

South Australia

## **Motor Vehicles Variation Regulations 2009**

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 2009*.

#### **2—Commencement**

These regulations come into operation on the day on which they are made.

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

Regulation 25—after subregulation (6) insert:

- (7) A person may drive a motor home on roads in this State without holding a driver's licence under the Act if—
  - (a) the person holds a foreign licence, written in English or accompanied by an English translation, authorising the person to drive a motor vehicle with a GVM not exceeding 3.5 tonnes; or
  - (b) the person holds—

- (i) a foreign licence authorising the person to drive a motor vehicle with a GVM not exceeding 3.5 tonnes; and
  - (ii) an international driving permit.
- (8) However, subregulation (7) does not apply if—
  - (a) the person is disqualified from holding or obtaining an interstate licence in any State or Territory of the Commonwealth; or
  - (b) the person is disqualified from holding or obtaining a foreign licence in any country; or
  - (c) the person has resided in this State for a continuous period of more than 3 months and is a permanent resident or citizen of Australia; or
  - (d) the person's foreign licence only authorises the person to drive a motor bike, motor trike, moped, motorised wheelchair or other vehicle that is not a motor car; or
  - (e) a notice under subregulation (9) is in force in relation to the person.
- (9) If the Registrar is of the opinion that—
  - (a) a person to whom subregulation (7) applies is not suitable to drive a motor home in this State; or
  - (b) the ability of a person to whom subregulation (7) applies to drive a motor home safely is impaired due to a permanent or long term injury or illness,the Registrar may give the person notice in writing—
  - (c) prohibiting the person from driving a motor home on roads in this State without holding a driver's licence issued under the Act while the notice is in force; and
  - (d) stating the reasons for the giving of the notice; and
  - (e) specifying any action that may be taken by the person to regain the benefit of subregulation (7).
- (10) The Registrar may revoke a notice under subregulation (9) by further notice to the person.
- (11) A person must, while driving a motor home on roads in this State under subregulation (7)—
  - (a) carry his or her—
    - (i) foreign licence (together with any accompanying English translation of the licence); and
    - (ii) international driving permit (if any); and

- (b) produce those documents if requested to do so by a police officer or authorised officer.

Maximum penalty: \$1 250.

- (12) If a person drives a motor home in this State under subregulation (7), the person's foreign licence will—
  - (a) for the purposes of section 74 of the Act and any law prescribed for the purposes of section 97A(4)(a) of the Act, be taken to be a licence under the Act; and
  - (b) for the purposes of a contract or policy of insurance relating to the vehicle, be taken to be a licence under the Act.
- (13) In this regulation—
  - (a) *international driving permit*, *interstate licence* and *permanent resident* have the same respective meanings as in section 97A of the Act;
  - (b) *motor home* means a motor vehicle with a GVM not exceeding 4.5 tonnes that is designed and constructed for the primary purpose of providing a temporary dwelling for persons using the vehicle for recreational travel.

**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 24 September 2009

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