

South Australia

## **Motor Vehicles Variation Regulations 2003**

under the *Motor Vehicles Act 1959*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Motor Vehicles Variation Regulations 2003*.

#### **2—Commencement**

These regulations will come into operation on 15 December 2003.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

## Part 2—Variation of *Motor Vehicles Regulations 1996*

### 4—Insertion of regulation 24A

After regulation 24 insert:

#### **24A—Duty to hold licence or learner's permit**

- (1) For the purposes of section 74(4) of the Act, the obligations imposed by section 75A(3) to (5e) (inclusive) of the Act on the holder of a learner's permit apply to the holder of a licence under the Act when driving a motor vehicle on a road as authorised under section 74(3)(b) of the Act as if the references in those provisions of section 75A to a learner's permit or permit were references to the licence.
- (2) For the purposes of section 74(4) of the Act, the obligations imposed by section 75A(7), (8) and (9) of the Act on a qualified passenger for a learner driver apply to a passenger accompanying the holder of a licence under the Act when the holder is driving a motor vehicle on a road as authorised under section 74(3)(b) of the Act as if the references in those provisions of section 75A to a learner driver or the holder of a learner's permit were references to the holder of the licence.

### 5—Insertion of regulation 25A

After regulation 25 insert:

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

- (1) For the purposes of section 79(1) 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.

## 6—Insertion of regulation 26A

After regulation 26 insert:

### **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.

## 7—Variation of Schedule 7—Demerit points

- (1) Schedule 7, Part 1, Division 1—before the item relating to section 82(1) of the *Road Traffic Act 1961* insert:

79B(2) *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*

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 *Australian Road Rules*:

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 but less than 45 kph.....	4

	by 45 kph or more.....	6
r. 59(1)	<i>Proceeding through red traffic light</i> .....	3
r. 60	<i>Proceeding through red traffic arrow</i> .....	3
(2)	Schedule 7, Part 2, Division 1—after the item relating to section 47I(14) of the <i>Road Traffic Act 1961</i> insert:	
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> :	
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 but less than 45 kph .....	4
	by 45 kph or more.....	6
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 but less than 45 kph .....	4
	by 45 kph or more.....	6
9B(1)	<i>Speeding while driving in built-up area</i>	
	Exceeding 50 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 but less than 45 kph .....	4
	by 45 kph or more.....	6

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
 on 11 December 2003

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