

South Australia

Motor Vehicles (Miscellaneous) Amendment Act 2010

An Act to amend the *Motor Vehicles Act 1959*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Motor Vehicles (Miscellaneous) Amendment Act 2010*.

2—Commencement

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

3—Amendment provisions

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

Part 2—Amendment of *Motor Vehicles Act 1959*

4—Amendment of section 72A—Qualified supervising drivers

Section 72A(1)(c)—delete "section 98BE(1a)" and substitute:

section 98BE(2)

5—Amendment of section 79B—Alcohol and drug dependency assessments and issue of licences

(1) Section 79B(1) and (2)—delete subsections (1) and (2) and substitute:

(1) If an applicant for the issue of a licence—

(a) has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of a drink driving offence or an alleged drink driving offence (whether committed, or allegedly committed, in this State or elsewhere); and

(b) has not held a licence or learner's permit, or an interstate licence or interstate learner's permit, since the end of the period of disqualification; and

(c) has—

(i) if the offence was a prescribed drink driving offence—

(A) been convicted of at least 1 other prescribed drink driving offence; or

(B) been convicted of or expiated at least 2 other drink driving offences,

committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence; or

(ii) in any other case—been convicted of or expiated at least 2 other drink driving offences committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence,

the Registrar must, before determining the application for the licence, direct the applicant to attend an assessment clinic for the purpose of submitting to an examination to determine whether or not the applicant is dependent on alcohol.

- (2) If an applicant for the issue of a licence—
- (a) has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of a drug driving offence or an alleged drug driving offence (whether committed, or allegedly committed, in this State or elsewhere); and
 - (b) has not held a licence or learner's permit, or an interstate licence or interstate learner's permit, since the end of the period of disqualification; and
 - (c) has been convicted of or expiated at least 1 other drug driving offence committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence,

the Registrar must, before determining the application for the licence, direct the applicant to attend an assessment clinic for the purpose of submitting to an examination to determine whether or not the applicant is dependent on drugs.

- (2) Section 79B(8)—after the definition of *assessment clinic* insert:

prescribed drink driving offence means a drink driving offence other than a category 1 offence.

6—Amendment of section 81A—Provisional licences

- (1) Section 81A(16)—delete "25, drive a high powered motor vehicle" and substitute:
25 years, drive a high powered vehicle
- (2) Section 81A(17)—delete "The Registrar" and substitute:
Subject to the regulations, the Registrar
- (3) Section 81A(18)—delete subsection (18)

7—Amendment of section 81AB—Probationary licences

Section 81AB(7), definition of *prescribed circumstances*, (a)—after "81B," insert:
81BB,

8—Amendment of section 98AAD—Licence or learner's permit falsely obtained is void

Section 98AAD(2), penalty provision—delete the penalty provision and substitute:
Maximum penalty: \$2 500.

9—Amendment of section 139BD—Service and commencement of notices of disqualification

Section 139BD(11), definition of *notice of disqualification*—delete "81B(2), 81B(11a)" and substitute:
81B(1), 81BA(4), 81BB(8)

10—Amendment of section 145—Regulations

Section 145(1)—after paragraph (ge) insert:

and

- (gf) providing for matters relating to exemptions under section 81A(17), including the issue, carriage and production of certificates of exemption and the use, suspension, cancellation or surrender of exemptions or certificates of exemption; and