

South Australia

Motor Vehicles Variation Regulations 2011

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 2011*.

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 2010*

4—Substitution of regulation 56A

Regulation 56A—delete the regulation and substitute:

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

- (1) If a notice of disqualification is given to a person by post, notice of a decision to enter into a Safer Driver Agreement under section 81BA(2) of the Act is to be given by the person lodging with the Registrar, at a place of a kind prescribed for the purposes of section 139BD(3)(a)(i) of the Act, the following documents signed by the person and completed in accordance with the instructions contained in the documents:
 - (a) the notice of disqualification;
 - (b) an application to enter into a Safer Driver Agreement in a form approved by the Minister.
- (2) If a notice of disqualification is given to a person by personal service, notice of a decision to enter into a Safer Driver Agreement under section 81BA(2) of the Act is to be given by the person lodging with the Registrar, at a place of a kind prescribed for the purposes of section 139BD(3)(a)(i) of the Act, an application to enter into a Safer Driver Agreement in a form approved by the Minister, signed by the person and completed in accordance with the instructions contained in the form.

5—Substitution of regulation 69

Regulation 69—delete the regulation and substitute:

69—Manner of giving Registrar notice of election under section 98BE of Act

- (1) If a notice of disqualification is given to a person by post, notice of an election under section 98BE(2) of the Act is to be given by the person lodging with the Registrar, at a place of a kind prescribed for the purposes of section 139BD(3)(a)(i) of the Act, the notice of disqualification signed by the person and completed in accordance with the instructions contained in the notice.
- (2) If a notice of disqualification is given to a person by personal service, notice of an election under section 98BE(2) of the Act is to be given by the person lodging with the Registrar, at a place of a kind prescribed for the purposes of section 139BD(3)(a)(i) of the Act, a notice of election in a form approved by the Registrar, signed by the person and completed in accordance with the instructions contained in the notice.

6—Variation of Schedule 6—Revocation and transitional provisions

Schedule 6—after clause 3 insert:

4—Transitional provisions relating to certain licences

- (1) A person who, immediately before 14 November 2005, was the holder of a driver's licence endorsed with the classification R-DATE is authorised, while the holder of that licence, to drive—
 - (a) a motor bike or motor trike that has an engine capacity not exceeding 250 millilitres; or
 - (b) a motor bike or motor trike that—
 - (i) has an engine capacity not exceeding 660 millilitres and a power to weight ratio not exceeding 150 kilowatts per tonne; and
 - (ii) is of a kind approved from time to time by the Registrar by notice in the Gazette.
- (2) A person who, immediately before 14 November 2005, was the holder of a learner's permit endorsed with the letters "R-DATE" is authorised, while the holder of a driver's licence endorsed with the classification R-DATE, to drive a motor bike or motor trike of a kind referred to in subclause (1).
- (3) A person who, immediately before 14 November 2005, was the holder of a driver's licence subject to a condition endorsed on the licence with the letter "E", is authorised, while the holder of that licence, to drive a motor bike or motor trike of a kind referred to in subclause (1).
- (4) A person who, immediately before 14 November 2005, was the holder of a learner's permit endorsed with the letters "R-DATE", is authorised, while the holder of that permit, to drive a motor bike or motor trike of a kind referred to in subclause (1).

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 14 July 2011

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