

South Australia

Motor Vehicles Variation Regulations 2010

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 2010*.

2—Commencement

- (1) Subject to this regulation, these regulations will come into operation on 1 July 2010.
- (2) Regulation 21(1) will come into operation on 1 July 2010 immediately after the item relating to rule 265(3) of the *Australian Road Rules* in clause 5 of Schedule 4 of the *Motor Vehicles Regulations 2010* comes into operation.
- (3) Regulations 4 to 20 (inclusive), 21(2) and 22 will come into operation on the day on which the *Motor Vehicles (Miscellaneous No 2) Amendment 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 2010*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *government-registered motor vehicle* insert:
high powered vehicle exemption means an exemption from section 81A(16) of the Act granted to the holder of a P1 or P2 licence under section 81A(17) of the Act;
- (2) Regulation 3(1)—after the definition of *low loader dolly* insert:
L plate—see regulation 50;
- (3) Regulation 3(1)—after the definition of *power-assisted pedal cycle* insert:
P plate—see regulation 51;

5—Insertion of regulation 3A

After regulation 3 insert:

3A—Meaning of *high powered vehicle*

The following classes of vehicles are prescribed as high powered vehicles for the purposes of the Act (see definition of *high powered vehicle* in section 5(1) of the Act):

- (a) vehicles (other than vehicles with a GVM exceeding 4.5 tonnes) that have 8 or more cylinders;
- (b) vehicles (other than vehicles with a GVM exceeding 4.5 tonnes or diesel powered vehicles that have less than 8 cylinders) that are turbocharged or supercharged;
- (c) vehicles (other than vehicles with a GVM exceeding 4.5 tonnes) that have been modified to increase engine performance other than a modification by the manufacturer in the course of the manufacture of the vehicle.

6—Variation of regulation 35—Carriage of registration labels and permits

Regulation 35—after subregulation (3) insert:

- (4) For the purposes of section 53(1aa) of the Act, a motor vehicle on which is affixed a registration label or in which is carried a permit that has ceased to be in force may be driven, or caused to stand, on a road if—
 - (a) payment of the fees payable for registration of the vehicle was made by mail, telephone or the Internet; and
 - (b) the registration label has not yet been received by the registered owner or the registered operator of the vehicle or his or her agent; and
 - (c) not more than 30 days have elapsed from the date on which the payment was made.

7—Variation of regulation 47—Prescribed matters for the purposes of section 79A of Act

Regulation 47(1)—delete "50 hours, at least 10" and substitute:

75 hours, at least 15

8—Variation of regulation 50—Learner's permits—display of L plates

Regulation 50(1)—delete "section 75A(3)(c) and (5aaa)" and substitute:

section 75A(15)

9—Variation of regulation 51—Display of P plates

Regulation 51(1)—delete "sections 81A(1)(e), 81A(5a)" and substitute:

sections 81A(15)

10—Substitution of regulations 52 and 53

Regulations 52 and 53—delete the regulations and substitute:

52—Exemptions for police officer or police cadet with provisional licence

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(3)(b), (14), (15) and (16) of the Act.

11—Variation of regulation 54—Exemption from requirement to undertake hazard perception test

Regulation 54—delete "section 81A(3)(a)(iii)" and substitute:

section 81A(5)(a)(iii)

12—Variation of regulation 55—Prescribed classes of applicants

Regulation 55(1)—delete "section 81A(3e)" and substitute:

section 81A(11)(b)

13—Insertion of regulations 55A to 55D

After regulation 55 insert:

55A—Application for high powered vehicle exemption

An application for a high powered vehicle exemption must be made to the Registrar in writing and must include such evidence in support of the application as the Registrar may require.

55B—Issue of duplicate certificate of high powered vehicle exemption

On application by the holder of a high powered vehicle exemption and payment of the prescribed fee, the Registrar may, if satisfied that the certificate of exemption has been lost, stolen, or destroyed, or on the surrender of the certificate to the Registrar, issue to the holder a duplicate certificate.

55C—Surrender of high powered vehicle certificate on surrender of licence

If a P1 or P2 licence to which a high powered vehicle exemption relates is surrendered, the person surrendering the licence must, at the same time, surrender the certificate of exemption.

Maximum penalty: \$1 250.

55D—Requirement to produce certificate of high powered vehicle exemption

- (1) If the holder of a high powered vehicle exemption is required to produce his or her licence under section 96, 97 or 139BA of the Act, the court, person or body imposing the requirement may also require the holder to produce the certificate of exemption at the same time.
- (2) A person must comply with a requirement for production of a certificate imposed under this regulation.
Maximum penalty: \$1 250.
- (3) If a certificate is produced under this regulation and the licence to which it relates is to be cancelled or suspended or has become void, or a disqualification is imposed on the holder of the licence, the court, person or body to whom it is produced, or, in any case, the Registrar, may retain the certificate.

14—Variation of regulation 56—Attendance at lectures by holder of learner's permit etc who contravenes probationary conditions or incurs 4 or more demerit points

- (1) Regulation 56(1)—delete "section 81B(3)" and substitute:
section 81B(2)

(2) Regulation 56(2)—delete subregulation (2) and substitute:

- (2) A person who is convicted or found guilty of an offence against section 75A(14), 81A(13) or 81AB(5) of the Act is exempt from the operation of section 81B(2) and 81B(3) of the Act if the person resides outside Metropolitan Adelaide.

15—Insertion of regulation 56A

After regulation 56 insert:

56A—Manner of giving Registrar notice of decision to enter into Safer Driver Agreement

Notice of a decision to enter into a Safer Driver Agreement under section 81BA(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.

16—Variation of regulation 57—Exemption from section 81BB(7)(a) of Act

(1) Regulation 57(1)—delete "section 81B(11)(a)" and substitute:

section 81BB(7)(a)

(2) Regulation 57(1)(b)—delete "section 81B(11)(b)" and substitute:

section 81BB(7)(b)

17—Variation of regulation 59—Cancellation of motor driving instructor's licence on surrender

Regulation 59—delete "driver's licence or"

18—Variation of regulation 76—Fees

Regulation 76(2)— delete "section 81BA(3)" and substitute:

section 81BC(3)

19—Variation of regulation 83—Refund on surrender of licence

Regulation 83—delete "sections 75AAA(11)" and substitute:

sections 75AAA(11)(b)

20—Variation of Schedule 1—Fees

Schedule 1, after clause 22 insert:

22A—Duplicate certificate of high powered vehicle exemption

Administration fee for the issue of a duplicate certificate of a high powered vehicle exemption level 2 fee

21—Variation of Schedule 4—Demerit points

- (1) Schedule 4, clause 5, item relating to rule 265(3)—delete the item and substitute:

265(3)	<i>Failing to ensure passengers 16 years old or older are wearing seatbelts, and are seated, in accordance with rule—</i>	
	failure in relation to 1 such passenger	3
	failure in relation to more than 1 such passenger	5

- (2) Schedule 4, after clause 6 insert:

7—Offences against *Motor Vehicles Act 1959*

Section	Description of offence against <i>Motor Vehicles Act 1959</i>	Demerit points
75A(15)(a)	<i>Holder of learner's permit driving motor bike on road while no L plate affixed to bike in accordance with regulations</i>	2
75A(15)(b)	<i>Holder of learner's permit driving motor vehicle (other than motor bike) on road while L plates not affixed to vehicle in accordance with regulations</i>	
	no L plates affixed to vehicle in accordance with regulations	2
81A(15)(a)	<i>Holder of P1 licence driving motor bike on road while no P plate affixed to bike in accordance with regulations</i>	2
81A(15)(b)	<i>Holder of P1 licence driving motor vehicle (other than motor bike) on road while P plates not affixed to vehicle in accordance with regulations</i>	
	no P plates affixed to vehicle in accordance with regulations	2
81A(16)	<i>Holder of P1 or P2 licence under the age of 25 years driving high powered vehicle</i>	3

22—Variation of Schedule 5—Expiation fees

- (1) Schedule 5, clause 1—delete all items relating to section 75A(5), 75A(5aaa), 81(4), 81A(5), 81A(5a) and 81AB(5) and substitute:

75A(14)	<i>Contravening condition of learner's permit</i>	\$250
75A(15)(a)	<i>Holder of learner's permit driving motor bike on road while no L plate affixed to bike in accordance with regulations</i>	\$250
75A(15)(b)	<i>Holder of learner's permit driving motor vehicle (other than motor bike) on road while L plates not affixed to vehicle in accordance with regulations—</i>	
	only 1 L plate affixed to vehicle in accordance with regulations	\$125
	no L plates affixed to vehicle in accordance with regulations	\$250
81(4)	<i>Contravening condition endorsed on licence or permit under section 81 of Act</i>	\$250
81A(13)	<i>Contravening condition of provisional licence</i>	\$250

81A(15)(a)	<i>Holder of P1 licence driving motor bike on road while no P plate affixed to bike in accordance with regulations</i>	\$250
81A(15)(b)	<i>Holder of P1 licence driving motor vehicle (other than motor bike) on road while P plates not affixed to vehicle in accordance with regulations—</i>	
	only 1 P plate affixed to vehicle in accordance with regulations	\$125
	no P plates affixed to vehicle in accordance with regulations	\$250
81A(16)	<i>Holder of P1 or P2 licence under the age of 25 years driving a high powered vehicle</i>	
	if offence committed by reason of contravention of, or failure to comply with, a condition of exemption under section 81A(17) of the Act requiring the certificate of exemption to be carried while driving pursuant to the exemption	\$125
	in any other case	\$250
81AB(5)	<i>Contravening condition of probationary licence</i>	\$250
(2)	Schedule 5, clause 1, item relating to section 81B(3a)—delete "81B(3a)" and substitute:	

81B(3)

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 June 2010

No 159 of 2010

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