

South Australia

## **Motor Vehicles Regulations 1996**

under the *Motor Vehicles Act 1959*

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Legislative history

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## Part 1—Preliminary

### 1—Short title

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

### 4—Interpretation

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

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

**articulated bus** means a bus consisting of more than one rigid section with passenger access between the sections and the sections connected to one another so as to allow rotary movement between the sections;

**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 bike or motor trike); and
- (b) is designed or adapted for the carriage of one or more pedal cycles, motor bikes, 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;

**converter dolly** means a trailer with one axle group or single axle and a fifth wheel coupling designed to convert a semi-trailer into a dog trailer;

**dog trailer** means a trailer (including a trailer consisting of a semi-trailer and converter dolly) with—

- (a) one axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar; and
- (b) one axle group or single axle at the rear;

**engine number** has the same meaning as in Part 3A of the *Road Traffic Act 1961*;

**fifth wheel coupling** means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime-mover, semi-trailer or a converter dolly to permit quick coupling and uncoupling and to provide for articulation;

**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;

***moped*** means a two or three wheeled motor vehicle (other than a power-assisted pedal cycle) that—

- (a) is propelled by—
  - (i) an internal combustion engine with a capacity not exceeding 50 millilitres; or
  - (ii) a motor other than an internal combustion engine; and
- (b) is capable of a speed not exceeding 50 kilometres per hour;

***motor trike*** means a motor vehicle with three wheels, but does not include—

- (a) a two wheeled motor vehicle with a sidecar attached to it and supported by a third wheel; or
- (b) a motor vehicle with three wheels that has a body type commonly known as, or similar to, a sedan, station wagon, coupe, convertible, roadster, utility, tray top or van;

***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;

***rigid*** means not articulated, other than in respect of an articulated bus;

***road train*** means a combination of vehicles, other than a B-double, consisting of a motor vehicle towing at least two trailers (counting as one trailer a converter dolly supporting a semi-trailer);

***special purpose vehicle*** has the same meaning as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*;

***Transport Department*** means the administrative unit that, under the Minister, is responsible for the administration of the Act;

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

***vehicle identification number*** has the same meaning as in Part 3A of the *Road Traffic Act 1961*;

***vehicle identification plate*** has the same meaning as in Part 3A of the *Road Traffic Act 1961*.

- (2) A reference in these regulations to a ***government-registered*** motor vehicle is a reference to a motor vehicle—
  - (a) that is registered under the scheme established for the registration of motor vehicles used for or in connection with Government or Government sponsored services and known as the *Continuous Government Registration Scheme*; and

- (b) in respect of which the Registrar has issued number plates of the class established by the Registrar under section 47A of the Act as *Class 8—Government Vehicle Number Plates*.
- (3) For the purposes of these regulations—
- (a) the power to weight ratio of a motor bike or motor trike is to be calculated by dividing its engine power by the sum of its tare weight and 90 kilograms, and multiplying the product of that division by 1000; and
  - (b) the engine power of a motor bike or motor trike is the engine power stated in the Road Vehicle Descriptor for that vehicle's make and model published by the Commonwealth Department of Transport and Regional Services; and
  - (c) the tare weight of a motor bike or motor trike is the tare weight as stated in the Road Vehicle Descriptor for that vehicle's make or model.





## **Part 2—Registration of motor vehicles**

### **Division 1—Exemptions and permits**

#### **7—Exemption from registration and insurance for certain vehicles driven by or at direction of police officer etc**

- (1) A motor vehicle may be driven on roads without registration or insurance if the vehicle is being driven by, or at the direction of, a person of a class prescribed by subregulation (2) acting pursuant to powers conferred on the person, or in the discharge of duties imposed on the person, in relation to the vehicle (whether under the Act or any other Act or law).
- (2) For the purposes of subregulation (1), the following classes of persons are prescribed:
  - (a) police officers;
  - (b) authorised officers;
  - (c) persons authorised to examine motor vehicles under section 139 of the Act.

#### **8—Exemption from registration and insurance for certain vehicles used by disabled persons (section 12A(1) of the Act)**

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.

#### **9—Exemption from registration and insurance for vehicles being towed by towtrucks**

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

#### **9A—Exemption from registration and insurance for golf carts and mopeds**

- (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—
- prescribed motor vehicle* means a golf cart or moped.

### **9B—Exemption from registration and insurance for power-assisted pedal cycles**

A power-assisted pedal cycle may be driven on roads without registration or insurance.

### **10—Permit to drive unregistered vehicle in prescribed circumstances (section 16(1)(c)(ii) of the Act)**

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**

### **11—Duty to notify alterations or additions to vehicles**

- (1) For the purposes of section 44(1) of the Act, the alterations and additions specified in Schedule 4 are prescribed.
- (2) A registered owner or registered operator 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 or gross vehicle mass 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

#### 12—Carriage of number plates (section 47(1) of the Act)

For the purposes of section 47(1) 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 bike or trailer—one number plate at the rear;
  - (ii) in the case of a tractor or agricultural 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
- (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.

#### 13—Exemptions from duty to carry number plates

- (1) 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.
- (2) An officer or employee of the South Australian Police Department or the Transport Department who drives a motor vehicle on a road, or causes a motor vehicle to stand on a road, is exempt from the operation of section 47(1) of the Act if—
- (a) the vehicle is being used for the purpose of testing the legibility of number plates; and
  - (b) the vehicle displays a sign bearing the word "test".

### **13AA—Return or recovery of number plates—exceptions**

- (1) The Registrar is not required to give a person a direction under section 47C(2) of the Act requiring the return of number plates issued for a motor vehicle if the Registrar is satisfied that—
- (a) the vehicle is, or is to be, periodically registered for terms of less than 12 months on each occasion; or
  - (b) the number plates are the subject of an agreement between the Registrar and the person under section 47A of the Act under which the person has acquired a right to attach the plates to any motor vehicle registered in the person's name from time to time; or
  - (c) the vehicle has been purchased by a motor vehicle dealer or auctioneer.
- (2) If the Registrar is not required to give a direction under section 47C(2) of the Act requiring the return of number plates, the Registrar, a police officer or an authorised officer is not empowered to seize the plates under section 47C(4) of the Act unless—
- (a) the Registrar has given a person such a direction in relation to the plates; and
  - (b) the person has failed to comply with the direction; and
  - (c) the person has no reasonable excuse for failing to comply.

**13A—Exemptions from section 47D of Act**

- (1) A police officer who, in the course of official duties, drives on a road, or causes to stand on a road, a government-registered motor bike at the front of which is attached a label or sticker that bears the number allotted to the motor bike under the Act is exempt from section 47D(1)(c) of the Act if —
  - (a) the label or sticker is made of silver reflective decal material; and
  - (b) the label or sticker is 220 mm wide and 93 mm high; and
  - (c) every letter and figure on the label or sticker is printed in blue on a white background and in upper case; and
  - (d) the label or sticker bears the slogan "SA Government".
- (2) An officer or employee of the South Australian Police Department or the Transport Department who drives a motor vehicle on a road, or causes a motor vehicle to stand on a road, is exempt from the operation of section 47D(1)(a), (b) and (c) of the Act if—
  - (a) the vehicle is being used for the purpose of testing the legibility of number plates; and
  - (b) the vehicle displays a sign bearing the word "test".

**13B—Exemption from section 56(b)(ii) of Act where motor vehicle dealer etc, acting as delegate of Registrar, transfers registration of vehicle sold by dealer**

If—

- (a) a motor vehicle dealer or auctioneer sells a motor vehicle in the course of his or her business; and
- (b) the Registrar has delegated to the dealer or auctioneer the Registrar's function under section 58(1) of the Act; and
- (c) the dealer or auctioneer, acting under that delegation, registers the vehicle in the name of the purchaser,

the dealer or auctioneer is exempt from the operation of section 56(b)(ii) of the Act in respect of the transfer of ownership of that vehicle.

**Division 4—Trade plates****14—Purposes for which trade plates may be issued and used**

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—

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Part 2—Registration of motor vehicles

Division 4—Trade plates

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- (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 by a delegation under section 7 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;

- (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 does not receive any separate monetary consideration in respect of the provision of the loan vehicle; and
  - (ii) if the loan vehicle is a commercial motor vehicle—the loan vehicle is not used to carry a load during the loan period except within the State; and
  - (iii) if the loan vehicle is not a special purpose vehicle—
    - (A) the repairer is licensed as a dealer under the *Second-hand Vehicle Dealers Act 1995*; and
    - (B) the loan vehicle is a second-hand vehicle that is being offered or exposed for sale by the repairer; and
    - (C) a notice that complies with section 16 of the *Second-hand Vehicle Dealers Act 1995* is attached to the loan vehicle;
- (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.

### 15—Trade plate label and certificate of issue of trade plate

- (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.

## 16—Carriage of trade plate and trade plate label

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.

## 17—Offences

- (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.

## 18—Replacement of lost trade plate

- (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 police officer; 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.



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- (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**

### **20—Vehicles for which a registration label is not required to be issued**

- (1) For the purposes of section 48(1)(b), (2) and (3) of the Act, a government-registered motor vehicle is a motor vehicle of a prescribed class.

### **21—Carriage of registration labels and permits**

- (1) A registration label or permit under section 16 or 50 of the Act—
- (a) must—
    - (i) if issued in respect of a motor vehicle that has a windscreen (other than a motor bike)—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 bike 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 bike—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 bike; 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—
  - (a) if—
    - (i) the vehicle is, for the purpose of having the label destroyed, being driven to the place where the label is to be destroyed; and
    - (ii) 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; or
  - (b) if—
    - (i) the label has been destroyed; and
    - (ii) 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
    - (iii) 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; or
  - (c) if—
    - (i) payment of the fees payable for registration of the vehicle was made by mail, telephone or the internet; and
    - (ii) the registration label has not been received by the registered owner or the registered operator of the vehicle or his or her agent; and
    - (iii) not more than 30 days have elapsed from the date the payment was made.

## **22—Offences**

- (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.

- (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.

### **23—Cancellation of permit to drive unregistered vehicle**

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.

### **23A—Report required before registration of new vehicles—prescribed particulars**

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

- (a) be completed by a police officer, authorised officer or a person authorised by a delegation under section 7 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.

**23B—Classes of vehicles Registrar may refuse to register**

For the purposes of section 24(3)(ca) of the Act, the following classes of vehicles are prescribed:

- (a) written-off vehicles within the meaning of Part 4A of these regulations;
- (b) interstate written-off vehicles within the meaning of Part 4A of these regulations.

## **Part 2A—Heavy vehicles speeding control scheme**

### **23C—Interpretation**

In this Part—

*road train* means a road train that, including its load (if any), is over 19 metres long.

### **23D—Corresponding laws declared for purposes of the scheme**

The following laws, as amended or substituted from time to time, are declared to be corresponding laws for the purposes of Part 2A of the Act:

*Motor Vehicles Act* of the Northern Territory

*Road Safety Act 1986* of Victoria

*Road Traffic Act 1974* of Western Australia

*Road Transport (Vehicle Registration) Act 1997* of New South Wales

*Road Transport (Vehicle Registration) Act 1999* of the Australian Capital Territory

*Transport Operations (Road Use Management) Act 1995* of Queensland

*Vehicle and Traffic Act 1999* of Tasmania.

### **23E—Prescribed classes of heavy vehicles**

For the purposes of paragraph (c) of the definition of *heavy vehicle* in section 71C(1) of the Act, a road train is a prescribed class of motor vehicle.

### **23F—Prescribed speeds for different classes of heavy vehicles**

For the purposes of the definition of *prescribed speed* in section 71C(1) of the Act, the following speeds are prescribed:

- (a) in relation to a road train—90 kilometres per hour;
- (b) in relation to any other class of heavy vehicle—100 kilometres per hour.

### **23G—Speeding offences not to be registered under section 71D of the Act**

(1) Pursuant to section 71D(3)(b) of the Act—

- (a) a relevant speeding offence must not be registered in relation to a heavy vehicle unless it is an offence against a law of this State or another State or a Territory of the Commonwealth involving the driving of the vehicle at a speed 15 kilometres or more over the highest speed-limit over which the vehicle must not be driven on roads under that law; and
- (b) a relevant speeding offence must not be registered in relation to a heavy vehicle if—
  - (i) the offence was committed before 9 July 2001; or
  - (ii) the offence was committed within 14 days after service on the registered owner of the vehicle of a written notice under section 71E of the Act in relation to the vehicle.

- (2) In this regulation—
- (a) a reference to an offence committed by a person includes a reference to an offence allegedly committed by a person that the person has expiated;
  - (b) *expiate* includes pay the amount payable in connection with an infringement notice or penalty notice issued under a law of another State or Territory of the Commonwealth in respect of an alleged offence.

## Part 3—Licences

### Division 1—Driver's licences and learner's permits

#### 23H—Exemption from certain requirements for qualified supervising drivers

- (1) A person to whom this regulation applies is exempted from the requirement specified in section 72A(1)(b) of the Act that the person must, in order to act as a qualified supervising driver for the holder of a licence or permit, have held a licence referred to in that paragraph during the whole of the immediately preceding 2 year period.
- (2) This regulation applies to a person if the person—
  - (a) has not held the relevant licence during the whole of the immediately preceding 2 year period only because the licence expired during that period; and
  - (b) renewed the licence within 3 months of that expiry; and
  - (c) has held the relevant licence for periods totalling at least 2 years (excluding any period between the expiry of the licence and the date of its renewal).

#### 24—Duty of applicant for licence or permit to supply specimen signature etc

- (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.

## **25—Exemption from duty to hold licence, learner's permit or particular class of licence**

- (1) A police officer 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 moped on roads in this State without holding a licence endorsed with the classification R-DATE.
- (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(1) 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.

## **25A—Examination of applicant for licence or learner's permit**

- (1) For the purposes of section 79(1) and (1a) of the Act—
  - (a) a theoretical examination will consist of questions determined by the Registrar from time to time as to—
    - (i) the rules required by law to be observed by drivers of motor vehicles; and
    - (ii) the causes of motor vehicle accidents; and
    - (iii) safe driving behaviour and safe driving practices; and
    - (iv) the effects of alcohol and drugs on driving skills and driving behaviour; and
    - (v) the effects of speeding; and
    - (vi) the stopping distances of motor vehicles; and
    - (vii) the effects of road surfaces and weather conditions on the driving of motor vehicles; and
    - (viii) such other matters as are determined by the Registrar from time to time; and
  - (b) a theoretical examination will be taken by a person—
    - (i) in writing in the English language; or
    - (ii) if the person is, by reason of impairment, unable to take the examination in writing—orally in the English language; or
    - (iii) if the person's principal language is not English and the person's understanding of English is not adequate to enable the person to take the examination in writing in English—orally in the person's principal language.



- (2) For the purposes of section 79(2) of the Act, the number of questions in the examination that a person must answer correctly is a number that equals 80 per cent of the questions asked in the examination.

### **25B—Prescribed matters for the purposes of section 79A of the Act**

- (1) For the purposes of section 79A(1)(a)(ii)(B), the prescribed requirements are that the applicant has driven a motor vehicle of a class for which the licence is sought for periods totalling not less than 50 hours, at least 10 hours of which must have occurred at night.
- (2) For the purposes of section 79A(2)(b), licence classes R-Date and R are prescribed.

**Note—**

see Schedule 2—Classification of driver's licences.

- (3) In this regulation—

*night* means the period between sunset on one day and sunrise on the next day.

### **26—Power to refuse practical driving test where undue danger to any person**

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.

### **26A—Certain practical driving tests not to be taken again within 13 day period**

- (1) A person who fails a Vehicle on Road Test taken for the purpose of enabling the person to qualify for the issue of a provisional licence endorsed with the classification C cannot take a subsequent Vehicle on Road Test for that purpose unless 13 days have elapsed since the day on which the person failed the test.

- (2) In subregulation (1)—

*Vehicle on Road Test* means a practical driving test consisting of a single test during which the person taking the test drives a motor vehicle on roads in the company of an examiner who assesses the person's ability to drive safely and according to the rules required by law to be observed by drivers of motor vehicles.

### **28—Learner's permits—display of "L" plates**

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

(a) —

- (i) in the case of a motor vehicle other than a motor bike—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 bike—an "L" plate must be displayed at, and be clearly visible from, the rear of the motor bike; 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.

## 29—Display of "P" plates

- (1) For the purposes of sections 81A(1)(e), 81A(5a) and 81AB(3a)(a) of the Act—
  - (a) —
    - (i) in the case of a motor vehicle other than a motor bike—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 bike—a "P" plate must be displayed at, and be clearly visible from, the rear of the motor bike; 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 or a probationary licence issued subject to the alcohol interlock scheme conditions must not drive a motor vehicle on a road while there is affixed to the vehicle a "P" plate in accordance with this regulation.

**29A—Exemption from section 81A of Act**

A person who holds a licence that was issued subject to provisional licence conditions before 15 December 2003 is exempt from the operation of section 81A of the Act in relation to that licence if the period for which those conditions would have been effective under that section as in force immediately before that date has elapsed unless—

- (a) during that period, the person incurred one or more demerit points in respect of offences committed or allegedly committed on or after 15 December 2003; and
- (b) at the time that the demerit points were incurred the person was under the age of 19 years.

**30—Exemption from duty to display "P" plates for police officers and police cadets**

A police officer or police cadet who holds a provisional licence is, while engaged in official duties or training, exempt from the operation of section 81A(1)(e) and (5a) of the Act.

**31—Exemption from provisional licence speed-limit for police officers and police cadets**

A police officer 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 (5b) of the Act.

**31A—Exemption from requirement to undertake a hazard perception test**

An applicant for a P2 licence who resides—

- (a) more than 100 kilometres from the nearest place at which hazard perception tests are conducted; or
- (b) on Kangaroo Island,

is exempt from the requirement in section 81A(3)(a)(iii) of the Act.

**31B—Prescribed classes of applicants**

- (1) For the purposes of section 81A(3e) of the Act, the following classes of applicants are prescribed:
  - (a) applicants who have held a non-provisional licence or interstate non-provisional licence but not during the period of 5 years immediately preceding the application;
  - (b) applicants who hold an interstate non-provisional licence but who are under the age of 19 years;
  - (c) applicants who hold an interstate provisional licence;

- (d) subject to subregulation (2), applicants who have, during the period of 5 years immediately preceding the application, held a provisional licence issued under Part 3 of the Act as in force prior to the commencement of section 12 of the *Motor Vehicles (Licences and Learner's Permits) Amendment Act 2005* (provided that the application must be made within 5 years of the commencement of this regulation).
- (2) Subregulation (1)(d) does not include an applicant who—
- (a) has, during the period of 5 years immediately preceding the application, held a provisional licence of a kind referred to in that paragraph; and
  - (b) was, during that period, disqualified from holding or obtaining a permit or licence; and
  - (c) has not held a licence issued under the Act since the end of the period of disqualification.

### **32—Attendance at lectures by holder of learner's permit etc who contravenes probationary conditions or incurs four or more demerit points**

- (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), section 81A(5) or section 81AB(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*.

### **32A—Exemption from section 81B(11)(a) of Act**

- (1) If the Magistrates Court allows an appeal by a person against a disqualification under section 81B of the Act and the person holds a licence immediately before the determination of the appeal, the person is exempt from the operation of section 81B(11)(a) of the Act—
  - (a) until the expiration of 2 business days after the day on which the appeal is determined; or
  - (b) until the person applies for a licence in accordance with section 81B(11)(b) of the Act,

whichever occurs first.

- (2) In this regulation—

*business day* means any day except—

- (a) a Saturday, Sunday or public holiday; or
- (b) a day which falls between 25 December and 1 January in the following year.

### **33—Exemption from duty to carry and produce probationary licence or provisional licence for police officers and police cadets**

A police officer or police cadet who holds a probationary licence or provisional licence is, while engaged in official duties or training, exempt from the operation of section 98AAB of the Act.

**34—Cancellation of licence on surrender**

- (1) 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.
- (2) In this regulation—

*licence* includes a motor driving instructor's licence.

**Division 1A—Alcohol interlock schemes****34A—Testing of alcohol interlocks**

For the purposes of section 81H(5) and Schedule 6 clause 7(7) of the Act, an alcohol interlock fitted to a vehicle must have been tested not more than 60 days before, and not more than 60 days after, the time of the vehicle's operation specified in the relevant certificate.

**34B—Counselling requirements applicable to holders of licence subject to voluntary alcohol interlock scheme conditions**

- (1) For the purposes of Schedule 6 clause 5(1)(h) of the Act, the holder of a licence subject to the voluntary alcohol interlock scheme conditions must attend the following counselling sessions with DASSA at times and in places determined by DASSA and notified to the holder in writing:
  - (a) an initial counselling session, to be held not more than 2 weeks before, and no later than 4 weeks after, the commencement of the required period for which the person's licence is subject to the voluntary alcohol interlock scheme conditions;
  - (b) at least 1 session of any further counselling that DASSA may recommend that the person undertake;
  - (c) a final counselling session, to be held before the end of the required period for which the person's licence is subject to the voluntary alcohol interlock scheme conditions.
- (2) In this regulation—

*DASSA* means Drug and Alcohol Services South Australia.

**34C—Fees payable by holders of licence subject to voluntary alcohol interlock scheme conditions**

- (1) The holder of a licence subject to the voluntary alcohol interlock scheme conditions must pay the following fees to the Registrar prior to attending a counselling session referred to in regulation 34B:
  - (a) for the initial counselling session—\$55;
  - (b) for the final counselling session—\$55.

- (2) The holder of a licence subject to the voluntary alcohol interlock scheme conditions must pay to the Registrar an administration fee of \$15 for each month (a part of a month being treated as a whole month) in the prescribed period.
- (3) The administration fee must be paid—
  - (a) on the issue of the licence; or
  - (b) in accordance with an agreement between the Registrar and the holder of the licence.
- (4) In this regulation—

*prescribed period* means the period commencing on the day on which a licence is issued subject to the voluntary alcohol interlock scheme conditions and ending on the expiration of the period for which the licence is subject to those conditions.

## **Division 2—Motor driving instructors' licences**

### **35—Applicant for licence to supply photographs to Registrar**

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.

### **36—Applicant for licence to pay fees before proficiency tests**

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.

### **37—Exemption from duty to hold motor driving instructor's licence for approved motor bike training courses**

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

## Part 4—Fees

### 38—Fees

- (1) For the purposes of the Act and these regulations, the fees set out in Schedule 5 (other than clause 40) are prescribed.
- (1aa) For the purposes of section 81BA(3) of the Act, the fee payable for the issue of a P2 licence under that section is an amount equal to the fee that would be payable for the issue of a licence under section 75 of the Act.
- (1a) For the purposes of the *Interstate Road Transport Act 1985* of the Commonwealth, the fees set out in clause 40 of Schedule 5 are prescribed.<sup>1</sup>
- (2) Except as otherwise specified in Schedule 5, the fees set out in that Schedule must be paid to the Registrar.
- (3) The Registrar may, by written notice given to a person who is liable to pay the fee prescribed by clause 19(3) of Schedule 5, require the person to pay the fee within the time specified in the notice (being a period of not less than 14 days from the day on which the notice is given).
- (4) If a fee is not paid as required by a notice given under subregulation (3), the Registrar may recover the fee in a court of competent jurisdiction as debt due to the Registrar.

**Note—**

- 1 For fees not prescribed by clause 40 of Schedule 5 see regulation 48A of the *Interstate Road Transport Regulations 1986* of the Commonwealth.

### 38A—Conditional registration—exemption from stamp duty

An application to register a motor vehicle under section 25 of the Act (other than an application to register a road train, B double or vehicle of a class referred to in clause 6(g) of Schedule 1) is declared to be exempt from stamp duty.

**Note—**

See the *Stamp Duties Act 1923* (Schedule 2 clause 2(2) exemption 10A).

### 39—Reduced registration fees—prescribed amounts

- (1) For the purposes of sections 34(1) and 37(2) of the Act, the prescribed amount is—
  - (a) in the case of a heavy vehicle other than a special purpose vehicle, 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—

*truck (type 1)* and *truck (type 2)* have the same respective meanings as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*.

### 39A—Exemption from section 41(2) of the Act

- (1) A person who uses a motor vehicle of restricted registration contrary to the terms of an undertaking in relation to the vehicle under section 34(1)(b) of the Act is exempt from section 41(2) of the Act if—
  - (a) the purpose for which the vehicle is used is solely the carrying of primary produce to assist a charitable organisation or a sporting organisation in fundraising activities; and
  - (b) neither the owner of the vehicle nor a person using the vehicle (if not the owner) receives a monetary or other material benefit (including out of pocket expenses relating to the use of the vehicle) in relation to that use of the vehicle; and
  - (c) the use of the vehicle is within an area having a radius of 75 kilometres from the garage address of the vehicle.

- (2) In this regulation—

*charitable organisation* means a body (whether corporate or unincorporate) established on a non-profit basis for charitable, religious, educational or benevolent purposes and includes a trustee who holds property on behalf of such a body;

*sporting organisation* means a body (whether corporate or unincorporate) established on a non-profit basis principally for the purpose of facilitating and co-ordinating the sporting activities of its members.

### 40—Additional amount payable where certain vehicles are altered or added to

- (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 bike, trailer or motor vehicle that is not propelled by an internal combustion engine.

### 41—Refund on cancellation of registration

- (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 or the registered operator of the vehicle applies for cancellation of the renewal of registration,

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



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**41A—Refund on surrender of trade plate**

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.

**42—Refund on surrender of licence**

For the purposes of sections 75AAA(11) and 98A(4) of the Act, the amount to be refunded on the surrender of a driver's licence or motor driving instructor's licence is an amount equal to the product obtained by multiplying one-quarter of the annual licence fee paid for the issue of the licence by the number of complete 3 month periods in the unexpired portion of the period for which the licence was issued.

**43—Refund of part of licence fee on eligibility for reduced fee**

If—

- (a) a driver's licence has been issued or renewed on payment of the licence fee prescribed in clause 19(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.

**44—No refund of administration fees**

Administration fees are not refundable.

**44A—Registrar not required to make certain refunds or recover certain unpaid fees**

The Registrar is not required—

- (a) to refund a fee paid under the Act if the amount of the refund payable does not exceed \$3 (indexed); or
- (b) to recover a fee payable under the Act if the amount unpaid does not exceed \$3 (indexed).

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

- (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 probationary licence or provisional 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.

#### **46—Exemption from practical driving test fees**

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 72(10) or 79A of the Act, is exempt from the requirement that he or she pay the prescribed test fee.

#### **47—Remission and reduction of fees**

- (1) The Registrar may, for reasonable cause, remit or reduce any of the following fees:
- (a) an administration fee payable under the Act or these regulations; or
  - (b) a fee payable for registration of a motor vehicle following cancellation of a current authority issued under the law of another State or a Territory by virtue of which the vehicle may be driven on roads within that State or Territory; or
  - (c) a fee payable for the issue of a driver's licence following the surrender of a current interstate licence; or
  - (d) a fee payable for the issue or renewal of a learner's permit; or
  - (e) a fee payable for an examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the Act or regulation 23A.
- (2) The Registrar may, for reasonable cause, reduce a fee payable under section 139BD of the Act for personal service of a notice of disqualification.

## Part 4A—Written-off vehicles

### 47A—Interpretation

- (1) In this Part, unless the contrary intention appears—

***corresponding law***—means a law of another State or a Territory of the Commonwealth that corresponds to the provisions of this Part;

***interstate written-off vehicle*** means a motor vehicle that, for the purposes of a corresponding law, is recorded in a register maintained by the vehicle registration authority of another State or a Territory of the Commonwealth as a written-off vehicle, statutory write-off, repairable write-off or wrecked vehicle (as defined in that corresponding law);

***notifiable vehicle*** means—

- (a) a written-off vehicle that is less than 15 years of age (determined from its date of manufacture) and is—
  - (i) a motor vehicle (other than a motor bike or trailer) with a GVM not greater than 4.5 tonnes; or
  - (ii) a motor bike; or
  - (iii) a caravan; or
  - (iv) a trailer with a GVM greater than 4.5 tonnes; or
- (b) an interstate written-off vehicle; or
- (c) where a vehicle referred to in paragraph (a) or (b) is wrecked or wholly or partly disassembled, any part of the vehicle that bears a vehicle identification plate or vehicle identification number;

***repairable write-off*** means a motor vehicle that is written off and is not a statutory write-off;

***sell*** means sell whether by treaty or auction and whether on one's own behalf or on behalf of others;

***statutory write-off*** means a motor vehicle that is written off and is—

- (a) a motor vehicle (other than a motor bike or a trailer) that has been—
  - (i) immersed in salt water above the door sill level for any period; or
  - (ii) immersed in fresh water up to the dashboard or steering wheel for more than 48 hours; or
- (b) a motor bike that has been—
  - (i) fully immersed in salt water for any period; or
  - (ii) fully immersed in fresh water for more than 48 hours; or
- (c) a motor vehicle that is burnt to such an extent that it is fit only for wrecking or scrap; or

- (d) a motor vehicle that is stripped of all, or a combination of most, interior and exterior body parts, panels and components (such as, for example, the engine, wheels, bonnet, guards, doors, boot lid); or
- (e) a motor vehicle (other than a motor bike or a trailer) that is damaged by at least 3 of the following impact damage indicators:
  - (i) damage to an area of the roof equal to or exceeding 300mm by 300mm in size;
  - (ii) damage to an area of the cabin floor pan equal to or exceeding 300mm by 300mm in size;
  - (iii) damage to an area of the firewall equal to or exceeding 300mm by 300mm in size;
  - (iv) any damage to the suspension;
  - (v) damage to a major mechanical component such as the engine block or transmission casings (for example, where the component is cracked or broken); or
- (f) a motor bike that has impact damage (excluding scratching) to the suspension and at least 2 areas of structural frame damage;

**total loss** means a motor vehicle damaged by accident, collision, demolition, dismantling, fire, flood, trespass or other event to the extent that its fair salvage value, when added to the cost of repairing it for use on a road or road related area, would be more than its fair market value immediately before the event that caused the damage;

**vehicle dealer** means a person who carries on the business of selling motor vehicles;

**vehicle registration authority**, in relation to another State or a Territory of the Commonwealth, means the person or body responsible for registering vehicles in that State or Territory;

**vehicle wrecker** means a person who carries on the business of wrecking motor vehicles or disassembling motor vehicles for salvage;

**written off**—see subregulation (2);

**written-off vehicle** means—

- (a) a statutory write-off; or
- (b) a repairable write-off;

**written-off vehicle notices** means notices (including labels) issued by the Registrar for the purpose of being affixed to written-off vehicles or vehicle parts in accordance with regulation 47C.

- (2) For the purposes of this Part, a motor vehicle is **written off** if the vehicle—
  - (a) is a total loss; or
  - (b) is to be, or has been, wrecked or wholly or partly disassembled for salvage; or
  - (c) is to be, or has been, sold or acquired for wrecking or disassembling for salvage.

#### **47B—Application of Part**

- (1) This Part applies to a motor vehicle if the vehicle would be required to be registered under the Act in order to be driven on a road, whether or not the vehicle is in fact registered.
- (2) Despite subregulation (1), this Part does not apply to a golf cart or moped.

#### **47C—Registrar to be given notice of, and notices to be affixed to, written-off vehicles**

- (1) Subject to this regulation—
  - (a) an insurer who makes a determination that a motor vehicle is a total loss for insurance purposes must, if the vehicle is a notifiable vehicle—
    - (i) as soon as practicable after making the determination, but before selling or otherwise disposing of the vehicle, affix written-off vehicle notices to the vehicle in accordance with this regulation; and
    - (ii) within 7 days after making the determination, give notice in relation to the vehicle to the Registrar in accordance with this regulation;
  - (b) a person who brings a notifiable vehicle into the State from another State or a Territory of the Commonwealth must—
    - (i) as soon as practicable after bringing the vehicle into the State, but before selling or otherwise disposing of the vehicle, affix written-off vehicle notices to the vehicle in accordance with this regulation; and
    - (ii) within 7 days after bringing the vehicle into the State, give notice in relation to the vehicle to the Registrar in accordance with this regulation;
  - (c) a vehicle dealer who comes into possession of a notifiable vehicle must—
    - (i) as soon as practicable after coming into possession of the vehicle, but before selling or otherwise disposing of the vehicle, affix written-off vehicle notices to the vehicle in accordance with this regulation; and
    - (ii) within 7 days after coming into possession of the vehicle, give notice in relation to the vehicle to the Registrar in accordance with this regulation;
  - (d) a vehicle wrecker who acquires a notifiable vehicle must—
    - (i) as soon as practicable after acquiring the vehicle, but before commencing to dismantle the vehicle, or selling or otherwise disposing of the vehicle, affix written-off vehicle notices to the vehicle in accordance with this regulation; and
    - (ii) within 7 days after acquiring the vehicle, give notice in relation to the vehicle to the Registrar in accordance with this regulation;
  - (e) a person (other than a person referred to in a preceding paragraph of this subregulation) who is in possession of a notifiable vehicle must, before selling or otherwise disposing of the vehicle—
    - (i) affix written-off vehicle notices to the vehicle in accordance with this regulation; and

- (ii) give notice in relation to the vehicle to the Registrar in accordance with this regulation.
- (2) A person is not required to affix written-off vehicle notices to a notifiable vehicle under subregulation (1) if—
  - (a) such notices are already affixed to the vehicle in accordance with this regulation and (except where the person is a person referred to in subregulation (1)(d) or (e)) any identification of the vehicle as a statutory write-off or repairable write-off by the notices is correct; or
  - (b) in the case of an interstate written-off vehicle, the notices required to be affixed under the corresponding law of the relevant State or Territory are so affixed.
- (3) A person is not required to give notice in relation to a notifiable vehicle to the Registrar under subregulation (1) if—
  - (a) notice has already been given in relation to the vehicle to the Registrar in accordance with this regulation and (except where the person is a person referred to in subregulation (1)(d) or (e)) the previous notification correctly identifies whether the vehicle is a statutory write-off or a repairable write-off; or
  - (b) the vehicle is an interstate written-off vehicle.
- (4) Written-off vehicle notices must be affixed to a notifiable vehicle in the manner determined by the Minister and specified on the notices or on accompanying material.
- (5) A notice required to be given to the Registrar in accordance with this regulation—
  - (a) must be given in the manner and form determined by the Minister; and
  - (b) must—
    - (i) (except in the case of a notice given by a person referred to in subregulation (1)(e)) specify whether the notifiable vehicle is a statutory write-off or a repairable write-off; and
    - (ii) contain particulars of such other matters as may be determined by the Minister.
- (6) Written-off vehicle notices affixed to a notifiable vehicle in accordance with this regulation (or, in the case of an interstate written-off vehicle, notices affixed in accordance with the relevant corresponding law) must not be defaced, altered or removed from the vehicle except—
  - (a) at a time or in a manner determined by the Minister and (except in the case of notices affixed in accordance with a corresponding law) specified in the notice; or
  - (b) by or with the approval of an authorised officer.
- (7) A person who contravenes or fails to comply with a requirement of this regulation is guilty of an offence.

Maximum penalty:

- (a) In the case of an offence committed in the course of a trade or business—  
\$2 500;

(b) In any other case—\$750.

Expiation fee:

In the case of an alleged offence not committed in the course of a trade or business—\$210.

- (8) Without limiting the circumstances in which an insurer referred to in subregulation (1)(a) may be taken to have determined that a motor vehicle is a total loss, an insurer will for the purposes of that subregulation be taken to have made such a determination if the insurer—
- (a) allows a claim for the full insured value of the vehicle; or
  - (b) sells or otherwise disposes of the vehicle to a third party.
- (9) A reference in this regulation to commencing to dismantle, selling or otherwise disposing of, affixing written-off vehicle notices to or removing written-off vehicle notices from, a vehicle, includes a reference to dismantling, selling or otherwise disposing of, affixing notices to or removing notices from, a part of the vehicle.

#### **47D—Offence to drive written-off vehicle on road**

- (1) A person must not drive a notified written-off vehicle on a road except to or from—
- (a) a place at which the vehicle is to be or has been repaired; or
  - (b) a place at which the vehicle is to be or has been inspected by an authorised officer.

Maximum penalty:

- (a) In the case of an offence committed in the course of a trade or business—\$2 500;
- (b) In any other case—\$750.

Expiation fee:

In the case of an alleged offence not committed in the course of a trade or business—\$210.

- (2) In this regulation—

*notified written-off vehicle* means—

- (a) a motor vehicle recorded as a written-off vehicle by the Registrar following notification under this Part; or
- (b) an interstate written-off vehicle.





## Part 5—Miscellaneous

### 47E—Prescribed licences (section 5)

- (1) For the purposes of the definition of *interstate non-provisional licence* in section 5(1) of the Act, the following types of licences are prescribed:
  - (a) a driver licence (other than a learner licence or a provisional licence) issued under the *Road Transport (Driver Licensing) Act 1999* of the Australian Capital Territory as in force from time to time;
  - (b) a driver licence (other than a learner licence or a provisional licence) issued under the *Road Transport (Driver Licensing) Act 1998* of New South Wales as in force from time to time;
  - (c) a licence to drive a motor vehicle (other than a permit licence or a provisional licence) issued under the *Motor Vehicles Act* of the Northern Territory as in force from time to time;
  - (d) a driver licence (other than a learner licence or a provisional licence) issued under the *Transport Operations (Road Use Management) Act 1995* of Queensland as in force from time to time;
  - (e) a driver licence (other than a learner licence or a provisional licence) issued under the *Vehicle and Traffic Act 1999* of Tasmania as in force from time to time;
  - (f) a driver licence (other than a learner permit or probationary licence) issued under the *Road Safety Act 1986* of Victoria as in force from time to time;
  - (g) a driver's licence (other than a learners' permit or probationary licence) issued under the *Road Traffic Act 1974* of Western Australia as in force from time to time.
- (2) For the purposes of the definition of *interstate provisional licence* in section 5(1) of the Act, the following types of licences are prescribed:
  - (a) a provisional licence issued under the *Road Transport (Driver Licensing) Act 1999* of the Australian Capital Territory as in force from time to time;
  - (b) a provisional licence issued under the *Road Transport (Driver Licensing) Act 1998* of New South Wales as in force from time to time;
  - (c) a provisional licence issued under the *Motor Vehicles Act* of the Northern Territory as in force from time to time;
  - (d) a provisional licence issued under the *Transport Operations (Road Use Management) Act 1995* of Queensland as in force from time to time;
  - (e) a provisional licence issued under the *Vehicle and Traffic Act 1999* of Tasmania as in force from time to time;
  - (f) a probationary licence issued under the *Road Safety Act 1986* of Victoria as in force from time to time;
  - (g) a probationary licence issued under the *Road Traffic Act 1974* of Western Australia as in force from time to time.

- (3) For the purposes of paragraph (b) of the definition of *unconditional licence* in section 5(1) of the Act, an interstate non-provisional licence that is not subject to 1 or more conditions the same as or similar to prescribed conditions is prescribed.

**Note—**

see section 5(1) of the Act for definition of prescribed conditions.

- (4) A reference in this regulation to a licence or permit of a particular type issued by a specified State or Territory includes a reference to a licence or permit of a type issued by that State or Territory that is the same in substance as that licence or permit.

#### **48—Offence to alter, deface etc permits, labels or certificates**

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

#### **49—Forms determined by the Minister**

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

- (a) an application for a permit under section 16 or 50 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 of the Act;
- (f) a motor driving instructor's licence.

#### **50—Appointment of authorised examiners**

- (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 Transport Department) 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.

#### **51—Corresponding laws declared for purposes of demerit points scheme**

The laws specified in Schedule 5A, as amended or substituted from time to time, are declared to be corresponding laws for the purposes of Part 3B of the Act.

#### **51AA—Application for review under Part 3E of the Act**

For the purposes of section 98Z(2) of the Act, an application for a review must—

- (a) be in writing; and
- (b) set out the decision to which the application relates; and

- (c) set out the grounds on which the applicant seeks the review and the decision sought on the review; and
- (d) be accompanied by any information that the applicant considers should be taken into account on the review; and
- (e) be accompanied by the appropriate fee prescribed by Schedule 5; and
- (f) be lodged with the Registrar.

**51A—Manner of giving Registrar notice of election under section 98BE of Act**

Notice of an election under section 98BE(2) of the Act is to be given by a person to the Registrar by lodging the notice of disqualification sent to or served on the person, completed in accordance with the instructions contained in the notice and signed by the person, at a place of a kind prescribed for the purposes of section 139BD(3)(a)(i) of the Act.

**51B—Manner of giving Registrar notice of change of name, address etc under section 136 of Act**

Notice under section 136 of the Act is to be given by a person to the Registrar in a following manner:

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

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

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.

**52AA—Places at which receipt of notice of disqualification may be personally acknowledged**

For the purposes of section 139BD(3)(a)(i) of the Act, places of the following kinds are prescribed:

- (a) offices of the Transport Department known as Registration and Licensing Centres or Service SA Customer Service Centres;
- (b) Australia Post outlets that have electronic point of sale (EPOS) systems.

## **52A—Corresponding laws declared for purposes of section 141(2) of the Act**

The following laws, as amended or substituted from time to time, are declared to be corresponding laws for the purposes of section 141(2) of the Act:

*Motor Vehicles Act* of the Northern Territory

*Road Safety Act 1986* of Victoria

*Road Traffic Act 1974* of Western Australia

*Road Transport (Driver Licensing) Act 1998* of New South Wales

*Road Transport (Driver Licensing) Act 1999* of the Australian Capital Territory

*Road Transport (Vehicle Registration) Act 1997* of New South Wales

*Road Transport (Vehicle Registration) Act 1999* of the Australian Capital Territory

*Traffic Act 1949* of Queensland

*Vehicle and Traffic Act 1999* of Tasmania.

## **54—General offence**

- (1) A person who contravenes or fails to comply with a provision of these regulations is guilty of an offence.

Maximum penalty: \$1 250.

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

- (2) Subregulation (1) does not apply to a provision if a penalty is otherwise fixed for a contravention of or failure to comply with the provision.

## **55—Expiation of alleged offences**

- (1) The expiation fees set out in Schedule 6 are fixed for alleged offences against the Act or these regulations specified in the Schedule.
- (2) Text set out in italic type under a heading in Schedule 6 commencing with the words "Description of offence" is a description for convenience purposes only and is not to be taken to define the offence for which a particular amount is fixed as the expiation fee.

## **56—Demerit points for offences in this State**

- (1) For the purposes of section 98B(1) of the Act—
  - (a) the offences specified in Schedule 7 are prescribed; and
  - (b) the number of demerit points incurred by a person on conviction or expiation of an offence specified in Schedule 7 is the number set out alongside that offence.
- (1a) For the purposes of section 98BC(2) of the Act, the offences specified in Part 2 of Schedule 7 are prescribed.
- (2) Text set out in italic type under a heading in Schedule 7 commencing with the words "Description of offence" is a description for convenience purposes only and is not to be taken to define the offence for which a particular number is prescribed as the number of demerit points attracted by the offence.

**57—Notification of demerit points to interstate licensing authorities**

For the purposes of section 98BI(1) of the Act, the offences specified in Part 1 of Schedule 7 are prescribed.

**58—Meaning of written-off motor vehicle for purposes of section 145(8) of the Act**

For the purposes of section 145(8) of the Act, the following classes of motor vehicles are written-off vehicles:

- (a) written-off vehicles within the meaning of Part 4A of these regulations;
- (b) interstate written-off vehicles within the meaning of Part 4A of these regulations.



## Schedule 1—Conditional registration

### 1—Interpretation

In this Schedule—

**ambulance** means a motor vehicle driven by—

- (a) a person engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of—
  - (i) SA Ambulance Service Inc; or
  - (ii) St Johns Ambulance Australia South Australia Incorporated; or
- (b) until 1 July 2009, a person engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of—
  - (i) Booleroo Centre and District Ambulance Service Incorporated; or
  - (ii) Jamestown and District Ambulance Incorporated; or
  - (iii) Peterborough & District Ambulance Incorporated;
- (c) any other person engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008*;

**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.

### 2—Period of conditional registration

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.

### 2A—Transfer of conditional registration

The registration of a motor vehicle under section 25 of the Act may be transferred if—

- (a) the vehicle is a road train or B double; or

- (b) the vehicle is a special purpose vehicle and the transferee undertakes that the conditions of registration of the vehicle under that section will be complied with.

### **3—Historic and left hand drive motor vehicles**

- (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
    - (iii) produce the log book for inspection on request made by an authorised officer or police officer;
  - (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).

### **4—Vehicles used between farm blocks**

- (1) For the purposes of section 25(1)(a) of the Act, a vehicle (other than a tractor or agricultural 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).

### **5—Vehicles used to tow commercial fishing boats**

- (1) For the purposes of section 25(1)(a) of the Act, a vehicle that—
- (a) is owned by the holder of a fishery authority under the *Fisheries Management Act 2007*; and
  - (b) is used solely for the purpose of towing a registered boat within the meaning of that Act,
- 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.

### **6—Other prescribed classes of vehicles**

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;
- (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) an exemption granted by the Minister under regulation 46 of the *Road Traffic (Miscellaneous) Regulations 1999* exempting the vehicle from compliance with a requirement of the regulations subject to conditions limiting the use of the vehicle (other than a restriction limiting the use of the vehicle to a particular road or roads or class of roads).



## Schedule 2—Classification of driver's licences

### 1—Classification of licences

- (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 3 of the table to a driver's licence of a particular class includes a reference to an interstate licence of that class.
- (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.
- (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—
    - (i) by reason of the applicant having undertaken the driver training course known as the "Training In Lieu of Experience" ("TILE") course or some other driver training course approved by the Registrar; or
    - (ii) for some other reason,special circumstances exist for doing so.
- (8) In this Schedule—

**low loader dolly** means a mass distributing device that—

  - (a) is usually coupled between a prime mover and a low loader; and
  - (b) consists of a gooseneck rigid frame; and
  - (c) does not carry any load directly on itself; and
  - (d) is equipped with 1 or more axles, a kingpin and a fifth wheel coupling;

**low loader** means a gooseneck semi-trailer with a loading deck no more than 1 metre above the ground.

**Motor Vehicles Regulations 1996—1.5.2009 to 31.5.2009**

Schedule 2—Classification of driver's licences

<b>1—Licence class</b>	<b>2—Motor vehicles authorised to be driven</b>	<b>3—Minimum driving experience</b>
C	1.1 A motor vehicle with a GVM not greater than 4.5 tonnes but not including— (a) a bus; or (b) a motor bike or motor trike.	Nil.
	1.2 A motor vehicle included in 1.1 towing a single trailer, subject to the combination mass limits fixed under the <i>Road Traffic Act 1961</i> .	
LR	2.1 A motor vehicle authorised to be driven by a licence of the preceding class.	The applicant must have held a driver's licence endorsed with the classification C for at least one year.
	2.2 A motor vehicle with a GVM greater than 4.5 tonnes but not greater than 8 tonnes.	
	2.3 A bus with a GVM not greater than 8 tonnes.	
	2.4 A motor vehicle included in 2.2 or 2.3 towing a single trailer, subject to the combination mass limits fixed under the <i>Road Traffic Act 1961</i> .	
MR	3.1 A motor vehicle authorised to be driven by a licence of a preceding class.	The applicant must have held a driver's licence endorsed with the classification C for at least one year.
	3.2 A motor vehicle with 2 axles and a GVM greater than 8 tonnes.	
	3.3 A motor vehicle included in 3.2 towing a single trailer (other than a semi-trailer) with a GVM not greater than 9 tonnes, subject to the combination mass limits fixed under the <i>Road Traffic Act 1961</i> .	
	3.4 A special purpose vehicle with a GVM not greater than 15 tonnes.	
HR	4.1 A motor vehicle authorised to be driven by a licence of a preceding class.	The applicant must have held— (a) a driver's licence endorsed with the classification C for at least two years; or (b) a driver's licence endorsed with the classification LR or MR for at least one year.
	4.2 A motor vehicle (including an articulated bus but not including any other articulated motor vehicle) with 3 or more axles and a GVM greater than 8 tonnes.	
	4.3 A motor vehicle included in 4.2 towing a single trailer (other than a semi-trailer) with a GVM not greater than 9 tonnes, subject to the combination mass limits fixed under the <i>Road Traffic Act 1961</i> .	

1—Licence class	2—Motor vehicles authorised to be driven	3—Minimum driving experience
HC	<p>5.1 A motor vehicle authorised to be driven by a licence of a preceding class.</p> <p>5.2 A prime mover to which is attached a single semi-trailer (whether or not any unladen converter dolly or low loader dolly is also attached).</p> <p>5.3 A rigid motor vehicle to which is attached a single trailer with a GVM greater than 9 tonnes (whether or not any unladen converter dolly or low loader dolly is also attached).</p>	The applicant must have held a driver's licence endorsed with the classification MR or HR for at least one year.
MC	6 Any motor vehicle or combination of motor vehicles except a motor bike or motor trike.	The applicant must have held a driver's licence endorsed with the classification HC or HR for at least one year.
R-DATE	<p>7 A motor bike or motor trike that—</p> <p>(a) has an engine capacity not exceeding 660 millilitres and a power to weight ratio not exceeding 150 kilowatts per tonne; and</p> <p>(b) is of a kind approved from time to time by the Registrar by notice in the Gazette.</p>	Nil.
R	8 Any motor bike or motor trike.	The applicant must have held a driver's licence endorsed with the classification R-DATE* for at least one year.

## 2—Transitional provision

- (1) A licence in force immediately before 1 November 1998 that is endorsed with one or more of the classifications set out in column 1 of the table below will be taken for all purposes to be a licence endorsed with the corresponding classification or classifications appearing opposite in column 2.

1—Old classification	2—Corresponding new classification
CAR	C
LT	MR
HT	HR
LA	HC
HA	HC
DA	MC
RT	MC
BIKE-DATE	R-DATE
BIKE	R
SB	LR

**Motor Vehicles Regulations 1996—1.5.2009 to 31.5.2009**

Schedule 2—Classification of driver's licences

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<b>1—Old classification</b>	<b>2—Corresponding new classification</b>
LB	MR
HB	HR
AB	HR

- (2) The Registrar is required to remove each endorsement on a licence in force immediately before 1 November 1998 relating to any of the classifications set out in column 1 of the table above and to substitute, in each case, the appropriate endorsement relating to the corresponding new classification as set out in column 2 of that table.
- (3) The Registrar may comply with the obligation imposed by subclause (2) over such period of time as the Registrar considers practicable.

## Schedule 3—Conditions of driver's licences and learner's permits

### 1—Conditions of driver's licences and learner's permits

- (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 the letter appearing opposite in column 2; 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 or permit is endorsed with the letter "Y".

1—Condition	2—Letter
The holder of the licence or permit is permitted to drive only a motor vehicle that is fitted with automatic transmission.	A
The holder of the licence or permit is permitted to drive only a motor vehicle that is fitted with automatic or synchromesh transmission.	B
The holder of the licence is permitted to drive only a motor bike or motor trike that—	
(a) has an engine capacity not exceeding 660 millilitres and a power to weight ratio not exceeding 150 kilowatts per tonne; and	
(b) is of a kind approved from time to time by the Registrar by notice in the Gazette.	E
The holder of the permit is permitted to drive only a motor bike or motor trike that—	
(a) has an engine capacity not exceeding 660 millilitres and a power to weight ratio not exceeding 150 kilowatts per tonne; and	
(b) is of a kind approved from time to time by the Registrar by notice in the Gazette.	R-DATE
The holder of the licence or permit is permitted to drive only a motor vehicle fitted with a breath alcohol interlock device.	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
The holder of the licence or permit is permitted to drive only a bus or truck that is fitted with automatic transmission.	T
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.	V

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1—Condition	2—Letter
The holder of the licence or permit is permitted to drive a motor vehicle only if the concentration of alcohol present in the holder's blood is 0.	Z

## 2—Interpretation

In this Schedule—

*breath alcohol interlock device* means a device fitted to a motor vehicle that is capable of—

- (a) analysing a breath sample for the presence of alcohol; and
- (b) interacting with a motor vehicle in such a way that a positive result at a designated blood alcohol level will inhibit the use of the motor vehicle.

## 3—Transitional provision

- (1) A licence or learner's permit in force immediately before 1 November 1998 that is endorsed with one or more of the conditions set out in column 1 of the table below will be taken for all purposes to be a licence or learner's permit endorsed with the corresponding condition or conditions appearing opposite in column 2.

1—Old condition	2—Corresponding new condition
B	A
C	V
F	V
G	V
K	V
M	X
P	No new condition
Q	X
S	S
T	T
V	T
W	B
Z	Y

- (2) The Registrar is required to remove each endorsement on a licence or learner's permit in force immediately before 1 November 1998 relating to any of the conditions set out in column 1 of the table above and to substitute, in each case, the appropriate endorsement relating to the corresponding new condition as set out in column 2 of that table.
- (3) The Registrar may comply with the obligation imposed by subclause (2) over such period of time as the Registrar considers practicable.



## Schedule 4—Prescribed alterations and additions

(Regulation 11)

- 1 Any alteration of, or addition to, a motor vehicle by which the vehicle's mass is increased.
- 2 Any alteration of, or addition to, the specifications or tyres of a motor vehicle by which the GCM or GVM of the vehicle is varied.
- 3 Any alteration of the configuration of a heavy vehicle by which the configuration becomes an unregistered configuration within the meaning of section 43A of the Act.
- 4 Any alteration of, 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, but for the alteration or addition, drive the vehicle.
- 5 The removal of the engine by which a motor vehicle is driven and the substitution of another engine.
- 6 The removal of a pneumatic tyre from a motor vehicle having only pneumatic tyres, and the substitution of a tyre other than a pneumatic tyre.
- 7 The removal of a tyre from a vehicle having no metal tyres, and the substitution of a metal tyre.
- 8 The attachment of a sidecar to a motor bike not having a sidecar.
- 9 Any alteration or addition by which a motor vehicle that is not a commercial motor vehicle is converted into a commercial motor vehicle.
- 10 Any alteration or addition by which a commercial motor vehicle ceases to be a commercial motor vehicle.
- 11 The wrecking or disassembling of a motor vehicle (other than a notifiable 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 vehicle identification plate is removed and not put back into place as part of the vehicle.
- 12 The removal, alteration, defacement or obliteration of—
  - (a) a vehicle identification plate or vehicle identification number (other than a plate or number of a notifiable vehicle); or
  - (b) an engine number,except where, in relation to the removal of a vehicle identification plate (or a plate bearing a vehicle identification number or engine number), the plate is put back into place on the vehicle.
- 13 The changing of the colour of a motor vehicle such that the vehicle ceases to be of the primary colour recorded as its colour in the register of motor vehicles.
- 14 In this Schedule—

***notifiable vehicle*** has the same meaning as in Part 4A.



## Schedule 5—Fees

### 1—Interpretation

In this Schedule—

**emergency response vehicle** has the same meaning as in Schedule 1;

**government authorised examiner** means an authorised examiner who is—

- (a) a police officer; or
- (b) an employee in the Transport Department; or
- (c) a person appointed as an authorised examiner by some public authority and approved by the Registrar;

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

**level 2 fee** means an administration fee of \$15.00;

**level 3 fee** means an administration fee of \$21.00;

**special purpose vehicle (type O)** has the same meaning as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*;

**special purpose vehicle (type T)** has the same meaning as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*;

**Transport Department premises**, in relation to an examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the Act, includes a place specified under section 139(1)(d) of the Act at which the motor vehicle is required to be produced for the purpose of the examination;

**truck (type I)** has the same meaning as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*.

### 2—Registration (section 24 of Act)

- (1) For registration of a heavy vehicle under section 24 of the Act for a period of 12 months—the fee prescribed by, or determined in accordance with, the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*.
- (2) For registration of a motor vehicle (other than a heavy vehicle) under section 24 of the Act for a period of 12 months—
  - (a) a motor bike \$32.00
  - (b) a trailer \$55.00
  - (c) a motor vehicle propelled other than by an internal combustion engine \$95.00
  - (d) a commercial motor vehicle—
    - (i) if the unladen mass of the vehicle does not exceed 1 000 kg and the vehicle is propelled by an internal combustion engine—
      - (A) having 4 cylinders or less \$95.00
      - (B) having 5 or 6 cylinders \$193.00
      - (C) having 7 or more cylinders \$280.00
    - (ii) if the unladen mass of the vehicle exceeds 1 000 kg but does not exceed 1 500 kg \$209.00

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### Schedule 5—Fees

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- (iii) if the unladen mass of the vehicle exceeds 1 500 kg \$356.00
- (e) a motor vehicle (other than a vehicle referred to in paragraphs (a) to (d)) propelled by an internal combustion engine—
  - (i) having 4 cylinders or less \$95.00
  - (ii) having 5 or 6 cylinders \$193.00
  - (iii) having 7 or more cylinders \$280.00
- (3) The registration fee payable for the registration of a motor vehicle under section 24 of the Act for a period of less than 12 months is as follows:
  - (a) in the case of a registration for 1, 2 or 3 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 under section 24 of the Act level 3 fee
  - (b) renewal of registration of a motor vehicle under section 24 of the Act level 1 fee
- (5) Surcharge (payable in addition to the registration fee and administration fee) for registration or renewal of registration of a motor vehicle under section 24 of the Act for—
  - (a) less than 6 months—a fee equal to 5.625% of the registration fee;
  - (b) 6 months or more but less than 9 months—a fee equal to 3.75% of the registration fee;
  - (c) 9 months or more but less than 12 months—a fee equal to 1.875% of the registration fee.

### 3—Conditional registration (section 25 of Act)

- (1) For registration of a motor vehicle under section 25 of the Act—
  - (a) in the case of—
    - (i) a heavy vehicle that is a special purpose vehicle (type O); or
    - (ii) a heavy vehicle that is a special purpose vehicle (type T) (other than an emergency response vehicle or a vehicle that is used principally for the purpose of fire fighting and is fitted with fire fighting equipment),  
  
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 registration fee for registration of the vehicle under section 24 of the Act for the financial year in which the registration is to take effect;
  - (b) in the case of a heavy vehicle that is a road train, B double or a vehicle of a class referred to in clause 6(g) of Schedule 1—a fee equal to the registration fee that would be payable for registration of the vehicle under section 24 of the Act;

- 
- (c) in any other case—no fee.
- (2) Administration fee (payable whether or not a registration fee is payable under subclause (1)) for registration of a motor vehicle under section 25 of the Act—
- (a) initial registration or re-registration of a motor vehicle level 3 fee
  - (b) renewal of registration of a motor vehicle level 1 fee
- (3) If a registration fee is payable for the registration of a motor vehicle under section 25 of the Act and the period of registration is less than 12 months, a surcharge of the amount prescribed in clause 2(5) is payable in addition to the registration fee and administration fee.
- 4—Transfer of registration**
- (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) \$66.00
- 5—Cancellation of registration**
- Administration fee for cancellation of the registration of a motor vehicle level 2 fee
- 6—Duplicate certificates of registration and registration labels**
- Administration fee for the issue of a duplicate certificate of registration or duplicate registration label level 2 fee
- 7—Permit to drive an unregistered motor vehicle**
- 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
- 8—Duplicate permit to drive an unregistered motor vehicle**
- Administration fee for the issue of a duplicate permit under section 16(12) of the Act level 2 fee
- 9—Temporary configuration certificate for heavy vehicle**
- Administration fee for the issue of a temporary configuration certificate for a heavy vehicle level 3 fee
- 10—Duplicate temporary configuration certificate for heavy vehicle**
- Administration fee for the issue of a duplicate temporary configuration certificate for a heavy vehicle level 2 fee
- 11—Number allotment**
- Administration fee for variation or amendment of the number allotted to a motor vehicle (per vehicle) level 3 fee
- 12—Number plates**
- (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
- 13—Issue or reissue of trade plate**
- (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;
- (b) in respect of a motor vehicle that has a gross vehicle mass not exceeding 4 500 kg (other than a motor bike, 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(2)(d)(i) or 2(2)(e) that has 7 or more cylinders;
- (c) in respect of a motor bike (*Category C*)—an annual fee of an amount equal to the fee that would be payable for registration for 12 months of a motor bike;
- (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 1 category of vehicle such that more than 1 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

**14—Supply of trade plate by Registrar**

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

**15—Issue of replacement trade plate**

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

**16—Duplicate trade plate label or certificate of issue of trade plate**

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

**17—Trade plate transfer**

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

**18—Trade plate surrender**

Administration fee payable on surrender of a trade plate under section 70(5) of the Act level 2 fee

**19—Driver's licences**

- (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— \$13.00

- 
- (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 70% of the rate for total incapacity (per year);
- (b) where the applicant is a concession card holder (per year); \$13.00
- (c) in any other case (per year) \$26.00
- (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 3 months of the period for which the licence is issued or renewed.
- (3) If—
- (a) a person ceases to be a concession card holder; and
- (b) the person holds a driver's licence that was issued or renewed on payment of a reduced fee,
- the person must pay an additional fee of an amount that is equal to the difference between—
- (c) the amount obtained by multiplying the number of complete 3 month periods in the unexpired period of the licence by one-quarter of the annual fee paid for the issue or renewal of the licence; and
- (d) the amount obtained by multiplying the number of complete 3 month periods in the unexpired period of the licence by one-quarter of the annual fee that would have been payable for the issue or renewal of the licence if the person had not been a concession card holder.
- (4) For the purposes of subclause (3), the unexpired period of the licence commences on the day on which the person ceases to be a concession card holder.
- (5) Administration fee (payable in addition to the licence fee) for the issue or renewal of a driver's licence level 2 fee
- (6) Administration fee (payable in addition to the fee prescribed in subclause (5)) where application for the issue of a driver's licence is made more than 6 months after the expiry of a previously held licence and the applicant was not, during the whole of the period of 6 months after the expiry of the previously held licence, disqualified from holding or obtaining a driver's licence level 3 fee
- (7) In this clause—
- concession card holder** means a person who—
- (a) holds—
- (i) a State Concession Card issued by the Department for Families and Communities; or
- (ii) a pensioner entitlement card issued under a law of the Commonwealth; and
- (b) is entitled, as the holder of such a card, to travel on public transport in this State at reduced fares;

*reduced fee* means the fee payable for the issue or renewal of a driver's licence where the applicant is a concession card holder.

**20—Duplicate driver's licence**

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

**21—Learner's permit**

- (1) For the issue or renewal of a learner's permit \$26.00
- (2) Administration fee for the issue or renewal of a learner's permit (payable in addition to the permit fee) level 2 fee

**22—Duplicate learner's permit**

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

**23—Theoretical examination**

For a theoretical examination prescribed for the purposes of section 79 of the Act—

- (a) examination fee \$10.00
- (b) administration fee (payable in addition to the examination fee) level 2 fee

**24—Practical driving tests conducted by government authorised examiners**

For a practical driving test conducted by a government authorised examiner—

- (a) booking fee level 2 fee
- (b) test fee—
  - (i) for a test of up to, but not exceeding, 40 minutes duration \$40.00
  - (ii) for a test exceeding 40 minutes duration \$90.00
- (c) administration fee (payable in addition to the test fee) level 2 fee

**25—Other practical driving tests; final assessments**

Booking fee, for notice to the Registrar of— level 2 fee

- (a) a practical driving test; or
- (b) a final assessment in a competence based training course for drivers of motor vehicles (other than motor bikes) undertaken in accordance with the directions of the Registrar,

to be conducted by an authorised examiner other than a government authorised examiner

**26—Hazard perception tests**

For a hazard perception test—

- (a) test fee \$10.00
- (b) administration fee (payable in addition to the test fee) level 2 fee

**27—Motor bike training courses**

For a motor bike training course undertaken in accordance with the directions of the Registrar—

- (a) training course fee—
  - (i) for basic motor bike training preparatory to obtaining a motor bike learner's permit \$313.00



(ii) for advanced motor bike training preparatory to obtaining a motor bike driver's licence	\$276.00
(b) administration fee (payable in addition to the training course fee)	\$15.00
<b>28—Proficiency test for motor driving instructor's licence</b>	
For a proficiency test of an applicant for a driving instructor's licence—	
(a) for a theory test—	
(i) test fee	\$55.00
(ii) administration fee (payable in addition to the test fee)	level 2 fee
(b) for a practical training course test—	
(i) test fee	\$4 819.00
(ii) administration fee (payable in addition to the test fee)	level 2 fee
<b>29—Motor driving instructor's licence</b>	
For the issue of a motor driving instructor's licence (per year)	\$76.40
<b>30—Duplicate motor driving instructor's licence</b>	
Administration fee for the issue of a duplicate motor driving instructor's licence	level 2 fee
<b>31—Appointment as authorised examiner</b>	
For appointment as an authorised examiner (other than a government authorised examiner) (per year)	\$112.00
<b>32—Proficiency tests for authorised examiners</b>	
(1) For a proficiency test, required by the Registrar, of an applicant for appointment as an authorised examiner in relation to the driving of motor vehicles with a gross vehicle mass not exceeding 4.5 tonnes—	
(a) practical training course test (per day)	\$197.00
(b) administration fee (payable in addition to test fee)	\$16.00
(2) For a proficiency test, required by the Registrar, of an applicant for appointment as an authorised examiner in relation to the driving of motor vehicles with a gross vehicle mass exceeding 4.5 tonnes—	
(a) practical training course test (per day)	\$332.00
(b) administration fee (payable in addition to test fee)	\$16.00
<b>33—Lectures as to motor vehicle accidents and their causes</b>	
For attendance at a lecture conducted under regulation 32	\$33.00
<b>34—Disabled person's parking permit</b>	
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	\$12.00

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## Schedule 5—Fees

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(b)	administration fee (payable in addition to the permit fee)	level 1 fee
<b>35—Register searches etc</b>		
(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
<b>36—Motor vehicle examinations</b>		
(1)	For an examination of a motor vehicle for the purposes of completion of a report under regulation 23A	\$13.00
(2)	A fee for an examination referred to in subclause (1) must be paid—	
(a)	in the case of an examination to be carried out by an authorised officer—on the registration of the vehicle; or	
(b)	in the case of an examination to be carried out by a police officer—prior to the examination.	
(3)	For a basic examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the Act to be carried out by a person authorised by the Registrar under section 139(1) of the Act	\$29.00
(4)	For a basic examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the Act to be carried out by a police officer	\$46.00
(5)	For a basic examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the Act to be carried out by an authorised officer at Transport Department premises	\$46.00
(6)	For a basic examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the Act to be carried out by an authorised officer at a site other than Transport Department premises—	
(a)	fee for call out (per site visit)—\$166.00; plus	
(b)	fee for examination (per vehicle)—\$46.00.	
(7)	For a comprehensive examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the Act to be carried out by an authorised officer	\$248.00
(8)	For a further examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the Act following a comprehensive examination referred to in subclause (7), to be carried out by an authorised officer	\$29.00
(9)	A fee for an examination of a motor vehicle for the purposes of section 139(1)(ab)(iii) of the Act must be paid—	
(a)	in the case of a fee specified in subclause (3), (5) or (6)(b)—on the registration of the vehicle; or	
(b)	in the case of a fee specified in subclause (4), (6)(a), (7) or (8)—prior to the examination.	
(10)	If more than 1 fee becomes payable under subclauses (1) to (7) (inclusive) in respect of the examination of the same motor vehicle, only the higher or highest fee (as the case may be) must be paid.	

- (11) A fee for an examination referred to in this clause to be carried out by a police officer must be paid to the South Australian Police Department.

**37—Application for review of decision of Registrar**

Administration fee payable on application for a review under section 98Z of the Act level 3 fee

**38—Dishonoured cheque or debit card or credit card transactions**

Administration fee payable under section 138B of the Act level 3 fee

**39—Fees payable by insurer for emergency treatment**

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.

**39A—Fees payable in connection with service of notices of disqualification**

- (1) Administration fee payable under section 139BD of the Act \$24
- (2) Service fee payable under section 139BD of the Act \$60

**40—Fees payable for registration under Commonwealth *Interstate Road Transport Act 1985***

- (1) Administration fee (payable in addition to the registration charge imposed by Commonwealth law) (section 9(1)(a))—
  - (a) for registration level 3 fee
  - (b) for renewal of registration level 1 fee
- (2) Administration fee to accompany notice surrendering registration (section 12(2)) level 2 fee



## **Schedule 5A—Corresponding laws declared for purposes of demerit points scheme**

*Motor Vehicles Act* of the Northern Territory and regulations made under that Act

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

*Road Transport (Driver Licensing) Act 1998* of New South Wales and regulations made under that Act

*Road Transport (Driver Licensing) Act 1999* of the Australian Capital Territory and regulations made under that Act

*Transport Operations (Road Use Management) Act 1995* of Queensland and regulations made under that Act

*Vehicle and Traffic Act 1999* of Tasmania and regulations made under that Act



## Schedule 6—Expiation fees

### Part 1—Offences against the *Motor Vehicles Act 1959*

Section	Description of offence against <i>Motor Vehicles Act 1959</i>	Fee
16(9)	<i>Driving motor vehicle without carrying permit under section 16 of the Act</i>	\$85
16(11)	<i>Contravening condition of permit under section 16 of the Act</i>	\$69
47(1)	<i>Driving, or causing to stand, motor vehicle not bearing number plates</i>	\$500
47(1a)	<i>Being registered owner or registered operator of motor vehicle driven, or caused to stand, in contravention of section 47(1) of the Act</i>	\$500
47A(7)	<i>Driving motor vehicle to which is attached number plates in respect of which a declaration under section 47A(2) of the Act has been made</i>	\$500
47B(2)	<i>Selling or supplying number plates without approval of Minister</i>	\$500
47C(3)	<i>Failing to comply with direction of Registrar under section 47C(2) of the Act to return number plates</i>	\$200
47D(1)(a)	<i>Driving, or causing to stand, motor vehicle to which is attached number plate bearing number other than number allotted to vehicle</i>	\$500
47D(1)(b)	<i>Driving, or causing to stand, motor vehicle to which is attached number plate altered, defaced, mutilated or added to</i>	\$500
47D(1)(c)	<i>Driving, or causing to stand, motor vehicle to which is attached colourable imitation of number plate</i>	\$500
47D(1)(d)	<i>Without lawful excuse, having in possession number plate or article resembling number plate</i>	\$500
47D(2)	<i>Being registered owner or registered operator of motor vehicle driven, or caused to stand, in contravention of section 47D(1) of the Act</i>	\$500
48(3)	<i>Driving, or causing to stand, registered motor vehicle not carrying registration label issued for vehicle or carrying registration label not in conformity with section 48 of the Act or these regulations</i>	\$85
48(3a)	<i>Being registered owner or registered operator of motor vehicle driven, or caused to stand, in contravention of section 48(3) of the Act</i>	\$85
53(1)(a)	<i>Driving, or causing to stand, motor vehicle on which is affixed registration label, or in which is carried permit, no longer in force or issued in respect of another vehicle</i>	\$83
53(1)(b)	<i>Driving, or causing to stand, motor vehicle on which is affixed registration label, or in which is carried permit, that has been altered, defaced, mutilated or added to</i>	\$83
53(1)(c)	<i>Driving, or causing to stand, motor vehicle on which is affixed colourable imitation of registration label or in which is carried colourable imitation of permit</i>	\$83
53(1)(d)	<i>Without lawful excuse, having in possession registration label, permit or article resembling registration label or permit</i>	\$83
53(1a)	<i>Being registered owner or registered operator of motor vehicle driven, or caused to stand, in contravention of section 53(1) of the Act</i>	\$83
56(b)(ii)	<i>Failing to lodge notice of transfer of ownership of motor vehicle within 14 days after transfer</i>	\$160

**Motor Vehicles Regulations 1996—1.5.2009 to 31.5.2009**

Schedule 6—Expiation fees

<b>Section</b>	<b>Description of offence against <i>Motor Vehicles Act 1959</i></b>	<b>Fee</b>
66(2)	<i>Where motor vehicle to which trade plates are affixed is driven other than for a prescribed purpose stated in application for issue of the plates, being driver or person to whom plates were issued</i>	\$83
71B(2)	<i>Failure by person to whom replacement number plate, trade plate, duplicate certificate of registration or duplicate registration label issued to return found or recovered original plate, certificate or label to Registrar</i>	\$83
72A	<i>Acting as qualified supervising driver while having prescribed concentration of alcohol in blood or prescribed drug in oral fluid or blood</i>	\$160
74(1)	<i>Driving motor vehicle without holding appropriate licence or learner's permit</i>	\$316
75A(5)	<i>Contravening condition of learner's permit referred to in section 75A(3)(c) of the Act</i>	\$151
75A(5)	<i>Contravening condition of learner's permit referred to in section 75A(3)(d) of the Act</i>	\$159
75A(5)	<i>Contravening condition of learner's permit (other than the condition referred to in section 75A(3)(c) or (d) of the Act)</i>	\$65
75A(5aaa)	<i>Holder of learner's permit driving motor vehicle without displaying two "L" plates</i>	\$57
81(4)	<i>Contravening condition endorsed on licence under section 81 of the Act</i>	\$65
81A(5)	<i>Contravening condition of P1 licence referred to in section 81A(1)(ca) of the Act</i>	\$160
81A(5)	<i>Contravening condition of P1 licence referred to in section 81A(1)(d) of the Act</i>	\$65
81A(5)	<i>Contravening condition of P1 licence referred to in section 81A(1)(e) of the Act</i>	\$144
81A(5)	<i>Contravening condition of P2 licence referred to in section 81A(3a)(a) of the Act</i>	\$160
81A(5)	<i>Contravening condition of P2 licence referred to in section 81A(3a)(b) of the Act</i>	\$65
81A(5a)	<i>Holder of P1 licence driving motor vehicle without displaying two "P" plates</i>	\$72
81AB(5)	<i>Contravening condition of probationary licence referred to in section 81AB(1)(a) or (c) of the Act</i>	\$65
81AB(5)	<i>Contravening condition of probationary licence referred to in section 81AB(1)(b) of the Act</i>	\$160
81B(3a)	<i>Failing to comply with requirement made by Registrar under section 81B(3)(a) of the Act to attend lecture</i>	\$71
96(1)	<i>Failing to produce licence or learner's permit on request of police officer</i>	\$104
97A(3)	<i>Failing to carry or produce licence while driving under section 97A of the Act</i>	\$104
98AAA(1)	<i>Failing to carry or produce licence while driving heavy vehicle</i>	\$104
98AAB	<i>Failing to carry or produce probationary licence, provisional licence or learner's permit while driving</i>	\$104



<b>Section</b>	<b>Description of offence against <i>Motor Vehicles Act 1959</i></b>	<b>Fee</b>
102(1)	<i>Driving, or causing to stand, an uninsured vehicle, being an offence arising out of the towing of an uninsured trailer that is not a heavy vehicle</i>	\$24
136(1)	<i>Failing to notify Registrar of change of residence of natural person who is registered owner or registered operator of motor vehicle or holds licence or learner's permit</i>	\$102
136(2)	<i>Failing to notify Registrar of change of name or principal place of business of natural person who holds trade plates</i>	\$102
136(2a)	<i>Failing to notify Registrar of change of principal place of business of body corporate that is registered owner or registered operator of motor vehicle or holds trade plates</i>	\$102
136(2b)	<i>Failing to notify Registrar of change of garage address of motor vehicle</i>	\$102
136(2c)	<i>Failing to notify Registrar of change of registered operator of motor vehicle</i>	\$102
136(2d)	<i>Failing to notify Registrar of change of postal address</i>	\$102
143(1)	<i>Causing or permitting the commission of an expiable offence against the Act or these regulations</i>	\$54

## Part 2—Offences against these regulations

<b>Regulation</b>	<b>Description of offence against these regulations</b>	<b>Fee</b>
54(1)	Offence arising from an alleged contravention of, or failure to comply with—	
	r 22(1)— <i>Driving motor vehicle while a device is attached to the vehicle or to a number plate or trade plate on the vehicle, or while a substance is painted 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</i>	\$316
	r 22(4)— <i>Driving motor vehicle to which a bike rack is attached displaying a number plate while a device is attached to the bike rack or the number plate, or 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</i>	\$316



## Schedule 7—Demerit points

### Part 1—Demerit points within the national scheme

#### Division 1—Offences against the *Road Traffic Act 1961*

Section	Description of offence against <i>Road Traffic Act 1961</i>	Demerit points
40I(2)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move vehicle to specified location</i>	3
40J(3)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to move vehicle or do anything else reasonably required by officer to avoid causing harm or obstruction</i>	3
79B(2)	<i>Being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence</i>	
	Contravention where the owner is a natural person and the prescribed offence in which the vehicle appears to have been involved is an offence against one of the following <i>Australian Road Rules</i> :	
	r 20— <i>Speeding</i>	
	Exceeding applicable speed-limit on length of road—	
	by less than 15 kph	1
	by 15 kph or more but less than 30 kph	3
	by 30 kph or more	4
	r 56(1)— <i>Failing to stop for red traffic light</i>	3
	r 56(2)— <i>Failing to stop for red traffic arrow</i>	3
	r 59(1)— <i>Proceeding through red traffic light</i>	3
	r 60— <i>Proceeding through red traffic arrow</i>	3
	r 123(a)— <i>Entering level crossing while warning lights are operating</i>	3
82(1)	<i>Speeding</i>	
	Exceeding speed-limit while passing school bus—	
	by less than 15 kph	1
	by 15 kph or more but less than 30 kph	3
	by 30 kph or more	4
91(3)	<i>Failing to comply with direction of ferry operator</i>	3
164A(1)	<i>Contravening or failing to comply with provision of Act</i>	
	Contravention of or failure to comply with—	
	s 45— <i>Driving without due care or attention etc</i>	3
	s 83(1)(a)— <i>Speeding while passing emergency vehicle</i>	
	Exceeding 40 kph while passing an emergency vehicle—	
	by less than 15 kph	1

Section	Description of offence against <i>Road Traffic Act 1961</i>	Demerit points
	by 15 kph or more but less than 30 kph	3
	by 30 kph or more	4
	s 83(1)(b)— <i>Speeding while passing emergency vehicle</i>	
	Exceeding lesser speed required to avoid endangering person while passing an emergency vehicle	3
	s 145(6)— <i>Driving contrary to terms of defect notice</i>	3

## Division 2—Offences against the *Australian Road Rules*

Rule	Description of offence against <i>Australian Road Rules</i>	Demerit points
20	<i>Speeding</i> Exceeding applicable speed-limit on length of road—	
	by less than 15 kph	1
	by 15 kph or more but less than 30 kph	3
	by 30 kph or more	4
27(1)	<i>Failing to keep left when starting left turn (from other than multi-lane road)</i>	2
28(1)	<i>Failing to keep within left lane when starting left turn on multi-lane road</i>	2
29(1)	<i>Failing to make left turn as indicated by turn line</i>	2
31(1)	<i>Starting right turn incorrectly (from other than multi-lane road)</i>	2
32(1)	<i>Failing to keep within right lane when starting right turn on multi-lane road</i>	2
33(1)	<i>Making right turn at intersection incorrectly</i>	2
34(1)	<i>Making hook turn at "hook turn only" sign incorrectly</i>	2
37	<i>Starting U-turn without clear view etc</i>	2
38	<i>Failing to give way when making U-turn</i>	3
39(1)	<i>Making U-turn contrary to "no U-turn sign" at break in dividing strip</i>	2
39(2)	<i>Making U-turn contrary to "no U-turn sign" on length of road</i>	2
40	<i>Making U-turn at intersection with traffic lights and "no U-turn permitted" sign</i>	2
41	<i>Making U-turn at intersection without traffic lights and without "U-turn permitted" sign</i>	2
42	<i>Starting U-turn at intersection from incorrect position</i>	2
46(1)	<i>Failing to give left change of direction signal before turning left</i>	2
48(1)	<i>Failing to give right change of direction signal before turning right</i>	2
53(1)	<i>Failing to give stop signal before stopping or suddenly slowing</i>	2
53(2)	<i>Failing to give sufficient warning of stopping</i>	2
53(3)	<i>Failing to give stop signal while slowing</i>	2
56(1)	<i>Failing to stop for red traffic light</i>	3

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Demerit points</b>
56(2)	<i>Failing to stop for red traffic arrow</i>	3
57(1)	<i>Failing to stop for yellow traffic light</i>	3
57(2)	<i>Failing to stop for yellow traffic arrow</i>	3
59(1)	<i>Proceeding through red traffic light</i>	3
60	<i>Proceeding through red traffic arrow</i>	3
61(2)	<i>Failing to stop at intersection when traffic lights or arrows change to yellow or red</i>	3
62	<i>Failing to give way when turning at intersection with traffic lights</i>	3
63(2)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where traffic light-stop sign</i>	3
63(3)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where no traffic light-stop sign</i>	3
64	<i>Failing to give way at flashing yellow traffic arrow at intersection</i>	3
65(2)	<i>Failing to give way at marked foot crossing (except at intersection) with flashing yellow traffic light</i>	3
66(1)	<i>Failing to stop for twin red lights (except at level crossing)</i>	3
66(4)	<i>Proceeding after stopping for twin red lights (except at level crossing)</i>	3
67(1)	<i>Failing to stop and give way at stop sign or stop line at intersection without traffic lights</i>	3
68(1)	<i>Failing to stop and give way at stop sign or stop line at other place</i>	3
69(1)	<i>Failing to give way at give way sign or give way line at intersection (except roundabout)</i>	3
70	<i>Failing to give way at give way sign at bridge or length of narrow road</i>	3
71(1)	<i>Failing to give way at give way sign or give way line at other place</i>	3
72(1)	<i>Failing to give way at intersection (except T-intersection or roundabout)</i>	3
73(1)	<i>Failing to give way at T-intersection</i>	3
74(1)	<i>Failing to give way when entering road from road-related area or adjacent land</i>	3
75(1)	<i>Failing to give way when entering road-related area or adjacent land from road</i>	3
76(1)	<i>Moving into path of tram travelling in tram lane etc</i>	3
76(2)	<i>Failing to move out of path of tram travelling in tram lane etc</i>	3
77(1)	<i>Failing to give way to bus</i>	3
78(1)	<i>Moving into path of police or emergency vehicle</i>	3
78(2)	<i>Failing to move out of path of police or emergency vehicle</i>	3
79(1)	<i>Failing to give way to police or emergency vehicle</i>	3
80(1)	<i>Driving near children's crossing at speed at which driver cannot stop safely</i>	3
80(2)	<i>Failing to stop at children's crossing</i>	3
80(3)	<i>Failing to obey hand-held stop sign at children's crossing</i>	3

**Motor Vehicles Regulations 1996—1.5.2009 to 31.5.2009**

Schedule 7—Demerit points

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Demerit points</b>
80(4)	<i>Proceeding while pedestrian on children's crossing</i>	3
81(1)	<i>Driving near pedestrian crossing at speed at which driver cannot stop safely</i>	3
81(2)	<i>Failing to give way at pedestrian crossing</i>	3
82	<i>Overtaking or passing vehicle at children's crossing or pedestrian crossing</i>	3
83	<i>Failing to give way to pedestrian in shared zone</i>	3
84(1)	<i>Failing to give way when driving through break in dividing strip</i>	3
85	<i>Failing to give way on painted island</i>	3
86(1)	<i>Failing to give way in median turning bays</i>	3
87(1)	<i>Failing to give way when moving from side of road</i>	3
87(3)	<i>Failing to give way when moving from median strip parking area</i>	3
88(1)	<i>Failing to turn left at intersection with "left turn only" sign</i>	2
88(2)	<i>Failing to turn left when in left lane at intersection with "left lane must turn left" sign</i>	2
89(1)	<i>Failing to turn right at intersection with "right turn only" sign</i>	2
89(2)	<i>Failing to turn right when in right lane at intersection with "right lane must turn right" sign</i>	2
90	<i>Turning at intersection with "no turn" sign</i>	2
91(1)	<i>Turning left at intersection or other place with "no left turn" sign</i>	2
91(2)	<i>Turning at intersection or other place with "no right turn" sign</i>	2
93(1)	<i>Driving or overtaking on bridge or length of road where "no overtaking or passing" sign applies</i>	2
94	<i>Overtaking on bridge with "no overtaking on bridge" sign</i>	2
101(1)	<i>Failing to stop before hand-held stop sign</i>	3
101(2)	<i>Proceeding after stopping for hand-held stop sign</i>	3
112(2)	<i>Failing to give left change of direction signal when entering roundabout</i>	2
112(3)	<i>Failing to continue left change of direction signal while on roundabout</i>	2
113(2)	<i>Failing to give right change of direction signal when entering roundabout</i>	2
113(3)	<i>Failing to continue right change of direction signal while in roundabout</i>	2
114(1)	<i>Failing to give way when entering roundabout</i>	3
114(2)	<i>Failing to give way to tram when driving in roundabout</i>	3
115(1)	<i>Failing to drive in roundabout to left of central traffic island</i>	2
117(1)	<i>Failing to give left change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	2
117(2)	<i>Failing to give right change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	2
118(1)	<i>Failing to give left change of direction signal when leaving roundabout</i>	2
121	<i>Failing to stop and give way at stop sign at level crossing</i>	3
122	<i>Failing to give way at give way sign or give way line at level crossing</i>	3

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Demerit points</b>
123	<i>Entering level crossing when train or tram approaching etc</i>	3
126	<i>Failing to keep safe distance behind other vehicle</i>	1
127(1)	<i>Failing to keep required minimum distance behind long vehicle</i>	1
129(1)	<i>Failing to keep to far left side of road</i>	2
130(2)	<i>Driving in right lane on certain multi-lane roads</i>	2
131	<i>Failing to keep to left of oncoming vehicle</i>	2
132(1)	<i>Failing to keep to left of centre of road</i>	2
132(2)	<i>Failing to keep to left of dividing line—dividing line formed by 2 parallel continuous lines</i>	3
132(2)	<i>Failing to keep to left of dividing line—any other dividing line</i>	2
135(1)	<i>Failing to keep to left of median strip</i>	3
140	<i>Overtaking when not safe to do so</i>	2
141(1)	<i>Driver overtaking to left of other vehicle</i>	2
142(1)	<i>Overtaking to right of vehicle turning right</i>	2
143(1)	<i>Passing or overtaking to left of turning left vehicle displaying "do not overtake turning vehicle" sign</i>	2
143(2)	<i>Passing or overtaking to right of turning right vehicle displaying "do not overtake turning vehicle" sign</i>	2
144	<i>Failing to keep safe distance when overtaking</i>	2
148(1)	<i>Failing to give way when moving from one marked lane to another marked lane</i>	3
148(2)	<i>Failing to give way when moving from one line of traffic to another line of traffic</i>	3
149	<i>Failing to give way when lines of traffic merge into single line of traffic</i>	3
152(1)	<i>Driving in marked lane to which overhead lane control device applies—failing to comply with rule</i>	3
155(1)	<i>Driving in tram lane</i>	3
160(2)	<i>Passing or overtaking to right of tram not at or near far left side of road</i>	2
160(3)	<i>Passing or overtaking left turning etc tram not at or near far left side of road</i>	2
161(2)	<i>Passing or overtaking to left of tram at or near the left side of road</i>	2
161(3)	<i>Passing or overtaking tram turning right or giving right change of direction signal</i>	2
162(1)	<i>Driving past safety zone</i>	3
163(1)	<i>Driving past rear of stopped tram</i>	3
164(1)	<i>Failing to give way to pedestrians crossing road near stopped tram</i>	3
215(1)	<i>Failing to use lights when driving at night or in hazardous weather conditions</i>	1
216(1)	<i>Failing to use lights when towing vehicle at night or in hazardous weather conditions</i>	1

**Motor Vehicles Regulations 1996—1.5.2009 to 31.5.2009**

## Schedule 7—Demerit points

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Demerit points</b>
218(1)	<i>Using headlights on high-beam</i>	1
219	<i>Using lights to dazzle other road users</i>	1
264(1)	<i>Failing to wear seatbelt—driver</i>	3
266(1)	<i>Failing to ensure passengers under 16 years old are wearing seatbelts or approved child restraints—</i>	
	driver who is a person referred to in section 98BI(1)(a)(i) or (ii) of the <i>Motor Vehicles Act 1959</i>	3
	all other drivers	see Part 2 Division 2
270(1)	<i>Riding motor bike without wearing helmet or with passenger not wearing helmet</i>	3
281	<i>Failing to stop for red B light—bus driver</i>	3
282	<i>Failing to stop for yellow B light—bus driver</i>	3
284	<i>Proceeding after stopping for red or yellow B light—bus driver</i>	3
286(2)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver proceeding before entering intersection</i>	3
286(3)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver failing to leave intersection</i>	3
288(4)	<i>Driving on path—failing to give way</i>	3
289(2)	<i>Driving on nature strip—failing to give way</i>	3
300(1)	<i>Using hand-held mobile phone while driving vehicle</i>	3
304(1)	<i>Failing to obey direction of police officer or authorised person</i>	3

### **Division 3—Offences against the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008***

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i></b>	<b>Demerit points</b>
6(1)	<i>Driving while fatigued</i>	3
16(3)	<i>Failing to comply with regulation 16(3)—standard hours for solo drivers</i>	
	severe risk offence	3
	critical risk offence	4
17(3)	<i>Failing to comply with regulation 17(3)—standard hours for solo drivers (buses)</i>	
	severe risk offence	3
	critical risk offence	4
19(3)	<i>Failing to comply with regulation 19(3)—standard hours for two-up drivers</i>	
	severe risk offence	3
	critical risk offence	4



<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008</i></b>	<b>Demerit points</b>
21(3)	<i>Failing to comply with regulation 21(3)—solo drivers under BFM accreditation</i>	
	severe risk offence	3
	critical risk offence	4
23(3)	<i>Failing to comply with regulation 23(3)—two-up drivers under BFM accreditation</i>	
	severe risk offence	3
	critical risk offence	4
24(3)	<i>Failing to comply with regulation 24(3)—drivers under AFM accreditation</i>	
	severe risk offence	3
	critical risk offence	4
25(3)	<i>Failing to comply with regulation 25(3)—offences related to AFM outer limits</i>	
	severe risk offence	3
	critical risk offence	4
62(2)	<i>Failing to comply with regulation 62(2)—offences relating to work time and rest time under work/rest hours exemption</i>	
	severe risk offence	3
	critical risk offence	4

## **Part 2—Demerit points peculiar to South Australia**

### **Division 1—Offences against the *Road Traffic Act 1961***

<b>Section</b>	<b>Description of offence against <i>Road Traffic Act 1961</i></b>	<b>Demerit points</b>
40H(5)	<i>Engaging in conduct in contravention of direction of authorised officer or police officer to stop vehicle, or not move it, or not interfere with vehicle or its equipment or load</i>	3
43(1)	<i>Failing to stop and give assistance immediately after accident involving injury or death</i>	5
44B(3)	<i>Misuse of motor vehicle</i>	4
45A	<i>Excessive speed</i>	6
46(1)	<i>Driving recklessly or at speed or in manner dangerous to public</i>	6
47(1)	<i>Driving or attempting to put vehicle in motion while under influence of liquor or drug</i>	6
47B(1)	<i>Driving whilst having prescribed concentration of alcohol in blood</i>	
	Contravention involving less than 0.08 grams of alcohol in 100 millilitres of blood	4
	Contravention involving 0.08 grams or more but less than 0.15 grams of alcohol in 100 millilitres of blood	5

**Motor Vehicles Regulations 1996—1.5.2009 to 31.5.2009**

Schedule 7—Demerit points

<b>Section</b>	<b>Description of offence against <i>Road Traffic Act 1961</i></b>	<b>Demerit points</b>
	Contravention involving 0.15 grams or more of alcohol in 100 millilitres of blood	6
47BA(1)	<i>Driving while a prescribed drug is in oral fluid or blood</i>	4
47E(3)	<i>Refusing or failing to comply with direction of police officer in relation to alcotest or breath analysis</i>	6
47EAA(9)	<i>Refusing or failing to comply with direction of police officer in relation to drug screening test, oral fluid analysis or blood test</i>	6
47I(14)	<i>Refusing or failing to comply with request to submit to taking of sample of blood</i>	6
79B(2)	<i>Being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence</i>	
	Contravention where the owner is a natural person and the prescribed offence in which the vehicle appears to have been involved is an offence against one of the following provisions of the <i>Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999</i> :	
	r 9A(1)— <i>Speeding while driving road train</i>	
	Exceeding 90 kph speed limit—	
	by less than 15 kph	1
	by 15 kph or more but less than 30 kph	3
	by 30 kph or more	4
	r 9A(2)— <i>Speeding while driving road train</i>	
	Exceeding 40 kph speed-limit—	
	by less than 15 kph	1
	by 15 kph or more but less than 30 kph	3
	by 30 kph or more	4
164A(1)	<i>Contravening or failing to comply with provision of Act</i>	
	Contravention of or failure to comply with—	
	s 110— <i>Failing to keep whole of vehicle on sealed surface when driving on sealed road</i>	3

**Division 2—Offences against the *Australian Road Rules***

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Demerit points</b>
28(1A)	<i>Failing to use slip lane when starting left turn on multi-lane road</i>	2
28(2A)	<i>Bicycle rider starting left turn on multi-lane road from incorrect position in bicycle storage area</i>	2
32(2A)	<i>Bicycle rider starting right turn on multi-lane road from incorrect position in bicycle storage area</i>	2
46(4)	<i>Failing to stop giving left change of direction signal after turning left</i>	2
48(4)	<i>Failing to stop giving right change of direction signal after turning right</i>	2

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Demerit points</b>
51	<i>Using direction indicator lights when not permitted</i>	2
57(3)	<i>Failing to leave intersection showing yellow traffic light or arrow</i>	3
60A(1)	<i>Proceeding through bicycle storage area before red traffic light</i>	3
60A(2)	<i>Proceeding through bicycle storage area before red traffic arrow</i>	3
61(5)	<i>Failing to leave intersection when traffic lights or arrows change to yellow or red</i>	3
92(1)	<i>Failing to drive in direction indicated by traffic lane arrows</i>	3
95(1)	<i>Driving in emergency stopping lane</i>	3
96(1)	<i>Stopping on area of road marked with keep clear marking</i>	3
97(1)	<i>Driving on length of road where "road access" sign applies</i>	3
98(1)	<i>Driving in wrong direction on length of road where "one-way" sign applies</i>	3
99(1)	<i>Failing to drive to left of "keep left" sign</i>	3
99(2)	<i>Failing to drive to right of "keep right" sign</i>	3
100	<i>Driving past "no entry" sign</i>	3
101A(1)	<i>Driving on safety ramp or arrester bed</i>	3
102(1)	<i>Driving past "clearance" or "low clearance" sign</i>	3
103(1)	<i>Driving past "bridge load limit (gross mass)" or "gross load limit" sign—vehicle exceeding gross mass indicated by sign</i>	3
103(2)	<i>Driving past "bridge load limit (mass per axle group)" sign—vehicle axle group carrying mass exceeding mass indicated by sign</i>	3
104(1)	<i>Driving past "no trucks" sign—vehicle GVM exceeding permitted mass</i>	3
104(2)	<i>Driving truck past "no trucks" sign—vehicle or combination exceeding permitted length</i>	3
104(3)	<i>Driving truck past "no trucks" sign where no mass or length indicated</i>	3
105	<i>Failing to enter area indicated by "trucks must enter" sign</i>	3
106(1)	<i>Driving bus past "no buses" sign—bus exceeding mass indicated by sign</i>	3
106(2)	<i>Driving bus past "no buses" sign—bus exceeding length indicated by sign</i>	3
106(3)	<i>Driving bus past "no buses sign" where no mass or length indicated</i>	3
107	<i>Failing to enter area indicated by "buses must enter" sign</i>	3
108(1)	<i>Failing to drive truck or bus in low gear on length of road where "trucks and buses low gear" sign applies</i>	3
111(1)	<i>Failing to enter roundabout from multi-lane road or road with 2 or more lines of traffic travelling in same direction correctly</i>	3
116	<i>Failing to obey traffic lane arrows when driving in or leaving roundabout</i>	3
118(2)	<i>Failing to stop left change of direction signal after leaving roundabout</i>	2
119	<i>Failing to give way by rider of bicycle or animal to vehicle leaving roundabout</i>	3
124	<i>Failing to leave level crossing as soon as safe to do so</i>	3
128	<i>Entering blocked intersection</i>	3

**Motor Vehicles Regulations 1996—1.5.2009 to 31.5.2009**

Schedule 7—Demerit points

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Demerit points</b>
128A	<i>Entering blocked crossing</i>	3
132(2A)	<i>Making U-turn across certain dividing lines</i>	3
136	<i>Driving in wrong direction on one-way service road</i>	2
141(2)	<i>Bicycle rider overtaking to left of vehicle turning left</i>	2
145	<i>Increasing speed while being overtaken</i>	2
146(1)	<i>Failing to drive within single marked lane</i>	3
146(2)	<i>Failing to drive within single line of traffic</i>	3
148A	<i>Failing to give way when diverging left or right within marked lane</i>	3
151(1)	<i>Riding motor bike or bicycle alongside more than 1 other rider on non multi-lane road</i>	3
151(2)	<i>Riding motor bike or bicycle alongside more than 1 other rider in marked lane</i>	3
151(4)	<i>Riding motor bike or bicycle more than 1.5 metres from another rider</i>	3
155A(1)	<i>Driving in tramway</i>	3
247A(1)	<i>Bicycle rider failing to enter bicycle storage area correctly at intersection with red traffic light or arrow</i>	2
247B(1)	<i>Bicycle rider failing to give way when entering bicycle storage area</i>	3
247B(2)	<i>Bicycle rider in bicycle storage area on multi-lane road failing to give way to motor vehicles in certain lanes when traffic lights are green or yellow</i>	3
260(1)	<i>Failing to stop bicycle for red bicycle crossing light</i>	3
260(2)	<i>Proceeding after stopping for red bicycle crossing light—proceeding before light changes etc</i>	3
261(1)	<i>Failing to stop bicycle for yellow bicycle crossing light</i>	3
262(1)	<i>Bicycle rider proceeding when bicycle crossing lights change—failing to cross in accordance with rule</i>	3
265(1)	<i>Failing to wear seatbelt—passenger 16 years old, or older</i>	3
266(1)	<i>Failing to ensure passengers under 16 years old are wearing seatbelts or approved child restraints—</i>	
	driver who is a person referred to in section 98BI(1)(a)(i) or (ii) of the <i>Motor Vehicles Act 1959</i>	see Part 1 Division 2
	all other drivers—	
	failure in relation to 1 such passenger	3
	failure in relation to more than 1 such passenger	5
268(1)	<i>Travelling in or on part of motor vehicle not designed primarily for carriage of passengers or goods</i>	3
268(2)	<i>Travelling in or on part of motor vehicle designed primarily for carriage of goods</i>	3
268(3)	<i>Travelling in or on motor vehicle with part of body outside window or door</i>	3
268(4)	<i>Driving motor vehicle with part of passenger's body outside window or door</i>	3

<b>Rule</b>	<b>Description of offence against <i>Australian Road Rules</i></b>	<b>Demerit points</b>
268(4A)	<i>Driving motor vehicle with passenger under 16 in or on part of vehicle not designed primarily for carriage of passengers or goods</i>	3
268(4B)	<i>Driving motor vehicle with passenger under 16 in or on part of vehicle designed primarily for carriage of goods that is not enclosed etc</i>	3
269(3)	<i>Creating hazard by opening door of vehicle, leaving door open etc</i>	3
270(2)	<i>Passenger on motor bike failing to wear helmet</i>	3
274	<i>Failing to stop for red T light—tram driver</i>	3
275	<i>Failing to stop for yellow T light—tram driver</i>	3
277	<i>Proceeding after stopping for red or yellow T light—tram driver</i>	3
279(2)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver proceeding before entering intersection</i>	3
279(3)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver failing to leave intersection</i>	3
287(1)	<i>Driver involved in crash failing to give required particulars</i>	3
288(1)	<i>Driving on path</i>	3
289(1)	<i>Driving on nature strip</i>	3
292	<i>Driving or towing vehicle carrying insecure or overhanging load</i>	3
298	<i>Driving motor vehicle towing trailer with person in trailer</i>	3

### **Division 3—Offences against the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999***

<b>Regulation</b>	<b>Description of offence against <i>Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999</i></b>	<b>Demerit points</b>
9A(1)	<i>Speeding while driving road train</i> Exceeding 90 kph speed-limit— by less than 15 kph	1
	by 15 kph or more but less than 30 kph	3
	by 30 kph or more	4
9A(2)	<i>Speeding while driving road train</i> Exceeding 40 kph speed-limit— by less than 15 kph	1
	by 15 kph or more but less than 30 kph	3
	by 30 kph or more	4
26A	<i>Failing to ensure passengers 16 years old or older are wearing seatbelts—</i> failure in relation to 1 such passenger	3
	failure in relation to more than 1 such passenger	5



## Legislative history

### Notes

- This version is comprised of the following:

Part 1	5.6.2008
Part 2	31.1.2009
Part 2A	20.5.2004
Part 3	1.5.2009
Part 4	1.7.2008
Part 4A	30.4.2007
Part 5	1.7.2008
Schedule 1	1.7.2008
Schedule 2	14.11.2005
Schedule 3	14.11.2005
Schedule 4	20.9.2004
Schedule 5	1.7.2008
Schedule 5A	31.1.2008
Schedule 6	31.1.2009
Schedule 7	25.1.2009
- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Motor Vehicles Regulations 1996* revoked the following:

*Motor Vehicles Act Regulations 1968*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
1996	126	<i>Gazette 30.5.1996 p2751</i>	1.7.1996: r 2
1996	224	<i>Gazette 30.9.1996 p1256</i>	30.9.1996: r 2
1996	239	<i>Gazette 31.10.1996 p1585</i>	31.10.1996: r 2
1996	259	<i>Gazette 23.12.1996 p2262</i>	3.2.1997: r 2
1997	25	<i>Gazette 27.2.1997 p1089</i>	27.2.1997: r 2

## Motor Vehicles Regulations 1996—1.5.2009 to 31.5.2009

### Legislative history

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1997	50	<i>Gazette</i> 24.4.1997 p1648	24.4.1997: r 2
1997	57	<i>Gazette</i> 13.5.1997 p1818 revoked by 153/1997	revoked by 153/1997 without coming into operation
1997	101	<i>Gazette</i> 13.5.1997 p1908	13.5.1997: r 2
1997	153	<i>Gazette</i> 5.6.1997 p2945	1.7.1997: r 2
1997	164	<i>Gazette</i> 26.6.1997 p3217	1.7.1997: r 2
1997	211	<i>Gazette</i> 25.9.1997 p935	25.9.1997: r 2
1997	224	<i>Gazette</i> 13.11.1997 p1307	17.11.1997: r 2
1997	233	<i>Gazette</i> 4.12.1997 p1532	4.12.1997: r 2
1997	239	<i>Gazette</i> 18.12.1997 p1691	24.12.1997: r 2
1998	3	<i>Gazette</i> 8.1.1998 p33	15.1.1998: r 2
1998	35	<i>Gazette</i> 23.4.1998 p2000	23.4.1998 except r 3(a)— 31.5.1998: r 2
1998	40	<i>Gazette</i> 30.4.1998 p2083	2.5.1998 except r 11— 15.6.1998: r 2, erratum <i>Gazette</i> 7.5.1998 p2133
1998	44	<i>Gazette</i> 21.5.1998 p2219	1.7.1998: r 2
1998	49	<i>Gazette</i> 21.5.1998 p2244	28.5.1998: r 2
1998	92	<i>Gazette</i> 28.5.1998 p2371	28.5.1998 except r 4— 1.7.1998: r 2
1998	165	<i>Gazette</i> 13.8.1998 p405	1.9.1998: r 2
1998	191	<i>Gazette</i> 22.10.1998 p1230	1.11.1998: r 2
1998	196	<i>Gazette</i> 13.11.1998 p1411	13.11.1998: r 2
1999	31	<i>Gazette</i> 22.4.1999 p2243	22.4.1999: r 2
1999	51	<i>Gazette</i> 27.5.1999 p2792	1.7.1999: r 2
1999	94	<i>Gazette</i> 27.5.1999 p2887	27.5.1999: r 2
1999	177	<i>Gazette</i> 26.8.1999 p1016	6.9.1999: r 2
1999	229	<i>Gazette</i> 25.11.1999 p2531	1.12.1999: r 2
1999	230	<i>Gazette</i> 25.11.1999 p2533	1.12.1999: r 2
2000	26	<i>Gazette</i> 6.4.2000 p2049	1.5.2000: r 2
2000	100	<i>Gazette</i> 25.5.2000 p2795	25.5.2000: r 2
2000	123	<i>Gazette</i> 1.6.2000 p3015	1.6.2000: r 2
2000	183	<i>Gazette</i> 3.8.2000 p427	15.8.2000: r 2
2000	210	<i>Gazette</i> 31.8.2000 p1051	31.8.2000: r 2
2000	249	<i>Gazette</i> 19.10.2000 p2766	19.10.2000: r 2
2001	72	<i>Gazette</i> 31.5.2001 p1998	31.5.2001: r 2
2001	125	<i>Gazette</i> 7.6.2001 p2198	17.6.2001: r 2
2001	168	<i>Gazette</i> 5.7.2001 p2562	9.7.2001: r 2
2001	231	<i>Gazette</i> 11.10.2001 p4474	11.10.2001: r 2
2002	43	<i>Gazette</i> 6.6.2002 p2103	6.6.2002: r 2
2002	115	<i>Gazette</i> 20.6.2002 p2647	1.7.2002: r 2
2003	9	<i>Gazette</i> 30.1.2003 p401	1.3.2003: r 2
2003	59	<i>Gazette</i> 29.5.2003 p2161	1.7.2003: r 2
2003	125	<i>Gazette</i> 29.5.2003 p2332	29.5.2003: r 2
2003	147	<i>Gazette</i> 12.6.2003 p2500	12.6.2003: r 2
2003	158	<i>Gazette</i> 26.6.2003 p2839	1.7.2003 immediately after 59/2003: r 2



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2003	159	<i>Gazette 3.7.2003 p2879</i>	3.7.2003: r 2
2003	238	<i>Gazette 4.12.2003 p4380</i>	4.12.2003: r 2
2003	241	<i>Gazette 11.12.2003 p4433</i>	15.12.2003: r 2
2004	16	<i>Gazette 25.3.2004 p938</i>	25.3.2004: r 2
2004	31	<i>Gazette 20.5.2004 p1329</i>	20.5.2004: r 2
2004	83	<i>Gazette 27.5.2004 p1553</i>	1.7.2004: r 2
2004	86	<i>Gazette 27.5.2004 p1567</i>	27.5.2004: r 2
2004	146	<i>Gazette 1.7.2004 p2422</i>	1.8.2004: r 2
2004	151	<i>Gazette 8.7.2004 p2497</i>	8.7.2004: r 2
2004	190	<i>Gazette 2.9.2004 p3553</i>	2.9.2004: r 2
2004	191	<i>Gazette 2.9.2004 p3557</i>	20.9.2004: r 2
2004	201	<i>Gazette 16.9.2004 p3655</i>	1.11.2004: r 2
2004	235	<i>Gazette 4.11.2004 p4236</i>	4.11.2004: r 2
2005	7	<i>Gazette 27.1.2005 p306</i>	27.1.2005: r 2
2005	100	<i>Gazette 26.5.2005 p1525</i>	26.5.2005: r 2
2005	130	<i>Gazette 26.5.2005 p1634</i>	1.7.2005: r 2
2005	215	<i>Gazette 13.10.2005 p3704</i>	31.10.2005: r 2
2005	233	<i>Gazette 3.11.2005 p3883</i>	14.11.2005: r 2
2005	237	<i>Gazette 10.11.2005 p3942</i>	1.12.2005: r 2
2005	258	<i>Gazette 8.12.2005 p4209</i>	8.12.2005: r 2
2006	36	<i>Gazette 16.2.2006 p616</i>	16.3.2006: r 2
2006	73	<i>Gazette 8.6.2006 p1639</i>	1.7.2006: r 2
2006	132	<i>Gazette 15.6.2006 p1840</i>	15.6.2006: r 2
2006	161	<i>Gazette 15.6.2006 p1935</i>	1.7.2006 immediately after 73/2006: r 2
2006	185	<i>Gazette 29.6.2006 p2155</i>	1.7.2006: r 2
2007	49	<i>Gazette 26.4.2007 p1404</i>	30.4.2007: r 2
2007	73	<i>Gazette 7.6.2007 p2298</i>	7.6.2007: r 2
2007	76	<i>Gazette 7.6.2007 p2314</i>	1.7.2007: r 2
2008	5	<i>Gazette 31.1.2008 p354</i>	31.1.2008: r 2
2008	8	<i>Gazette 31.1.2008 p360</i>	1.3.2008: r 2
2008	51	<i>Gazette 29.5.2008 p1812</i>	1.7.2008: r 2
2008	70	<i>Gazette 5.6.2008 p1956</i>	5.6.2008: r 2
2008	141	<i>Gazette 5.6.2008 p2161</i>	1.7.2008: r 2
2008	166	<i>Gazette 19.6.2008 p2389</i>	23.6.2008: r 2
2008	194	<i>Gazette 26.6.2008 p2719</i>	1.7.2008: r 2
2008	253	<i>Gazette 11.9.2008 p4418</i>	29.9.2008: r 2
2008	264	<i>Gazette 25.9.2008 p4600</i>	25.1.2009: r 2
2009	1	<i>Gazette 15.1.2009 p311</i>	31.1.2009: r 2
<b>2009</b>	<b>35</b>	<b><i>Gazette 9.4.2009 p1369</i></b>	<b>1.5.2009: r 2</b>
2009	48	<i>Gazette 30.4.2009 p1637</i>	1.6.2009: r 2

## Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
<i>r 2</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>25.3.2004</i>
<i>r 3</i>	<i>omitted under the Legislation Revision and Publication Act 2002</i>	<i>25.3.2004</i>
r 4		
r 4(1)		
articulated bus	substituted by 191/1998 r 3(a)	1.11.1998
bike rack	inserted by 25/1997 r 3	27.2.1997
	varied by 125/2001 r 3(a), (b)	17.6.2001
converter dolly	inserted by 191/1998 r 3(b)	1.11.1998
dog trailer	inserted by 191/1998 r 3(b)	1.11.1998
engine number	inserted by 177/1999 r 3(a)	6.9.1999
fifth wheel coupling	inserted by 191/1998 r 3(b)	1.11.1998
golf cart	inserted by 151/2004 r 4	8.7.2004
golf course	inserted by 151/2004 r 4	8.7.2004
<i>gross combination mass</i>	<i>deleted by 168/2001 r 3</i>	<i>9.7.2001</i>
<i>gross vehicle mass</i>	<i>substituted by 191/1998 r 3(c)</i>	<i>1.11.1998</i>
	<i>deleted by 168/2001 r 3</i>	<i>9.7.2001</i>
<i>heavy trailer combination</i>	<i>deleted by 191/1998 r 3(d)</i>	<i>1.11.1998</i>
moped	inserted by 151/2004 r 4	8.7.2004
motor trike	inserted by 191/1998 r 3(d)	1.11.1998
power-assisted pedal cycle	inserted by 233/1997 r 3	4.12.1997
rigid	inserted by 191/1998 r 3(e)	1.11.1998
road train	substituted by 191/1998 r 3(e)	1.11.1998
special purpose vehicle	inserted by 31/1999 r 3	22.4.1999
	substituted by 125/2001 r 3(c)	17.6.2001
	varied by 70/2008 r 4	5.6.2008
Transport Department	inserted by 100/2005 r 4	26.5.2005
unladen mass	inserted by 191/1998 r 3(e)	1.11.1998
vehicle identification number	inserted by 177/1999 r 3(b)	6.9.1999
vehicle identification plate	inserted by 177/1999 r 3(b)	6.9.1999

r 4(2)	deleted by 125/2001 r 3(d)	17.6.2001
	inserted by 238/2003 r 4	4.12.2003
r 4(3)	<i>deleted by 125/2001 r 3(d)</i>	<i>17.6.2001</i>
r 4(3)	inserted by 233/2005 r 4	14.11.2005
Pt 2		
Pt 2 Div 1		
rr 5 and 6	<i>deleted by 230/1999 r 3</i>	<i>1.12.1999</i>
r 7	substituted by 164/1997 r 3	1.7.1997
	substituted by 125/2001 r 4	17.6.2001
r 7(2)	varied by 49/2007 r 4	30.4.2007
r 9A	inserted by 50/1997 r 3	24.4.1997
	<i>r 9A(5) before substitution by 151/2004</i>	
	<i>prescribed motor vehicle</i>	
	varied by 191/1998 r 4	1.11.1998
	varied by 125/2001 r 5	17.6.2001
r 9A(5)	substituted by 151/2004 r 5	8.7.2004
r 9B	inserted by 233/1997 r 4	4.12.1997
Pt 2 Div 2		
r 11		
r 11(1)	varied by 177/1999 r 4(a)—(d)	6.9.1999
	substituted by 168/2001 r 4(a)	9.7.2001
r 11(2)	varied by 177/1999 r 4(e)	6.9.1999
	varied by 168/2001 r 4(b)	9.7.2001
Pt 2 Div 3		
r 12	varied by 3/1998 r 3	15.1.1998
	varied by 230/1999 r 4	1.12.1999
	varied by 125/2001 r 6	17.6.2001
	varied by 168/2001 r 5	9.7.2001
r 13		
r 13(1)	r 13 redesignated as r 13(1) by 5/2008 r 4	31.1.2008
r 13(2)	inserted by 5/2008 r 4	31.1.2008
r 13AA	inserted by 1/2009 r 4	31.1.2009
r 13AA(1)	substituted by 48/2009 r 4	1.6.2009—not incorporated
r 13A		
r 13A(1)	r 13A inserted by 238/2003 r 5	4.12.2003
	r 13A varied by 49/2007 r 5	30.4.2007
	r 13A redesignated as r 13A(1) by 5/2008 r 5	31.1.2008
r 13A(2)	inserted by 5/2008 r 5	31.1.2008
r 13B	inserted by 1/2009 r 5	31.1.2009
Pt 2 Div 4		
r 14	inserted by 224/1997 r 3	17.11.1997
	varied by 165/1998 r 3	1.9.1998
	varied by 31/1999 r 4	22.4.1999

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	varied by 168/2001 r 6	9.7.2001
	(m)(iv) deleted by 31/1999 r 4	22.4.1999
	(m)(v) deleted by 94/1999 r 3	27.5.1999
r 18		
r 18(1)	varied by 49/2007 r 6	30.4.2007
Pt 2 Div 5		
r 20		
r 20(1)	varied by 238/2003 r 6(1)	4.12.2003
r 20(2)	<i>deleted by 238/2003 r 6(2)</i>	4.12.2003
r 21		
r 21(1)	varied by 125/2001 r 7	17.6.2001
	varied by 168/2001 r 7(a)	9.7.2001
r 21(2)	varied by 249/2000 r 3	19.10.2000
	varied by 168/2001 r 7(b)	9.7.2001
	substituted by 147/2003 Sch 1	12.6.2003
r 22		
r 22(1)	varied by 224/1997 r 4	17.11.1997
r 22(3) and (4)	inserted by 25/1997 r 4	27.2.1997
r 23A	inserted by 164/1997 r 4	1.7.1997
	varied by 168/2001 r 8	9.7.2001
	varied by 49/2007 r 7	30.4.2007
r 23B	inserted by 168/2001 r 9	9.7.2001
	substituted by 191/2004 r 4	20.9.2004
Pt 2A	inserted by 168/2001 r 10	9.7.2001
Pt 3		
Pt 3 Div 1		
r 23H	inserted by 258/2005 r 4	8.12.2005
r 24A	<i>inserted by 241/2003 r 4</i>	15.12.2003
	<i>deleted by 215/2005 r 4</i>	31.10.2005
r 25		
r 25(1)	varied by 49/2007 r 8	30.4.2007
r 25(2) before substitution by 151/2004	<i>varied by 191/1998 r 5(a), (b)</i>	1.11.1998
	<i>varied by 125/2001 r 8</i>	17.6.2001
r 25(2)	substituted by 151/2004 r 6	8.7.2004
r 25(3) and (4)	<i>deleted by 191/1998 r 5(c)</i>	1.11.1998
r 25(5)	inserted by 233/1997 r 5	4.12.1997
r 25(6)	inserted by 40/1998 r 3	2.5.1998
	varied by 168/2001 r 11	9.7.2001
r 25A	inserted by 241/2003 r 5	15.12.2003
r 25A(1)	varied by 215/2005 r 5	31.10.2005
r 25B	inserted by 215/2005 r 6	31.10.2005

r 26A	inserted by 241/2003 r 6	15.12.2003
r 27	<i>substituted by 125/2001 r 9</i>	<i>17.6.2001</i>
	<i>deleted by 215/2005 r 7</i>	<i>31.10.2005</i>
r 28		
r 28(1)	varied by 125/2001 r 10	17.6.2001
r 29		
r 29(1)	varied by 125/2001 r 11	17.6.2001
	varied by 231/2001 r 3(a)	11.10.2001
r 29(2)	varied by 40/1998 r 4	2.5.1998
	varied by 231/2001 r 3(b)	11.10.2001
	<b>varied by 35/2009 r 4</b>	<b>1.5.2009</b>
r 29A	inserted by 31/2004 r 4	20.5.2004
r 30	varied by 40/1998 r 5	2.5.1998
	varied by 125/2001 r 12	17.6.2001
	varied by 49/2007 r 9	30.4.2007
r 31	varied by 40/1998 r 6	2.5.1998
	varied by 125/2001 r 13	17.6.2001
	varied by 49/2007 r 10	30.4.2007
r 31A	inserted by 215/2005 r 8	31.10.2005
r 31B	inserted by 215/2005 r 8	31.10.2005
r 32		
r 32(2)	varied by 125/2001 r 14	17.6.2001
r 32A	inserted by 215/2005 r 9	31.10.2005
r 33	varied by 40/1998 r 7	2.5.1998
	varied by 125/2001 r 15	17.6.2001
	varied by 49/2007 r 11	30.4.2007
r 34	r 34 redesignated as r 34(1) by 249/2000 r 4	19.10.2000
r 34(2)	inserted by 249/2000 r 4	19.10.2000
<b>Pt 3 Div 1A</b>	<b>inserted by 35/3009 r 5</b>	<b>1.5.2009</b>
Pt 3 Div 2		
r 37	varied by 125/2001 r 16	17.6.2001
Pt 4		
r 38		
r 38(1)	varied by 210/2000 r 3(a)	31.8.2000
	varied by 190/2004 r 4(1)	2.9.2004
	varied by 100/2005 r 5(1)	26.5.2005
	varied by 132/2006 r 4(1)	15.6.2006
	substituted by 70/2008 r 5	5.6.2008
r 38(1aa)	inserted by 166/2008 r 4	23.6.2008
r 38(1a)	inserted by 210/2000 r 3(b)	31.8.2000
	varied by 190/2004 r 4(2)	2.9.2004
	varied by 100/2005 r 5(2)	26.5.2005
	varied by 132/2006 r 4(2), (3)	15.6.2006

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r 38(2)	substituted by 201/2004 r 4	1.11.2004
r 38(3)	inserted by 210/2000 r 3(c)	31.8.2000
	varied by 190/2004 r 4(3)	2.9.2004
	varied by 100/2005 r 5(3)	26.5.2005
r 38(4)	inserted by 210/2000 r 3(c)	31.8.2000
r 38A	inserted by 70/2008 r 6	5.6.2008
r 39		
r 39(1)	varied by 123/2000 r 3(a)	1.6.2000
	varied by 168/2001 r 12	9.7.2001
r 39(4)	varied by 123/2000 r 3(b)	1.6.2000
	substituted by 70/2008 r 7	5.6.2008
r 39A	inserted by 229/1999 r 3	1.12.1999
r 40		
r 40(2)	varied by 125/2001 r 17	17.6.2001
r 41		
r 41(2)	varied by 168/2001 r 13	9.7.2001
r 41A	inserted by 224/1997 r 5	17.11.1997
r 42	varied by 40/1998 r 8	2.5.1998
	varied by 249/2000 r 5	19.10.2000
	substituted by 125/2001 r 18	17.6.2001
	substituted by 159/2003 r 4	3.7.2003
	substituted by 7/2005 r 4	27.1.2005
r 43	varied by 210/2000 r 4	31.8.2000
	varied by 190/2004 r 5	2.9.2004
	varied by 100/2005 r 6	26.5.2005
r 44A	inserted by 7/2005 r 5	27.1.2005
r 45		
r 45(2)	varied by 224/1997 r 6	17.11.1997
	varied by 40/1998 r 9	2.5.1998
	varied by 125/2001 r 19	17.6.2001
	(e) deleted by 49/1998 r 3	28.5.1998
r 46	varied by 125/2001 r 20	17.6.2001
	varied by 190/2004 r 6	2.9.2004
r 47		
r 47(1)	(d) deleted by 49/1998 r 4	28.5.1998
	varied by 190/2004 r 7	2.9.2004
	varied by 201/2004 r 5	1.11.2004
	r 47 redesignated as r 47(1) by 166/2008 r 5	23.6.2008
r 47(2)	inserted by 166/2008 r 5	23.6.2008
Pt 4A	inserted by 191/2004 r 5	20.9.2004
r 47C		
r 47C(6)	varied by 49/2007 r 12	30.4.2007
r 47D		

r 47D(1)	varied by 49/2007 r 13	30.4.2007
Pt 5		
r 47E	inserted by 215/2005 r 10	31.10.2005
r 49	varied by 224/1997 r 7	17.11.1997
	varied by 168/2001 r 14	9.7.2001
r 50		
r 50(3)	varied by 100/2005 r 7	26.5.2005
r 51	substituted by 125/2001 r 21	17.6.2001
	substituted by 5/2008 r 6	31.1.2008
r 51AA	inserted by 125/2001 r 22	17.6.2001
r 51A	inserted by 239/1997 r 3	24.12.1997
	substituted by 166/2008 r 6	23.6.2008
r 51B	inserted by 166/2008 r 6	23.6.2008
r 52AA	inserted by 166/2008 r 7	23.6.2008
r 52A	inserted by 125/2001 r 23	17.6.2001
<i>r 53 before deletion by 191/2004</i>	<i>substituted by 177/1999 r 5</i>	<i>6.9.1999</i>
r 53(5)		
<i>written-off vehicle</i>	<i>deleted by 168/2001 r 15(a)</i>	<i>9.7.2001</i>
r 53(6)	<i>inserted by 168/2001 r 15(b)</i>	<i>9.7.2001</i>
r 53	<i>deleted by 191/2004 r 6</i>	<i>20.9.2004</i>
r 54	varied by 259/1996 r 3 (Sch cl 17)	3.2.1997
	substituted by 177/1999 r 5	6.9.1999
r 55	inserted by 259/1996 r 3 (Sch cl 17)	3.2.1997
	r 55 redesignated as r 55(1) by 59/2003 r 4	1.7.2003
r 55(2)	inserted by 59/2003 r 4	1.7.2003
r 56	inserted by 230/1999 r 5	1.12.1999
r 56(1a)	inserted by 125/2001 r 24	17.6.2001
r 57	inserted by 230/1999 r 5	1.12.1999
r 58	inserted by 191/2004 r 7	20.9.2004
Sch 1		
cl 1		
ambulance	substituted by 194/2008 r 4	1.7.2008
historic vehicle	inserted by 44/1998 r 3(a)	1.7.1998
<i>special purpose vehicle</i>	<i>deleted by 31/1999 r 5</i>	<i>22.4.1999</i>
cl 2	varied by 44/1998 r 3(b)	1.7.1998
cl 2A	inserted by 168/2001 r 16	9.7.2001
cl 3		
cl 3(1)	varied by 239/1996 r 3	31.10.1996
	varied by 44/1998 r 3(c)	1.7.1998
cl 3(2)	varied by 44/1998 r 3(d), (e)	1.7.1998
	varied by 49/2007 r 14	30.4.2007

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cl 3(2)	(d) deleted by 44/1998 r 3(e)	1.7.1998
cl 3(4)—(6)	<i>deleted by 44/1998 r 3(f)</i>	1.7.1998
cl 4		
cl 4(1)	varied by 3/1998 r 4 varied by 230/1999 r 6	15.1.1998 1.12.1999
cl 5		
cl 5(1)	varied by 70/2008 r 8(1), (2)	5.6.2008
cl 6	varied by 123/2000 r 4(b) (f) deleted by 123/2000 r 4(a)	1.6.2000 1.6.2000
<i>Sch 2 before substitution by 191/1998</i>	<i>varied by 40/1998 r 10</i>	2.5.1998
Sch 2	substituted by 191/1998 r 6	1.11.1998
cl 1		
cl 1(3)	substituted by 125/2001 r 25(a)	17.6.2001
cl 1(5) and (6)	<i>deleted by 125/2001 r 25(b)</i>	17.6.2001
cl 1(7)	varied by 210/2000 r 5	31.8.2000
cl 1(8)	inserted by 168/2001 r 17(a)	9.7.2001
Table	varied by 125/2001 r 25(c), (d) varied by 168/2001 r 17(b) varied by 233/2005 r 5(1), (2)	17.6.2001 9.7.2001 14.11.2005
Sch 3	substituted by 191/1998 r 6	1.11.1998
cl 1		
Table	varied by 125/2001 r 26 varied by 233/2005 r 6	17.6.2001 14.11.2005
<i>Sch 4 before substitution by 168/2001</i>	<i>varied by 164/1997 r 5</i>	1.7.1997
	<i>varied by 177/1999 r 6</i>	6.9.1999
Sch 4	substituted by 168/2001 r 18	9.7.2001
cl 11	varied by 191/2004 r 8(1)	20.9.2004
cl 12	substituted by 191/2004 r 8(2)	20.9.2004
cl 14	inserted by 191/2004 r 8(3)	20.9.2004
<i>Sch 5 before substitution by 86/2004</i>		
cl 1	<i>varied by 35/1998 r 3(a)</i> <i>varied by 43/2002 r 3(a)</i>	31.5.1998 6.6.2002
cl 2		
cl 2(1)	<i>varied by 101/1997 r 3(a)—(i)</i> <i>varied by 211/1997 r 3</i> <i>varied by 92/1998 r 3(a)</i> <i>varied by 94/1999 r 4(a)</i> <i>varied by 100/2000 r 3(a)</i> <i>varied by 72/2001 r 3(a)—(i)</i> <i>varied by 125/2001 r 27(a)</i> <i>varied by 43/2002 r 3(b)—(i)</i>	13.5.1997 25.9.1997 28.5.1998 27.5.1999 25.5.2000 31.5.2001 17.6.2001 6.6.2002



	<i>varied by 125/2003 r 4(1)</i>	29.5.2003
<i>cl 2(4)</i>	<i>varied by 35/1998 r 3(b)</i>	23.4.1998
	<i>varied by 94/1999 r 4(b)</i>	27.5.1999
<i>cl 3</i>		
<i>cl 3(1)</i>	<i>varied by 123/2000 r 5(a)</i>	1.6.2000
<i>cl 3(2)</i>	<i>varied by 35/1998 r 3(c)</i>	23.4.1998
	<i>varied by 94/1999 r 4(c)</i>	27.5.1999
<i>cl 3(5)</i>		
<i>emergency response vehicle</i>	<i>inserted by 123/2000 r 5(b)</i>	1.6.2000
<i>special purpose vehicle (type 2)</i>	<i>deleted by 123/2000 r 5(b)</i>	1.6.2000
<i>special purpose vehicle (type o)</i>	<i>inserted by 123/2000 r 5(b)</i>	1.6.2000
<i>special purpose vehicle (type t)</i>	<i>inserted by 123/2000 r 5(b)</i>	1.6.2000
<i>cl 4</i>		
<i>cl 4(2)</i>	<i>varied by 100/2000 r 3(b)</i>	25.5.2000
<i>cl 9</i>	<i>deleted by 168/2001 r 14(a) (2nd occurring)</i>	9.7.2001
<i>cl 13</i>	<i>substituted by 25/1997 r 5</i>	27.2.1997
<i>cl 14</i>	<i>substituted by 224/1997 r 8</i>	17.11.1997
<i>cl 14(1)</i>	<i>varied by 165/1998 r 4</i>	1.9.1998
	<i>varied by 125/2001 r 27(b), (c)</i>	17.6.2001
<i>cll 15—17</i>	<i>substituted by 224/1997 r 8</i>	17.11.1997
<i>cll 17A and 17B</i>	<i>inserted by 224/1997 r 8</i>	17.11.1997
<i>cl 18</i>		
<i>cl 18(1)</i>	<i>varied by 92/1998 r 3(b)—(d)</i>	28.5.1998
	<i>varied by 100/2000 r 3(c)—(e)</i>	25.5.2000
	<i>varied by 210/2000 r 6(a)</i>	31.8.2000
	<i>varied by 125/2001 r 27(d)</i>	17.6.2001
	<i>varied by 43/2002 r 3(j)—(l)</i>	6.6.2002
<i>cl 18(2a) and (2b)</i>	<i>inserted by 210/2000 r 6(b)</i>	31.8.2000
<i>cl 18(3)</i>	<i>substituted by 40/1998 r 11</i>	15.6.1998
<i>cl 18(4)</i>	<i>substituted by 40/1998 r 11</i>	15.6.1998
	<i>varied by 125/2001 r 27(e)</i>	17.6.2001
<i>cl 18(5)</i>	<i>inserted by 210/2000 r 6(c)</i>	31.8.2000
<i>cl 23</i>	<i>varied by 101/1997 r 3(j)</i>	13.5.1997
	<i>varied by 92/1998 r 3(e)</i>	28.5.1998
	<i>varied by 94/1999 r 4(d)</i>	27.5.1999
	<i>varied by 43/2002 r 3(m), (n)</i>	6.6.2002
	<i>varied by 125/2003 r 4(2), (3)</i>	29.5.2003
<i>cl 24</i>	<i>varied by 101/1997 r 3(k), (l)</i>	13.5.1997
	<i>varied by 92/1998 r 3(f)</i>	28.5.1998
	<i>varied by 94/1999 r 4(e)</i>	27.5.1999

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	<i>varied by 100/2000 r 3(f)</i>	25.5.2000
	<i>varied by 72/2001 r 3(j), (k)</i>	31.5.2001
	<i>varied by 125/2001 r 27(f)</i>	17.6.2001
	<i>varied by 43/2002 r 3(o), (p)</i>	6.6.2002
	<i>varied by 125/2003 r 4(4)—(6)</i>	29.5.2003
<i>cl 25</i>	<i>varied by 101/1997 r 3(m), (n)</i>	13.5.1997
	<i>varied by 92/1998 r 3(g), (h)</i>	28.5.1998
	<i>varied by 94/1999 r 4(f), (g)</i>	27.5.1999
	<i>varied by 100/2000 r 3(g), (h)</i>	25.5.2000
	<i>varied by 72/2001 r 3(l), (m)</i>	31.5.2001
	<i>varied by 43/2002 r 3(q), (r)</i>	6.6.2002
	<i>varied by 125/2003 r 4(7), (8)</i>	29.5.2003
<i>cl 26</i>	<i>varied by 92/1998 r 3(i)</i>	28.5.1998
	<i>varied by 94/1999 r 4(h)</i>	27.5.1999
	<i>substituted by 100/2000 r 3(i)</i>	25.5.2000
	<i>varied by 72/2001 r 3(n)</i>	31.5.2001
	<i>varied by 43/2002 r 3(s)</i>	6.6.2002
	<i>substituted by 125/2003 r 4(9)</i>	29.5.2003
<i>cl 27A</i>	<i>inserted by 249/2000 r 6</i>	19.10.2000
	<i>deleted by 168/2001 r 14(b) (2nd occurring)</i>	9.7.2001
<i>cl 28</i>	<i>varied by 101/1997 r 3(o), (p)</i>	13.5.1997
	<i>varied by 92/1998 r 3(j), (k)</i>	28.5.1998
	<i>varied by 94/1999 r 4(i), (j)</i>	27.5.1999
	<i>varied by 100/2000 r 3(j)—(m)</i>	25.5.2000
	<i>varied by 72/2001 r 3(o), (p)</i>	31.5.2001
	<i>varied by 43/2002 r 3(t), (u)</i>	6.6.2002
	<i>varied by 125/2003 r 4(10)—(13)</i>	29.5.2003
<i>cl 29</i>	<i>varied by 94/1999 r 4(k)</i>	27.5.1999
	<i>varied by 100/2000 r 3(n)</i>	25.5.2000
	<i>varied by 72/2001 r 3(q)</i>	31.5.2001
	<i>varied by 125/2003 r 4(14)</i>	29.5.2003
<i>cl 30</i>	<i>varied by 49/1998 r 5</i>	28.5.1998
	<i>varied by 125/2003 r 4(15)</i>	29.5.2003
<i>cl 31AA</i>	<i>inserted by 125/2001 r 27(g)</i>	17.6.2001
<i>cl 31A</i>	<i>inserted by 196/1998 r 3</i>	13.11.1998
<i>cl 32</i>	<i>deleted by 31/1999 r 6</i>	22.4.1999
<i>cl 34</i>	<i>inserted by 210/2000 r 6(d)</i>	31.8.2000
<i>Sch 5 before substitution by 100/2005</i>	<i>substituted by 86/2004 r 4</i>	27.5.2004
<i>cl 1</i>		
<i>government authorised examiner</i>	<i>inserted by 190/2004 r 8(1)</i>	2.9.2004
<i>level 2 fee</i>	<i>varied by 190/2004 r 8(2)</i>	2.9.2004

<i>Transport Department premises</i>	<i>inserted by 201/2004 r 6(1)</i>	<i>1.11.2004</i>
<i>cl 22</i>	<i>substituted by 190/2004 r 8(3)</i>	<i>2.9.2004</i>
<i>cl 24</i>	<i>substituted by 190/2004 r 8(4)</i>	<i>2.9.2004</i>
<i>cl 25</i>	<i>varied by 190/2004 r 8(5), (6)</i>	<i>2.9.2004</i>
<i>cl 25A</i>	<i>inserted by 190/2004 r 8(7)</i>	<i>2.9.2004</i>
<i>cl 26</i>	<i>varied by 190/2004 r 8(8)—(10)</i>	<i>2.9.2004</i>
<i>cl 28</i>	<i>varied by 190/2004 r 8(11)</i>	<i>2.9.2004</i>
<i>cl 29A</i>	<i>inserted by 190/2004 r 8(12)</i>	<i>2.9.2004</i>
<i>cl 30</i>	<i>varied by 190/2004 r 8(13)—(17)</i>	<i>2.9.2004</i>
<i>cl 33A</i>	<i>inserted by 201/2004 r 6(2)</i>	<i>1.11.2004</i>
<i>Sch 5 before substitution by 132/2006</i>	<i>substituted by 100/2005 r 8</i>	<i>26.5.2005</i>
<i>item 25A</i>	<i>inserted by 215/2005 r 11</i>	<i>31.10.2005</i>
<i>Sch 5 before substitution by 73/2007</i>	<i>substituted by 132/2006 r 5</i>	<i>15.6.2006</i>
<i>cl 36</i>	<i>varied by 49/2007 r 15</i>	<i>30.4.2007</i>
<i>cl 36(6)</i>	<i>varied by 185/2006 r 4</i>	<i>1.7.2006</i>
<i>Sch 5</i>	<i>substituted by 73/2007 r 4</i>	<i>7.6.2007</i>
	<i>substituted by 70/2008 r 9</i>	<i>5.6.2008</i>
	<i>varied by 166/2008 r 8</i>	<i>23.6.2008</i>
<i>Sch 5A</i>	<i>inserted by 5/2008 r 7</i>	<i>31.1.2008</i>
<i>Sch 6 before substitution by 83/2004</i>	<i>varied by 224/1996 r 3</i>	<i>30.9.1996</i>
	<i>substituted by 259/1996 r 3 (Sch cl 17)</i>	<i>3.2.1997</i>
	<i>varied by 25/1997 r 6</i>	<i>27.2.1997</i>
	<i>substituted by 153/1997 r 4</i>	<i>1.7.1997</i>
	<i>substituted by 92/1998 r 4</i>	<i>1.7.1998</i>
	<i>substituted by 51/1999 r 3</i>	<i>1.7.1999</i>
	<i>varied by 26/2000 r 3</i>	<i>1.5.2000</i>
	<i>varied by 125/2001 r 28</i>	<i>17.6.2001</i>
	<i>varied by 168/2001 r 15 (2nd occurring)</i>	<i>9.7.2001</i>
	<i>substituted by 115/2002 r 3</i>	<i>1.7.2002</i>
	<i>substituted by 59/2003 r 5</i>	<i>1.7.2003</i>
	<i>varied by 158/2003 r 4</i>	<i>1.7.2003</i>
<i>Sch 6</i>	<i>substituted by 83/2004 r 4</i>	<i>1.7.2004</i>
	<i>substituted by 130/2005 r 4</i>	<i>1.7.2005</i>
	<i>varied by 215/2005 r 12(1)—(5)</i>	<i>31.10.2005</i>
	<i>varied by 73/2006 r 4</i>	<i>1.7.2006</i>
	<i>substituted by 161/2006 r 4</i>	<i>1.7.2006</i>
	<i>varied by 49/2007 r 16</i>	<i>30.4.2007</i>
	<i>substituted by 76/2007 r 4</i>	<i>1.7.2007</i>
	<i>substituted by 141/2008 r 4</i>	<i>1.7.2008</i>

	varied by 1/2009 r 6(1)—(11)	31.1.2009
	varied by 48/2009 r 5(1)—(3)	1.6.2009—not incorporated
Sch 7	inserted by 230/1999 r 7	1.12.1999
	varied by 183/2000 r 3	15.8.2000
	varied by 210/2000 r 7(a), (b)	31.8.2000
	varied by 249/2000 r 7	19.10.2000
	varied by 168/2001 r 16 (2nd occurring)	9.7.2001
	varied by 9/2003 r 4	1.3.2003
	varied by 241/2003 r 7	15.12.2003
	varied by 16/2004 r 4	25.3.2004
	varied by 146/2004 r 4	1.8.2004
	varied by 235/2004 r 4	4.11.2004
	varied by 237/2005 r 4(1)—(3)	1.12.2005
	varied by 36/2006 r 4	16.3.2006
	varied by 73/2006 r 5(1), (2)	1.7.2006
	varied by 49/2007 r 17(1)—(6)	30.4.2007
	varied by 8/2008 r 4(1)—(3)	1.3.2008
	varied by 51/2008 r 4(1), (2)	1.7.2008
	varied by 253/2008 r 4	29.9.2008
	varied by 264/2008 r 4(1)—(13)	25.1.2009

## **Transitional etc provisions associated with regulations or variations**

### ***Regulations Variation (Common Expiation Scheme) Regulations 1996 (No 259 of 1996)***

#### **4—Transitional provision**

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 expiation notice issued under the varied or revoked regulations.

### ***No 101 of 1997***

#### **4—Transitional provision**

- (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

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- (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.

### ***No 92 of 1998***

#### **5—Transitional provision**

- (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.

### ***No 94 of 1999***

#### **5—Transitional provision**

- (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 1999.
- (2) All other fees prescribed by Schedule 5 of the principal regulations, as varied by these regulations, apply from 1 July 1999.
- (3) Despite regulation 4—
- (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 1999; 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 1999.

### ***No 100 of 2000***

#### **4—Transitional provision**

- (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 2000.

- (2) All other fees prescribed by Schedule 5 of the principal regulations, as varied by these regulations, apply from 1 July 2000.
- (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 2000; 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 2000.

### ***No 123 of 2000***

#### **6—Transitional provision**

- (1) The fees prescribed in respect of the issue or renewal of the registration of a motor vehicle by the principal regulations, as varied by these regulations, apply where the issue or renewal is to take effect on or after 1 July 2000.
- (2) Despite these regulations, the fees prescribed in relation to the issue or renewal of the registration of a motor vehicle by 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 2000.

### ***No 72 of 2001***

#### **4—Transitional provision**

- (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 2001.
- (2) All other fees prescribed by Schedule 5 of the principal regulations, as varied by these regulations, apply from 1 July 2001.
- (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 2001; 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 2001.

### ***No 43 of 2002***

#### **4—Transitional provision**

- (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 2002.

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- (2) All other fees prescribed by Schedule 5 of the principal regulations, as varied by these regulations, apply from 1 July 2002.
  - (3) Despite regulation 3—
    - (a) 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 in force immediately before the commencement of these regulations, continue to apply where the issue or renewal is to take effect before 1 July 2002; 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 2002.

### ***Motor Vehicles Variation Regulations 2003 (No 125 of 2003)***

#### **5—Transitional provision**

- (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 2003.
- (2) All other fees prescribed by Schedule 5 of the principal regulations, as varied by these regulations, apply from 1 July 2003.
- (3) Despite regulation 4—
  - (a) the fees prescribed in respect of 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 2003; 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 2003.
- (4) In this regulation—

*principal regulations* means the regulations referred to in the heading to Part 2.

### ***Motor Vehicles Variation Regulations 2004 (No 86 of 2004)***

#### **5—Transitional provision**

- (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 *Motor Vehicles Regulations 1996*, as substituted by these regulations, apply where the issue or renewal is to take effect on or after 1 July 2004.
- (2) All other fees prescribed by Schedule 5 of the *Motor Vehicles Regulations 1996*, as substituted by these regulations, apply from 1 July 2004.
- (3) Despite regulation 4—
  - (a) 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 *Motor Vehicles Regulations 1996*, 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 2004; and

- (b) all other fees prescribed by Schedule 5 of the *Motor Vehicles Regulations 1996*, as in force immediately before the commencement of these regulations, continue to apply until 1 July 2004.

### ***Motor Vehicles Variation Regulations 2004 (No 190 of 2004)***

#### **9—Transitional provision**

- (1) The fees prescribed in respect of the issue or renewal of a driver's licence by Schedule 5 of the *Motor Vehicles Regulations 1996*, as varied by these regulations, apply where the issue or renewal is to take effect on or after 1 October 2004.
- (2) The fees prescribed in respect of an appointment as an authorised examiner by Schedule 5 of the *Motor Vehicles Regulations 1996*, as varied by these regulations, apply, in the case of an authorised examiner first appointed as such prior to 1 October 2004, from the first anniversary of the date of that appointment that falls after 1 October 2004.
- (3) All other fees prescribed by Schedule 5 of the *Motor Vehicles Regulations 1996*, as varied by these regulations, apply from 1 October 2004.
- (4) Despite regulation 8—
  - (a) the fees prescribed in respect of the issue or renewal of a driver's licence by Schedule 5 of the *Motor Vehicles Regulations 1996*, as in force immediately before the commencement of these regulations, continue to apply where the issue or renewal is to take effect before 1 October 2004; and
  - (b) all other fees prescribed by Schedule 5 of the *Motor Vehicles Regulations 1996*, as in force immediately before the commencement of these regulations, continue to apply until 1 October 2004.

### ***Motor Vehicles Variation Regulations 2005 (No 100 of 2005), Sch 1***

#### **1—Transitional provision**

- (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 *Motor Vehicles Regulations 1996*, as substituted by these regulations, apply where the issue or renewal is to take effect on or after 1 July 2005.
- (2) All other fees prescribed in Schedule 5 of the *Motor Vehicles Regulations 1996*, as substituted by these regulations, apply from 1 July 2005.
- (3) Despite regulation 8—
  - (a) 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 *Motor Vehicles Regulations 1996*, 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 2005; and
  - (b) all other fees prescribed by Schedule 5 of the *Motor Vehicles Regulations 1996*, as in force immediately before the commencement of these regulations, continue to apply until 1 July 2005.



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***Motor Vehicles Variation Regulations 2005 (No 215 of 2005), Sch 1—  
Transitional provision***

The items relating to section 81A in Schedule 6 Part 1 of the *Motor Vehicles Regulations 1996* as in force immediately before the commencement of these regulations continue to apply in relation to a provisional licence referred to in clause 5 of Schedule 1 of the *Motor Vehicles (Licences and Learner's Permits) Amendment Act 2005*.

***Motor Vehicles Variation Regulations 2005 (No 233 of 2005), Sch 1***

**1—Transitional provisions**

- (1) A person who, immediately before the commencement of these regulations, was the holder of a driver's licence endorsed with the classification R-DATE is authorised, while the holder of that licence, to drive—
  - (a) a motor bike or motor trike that has an engine capacity not exceeding 250 millimetres; or
  - (b) a motor bike or motor trike that—
    - (i) has an engine capacity not exceeding 660 millilitres and a power to weight ratio not exceeding 150 kilowatts per tonne; and
    - (ii) is of a kind approved from time to time by the Registrar by notice in the Gazette.
- (2) A person who, immediately before the commencement of these regulations, was the holder of a learner's permit endorsed with the letters "R-DATE" is authorised, while the holder of a driver's licence endorsed with the classification R-DATE, to drive a motor bike or motor trike of a kind referred to in subclause (1).
- (3) A person who, immediately before the commencement of these regulations, was the holder of a driver's licence subject to a condition endorsed on the licence with the letter "E", is authorised, while the holder of that licence, to drive a motor bike or motor trike of a kind referred to in subclause (1).
- (4) A person who, immediately before the commencement of these regulations, was the holder of a learner's permit endorsed with the letters "R-DATE", is authorised, while the holder of that permit, to drive a motor bike or motor trike of a kind referred to in subclause (1).

***Motor Vehicles Variation Regulations 2005 (No 237 of 2005), Sch 1—  
Transitional provision***

If, after the commencement of these regulations, a person is convicted of, or expiates, an offence—

- (a) that was committed or allegedly committed before the commencement of these regulations; and
- (b) that would, if the person had been convicted of, or expiated, the offence before the commencement of these regulations, have resulted in the person incurring 6 demerit points,

the person will, despite the amendments to Schedule 7 of the *Motor Vehicles Regulations 1996* effected by these regulations, incur 6 demerit points.

### ***Motor Vehicles (Fees) Variation Regulations 2006 (No 132 of 2006), Sch 1***

#### **1—Transitional provision**

- (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 *Motor Vehicles Regulations 1996*, as substituted by these regulations, apply where the issue or renewal is to take effect on or after 17 July 2006.
- (2) All other fees prescribed in Schedule 5 of the *Motor Vehicles Regulations 1996*, as substituted by these regulations, apply from 1 July 2006.
- (3) Despite regulation 5—
  - (a) 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 *Motor Vehicles Regulations 1996*, as in force immediately before the commencement of these regulations, continue to apply where the issue or renewal is to take effect before 17 July 2006; and
  - (b) all other fees prescribed by Schedule 5 of the *Motor Vehicles Regulations 1996*, as in force immediately before the commencement of these regulations, continue to apply until 1 July 2006.

### ***Motor Vehicles (Fees) Variation Regulations 2007 (No 73 of 2007), Sch 1***

#### **1—Transitional provision**

- (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 *Motor Vehicles Regulations 1996*, as substituted by these regulations, apply where the issue or renewal is to take effect on or after 1 July 2007.
- (2) All other fees prescribed in Schedule 5 of the *Motor Vehicles Regulations 1996*, as substituted by these regulations, apply from 1 July 2007.
- (3) Despite regulation 4—
  - (a) 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 *Motor Vehicles Regulations 1996*, 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 2007; and
  - (b) all other fees prescribed by Schedule 5 of the *Motor Vehicles Regulations 1996*, as in force immediately before the commencement of these regulations, continue to apply until 1 July 2007.

### ***Motor Vehicles (Fees) Variation Regulations 2008 (No 70 of 2008), Sch 1***

#### **1—Transitional provision**

- (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 *Motor Vehicles Regulations 1996*, as substituted by these regulations, apply where the issue or renewal is to take effect on or after 1 July 2008.

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- (2) All other fees prescribed in Schedule 5 of the *Motor Vehicles Regulations 1996*, as substituted by these regulations, apply from 1 July 2008.
- (3) Despite regulation 9—
- (a) 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 *Motor Vehicles Regulations 1996*, 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 2008; and
  - (b) all other fees prescribed by Schedule 5 of the *Motor Vehicles Regulations 1996*, as in force immediately before the commencement of these regulations, continue to apply until 1 July 2008.

### Historical versions

Reprint No 1—31.10.1996

Reprint No 2—3.2.1997

Reprint No 3—27.2.1997

Reprint No 4—24.4.1997

Reprint No 5—13.5.1997

Reprint No 6—1.7.1997

Reprint No 7—25.9.1997

Reprint No 8—17.11.1997

Reprint No 9—4.12.1997

Reprint No 10—15.1.1998

Reprint No 11—31.5.1998

Reprint No 12—15.6.1998

Reprint No 13—1.7.1998

Reprint No 14—1.9.1998

Reprint No 15—13.11.1998

Reprint No 16—22.4.1999

Reprint No 17—27.5.1999

Reprint No 18—1.7.1999

Reprint No 19—6.9.1999

Reprint No 20—1.12.1999

Reprint No 21—1.5.2000

Reprint No 22—25.5.2000

Reprint No 23—1.6.2000

Reprint No 24—15.8.2000

Reprint No 25—31.8.2000

Reprint No 26—19.10.2000

Reprint No 27—31.5.2001

Reprint No 28—17.6.2001

Reprint No 29—9.7.2001

Reprint No 30—11.10.2001

## Motor Vehicles Regulations 1996—1.5.2009 to 31.5.2009

### Legislative history

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Reprint No 31—6.6.2002  
Reprint No 32—1.7.2002  
Reprint No 33—1.3.2003  
Reprint No 34—29.5.2003  
Reprint No 35—1.7.2003  
Reprint No 36—4.12.2003  
Reprint No 37—15.12.2003  
25.3.2004 (electronic only)  
20.5.2004  
27.5.2004  
1.7.2004  
8.7.2004  
1.8.2004  
2.9.2004  
20.9.2004  
1.11.2004 (electronic only)  
4.11.2004  
27.1.2005  
26.5.2005  
1.7.2005  
31.10.2005  
14.11.2005  
1.12.2005  
8.12.2005  
16.3.2006  
15.6.2006  
1.7.2006  
30.4.2007  
7.6.2007  
1.7.2007  
31.1.2008  
1.3.2008  
5.6.2008  
23.6.2008 (electronic only)  
1.7.2008  
29.9.2008  
25.1.2009  
31.1.2009