

(Reprint No. 14)

SOUTH AUSTRALIA

MOTOR VEHICLES REGULATIONS 1996

*These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at **1 September 1998**.*

SUMMARY OF PROVISIONS

**PART 1
PRELIMINARY**

1. Citation
2. Commencement
3. Revocation
4. Interpretation

**PART 2
REGISTRATION OF MOTOR VEHICLES**

DIVISION 1—EXEMPTIONS AND PERMITS

5. Exemption from registration for overseas vehicles owned by overseas visitors and registered in another State or a Territory
6. Exemption from registration for vehicles in respect of which a permit and identifying number have been issued in another State or a Territory
7. Exemption from registration for vehicles driven by, or at direction of, a member of police force, etc.
8. Exemption from registration and insurance for certain vehicles used by disabled persons (s. 12A(2) of the Act)
9. Exemption from registration and insurance for vehicles being towed by towtrucks
- 9A. Exemption from registration and insurance for golf carts and certain motorcycles
- 9B. Exemption from registration and insurance for power-assisted pedal cycles
10. Permit to drive unregistered vehicle in prescribed circumstances (s. 16(1)(c)(ii) of the Act)

DIVISION 2—NOTIFICATION OF ALTERATIONS OR ADDITIONS TO VEHICLES

11. Duty to notify prescribed alterations or additions to vehicles

DIVISION 3—NUMBER PLATES

12. Carriage of number plates (s. 47(1) of the Act)
13. Exemption from duty to carry number plates

DIVISION 4—TRADE PLATES

14. Purposes for which trade plates may be issued and used
15. Trade plate label and certificate of issue of trade plate
16. Carriage of trade plate and trade plate label
17. Offences
18. Replacement of lost trade plate

DIVISION 5—MISCELLANEOUS

20. Vehicles for which a registration label is not required to be issued
21. Carriage of registration labels and permits
22. Offences
23. Cancellation of permit to drive unregistered vehicle
- 23A. Report required before registration of new vehicles—prescribed particulars

**PART 3
LICENCES**

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

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

Motor Vehicles Regulations 1996

25. Exemptions from duty to hold driver's licence, learner's permit or particular class of licence
26. Power to refuse practical driving test where undue danger to any person
27. Duties of persons accompanying holders of learner's permits
28. Learner's permits—display of "L" plates
29. Provisional licences—display of "P" plates
30. Exemption from duty to display "P" plates for members of police force and police cadets
31. Exemption from provisional licence speed limit for members of police force and police cadets
32. Attendance at lectures by learner's permit or provisional licence holder who contravenes conditions or incurs four or more demerit points
33. Exemption from duty to carry and produce provisional licence for members of police force and police cadets
34. Cancellation of licence on surrender

DIVISION 2—MOTOR DRIVING INSTRUCTORS' LICENCES

35. Applicant for licence to supply photographs to Registrar
36. Applicant for licence to pay fees before proficiency tests
37. Exemption from duty to hold motor driving instructor's licence for approved motor cycle training courses

**PART 4
FEES**

38. Fees
39. Reduced registration fees—prescribed amounts
40. Additional amount payable where certain vehicles are altered or added to
41. Refund on cancellation of registration
- 41A. Refund on surrender of trade plate
42. Refund on surrender of driver's licence
43. Refund of part of licence fee on eligibility for reduced fee
44. No refund of administration fees
45. Calculation of fees and refunds to nearest 10 cents or whole dollar
46. Exemption from practical driving test fees
47. Remission and reduction of fees

**PART 5
MISCELLANEOUS**

48. Offence to alter, deface, etc., permits, labels or certificates
49. Forms determined by the Minister
50. Appointment of authorised examiners
51. Corresponding laws declared for purposes of demerit points scheme
- 51A. Notification to Registrar of change of address
52. Power of Registrar to require destruction of a document or thing issued or renewed in consequence of a void transaction
53. Notification to Registrar where vehicle written off or sold or acquired for wrecking or disassembling, etc.
54. General offence
55. Expiation of alleged offences

**SCHEDULE 1
Conditional registration**

1. Interpretation
2. Period of conditional registration
3. Historic and left hand drive motor vehicles
4. Vehicles used between farm blocks
5. Vehicles used to tow commercial fishing boats
6. Other prescribed classes of vehicles

Motor Vehicles Regulations 1996

SCHEDULE 2

Classification of driver's licences

1. Classification of licences
2. Transitional provision

SCHEDULE 3

Conditions of driver's licences and learner's permits

SCHEDULE 4

Powers and duties of authorised agents

SCHEDULE 5

Fees

SCHEDULE 6

Expiation Fees (regs. 54 & 55)

APPENDIX 1

LEGISLATIVE HISTORY

APPENDIX 2

DIVISIONAL PENALTIES AND EXPIATION FEES

REGULATIONS UNDER THE MOTOR VEHICLES ACT 1959

MOTOR VEHICLES REGULATIONS 1996

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

No. 259 of 1996: *Gaz.* 23 December 1996, p. 2262⁴

No. 25 of 1997: *Gaz.* 27 February 1997, p. 1089⁵

No. 50 of 1997: *Gaz.* 24 April 1997, p. 1648⁶

No. 101 of 1997: *Gaz.* 13 May 1997, p. 1908⁷

No. 153 of 1997: *Gaz.* 5 June 1997, p. 2945⁸

No. 164 of 1997: *Gaz.* 26 June 1997, p. 3217⁹

No. 211 of 1997: *Gaz.* 25 September 1997, p. 935¹⁰

No. 224 of 1997: *Gaz.* 13 November 1997, p. 1307¹¹

No. 233 of 1997: *Gaz.* 4 December 1997, p. 1532¹²

No. 239 of 1997: *Gaz.* 18 December 1997, p. 1691¹³

No. 3 of 1998: *Gaz.* 8 January 1998, p. 33¹⁴

No. 35 of 1998: *Gaz.* 23 April 1998, p. 2000¹⁵

No. 40 of 1998: *Gaz.* 30 April 1998, p. 2083¹⁶

(Erratum *Gaz.* 7 May 1998, p. 2133)

No. 44 of 1998: *Gaz.* 21 May 1998, p. 2219¹⁷

No. 49 of 1998: *Gaz.* 21 May 1998, p. 2244¹⁸

No. 92 of 1998: *Gaz.* 28 May 1998, p. 2371¹⁹

No. 165 of 1998: *Gaz.* 13 August 1998, p. 405²⁰

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 regulations see Appendix.

- 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.
- ⁴ Came into operation 3 February 1997: reg. 2.
- ⁵ Came into operation 27 February 1997: reg. 2.
- ⁶ Came into operation 24 April 1997: reg. 2.
- ⁷ Came into operation 13 May 1997: reg. 2.
- ⁸ Came into operation 1 July 1997: reg. 2.
- ⁹ Came into operation 1 July 1997: reg. 2.
- ¹⁰ Came into operation 25 September 1997: reg. 2.
- ¹¹ Came into operation 17 November 1997: reg. 2.
- ¹² Came into operation 4 December 1997: reg. 2.
- ¹³ Came into operation 24 December 1997: reg. 2.
- ¹⁴ Came into operation 15 January 1998: reg. 2.
- ¹⁵ Came into operation (except reg. 3(a)) 23 April 1998: reg. 2(1); reg. 3(a) came into operation 31 May 1998: reg. 2(2).
- ¹⁶ Came into operation (except reg. 11) 2 May 1998: reg. 2(1); reg. 11 came into operation 15 June 1998: reg. 2(2).
- ¹⁷ Came into operation 1 July 1998: reg. 2.
- ¹⁸ Came into operation 28 May 1998: reg. 2.
- ¹⁹ Came into operation (except reg. 4) 28 May 1998: reg. 2(1); reg. 4 came into operation 1 July 1998: reg. 2(2).
- ²⁰ **Came into operation 1 September 1998: reg. 2.**

N.B. The following regulations have been revoked:
No. 57 of 1997: *Gaz.* 13 May 1997, p. 1818 revoked by No. 153 of 1997: *Gaz.* 5 June 1997, p. 2945.

Motor Vehicles Regulations 1996

**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;

"**bike rack**" means a device that—

- (a) is designed or adapted for attachment to the rear of a motor vehicle (other than a motor cycle or motor tricycle); and
- (b) is designed or adapted for the carriage of one or more pedal cycles, motor cycles, wheelchairs or other similar ride-on vehicles (whether self-propelled or propelled by the rider);

"**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,

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

"power-assisted pedal cycle" means a pedal cycle that has one or more auxiliary propulsion motors with a combined power output not exceeding 200 watts;

"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.

Motor Vehicles Regulations 1996

**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, etc.

7. A motor vehicle may be driven on roads without registration if it is being driven by, or at the direction of, any of the following persons acting in the course of official duties:

- (a) a member of the police force;
- (b) an inspector;
- (c) a person authorised to examine motor vehicles under section 139 of the Act.

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.

Exemption from registration and insurance for golf carts and certain motorcycles

9A. (1) Subject to the conditions set out in subregulation (4), a prescribed motor vehicle may be driven on a golf course without registration or insurance.

(2) Subject to the conditions set out in subregulation (4), a prescribed motor vehicle may be driven on a road that does not form part of a golf course without registration or insurance in order to travel by the shortest available route from one part of a golf course to another part of the golf course.

(3) Subregulations (1) and (2) only apply if the motor vehicle is being driven by the owner of the vehicle or by a person authorised by the owner of the vehicle.

(4) The conditions referred to in subregulations (1) and (2) are as follows:

- (a) the vehicle must not be used, either wholly or partly, for the purpose of hiring it to another person for fee or reward; and
- (b) a policy of public liability insurance indemnifying the owner and any authorised driver of the vehicle in an amount of at least ten million dollars in relation to death or bodily injury caused by, or arising out of, the use of the vehicle must be in force.

(5) In this regulation—

"**golf cart**" means a motor vehicle designed for the purpose of transporting a person or persons who are playing golf around a golf course;

"golf course" includes—

- (a) land (including land used for car parking) used for the purposes of, or in conjunction with, a golf course; and
- (b) two golf courses that are adjacent to one another and are managed by the same club or authority;

"prescribed motor vehicle" means—

- (a) a golf cart;
- (b) a motor cycle that—
 - (i) has a mass not exceeding 65 kilograms; and
 - (ii) has an engine capacity not exceeding 50 cubic centimetres; and
 - (iii) is fitted with automatic transmission; and
 - (iv) is not capable of being propelled by its engine to a speed exceeding 50 kilometres per hour.

Exemption from registration and insurance for power-assisted pedal cycles

9B. A power-assisted pedal cycle may be driven 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 farm machine—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

Motor Vehicles Regulations 1996

- (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—TRADE PLATES

Purposes for which trade plates may be issued and used

14. For the purposes of sections 62(1) and 66 of the Act, the following purposes are prescribed:

- (a) delivery of a motor vehicle from premises of the manufacturer or distributor of the vehicle to business premises of a motor vehicle dealer or auctioneer;
- (b) delivery of a motor vehicle from premises of the manufacturer of the vehicle to a place for storage or to business premises of the distributor of the vehicle;

- (c) relocation of a motor vehicle—
 - (i) between different business premises of a motor vehicle dealer or auctioneer; or
 - (ii) between business premises of different motor vehicle dealers or auctioneers;
- (d) demonstration to a prospective purchaser of a motor vehicle of the on-road performance of the vehicle—
 - (i) being a demonstration in respect of which the vendor of the vehicle does not receive any monetary consideration; and
 - (ii) in the case of a commercial motor vehicle that is to carry a load during a demonstration, provided that—
 - (A) the demonstration consists of not more than two separate journeys by the same prospective purchaser and each journey is completed within three days; and
 - (B) during the demonstration the vehicle is used only within the State;
- (e) demonstration to a prospective purchaser of a bus of the on-road performance of the bus, being a demonstration—
 - (i) in respect of which the vendor of the bus does not receive any monetary consideration; and
 - (ii) during which no passengers other than the prospective purchaser and any person advising the prospective purchaser in relation to the purchase of the bus are carried in the bus;
- (f) on-road testing of a motor vehicle prior to delivery of the vehicle to a purchaser of the vehicle;
- (g) delivery of a motor vehicle sold by a motor vehicle dealer or auctioneer to a place nominated by the purchaser of the vehicle (whether within or outside the State);
- (h) in the case of a motor vehicle that—
 - (i) is sold by a motor vehicle dealer who is not authorised under section 7(3) of the Act to register vehicles sold by the dealer; and
 - (ii) is delivered to the purchaser on a day on which, or at a time of day at which, the office of the Registrar is closed for business,

to enable the vehicle to be driven by the purchaser or a person authorised by the purchaser without registration for any purpose until the time at which the office of the Registrar closes for business on the next day on which it is open for business;
- (i) delivery of a motor vehicle to a workshop or other place for repair or servicing of the vehicle or the making of alterations or additions to the vehicle;
- (j) return of a motor vehicle from a workshop or other place at which the vehicle has been repaired or serviced or at which alterations or additions have been made to the vehicle;

Motor Vehicles Regulations 1996

- (k) delivery of a motor vehicle to a place for wrecking or disassembling;
- (l) on-road testing of a motor vehicle in the course of repairs or servicing or the making of alterations or additions to the vehicle;
- (m) in the case of a motor vehicle on loan by a motor vehicle repairer to the owner of a motor vehicle under repair—to enable the loan vehicle to be driven for any purpose by the owner of the vehicle under repair provided that—
 - (i) the repairer is licensed as a dealer under the *Second-hand Vehicle Dealers Act 1995*; and
 - (ii) the loan vehicle is a second-hand vehicle that is being offered or exposed for sale by the repairer; and
 - (iii) a notice that complies with section 16 of the *Second-hand Vehicle Dealers Act 1995* is attached to the loan vehicle; and
 - (iv) the repairer does not receive any separate monetary consideration in respect of the provision of the loan vehicle; and
 - (v) in the case of a loan vehicle that is a commercial motor vehicle—the loan vehicle is not used to carry a load during the loan period except within the State;
- (n) delivery of a motor vehicle to the site of a motor show or other similar event at which the vehicle is to be on display;
- (o) return of a motor vehicle from the site of a motor show or other similar event at which the vehicle has been on display;
- (p) demonstration of the on-road performance of a motor vehicle while the vehicle is on display at a motor show or other similar event;
- (q) delivery of a motor vehicle to a place for inspection or examination under the Act, the *Road Traffic Act 1961* or any other Act or law;
- (r) return of a motor vehicle from a place to which the vehicle has been taken for inspection or examination under the Act, the *Road Traffic Act 1961* or any other Act or law.

Trade plate label and certificate of issue of trade plate

15. (1) At the time of issuing a trade plate, the Registrar must issue to the holder of the trade plate or his or her agent—

- (a) a trade plate label; and
- (b) a certificate of issue of a trade plate.

(2) A trade plate label will be in a form determined by the Registrar.

(3) If the Registrar is satisfied by statutory declaration or such other evidence as the Registrar may require that the label or certificate issued in respect of a trade plate has been lost or destroyed, the Registrar may, on application by the holder of the trade plate or his or her agent and payment of the prescribed fee, issue a duplicate label or certificate.

Carriage of trade plate and trade plate label

16. If a motor vehicle is to be driven on a road pursuant to section 66 of the Act—

- (a) a trade 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) the label issued by the Registrar in respect of the trade plate must be displayed in a waterproof holder that has a transparent front and is affixed to the plate; and
- (c) every figure and letter on the plate and label must be—
 - (i) legible from left to right on a plane level with the ground; and
 - (ii) clean and legible at all times; and
- (d) every figure and letter on the plate must be 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.

Offences

17. (1) A person must not—

- (a) drive or leave standing on a road a motor vehicle to which a colourable imitation of a trade plate is attached; or
- (b) drive or leave standing on a road a motor vehicle to which is affixed a trade plate that displays a colourable imitation of a trade plate label; or
- (c) drive or leave standing on a road a motor vehicle to which is affixed a trade plate that displays a trade plate label issued in respect of another trade plate; or
- (d) without lawful excuse, have in his or her possession a trade plate label or an article resembling a trade plate label that is liable to be mistaken for a trade plate label.

(2) A person must not sell or supply trade plates without the approval of the Minister.

Replacement of lost trade plate

18. (1) If—

- (a) a person satisfies the Registrar that—
 - (i) a trade 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 set out in schedule 5 for the issue of a replacement trade plate is paid to the Registrar,

the Registrar may issue a new trade plate to that person.

Motor Vehicles Regulations 1996

- (2) The Registrar may require an applicant for a replacement trade plate 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 trade plate if it comes into the applicant's possession; or
 - (ii) inform the Registrar of and when the location of the lost trade plate becomes known to or suspected by the applicant.

* * * * *

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

the effect of which is to obscure or distort a letter or figure on a number plate or trade 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.

Motor Vehicles Regulations 1996

(3) Subregulation (1)(a) does not apply in relation to a motor vehicle to which a bike rack is attached if a number plate that—

- (a) conforms to the specifications and design prescribed for a number plate of a class established under section 47A of the Act for the purposes of this subregulation; and
- (b) bears the number allotted to the vehicle under the Act,

is attached to the bike rack and displayed such that—

- (c) the whole of the number plate is visible from the rear; and
- (d) the bottom edge of the number plate is not less than 30 centimetres above the level of the ground and in such a position that every letter and figure of the registered number is upright; and
- (e) every letter and figure on the number plate is—
 - (i) legible from left to right on a plane level with the ground; and
 - (ii) clean and legible at all times; and
 - (iii) 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.

(4) If a bike rack that displays a number plate is attached to a motor vehicle, a person must not drive the motor vehicle on a road while—

- (a) a device is attached to the bike rack or the number plate on the bike rack; or
- (b) a substance is painted on or otherwise added to or made part of the number plate on the bike rack,

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

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.

Report required before registration of new vehicles—prescribed particulars

23A. A report required under section 23A of the Act in relation to a new motor vehicle must—

- (a) be completed by a member of the police force, an inspector or a person authorised by the Registrar under section 7(3) of the Act; and

- (b) contain the following particulars:
- (i) the name of the person who completed the report; and
 - (ii) the Vehicle Identification Number (**VIN**) of the vehicle; and
 - (iii) the month and year of manufacture of the vehicle; and
 - (iv) the make of the vehicle; and
 - (v) in the case of a motor vehicle other than a caravan or trailer—the body type and engine number of the vehicle.

**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 driver's licence, learner's permit or particular class of 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.

(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.

(5) A person may drive a power-assisted pedal cycle without holding a driver's licence or learner's permit.

(6) A person may drive a self-propelled wheelchair or a motor vehicle of a class prescribed by regulation 8 for the purposes of section 12A(2) of the Act without holding a driver's licence or learner's permit if the person reasonably requires the use of the wheelchair or vehicle because of some physical infirmity.

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—

Motor Vehicles Regulations 1996

- (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.

Provisional 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 provisional 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 provisional 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 provisional licence speed limit for members of police force and police cadets

31. A member of the police force or police cadet who holds a provisional 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 provisional licence holder who contravenes 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 provisional licence for members of police force and police cadets

33. A member of the police force or police cadet who holds a provisional 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.

Motor Vehicles Regulations 1996

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.

Motor Vehicles Regulations 1996

Refund on surrender of trade plate

41A. For the purposes of section 70(5) of the Act, the amount to be refunded on the surrender of a trade plate is an amount equal to the product obtained by multiplying one three hundred and sixty-fifth of the annual fee paid for the issue of the plate by the number of days in the unexpired portion of the period for which the plate was issued.

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 provisional 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 provisional 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 trade plate; or
- (c) the issue of a replacement trade plate; or
- (d) the issue of a provisional driver's licence,

* * * * *

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.

* * * * *

Motor Vehicles Regulations 1996

**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 trade plate;
- (c) an application for a duplicate driver's licence or learner's permit;
- (d) a certificate of issue of a trade 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.

Notification to Registrar of change of address

51A. For the purposes of section 136 of the Act, notice is given to the Registrar in a prescribed manner if it is given—

- (a) in writing to the Registrar; or

- (b) by telephone to a telephone number nominated by the Registrar for the purpose of giving notice;
- (c) by facsimile transmission to a facsimile number nominated by the Registrar for the purpose of giving such notice; or
- (d) by other telephonic or electronic means made available by the Registrar to members of the public for the purpose of giving such notice.

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

Motor Vehicles Regulations 1996

- (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.

Expiation fee: The relevant fee set out in Schedule 6.

Expiation of alleged offences

55. The expiation fees set out in Schedule 6 are fixed for alleged offences against the Act or these regulations specified in the Schedule.

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;

"**historic vehicle**" means a motor vehicle where 30 years or more have elapsed since 1 January of the year in which the vehicle was manufactured;

"**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—1, 2 or 3 years, at the option of the applicant; 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 historic vehicle that has not been modified from its original design to any significant extent;
- (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 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 who drives the vehicle on a road must—
 - (i) while doing so, carry in the vehicle a log book in a form approved by the Registrar; and
 - (ii) record in the log book, in accordance with the directions contained in the log book, particulars of each journey undertaken by the person in the vehicle; and

Motor Vehicles Regulations 1996

- (iii) produce the log book for inspection on request made by a member of the police force or an inspector;
- (c) a person must not drive the vehicle, or cause, suffer or permit the vehicle to be driven, on a road on more than 90 days in each period of 12 months in the period of registration.

* * * * *

(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).

* * * * *

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 machine) that—

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

Motor Vehicles Regulations 1996

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.

Motor Vehicles Regulations 1996

<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— (a) a bus; or (b) an articulated motor vehicle (see clause 1(5)); or (c) a heavy trailer combination; or (d) a motor cycle.	Nil.
LT	Any motor vehicle the gross vehicle mass of which does not exceed 15 tonnes except— (a) a bus; or (b) an articulated motor vehicle (see clause 1(5)); or (c) a heavy trailer combination; or (d) a motor cycle.	The applicant must have held a driver's licence for at least two years.
HT	Any motor vehicle except— (a) a bus; or (b) an articulated motor vehicle (see clause 1(5)); or (c) a heavy trailer combination; 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 LB, HB or AB.
LA	Any motor vehicle except— (a) a bus; or (b) an articulated motor vehicle the gross combination mass of which exceeds 24 tonnes; or (c) a heavy trailer combination, the hauling unit of which has a gross combination mass exceeding 24 tonnes; 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, LB, HB or AB.

Motor Vehicles Regulations 1996

<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.

Motor Vehicles Regulations 1996

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.

*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.

* * * * *

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

Motor Vehicles Regulations 1996

<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. (1) The powers and duties conferred or imposed 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.
139(1)	Power of the Registrar, an inspector, a member of the police force or a person authorised by the Registrar to examine motor vehicles.

(2) The powers and duties conferred or imposed by each of the provisions of these regulations 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>Regulation conferring power or imposing duty</i>	<i>Brief description of power or duty</i>
23A	Power to complete a report in relation to a new motor vehicle.

SCHEDULE 5

Fees

Interpretation

1. In this schedule—

"level 1 fee" means an administration fee of \$6.00;

"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—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) 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 \$24.00

(ii) a trailer \$41.00

(iii) a motor vehicle propelled other than by an internal combustion engine \$68.00

(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 \$68.00

· having 5 or 6 cylinders \$137.00

· having 7 or more cylinders \$200.00

(B) if the unladen mass of the vehicle exceeds 1 000 kg but does not exceed 1 500 kg \$151.00

(C) if the unladen mass of the vehicle exceeds 1 500 kg \$256.00

(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 \$68.00

(B) having 5 or 6 cylinders \$137.00

(C) having 7 or more cylinders \$200.00

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

Motor Vehicles Regulations 1996

(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—
 - (i) in the case of a renewal that is to take effect before 31 May 1998 \$5.00
 - (ii) in the case of a renewal that is to take effect on or after 31 May 1998 \$6.00

(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—
 - (i) in the case of a renewal that is to take effect before 31 May 1998 \$5.00
 - (ii) in the case of a renewal that is to take effect on or after 31 May 1998 \$6.00

(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

13. (1) Administration fee for the issue or replacement of a single number plate, a pair of number plates or a supplementary number plate for a bike rack level 3 fee

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

Issue or reissue of trade plate

14. (1) For the issue or reissue of a trade plate—

(a) in respect of a motor vehicle that has a gross vehicle mass exceeding 4 500 kg (other than a special purpose vehicle) (**Category A**)—an annual fee of an amount equal to the fee that would be payable for registration for 12 months of a heavy vehicle that is a truck (type 1) with 2 axles and a gross vehicle mass exceeding 4 500 kg but not exceeding 12 000 kg;

Motor Vehicles Regulations 1996

- (b) in respect of a motor vehicle that has a gross vehicle mass not exceeding 4 500 kg (other than a motor cycle, trailer or special purpose vehicle) (**Category B**)—an annual fee of an amount equal to the fee that would be payable for registration for 12 months of a motor vehicle referred to in clause 2(1)(b)(iv)(A) or 2(1)(b)(v) that has 7 or more cylinders;
- (c) in respect of a motor cycle (**Category C**)—an annual fee of an amount equal to the fee that would be payable for registration for 12 months of a motor cycle;
- (d) in respect of a trailer that has a gross vehicle mass not exceeding 4 500 kg (**Category D**)—an annual fee of an amount equal to the fee that would be payable for registration for 12 months of a trailer;
- (e) in respect of a special purpose vehicle (**Category E**)—no fee.

If an application for the issue or reissue of a trade plate relates to more than one category of vehicle such that more than one fee becomes payable, then only the highest fee must be paid.

(2) Administration fees (payable in addition to the fee prescribed in subclause (1))—

(a) on application for the issue of a trade plate level 3 fee

(b) for allocation of a trade plate number on the issue of a trade plate (per plate) level 2 fee

(3) Administration fee (payable in addition to the fee prescribed in subclause (1))
on application for the reissue of a trade plate level 1 fee

(4) In this clause—

"**truck (type 1)**" has the same meaning as in the schedule of the Commonwealth Road Transport Charges Act.

Supply of trade plate by Registrar

15. Administration fee for the supply of a trade plate by the Registrar level 3 fee

Issue of replacement trade plate

16. Administration fee on application for the issue of a new trade plate in lieu of a lost trade plate level 2 fee

Duplicate trade plate label or certificate of issue of trade plate

17. Administration fee for the issue of a duplicate trade plate label or duplicate certificate of issue of a trade plate level 2 fee

Trade plate transfer

17A. Administration fee payable on application for the transfer of a trade plate level 3 fee

Trade plate surrender

17B. Administration fee payable on surrender of a trade plate under section 70(5) of the Act level 2 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) \$10.50

(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) \$10.50

(c) in any other case (per annum) \$21.00

(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 or renewal of a driver's licence level 2 fee

(4) Administration fee (payable in addition to the fee prescribed in subclause (3)) where application for the issue of a driver's licence is made more than 90 days after the expiry of a previously held licence and the applicant was not, during the whole of the period of 90 days after the expiry of the previously held licence, disqualified from holding or obtaining a driver's licence level 3 fee

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 \$30.00

(ii) for a test exceeding 40 minutes' duration \$68.00

(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 \$63.00

Motor Vehicles Regulations 1996

(ii) for advanced motor cycle training preparatory to obtaining a motor cycle driver's licence \$55.00

(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 \$37.00

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

(b) for a practical training course test—

(i) test fee \$3 200

(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) \$52.00

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 \$270.00

(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 \$400.00

(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—

(i) for 1 year or less \$3.00

(ii) for 2 years \$5.00

(iii) for 3 years \$7.00

(iv) for 4 years \$9.00

(v) for 5 years \$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.

Motor Vehicles Regulations 1996**SCHEDULE 6
Expiation Fees (regs. 54 & 55)****Alleged offence against Act**

s. 16(9)	\$62
s. 16(11)	\$52
s. 47(1)	\$52
s. 47A(7)	\$60
s. 48(3)	\$62
s. 53(1)	\$60
s. 66(2)	\$60
s. 74(1)	\$183
s. 75A(5):	
· contravention of condition requiring licensed driver to accompany learner	\$118
· contravention of condition requiring one "L" plate to be affixed to vehicle	\$111
· in any other case	\$48
s. 75A(5aaa)	\$42
s. 75A(7):	
· contravention involving less than .08 grams of alcohol in 100 millilitres of blood	\$119
s. 81(4)	\$48
s. 81A(5):	
· contravention of condition requiring one "P" plate to be affixed to vehicle	\$105
· in any other case	\$48
s. 81A(5a)	\$55
s. 97A(3)	\$60
s. 98AAA(1)	\$54
s. 98AAB(1) or (2)	\$54
s. 102(2)(a)	\$17
s. 136(1), (1a) or (2)	\$76
s. 143:	
· offence of causing or permitting the commission of an expiable offence against the Act or these regulations	\$37

Alleged offence against reg. 54 arising from alleged contravention of, or failure to comply with—

reg. 22(1) or (4)	\$233
reg. 27(1) or (3)	\$48

APPENDIX 1

LEGISLATIVE HISTORY

Transitional Provisions

(Transitional provision from Regulation No. 259 of 1996, reg. 4)

4. A regulation varied or revoked by these regulations will continue to apply (as in force immediately prior to the variation or revocation coming into operation) to an expiration notice issued under the varied or revoked regulations.

(Transitional provision from Regulation No. 101 of 1997, reg. 4)

4. (1) The fees prescribed in respect of the issue or renewal of registration of a motor vehicle by schedule 5 of the principal regulations, as varied by these regulations, apply where the issue or renewal is to take effect on or after 1 July 1997.

(2) All other fees prescribed by schedule 5 of the principal regulations, as varied by these regulations, apply from 1 July 1997.

(3) Despite regulation 3—

(a) the fees prescribed in relation to the issue or renewal of registration of a motor vehicle by schedule 5 of the principal regulations, as in force immediately before the commencement of these regulations, continue to apply where the issue or renewal is to take effect before 1 July 1997; and

(b) all other fees prescribed by schedule 5 of the principal regulations, as in force immediately before the commencement of these regulations, continue to apply until 1 July 1997.

(Transitional provisions from Regulation No. 92 of 1998, reg. 5)

5. (1) The fees prescribed in respect of the issue or renewal of a driver's licence or registration of a motor vehicle by schedule 5 of the principal regulations, as varied by these regulations, apply where the issue or renewal is to take effect on or after 1 July 1998.

(2) All other fees prescribed by schedule 5 of the principal regulations, as varied by these regulations, apply from 1 July 1998.

(3) Despite regulation 3—

(a) the fees prescribed in relation to the issue or renewal of a driver's licence or registration of a motor vehicle by schedule 5 of the principal regulations, as in force immediately before the commencement of these regulations, continue to apply where the issue or renewal is to take effect before 1 July 1998; and

(b) all other fees prescribed by schedule 5 of the principal regulations, as in force immediately before the commencement of these regulations, continue to apply until 1 July 1998.

Legislative History

(entries in bold type indicate amendments incorporated since the last reprint)

Regulation 4(1):	definition of "bike rack" inserted by 25, 1997, reg. 3 definition of "power-assisted pedal cycle" inserted by 233, 1997, reg. 3
Regulation 7:	substituted by 164, 1997, reg. 3
Regulation 9A:	inserted by 50, 1997, reg. 3
Regulation 9B:	inserted by 233, 1997, reg. 4
Regulation 12:	varied by 3, 1998, reg. 3

Motor Vehicles Regulations 1996

Division 4 of Part 2 comprising regs. 14 - 19 and heading repealed and
regs. 14 - 18 and heading inserted in its place by 224, 1997, reg. 3

Regulation 14:	varied by 165, 1998, reg. 3
Regulation 22(1):	varied by 224, 1997, reg. 4
Regulation 22(3) and (4):	inserted by 25, 1997, reg. 4
Regulation 23A:	inserted by 164, 1997, reg. 4
Regulation 25(5):	inserted by 233, 1997, reg. 5
Regulation 25(6):	inserted by 40, 1998, reg. 3
Regulation 29(2):	varied by 40, 1998, reg. 4
Regulation 30:	varied by 40, 1998, reg. 5
Regulation 31:	varied by 40, 1998, reg. 6
Regulation 33:	varied by 40, 1998, reg. 7
Regulation 41A:	inserted by 224, 1997, reg. 5
Regulation 42(1):	varied by 40, 1998, reg. 8(a)
Regulation 42(2):	varied by 40, 1998, reg. 8(b)
Regulation 45(2):	varied by 224, 1997, reg. 6; 40, 1998, reg. 9
Regulation 45(2)(e):	revoked by 49, 1998, reg. 3
Regulation 47(d):	revoked by 49, 1998, reg. 4
Regulation 49:	varied by 224, 1997, reg. 7
Regulation 51A:	inserted by 239, 1997, reg. 3
Regulation 54:	varied by 259, 1996, reg. 3 (Sched. cl. 17)
Regulation 55:	inserted by 259, 1996, reg. 3 (Sched. cl. 17)
Schedule 1	
Clause 1:	definition of "historic vehicle" inserted by 44, 1998, reg. 3(a)
Clause 2:	varied by 44, 1998, reg. 3(b)
Clause 3(1):	varied by 239, 1996, reg. 3; 44, 1998, reg. 3(c)
Clause 3(2):	varied by 44, 1998, reg. 3(d), (e)
Clause 3(2)(d):	revoked by 44, 1998, reg. 3(e)
Clause 3(4) - (6):	revoked by 44, 1998, reg. 3(f)
Clause 4(1):	varied by 3, 1998, reg. 4
Schedule 2	
Clause 1	
Table:	varied by 40, 1998, reg. 10(a)
Clause 2:	revoked by 40, 1998, reg. 10(b)
Schedule 4	
Clause 1:	varied and redesignated as clause 1(1) by 164, 1997, reg. 5
Clause 1(2):	inserted by 164, 1997, reg. 5(c)
Schedule 5	
Clause 1:	varied by 35, 1998, reg. 3(a)
Clause 2(1):	varied by 101, 1997, reg. 3(a)-(i); 211, 1997, reg. 3; 92, 1998, reg. 3(a)
Clause 2(4):	varied by 35, 1998, reg. 3(b)
Clause 3(2):	varied by 35, 1998, reg. 3(c)
Clause 13:	substituted by 25, 1997, reg. 5
Clause 14:	substituted by 224, 1997, reg. 8
Clause 14(1):	varied by 165, 1998, reg. 4
Clauses 15 - 17:	substituted by 224, 1997, reg. 8
Clauses 17A and 17B:	inserted by 224, 1997, reg. 8
Clause 18(1):	varied by 92, 1998, reg. 3(b)-(d)
Clause 18(3) and (4):	substituted by 40, 1998, reg. 11
Clause 23:	varied by 101, 1997, reg. 3(j); 92, 1998, reg. 3(e)
Clause 24:	varied by 101, 1997, reg. 3(k), (l); 92, 1998, reg. 3(f)
Clause 25:	varied by 101, 1997, reg. 3(m), (n); 92, 1998, reg. 3(g), (h)
Clause 26:	varied by 92, 1998, reg. 3(i)
Clause 28:	varied by 101, 1997, reg. 3(o), (p); 92, 1998, reg. 3(j), (k)
Clause 30:	varied by 49, 1998, reg. 5
Schedule 6:	varied by 224, 1996, reg. 3; substituted by 259, 1996, reg. 3 (Sched. cl. 17); varied by 25, 1997, reg. 6; substituted by 153, 1997, reg. 4; 92, 1998, reg. 4

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.