

(Reprint No. 1)

SOUTH AUSTRALIA

MOTOR VEHICLE REGULATIONS 1996

These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 31 October 1996.

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being

No. 126 of 1996: *Gaz.* 30 May 1996, p. 2751¹

as varied by

No. 224 of 1996: *Gaz.* 30 September 1996, p. 1256²

No. 239 of 1996: *Gaz.* 31 October 1996, p. 1585³

¹ Came into operation 1 July 1996: reg. 2.

² Came into operation 30 September 1996: reg. 2.

³ Came into operation 31 October 1996: reg. 2.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the regulations see Appendix 1.

**PART 1
PRELIMINARY**

Citation

1. These regulations may be cited as the *Motor Vehicles Regulations 1996*.

Commencement

2. These regulations will come into operation on 1 July 1996.

Revocation

3. The *Motor Vehicles Act Regulations 1968* (see *Gazette* 14 March 1968 p. 865), as varied, are revoked.

Interpretation

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

"**the Act**" means the *Motor Vehicles Act 1959*;

"**articulated bus**" means a bus that is an articulated motor vehicle;

"**articulated motor vehicle**" means a motor vehicle consisting of a prime mover and a trailer that is pivoted to and superimposed on the prime mover (a semi-trailer);

"**B double**" means an articulated motor vehicle that has a further semi-trailer superimposed on the semi-trailer that forms part of the articulated motor vehicle;

"**bus**" means a motor vehicle—

- (a) designed for the principal purpose of carrying passengers; and
- (b) designed to carry more than 12 seated adult persons;

"**gross combination mass**", in relation to a particular motor vehicle, means the gross combination mass limit determined by the Registrar under the *Road Traffic Act 1961*, in respect of that vehicle;

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

- (a) if a gross vehicle mass limit has been determined by the Registrar under the *Road Traffic Act 1961*, in respect of that vehicle—that mass; or
- (b) if such a limit has not been so determined—the unladen mass of the vehicle;

"**heavy trailer combination**" means a combination of a motor vehicle and one or more trailers (the combination not being an articulated motor vehicle) where—

- (a) the hauling unit has a gross vehicle mass exceeding 4.5 tonnes; and
- (b) the trailer, or any of the trailers, has a gross vehicle mass exceeding—
 - (i) in the case of a trailer that has had a gross vehicle mass limit determined in respect of it by the Registrar—5 tonnes; and
 - (ii) in any other case—2 tonnes,

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but does not include a combination where the trailer is, or all the trailers are, farm implements;

"**road train**" means—

- (a) a heavy trailer combination comprising a motor vehicle and two or more trailers;
or
- (b) a combination of an articulated motor vehicle and one or more trailers,

but does not include a B double.

(2) For the purposes of the definition of "**mass**" in section 5(1) of the Act, the mass of a commercial motor vehicle that is not a heavy vehicle includes the mass of the following accessories and equipment carried (either habitually or intermittently) on the vehicle:

- (a) stock hurdles, stock crates, sheep gates, cages and other similar equipment used to contain animals;
- (b) containers and tanks used to carry solid, liquid or gaseous loads;
- (c) stake sides, drop sides, canopies, frames, tarpaulins and other similar equipment used to contain or protect a load;
- (d) cranes, hoists, platforms and other similar equipment used for the purpose of loading or unloading goods;
- (e) air-conditioners, sleeping and cooking equipment, refrigeration units, radios and tape recorders and other similar equipment;
- (f) tools, tool boxes, towbars, spare tyres, roof racks and other similar spare equipment;
- (g) any other equipment that is not part of a load and is usually carried on a motor vehicle.

(3) For the purposes of these regulations, if a motor vehicle has been altered by the addition of equipment to enable it to be propelled by liquefied petroleum gas instead of other fuel, such of that equipment as is necessary for the use of the gas is not to be taken to be included in the unladen mass of the vehicle.

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

**PART 2
REGISTRATION OF MOTOR VEHICLES**

DIVISION 1—EXEMPTIONS AND PERMITS

Exemption from registration for overseas vehicles owned by overseas visitors and registered in another State or a Territory

5. A motor vehicle that is owned by a person who does not ordinarily reside in a State or Territory and is brought into Australia from outside a State or Territory may be driven on roads in this State without registration 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 in another State or in a Territory by virtue of registration, a permit or other authority granted and in force under the law of that other State or Territory; 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 are duly affixed to the vehicle in accordance with that law; and
- (d) any condition or restriction imposed on the use of the vehicle by virtue of the law of that other State or Territory is complied with; and
- (e) 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; and
 - (ii) under which the owner and driver of the vehicle are insured against liability that might be incurred in respect of the death of, or bodily injury to, any person caused by, or arising out of the use of, the vehicle in this State.

Exemption from registration for vehicles in respect of which a permit and identifying number have been issued in another State or a Territory

6. If the appropriate authority of another State or a Territory has issued a permit and identifying number allowing a motor vehicle that is owned by a resident of this State to be driven on roads within that other State or Territory without being registered, the vehicle may be driven on roads in this State without registration for the duration of the permit if—

- (a) the permit and identifying number are affixed to the vehicle in accordance with the law of the other State or Territory; and
- (b) the conditions of the permit are complied with; and
- (c) 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; and
 - (ii) under which the owner and driver of the 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 vehicle in this State.

Exemption from registration for vehicles driven by, or at direction of, a member of police force

7. A motor vehicle may be driven on roads without registration if it is being driven by, or at the direction of, a member of the police force acting in the course of official duties.

Exemption from registration and insurance for certain vehicles used by disabled persons (s. 12A(2) of the Act)

8. A motor vehicle (other than a motor car) may be driven on roads without registration or insurance by a person who, because of some physical infirmity reasonably requires the use of the vehicle, if—

- (a) the vehicle is specially designed and constructed (and not merely adapted) for the transport of a person suffering from some physical defect or disability; and
- (b) the vehicle has seating for one person only; and
- (c) the unladen mass of the vehicle does not exceed 250 kilograms; and
- (d) the vehicle is capable only of short low speed journeys.

Exemption from registration and insurance for vehicles being towed by towtrucks

9. A motor vehicle (other than a trailer) may be towed by a towtruck on roads without registration or insurance.

Permit to drive unregistered vehicle in prescribed circumstances (s. 16(1)(c)(ii) of the Act)

10. A permit under section 16(1)(c)(ii) of the Act may authorise a motor vehicle to be driven on roads without registration—

- (a) to enable the vehicle to be driven in a street procession, motor club rally or other similar activity; or
- (b) to enable the vehicle to be moved to another location; or
- (c) to enable the vehicle to be towed by another motor vehicle (other than a towtruck); or
- (d) to enable the vehicle to be driven for a limited number of short journeys.

DIVISION 2—NOTIFICATION OF ALTERATIONS OR ADDITIONS TO VEHICLES

Duty to notify prescribed alterations or additions to vehicles

11. (1) For the purposes of section 44(2)(g) of the Act, the following alterations and additions to motor vehicles are prescribed:

- (a) any alteration or addition to the specifications or tyres of a motor vehicle whereby the gross combination mass, gross vehicle mass or load capacity of the vehicle is varied;
- (b) any alteration or addition to the engine by which a motor vehicle is driven so as to enable the engine to drive the vehicle by a fuel that would not drive the engine without the alteration or addition being made;
- (c) the wrecking or disassembling of a vehicle where the engine, a part of the engine bearing the engine number or a part of the body bearing a vehicle identification number or manufacturer's compliance plate is removed and sold or otherwise disposed of to some other person.

(2) A registered owner of a motor vehicle who gives written notice to the Registrar under section 44(1) of the Act must include the following particulars in the notice:

- (a) a full description of the alteration or addition; and
- (b) the date on which the alteration or addition was made; and
- (c) —
 - (i) in the case of the substitution of an engine of identical specifications—the substituted engine number; or
 - (ii) in the case of the substitution of an engine that does not have identical specifications—the make, the number of pistons, the diameter of the cylinders, the engine number and the type of substituted engine; and
- (d) if an alteration has been made to the construction of the vehicle—a weighbridge note; and
- (e) if any alteration or addition has been made that may vary the gross combination mass, gross vehicle mass or load capacity of the vehicle—the size, ply and type of construction of the tyres; and
- (f) details of any equipment that has been altered or added to the vehicle.

DIVISION 3—NUMBER PLATES

Carriage of number plates (s. 47(1) of the Act)

12. For the purposes of section 47(1)(a) of the Act, the following provisions apply to the carriage of number plates:

- (a) a motor vehicle must have attached to it—
 - (i) in the case of a motor cycle or trailer—one number plate at the rear;
 - (ii) in the case of a tractor or self-propelled farm implement—one number plate;
 - (iii) in any other case—one number plate at the front and one number plate at the rear,
such that—
 - (iv) the bottom edge of the plate is not less than 30 centimetres above the level of the ground and in such a position that every figure and letter of the registered number is upright; and
 - (v) —
 - (A) in the case of a plate placed on the front of the vehicle—the whole of the plate is visible from the front; and
 - (B) in the case of a plate placed on the rear of a vehicle—the whole of the plate is visible from the rear; and

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- (b) every letter and figure on a number plate must be—
 - (i) clearly visible in daylight to a person standing on the same plane as the vehicle at any point not less than 3 metres or more than 18 metres from the plate looking at the plate along an imaginary line approximately at right angles to the plate; and
 - (ii) legible from left to right on a plane level with the ground; and
 - (iii) clean and legible at all times; and
- (c) a number plate must be rectangular.

Exemption from duty to carry number plates

13. A person who drives a motor vehicle, the front and rear of which is marked with the number allotted to the vehicle under the Act (the "**registered number**"), is exempt from the operation of section 47(1) of the Act if—

- (a) the registered number was allotted before 1 July 1996; and
- (b) the registered number was marked on the vehicle before 1 July 1996; and
- (c) number plates bearing the registered number and the slogan "SA • The Festival State" have never been obtained for the vehicle; and
- (d) the vehicle is registered in the name of the person who was, immediately prior to 1 July 1996, recorded on the register of motor vehicles as the owner of the vehicle; and
- (e) there is no agreement in force under section 47A of the Act between the Registrar and the registered owner of the vehicle in relation to the registered number; and
- (f) every letter and figure of the registered number marked on the vehicle is—
 - (i) clearly visible in daylight to a person standing on the same plane as the vehicle at any point not less than 3 metres or more than 18 metres from the portion of the vehicle on which the number is marked looking at the number along an imaginary line approximately at right angles to the number; and
 - (ii) legible from left to right on a plane level with the ground; and
 - (iii) clean and legible at all times.

DIVISION 4—TRADER'S PLATES

Certificate of issue of trader's plate

14. The Registrar must, on issuing a trader's plate, provide the holder of the plate with a certificate of issue of a trader's plate.

Carriage of trader's plates

15. If a motor vehicle is to be driven on a road pursuant to section 66(2) or 67(2) of the Act—

- (a) a trader's plate must be securely attached to the rear of the vehicle in such a position that the bottom edge of the plate is not less than 30 centimetres above the level of the ground; and

- (b) every letter and figure on the plate must be—
 - (i) clearly visible in daylight to a person standing on the same plane as the vehicle at any point not less than 3 metres or more than 18 metres from the plate, looking at the plate along an imaginary line approximately at right angles to the plate; and
 - (ii) legible from left to right on a plane level with the ground; and
 - (iii) clean and legible at all times.

Use of limited trader's plate on public holidays (s. 67(4)(a) of the Act)

16. A motor vehicle to which a limited trader's plate is attached may be driven on a road on a public holiday for the purpose of—

- (a) proceeding to an exhibition or show held on that day and at which the vehicle is to be displayed; or
- (b) returning from an exhibition or show held on that day and at which the vehicle was displayed.

Prohibited uses of limited trader's plate (s. 67(4)(b) of the Act)

17. A motor vehicle to which a limited trader's plate is attached must not be driven on a road on any day—

- (a) to convey a person to or from a sporting or social function or a place of entertainment; or
- (b) to carry any goods or load except an ordinary form of ballast such as sand, gravel, scrap iron or similar material for the purpose of testing the vehicle.

Offence

18. A person must not—

- (a) have in his or her possession a colourable imitation of a trader's plate; or
- (b) drive or leave standing on a road a motor vehicle to which a colourable imitation of a trader's plate is attached.

Replacement of lost trader's plate

19. (1) If—

- (a) a person satisfies the Registrar that—
 - (i) a trader's plate has been lost; and
 - (ii) the loss has been reported to a member of the police force; and
 - (iii) the circumstances of the loss justify replacement of the plate; and
- (b) an application for replacement of the lost plate is made to the Registrar; and
- (c) the fee for the issue of a replacement trader's plate set out in schedule 5 is paid to the Registrar,

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the Registrar may issue a new trader's plate to that person.

(2) The Registrar may require an applicant under subregulation (1) to furnish—

(a) a statutory declaration stating the matters referred to in subregulation (1)(a); and

(b) a written undertaking to—

(i) return to the Registrar the lost trader's plate if it comes into the applicant's possession; or

(ii) inform the Registrar of and when the location of the lost plate becomes known to or suspected by the applicant.

(3) On the issue of a replacement trader's plate, the trader's plate which it replaces ceases to have any effect.

DIVISION 5—MISCELLANEOUS**Vehicles for which a registration label is not required to be issued**

20. (1) For the purposes of section 48(1)(b), (2) and (3) of the Act, a motor vehicle that is registered under the Continuous Government Registration Scheme and in respect of which Class 8—Government Vehicle Number Plates are issued is a motor vehicle of a prescribed class.

(2) In this regulation—

"**Class 8—Government Vehicle Number Plates**" means the number plates of that class established by the Registrar under section 47A of the Act by notice published in the *Gazette* from time to time;

"**Continuous Government Registration Scheme**" means the scheme known by that name established for the registration of motor vehicles used for or in connection with Government or Government sponsored services.

Carriage of registration labels and permits

21. (1) A registration label or permit under section 16, 50 or 51 of the Act—

(a) must—

(i) if issued in respect of a motor vehicle that has a windscreen (other than a motor cycle)—be firmly affixed in an upright position to the vehicle—

(A) to the inside surface of the front or rear windscreen in a corner on the opposite side of the windscreen to the driver's position; or

(B) in the case of a vehicle that has a pivoted, hinged or fixed side window adjacent to the front or rear windscreen on the opposite side of the windscreen to the driver's position—to the inside surface of that window,

but not so as to obstruct the driver's vision; or

- (ii) if issued in respect of a motor vehicle (other than a motor cycle or trailer) that does not have a windscreen—be displayed in a waterproof holder that has a transparent front and is affixed to an external surface of the vehicle on the left hand or near side of the vehicle, as near as practicable to the position in which the label or permit would have been affixed in accordance with subparagraph (i), had the vehicle been fitted with a windscreen; or
 - (iii) if issued in respect of a motor cycle—be displayed in a waterproof holder that has a transparent front and is affixed to the handlebar in the centre, left hand or near side of the motor cycle; or
 - (iv) if issued in respect of a trailer—
 - (A) be displayed in a waterproof holder that has a transparent front and is affixed to an external surface of the trailer on the front left hand or near side of the trailer, at a height not exceeding two metres above ground level; or
 - (B) in the case of a trailer that has a clear glass window be affixed to the inside of the bottom left hand corner of the window—at a height not exceeding two metres above ground level; and
- (b) must be displayed so as to be clearly visible to a person facing the label or permit at a distance of four metres from the label or permit.

(2) For the purposes of section 48(4) of the Act, a motor vehicle registered under the Act may be driven on roads without the registration label being affixed to the vehicle if—

- (a) —
 - (i) the vehicle is, for the purpose of having the label destroyed, being driven to the place where the label is to be destroyed; or
 - (ii) —
 - (A) the label has been destroyed; and
 - (B) the vehicle is being driven by the nearest practicable route from the place where the label was destroyed to some other place where the vehicle is to be kept or stored or to a port or depot from which the vehicle is to be shipped or railed; and
- (b) the driver carries with him or her a receipt, issued by the Registrar or an officer appointed by the Registrar, for a completed application for cancellation of the registration of the vehicle.

Offences

22. (1) A person must not drive a motor vehicle on a road while—

- (a) a device is attached to the vehicle or a number plate or trader's plate on the vehicle; or

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- (b) a substance is painted on or otherwise added to or made part of a number plate or trader's plate on the vehicle,

the effect of which is to obscure or distort a letter or figure on a number plate or trader's plate on the vehicle when the plate is viewed or photographed from any particular angle or from all angles in daylight or at night.

(2) In subregulation (1), a reference to a number plate extends to that portion of a motor vehicle on which the registered number is marked in accordance with regulation 13.

Cancellation of permit to drive unregistered vehicle

23. The holder of a permit under section 16 of the Act may at any time apply for cancellation of the permit and if the Registrar is satisfied that—

- (a) the permit has been destroyed; or
- (b) the motor vehicle in respect of which the permit was issued has been stolen or destroyed,

the Registrar must cancel the permit.

**PART 3
LICENCES**

DIVISION 1—DRIVER'S LICENCES AND LEARNER'S PERMITS

Duty of applicant for licence or permit to supply specimen signature, etc.

24. (1) If—

- (a) a person applies for the issue or renewal of a driver's licence or learner's permit; and
- (b) the licence or permit is to include a photograph of the person and a specimen of the person's signature; and
- (c) the Registrar requires the person to attend at a specified place for the purpose of having the person's photograph taken,

the person must, before having his or her photograph taken, supply the Registrar with one or more specimens of the person's signature, as specified by the Registrar.

(2) If—

- (a) a person applies for the issue or renewal of a driver's licence or learner's permit; and
- (b) the licence or permit is to include a photograph of the person and a specimen of the person's signature; and
- (c) the Registrar requires the person to supply to the Registrar one or more photographs of the person,

the person must, at the time of supplying the photographs to the Registrar, also supply the Registrar with one or more specimens of the person's signature, as specified by the Registrar.

(3) If a person applies for the issue or renewal of a driver's licence or learner's permit that is not to bear a photograph of the person, the person must sign the licence or permit as soon as practicable after receiving it.

Exemptions from duty to hold appropriate licence

25. (1) A member of the police force who holds a driver's licence may, in the course of official duties, drive a motor vehicle of a class other than that for which he or she holds a licence in circumstances of emergency.

(2) If a person holds a driver's licence or is, under section 97A of the Act, permitted to drive a motor vehicle on roads in this State pursuant to an interstate licence or foreign licence, the person may drive a motor cycle on roads in this State without holding a licence endorsed with the classification BIKE-DATE or BIKE provided that the motor cycle—

- (a) has a mass not exceeding 65 kilograms; and
- (b) has an engine capacity not exceeding 50 cubic centimetres; and
- (c) is fitted with automatic transmission; and
- (d) is not capable of being propelled by its engine to a speed exceeding 50 kilometres per hour.

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(3) Subject to subregulation (4), a person who—

- (a) is the holder of a licence endorsed with the classification LT; and
- (b) is of or over the age of 17 years and six months but under the age of 18 years and nine months,

may drive an articulated motor vehicle or a heavy trailer combination without holding a licence endorsed with the classification HA—

- (c) for the purpose of transporting grain to a silo from land that constitutes part of a farm on which the person resides and returning to that land from the silo; or
- (d) for any other agricultural or horticultural purpose approved by the Registrar.

(4) The exemption in subregulation (3) is subject to the condition that the person, in driving the vehicle, take the most direct route to the destination.

Power to refuse practical driving test where undue danger to any person

26. If the Commissioner of Police or the Registrar believes on reasonable grounds that the testing of an applicant for a practical driving test would present undue danger to the applicant, the authorised examiner or a member of the public, the Commissioner or the Registrar (as the case may be) may refuse to conduct such a test.

Duties of persons accompanying holders of learner's permits

27. (1) A person other than a person conducting a practical driving test in accordance with sections 79A and 85 of the Act must, while accompanying a holder of a learner's permit pursuant to section 75A(3) of the Act, hold a current appropriate licence to drive a vehicle of the kind being driven by the holder of the learner's permit.

(2) If a person accompanying a holder of a learner's permit pursuant to section 75A(3)(d) of the Act is requested by a member of the police force to produce his or her licence, the person must produce the licence either—

- (a) immediately 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 named by that person to the member of the police force at the time of the making of the request.

(3) A person who accompanies a holder of a learner's permit pursuant to section 75A(3)(d) of the Act must take all reasonable steps to supervise and instruct the holder of the learner's permit in the safe and efficient driving of the motor vehicle.

Learner's permits—display of "L" plates

28. (1) For the purposes of section 75A(3)(c) and (5aaa) of the Act—

- (a) —
 - (i) in the case of a motor vehicle other than a motor cycle—plates bearing the letter "L" ("L" plate) must be displayed on the vehicle so as to be clearly visible from the front and rear of the vehicle; or
 - (ii) in the case of a motor cycle—an "L" plate must be displayed at, and be clearly visible from, the rear of the motor cycle; and

- (b) an "L" plate must conform to the following requirements:
 - (i) the plate must measure not less than 14.5 centimetres by 14.5 centimetres; and
 - (ii) the letter "L" must be displayed in black on a yellow background and be clearly legible; and
 - (iii) the letter "L" must be not less than 10.5 centimetres in height and 8 centimetres in width; and
 - (iv) the width of every line of the letter "L" must be not less than 2 centimetres.

(2) A person other than the holder of a learner's permit must not drive a motor vehicle on a road while there is affixed to the vehicle an "L" plate in accordance with this regulation.

(3) Subregulation (2) does not apply to—

- (a) a person driving a motor vehicle for the purpose of instructing the holder of a learner's permit in the safe and efficient driving of a motor vehicle; or
- (b) the holder of a motor driving instructor's licence driving a motor vehicle that is clearly identified as one being used in the business of driving instruction and proceeding from or to a place where instruction has been or is to be given.

Probationary licences—display of "P" plates

29. (1) For the purposes of section 81A(1)(e) and (5a) of the Act—

- (a) —
 - (i) in the case of a motor vehicle other than a motor cycle—plates bearing the letter "P" ("**P** plate") must be displayed on the vehicle so as to be clearly visible from the front and rear of the vehicle; or
 - (ii) in the case of a motor cycle—a "P" plate must be displayed at, and be clearly visible from, the rear of the motor cycle; and
- (b) a "P" plate must conform to the following requirements:
 - (i) the plate must measure not less than 14.5 centimetres by 14.5 centimetres; and
 - (ii) the letter "P" must be displayed in red on a white background and be clearly legible; and
 - (iii) the letter "P" must be not less than 10.5 centimetres in height and 8 centimetres in width; and
 - (iv) the width of every line of the letter "P" must be not less than 2 centimetres.

(2) A person other than the holder of a probationary licence must not drive a motor vehicle on a road while there is affixed to the vehicle a "P" plate in accordance with this regulation.

Exemption from duty to display "P" plates for members of police force and police cadets

30. A member of the police force or police cadet who holds a probationary licence is, while engaged in official duties or training, exempt from the operation of section 81A(1)(d) and (5a) of the Act.

Exemption from probationary licence speed limit for members of police force and police cadets

31. A member of the police force or police cadet who holds a probationary licence is, while engaged in official duties or training, exempt from the operation of section 81A(5b) of the Act.

Attendance at lectures by learner's permit or probationary licence holder who contravenes probationary conditions or incurs four or more demerit points

32. (1) For the purposes of section 81B(3) of the Act, lectures must be conducted as to motor vehicle accidents and their causes and consequences in a manner determined by the Registrar.

(2) A person who is convicted or found guilty of an offence against section 75A(5) or section 81A(5) of the Act is exempt from the operation of section 81B(3) and (3a) of the Act if the person resides outside Metropolitan Adelaide within the meaning of the *Development Act 1993*.

Exemption from duty to carry and produce probationary licence for members of police force and police cadets

33. A member of the police force or police cadet who holds a probationary licence is, while engaged in official duties or training, exempt from the operation of section 98AAB(2) of the Act.

Cancellation of licence on surrender

34. If—

- (a) the holder of a licence gives the Registrar notice in writing of the holder's wish to surrender the licence; and
- (b) the Registrar is satisfied that the licence or any duplicate of that licence has been returned or has been lost or destroyed,

the Registrar may cancel the licence.

DIVISION 2—MOTOR DRIVING INSTRUCTORS' LICENCES

Applicant for licence to supply photographs to Registrar

35. An applicant for a motor driving instructor's licence must supply to the Registrar two unmounted copies of a recent photograph of the applicant that—

- (a) depict only the head and shoulders of the applicant taken "full face" without any head covering and against a plain background; and
- (b) are not less than 3 centimetres but not more than 3.5 centimetres in width and in height.

Applicant for licence to pay fees before proficiency tests

36. An applicant for a motor driving instructor's licence is not entitled to undergo the proficiency tests required by the Registrar under section 98A(5) of the Act unless the applicant has paid the appropriate fees set out in schedule 5 to the Registrar.

Exemption from duty to hold motor driving instructor's licence for approved motor cycle training courses

37. A person is exempt from section 98A of the Act for the purposes of conducting a motor cycle training course approved by the Registrar.

**PART 4
FEES**

Fees

38. (1) For the purposes of the Act and these regulations, the fees set out in schedule 5 are prescribed.

(2) The fees set out in schedule 5 (other than those payable under section 110 of the Act) must be paid to the Registrar.

Reduced registration fees—prescribed amounts

39. (1) For the purposes of sections 34(1) and 37(1) of the Act, the prescribed amount is—

(a) in the case of a heavy vehicle other than a special purpose vehicle (type 2), truck (type 1) or truck (type 2)—40 per cent of the prescribed registration fee;

(b) in the case of a motor vehicle that is not a heavy vehicle—50 per cent of the prescribed registration fee.

(2) For the purposes of section 38(1) of the Act, the prescribed amount is 66.667 per cent of the prescribed registration fee.

(3) For the purposes of sections 38A(1), 38AB(1) and 38B(1) of the Act, the prescribed amount is 50 per cent of the prescribed registration fee.

(4) In this regulation, "**special purpose vehicle (type 2)**", "**truck (type 1)**" and "**truck (type 2)**" have the same meanings as in the Commonwealth Road Transport Charges Act.

Additional amount payable where certain vehicles are altered or added to

40. (1) 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 registration fee would have been more than the amount paid, the additional amount payable under section 44(3) is an amount that bears to the difference the same proportion as the number of days in the unexpired period of registration bears to the number of days in the period of registration.

(2) Subregulation (1) does not apply in relation to a heavy vehicle, motor cycle, trailer or motor vehicle that is not propelled by an internal combustion engine.

Refund on cancellation of registration

41. (1) For the purposes of sections 54 and 60 of the Act, the amount to be refunded on cancellation of the registration of a motor vehicle under those sections is an amount equal to the product obtained by multiplying one three hundred and sixty-fifth of the prescribed annual registration fee by the number of days in the unexpired period of registration.

(2) If—

(a) the registration of a motor vehicle is renewed before the expiry of the previous registration; and

(b) before that expiry the registered owner of the vehicle applies for cancellation of the renewal of registration,

the Registrar must also refund any surcharge paid in respect of the renewal of registration.

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Refund on surrender of driver's licence

42. (1) Subject to subregulation (2), if the Registrar is satisfied that a person has surrendered his or her driver's licence as a consequence of—

- (a) the person's physical or mental incapacity; or
- (b) the person having left the State to reside elsewhere; or
- (c) an order of a court or recommendation of the consultative committee requiring the Registrar to cancel the person's licence and issue a probationary licence; or
- (d) any other cause that the Registrar is satisfied is fair and reasonable in the circumstances,

the Registrar may pay or place to the credit of the person a refund calculated in accordance with this regulation.

(2) No refund may be made under subregulation (1) if—

- (a) a person has surrendered his or her licence as a consequence of—
 - (i) a suspension or disqualification imposed by a court or pursuant to section 89 or 98B of the Act; or
 - (ii) a decision or order to cancel, or a requirement that the Registrar cancel, a probationary licence; or
- (b) the amount of the refund calculated in accordance with this regulation does not exceed one dollar.

(3) A refund is to be made in respect of the period unexpired—

- (a) at the date of the surrender of the licence; or
- (b) in the case of the suspension of a licence—at the date that the suspension becomes effective.

(4) The amount of a refund is to be calculated by multiplying one-quarter of the annual licence fee paid by the number of complete three month periods unexpired.

Refund of part of licence fee on eligibility for reduced fee

43. If—

- (a) a driver's licence has been issued on payment of the licence fee prescribed in clause 18(1)(c) of schedule 5; and
- (b) the holder of the licence becomes, at any time during the currency of the licence, entitled to a reduction of the licence fee,

the Registrar may refund to the holder of the licence such part of the licence fee as the Registrar thinks just in the circumstances.

No refund of administration fees

44. Administration fees are not refundable.

Calculation of fees and refunds to nearest 10 cents or whole dollar

45. (1) Subject to subregulation (2), in calculating a fee or refund payable under the Act a fraction of 10 cents not exceeding five cents must be excluded and a fraction of 10 cents exceeding five cents is to count as 10 cents.

(2) In calculating the fees payable for—

- (a) the registration of a motor vehicle; or
- (b) the issue of a trader's plate; or
- (c) the issue of a replacement trader's plate; or
- (d) the issue of a probationary driver's licence; or
- (e) the issue or renewal of a disabled person's parking permit,

a fraction of one dollar is to count as one dollar.

(3) In applying this regulation, the calculation to the nearest 10 cents or to the whole next dollar is to be applied only to the final amount payable.

Exemption from practical driving test fees

46. An applicant for the issue or renewal of a learner's permit or driver's licence, or the holder of a learner's permit or driver's licence who is required to be tested otherwise than pursuant to section 79A or 85 of the Act, is exempt from the requirement that he or she pay the prescribed test fee.

Remission and reduction of fees

47. The Registrar may, for reasonable cause, remit or reduce any of the following fees:

- (a) an administration fee payable under the Act or these regulations; or
- (b) a fee payable for registration of a motor vehicle following cancellation of a current authority issued under the law of another State or a Territory by virtue of which the vehicle may be driven on roads within that State or Territory; or
- (c) a fee payable for the issue of a driver's licence following the surrender of a current interstate licence; or
- (d) a fee payable for the issue of a disabled person's parking permit for a period of less than five years.

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**PART 5
MISCELLANEOUS**

Offence to alter, deface, etc., permits, labels or certificates

48. A person must not, without lawful authority, wilfully alter, deface, damage or destroy a permit, label or certificate issued under the Act.

Forms determined by the Minister

49. The following documents will be in the form determined by the Minister:

- (a) an application for a permit under section 16, 50 or 51 of the Act;
- (b) an application for the issue, transfer or replacement of a trader's plate;
- (c) an application for a duplicate driver's licence or learner's permit;
- (d) a certificate of issue of a trader's plate;
- (e) a permit under section 50 or 51 of the Act;
- (f) a motor driving instructor's licence.

Appointment of authorised examiners

50. (1) The Registrar may, when appointing a person as an authorised examiner, or at any time by notice in writing to an authorised examiner, impose conditions limiting the kinds of tests that the authorised examiner may conduct as required by the Registrar under section 80 of the Act to assess the ability or fitness of applicants for the issue or renewal of licences and learner's permits.

(2) The Registrar may, for the purpose of testing the proficiency of an applicant for appointment as an authorised examiner, require the applicant to undergo such tests (whether written, oral or practical) as the Registrar considers necessary.

(3) An applicant for appointment as an authorised examiner (other than an employee in the Department of Transport) is not entitled to undergo a proficiency test required by the Registrar under subregulation (2) unless he or she has paid the appropriate fees set out in schedule 5.

Corresponding laws declared for purposes of demerit points scheme

51. The following laws, as amended or substituted from time to time, are declared to be corresponding laws for the purposes of Part 3B of the Act:

Motor Traffic Act 1936 of the Australian Capital Territory and regulations made under that Act.

Traffic Act 1901 of New South Wales and regulations made under that Act.

Traffic Act 1959 of Queensland and regulations made under that Act.

Traffic Act 1925 of Tasmania and regulations made under that Act.

Road Safety Act 1986 of Victoria and regulations made under that Act.

Power of Registrar to require destruction of a document or thing issued or renewed in consequence of a void transaction

52. If a transaction is void by virtue of section 138B of the Act, the Registrar may require the person who is liable to make the payment to destroy the licence, permit, label, certificate, plate or other document or thing issued or renewed by the Registrar in consequence of the purported transaction and to produce evidence of the destruction to the satisfaction of the Registrar.

Notification to Registrar where vehicle written off or sold or acquired for wrecking or disassembling, etc.

53. (1) This regulation applies to a motor vehicle that would be required to be registered under the Act if driven on a road whether or not the vehicle is in fact registered.

(2) If a person carrying on insurance business writes off a motor vehicle as a total loss or a constructive total loss under an insurance policy issued by the person in respect of the vehicle, the person must within seven days give notice to the Registrar in accordance with this regulation.

(3) If a person carrying on the business of selling motor vehicles (whether by treaty or auction and whether on his or her own behalf or on behalf of others) sells or negotiates the sale of a motor vehicle—

- (a) for wrecking or disassembling of the vehicle or part of the vehicle for salvage; or
- (b) in a condition such that it cannot be driven on a road lawfully or at all and requires extensive repairs,

the person must within seven days give notice to the Registrar in accordance with this regulation.

(4) If a person carrying on the business of wrecking or disassembling motor vehicles for salvage acquires the ownership of a motor vehicle—

- (a) for wrecking or disassembling of the vehicle or part of the vehicle for salvage; or
- (b) in a condition such that it cannot be driven on a road lawfully or at all and requires extensive repairs,

the person must within seven days give notice to the Registrar in accordance with this regulation.

(5) The notice required to be given under this regulation in relation to a motor vehicle must—

- (a) be in writing; and
- (b) state the name, address and business of the person giving the notice; and
- (c) if the vehicle is registered or the person has knowledge of the vehicle's last registration—state the number allotted to the vehicle on its registration or last registration; and
- (d) state the engine number and vehicle identification number (if any) of the vehicle; and
- (e) in the case of notice given by a person carrying on insurance business—state whether the vehicle has been written off as a total loss or as a constructive total loss.

General offence

54. A person who contravenes or fails to comply with these regulations is guilty of an offence.

Penalty: Division 8 fine.

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SCHEDULE 1

Conditional registration

Interpretation

1. In this schedule—

"**ambulance**" means a motor vehicle that is used principally for responding to emergencies and is fitted with rotating flashing emergency lights, a siren or repeater horn and life supporting equipment;

"**emergency response vehicle**" means an ambulance, fire fighting vehicle or rescue vehicle;

"**fire fighting vehicle**" means a motor vehicle that is used principally for the purpose of fire fighting and is fitted with rotating flashing emergency lights, a siren or repeater horn and fire fighting equipment;

"**left hand drive vehicle**" means a motor vehicle that has its steering wheel on the left of the longitudinal axis of the vehicle;

"**rescue vehicle**" means a motor vehicle that is used principally for the purpose of taking action in connection with emergencies and is fitted with flashing emergency lights, a siren or repeater horn and rescue equipment;

"**special purpose vehicle**" means a motor vehicle that does not carry passengers or goods and whose primary purpose is not the carriage of passengers or goods.

Period of conditional registration

2. Where a motor vehicle is registered under section 25 of the Act, the period of registration is—

(a) in the case of the registration of a historic vehicle or left hand drive vehicle—12 months; or

(b) in any other case—any number of quarters, not exceeding 12 quarters, at the option of the applicant.

Historic and left hand drive motor vehicles

3. (1) For the purposes of section 25(1)(a) of the Act, the following classes of motor vehicles are prescribed:

(a) a motor vehicle that was manufactured before 1 January 1966 and has not been modified from its original design to any significant extent (a "**historic vehicle**");

(b) a left hand drive vehicle that was manufactured before 1 January 1974 and has not been modified from its original design to any significant extent.

(2) The registration of a historic vehicle or left hand drive vehicle under section 25 of the Act is subject to the following conditions:

(a) a person must not, during the period for which the vehicle is registered under that section, drive the vehicle, or cause, suffer or permit the vehicle to be driven, on a road unless the owner of the vehicle is a financial member of a motor vehicle club recognised by the Registrar for the purposes of this clause;

(b) a person must not, during the period for which the vehicle is registered under that section, drive the vehicle, or cause, suffer or permit the vehicle to be driven, on a road except—

(i) in events for vehicles of that kind held by the recognised motor vehicle club of which the owner of the vehicle is a financial member (whether alone or jointly with another club or person) in accordance with a calendar approved by the Registrar; or

- (ii) in no more than 20 separate journeys during the period of registration of the vehicle (other than organised events referred to in subparagraph (i)) (and each such journey must be authorised in writing by an officer of the recognised motor vehicle club of which the registered owner of the vehicle is a financial member, being an officer of the club nominated by the club by notice in writing to the Registrar);
- (c) a person who drives the vehicle on a road in an event referred to in paragraph (b)(i) must—
 - (i) carry a copy of the calendar in the vehicle during the journey to which it relates; and
 - (ii) produce it for inspection on request made by a member of the police force or an inspector while the vehicle is on a road for the purposes of the journey;
- (d) a person who drives the vehicle on a road in a journey pursuant to a written authorisation issued as referred to in paragraph (b)(ii) must—
 - (i) carry the written authorisation in the vehicle during the journey to which it relates; and
 - (ii) produce it for inspection on request made by a member of the police force or an inspector while the vehicle is on a road for the purposes of the journey.

(3) The Registrar may by notice published in the *Gazette*—

- (a) recognise a motor vehicle club for the purposes of this clause;
- (b) if satisfied that there is good cause to do so, withdraw the recognition of a motor vehicle club with effect from a date specified in the notice (being not less than 28 days from the date of publication of the notice).

(4) A motor vehicle club recognised under this clause must ensure that the following provisions are complied with:

- (a) a written authorisation issued as referred to in subclause (1)(b)(ii) must be made in duplicate and—
 - (i) state the name of the registered owner of the vehicle to which it relates and the vehicle's registration number and engine number; and
 - (ii) state the date of the journey to which it relates and briefly describe the journey and its purpose; and
 - (iii) set out the name of the club and the officer issuing the authorisation and be signed and dated by the officer; and
- (b) the authorisation must be issued to the registered owner of the vehicle prior to the commencement of the journey to which it relates; and
- (c) the duplicate copies of all such authorisations must be kept at a place nominated by the club by notice in writing to the Registrar and must be made available for inspection at that place at any reasonable hour by a member of the police force or an inspector.

(5) For the purposes of this clause, journeys undertaken during the same day and return journeys will be taken to constitute a single journey.

(6) For the purposes of this clause, the written authorisation referred to in subclause (2) may be issued to the registered owner of the vehicle by facsimile transmission or some other form of electronic transmission.

Vehicles used between farm blocks

4. (1) For the purposes of section 25(1)(a) of the Act, a vehicle (other than a tractor or farm implement) that—

- (a) is owned by a primary producer; and

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- (b) is used in connection with the working of two or more separate parcels of land that are worked in conjunction with each other by that primary producer,

is a prescribed class of vehicle.

(2) The registration of such a vehicle under section 25 of the Act is subject to the condition that a person must not, during the period for which the vehicle is registered under that section, drive the vehicle, or cause, suffer or permit the vehicle to be driven, on a road except to enable the vehicle to be driven between the parcels of land referred to in subclause (1).

Vehicles used to tow commercial fishing boats

5. (1) For the purposes of section 25(1)(a) of the Act, a vehicle that—

- (a) is owned by the holder of a fishery licence under the *Fisheries Act 1982*; and
- (b) is used solely for the purpose of towing—
- (i) a boat registered by endorsement of that licence; or
 - (ii) a boat used in place of the registered boat with the consent of the Director of Fisheries,

is a prescribed class of vehicle.

(2) The registration of such a vehicle under section 25 of the Act is subject to the condition that a person must not, during the period for which the vehicle is registered under that section, drive the vehicle, or cause, suffer or permit the vehicle to be driven, on a road except for the purpose of—

- (a) towing a boat referred to in subclause (1)(b) to a place at which it is to be launched; or
- (b) retrieving such a boat from a place at which it has been landed.

Other prescribed classes of vehicles

6. For the purposes of section 25(1)(a) of the Act, the following classes of vehicles are prescribed:

- (a) an emergency response vehicle;
- (b) a special purpose vehicle;
- (c) a vehicle that is to be driven on a road for a limited number of short journeys;
- (d) a road train;
- (e) a B double;
- (f) a vehicle in relation to which there is in force a permit issued under the *Road Traffic Act 1961* exempting the vehicle from compliance with a requirement of that Act subject to conditions or restrictions limiting the use of the vehicle to a road or roads, or a class of roads, specified in the permit;
- (g) a vehicle in relation to which there is in force—
- (i) an exemption granted by the Minister under section 163AA of the *Road Traffic Act 1961* exempting the vehicle from compliance with a requirement of Part 4 of that Act subject to conditions limiting the use of the vehicle (other than a restriction limiting the use of the vehicle to a particular road or roads or class of roads); or
 - (ii) a dispensation granted by the Minister under regulation 10.08 of the *Road Traffic Regulations 1974* exempting the vehicle from compliance with a requirement of the regulations subject to conditions limiting the use of the vehicle (other than a restriction limiting the use of the vehicle to a particular road or roads or class of roads).

SCHEDULE 2

Classification of driver's licences

Classification of licences

1. (1) For the purposes of section 72(1) of the Act, the classifications appearing in column 1 of the table below are prescribed.

(2) Subject to this clause, a licence that is endorsed with a classification appearing in column 1 of the table authorises the holder of the licence to drive a motor vehicle of the description appearing opposite that classification in column 2.

(3) A reference in column 2 of the table to a driver's licence or a particular class of licence includes a reference to a driver's licence issued outside this State.

(4) Subject to this clause, the Registrar may not endorse a licence with a particular classification unless the Registrar is satisfied that the applicant—

- (a) fulfils the criteria specified in column 3 of the table; and
- (b) has passed a practical driving test approved by the Registrar,

in respect of that classification.

(5) Despite subclause (2), the holder of a licence endorsed with the classification CAR, LT or HT may drive an articulated motor vehicle that consists of a motor vehicle and a caravan if the gross vehicle mass of the motor vehicle does not exceed 4.5 tonnes.

(6) Despite subclause (2), the holder of a licence endorsed with the classification CAR, LT, HT, LA, HA, RT or DA may drive a bus if—

- (a) he or she is involved in the service or repair of the bus and the only passengers (if any) are persons who are also involved in that service or repair or who are the holders of a licence endorsed with the classification SB, LB, HB, or AB; and
- (b) —
 - (i) in the case of the holder of a licence endorsed with the classification CAR—the bus is not an articulated motor vehicle and does not have a gross vehicle mass exceeding 4.5 tonnes; or
 - (ii) in the case of the holder of a licence endorsed with the classification LT—the bus is not an articulated motor vehicle and does not have a gross vehicle mass exceeding 15 tonnes; or
 - (iii) in the case of the holder of a licence endorsed with the classification HT—the bus is not an articulated motor vehicle; or
 - (iv) in the case of the holder of a licence endorsed with the classification LA—the gross combination mass of the bus does not exceed 24 tonnes.

(7) The Registrar may endorse a licence with a particular classification despite the fact that the applicant does not fulfil the criteria specified in column 3 of the table in respect of that classification if—

- (a) the applicant is of or over the age of 17 years and six months; and
- (b) the Registrar is satisfied that special circumstances exist for doing so.

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<i>1 - Licence class</i>	<i>2 - Motor vehicles authorised to be driven</i>	<i>3 - Minimum driving experience</i>
CAR	Any motor vehicle the gross vehicle mass of which does not exceed 4.5 tonnes except— <p>(a) a bus; or</p> <p>(b) an articulated motor vehicle (<i>see clause 1(5)</i>); or</p> <p>(c) a heavy trailer combination; or</p> <p>(d) a motor cycle.</p>	Nil.
LT	Any motor vehicle the gross vehicle mass of which does not exceed 15 tonnes except— <p>(a) a bus; or</p> <p>(b) an articulated motor vehicle (<i>see clause 1(5)</i>); or</p> <p>(c) a heavy trailer combination; or</p> <p>(d) a motor cycle.</p>	The applicant must have held a driver's licence for at least two years.
HT	Any motor vehicle except— <p>(a) a bus; or</p> <p>(b) an articulated motor vehicle (<i>see clause 1(5)</i>); or</p> <p>(c) a heavy trailer combination; or</p> <p>(d) a motor cycle.</p>	The applicant must— <p>(a) have held a driver's licence endorsed with the classification LT for at least one year; or</p> <p>(b) have held a driver's licence endorsed with the classification LB, HB or AB.</p>
LA	Any motor vehicle except— <p>(a) a bus; or</p> <p>(b) an articulated motor vehicle the gross combination mass of which exceeds 24 tonnes; or</p> <p>(c) a heavy trailer combination, the hauling unit of which has a gross combination mass exceeding 24 tonnes; or</p> <p>(d) a motor cycle.</p>	The applicant must— <p>(a) have held a driver's licence endorsed with the classification LT for at least one year; or</p> <p>(b) have held a driver's licence endorsed with the classification HT, LB, HB or AB.</p>

<i>1 - Licence class</i>	<i>2 - Motor vehicles authorised to be driven</i>	<i>3 - Minimum driving experience</i>
HA	Any motor vehicle except— (a) a bus; or (b) a B double; or (c) a road train; or (d) a motor cycle.	The applicant must— (a) have held a driver's licence endorsed with the classification LT for at least one year; or (b) have held a driver's licence endorsed with the classification HT, LA, LB, HB or AB.
DA	Any motor vehicle except— (a) a bus; or (b) a road train; or (c) a motor cycle.	The applicant must have held a driver's licence for at least five years endorsed with the classification HA for at least one year.
RT	Any motor vehicle except— (a) a bus; or (b) a motor cycle.	The applicant must— (a) have held a driver's licence for at least five years endorsed with the classification HA for at least one year; or (b) have held a driver's licence endorsed with the classification DA.
BIKE-DATE*	Any motor cycle the engine capacity of which does not exceed 250 cubic centimetres.	Nil.
BIKE	Any motor cycle.	The applicant must have held a driver's licence endorsed with the classification BIKE-DATE* for at least one year.
SB	Any bus designed to carry no more than 30 seated adult persons.	The applicant must have held a driver's licence for at least two years.
LB	Any bus (other than an articulated bus), the gross vehicle mass of which does not exceed 15 tonnes.	The applicant must— (a) have held a driver's licence endorsed with the classification LT or SB for at least one year; or (b) have held a driver's licence endorsed with the classification HT, LA, HA, RT or DA.

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1 - Licence class 2 - Motor vehicles authorised to be driven 3 - Minimum driving experience

HB	Any bus except an articulated bus.	The applicant must— (a) have held a driver’s licence endorsed with the classification LT or SB for at least one year; or (b) have held a driver’s licence endorsed with the classification HT, LA, HA, RT, DA or LB.
AB	Any bus.	The applicant must— (a) have held a driver’s licence endorsed with the classification LT, LB or HB for at least one year; or (b) have held a driver’s licence endorsed with the classification HT, LA, HA, RT or DA.
WHEELCHAIR	Any motorised wheelchair.	Nil.

*BIKE-DATE: In the case of a learner’s permit, the date is the expiry date of the permit. In any other case the date is the date falling one year after the first endorsement of the licence with that classification and indicates the date at which the holder may apply for a licence endorsed BIKE. The holder of a driver’s licence endorsed BIKE-DATE remains restricted to a motor cycle the engine capacity of which does not exceed 250 cubic centimetres until he or she is granted a licence endorsed BIKE despite the fact that the date included in the classification has passed.

Transitional provision

2. (1) A licence in force immediately before 3 June 1991 or issued on or within three months after that day that is endorsed with one or more of the classifications set out in column 1 of the table below will be taken for all purposes to be a licence endorsed with the corresponding classification or classifications appearing opposite in column 2.

<i>1 - Old classification</i>	<i>2 - Corresponding new classification</i>
1	CAR
2A	LT
2	HT
3A	LA
3	HA
3R	RT
4A	BIKE-DATE
4	BIKE
5A	SB
5B	LB
5	HB
6	WHEELCHAIR

(2) The Registrar is required to remove each endorsement on a licence in force immediately before 3 June 1991 or issued on or within three months after that day relating to any of the classifications 2, 3A, 3, 3R or 5 and to substitute, in each case, the appropriate endorsement relating to the corresponding new classification as set out in the table above.

(3) The Registrar may comply with the obligation imposed by subclause (2) over such period of time as he or she considers practicable.

Motor Vehicles Regulations 1996**SCHEDULE 3***Conditions of driver's licences and learner's permits***Conditions of driver's licences and learner's permits**

1. (1) Where a provision of the Act requires a condition imposed on a licence or learner's permit to be endorsed on the licence or permit, the condition is sufficiently endorsed if—

- (a) full particulars of the condition are endorsed on the front of the licence or permit; or
- (b) in the case of a condition set out in column 1 of the table below—the front of the licence or permit is endorsed with—
 - (i) the letter appearing opposite in column 2; or
 - (ii) the words appearing opposite in column 3 without square brackets; or
 - (iii) where there are words appearing opposite in column 3 within square brackets—those words; or
- (c) in the case of a condition recorded on the Register and advised in writing by the Registrar to the holder of the licence or permit—the front of the licence or permit is endorsed with the letter "X"; or
- (d) in the case of a condition imposed by a court—the front of the licence is endorsed with the letter "Z".

(2) In this clause—

"the Register" means the register kept by the Registrar under section 73 of the Act.

<i>1 - Condition</i>	<i>2 - Letter</i>	<i>3 - Words</i>
The holder of the licence or permit is permitted to drive only a motor vehicle that is fitted with automatic transmission.	B	Automatic Vehicle
The holder of the licence or permit is permitted to drive only a motor vehicle so modified that the acceleration and braking devices are capable of being operated by hand.	C	Hand Controls
The holder of the licence or permit is permitted to drive only a motor vehicle in which the accelerator pedal is to the left of the brake pedal.	F	Accelerator to left of brake [Accelerator left of brake]
The holder of the licence or permit is permitted to drive only a motor vehicle that is fitted with a device known as a "steering knob".	G	Steering Knob
The holder of the licence or permit is permitted to drive only a motor vehicle that is modified as recorded on the Register and advised in writing by the Registrar to the holder.	K	Modified Vehicle—refer M.R.
The holder of the licence or permit is permitted to drive only in the locality recorded on the Register and advised in writing by the Registrar to the holder.	M	Distance Restriction—refer M.R.
The holder of a licence endorsed with the classification LA or HA must not drive an articulated motor vehicle of that class.	P	Excludes Articulated
The holder of the licence or permit is permitted to drive only a motor cycle the engine capacity of which does not exceed 50 cubic centimetres.	Q	Motor Cycle Under 50cc

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<i>1 - Condition</i>	<i>2 - Letter</i>	<i>3 - Words</i>
The holder of the licence or permit must, at all times while driving, wear glasses or contact lenses prescribed by a medical practitioner or optometrist.	S	Corrective Lenses
The holder of a licence endorsed with the classification LT or HT is permitted to drive only motor vehicles of that class that are fitted with automatic transmission.	T	Truck Class (LT, HT)—automatic vehicle [Auto Vehicle (LT, HT)]
The holder of a licence endorsed with the classification SB, LB, HB or AB is permitted to drive only motor vehicles of that class that are fitted with automatic transmission.	V	Bus Class (SB, LB, HB, AB)—automatic vehicle [Auto Vehicle (SB, LB, HB, AB)]
The holder of a licence endorsed with the classification LA or HA is permitted to drive only motor vehicles of that class that are fitted with automatic transmission.	W	Articulated Class (LA, HA)—automatic vehicle [Auto Vehicle (LA, HA)]

Motor Vehicles Regulations 1996**SCHEDULE 4***Powers and duties of authorised agents***Prescribed powers and duties**

1. The powers and duties conferred or imposed on the Registrar or a member of the police force by each of the provisions of the Act specified in the table below (a brief description of which is set out alongside that provision for convenience of reference only) are prescribed for the purposes of section 7(3) of the Act.

<i>Section of the Act conferring power or imposing duty</i>	<i>Brief description of power or duty</i>
16(1)	Power of the Registrar to issue a permit authorising a motor vehicle to be driven on roads without registration.
16(2)	Power of a member of the police force to issue a permit authorising a motor vehicle to be driven on roads without registration.
16(13)	Power of a member of the police force to issue a duplicate permit.
24	Duty of the Registrar to register motor vehicles.
46(1)	Duty of the Registrar to allot a number to a motor vehicle on registration of the vehicle.
47B(1)	Duty of the Registrar to issue number plates.
50(1)	Power of a member of the police force to issue a permit authorising a motor vehicle to be driven on roads without carrying a registration label.
54(1)	Duty of the Registrar to cancel the registration of a motor vehicle.
75(1)	Duty of the Registrar to issue or renew a driver's licence.
75A(1)	Duty of the Registrar to issue a learner's permit.
75A(1a)	Power of the Registrar to renew a learner's permit.
77(1)	Power of the Registrar to issue a duplicate driver's licence or learner's permit.
77B(1)	Power of the Registrar to require a person to attend at a specified place for the purpose of having the person's photograph taken or to supply to the Registrar one or more photographs of the person as specified by the Registrar.
77C(1)	Power of the Registrar to issue a temporary driver's licence or learner's permit.

SCHEDULE 5

Fees

Interpretation

1. In this schedule—

"level 1 fee" means an administration fee of \$5.00;

"level 2 fee" means an administration fee of \$10.00;

"level 3 fee" means an administration fee of \$20.00.

Registration

2. (1) For registration of—

(a) a heavy vehicle—

(i) for one or more quarters—(see paragraph (a)(i) of the definition of "prescribed registration fee" in section 5(1) of the Act); or

(ii) in any other case—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 fee that would be payable for registration of the vehicle for 12 months;

(b) a vehicle that is not a heavy vehicle—

(i) a motor cycle \$22.00

(ii) a trailer \$39.00

(iii) a motor vehicle propelled other than by an internal combustion engine \$64.00

(iv) a commercial motor vehicle—

(A) if the unladen mass of the vehicle does not exceed 1 000 kg and the vehicle is propelled by an internal combustion engine—

· having 4 cylinders or less \$64.00

· having 5 or 6 cylinders \$129.00

· having 7 or more cylinders \$188.00

(B) if the unladen mass of the vehicle exceeds 1 000 kg but does not exceed 1 500 kg \$142.00

(C) if the unladen mass of the vehicle exceeds 1 500 kg \$240.00

(v) any motor vehicle (other than a vehicle referred to in subparagraphs (i) to (iv), propelled by an internal combustion engine—

(A) having 4 cylinders or less \$64.00

(B) having 5 or 6 cylinders \$129.00

(C) having 7 or more cylinders \$188.00

(2) The registration fees prescribed in subclause (1)(b) are those payable for registration for 12 months.

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(3) The registration fee payable for the registration of a motor vehicle for a period of less than 12 months is as follows:

- (a) in the case of a registration for one, two or three 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 fee that would be payable for registration of the vehicle for 12 months;
- (b) in any other case—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 fee that would be payable for registration of the vehicle for 12 months.

(4) Administration fee (payable in addition to the registration fee) for—

- (a) initial registration or re-registration of a motor vehicle level 3 fee
- (b) renewal of registration of a motor vehicle level 1 fee

(5) Surcharge (payable in addition to the registration fee and administration fee) for registration or renewal of registration of a motor vehicle for—

- (a) less than 6 months—a fee equal to 5.625 per cent of the registration fee;
- (b) 6 months or more but less than 9 months—a fee equal to 3.75 per cent of the registration fee;
- (c) 9 months or more but less than 12 months—a fee equal to 1.875 per cent of the registration fee.

(6) Subject to clause 3, the fees prescribed in this clause do not apply in relation to the registration of a motor vehicle under section 25 of the Act.

Conditional registration

3. (1) For registration of a motor vehicle under section 25 of the Act—

- (a) in the case of a special purpose vehicle (type 2)—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;
- (b) in the case of a road train, B double or a vehicle referred to in clause 6(g) of schedule 1—the registration fee prescribed by clause 2 of this schedule;
- (c) in any other case—no fee.

(2) Administration fee (payable whether or not a registration fee is payable under subclause (1)) for registration of a motor vehicle under section 25 of the Act—

- (a) initial registration or re-registration of a motor vehicle level 3 fee
- (b) renewal of registration of a motor vehicle level 1 fee

(3) If a registration fee is payable for the registration of a motor vehicle under section 25 of the Act and the period of registration is less than 12 months, a surcharge of the amount prescribed in clause 2(5) is payable in addition to the registration fee and administration fee.

(4) An application for the registration of a motor vehicle under section 25 of the Act is exempt from stamp duty if the motor vehicle to which the application relates is of any of the classes of vehicles prescribed for the purposes of that section in schedule 1 (other than a road train, B double or a vehicle referred to in clause 6(g) of that schedule).

(5) In this clause—

"special purpose vehicle (type 2)" has the same meaning as in the schedule of the Commonwealth Road Transport Charges Act.

Transfer of registration

4. (1) Administration fee for transfer of the registration of a motor vehicle level 3 fee

(2) Additional fee for late payment of the fee prescribed in subclause (1) \$45.00

Cancellation of registration

5. Administration fee for cancellation of the registration of a motor vehicle level 2 fee

Duplicate certificates of registration and registration labels

6. Administration fee for the issue of a duplicate certificate of registration or duplicate registration label level 2 fee

Permit to drive an unregistered motor vehicle

7. Administration fee for the issue of—

(a) a permit under section 16(1)(c)(i) of the Act level 1 fee

(b) a permit under section 16(1)(c)(ii) of the Act level 3 fee

Duplicate permit to drive an unregistered motor vehicle

8. Administration fee for the issue of a duplicate permit under section 16(12) of the Act level 2 fee

Permit to drive a motor vehicle without carrying the registration label

9. Administration fee for the issue of a permit under section 51 of the Act level 2 fee

Temporary configuration certificate for heavy vehicle

10. Administration fee for the issue of a temporary configuration certificate for a heavy vehicle level 3 fee

Duplicate temporary configuration certificate for heavy vehicle

11. Administration fee for the issue of a duplicate temporary configuration certificate for a heavy vehicle level 2 fee

Number allotment

12. Administration fee for variation or amendment of the number allotted to a motor vehicle (per vehicle) level 3 fee

Number plates replacement

13. (1) Administration fee for replacement of a single number plate or pair of number plates by the Registrar level 3 fee

(2) Administration fee (payable in addition to the administration fee prescribed in subclause (1)) for postal delivery of a replacement number plate or plates level 2 fee

Trader's plate

14. (1) For the issue of—

(a) a general trader's plate \$275.00

(b) a limited trader's plate \$43.00

(2) If a trader's plate is issued on or after the second day of January in any year, the fee for the issue of that trader's plate is one-twelfth of the fee prescribed in subclause (1), multiplied by the number of months (a portion of a month being treated as a whole month) to 31 December next.

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Trader's plate replacement

15. (1) Administration fee for the issue of a new trader's plate in lieu of a damaged trader's plate returned to the Registrar or a lost limited trader's plate level 3 fee

(2) For the issue of a new general trader's plate in lieu of a lost general trader's plate—

(a) 50 per cent of the fee prescribed in clause 14 for the issue of a general trader's plate; or

(b) a level 3 administration fee,

whichever is the greater amount.

Duplicate certificate of issue of trader's plate or duplicate trader's plate label

16. Administration fee for the issue of a duplicate certificate of the issue of a trader's plate or a duplicate trader's plate label level 2 fee

Trader's plate transfer

17. Administration fee for the transfer of a trader's plate level 3 fee

Driver's licences

18. (1) For the issue or renewal of a driver's licence—

(a) where the applicant is a person who as a result of his or her service in a naval, military or air force of Her Majesty—

(i) is totally or permanently incapacitated; or

(ii) has lost a leg or foot; or

(iii) receives under the law of the Commonwealth relating to repatriation a pension at the rate for total incapacity or a pension granted by reason of impairment of his or her power of locomotion at the rate of not less than 75 per cent of the rate for total incapacity (per annum) \$10.00

(b) where the applicant is a person who is entitled, as the holder of—

(i) State Concession Card issued by the Department for Family and Community Services; or

(ii) a pensioner entitlement card issued under a law of the Commonwealth, to travel on public transport in this State at reduced fares (per annum) \$10.00

(c) in any other case (per annum) \$20.00

(2) The licence fee for a driver's licence issued or renewed for a period other than for full years is one-quarter of the annual licence fee for each complete three months of the period for which the licence is issued or renewed.

(3) Administration fee (payable in addition to the licence fee) for the issue of a driver's licence where the application is made more than 90 days after the expiry of a previously held licence level 3 fee

(4) The administration fee prescribed in subclause (3) does not apply if the applicant was, during the whole of the period of 90 days after expiry of the prior licence, disqualified from holding or obtaining a driver's licence.

Duplicate driver's licence

19. Administration fee for the issue of a duplicate driver's licence that bears a photograph of the holder level 2 fee

Learner's permit

20. Administration fee for the issue or renewal of a learner's permit level 3 fee

Duplicate learner's permit

21. Administration fee for the issue of a duplicate learner's permit level 2 fee

Examination in rules to be observed by drivers

22. Administration fee for an examination, under section 79 of the Act, in the rules required by law to be observed by drivers of motor vehicles level 3 fee

Practical driving tests

23. For a practical driving test—

(a) booking fee level 2 fee

(b) test fee—

(i) for a test of up to, but not exceeding, 40 minutes' duration \$28.00

(ii) for a test exceeding 40 minutes' duration \$64.00

(c) administration fee (payable in addition to the test fee) level 2 fee

Motor cycle training courses

24. For a motor cycle training course undertaken in accordance with the directions of the Registrar—

(a) training course fee—

(i) for basic motor cycle training preparatory to obtaining a motor cycle learner's permit \$59.00

(ii) for advanced motor cycle training preparatory to obtaining a motor cycle driver's licence \$52.00

(b) administration fee (payable in addition to the training course fee) level 2 fee

Proficiency test for motor driving instructor's licence

25. For a proficiency test of an applicant for a driving instructor's licence—

(a) for a theory test—

(i) test fee \$34.00

(ii) administration fee (payable in addition to the test fee) level 2 fee

(b) for a practical training course test—

(i) test fee \$3 050.00

(ii) administration fee (payable in addition to the test fee) level 2 fee

Motor driving instructor's licence

26. For the issue of a motor driving instructor's licence (per annum) \$50.00

Duplicate motor driving instructor's licence

27. Administration fee for the issue of a duplicate motor driving instructor's licence level 2 fee

Proficiency tests for authorised examiners

28. For a proficiency test of an applicant for appointment as an authorised examiner—

(a) for a 3-day practical training course test—

(i) test fee \$255.00

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- (ii) administration fee (payable in addition to the test fee) level 2 fee
- (b) for a 5-day practical training course test—
 - (i) test fee \$375.00
 - (ii) administration fee (payable in addition to the test fee) level 2 fee

Lectures as to motor vehicle accidents and their causes

- 29. For attendance at a lecture conducted pursuant to reg. 32 \$25.00

Disabled person's parking permit

- 30. For the issue of a disabled person's parking permit—

- (a) permit fee \$11.00
- (b) administration fee (payable in addition to the permit fee) level 1 fee

Register searches, etc.

- 31. (1) Administration fee for searching the register and supplying information—

- (a) for manual search of archived information (per search) level 3 fee
- (b) for manual search of current information (per search) level 3 fee
- (c) for multiple searches where separate extracts of entries are not required level 2 fee
- (d) where the applicant prepares computer input data in a form acceptable to the Registrar (per search) level 1 fee
- (2) Administration fee for an extract of an entry in the register level 3 fee

Fee payable by authorised agent

- 32. Administration fee for each motor vehicle registered by a dealer who has been authorised under section 7(3) of the Act to register motor vehicles level 2 fee

Fees payable by insurer for emergency treatment

- 33. For the purposes of section 110(1) of the Act—

- (a) the fee payable to a medical practitioner who renders emergency treatment is a fee equal to a level 3 fee;
- (b) the fee payable to a nurse who renders emergency treatment is a fee equal to a level 2 fee;
- (c) the amount payable to a person who conveys an injured person is an amount equal to one-tenth of a level 1 fee for every kilometre that the person is conveyed.

SCHEDULE 6

Transitional Provision

Temporary exemption from registration and insurance for farmer's tractors and implements

1. (1) A tractor may be driven without registration or insurance on roads within 40 kilometres of a farm occupied by the owner of the tractor on journeys to or from that farm for all or any of the following purposes:

- (a) delivery of the tractor to the farm on the acquisition of the tractor, or delivery of the tractor from the farm on its sale or disposal;
- (b) removal of the tractor to a workshop for repairs, or return of the tractor to the farm from a workshop where repairs were carried out;
- (c) towing farm implements or carrying farm implements by means of an attachment designed for that purpose;
- (d) proceeding to a place where farm implements are to be attached to the tractor for removal, or returning after delivery of farm implements;
- (e) towing a registered trailer between two or more portions of the farm.

(2) If there is no workshop where repairs can be efficiently carried out to a tractor within 40 kilometres of the farm occupied by the owner of the tractor, the tractor may be driven without registration on roads more than 40 kilometres from that farm for the purpose of proceeding to the nearest workshop where repairs can be efficiently carried out and returning to the farm from that workshop.

(3) A farm implement may be towed without registration or insurance by a tractor or other motor vehicle on roads within 40 kilometres of a farm occupied by the owner of the tractor or motor vehicle.

(4) A self-propelled farm implement may be driven without registration or insurance on roads within 40 kilometres of a farm occupied by the owner of the self-propelled farm implement.

(5) If there is no workshop where repairs can be efficiently carried out to a self-propelled farm implement within 40 kilometres of the farm occupied by the owner of the implement, the implement may be driven without registration or insurance on roads more than 40 kilometres from that farm for the purpose of proceeding to the nearest workshop where repairs can be efficiently carried out and returning to the farm from that workshop.

(6) In this clause—

"farm implement" means an implement or machine for ploughing, cultivating, clearing or rolling land, sowing seed, spreading fertiliser, harvesting crops, spraying, chaffcutting or other similar operations and includes a trailer bin constructed for attachment to a harvester for the purpose of collecting grain in bulk, a field bin constructed for the purpose of receiving or storing grain in or close to the field in which it is harvested, a grain elevator and a bale elevator, but does not include any other vehicle wholly or mainly constructed for the carriage of goods.

(7) This clause expires on 18 October 1996.

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APPENDIX 1

LEGISLATIVE HISTORY

Schedule 1	
Clause 3(1):	varied by 239, 1996, reg. 3
Schedule 6	
Clause 1(7):	varied by 224, 1996, reg. 3

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

Note: This appendix is provided for convenience of reference only.