

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

These regulations will come into operation on the day on which the *Motor Vehicles (Miscellaneous) Amendment Act 2010* 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—Insertion of regulation 47A

After regulation 47 insert:

47A—Exemption from section 79B of Act

An applicant for the issue of a licence is exempt from section 79B of the Act if the applicant would, if granted a licence, be required, in accordance with section 81E of the Act, to be issued with a licence that is subject to the mandatory alcohol interlock scheme conditions.

5—Insertion of regulation 55AB

After regulation 55A insert:

55AB—Issue of certificate of high powered vehicle exemption

The Registrar must, on granting a high powered vehicle exemption to the holder of a P1 or P2 licence, issue the holder of the licence with a certificate of exemption.

6—Insertion of regulations 55E to 55H

After regulation 55D insert:

55E—Duty to carry certificate of high powered vehicle exemption

The holder of a high powered vehicle exemption must carry the certificate of exemption at all times while driving a high powered vehicle and must produce the certificate immediately if requested to do so by a police officer.

Maximum penalty: \$1 250.

55F—Cancellation of high powered vehicle exemption granted in error

- (1) If the Registrar is satisfied that a high powered vehicle exemption has been granted in error, the Registrar may cancel the exemption.
- (2) If the Registrar decides to exercise a power to cancel a high powered vehicle exemption, the Registrar must give the person notice in writing requiring the person to produce the certificate of exemption to the Registrar within a specified period and setting out—
 - (a) the reasons for the cancellation; and
 - (b) the date on which the exemption is cancelled; and
 - (c) the right to apply for a review of the decision.
- (3) A person must comply with a requirement to produce a certificate under this regulation.

Maximum penalty: \$1 250.

- (4) A certificate produced under this regulation may be retained by the Registrar.

55G—High powered vehicle exemption falsely obtained is void

- (1) A high powered vehicle exemption that is granted by the Registrar on the basis of a false or misleading statement of the applicant or false or misleading evidence produced by the applicant is void and of no effect.
- (2) A person must not, without lawful excuse, have possession of a certificate of a high powered vehicle exemption if the exemption was granted by the Registrar on the basis of a false or misleading statement of the applicant or false or misleading evidence produced by the applicant.

Maximum penalty: \$1 250.

55H—Certificate of high powered vehicle exemption unlawfully altered or damaged is void

- (1) If a person, without lawful authority, wilfully alters, defaces or otherwise damages a certificate of a high powered vehicle exemption, the certificate is void and of no effect.
- (2) A person who, without lawful authority, possesses a certificate of a high powered vehicle exemption that has been wilfully altered, defaced or damaged is guilty of an offence.

Maximum penalty: \$1 250.

7—Variation of Schedule 5—Expiation fees

- (1) Schedule 5, clause 1, item relating to section 81A(16)—delete the item and substitute:

81A(16)	<i>Holder of P1 or P2 licence under the age of 25 years driving a high powered vehicle</i>	\$250
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- (2) Schedule 5, clause 2, after item relating to regulation 36(4) insert:

55E	<i>Failing to carry or produce certificate of exemption while driving a high powered vehicle</i>	\$125
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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 December 2010

No 254 of 2010