

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 will come into operation on the day on which section 18 of the *Statutes Amendment (Budget 2010) 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—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *converter dolly* insert:

current registration details certificate, in relation to a motor vehicle, means—

- (a) the most recent registration details certificate issued on the Registrar's own initiative in relation to the motor vehicle; or
- (b) a registration details certificate issued on application by the owner of the motor vehicle since the registration of the vehicle was last renewed;

- (2) Regulation 3(1)—after the definition of *registered number* insert:

registration details certificate means a certificate issued by the Registrar under regulation 35A;

5—Insertion of regulation 11A

After regulation 11 insert:

11A—Cessation of permit when registration information publicly available

For the purposes of section 16(7)(a)(ii) and (b)(ii) of the Act, the prescribed manner in which information becomes publicly available is by publication of the information on a website maintained by the Registrar for the purpose.

6—Substitution of regulation 34

Regulation 34—delete the regulation and substitute:

34—Heavy vehicles for which a registration label is not required to be issued

For the purposes of section 48(1), (2) and (3) of the Act, a government-registered motor vehicle that is a heavy vehicle is a heavy vehicle of a prescribed class.

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

Regulation 35(2) and (3)—delete "motor" wherever occurring and substitute in each case:

heavy

8—Insertion of regulations 35A and 35B

Before regulation 36 insert:

35A—Registration details certificate

The Registrar may—

- (a) on his or her own initiative; or
- (b) on application by the owner of a registered motor vehicle (other than a heavy vehicle) and payment of the prescribed fee,

issue to the owner a certificate setting out the registered particulars of the motor vehicle and such other matters as the Registrar thinks fit.

35B—Prescribed documents

- (1) For the purposes of sections 56, 57(2) and 58(1) of the Act, the prescribed documents are—
 - (a) in the case of a heavy vehicle—the current certificate of registration or a current duplicate certificate of registration issued to the transferor; or
 - (b) in any other case—a current registration details certificate issued to the transferor.
- (2) For the purposes of sections 71A and 71B of the Act, the prescribed documents are registration certificates and registration details certificates.

9—Variation of regulation 76—Fees

Regulation 76(2a)—delete subregulation (2a) and substitute:

- (2a) The fees prescribed by Schedule 1 Part 1 for searching the register and supplying information or supplying an extract of an entry in the register do not apply in relation to—
 - (a) the provision of information for which fees are payable under a contract of a kind referred to in regulation 98(8); or
 - (b) the provision of information as to whether or not a particular motor vehicle is registered under the Act if the information is provided by means of a telephone enquiry service or website maintained by the Registrar for that purpose.

10—Insertion of regulation 90A

Before regulation 91 insert:

90A—Proof by statutory declaration and prescribed circumstances

- (1) A statutory declaration furnished by a person to the Commissioner of Police under section 9(1b) or 102(1b) of the Act (or both of those sections) must comply with the following prescribed requirements:
 - (a) the statutory declaration must include—
 - (i) the person's full name and address; and
 - (ii) if it relates to an expiation notice—the expiation notice number; and
 - (iii) the motor vehicle registration number; and
 - (iv) details that establish that—
 - (A) if the statutory declaration is furnished under section 9(1b) of the Act—section 9(1a) of the Act applies; or
 - (B) if the statutory declaration is furnished under section 102(1b) of the Act—section 102(1a) of the Act applies; or
 - (C) if the statutory declaration is furnished under both sections 9(1b) and 102(1b) of the Act—sections 9(1a) and 102(1a) of the Act apply;
 - (b) the statutory declaration must be furnished—
 - (i) if it relates to an expiation notice—before the due date for payment specified in the expiation notice or expiation reminder notice; or
 - (ii) in any other case—within 21 days after the date of issue of the summons.
- (2) The following circumstances are declared to be prescribed circumstances in accordance with section 9(6b)(b) and section 102(3d)(b) of the Act:
 - (a) circumstances where the person is not an owner or the registered operator of the vehicle and he or she is required by another person to whom he or she is answerable in working as a volunteer to drive the vehicle, or to cause the vehicle to stand, in the course of such work;
 - (b) circumstances where the person is not an owner or the registered operator of the vehicle and he or she is reasonably required to drive the vehicle, or to cause the vehicle to stand, in the course of undertaking work required by a contract of service as a self-employed person.

11—Insertion of regulation 94A

After regulation 94 insert:

94A—Prescribed documents

For the purposes of section 124(5) of the Act the prescribed documents relating to a motor vehicle are a current certificate of registration (or current duplicate certificate of registration), a current permit or a current registration details certificate for the vehicle.

12—Insertion of regulation 99A

After regulation 99 insert:

99A—Prescribed form of notice for Schedule 1 clause 3

For the purposes of Schedule 1 clause 3 of the Act, a notice that accompanies an expiation notice, expiation reminder notice or summons must be in the form set out in Schedule 4 of the *Road Traffic (Miscellaneous) Regulations 1999* and contain the information and instructions set out in that form.

13—Variation of Schedule 1—Fees

Schedule 1—after clause 6 insert:

6A—Registration details certificate

Administration fee for the issue of a registration details certificate (when issued on application by the owner of the motor vehicle)	level 2 fee
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14—Variation of Schedule 5—Expiation fees

- (1) Schedule 5, clause 1 (Offences against *Motor Vehicles Act 1959*), entry relating to section 9(3)—after "*motor vehicle*" insert:
driven or
- (2) Schedule 5, clause 1 (Offences against *Motor Vehicles Act 1959*), entry relating to section 48(3)—delete "*motor*" and substitute:
heavy
- (3) Schedule 5, clause 1 (Offences against *Motor Vehicles Act 1959*), entry relating to section 48(3a)—delete "*motor*" and substitute:
heavy
- (4) Schedule 5, clause 1 (Offences against *Motor Vehicles Act 1959*), entry relating to section 71B(2), description of offence—delete the description and substitute:
Failure by person to whom replacement number plate, trade plate or prescribed document or duplicate registration label issued to return found or recovered original plate, document or label to Registrar
- (5) Schedule 5, clause 1 (Offences against *Motor Vehicles Act 1959*), entry relating to section 102(2)—after "*motor vehicle*" insert:
driven or

Schedule 1—Transitional provision

Despite regulation 35B(1)(b) of the *Motor Vehicles Regulations 2010* as inserted by these regulations, during the period of 12 months immediately following the commencement of these regulations, the prescribed documents for the purposes of sections 56, 57(2) and 58(1) of the Act for a motor vehicle other than a heavy vehicle are:

- (a) a current certificate of registration or current duplicate certificate of registration issued to the transferor; or
- (b) a current registration details certificate issued to the transferor.

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 29 April 2011

No 31 of 2011