

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 will come into operation on the day on which section 24 of the *Statutes Amendment (Transport Portfolio—Alcohol and Drugs) Act 2009* comes into operation.

#### **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 29—Display of "P" plates**

Regulation 29(2)—delete "under Division 5A of Part 3 of the *Road Traffic Act 1961*"

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## 5—Insertion of Part 3 Division 1A

After regulation 34 insert:

### **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.

**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 9 April 2009

No 35 of 2009

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