedules of these alterations were laid before Parliament on 12 February 1985 and 8 February 1990 respectively.
- Legislative history since 3 February 1976 (**entries in bold type indicate amendments incorporated since the last reprint**) is as follows:

Section 2:	deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted
Section 3:	repealed by 50, 1984, s. 3(1) (Sched. 3)
Section 4:	amended by 14, 1976, s. 3; 120, 1978, s. 3; deleted in pursuance of the <i>Acts Republication Act 1967</i>
Section 5(1):	definition of "accident" inserted by 98, 1981, s. 3(a) definition of "accident towing direction" inserted by 98, 1981, s. 3(a) definition of "accident towing roster scheme" inserted by 98, 1981, s.3(a) definitions of "agriculture" and "agricultural" inserted by 51, 1997 s. 3(a) definition of "articulated motor vehicle" repealed by 65, 1989, s. 3(a) definition of "authority to tow" inserted by 98, 1981, s. 3(b) definition of "authorised agent" inserted by 51, 1990, s. 3(a) definition of "authorised examiner" inserted by 14, 1976, s. 4(a) definition of "the balance of the prescribed registration fee" inserted by 14, 1976, s. 4(a); amended by 120, 1978, s. 4(1)(a); 30, 1996, s. 3(a) definition of "business name" amended by 13, 1998, s. 10 (Sched.) definition of "commercial motor vehicle" substituted by 65, 1989, s. 3(b) definition of "the committee" inserted by 98, 1981, s. 3(c) definition of "the Commonwealth Road Transport Charges Act" inserted by 77, 1995, s. 3(a) definition of "configuration" inserted by 77, 1995, s. 3(a) definition of "declared area" inserted by 98, 1981, s. 3(d); amended by 50, 1984, s. 3(1) (Sched. 3); substituted by 13, 1998, s. 10 (Sched.) definition of "farm implement" inserted by 30, 1996, s. 3(b); substituted by 51, 1997 s. 3(b) definition of "farm machine" inserted by 51, 1997, s. 3(b) definition of "garage address" inserted by 30, 1996, s. 3(b) definition of "heavy vehicle" inserted by 77, 1995, s. 3(b) definition of "interstate licence" inserted by 11, 1989, s. 2 definition of "Minister" repealed and definition of "mass" inserted in its place by 120, 1978, s. 4(1)(b) definition of "mobile crane" amended by 14, 1976, s. 4(b) definition of "motor car" amended by 120, 1978, s. 4(1)(c) definition of "motor omnibus" amended by 120, 1978, s. 4(1)(d); deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted definition of "number" substituted by 61, 1985, s. 3 definition of "owner" amended by 50, 1984, s. 3(1) (Sched. 3) definition of "premises" inserted by 98, 1981, s. 3(e) definition of "premium" or "insurance premium" substituted by 49, 1981, s. 2 definition of "prescribed registration fee" inserted by 14, 1976, s. 4(c); substituted by 77, 1995, s. 3(c); 30, 1996, s. 3(c); 77, 1997, s. 3 definition of "primary producer" amended by 51, 1997, s. 3(c) definition of "prime mover" inserted by 65, 1989, s. 3(c) definition of "probationary conditions" inserted by 15, 1989, s. 3; repealed by 30, 1996, s. 3(d)

	definition of "probationary licence" inserted by 15, 1989, s. 3; repealed by 30, 1996, s. 3(d)
	definitions of "provisional licence" and "provisional licence conditions" inserted by 30, 1996, s. 3(d)
	definition of "quarter" inserted by 77, 1995, s. 3(d)
	definition of "quotation for repair" inserted by 98, 1981, s. 3(f)
	definition of "reduced registration fee" inserted by 14, 1976, s. 4(d); substituted by 30, 1996, s. 3(e)
	definition of "registered premises" inserted by 98, 1981, s. 3(g)
	definition of "the Registrar" amended by 120, 1978, s. 4(1)(e)
	definition of "registration" inserted by 20, 1990, s. 3
	definition of "scene of an accident" inserted by 98, 1981, s. 3(h)
	definition of "temporary towtruck certificate" inserted by 98, 1981, s. 3(i)
	definition of "tow" inserted by 98, 1981, s. 3(j)
	definition of "towtruck" substituted by 14, 1976, s. 4(e); 98, 1981, s. 3(j)
	definition of "towtruck certificate" inserted by 14, 1976, s. 4(e); substituted by 98, 1981, s. 3(j)
	definition of "towtruck driver" inserted by 98, 1981, s. 3(j)
	definition of "towtruck operator" inserted by 98, 1981, s. 3(j)
	definition of "tractor" repealed by 14, 1976, s. 4(f)
	definition of "trailer" amended by 65, 1989, s. 3(d)
	definition of "the Tribunal" inserted by 98, 1981, s. 3(k); repealed by 53, 1996, s. 4
	definition of "weight" substituted by 14, 1976, s. 4(g); repealed and definition of "mass" inserted in its place by 79, 1976, s. 3; repealed by 120, 1978, s. 4(1)(f)
Section 5(2):	substituted by 120, 1978, s. 4(1)(g)
Section 5(3a):	inserted by 120, 1978, s. 4(1)(h)
Section 5(5):	inserted by 51, 1990, s. 3(b)
Section 5(6):	inserted by 34, 1996, s. 4 (Sched. cl. 24)
Section 7(2a):	repealed by 120, 1978, s. 5
Section 7(3):	repealed by 120, 1978, s. 5; inserted by 51, 1990, s. 4
Section 7(4) and (5):	inserted by 51, 1990, s. 4
Section 9:	amended by 120, 1978, s. 6; 11, 1989, Sched.; redesignated as s. 9(1) by 73, 1992, s. 4(a); amended by 13, 1998, s. 10 (Sched.)
Section 9(2):	inserted by 73, 1992, s. 4(a)
Section 10:	amended by 65, 1996, s. 3
Section 10A:	inserted by 65, 1996, s. 4
Section 11:	substituted by 30, 1996, s. 4
Section 12:	amended by 77, 1995, s. 4; substituted by 30, 1996, s. 4
Section 12(1):	amended by 51, 1997, s. 4(a), (b)
Section 12(2):	amended by 51, 1997, s. 4(c)
Section 12(2a) and (2b):	inserted by 51, 1997, s. 4(d)
Section 12(3):	amended by 51, 1997, s. 4(e)
Section 12(4):	inserted by 51, 1997, s. 4(f)
Section 12A(2):	amended by 120, 1978, s. 7
Section 13:	repealed by 30, 1996, s. 5
Sections 14 and 15:	repealed by 120, 1978, s. 8
Section 16:	amended by 120, 1978, s. 9; 4, 1986, s. 2; 11, 1989, Sched.; substituted by 20, 1990, s. 4
Section 16(2):	amended by 30, 1996, s. 6(a)
Section 16(9) and (11):	amended by 13, 1998, s. 10 (Sched.)
Section 16(14):	amended by 30, 1996, s. 6(b)
Section 17:	amended by 14, 1976, s. 5; repealed by 120, 1978, s. 10
Sections 17A and 18:	repealed by 120, 1978, s. 10
Section 19:	amended by 14, 1976, s. 6; repealed by 120, 1978, s. 10
Section 19A(1):	amended by 120, 1978, s. 11(a)
Section 19A(2):	amended by 120, 1978, s. 11(b)
Section 20(1):	amended by 77, 1995, s. 5(a); 30, 1996, s. 7(a), (b); 51, 1997, s. 5
Section 20(2):	amended by 14, 1976, s. 7; 76, 1994, s. 3; 77, 1995, s. 5(b); 30, 1996, s. 7(c)

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Section 20(2a):	inserted by 120, 1978, s. 12(a); amended by 20, 1990, s. 5
Section 20(4):	amended by 120, 1978, s. 12(b)
Section 21:	inserted by 20, 1990, s. 6; amended by 76, 1994, s. 4; 30, 1996, s. 8
Section 22:	amended by 4, 1993, s. 3
Section 23A:	inserted by 99, 1996, s. 3
Section 23A(2):	amended by 13, 1998, s. 10 (Sched.)
Section 24(1):	amended by 120, 1978, s. 13; 61, 1985, s. 4(a); substituted by 77, 1995, s. 6(a); amended by 30, 1996, s. 9(a)
Section 24(1a):	repealed by 61, 1985, s. 4(b); inserted by 94, 1986, s. 3; amended by 77, 1995, s. 6(b)
Section 24(1b):	inserted by 94, 1986, s. 3; substituted by 77, 1995, s. 6(c); 30, 1996, s. 9(b)
Section 24(1c):	inserted by 94, 1986, s. 3
Section 24(2):	substituted by 82, 1990, s. 2; 4, 1993, s. 4; amended by 99, 1996, s. 4(a)
Section 24(3):	substituted by 4, 1993, s. 4; amended by 99, 1996, s. 4(b)
Section 24(4):	repealed by 4, 1993, s. 4
Section 24(5):	substituted by 81, 1987, s. 2; repealed by 4, 1993, s. 4
Section 25 and heading:	inserted by 76, 1994, s. 5
Section 25(1):	substituted by 77, 1995, s. 7; 30, 1996, s. 10(a)
Section 25(2)(c):	repealed by 30, 1996, s. 10(b)
Section 25(3):	repealed by 30, 1996, s. 10(c)
Section 26:	substituted by 120, 1978, s. 14; amended by 94, 1986, s. 4; 29, 1996, s. 3
Section 27:	substituted by 14, 1976, s. 8
Sections 28 - 30:	repealed by 14, 1976, s. 8
Section 31:	amended and redesignated as s. 31(1) by 14, 1976, s. 9; amended by 120, 1978, s. 15(b)
Section 31(1)(a) - (g):	repealed by 30, 1996, s. 11
Section 31(1)(h):	repealed by 120, 1978, s. 15(a)
Section 31(1)(i), (k), (m) and (n):	repealed by 30, 1996, s. 11
Section 31(1)(o):	repealed by 120, 1978, s. 15(c)
Section 31(1)(p):	repealed by 30, 1996, s. 11
Section 31(2):	inserted by 14, 1976, s. 9(b)
Section 31(3):	inserted by 77, 1995, s. 8
Section 32(1):	amended by 76, 1994, s. 6
Section 32(3):	amended by 77, 1995, s. 9; repealed by 30, 1996, s. 12
Section 33:	amended by 14, 1976, s. 10; 120, 1978, s. 16; repealed by 94, 1986, s. 5
Section 33A:	amended by 79, 1976, s. 4; repealed by 65, 1989, s. 4
Section 34(1):	amended by 14, 1976, s. 11; 120, 1978, s. 18; 77, 1995, s. 10; 30, 1996, s. 13
Section 34A:	inserted by 77, 1995, s. 11; repealed by 30, 1996, s. 14
Section 35:	amended by 14, 1976, s. 12; 120, 1978, s. 19; repealed by 30, 1996, s. 14
Section 36:	amended by 14, 1976, s. 13; repealed by 30, 1996, s. 14
Section 37(1):	amended by 12, 1987, s. 2
Section 37(2):	amended by 14, 1976, s. 14; 77, 1995, s. 12; 30, 1996, s. 15
Section 37A:	inserted by 30, 1996, s. 16
Section 38(1):	amended by 14, 1976, s. 15(a); 79, 1976, s. 5
Section 38(3):	amended by 14, 1976, s. 15(b)
Section 38A(1):	amended by 14, 1976, s. 16(a); 79, 1976, s. 6; 120, 1978, s. 20; 13, 1998, s. 10 (Sched.)
Section 38A(3):	amended by 14, 1976, s. 16(b)
Section 38AB(1):	amended by 14, 1976, s. 17(a); 79, 1976, s. 7; 120, 1978, s. 21; 13, 1998, s. 10 (Sched.)
Section 38AB(3):	amended by 14, 1976, s. 17(b)
Section 38B(1):	amended by 14, 1976, s. 18(a); 79, 1976, s. 8
Section 38B(3):	amended by 14, 1976, s. 18(b)
Section 39:	repealed by 14, 1976, s. 19; inserted by 54, 1991, s. 3; repealed by 30, 1996, s. 17
Section 40:	substituted by 14, 1976, s. 20
Section 40(1):	redesignated as s. 40 in pursuance of the <i>Acts Republication Act 1967</i>
Section 40(2):	deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted
Section 40A:	amended by 14, 1976, s. 21

Section 41(1):	definition of "motor vehicle of restricted registration" amended by 14, 1976, s. 22(a), (b); 90, 1983, s. 3(a); 94, 1986, s. 6(a), (b); paragraph (c) repealed by 94, 1986, s. 6(b)
Section 41(2):	amended by 14, 1976, s. 22(c); 120, 1978, s. 22; 90, 1983, s. 3(b); 94, 1986, s. 6(c); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 41(2a):	inserted by 30, 1996, s. 18(a); amended by 13, 1998, s. 10 (Sched.)
Section 41(3):	inserted by 90, 1983, s. 3(c); amended by 94, 1986, s. 6(d); 30, 1996, s. 18(b)
Section 41(4) and (5):	inserted by 90, 1983, s. 3(c)
Section 42:	amended by 14, 1976, s. 23; substituted by 20, 1990, s. 7
Section 43(5) and (5a):	repealed by 120, 1978, s. 23(a)
Section 43(6):	repealed by 30, 1996, s. 19
Section 43(7):	amended by 120, 1978, s. 23(b); 11, 1989, Sched.; repealed by 30, 1996, s. 19
Section 43A:	inserted by 77, 1995, s. 13
Section 43A(3):	amended by 13, 1998, s. 10 (Sched.)
Section 43A(7):	substituted by 30, 1996, s. 20; amended by 13, 1998, s. 10 (Sched.)
Heading preceding section 44:	inserted by 4, 1993, s. 5
Section 44(2):	amended by 14, 1976, s. 24(a); 79, 1976, s. 9; 120, 1978, s. 24(a)
Section 44(3):	amended by 14, 1976, s. 24(b); 120, 1978, s. 24(b), (c); substituted by 4, 1993, s. 6(a)
Section 44(3a):	inserted by 4, 1993, s. 6(a)
Section 44(3b):	inserted by 77, 1995, s. 14
Section 44(4):	amended by 120, 1978, s. 24(d); 13, 1998, s. 10 (Sched.)
Section 44(6):	inserted by 4, 1993, s. 6(b)
Heading preceding section 46:	substituted by 61, 1985, s. 5
Section 46:	amended by 14, 1976, s. 25; 120, 1978, s. 25; substituted by 61, 1985, s. 5
Section 46A:	inserted by 49, 1981, s. 3; repealed by 61, 1985, s. 5
Section 47:	substituted by 120, 1978, s. 26; 61, 1985, s. 5
Section 47(1):	amended by 11, 1989, Sched.; substituted by 30, 1996, s. 21; amended by 51, 1997, s. 6; 13, 1998, s. 10 (Sched.)
Section 47(2):	amended by 75, 1987, s. 3
Section 47A:	inserted by 61, 1985, s. 5
Section 47A(7):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 47B:	inserted by 61, 1985, s. 5
Section 47B(2):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 47C:	inserted by 30, 1996, s. 22
Section 47C(3) and (5):	amended by 13, 1998, s. 10 (Sched.)
Section 48(1):	substituted by 20, 1990, s. 8(a)
Section 48(1b):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 48(2):	substituted by 20, 1990, s. 8(b)
Section 48(3):	amended by 120, 1978, s. 27; 11, 1989, Sched.; 20, 1990, s. 8(c); 13, 1998, s. 10 (Sched.)
Section 48(3) proviso:	redesignated as s. 48(4) in pursuance of the <i>Acts Republication Act 1967</i>
Section 49:	amended by 120, 1978, s. 28; 11, 1989, Sched.; repealed by 20, 1990, s. 9
Section 50(1):	amended by 14, 1976, s. 26
Section 50(2):	substituted by 20, 1990, s. 10
Section 51(1):	amended by 14, 1976, s. 27
Section 51(2):	substituted by 20, 1990, s. 11
Section 52:	amended by 120, 1978, s. 29; 11, 1989, Sched.; 51, 1990, s. 5; substituted by 30, 1996, s. 23
Section 52(3) and (5):	amended by 13, 1998, s. 10 (Sched.)
Section 53(1):	amended by 120, 1978, s. 30; 11, 1989, Sched.; substituted by 20, 1990, s. 12; amended by 13, 1998, s. 10 (Sched.)
Section 54:	amended by 14, 1976, s. 28; 120, 1978, s. 31; 4, 1993, s. 7; substituted by 30, 1996, s. 24
Section 55:	amended by 14, 1976, s. 29; 120, 1978, s. 32; 77, 1995, s. 15; repealed by 30, 1996, s. 25
Section 55A:	inserted by 4, 1993, s. 8
Section 55A(2):	amended by 30, 1996, s. 26

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Section 56:	amended by 120, 1978, s. 33; 4, 1986, s. 3; 11, 1989, Sched.; 20, 1990, s. 13; 30, 1996, s. 27
Section 57:	amended by 14, 1976, s. 30; 120, 1978, s. 34; 4, 1986, s. 4; 11, 1989, Sched.; substituted by 20, 1990, s. 14
Section 57(1) and (2):	amended by 13, 1998, s. 10 (Sched.)
Section 57A:	inserted by 20, 1990, s. 15
Section 58:	amended by 14, 1976, s. 31; 20, 1990, s. 16; amended and redesignated as s. 58(1) by 4, 1993, s. 9
Section 58(2) - (4):	inserted by 4, 1993, s. 9(b)
Section 60(1):	substituted by 20, 1990, s. 17
Section 60(2):	amended by 14, 1976, s. 32; substituted by 30, 1996, s. 28
Heading preceding section 62:	amended by 65, 1996, s. 5
Section 62(1):	substituted by 65, 1996, s. 6(a)
Section 62(2):	amended by 14, 1976, s. 33; 120, 1978, s. 35(a), (b); substituted by 65, 1996, s. 6(a)
Section 62(3):	repealed by 120, 1978, s. 35(c); inserted by 65, 1996, s. 6(a)
Section 62(4):	amended by 120, 1978, s. 35(d); 65, 1996, s. 6(b)
Section 62(5):	repealed by 120, 1978, s. 35(e)
Section 62(6):	amended by 120, 1978, s. 35(f); 65, 1996, s. 6(c); 13, 1998, s. 10 (Sched.)
Section 62(7):	amended by 120, 1978, s. 35(g), (h); 65, 1996, s. 6(d)
Section 63:	repealed by 14, 1976, s. 34
Section 64:	amended by 14, 1976, s. 35; 65, 1996, s. 7
Section 65:	substituted by 4, 1986, s. 5; 65, 1996, s. 8
Section 66:	amended by 14, 1976, s. 36; 79, 1976, s. 10; 120, 1978, s. 36; 11, 1989, Sched.; substituted by 65, 1996, s. 8
Section 66(2):	amended by 13, 1998, s. 10 (Sched.)
Section 67:	amended by 14, 1976, s. 37; 120, 1978, s. 37; 11, 1989, Sched.; repealed by 65, 1996, s. 8
Sections 68, 69 and 69A:	repealed by 14, 1976, s. 38
Section 70(1):	substituted by 120, 1978, s. 38(a); amended by 65, 1996, s. 9(a)
Section 70(2):	substituted by 120, 1978, s. 38(a); amended by 11, 1989, Sched.; 65, 1996, s. 9(b); 13, 1998, s. 10 (Sched.)
Section 70(3):	repealed by 120, 1978, s. 38(a)
Section 70(4):	amended by 120, 1978, s. 38(b), (c); 65, 1996, s. 9(c)
Section 70(5):	substituted by 120, 1978, s. 38(d); 65, 1996, s. 9(d)
Section 71(1):	substituted by 120, 1978, s. 39(a); amended by 11, 1989, Sched.; 65, 1996, s. 10; 13, 1998, s. 10 (Sched.)
Section 71(2):	amended by 14, 1976, s. 39; 120, 1978, s. 39(b)-(d); 65, 1996, s. 10
Section 71(3):	amended by 120, 1978, s. 39(e), (f); 65, 1996, s. 10
Section 71AA:	repealed by 14, 1976, s. 40
Section 71A(1):	amended by 13, 1998, s. 10 (Sched.)
Section 72(1):	amended by 120, 1978, s. 40(a); substituted by 94, 1986, s. 7(a)
Section 72(2):	amended by 79, 1976, s. 11; 120, 1978, s. 40(b); repealed by 94, 1986, s. 7(a)
Section 72(3) - (5):	repealed by 94, 1986, s. 7(a)
Section 72(5a):	inserted by 120, 1978, s. 40(c); repealed by 94, 1986, s. 7(a)
Section 72(6):	repealed by 94, 1986, s. 7(a)
Section 72(7) - (9):	substituted by 120, 1978, s. 40(d)
Section 72(9a) and (9b):	inserted by 120, 1978, s. 40(e); repealed by 94, 1986, s. 7(b)
Section 72(10):	amended by 79, 1976, s. 11; 120, 1978, s. 40(f); repealed by 94, 1986, s. 7(b)
Section 72A:	repealed by 14, 1976, s. 41
Section 74(1):	amended by 14, 1976, s. 42; 120, 1978, s. 41; 11, 1989, Sched.; 20, 1990, s. 18; 13, 1998, s. 10 (Sched.)
Sections 74A, 74B and 74C:	repealed by 14, 1976, s. 43
Section 75(1):	amended by 14, 1976, s. 44(a); 15, 1989, s. 4
Section 75(2):	substituted by 14, 1976, s. 44(b); 120, 1978, s. 42
Section 75(3):	substituted by 20, 1990, s. 19
Section 75(4):	inserted by 14, 1976, s. 44(c); amended by 11, 1989, Sched.; repealed by 20, 1990, s. 19
Section 75AA:	inserted by 11, 1989, s. 3

Section 75AA(4) and (5):	inserted by 1, 1992, s. 3
Section 75A(1):	amended by 14, 1976, s. 45(a); 15, 1989, s. 5(a)
Section 75A(1a) and (1b):	inserted by 20, 1990, s. 20(a)
Section 75A(2):	substituted by 72, 1985, s. 3(a); amended by 15, 1989, s. 5(b)
Section 75A(3):	substituted by 14, 1976, s. 45(b); 120, 1978, s. 43; 48, 1981, s. 3(a); 72, 1985, s. 3(a); amended by 15, 1989, s. 5(c)-(e); 65, 1994, s. 3(a); 30, 1996, s. 29
Section 75A(3)(da):	repealed by 65, 1994, s. 3(a)
Section 75A(3aa):	inserted by 15, 1989, s. 5(f)
Section 75A(3a):	inserted by 48, 1981, s. 3(a); substituted by 72, 1985, s. 3(a); amended by 95, 1995, s. 11(a)
Section 75A(3b) and (3c):	inserted by 72, 1985, s. 3(a)
Section 75A(3d):	inserted by 15, 1989, s. 5(g); repealed by 65, 1994, s. 3(b)
Section 75A(4):	substituted by 72, 1985, s. 3(a); 15, 1989, s. 5(g); amended by 20, 1990, s. 20(b)
Section 75A(4a):	inserted by 72, 1985, s. 3(a); repealed by 15, 1989, s. 5(g)
Section 75A(5):	amended by 14, 1976, s. 45(c); substituted by 72, 1985, s. 3(a); amended by 11, 1989, Sched.; substituted by 15, 1989, s. 5(g); amended by 13, 1998, s. 10 (Sched.)
Section 75A(5aaa) and (5aa):	inserted by 72, 1985, s. 3(a); amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 75A(5a):	inserted by 48, 1981, s. 3(b); amended by 20, 1983, s. 2; 95, 1995, s. 11(b), (c)
Section 75A(5b):	inserted by 48, 1981, s. 3(b); repealed by 29, 1996, s. 4
Section 75A(5c):	inserted by 48, 1981, s. 3(b); amended by 11, 1989, Sched.; repealed by 29, 1996, s. 4
Section 75A(5d):	inserted by 48, 1981, s. 3(b); repealed by 29, 1996, s. 4
Section 75A(5e):	inserted by 72, 1985, s. 3(b)
Section 75A(6):	amended by 37, 1980, s. 3; 50, 1984, s. 3(1) (Sched. 3); 1, 1992, s. 4
Section 75A(7):	inserted by 95, 1995, s. 11(d); amended by 13, 1998, s. 10 (Sched.)
Section 75A(8) and (9):	inserted by 95, 1995, s. 11(d)
Section 76:	repealed by 14, 1976, s. 46
Section 77(1):	amended by 120, 1978, s. 44
Sections 77A:	inserted by 15, 1989, s. 6
Section 77A(3) and (4):	repealed by 30, 1996, s. 30
Section 77B:	inserted by 15, 1989, s. 6
Section 77B(1a):	inserted by 1, 1992, s. 5(a)
Section 77B(2):	amended by 1, 1992, s. 5(b), (c)
Section 77C:	inserted by 15, 1989, s. 6; substituted by 20, 1990, s. 21
Section 78:	amended by 120, 1978, s. 45; 94, 1986, s. 8; substituted by 35, 1989, s. 4
Section 78(2):	amended by 30, 1996, s. 31(a)
Section 78(3):	repealed by 30, 1996, s. 31(b)
Section 79(1):	substituted by 14, 1976, s. 47(a); 4, 1986, s. 6
Section 79(3):	substituted by 14, 1976, s. 47(b)
Section 79(4):	amended by 120, 1978, s. 46
Section 79(5):	repealed by 29, 1996, s. 5
Section 79A:	substituted by 14, 1976, s. 48; amended by 4, 1986, s. 7
Section 79B:	repealed by 14, 1976, s. 48; inserted by 120, 1978, s. 47; amended by 20, 1990, s. 22
Section 79BA:	inserted by 15, 1989, s. 7
Section 79C:	inserted by 120, 1978, s. 47; amended by 11, 1989, Sched.
Section 80(1):	amended by 120, 1978, s. 48(a)
Section 80(1a):	inserted by 120, 1978, s. 48(b)
Section 80(2):	amended by 14, 1976, s. 49; 120, 1978, s. 48(c)
Section 80(3):	amended by 120, 1978, s. 48(d)
Section 80(5):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 81(1):	substituted by 120, 1978, s. 49(a)
Section 81(1a):	inserted by 120, 1978, s. 49(a); repealed by 15, 1989, s. 8
Section 81(1b):	inserted by 120, 1978, s. 49(a); amended by 11, 1989, Sched.; repealed by 15, 1989, s. 8
Section 81(2):	amended by 120, 1978, s. 49(b)

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Section 81(3):	substituted by 120, 1978, s. 49(c); amended by 20, 1990, s. 23
Section 81(4):	amended by 120, 1978, s. 49(d); 50, 1984, s. 3(1) (Sched. 3); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 81A:	inserted by 37, 1980, s. 4
Section 81A(1):	amended by 48, 1981, s. 4(a); 72, 1985, s. 4(a)-(e); 15, 1989, s. 9(a), (b); 35, 1989, s. 5(a); 65, 1994, s. 4(a)
Section 81A(1)(f):	repealed by 65, 1994, s. 4(a)
Section 81A(1aa):	inserted by 20, 1983, s. 3(a); amended by 72, 1985, s. 4(f); 15, 1989, s. 9(c); 30, 1996, s. 32(a)
Section 81A(1a):	inserted by 48, 1981, s. 4(b) definition of "prescribed concentration of alcohol" substituted by 72, 1985, s. 4(g) definition of "unconditional licence" inserted by 72, 1985, s. 4(g)
Section 81A(2):	amended by 15, 1989, s. 9(d); substituted by 35, 1989, s. 5(b)
Section 81A(2a):	inserted by 15, 1989, s. 9(e); repealed by 65, 1994, s. 4(b)
Section 81A(3):	substituted by 72, 1985, s. 4(h); amended by 35, 1989, s. 5(c)
Section 81A(4):	amended by 15, 1989, s. 9(f); 30, 1996, s. 32(b)
Section 81A(4a):	inserted by 72, 1985, s. 4(i); repealed by 15, 1989, s. 9(g)
Section 81A(5):	amended by 72, 1985, s. 4(j); 11, 1989, Sched.; substituted by 15, 1989, s. 9(h); amended by 30, 1996, s. 32(b); 13, 1998, s. 10 (Sched.)
Section 81A(5a):	inserted by 72, 1985, s. 4(k); amended by 11, 1989, Sched.; 15, 1989, s. 9(i); 30, 1996, s. 32(b); 13, 1998, s. 10 (Sched.)
Section 81A(5b):	inserted by 72, 1985, s. 4(k); amended by 11, 1989, Sched.; 15, 1989, s. 9(j); 35, 1989, s. 5(d); 30, 1996, s. 32(b); 13, 1998, s. 10 (Sched.)
Section 81A(6):	inserted by 48, 1981, s. 4(c); amended by 20, 1983, s. 3(b); 95, 1995, s. 12
Section 81A(7):	inserted by 48, 1981, s. 4(c); repealed by 29, 1996, s. 6
Section 81A(8):	inserted by 48, 1981, s. 4(c); amended by 11, 1989, Sched.; repealed by 29, 1996, s. 6
Section 81A(9):	inserted by 48, 1981, s. 4(c); repealed by 29, 1996, s. 6
Section 81A(10):	inserted by 72, 1985, s. 4(l)
Section 81B:	inserted by 37, 1980, s. 4
Section 81B(1):	amended by 48, 1981, s. 5; substituted by 72, 1985, s. 5(a); amended by 15, 1989, s. 10(a); 30, 1996, s. 33(a), (b)
Section 81B(1a):	inserted by 20, 1983, s. 4(a); repealed by 72, 1985, s. 5(a)
Section 81B(2):	amended by 40, 1981, s. 3; substituted by 20, 1983, s. 4(b); 72, 1985, s. 5(a); amended by 15, 1989, s. 10(b); 1, 1992, s. 6; 30, 1996, s. 33(b), (c)
Section 81B(3):	repealed by 20, 1983, s. 4(c); inserted by 72, 1985, s. 5(a); substituted by 29, 1996, s. 7
Section 81B(3a):	inserted by 29, 1996, s. 7; amended by 13, 1998, s. 10 (Sched.)
Section 81B(3b):	inserted by 29, 1996, s. 7
Section 81B(4):	substituted by 72, 1985, s. 5(a)
Section 81B(5):	substituted by 72, 1985, s. 5(a); amended by 30, 1996, s. 33(a)
Section 81B(6):	substituted by 72, 1985, s. 5(a)
Section 81B(8):	amended by 72, 1985, s. 5(b)
Section 81B(9):	substituted by 72, 1985, s. 5(c); amended by 15, 1989, s. 10(c); 35, 1989, s. 6; 30, 1996, s. 33(a), (b)
Section 81B(10):	substituted by 72, 1985, s. 5(c)
Section 81B(10a):	inserted by 72, 1985, s. 5(c)
Section 81B(10b):	inserted by 72, 1985, s. 5(c); amended by 15, 1989, s. 10(d); 30, 1996, s. 33(a)
Section 81B(11):	amended by 72, 1985, s. 5(d)
Section 81B(11a):	inserted by 20, 1981, s. 4(d); repealed by 15, 1989, s. 10(e)
Section 81B(11b):	inserted by 20, 1981, s. 4(d); amended by 11, 1989, Sched.; repealed by 15, 1989, s. 10(e)
Section 82:	amended by 79, 1976, s. 12; redesignated as s. 82(1) by 120, 1978, s. 50; amended by 37, 1980, s. 5(a); 15, 1989, s. 11(a); 30, 1996, s. 34
Section 82(1aa):	inserted by 40, 1981, s. 4
Section 82(1a):	inserted by 37, 1980, s. 5(b); repealed by 15, 1989, s. 11(b)
Section 82(1ab):	inserted by 20, 1983, s. 5; repealed by 15, 1989, s. 11(b)

Section 82(1ac):	inserted by 20, 1983, s. 5; amended by 11, 1989, Sched.; repealed by 15, 1989, s. 11(b)
Section 82(2):	inserted by 120, 1978, s. 50
Section 83:	repealed by 14, 1976, s. 50
Sections 83A - 83D:	repealed by 14, 1976, s. 51
Section 84:	substituted by 14, 1976, s. 52
Section 84(1):	amended by 4, 1986, s. 8(a); 20, 1990, s. 24(a); 30, 1996, s. 35(a)
Section 84(1a):	inserted by 4, 1986, s. 8(b)
Section 84(1b):	inserted by 15, 1989, s. 12(a); amended by 30, 1996, s. 35(b), (c)
Section 84(2):	amended by 75, 1987, s. 4(a)
Section 84(2a) and (2b):	inserted by 75, 1987, s. 4(b)
Section 84(4) - (6):	repealed by 15, 1989, s. 12(b)
Section 84(7):	amended by 20, 1990, s. 24(b)
Section 85:	amended and redesignated as s. 85(1) by 120, 1978, s. 51
Section 85(2):	inserted by 120, 1978, s. 51(b); substituted by 15, 1989, s. 13
Section 85(3):	inserted by 120, 1978, s. 51(b); amended by 11, 1989, Sched.; repealed by 15, 1989, s. 13
Section 86:	repealed by 120, 1978, s. 52
Section 87:	repealed by 14, 1976, s. 53
Section 91(1):	amended by 15, 1989, s. 14
Section 91(5):	amended by 11, 1989, Sched.; 73, 1993, s. 2; 13, 1998, s. 10 (Sched.)
Section 92:	amended by 120, 1978, s. 53; 72, 1985, s. 6; 11, 1989, Sched., repealed by 15, 1989, s. 15
Section 93(1):	amended by 37, 1980, s. 6; substituted by 34, 1993, s. 8
Section 93(2):	substituted by 34, 1993, s. 8
Section 93(2a):	inserted by 34, 1993, s. 8
Section 93(3a):	inserted by 40, 1981, s. 5; amended by 15, 1989, s. 16; 34, 1996, s. 4 (Sched. cl. 24); 30, 1996, s. 36
Section 93(3b):	inserted by 40, 1981, s. 5; amended by 34, 1996, s. 4 (Sched. cl. 24)
Section 93(4):	amended by 50, 1984, s. 3(1) (Sched. 3)
Section 94:	amended by 120, 1978, s. 54; 11, 1989, Sched.; repealed by 15, 1989, s. 17
Section 95:	amended by 120, 1978, s. 55; repealed by 15, 1989, s. 17
Section 96(1):	amended by 120, 1978, s. 56(a), (b); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 96(2):	amended by 120, 1978, s. 56(c)
Section 96(3):	amended by 120, 1978, s. 56(d); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 96(4):	substituted by 15, 1989, s. 18
Section 97(1):	amended by 120, 1978, s. 57; 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 97A:	amended by 14, 1976, s. 54; 120, 1978, s. 58; substituted by 11, 1989, s. 4
Section 97A(3):	amended by 13, 1998, s. 10 (Sched.)
Section 98AAA:	inserted by 1, 1992, s. 7
Section 98AAA(1):	amended by 13, 1998, s. 10 (Sched.)
Section 98AA:	inserted by 15, 1989, s. 19; amended by 13, 1998, s. 10 (Sched.)
Section 98AAB:	inserted by 65, 1994, s. 5
Section 98AAB(1) and (2):	amended by 13, 1998, s. 10 (Sched.)
Section 98AAB(2):	amended by 30, 1996, s. 37
Section 98A(1):	amended by 14, 1976, s. 55(a); 120, 1978, s. 59(a); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98A(2) and (2a):	substituted by 14, 1976, s. 55(b)
Section 98A(2aa):	inserted by 4, 1986, s. 9(a)
Section 98A(2b):	inserted by 14, 1976, s. 55(b)
Section 98A(3):	amended by 4, 1986, s. 9(b)
Section 98A(4):	repealed by 14, 1976, s. 55(c)
Section 98A(9):	amended by 120, 1978, s. 59(b); 15, 1989, s. 20
Section 98A(10):	inserted by 14, 1976, s. 55(d)
	Part 3B comprising s. 98B and heading amended by 14, 1976, s. 56; 120, 1978, s. 60; 40, 1981, s. 6; 11, 1989, Sched.; repealed and ss. 98B - 98BH and heading inserted in its place by 1, 1992, s. 8
Section 98B(1a):	inserted by 34, 1996, s. 4 (Sched. cl. 24)



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Section 98BC(1):	amended by 73, 1996, s. 2
Section 98BG:	amended by 13, 1998, s. 10 (Sched.)
	Part 3C comprising ss. 98C - 98N and heading inserted by 14, 1976, s. 57
Section 98C:	amended by 120, 1978, s. 61; substituted by 98, 1981, s. 4 definition of "District Court" inserted by 53, 1996, s. 5
Section 98D:	amended by 120, 1978, s. 62; substituted by 98, 1981, s. 4
Section 98D(1):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98DA:	inserted by 120, 1978, s. 63; repealed by 98, 1981, s. 4
Section 98E:	amended by 120, 1978, s. 64; substituted by 98, 1981, s. 4
Section 98F:	amended by 120, 1978, s. 65; 40, 1981, s. 7; substituted by 98, 1981, s. 4
Section 98G:	amended by 120, 1978, s. 66; substituted by 98, 1981, s. 4
Section 98G(1):	deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted
Section 98H:	substituted by 98, 1981, s. 4
Section 98H(3):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98I:	amended by 120, 1978, s. 67; substituted by 98, 1981, s. 4
Section 98J:	amended by 120, 1978, s. 68; substituted by 98, 1981, s. 4
Section 98JA:	inserted by 120, 1978, s. 69; repealed by 98, 1981, s. 4
Section 98K:	amended by 120, 1978, s. 70; substituted by 98, 1981, s. 4
Section 98K(4):	deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted
Section 98K(5):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98L:	amended by 120, 1978, s. 71; substituted by 98, 1981, s. 4
Section 98L(3):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98M:	amended by 120, 1978, s. 72; substituted by 98, 1981, s. 4
Section 98MA:	inserted by 98, 1981, s. 4
Section 98MA(2):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98MB:	inserted by 98, 1981, s. 4
Section 98MC:	inserted by 98, 1981, s. 4
Section 98MC(1) and (2):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98MD:	inserted by 98, 1981, s. 4
Section 98MD(1) and (4):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98ME:	inserted by 98, 1981, s. 4
Section 98ME(1), (3) - (5), (7), (9), (12) - (14):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98MF:	inserted by 98, 1981, s. 4
Section 98MF(1):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98MG:	inserted by 98, 1981, s. 4
Section 98MG(1):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98MH:	inserted by 98, 1981, s. 4
Section 98MH(1):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98MI:	inserted by 98, 1981, s. 4
Section 98MI(1):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98MJ:	inserted by 98, 1981, s. 4
Section 98MJ(1):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98MK:	inserted by 98, 1981, s. 4
Section 98MK(1):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98ML:	inserted by 98, 1981, s. 4
Section 98ML(1) and (2):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98N:	amended by 98, 1981, s. 5; 11, 1989, Sched.; 65, 1996, s. 11; 13, 1998, s. 10 (Sched.)
Section 98O:	inserted by 79, 1976, s. 13; amended and redesignated as s. 98O(1) by 120, 1978, s. 73; amended by 98, 1981, s. 6(a); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98O(2):	inserted by 120, 1978, s. 73(b); amended by 98, 1981, s. 6(b); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98O(3):	inserted by 120, 1978, s. 73(b); amended by 98, 1981, s. 6(c); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98O(4):	inserted by 120, 1978, s. 73(b)

Section 98O(5):	inserted by 98, 1981, s. 6(d)
Section 98P:	inserted by 79, 1976, s. 13
Section 98P(3):	amended by 120, 1978, s. 74(a)-(d)
Section 98P(3a):	inserted by 120, 1978, s. 74(e)
Section 98P(4):	amended by 120, 1978, s. 74(f), (g); 98, 1981, s. 7; 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98P(4a):	inserted by 120, 1978, s. 74(h); amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98P(7):	inserted by 120, 1978, s. 74(i)
Section 98P(8) and (9):	inserted by 120, 1978, s. 74(i); amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98P(10):	inserted by 120, 1978, s. 74(i)
Section 98PA:	inserted by 98, 1981, s. 8
Section 98PA(2):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98PB:	inserted by 98, 1981, s. 8
Section 98PC:	inserted by 98, 1981, s. 8; substituted by 12, 1987, s. 3; 53, 1996, s. 6
Section 98PD:	inserted by 98, 1981, s. 8; amended by 11, 1989, Sched.; substituted by 53, 1996, s. 6
Section 98PE:	inserted by 98, 1981, s. 8; amended by 50, 1984, s. 3(1) (Sched. 3); substituted by 53, 1996, s. 6
Section 98PF:	inserted by 98, 1981, s. 8; amended by 11, 1989, Sched.; substituted by 53, 1996, s. 6
Section 98PG:	inserted by 98, 1981, s. 8; substituted by 53, 1996, s. 6
Section 98PG(1):	amended by 13, 1998, s. 10 (Sched.)
Section 98PH:	inserted by 53, 1996, s. 6
	Part 3D comprising ss. 98R - 98X and heading inserted by 120, 1978, s. 75
Section 98R(1):	amended by 10, 1983, s. 2; substituted by 13, 1998, s. 3(a)
Section 98R(2a):	inserted by 13, 1998, s. 3(b)
Section 98R(3):	amended by 13, 1998, s. 3(c)
Section 98R(4):	substituted by 13, 1998, s. 3(d)
Section 98S:	substituted by 54, 1991, s. 4
Section 98S(1):	substituted by 13, 1998, s. 4
Section 98T(1):	substituted by 13, 1998, s. 5(a)
Section 98T(2):	amended by 13, 1998, s. 5(b)
Section 98U:	amended by 11, 1989, Sched.; 13, 1998, ss. 6, 10 (Sched.)
Section 98V(1):	amended by 13, 1998, s. 7
Section 98V(3):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 98WA:	inserted by 13, 1998, s. 8
Section 98X:	amended and redesignated as s. 98(1) by 13, 1998, s. 9
Section 98X(2):	inserted by 13, 1998, s. 9(b)
Section 99(1):	amended by 5, 1993, s. 4(a) definition of "Minister" repealed by 50, 1984, s. 3(1) (Sched. 3) definition of "passenger" inserted by 5, 1993, s. 4(b)
Section 99(1a):	amended by 50, 1984, s. 3(1) (Sched. 3); 13, 1998, s. 10 (Sched.)
Section 99(3):	inserted by 127, 1986, s. 3; amended by 40, 1988, s. 3; 5, 1993, s. 4(c)
Section 99(4):	inserted by 30, 1996, s. 38; amended by 51, 1997, s. 7
Section 99A(1):	amended by 20, 1990, s. 25(a)
Section 99A(7):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 99A(8):	amended by 53, 1989, s. 2; 20, 1990, s. 25(b), (c)
Section 99A(15) and (16):	deleted in pursuance of the <i>Acts Republication Act 1967</i> as their function is now exhausted
Section 99A(19):	amended by 65, 1996, s. 12
Section 100(1):	substituted by 120, 1978, s. 76(a)
Section 100(2):	amended by 120, 1978, s. 76(b)-(d); 5, 1993, s. 5(a)
Section 100(3):	amended by 120, 1978, s. 76(e), (f); 5, 1993, s. 5(b)-(d)
Section 101(3):	substituted by 47, 1995, Sched. 4 cl. 1(1)
Section 102(1):	amended by 120, 1978, s. 77(a); 11, 1989, Sched.; substituted by 30, 1996, s. 39(a)

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Section 102(2):	amended by 120, 1978, s. 77(b)-(d); substituted by 11, 1989, Sched.; amended by 53, 1989, s. 3(a), (b); 65, 1989, s. 5; 30, 1996, s. 39(c); 13, 1998, s. 10 (Sched.)
Section 102(2)(a)(i):	repealed by 30, 1996, s. 39(b)
Section 102(2a):	inserted by 11, 1989, Sched.; repealed by 53, 1989, s. 3(c)
Section 102(3):	repealed by 13, 1998, s. 10 (Sched.)
Section 102(3a):	inserted by 73, 1992, s. 4(b)
Section 103(1):	amended by 120, 1978, s. 78; 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 104:	amended by 14, 1976, s. 58; 5, 1993, s. 6
Section 106:	repealed by 14, 1976, s. 59
Section 108:	repealed by 14, 1976, s. 59
Section 110(1):	amended by 14, 1976, s. 60; 120, 1978, s. 79(a); 50, 1984, s. 3(1) (Sched. 3)
Section 110(3):	amended by 5, 1993, s. 7
Section 110(8):	amended by 120, 1978, s. 79(b); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 111:	amended by 50, 1984, s. 3(1) (Sched. 3)
Section 111A:	amended by 14, 1976, s. 61
Section 112:	amended by 14, 1976, s. 62
Section 113(1):	amended by 14, 1976, s. 63; 5, 1993, s. 8
Section 113(2):	amended by 50, 1984, s. 3(1) (Sched. 3)
Section 115(1):	amended by 14, 1976, s. 64(a); 5, 1993, s. 9
Section 115(3):	amended by 14, 1976, s. 64(b)
Section 116(1):	substituted by 14, 1976, s. 65(a)
Section 116(2):	amended by 5, 1993, s. 10(a)
Section 116(3):	substituted by 5, 1993, s. 10(b)
Section 116(4) and (5):	inserted by 14, 1976, s. 65(b)
Section 116(7):	substituted by 5, 1993, s. 10(c)
Section 118:	amended by 14, 1976, s. 66; repealed by 5, 1993, s. 11
Section 118A(2):	deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted
Section 119:	substituted by 14, 1976, s. 67
Section 123:	substituted by 127, 1986, s. 4
Section 124(2), (4) and (5):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 124(6):	amended by 120, 1978, s. 80; 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 124A:	substituted by 127, 1986, s. 5
Section 124A(1):	amended by 5, 1993, s. 12
Section 124AB:	inserted by 127, 1986, s. 5
Section 124AB(1):	amended by 5, 1993, s. 13
Section 125(3):	amended by 66, 1981, s. 2
Section 125A:	inserted by 119, 1983, s. 2
Section 127:	substituted by 127, 1986, s. 6
Section 127(6a):	inserted by 29, 1996, s. 8
Section 128(2):	amended by 120, 1978, s. 81(a); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 128(3):	amended by 120, 1978, s. 81(b); 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 129(1a):	deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted
Section 129(2):	amended by 69, 1992, s. 18
Section 130:	repealed by 5, 1993, s. 14
Section 131:	amended by 5, 1993, s. 15
Section 133:	amended and redesignated as s. 133(1) by 5, 1986, s. 3; amended by 5, 1993, s. 16
Section 133(2):	inserted by 5, 1986, s. 3(b)
Section 133(3):	inserted by 5, 1986, s. 3(b); deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted
Section 134(1):	amended by 120, 1978, s. 82; 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 134A:	inserted by 14, 1976, s. 68
Section 134A(1):	substituted by 79, 1976, s. 14; amended by 98, 1981, s. 9; 50, 1984, s. 3(1) (Sched. 3)
Section 135(1):	substituted by 120, 1978, s. 83(a); 98, 1981, s. 10; 11, 1989, Sched.; amended by 13, 1998, s. 10 (Sched.)
Section 135(4):	inserted by 120, 1978, s. 83(b)

Section 135A:	inserted by 120, 1978, s. 84; amended by 98, 1981, s. 11; 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 136(1):	amended by 120, 1978, s. 85(a); 11, 1989, Sched.; 29, 1996, s. 9(a); 13, 1998, s. 10 (Sched.)
Section 136(1a):	amended by 120, 1978, s. 85(b); 11, 1989, Sched.; 29, 1996, s. 9(b); 13, 1998, s. 10 (Sched.)
Section 136(2):	amended by 120, 1978, s. 85(c); 11, 1989, Sched.; 65, 1996, s. 13; 29, 1996, s. 9(c); 13, 1998, s. 10 (Sched.)
Section 136(2a):	inserted by 30, 1996, s. 40; amended by 13, 1998, s. 10 (Sched.)
Section 136(3) - (5):	inserted by 29, 1996, s. 9(d)
Section 137:	amended by 120, 1978, s. 86; 11, 1989, Sched.; 65, 1996, s. 14; 13, 1998, s. 10 (Sched.)
Section 138:	amended by 120, 1978, s. 87; 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
Section 138A:	inserted by 120, 1978, s. 88; amended by 98, 1981, s. 12; 99, 1996, s. 5
Section 138B:	inserted by 120, 1978, s. 88
<b>Section 138B(1):</b>	<b>substituted by 53, 1998, s. 2(a)</b>
<b>Section 138B(2):</b>	<b>amended by 53, 1998, s. 2(b)</b>
<b>Section 138B(3):</b>	<b>substituted by 53, 1998, s. 2(c)</b>
Section 138B(4):	amended by 20, 1990, s. 26(a)
Section 138B(5):	amended by 11, 1989, Sched.; 13, 1998, s. 10 (Sched.)
<b>Section 138B(6):</b>	<b>amended by 20, 1990, s. 26(b), (c); 53, 1998, s. 2(d)</b>
<b>Section 138B(7):</b>	<b>amended by 53, 1998, s. 2(e), (f)</b>
<b>Section 138B(8):</b>	<b>inserted by 53, 1998, s. 2(g)</b>
Section 139:	amended by 82, 1990, s. 3; 4, 1993, s. 10; amended and redesignated as s. 139(1) by 99, 1996, s. 6
Section 139(2) - (4):	inserted by 99, 1996, s. 6(c)
Section 139(5):	inserted by 99, 1996, s. 6(c); amended by 13, 1998, s. 10 (Sched.)
Section 139AA:	inserted by 99, 1996, s. 7
Section 139B(3a):	inserted by 98, 1981, s. 13(a)
Section 139B(7):	inserted by 120, 1978, s. 89
Section 139B(8):	inserted by 98, 1981, s. 13(b)
Section 139BA:	inserted by 15, 1989, s. 21
Section 139BA(3):	amended by 13, 1998, s. 10 (Sched.)
Sections 139BB and 139BC:	inserted by 15, 1989, s. 21
Section 139C:	inserted by 98, 1981, s. 14
Section 139D:	inserted by 87, 1992, s. 3
Section 139D(1):	amended by 13, 1998, s. 10 (Sched.)
Section 139E:	inserted by 53, 1996, s. 7
Section 139F:	inserted by 99, 1996 s. 8; amended by 13, 1998, s. 10 (Sched.)
Section 140:	amended by 120, 1978, s. 90; 98, 1981, s. 15
Section 141:	amended by 14, 1976, s. 69; 120, 1978, s. 91; 98, 1981, s. 16; 29, 1996, s. 10(b); 30, 1996, s. 41; 65, 1996, s. 15; 29, 1996, s. 10(a)
Section 142:	amended by 14, 1976, s. 70; 98, 1981, s. 17; 1, 1992, s. 9
Section 142A:	inserted by 20, 1990, s. 27
Section 143(1):	amended by 98, 1981, s. 18
Section 143(2):	repealed by 13, 1998, s. 10 (Sched.)
Section 143A:	inserted by 98, 1981, s. 19
Section 144:	substituted by 13, 1998, s. 10 (Sched.)
Section 144A:	repealed by 13, 1998, s. 10 (Sched.)
Section 145:	amended by 14, 1976, s. 71; 37, 1980, s. 7; 49, 1981, s. 4; amended and redesignated as s. 145(1) by 98, 1981, s. 20; amended by 4, 1986, s. 10; 94, 1986, s. 9; 11, 1989, Sched.; 4, 1993, s. 11; 34, 1996, s. 4 (Sched. cl. 24); 99, 1996, s. 9; 13, 1998 s. 10 (Sched.)
Section 145(a1):	repealed by 14, 1976, s. 71
Section 145(c1):	repealed by 14, 1976, s. 71
Section 145(2):	inserted by 98, 1981, s. 20(b)
Section 145(3):	inserted by 77, 1995, s. 16
Section 147(1):	amended by 65, 1996, s. 16
Schedule 1:	repealed by 50, 1984, s. 3(1) (Sched. 3)
Schedule 2:	repealed by 50, 1984, s. 3(1) (Sched. 3)
Schedule 3:	amended by 12, 1991, Sched.; substituted by 1, 1992, s. 10 (Sched. 1)

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Part 1:	amended by 73, 1996, s. 3
Schedule 4	
Clause 1:	amended by 5, 1993, s. 17(a)
Clause 2:	amended by 127, 1986, s. 7; substituted by 5, 1993, s. 17(b); amended by 65, 1996, s. 17
Clause 3:	inserted by 5, 1993, s. 17(b)
Schedule 5:	inserted by 53, 1996, s. 8

**APPENDIX 2**

**DIVISIONAL PENALTIES AND EXPIATION FEES**

At the date of publication of this reprint divisional penalties and expiation fees are, as provided by section 28A of the *Acts Interpretation Act 1915*, as follows:

Division	Maximum imprisonment	Maximum fine	Expiation fee
1	15 years	\$60 000	—
2	10 years	\$40 000	—
3	7 years	\$30 000	—
4	4 years	\$15 000	—
5	2 years	\$8 000	—
6	1 year	\$4 000	\$300
7	6 months	\$2 000	\$200
8	3 months	\$1 000	\$150
9	—	\$500	\$100
10	—	\$200	\$75
11	—	\$100	\$50
12	—	\$50	\$25