

South Australia

Motor Vehicles Variation Regulations 2014

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 2014*.

2—Commencement

These regulations will come into operation on the day on which the *Motor Vehicles (Learner's Permits and Provisional Licences) Amendment Act 2013* 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

Regulation 3(1), definition of *high powered vehicle exemption*—delete the definition and substitute:

hazard perception test has the same meaning as in section 79A of the Act;

high powered vehicle exemption means an exemption from section 81A(13) of the Act granted to the holder of a provisional licence under section 81A(14) of the Act;

5—Variation of regulation 46—Examination of applicant for licence or learner's permit

Regulation 46(1)—delete "and (1a)"

6—Insertion of regulation 46A

After regulation 46 insert:

46A—Exemption from requirement to undertake hazard perception test

An applicant for a provisional licence who resides—

- (a) more than 100 kilometres from the nearest place at which hazard perception tests are conducted; or
- (b) on Kangaroo Island,

is exempt from the requirements in section 79A(1)(a)(ia) and 79A(3)(ca) of the Act.

7—Substitution of regulations 52, 54 and 55

Regulations 52 to 55 (inclusive)—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(4)(b), (11), (13), (15), (16) and (18) of the Act.

53—Prescribed classes of applicants

For the purposes of section 81A(7)(b) of the Act, the following classes of applicants are prescribed:

- (a) applicants who have held a non-provisional licence or interstate non-provisional licence but not during the period of 5 years immediately preceding the application;
- (b) applicants who hold an interstate non-provisional licence but who are under the age of 20 years;

- (c) applicants who hold an interstate provisional licence.

54—Defence to offence against section 81A(16)—prescribed circumstances

- (1) For the purposes of section 81A(17)(b) of the Act, it is a defence to a charge of an offence against section 81A(16) of the Act if the defendant establishes that he or she was driving the vehicle in the course of undertaking recognised education or training.

- (2) In this regulation—

recognised education or training means a course of education or training provided by a secondary or tertiary education provider or a vocational education and training provider and in which the driver must be enrolled.

8—Revocation of regulation 63

Regulation 63—delete the regulation

9—Variation of regulation 76—Fees

Regulation 76(2)—delete subregulation (2)

10—Insertion of regulation 99B

After regulation 99A insert:

99B—Definition of emergency worker

For the purposes of Schedule 2 clause 2 of the Act, the following are emergency workers:

- (a) members of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;
- (b) authorised officers under the *Emergency Management Act 2004*;
- (c) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of—
 - (i) SA Ambulance Service Inc; or
 - (ii) St Johns Ambulance Australia South Australia Incorporated;
- (d) any other persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008*;
- (e) members of the Australian Federal Police or Australian Customs Service;
- (f) members of the armed forces of the Commonwealth engaged in police, fire fighting or ambulance duties or duties in connection with the urgent disposal of explosives or any emergency;

- (g) employees of Airservices Australia engaged in fire fighting duties or duties in connection with any emergency.

11—Variation of Schedule 1—Fees

Schedule 1, clause 36—delete the clause

12—Variation of Schedule 4—Demerit points

Schedule 4, Part 2, clause 7, table—delete the table and substitute:

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> <i>no L plates affixed to vehicle in accordance with regulations</i>	2
75A(20)	<i>Holder of prescribed learner's permit driving motor bike between midnight and 5.00 a.m. without carrying passenger acting as qualified supervising driver</i>	3
81A(13)	<i>Holder of P1 or P2 licence under the age of 25 years driving high powered vehicle</i>	3
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> <i>no P plates affixed to vehicle in accordance with regulations</i>	2
81A(16)	<i>Holder of P1 licence under the age of 25 years driving between midnight and 5.00 a.m. without being accompanied by a person acting as qualified supervising driver</i>	3
81A(18)	<i>Holder of P1 licence under the age of 25 years driving with 2 or more peer passengers in the vehicle without carrying person acting as qualified supervising driver</i>	3

13—Variation of Schedule 5—Expiation fees

- (1) Schedule 5, clause 1—after the item relating to section 75A(15)(b) insert:

75A(20)	<i>Holder of prescribed learner's permit driving motor bike between midnight and 5.00 a.m. without carrying passenger acting as qualified supervising driver</i>	\$327
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- (2) Schedule 5, clause 1, items relating to section 81A—delete the items and substitute:

81A(9)	<i>Contravening condition of provisional licence</i>	\$327
81A(13)	<i>Holder of P1 or P2 licence under the age of 25 years driving high powered vehicle</i>	\$327
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>	\$327
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</i>	

	<i>accordance with regulations—</i>	
	only 1 P plate affixed to vehicle in accordance with regulations	\$191
	no P plates affixed to vehicle in accordance with regulations	\$327
81A(16)	<i>Holder of P1 licence under the age of 25 years driving between midnight and 5.00 a.m. without being accompanied by a person acting as qualified supervising driver</i>	\$327
81A(18)	<i>Holder of P1 licence under the age of 25 years driving with 2 or more peer passengers in the vehicle without carrying person acting as qualified supervising driver</i>	\$327

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 16 January 2014

No 15 of 2014

MRS13/02CS