SOUTH AUSTRALIA

MOTOR VEHICLES ACT, 1959

This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at 18 December 1989.

The Commissioner of Statute Revision is authorized by the Acts Republication Act, 1967, to make textual alterations of various kinds to an Act in preparing it for reprint. These alterations do not affect the substantive law. A report has been prepared containing a comprehensive list of textual alterations made under the Acts Republication Act, 1967, in the preparation of this reprint. Copies of the report are available, on request, from the office of the Commissioner of Statute Revision, 11th Floor, S.G.I.C. Building, Victoria Square, Adelaide.

SUMMARY OF PROVISIONS

PART I

PRELIMINARY

Section

1. Short title
5. Interpretation

PART II

REGISTRATION OF MOTOR VEHICLES

Registration

7. Appointment of Registrar and officers
8. The register
9. Duty to register

Exemptions and Permits

10. Exemption of vehicles with trader's plates
11. Exemption of fire fighting vehicles
12. Exemption of farmer's tractors and implements
12a. Exemption of certain vehicles from requirements of registration and insurance
13. Exemption of plant used for firebreaks, destroying weeds, etc.
16. Permits to drive pending registration
19a. Vehicles registered, etc., in other States of the Commonwealth

Registration Procedure

20. Application for registration
22. Registrar may require applicant to supply information
23. Refusal to register unfit vehicles
24. Duty to grant registration

Duration of Registration

26. Period of registration

Registration Fees

27. Regulation of registration fees
31. Registration without fee
32. Vehicles owned by the Crown
33a. Separate registration for parts of articulated motor vehicle
34. Registration fees for primary producers' commercial vehicles
35. Registration fees for primary producers' tractors
36. Registration fees for prospectors' vehicles
37. Registration fees for vehicles in outer areas
38. Registration fees for incapacitated ex-servicemen
38a. Reduced fees for certain concession card holders
38ab. Registration fees for trailers owned by certain concession card holders
38b. Registration fees for certain incapacitated persons
40. Balance of registration fee
40a. Refund of part of registration fee on eligibility for reduced fee
41. Misuse of vehicles registered at reduced fees or without fee
42. Registration not transferable where vehicle registered at a reduced fee or for no fee
43. Short payment, etc.
44. Duty to notify change in vehicles and tyres
45. Refund where vehicle altered

Numbers and Number Plates

46. Allotment of number on registration
47. Duty to carry number plates
47a. Classes of number plates and agreements for the allotment of numbers
47b. Issue of number plates

Registration Labels

48. Registration labels
49. Temporary permit
50. Permit to drive where label lost or destroyed
51. Issue of new label on loss or destruction
52. Destruction of registration label
53. Offences in connection with registration labels and permits

Cancellation and Transfers of Registration

54. Cancellation of registration and refund
55. Amount of prescribed refund
56. Duty of transferor on transfer of vehicle
57. Duty of transferee on transfer of vehicle
58. Transfer of registration
59. Non-transferable registrations
60. Registration to be void if not cancelled or transferred
61. Hire-purchase transactions

Trader's Plates

62. Issue of trader's plates
64. Specifications of plates
65. Duration
66. Use of general trader's plates
67. Use of limited trader's plates
70. Return of trader's plates and refunds
71. Transfer of trader's plates

Registration in Business Names

71a. Registration in business names

PART III

DRIVERS' LICENCES

72. Classification of licences
73. Register of licences
74. Duty to hold licence or learner's permit
75. Issue and renewal of licences
75aa. Only one licence to be held at any time
75a. Learner's permits
77. Issue of duplicate licence or learner's permit
77a. Licences and learner's permits to include photographs
77b. Power of Registrar to require photograph of applicant for licence, etc.
77c. Temporary licences and learner's permits
78. Graduated licences
79. Examination of applicant for driver's licence or learner's permit
79a. Practical driving tests
79b. Licence or permit falsely obtained is void
79ba. Licence or learner's permit unlawfully altered or damaged is void
79c. Duty on holder of licence to notify illness, etc.
80. Power to test applicants
81. Restricted learner's permits and licences
81a. Probationary licences
81b. Consequences of contravention of probationary conditions or incurring four or more demerit points
82. Registrar to give effect to certain recommendations of consultative committee
84. Term of licence
85. Variation of licence classifications

Disqualification of Drivers and Suspension of Licences

88. Suspension of licence of person suffering from disease or disability
89. Cancellation or suspension of licence where driver disqualified in another State
90. Mode of suspension
91. Effect of suspension and disqualification
93. Notice to be given to Registrar
96. Duty to produce licence
97. Duty to produce licence at court
97a. Visiting motorists
98. Enforcement of duty to hold licence
98aa. Duty to carry licence when teaching holder of learner's permit to drive

PART IIIA

MOTOR DRIVING INSTRUCTORS' LICENCES

98a. Instructors' licences

PART IIIB

POINTS DEMERIT SCHEME

98b. Points demerit scheme

PART IIIC

TOWTRUCKS

98c. Interpretation
98d. Certain towtruck drivers required to hold certificates
98e. Applications for towtruck certificates
98f. Entitlement to be granted towtruck certificates
98g. Renewal of towtruck certificates
98h. Conditions of towtruck certificates
98i. Surrender of towtruck certificate
98j. Suspension of towtruck certificate
98k. Temporary towtruck certificates
98*l*. Form of certificates
98m. Duplicate certificates
98ma. Return of certificates when cancelled or suspended
98mb. Register of certificates
98mc. Towtruck operators to notify Registrar of towtruck drivers in their employ
98md. Only persons directed by police to proceed to or be present at scene of accident for purposes related to removal, wrecking or repair
98me. Towing of vehicle at or from scene of accident
98mf. Storage of vehicles by towtruck operators
98mg. Removal of vehicle from place to which it was removed from the scene of an accident
98mh. Contracts relating to the repair of certain motor vehicles
98mi. Duty to surrender vehicle
98mj. Accident spotting
98mk. Off the hook transactions
98m*l*. Towtruck driver to carry certificate while driving towtruck
98n. Trader's plates not to be used for the purpose of a towtruck in certain circumstances
98o. Persons who may ride in towtruck
98p. Inspectors
98pa. Power to require production or attendance for investigations
98pb. Reference of certain matters to the consultative committee
98pc. The Towtruck Tribunal
98pd. Inquiries
98pe. Review
98pf. Powers of Tribunal
98pg. Protection for Registrar

PART IIID

DISABLED PERSONS' PARKING PERMITS

98r. Application for a disabled person's parking permit
98s. Duration of permit
98t. Parking permit entitlements
98u. Misuse of permit
98v. Cancellation of permit
98w. Review by the Minister
98x. Interpretation

PART IV

THIRD PARTY INSURANCE

99. Interpretation
99a. Insurance premiums to be paid on applications for registration
100. Application of this Part to the Crown
101. Approved insurers
102. Duty to insure against third party risks
103. Duty to produce evidence of insurance
104. Requirements if policy is to comply with this Part
105. Policies to conform to amending Acts
107. Rights of persons named in policies
109. Liability of insurers where premium not paid
110. Liability of insurer to pay for emergency treatment
111. Liability of insurer to pay for hospital treatment
111a. Liability of insurer in respect of burial at public expense
112. Liability of insurer when judgment obtained against insured
113. Liability of insurer where the insured is dead or cannot be found
114. Certain defences ineffective in actions against insurers
115. Claims against nominal defendant where vehicle not identified
116. Claim against nominal defendant where vehicle uninsured
116a. Appointment of nominal defendant
117. Interpretation of expression in ss. 113 and 115
118. An action for injury caused by, or arising out of use of, a motor vehicle may be maintained between spouses
118a. Appointment of nominal defendant when approved insurer is in liquidation or enters into compromise with creditors

119. Scheme under which approved insurers indemnify liabilities incurred by nominal defendant
120. Satisfaction of judgment against nominal defendant where no scheme in force
121. Policy to bind all insured persons
122. Cancellation of policy
123. Right of insurer against unauthorized driver of vehicle
124. Notice of accident or claim
124a. Recovery by the insurer
124ab. Recovery of an excess in certain cases
125. Power of insurer to deal with claims against insured
125a. Joinder of insurer as defendant to an action
126. Duty of insured not to litigate or negotiate claim
127. Medical examination of claimants
128. Duty of insurers to furnish information
129. Inquiries into premiums
129a. Rebate and commissions prohibited
130. Actions to be tried without jury
131. Insurance by visiting motorists
132. Power to disqualify on application of insurer
133. Contracting out of liability for negligence
134. Persons entitled to act in connection with claims

PART V

SUPPLEMENTARY PROVISIONS

134a. Right of appeal
135. False statements
135a. Bribes
136. Duty to notify change of address
137. Duty to answer certain questions
138. Duty of registered owners to furnish particulars of vehicles
138a. Commissioner of Police to give certain information to Registrar
138b. Effect of dishonoured cheques on transactions under the Act
139. Inspection of motor vehicles
139a. Suspension of disqualification on appeal
139b. Consultative committee
139ba. Power to require production of licence, etc.
139bb. Issue of new licence or permit where licence, etc., cannot be endorsed
139bc. Manner of endorsing licence, etc.
139c. Notices
140. Evidence of registers
141. Evidence by certificate of Registrar
142. Facilitation of proof
143. Causing or permitting offences
143a. Offences by corporations
144. Summary offences
144a. Limitation of time for bringing proceedings
145. Regulations
146. Persons in service of Crown bound
147. Financial provision
148. Duty of medical practitioners

SCHEDULES

MOTOR VEHICLES ACT, 1959

being

Motor Vehicles Act, 1959, No. 53 of 1959 [Assented to 22 December 1959][1]

as amended by

Motor Vehicles Act Amendment Act, 1960, No. 16 of 1960 [Assented to 8 September 1960][2];
Motor Vehicles Act Amendment Act (No. 2), 1960, No. 55 of 1960 [Assented to 24 November 1960][3];
Motor Vehicles Act Amendment Act, 1961, No. 33 of 1961 [Assented to 9 November 1961][4];
Motor Vehicles Act Amendment Act, 1962, No. 17 of 1962 [Assented to 25 October 1962][5];
Motor Vehicles Act Amendment Act (No. 2), 1962, No. 49 of 1962 [Assented to 15 November 1962];
Motor Vehicles Act Amendment Act, 1963, No. 23 of 1963 [Assented to 14 November 1963];
Statutes Amendment (Stamp Duties and Motor Vehicles) Act, 1964, No. 24 of 1964 [Assented to 9 October 1964][6];
Motor Vehicles Act Amendment Act, 1966, No. 75 of 1966 [Assented to 1 December 1966];
Motor Vehicles Act Amendment Act (No. 2), 1966, No. 76 of 1966 [Assented to 1 December 1966][7] (as amended by Motor Vehicles Act Amendment Act (No. 2), 1966, Rectification Act, 1967, No. 2 of 1967 [Assented to 23 March 1967][8]);
Motor Vehicles Act Amendment Act (No. 3), 1966, No. 88 of 1966 [Assented to 8 December 1966];
Motor Vehicles Act Amendment Act, 1968, No. 6 of 1968 [Assented to 19 September 1968];
Motor Vehicles Act Amendment Act (No. 2), 1968, No. 18 of 1968 [Assented to 28 November 1968][9];
Motor Vehicles Act Amendment Act, 1970, No. 10 of 1970 [Assented to 3 September 1970];
Motor Vehicles Act Amendment Act (No. 2), 1970, No. 32 of 1970 [Assented to 19 November 1970];
Motor Vehicles Act Amendment Act, 1971, No. 12 of 1971 [Assented to 1 April 1971];
Age of Majority (Reduction) Act, 1971, No. 15 of 1971 [Assented to 8 April 1971][10];
Motor Vehicles Act Amendment Act (No. 2), 1971, No. 39 of 1971 [Assented to 29 April 1971];
Motor Vehicles Act Amendment Act (No. 3), 1971, No. 79 of 1971 [Assented to 18 November 1971][11];
Motor Vehicles Act Amendment Act, 1972, No. 55 of 1972 [Assented to 27 April 1972][12];
Statutes Amendment (Miscellaneous Provisions) Act, 1972, No. 58 of 1972 [Assented to 27 April 1972][13];
Motor Vehicles Act Amendment Act (No. 2), 1972, No. 143 of 1972 [Assented to 7 December 1972][14];
Motor Vehicles Act Amendment Act, 1973, No. 91 of 1973 [Assented to 13 December 1973][15];
Motor Vehicles Act Amendment Act, 1974, No. 51 of 1974 [Assented to 30 August 1974][16];
Motor Vehicles Act Amendment Act (No. 2), 1974, No. 89 of 1974 [Assented to 28 November 1974][17];
Motor Vehicles Act Amendment Act, 1975, No. 22 of 1975 [Assented to 27 March 1975][18];
Statute Law Revision Act, 1975, No. 24 of 1975 [Assented to 27 March 1975];
Motor Vehicles Act Amendment Act, 1976, No. 14 of 1976 [Assented to 4 March 1976][19];

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[1] Ss. 1-3 came into operation on assent: s. 2(1); remainder of Act came into operation 14 April 1960: *Gaz.* 14 April 1960, p. 1039.

[2] S. 6(1) came into operation 22 December 1959: s. 6(2); remainder of Act (except s. 4) came into operation 14 April 1960: s. 3(1); s. 4 came into operation 1 December 1960: *Gaz.* 10 November 1960, p. 1301.

[3] Ss. 1-3 came into operation on assent: s. 3(1); remainder of Act came into operation 1 July 1961: *Gaz.* 18 May 1961, p. 1139.

[4] *Ss. 1-3, 5 and 7 came into operation on assent: s. 3(1); ss. 6(a), 8 and 9 came into operation 1 March 1962 and ss. 4, 10* and 11 came into operation 1 May 1962: *Gaz.* 1 March 1962, p. 430; s. 6(b) not brought into operation.

[5] S. 3(1) came into operation 9 November 1961: s. 3(2); remainder of Act came into operation on assent.

[6] Ss. 1, 2 and 9(a) came into operation on assent: s. 2(1); remainder of Act came into operation 19 October 1964: *Gaz.* 15 October 1964, p. 1203.

[7] Came into operation 1 January 1968: *Gaz.* 16 November 1967, p. 2199.

[8] Came into operation 1 January 1968: s. 1(1).

[9] Came into operation 1 January 1969: *Gaz.* 5 December 1968, p. 2429.

[10] Came into operation 15 April 1971: *Gaz.* 15 April 1971, p. 1598.

[11] Came into operation 1 January 1972: *Gaz.* 9 December 1971, p. 2370.

[12] Came into operation (except ss. 11, 13, 14 and 16) on assent: s. 2(1); remainder of Act came into operation 1 April 1973: *Gaz.* 8 March 1973, p. 861.

[13] Came into operation 18 May 1972: *Gaz.* 18 May 1972, p. 1926.

[14] Came into operation 21 December 1972: *Gaz.* 21 December 1972, p. 2722.

[15] Came into operation 18 February 1974: *Gaz.* 17 January 1974, p. 109.

[16] Came into operation 1 October 1974: *Gaz.* 30 August 1974, p. 1605.

[17] Came into operation 1 March 1975: *Gaz.* 13 February 1975, p. 506.

[18] Came into operation 1 January 1976: *Gaz.* 11 December 1975, p. 3137.

[19] Came into operation (except s. 52) 13 May 1976, s. 52 came into operation 7 July 1976: *Gaz.* 13 May 1976, p. 2460.

Motor Vehicles Act Amendment Act (No. 2), 1976, No. 79 of 1976 [Assented to 9 December 1976][1];
Motor Vehicles Act Amendment Act, 1978, No. 120 of 1978 [Assented to 14 December 1978][2];
Motor Vehicles Act Amendment Act, 1980, No. 37 of 1980 [Assented to 17 April 1980][3];
Motor Vehicles Act Amendment Act, 1981, No. 40 of 1981 [Assented to 19 March 1981][4];
Motor Vehicles Act Amendment Act (No. 2), 1981, No. 48 of 1981 [Assented to 18 June 1981][5];
Motor Vehicles Act Amendment Act (No. 3), 1981, No. 49 of 1981 [Assented to 18 June 1981];
Motor Vehicles Act Amendment Act (No. 4), 1981, No. 66 of 1981 [Assented to 15 October 1981];
Motor Vehicles Act Amendment Act (No. 5), 1981, No. 98 of 1981 [Assented to 23 December 1981][6];
Motor Vehicles Act Amendment Act, 1983, No. 10 of 1983 [Assented to 28 April 1983];
Motor Vehicles Act Amendment Act (No. 2), 1983, No. 20 of 1983 [Assented to 26 May 1983];
Motor Vehicles Act Amendment Act (No. 3), 1983, No. 90 of 1983 [Assented to 8 December 1983][7];
Motor Vehicles Act Amendment Act (No. 4), 1983, No. 119 of 1983 [Assented to 22 December 1983];
Statute Law Revision Act, 1984, No. 50 of 1984 [Assented to 24 May 1984][8];
Motor Vehicles Act Amendment Act, 1985, No. 61 of 1985 [Assented to 30 May 1985][9];
Motor Vehicles Act Amendment Act (No. 2), 1985, No. 72 of 1985 [Assented to 6 June 1985][10];
Motor Vehicles Act Amendment Act, 1986, No. 4 of 1986 [Assented to 13 March 1986];
Motor Vehicles Act Amendment Act (No. 2), 1986, No. 5 of 1986 [Assented to 13 March 1986][11];
Motor Vehicles Act Amendment Act (No. 3), 1986, No. 94 of 1986 [Assented to 11 December 1986][12];
Motor Vehicles Act Amendment Act (No. 4), 1986, No. 127 of 1986 [Assented to 24 December 1986][13];
Motor Vehicles Act Amendment Act, 1987, No. 12 of 1987 [Assented to 9 April 1987];
Motor Vehicles Act Amendment Act (No. 2), 1987, No. 75 of 1987 [Assented to 19 November 1987][14];
Motor Vehicles Act Amendment Act (No. 3), 1987, No. 81 of 1987 [Assented to 26 November 1987];
Motor Vehicles Act Amendment Act, 1988, No. 40 of 1988 [Assented to 5 May 1988][15];
Motor Vehicles Act Amendment Act, 1989, No. 11 of 1989 [Assented to 30 March 1989];
Motor Vehicles Act Amendment Act (No. 2), 1989, No. 15 of 1989 [Assented to 20 April 1989][16];
Motor Vehicles Act Amendment Act (No. 3), 1989, No. 35 of 1989 [Assented to 4 May 1989][17];
Motor Vehicles Act Amendment Act (No. 4), 1989, No. 53 of 1989 [Assented to 14 September 1989][18].

NOTE: Asterisks indicate repeal or deletion of text. For further explanation *see* Appendix 1.

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[1] Came into operation 17 January 1977: *Gaz.* 13 January 1977, p. 45.
[2] Came into operation (except ss. 4(2), 13, 17, 35-40, 45 and 75) 18 January 1979, s. 13 came into operation 19 February 1979, ss. 40 and 45 came into operation 19 March 1979, ss. 35-39 came into operation 1 April 1979: *Gaz.* 18 January 1979, p. 98; s. 75 came into operation 31 May 1979: *Gaz.* 31 May 1979, p. 1611; ss. 4(2) and 17 had not been brought into operation at the date of, and the amendments effected by those provisions have not been included in, this reprint.
[3] Came into operation 1 June 1980: *Gaz.* 22 May 1980, p. 1372.
[4] Came into operation 4 June 1981: *Gaz.* 4 June 1981, p. 1641.
[5] Came into operation 18 June 1981: *Gaz.* 18 June 1981, p. 1841.
[6] Came into operation 2 September 1984: *Gaz.* 8 March 1984, p. 548.
[7] Came into operation 1 February 1984: *Gaz.* 19 January 1984, p. 88.
[8] Came into operation (except Scheds. 1, 3, 4 and 5) 1 November 1984: *Gaz.* 1 November 1984, p. 1398; Scheds. 1, 3 and 5 came into operation 1 January 1985: *Gaz.* 13 December 1984, p. 1811; Sched. 4 came into operation 6 July 1985: *Gaz.* 9 May 1985, p. 1398.
[9] Came into operation 5 September 1985: *Gaz.* 5 September 1985, p. 700.
[10] Came into operation 1 July 1985: *Gaz.* 20 June 1985, p. 2182.
[11] Came into operation 14 April 1960: s. 2.
[12] Came into operation (except ss. 5-8) 11 December 1986, ss. 7 and 8 came into operation 6 January 1987, ss. 5 and 6 came into operation 1 January 1988: *Gaz.* 11 December 1986, p. 1820.
[13] Came into operation 8 February 1987: *Gaz.* 5 February 1987, p. 248.
[14] Came into operation 27 January 1988: *Gaz.* 21 January 1988, p. 116.
[15] Came into operation 8 February 1987: s. 2.
[16] Came into operation 4 September 1989: *Gaz.* 31 August 1989, p. 700.
[17] Came into operation (except s.3) 30 October 1989; *Gaz.* 26 October 1989, p. 1298; s. 3 had not been brought into operation at the date of, and the amendment effected by that provision has not been included in, this reprint.
[18] Came into operation 13 November 1989: *Gaz.* 2 November 1989, p. 1349.

N.B. The amendments effected to this Act by the Motor Vehicles Act Amendment Act (No. 5), 1989, had not been brought into operation at the date of, and have not been included in, this reprint.

An Act to make provision for the registration of motor vehicles, drivers licences and third party motor insurance; and for other purposes.

The Parliament of South Australia enacts as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the *Motor Vehicles Act, 1959.*

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Interpretation

5. (1) In this Act, unless the context otherwise requires or some other meaning is clearly intended—

"accident" means a collision or impact (whether caused accidentally or on purpose) resulting in damage to a motor vehicle:

"accident towing direction", in relation to a motor vehicle damaged in an accident, means a direction to tow that motor vehicle from the scene of the accident, being a direction given to a towtruck operator by or on behalf of a member of the police force in accordance with the accident towing roster scheme:

"accident towing roster scheme" means the accident towing roster scheme provided for by the regulations:

"articulated motor vehicle" means a motor vehicle consisting of two portions (each of which is equipped with wheels) as follows:

(a) one portion (the prime mover) provides the motive power of the vehicle;

(b) the other portion (the semi-trailer) is pivoted to and drawn by the prime mover, part of it (not being a pole, drawbar or similar device, or an accessory to it) being superimposed upon the prime mover:

"authority to tow", in relation to a damaged motor vehicle, means authorization in writing to remove the motor vehicle given for the purposes of this Act by the owner or person in charge of the vehicle or an inspector or member of the police force:

"authorized examiner" means—

(a) a member of the police force appointed by the Commissioner of Police for the purpose of conducting practical driving tests;

(b) a person appointed by the Registrar for the purpose of conducting practical driving tests;

or

(c) a person appointed by some public authority, and approved by the Registrar, for the purpose of conducting practical driving tests:

"the balance of the prescribed registration fee", in relation to a motor vehicle registered under this Act at a reduced registration fee, means an amount calculated by the Registrar on the basis of the difference between the reduced fee and the prescribed fee, in relation to the number of months of the registration period that remain unexpired; for the purposes of this definition, a portion of a month will be treated as a whole month:

"business name" means a name registered under the *Business Names Act, 1963*:

"caravan" means a trailer that is constructed or adapted so as to provide sleeping accommodation for one or more persons:

"commercial motor vehicle"—

(a) means a motor vehicle constructed or adapted solely or mainly for the carriage of goods;

and

(b) includes a motor vehicle of the type commonly called a utility:

"the committee" means the consultative committee established under section 139b:

"court" means court (whether the Supreme Court or any other court) having jurisdiction to deal with the matters in relation to which the word is used:

"declared area" means—

(a) the municipalities of Adelaide, Brighton, Burnside, Campbelltown, Elizabeth, Enfield, Gawler, Glenelg, Happy Valley, Henley and Grange, Hindmarsh, Kensington and Norwood, Marion, Mitcham, Munno Para, Noarlunga, Payneham, Port Adelaide, Prospect, St. Peters, Salisbury, Tea Tree Gully, Thebarton, Unley, Walkerville, West Torrens and Woodville;

(b) the district council districts of East Torrens and Stirling;

* * * * * * * * * *

(d) the portion of the Hundred of Willunga that lies within the district council district of Willunga;

and

(e) a part of the State declared by regulation to be within the area:

"inspector" means inspector appointed under this Act:

"interstate licence" means a licence or permit issued under the law of another State or Territory of the Commonwealth that corresponds to a driver's licence or learner's permit issued under this Act:

"licence" means a driver's licence:

"mass" of a vehicle includes the mass of any prescribed accessories or equipment carried (either habitually or intermittently) on the vehicle:

"mobile crane" means a motor vehicle (other than a towtruck) which is fitted with a crane operated by power other than human power and which is constructed or adapted solely or mainly for lifting and moving goods by means of that crane:

"mobile fork lift" means a motor vehicle fitted with an apparatus of the kind commonly known as a fork lift and constructed or adapted solely or mainly for lifting and moving goods by means of the fork lift:

"motor car" means a motor vehicle—

(a) designed for the principal purpose of carrying passengers;

and

(b) designed to carry not more than eight adult persons (including the driver):

"motor cycle" means a motor vehicle (not being a trailer) that moves upon only two wheels or, where a side car or side box is attached, upon not more than three wheels:

* * * * * * * * * *

"motor vehicle" means—

(a) a vehicle, tractor or mobile machine driven or propelled or ordinarily capable of being driven or propelled by a steam engine, internal combustion engine, electricity or any other power, not being human or animal power;

and

(b) a caravan or a trailer,

but does not include a mobile machine controlled and guided by a person walking, or a vehicle run upon a railway or tramway:

"number" means—

(a) a figure or a combination of figures;

(b) a combination of letters of the alphabet;

or

(c) a combination of figures and letters of the alphabet:

"owner" includes a person who takes a motor vehicle on hire:

"premises" includes land and the fences, walls or structures on the boundaries of land:

"premium" or "insurance premium", in relation to a motor vehicle, means the premium, appropriate to the motor vehicle, for a policy of insurance under Part IV—

(a) determined by the insurance premium committee established under that Part;

or

(b) notified to the Registrar by the insurer that has assumed, or is to assume, the risk under the policy,

whichever is the lesser:

"prescribed registration fee", in relation to a motor vehicle, means the registration fee for that motor vehicle prescribed by, or computed in accordance with, the regulations:

"primary producer" means a person—

(a) who carries on as principal a business of agriculture, horticulture, viticulture, dairying, bee keeping or livestock production or some other similar business;

(b) who under a written sharefarming agreement works land as a sharefarmer and not as an employee;

or

(c) who carries on as principal the business of fishing:

"probationary conditions" means the conditions referred to in section 81a:

"probationary licence" means a driver's licence subject to probationary conditions:

"quotation for repair" means an assessment or estimate of the actual or probable cost of repairing damage to a motor vehicle:

"reduced registration fee", in relation to a motor vehicle, means a fee payable for the registration of a motor vehicle under this Act that is less than the prescribed registration fee in relation to that motor vehicle:

"registered owner" means a person recorded in the register of motor vehicles as the owner of a motor vehicle:

"registered premises", in relation to a towtruck operator, means the premises registered in the name of the towtruck operator pursuant to the accident towing roster scheme:

"the Registrar" means the Registrar of Motor Vehicles and includes any person acting on behalf of the Registrar in accordance with this Act:

"road" means—

(a) a road, street or thoroughfare;

and

(b) any other place commonly used by the public or to which the public are permitted to have access:

"scene of an accident" means the area within a radius of 200 metres from the point at which a vehicle involved in an accident has, as an immediate result of the accident, come or been brought to a stationary position:

"stamp duty" means the duty payable under the *Stamp Duties Act, 1923*:

"temporary towtruck certificate" means a temporary towtruck certificate issued by the Registrar under Part IIIC:

"tow", in relation to a motor vehicle, means tow, partially lift and tow, lift and carry or carry a motor vehicle by means of another motor vehicle:

"towtruck" means a motor vehicle (including a trailer attached to a motor vehicle) designed, adapted or intended to lift and carry or partially lift and tow a motor vehicle that cannot, because of damage or malfunction, be operated properly under its own motive power:

"towtruck certificate" means a towtruck certificate issued by the Registrar under Part IIIC:

"towtruck driver" means a person who drives, or operates the equipment of, a towtruck:

"towtruck operator" means a person who carries on the business of towing motor vehicles or a business that includes towing motor vehicles:

* * * * * * * * * *

"trailer" means a vehicle, or a machine on wheels, that is not self-propelled, and is constructed or adapted for being drawn by a motor vehicle, but does not include the rear portion of an articulated motor vehicle:

"the Tribunal" means the *Towtruck Tribunal* established under Part IIIC:

* * * * * * * * * *

"wharf" includes—

(a) any wharf, quay, jetty, pier, landing place, stage, platform, slip, basin, siding, dock, or other place at which goods can be landed, loaded or unloaded, whether situated on or near the shore of the sea or of any of its arms or inlets, or on or near the shore of any inland river or other inland water;

(b) all railways and tramways on the wharf and the approaches to them;

and

(c) a wharf only partly constructed as well as a completed wharf.

(2) For the purposes of this Act, a person who is driving a motor vehicle that tows another motor vehicle will be taken to be driving both motor vehicles.

(3) A reference in a provision of this Act to drivers or the driving of vehicles will be taken to include a reference to riders and the riding of vehicles unless the provision by its express terms indicates that it does not apply to riders or riding.

(3a) The Governor may, by proclamation—

(a) declare that a motor vehicle of a certain design or with certain characteristics is to be regarded for the purposes of this Act as a motor vehicle of a specified class;

and

(b) revoke or vary any proclamation under this subsection.

(4) Subject to section 22a of the *Acts Interpretation Act, 1915*, this Act applies in relation to motor vehicles engaged in trade, commerce and intercourse between the States.

Note: For definition of divisional penalties see Appendix 2.

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PART II

REGISTRATION OF MOTOR VEHICLES

Registration

Appointment of Registrar and officers

7. (1) The Governor may appoint a Registrar of Motor Vehicles and such deputy registrars of motor vehicles, inspectors of motor vehicles and other officers as the Governor considers necessary for the administration of this Act.

(2) A deputy registrar or any other officer may, subject to and in accordance with any directions given by the Registrar, act on behalf of the Registrar—

(a) during the absence of the Registrar;

(b) at any time in any matters allotted to the deputy registrar or officer by the Registrar.

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The register

8. (1) The Registrar must keep a register of motor vehicles.

(2) The register must contain such information as the Registrar thinks necessary for the administration of this Act, and will be in a form fixed by the Registrar.

Duty to register

9. A person must not drive a motor vehicle on a road unless that vehicle has been registered under this Act and the registration is for the time being in force; but it is a defence to a charge under this section to prove that the motor vehicle was driven in circumstances in which this Act or the regulations permit a motor vehicle to be driven without registration.

Penalty: Division 9 fine.

Exemptions and Permits

Exemption of vehicles with trader's plates

10. A motor vehicle may be driven on roads without registration if it bears trader's plates issued under this Act and is driven in conformity with the provisions of this Act as to trader's plates.

Exemption of fire fighting vehicles

11. (1) A motor vehicle may be driven on roads without registration—

(a) while carrying persons or fire fighting equipment to or from any place for the purpose of preventing, controlling or extinguishing a fire;

(b) in the course of training members of a fire fighting organization, or for transporting such members to or from such training;

or

(c) for the purpose of taking measures for preventing, controlling or extinguishing fires.

(2) In this section—

"fire" includes a bush fire and any other fire dangerous to or threatening life or property:

"fire fighting organization" means a voluntary fire brigade or voluntary fire fighting organization registered under any Act.

Exemption of farmer's tractors and implements

12. (1) A tractor may be driven without registration on roads within 40 kilometres of a farm occupied by the owner of the tractor on journeys to or from that farm for all or any of the following purposes:

(a) delivery of the tractor to the farm upon the acquisition of the tractor, or delivery of the tractor from the farm upon its sale or disposal;

(b) removal of the tractor to a workshop for repairs, or return of the tractor to the farm from a workshop where repairs were carried out;

(c) drawing farm implements or carrying farm implements by means of an attachment designed for that purpose;

(d) proceeding to a place where farm implements are to be attached to the tractor for removal, or returning after delivery of farm implements;

(e) drawing a registered trailer between two or more portions of the farm.

(2) If there is no workshop where repairs can be efficiently carried out to a tractor within 40 kilometres of the farm occupied by the owner of the tractor, the tractor may be driven without registration on roads more than 40 kilometres from that farm for the purpose of proceeding to the nearest workshop where repairs can be efficiently carried out and returning to the farm from that workshop.

(3) A farm implement may be drawn without registration or insurance by a tractor or other motor vehicle on roads within 40 kilometres of a farm occupied by the owner of the tractor or motor vehicle.

(4) A self-propelled farm implement may be driven without registration or insurance on roads within 40 kilometres of a farm occupied by the owner of the self-propelled farm implement; but, if there is no workshop where repairs can be efficiently carried out to the self-propelled farm implement within 40 kilometres of the farm occupied by the owner, the self-propelled farm implement may be driven without registration or insurance on roads more than 40 kilometres from that farm for the purpose of proceeding to the nearest workshop where repairs can be efficiently carried out and returning to the farm from that workshop.

(5) In this section—

"farm implement" means an implement or machine for ploughing, cultivating, clearing or rolling land, sowing seed, spreading fertilizer, harvesting crops, spraying, chaff-cutting or other similar operations and includes a trailer bin constructed for attachment to a harvester for the purpose of collecting grain in bulk, a field bin constructed for the purpose of receiving or storing grain in or close to the field in which it is harvested, a grain elevator and a bale elevator, but does not include any other vehicle wholly or mainly constructed for the carriage of goods.

Exemption of certain vehicles from requirements of registration and insurance

12a. (1) A motor vehicle may be driven without registration on a wharf for the purpose of loading or unloading cargo.

(2) A self-propelled wheelchair or any other motor vehicle (not being a motor car) of a prescribed class may be driven upon a road without registration or insurance by a person who, because of some physical infirmity reasonably requires the use of a wheelchair or such a motor vehicle.

(3) A self-propelled lawn mower may be driven on a road without registration or insurance where—

(a) it is being used to mow lawn or grass;

or

(b) it is being driven on a road to or from a place at which it is to be, or has been, used for that purpose.

Exemption of plant used for firebreaks, destroying weeds, etc.

13. A vehicle constructed or adapted for making firebreaks or for the destruction of dangerous or noxious weeds or the destruction of vermin on roads—

(a) may be used without registration on a road in the work of making a firebreak or of destroying dangerous or noxious weeds or vermin;

or

(b) may be driven without registration on a road in the course of a journey to or from a place where any such work is being, or is to be, done.

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Permits to drive pending registration

16. (1) If the owner of a motor vehicle not previously registered in the owner's name, or a person acting on the owner's behalf, satisfies a member of the police force stationed at a police station situated outside a radius of 40 kilometres from the General Post Office at Adelaide that an application in the proper form for the registration of the motor vehicle, to

commence as from a day not later than the issue of the permit under this section, has been sent to the Registrar by or on behalf of the owner of the motor vehicle together with a sum sufficient to cover—

(a) the fee for registration of the vehicle for 6 months or 12 months;

(b) the appropriate insurance premium;

and

(c) the stamp duty (if any) payable on the application,

that member of the police force may issue without fee to the owner of the motor vehicle a permit in pursuance of which the motor vehicle may be driven on roads without carrying a registration label or number plates during the period of operation of the permit.

(2) Where a permit has been issued under subsection (1), the motor vehicle will, while the permit remains in force, be taken to be duly registered under this Act.

(3) A policy of insurance under Part IV is, subject to this Act, in force in respect of a motor vehicle for which a permit has been issued under this section from the time of the granting of the permit until the expiration of the period for which registration has been applied for, and a further period of grace in accordance with that Part.

(4) A permit granted under this section ceases to have any force or effect—

(a) when the registration label issued in respect of the motor vehicle is affixed to the motor vehicle;

or

(b) on the expiration of the prescribed period,

whichever first occurs.

(5) The permit must be affixed throughout the period for which it remains in force to the vehicle to which it relates in the position prescribed for the carrying of a registration label.

(6) A person must not drive a motor vehicle in respect of which a permit is in force under this section unless the permit is affixed to the vehicle in accordance with subsection (5).

Penalty: Division 11 fine.

(7) Where the application for registration is subsequently granted, the registration will be taken to have commenced from the time of the granting of the permit.

(8) In this section—

"the prescribed period" means a period determined by the Registrar after consulting the Commissioner of Police.

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Vehicles registered, etc., in other States of the Commonwealth

19a. (1) A motor vehicle that is owned by a person who ordinarily resides in another State or Territory of the Commonwealth, or by a body corporate that carries on business in another State or Territory of the Commonwealth, may be driven in this State without registration under this Act if—

(a) the vehicle is in this State for the purpose of temporary use;

(b) the vehicle is permitted to be driven on roads within another State or Territory of the Commonwealth by virtue of registration, a permit or other authority granted and in force under the law of that other State or Territory of the Commonwealth;

(c) any current registration label, certificate, card, permit and plate or plates that are required to be affixed to the vehicle if it is to be driven in accordance with the law of that other State or Territory of the Commonwealth are duly affixed to the vehicle in accordance with that law;

(ca) any conditions or restrictions imposed upon the use of the vehicle by virtue of the law of that other State or Territory of the Commonwealth are complied with;

and

(d) there is in force in relation to the vehicle a policy of insurance—

(i) that complies with the law of that other State or Territory of the Commonwealth;

and

(ii) under which the owner and driver of the motor vehicle are insured against liability that might be incurred in respect of death of, or bodily injury to, any person caused by, or arising out of the use of, the motor vehicle in this State.

(2) A motor vehicle that is owned by a person who has changed his or her place of residence from another State or Territory of the Commonwealth to this State may be driven in this State without registration under this Act if—

(a) the vehicle is permitted to be driven on roads within another State or Territory of the Commonwealth by virtue of registration, a permit or other authority granted and in force under the law of that other State or Territory of the Commonwealth;

(b) any current registration label, certificate, card, permit and plate or plates that are required to be affixed to the vehicle if it is to be driven in accordance with the law of that other State or Territory of the Commonwealth are duly affixed to the vehicle in accordance with that law;

(ba) any conditions or restrictions imposed upon the use of the vehicle by virtue of the law of that other State or Territory of the Commonwealth are complied with;

(c) an application for registration of the motor vehicle under this Act has been, or is to be, made as soon as reasonably practicable after the date of the change in the owner's place of residence;

and

(d) there is in force in relation to the vehicle a policy of insurance—

(i) that complies with the law of that other State or Territory of the Commonwealth;

and

(ii) under which the owner and driver of the motor vehicle are insured against liability that might be incurred in respect of death of, or bodily injury

to, any person caused by, or arising out of the use of, the motor vehicle in this State.

Registration Procedure

Application for registration

20. (1) An application to register a motor vehicle—

(a) must state correctly—

(i) the full name of the owner of the vehicle;

(ii) where the owner of the vehicle is a natural person, the address at which the owner is ordinarily resident and, in the case of an application for registration in a business name, the address of the principal place of business at which the owner carries on business in that business name;

and

(iii) where the owner of the vehicle is a body corporate, the address of the principal place of business in this State of the body corporate;

and

(b) must be made in a manner and form determined by the Minister.

(2) At the time of making the application—

(a) the registration fee;

(b) the appropriate insurance premium;

and

(c) the stamp duty (if any) payable on the application,

must be paid to the Registrar.

(2a) Where an application to register, or to renew the registration of, a motor vehicle falsely states the name of the owner of the vehicle, any registration of the motor vehicle pursuant to that application is void and of no effect.

(3) A person under the age of 16 years cannot apply for, or be granted, registration in respect of a motor vehicle.

(4) If the Registrar purports to register a motor vehicle upon an application that is invalid by reason of subsection (2a) or (3), a policy of insurance under Part IV will, notwithstanding the invalidity of the registration, come into operation in respect of the motor vehicle as if it had been validly registered.

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Registrar may require applicant to supply information

22. The Registrar may require a person applying for the registration of a motor vehicle or a permit to provide satisfactory evidence by statutory declaration, weighbridge note or other means as to—

(a) any facts upon which the amount of any payment to be made to the Registrar for, or in respect of, registration or insurance depends;

or

(b) any facts by reason of which the applicant is entitled to be granted registration of the vehicle or a permit without payment of a fee.

Refusal to register unfit vehicles

23. If a court has ordered that a vehicle not be registered until some condition is complied with, the Registrar must not register that vehicle until satisfied that that condition has been complied with.

Duty to grant registration

24. (1) Upon application duly made and payment of the prescribed fee, the appropriate insurance premium and the stamp duty (if any) payable on the application, the Registrar must, subject to this Act, register the motor vehicle in the register of motor vehicles—

(a) for a period of 6 months;

(b) for a period of 12 months;

or

(c) where the applicant is the owner of a number of motor vehicles that equals or exceeds a number to be determined by the Registrar—for a period expiring on a day fixed by the Registrar as a common day of expiry in relation to those motor vehicles,

at the option of the applicant.

(1a) Notwithstanding subsection (1), the Registrar may register a motor vehicle for a period of less than 6 months or 12 months where the last registered owner has cancelled the registration of the vehicle but subsequently applies for registration of the vehicle before the day on which that previous registration would, but for cancellation, have expired.

(1b) The Registrar may renew the registration of a motor vehicle notwithstanding the expiry of the previous registration, provided that the application for renewal is made by the last registered owner of the vehicle within 30 days of that expiry.

(1c) Notwithstanding the renewal of the registration of a motor vehicle pursuant to subsection (1b), the vehicle is not, for the purposes of this Act, to be taken as registered during the period between expiry of the previous registration and that renewal.

(2) Notwithstanding the provisions of subsection (1), the Registrar may refuse to register the motor vehicle pending investigation as to the correctness of the particulars disclosed in the application for registration.

(3) If upon investigation the particulars disclosed in the application for registration are found to be correct, the Registrar must forthwith register the motor vehicle.

(4) If upon investigation the particulars disclosed in the application for registration are found to be not correct, the Registrar may refuse to register the motor vehicle.

(5) The Registrar may refuse to register a motor vehicle—

(a) if satisfied that the motor vehicle does not comply with an Act or regulation that regulates the design, construction or maintenance of such a motor vehicle;

or

(b) if satisfied that the motor vehicle would, if driven on a road, put the safety of persons using the road at risk.

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Duration of Registration

Period of registration

26. Subject to this Act, the registration of a motor vehicle commences—

(a) on the day on which it is effected (or, where a permit is issued, the date of issue of the permit);

or

(b) where the motor vehicle is registered, or was last registered, in the name of the applicant and application is made before, or within 30 days after, the expiry of the previous registration—on the day after that expiry,

and the registration of a motor vehicle expires on the last day of the period for which it was registered.

Registration Fees

Regulation of registration fees

27. The Governor may, by regulation—

(a) prescribe a scale of registration fees, or provide for the computation or assessment of registration fees, in respect of motor vehicles or any class of motor vehicles;

(b) make any provision necessary or expedient in relation to the computation or assessment of registration fees or the resolution of any dispute between the Registrar and an applicant for registration as to the appropriate registration fee to be paid on an application for registration of a motor vehicle;

and

(c) provide for the public exhibition of lists containing the specifications of motor vehicles of standard models or kinds and any other information relevant to the computation of registration fees.

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Registration without fee

31. (1) The Registrar must register without fee—

(a) any motor vehicle owned by the South Australian Metropolitan Fire Service, or a voluntary fire brigade or voluntary fire fighting organization registered under any Act;

(b) any motor vehicle owned by a municipal or district council and used solely for the purpose of fire fighting;

(c) any motor ambulance for the use of which no charge is made;

(d) any motor ambulance operated by a municipal or district council or by a society or association otherwise than for the purpose of monetary gain to the individual members of such society or organization;

(e) any motor vehicle owned by a municipal or district council and used solely or mainly in connection with the construction or maintenance of roads;

(f) any motor vehicle owned by a municipal or district council or by a controlling authority under the *Local Government Act, 1934*, and used solely or mainly for the collection and transport of household rubbish;

(g) any motor vehicle owned by the Renmark Irrigation Trust and used solely or mainly in connection with the construction or maintenance of all or any of the following works, namely, roads, irrigation channels, irrigation drains and other works for irrigation or drainage of the Trust's area;

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(i) any motor vehicle consisting of mobile machinery and plant used solely for boring for water or of mobile machinery and plant used solely for excavating and cleaning dams. In this paragraph "dams" means excavations in which water is stored or intended to be stored;

(j) any motor vehicle owned by an accredited diplomatic officer or accredited consular officer *de carriere*, who is a national of the country which he or she represents and who resides in the State;

(k) any trailer used solely for the purpose of carrying equipment and fuel for generating producer gas for the propulsion of the motor vehicle by which the trailer is drawn;

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(m) any tractor, bulldozer, scarifier, grader, roller, tar sprayer, tar kettle or other similar vehicle constructed or adapted for doing work in constructing, improving or repairing roads and used only in such work or in the course of a journey to or from a place where such work is being, or is to be, done;

(n) any motor vehicle owned by a municipal or district council and used solely for the purpose of civil defence;

* * * * * * * * * *

(p) any motor vehicle owned by, and used for the purposes of, the Lyrup Village Association;

(q) any motor vehicle that is to be registered without fee by virtue of the regulations.

(2) Where—

(a) a motor vehicle has been registered under this section;

(b) an application for registration of the motor vehicle is made otherwise than under this section;

and

(c) the motor vehicle has not previously been registered under this Act upon an application by the present applicant in respect of which stamp duty has been paid,

the Registrar must treat the application as if the vehicle had not previously been registered under this Act, and registration fees and stamp duty will be payable on the application accordingly.

Vehicles owned by the Crown

32. (1) Motor vehicles owned by the Crown are not exempt from registration under this Act and registration fees are payable in respect of those vehicles.

(2) The amount of any such fees, and the circumstances in which they are payable, are the same as in the case of vehicles owned by subjects.

(3) Any question as to the amount of the fee payable on any vehicle owned by the Crown or as to whether any such vehicle should pursuant to this Act be registered without payment of a fee, will be decided by the Treasurer, whose decision will be final.

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Separate registration for parts of articulated motor vehicle

33a. If the owner of a prime mover that is to be used in conjunction with two or more semi-trailers so as to form separate articulated motor vehicles applies for registration of the prime mover and—

(a) states in the application for registration the combined mass in kilograms of the prime mover and the heaviest semi-trailer to be used in conjunction with it;

and

(b) pays—

(i) the appropriate registration fee calculated on the assumption that the vehicle for which registration is sought has the combined mass of the prime mover and the heaviest of the semi-trailers to be used in conjunction with the prime mover;

and

(ii) the appropriate insurance premium and stamp duty (if any) payable on the application,

the Registrar must—

(c) register the prime mover;

and

(d) register the semi-trailers that are to be used in conjunction with the prime mover without any registration fee.

Registration fees for primary producers' commercial vehicles

34. (1) If the owner of a commercial motor vehicle or tractor—

(a) satisfies the Registrar by such evidence as the Registrar requires that the owner is a primary producer in this State;

and

(b) undertakes that that motor vehicle or tractor will not, unless the balance of the prescribed registration fee is paid, be used on roads for carrying Her Majesty's mails, goods or passengers for pecuniary reward or for carrying goods in the course of any trade or business other than that of a primary producer,

the registration fee is one-half of the prescribed registration fee.

(2) In this section—

"carry", "carrying" and "carriage" respectively include haul, hauling and haulage.

Registration fees for primary producers' tractors

35. (1) If the owner of a motor tractor—

(a) satisfies the Registrar by such evidence as the Registrar requires that the owner is a primary producer in this State;

and

(b) undertakes that, unless the balance of the prescribed registration fee is paid, the motor tractor will not be used on roads except for the purposes mentioned in subsection (2),

the registration fee for that motor tractor is one-quarter of the prescribed registration fee.

(2) The purposes referred to in subsection (1) are—

(a) transporting produce of the primary producer's land from that land to the nearest railway station, or if there is a port nearer to that land than any railway station then to that port;

(b) transporting any such produce to a place not more than 24 kilometres from that land for the purpose of the packing, processing, delivery to a carrier, or sale;

(c) transporting goods intended for consumption or use on the land of the primary producer from any such railway station, port or place to that land.

Registration fees for prospectors' vehicles

36. If the owner of a commercial motor vehicle—

(a) satisfies the Registrar by a certificate from the Director-General of Mines and Energy or such other evidence as the Registrar requires that the owner is a prospector whose principal business consists in prospecting for metals or minerals;

and

(b) undertakes that, unless the balance of the prescribed registration fee is paid, the motor vehicle will be used on roads solely or mainly for carrying plant, tools, stores or other equipment used in connection with prospecting, or metals or minerals won by the owner from the soil,

the registration fee for the vehicle is one-half of the prescribed registration fee.

Registration fees for vehicles in outer areas

37. (1) In this section—

"outer area" means—

(a) the whole of Kangaroo Island;

(ab) the area of the District Council of Coober Pedy;

(ac) the area of the District Council of Roxby Downs;

or

(b) all other parts of the State that are not within a municipality, a district council area or Iron Knob.

(1a) In subsection (1)—

"Iron Knob" means all that portion of County of Manchester within a circle having a radius of 2 415 metres and its centre at the south-western corner of Allotment 270, town of Iron Knob.

(2) If the owner of a motor vehicle undertakes that, unless the balance of the prescribed registration fee is paid, the motor vehicle will, during the period for which registration is applied for—

(a) be used wholly or mainly in outer areas;

(b) be in the possession and under the control of a person who resides in an outer area;

and

(c) be usually kept at premises situated in an outer area,

the registration fee is one-half of the prescribed registration fee.

Registration fees for incapacitated ex-servicemen

38. (1) If the Registrar is satisfied by such evidence as the Registrar requires that—

(a) a motor vehicle is owned by a person who has been a member of a naval, military or air force of Her Majesty;

(b) the owner, as a result of service in a naval, military or air force, is totally and permanently incapacitated, or is blind, or has lost a leg or foot, or receives under the laws of the Commonwealth relating to repatriation a pension at the rate for total incapacity, or a pension granted by reason of impairment of the power of locomotion at a rate not less than 75 per cent of the rate for total incapacity;

and

(c) the motor vehicle will, during the period for which it is sought to be registered, be wholly or mainly used for the transport of the owner,

the prescribed registration fee for that motor vehicle must be reduced by the prescribed amount.

(2) This section does not apply to or in relation to—

(a) more than one motor vehicle owned by the same owner;

or

(b) any motor vehicle in respect of the registration of which a reduced fee is payable pursuant to any provision of this Act other than this section.

(3) If the registered owner of a motor vehicle that has been registered at a reduced fee in accordance with this section dies, or ceases to be the owner of the vehicle, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void upon the expiration of that period.

Reduced fees for certain concession card holders

38a. (1) If the Registrar is satisfied by such evidence as the Registrar requires that the owner of a motor vehicle—

(a) is entitled, as the holder of—

(i) a State Concession Card issued by the Department for Community Welfare;

or

(ii) a pensioner entitlement card issued under any Act or law of the Commonwealth,

to travel on public transport in this State at reduced fares;

and

(b) the motor vehicle will, during the period for which it is sought to be registered, be wholly or mainly used for the transport of the owner,

the prescribed registration fee for that motor vehicle must be reduced by the prescribed amount.

(2) This section does not apply to or in relation to—

(a) more than one motor vehicle owned by the same owner;

or

(b) any motor vehicle in respect of the registration of which a reduced fee is payable pursuant to any provision of this Act other than this section.

(3) If the registered owner of a motor vehicle that has been registered at a reduced fee in accordance with this section dies, or ceases to be the owner of the vehicle, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void on the expiration of that period.

Registration fees for trailers owned by certain concession card holders

38ab. (1) If the Registrar is satisfied by such evidence as the Registrar requires that the owner of a trailer—

(a) is entitled, as the holder of—

(i) a State Concession Card issued by the Department for Community Welfare;

or

(ii) a pensioner entitlement card issued under any Act or law of the Commonwealth,

to travel on public transport in this State at reduced fares;

and

(b) the trailer will, during the period for which it is sought to be registered, be wholly or mainly employed in the personal use of the owner,

the prescribed registration fee for that trailer must be reduced by the prescribed amount.

(2) This section does not authorize the registration at a reduced fee of more than one trailer owned by the same owner.

(3) If the registered owner of a trailer that has been registered at a reduced fee in accordance with this section dies, or ceases to be the owner of the trailer, the registration will, subject to this Act, continue in force for a period of one month after death, or the cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void on the expiration of that period.

Registration fees for certain incapacitated persons

38b. (1) If the Registrar is satisfied by such evidence as the Registrar requires that the owner of a motor vehicle—

(a) in consequence of the loss of the use of one or both legs, is permanently unable to use public transport;

and

(b) the motor vehicle will, during the period for which it is sought to be registered, be wholly or mainly used for the transport of the owner,

the prescribed registration fee for that motor vehicle must be reduced by the prescribed amount.

(2) This section does not apply to or in relation to—

(a) more than one motor vehicle owned by the same owner;

or

(b) any motor vehicle in respect of the registration of which a reduced fee is payable pursuant to any provision of this Act other than this section.

(3) If the registered owner of a motor vehicle that has been registered at a reduced fee in accordance with this section dies, or ceases to be the owner of the vehicle, the registration will, subject to this Act, continue in force for a period of one month after death, or the

cessation of ownership, and will, unless the balance of the prescribed registration fee is paid, become void on the expiration of that period.

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Balance of registration fee

40. Where a vehicle has been registered at a reduced registration fee, the owner of the vehicle may, at any time while that registration is in force, pay to the Registrar the balance of the prescribed registration fee, and thereafter during the balance of the period for which it was registered, the vehicle may be used as if it had been registered upon payment of the prescribed registration fee.

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Refund of part of registration fee on eligibility for reduced fee

40a. Where a vehicle has been registered upon payment of the prescribed registration fee and the owner of the vehicle becomes entitled to an exemption from, or reduction of, registration fees at any time during the period for which the vehicle is registered, the Registrar has a discretion to refund to the owner of the vehicle such part of the registration fee as the Registrar thinks just in the circumstances.

Misuse of vehicles registered at reduced fees or without fee

41. (1) In this section—

"motor vehicle of restricted registration" means a motor vehicle—

(a) registered for a period in respect of which no registration fee has been paid;

or

(b) registered for a period in respect of which only a reduced registration fee has been paid.

* * * * * * * * * *

(2) A person must not use or keep a motor vehicle of restricted registration for a purpose or in circumstances contrary to the terms of a statement or undertaking that was made in connection with the application for registration, or transfer of registration, of the vehicle.

Penalty: Division 9 fine.

(3) Where a person has been convicted of an offence under this section, the court may order, in addition to any penalty it may have imposed, that the convicted person pay to the Registrar within a period specified in the order—

(a) if the motor vehicle was registered without fee—the whole of the prescribed registration fee that would have been payable in respect of the period of registration during which the offence was committed had the motor vehicle not qualified for restricted registration;

or

(b) if the motor vehicle was registered at a reduced fee—the balance between the fee paid and the prescribed registration fee that would have been payable in respect of the period of registration during which the offence was committed had the motor vehicle not qualified for restricted registration,

together with the stamp duty (if any) that would have been payable by the convicted person upon the application for that period of registration had the motor vehicle not qualified for restricted registration.

(4) Upon making an order under subsection (3), the court must notify the Registrar in writing of the terms of the order.

(5) Notwithstanding any other provision of this Act, registration fees paid pursuant to an order under subsection (3) are not refundable upon subsequent cancellation of registration.

Registration not transferable where vehicle registered at a reduced fee or for no fee

42. The registration of a motor vehicle that has been registered at a reduced registration fee or without payment of a fee is not transferable unless the transferee satisfies the Registrar by such evidence as the Registrar requires that the transferee is entitled to the same exemption from or reduction of registration fees as the transferor.

Short payment, etc.

43. (1) Where any amount is payable to the Registrar for registration, or insurance, in respect of a motor vehicle—

(a) because the motor vehicle was incorrectly described in the application for registration of the motor vehicle and the vehicle was consequently registered or insured for less than the full amount payable in respect of the vehicle;

(b) because of any alteration of, or addition to, the motor vehicle;

or

(c) for any other reason,

the Registrar may by notice in writing served personally or by post upon the registered owner of the motor vehicle demand payment of that amount.

(2) The amount referred to in subsection (1) may be recovered by the Registrar as a debt in any court of competent jurisdiction.

(3) Where the amount referred to in subsection (1) is not paid within 14 days after the service of a notice under that subsection, the Registrar may, by notice in writing served personally or by post upon the person registered as the owner of the motor vehicle, cancel the registration.

(4) The Registrar may, without any authority or appropriation other than this subsection, refund upon cancellation of the registration of a motor vehicle under this section such proportion of the amount paid to the Registrar by the person in whose name the motor vehicle was registered, as the Registrar thinks just.

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(6) Where the registration of a motor vehicle is cancelled or void pursuant to the provisions of this section, the Registrar may, by notice in writing served personally or by post upon the person in whose name the motor vehicle was, or purported to be, registered, direct the person to return a registration label issued in respect of the motor vehicle or to destroy it in accordance with the regulations.

(7) A person must not fail to comply with a direction under subsection (6).

Penalty: Division 10 fine.

Duty to notify change in vehicles and tyres

44. (1) If while the registration of a motor vehicle is in force any of the alterations or additions mentioned in subsection (2) are made to the vehicle, the registered owner must, within 14 days after making that alteration or addition, give written notice to the Registrar containing particulars of the alteration or addition.

(2) The alterations and additions referred to in subsection (1) are the following:

(a) any alteration of or addition to the motor vehicle by which its power or mass is increased;

(b) the removal of the engine by which the vehicle is driven and the substitution of another engine;

(c) in the case of a motor vehicle having no tyres other than pneumatic tyres, the removal of a pneumatic tyre and the substitution of a tyre other than a pneumatic tyre;

(d) in the case of a vehicle having no metal tyres, the removal of a tyre and the substitution of a metal tyre;

(e) the attachment of a sidecar to a motor cycle not having a sidecar;

(f) any alteration or addition by which a motor vehicle that is not a commercial motor vehicle is converted into a commercial motor vehicle;

(g) any alteration or addition prescribed by the regulations.

(3) Within 28 days after making any of the alterations or additions mentioned in subsection (2), the registered owner of the motor vehicle must pay an additional fee calculated by the Registrar on the basis of the difference between the amount of the registration fee actually paid and the amount which would have been payable if the alteration or addition had been made at the time of registration, in relation to the number of months of the registration period unexpired at the time of the making of the alterations or additions and, for the purpose of this subsection, a portion of a month will be treated as a month.

(4) A person must not fail to comply with a requirement of this section.

Penalty: Division 10 fine.

(5) In proceedings for an offence against this section, the court may, in addition to imposing a fine, order the defendant to pay to the Registrar any additional fee for which the defendant is liable under subsection (3).

Refund where vehicle altered

45. If a motor vehicle is altered during the period for which it was registered and the alteration is such that, if it had been made before the registration, the fee for that registration would have been less than the amount paid, the Registrar has a discretion to refund to the owner of the vehicle such part of the registration fee as the Registrar thinks just in the circumstances.

Numbers and Number Plates

Allotment of number on registration

46. (1) On registering a motor vehicle under this Act, the Registrar must allot a number to the vehicle.

(2) The Registrar may, at any time, vary or amend the number allotted to a vehicle under subsection (1).

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Duty to carry number plates

47. (1) A person must not drive a motor vehicle on a road unless—

(a) a number plate or plates—

(i) that conform to the specifications and design prescribed for number plates of a class established under section 47a;

and

(ii) that bear the number allotted to the vehicle under this Act,

are attached to the vehicle in accordance with the regulations;

or

(b) the number allotted to the vehicle under this Act is marked on the vehicle in accordance with the regulations.

Penalty: Division 10 fine.

(2) This section does not apply to—

(a) a motor vehicle exempted from registration under this Act;

(b) a motor vehicle in relation to which a permit has been issued under this Act permitting the vehicle to be driven without registration;

(ba) an owner of a registered motor vehicle during the period between application to the Registrar for a number plate or plates and expiry of the day following the day on which the number plate or plates are delivered to the owner;

or

(c) a person who fails to comply with this section by reason of damage caused by a collision or other road accident where the person has had no reasonable opportunity to repair the damage.

Classes of number plates and agreements for the allotment of numbers

47a. (1) The Registrar may, by notice published in the *Gazette*, establish different classes of number plates and prescribe the specifications and design to which number plates of each class must conform.

(2) The Registrar may, in a notice under subsection (1), declare that number plates of a particular class may not be attached to a motor vehicle except pursuant to an agreement under subsection (4).

(3) The Registrar may, by notice published in the *Gazette*, vary or revoke a notice under this section.

(4) The Registrar may enter into an agreement with a person providing for any of the following matters:

(a) the right to be allotted a particular number in respect of a vehicle registered or to be registered in the person's name;

(b) the right to attach number plates of a particular class to a vehicle registered or to be registered in the person's name;

(c) the assignment of rights conferred under the agreement;

(d) such other matters relating to registration numbers or number plates as the Registrar thinks fit.

(5) An agreement may be made under subsection (4)—

(a) upon payment to the Registrar of such fee as the Registrar may require;

or

(b) by the sale by public auction of rights of the kind referred to in that subsection.

(6) This section does not affect the duty of the Registrar, in the absence of any agreement under subsection (4), to allot a number to a vehicle upon registering the vehicle.

(7) A person must not drive a motor vehicle on a road, being a vehicle to which a number plate or plates of a class in respect of which a declaration has been made under subsection (2) are attached, unless the registered owner of the vehicle acquired the right to attach the number plate or plates to the vehicle pursuant to an agreement under subsection (4).

Penalty: Division 10 fine.

Issue of number plates

47b. (1) The owner of a motor vehicle to which a number has been allotted under this Act may obtain a number plate bearing that number—

(a) upon payment of the prescribed fee, from the Registrar;

or

(b) from a person approved by the Minister to sell or supply number plates.

(2) No person other than a person approved by the Minister may sell or supply number plates of a kind required to be attached to motor vehicles under this Act.

Penalty: Division 10 fine.

Registration Labels

Registration labels

48. (1) At the time of registering a motor vehicle, the Registrar must issue to the registered owner or an agent of the owner a certificate or an interim certificate of registration in a form determined by the Minister relating to that motor vehicle and a registration label having printed or written on it particulars of that motor vehicle, the duration of the registration, and any other matters that the Registrar thinks it proper to insert.

(1a) The Registrar may, at any time, issue to the registered owner, or the agent of the registered owner, of a motor vehicle an amended registration label complying with subsection (1) and may, by notice in writing served personally or by post, direct the registered owner or agent to destroy the label previously issued in such manner as the Registrar thinks fit and specifies in the notice.

(1b) A person must not fail to comply with a direction under subsection (1a).

Penalty: Division 11 fine.

(2) The registration label or, where an amended registration label has been issued, the amended registration label must throughout the period during which the registration remains in force be affixed to and carried on the motor vehicle for which it is issued, in accordance with the regulations.

(3) A person must not drive on a road a motor vehicle registered under this Act that does not carry the registration label or, where an amended registration label has been issued, the amended registration label issued for that vehicle under this section, or that carries the label otherwise than in conformity with all the requirements of this section and the regulations.

Penalty: For a first offence—a division 11 fine.
For a subsequent offence—a division 10 fine.

(4) It is a defence to a charge under subsection (3) if the defendant proves that the motor vehicle was driven on a road under circumstances under which this Act or the regulations provide that a motor vehicle on which a registration label or permit is not affixed may be driven.

Temporary permit

49. (1) Where an application has been made for the registration of a motor vehicle, and—

(a) the application is not entirely in order;

(b) the owner of the vehicle is at the time of lodging the application unable to supply all the information required for assessing the registration fee;

(c) the Registrar has refused to register the motor vehicle until the correctness of the particulars disclosed in the application for registration has been investigated;

or

(d) the full amount payable to the Registrar in respect of the application has not been paid,

the Registrar may, upon such terms and conditions as the Registrar thinks fit, issue a permit in respect of the motor vehicle, which will be effective for a period specified in the permit.

(2) Where a permit has been issued under subsection (1), the motor vehicle will while the permit remains in force be taken to be duly registered under this Act.

(3) A policy of insurance under Part IV will, subject to this Act, be in force in respect of a motor vehicle for which a permit has been issued under this section from the time of the granting of the permit until the expiration of the period for which registration has been applied for, and a further period of grace in accordance with that Part.

(4) A permit granted under this section ceases to have any force or effect—

(a) when the registration label issued in respect of the motor vehicle is affixed to the motor vehicle;

or

(b) upon the expiration of the period for which the permit was granted,

whichever first occurs.

(5) The permit must throughout the period for which it remains in force be affixed to the vehicle to which it relates in the position prescribed for the carrying of a registration label.

(6) A person must not drive a motor vehicle in respect of which a permit is in force under this section unless the permit is affixed to the vehicle in accordance with subsection (5).

Penalty: Division 11 fine.

(7) Where the application for registration is subsequently granted, the registration will be taken to have commenced from such time as the Registrar may specify.

(8) The holder of a permit under this section may, at any time, apply for cancellation of the permit, and the Registrar, if satisfied—

(a) that the permit has been destroyed;

or

(b) that the motor vehicle has been stolen or destroyed,

must cancel the permit and refund to the applicant a proportion of the registration fee computed in accordance with the regulations, less the prescribed cancellation fee.

(9) If upon the expiration of one month from the expiry of a permit issued under this section the applicant has not applied for a further permit and the Registrar is unable to grant registration to the applicant, the Registrar may, by notice in writing served personally or by

post upon the applicant, refuse the application for registration and refund such proportion of the registration fee as the Registrar thinks appropriate.

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Permit to drive where label lost or destroyed

50. (1) If the owner of a motor vehicle—

(a) produces to a member of the police force stationed at a police station more than 40 kilometres by a direct line from the General Post Office at Adelaide the current registration certificate issued in respect of the motor vehicle;

and

(b) satisfies that member of the police force that the registration label issued in respect of the vehicle has not been received by the owner or any person on the owner's behalf, or has been lost or destroyed, and that an application in the proper form for a duplicate label together with the prescribed fee have been forwarded to the Registrar,

the member of the police force may issue a permit permitting the motor vehicle to be driven on roads without carrying a registration label during the period of operation of the permit.

(2) A permit granted under this section—

(a) has no force except while it is affixed to the vehicle to which it relates in the position prescribed for the carrying of a registration label;

and

(b) ceases to have effect upon the expiration of the current registration of the vehicle or upon the expiration of 14 days after the issue of the permit, whichever is earlier.

Issue of new label on loss or destruction

51. (1) If the Registrar is satisfied by statutory declaration or such other evidence as the Registrar may require that the registration label issued in respect of any motor vehicle has not been received by the owner, or has been lost or destroyed, the Registrar may issue a permit or a duplicate label upon payment of the prescribed fee; but the Registrar may remit the fee if of the opinion that reasonable cause exists for doing so.

(2) A permit issued under this section—

(a) remains in operation until the expiration of the date shown on the permit;

and

(b) has no force except while it is affixed to the vehicle to which it relates in the position prescribed for the carrying of a registration label.

Destruction of registration label

52. (1) If the registration of a motor vehicle becomes void before the expiration of the period for which it was granted, the Registrar or a person authorized by the Registrar, a member of the police force or an inspector, may remove from that vehicle the registration label relating to that registration and for the purpose of so doing may at any reasonable time enter and remain upon any land or premises.

(2) A person must not hinder any person in the exercise of any power conferred by this section.

Penalty: Division 10 fine.

Offences in connection with registration labels and permits

53. (1) A person must not—

(a) drive on a road a motor vehicle on which is affixed a registration label or permit that has ceased to be in force, or that has been issued in respect of any other motor vehicle;

(b) without lawful excuse have in his or her possession a registration label or permit or an article resembling a registration label or permit and liable to be mistaken for one;

(c) drive on a road a motor vehicle on which is affixed any registration label or permit that has been altered, defaced, mutilated or added to;

or

(d) drive on a road a motor vehicle on which is affixed any colourable imitation of a registration label or permit.

Penalty: Division 10 fine.

(2) In this section—

"permit" means a permit that permits a vehicle to be driven on roads without carrying a registration label.

Cancellation and Transfers of Registration

Cancellation of registration and refund

54. (1) A person registered as the owner of a motor vehicle may, at any time, apply for cancellation of the registration of the vehicle, and the Registrar, if satisfied—

(a) that the current registration label issued for the vehicle has been destroyed in accordance with the regulations;

or

(b) that the vehicle has been stolen or destroyed,

must cancel the registration.

(2) Where a registration is cancelled under this section, the Registrar must pay, or place to the credit of, the applicant the prescribed refund less the prescribed cancellation fee.

Amount of prescribed refund

55. (1) *(a)* The prescribed refund will be in respect of the period of registration unexpired at the time when the registration label is destroyed in accordance with the regulations or is delivered to the Registrar; but if the application for cancellation is delivered to the Registrar more than one month after the destruction or delivery of the label, the period unexpired may be calculated at the discretion of the Registrar or from the time when the application for cancellation is delivered to the Registrar.

(b) The amount of refund will be calculated by multiplying one-twelfth of the full annual registration fee by the number of complete months unexpired and by adding to the product the product of one three hundred and sixty-fifth of the annual registration fee and the number of days in excess of complete months unexpired; but in calculating the amount of refund, any amount of cents not exceeding five cents will be excluded and any amount of cents exceeding five cents will count as ten cents.

(2) The prescribed cancellation fee must be deducted from each refund under this section.

(3) Where the prescribed refund is less than the prescribed cancellation fee, it will not be paid or credited but will be retained by the Registrar as a cancellation fee.

Duty of transferor on transfer of vehicle

56. Where the ownership of a motor vehicle is transferred (whether on a sale or other transaction) at any time during the currency of its registration, the transferor must within seven days after the transfer either—

(a) apply for cancellation of the registration after having destroyed the registration label in accordance with the regulations or having delivered it to the Registrar;

or

(b) give the Registrar a notice of transfer of the vehicle in a form determined by the Minister setting out the full name and address of the transferee and the date of the transfer.

Penalty: Division 10 fine.

Duty of transferee on transfer of vehicle

57. (1) Where the ownership of a registered motor vehicle is transferred not later than seven days before the expiration of its registration and an application to cancel registration is not duly made within seven days after the transfer, the transferee must within seven days after the transfer deliver to the Registrar an application in a form determined by the Minister to transfer the registration to the transferee, and the prescribed fee for the transfer and the stamp duty (if any) payable on the application.

Penalty: Division 10 fine.

(1a) Where—

(a) the transferee fails to lodge an application required under subsection (1) within seven days of the transfer of the vehicle;

and

(b) the transferee—

(i) lodges the application after the expiration of that period;

or

(ii) lodges an application to register the vehicle,

the Registrar may charge, in addition to the fee prescribed under this Act for the transfer or registration, a late payment fee determined in accordance with the regulations.

(2) The Registrar may, if satisfied that reasonable cause exists for doing so, extend the time for making an application for transfer of registration.

Transfer of registration

58. When a notice of transfer of a vehicle and an application to transfer the registration are duly delivered to the Registrar and the prescribed transfer fee and the stamp duty (if any) payable on the application paid, the Registrar must register the vehicle in the name of the transferee for the balance of the period of registration.

Non-transferable registrations

59. If a registration is not transferable, no application to transfer the registration may be required or made.

Registration to be void if not cancelled or transferred

60. (1) If the registration of a motor vehicle is neither cancelled nor transferred within 14 days after the transfer of ownership of the vehicle—

(a) the registration becomes void upon the expiration of that period;

and

(b) the Registrar cannot transfer the registration, but must cancel it,

but where the transferee or any subsequent transferee within 14 days after the transfer of the vehicle or within such longer time as the Registrar fixes has made a proper application to transfer the registration and paid the transfer fee and the stamp duty (if any) payable on the application, the Registrar may, on being satisfied that the ownership of the vehicle has been transferred to the applicant, register the vehicle in the name of the applicant for the balance of the period of registration, without receiving a notice of transfer from the transferor.

(2) The Registrar, after cancelling the registration, may, on application by the transferee, make a refund in respect of the unexpired period of the registration less the prescribed amount.

Hire-purchase transactions

61. (1) Where a motor vehicle is registered in the name of a person who takes the vehicle on hire in pursuance of a hire-purchase agreement, the passing of the ownership of the vehicle to that person is not a transfer within the meaning of this Act.

(2) Where—

(a) an owner has, pursuant to a hire-purchase agreement, repossessed a motor vehicle registered in the name of the person who took the vehicle on hire in pursuance of the agreement;

and

(b) the hirer has lost any legal right to obtain the return of the vehicle,

section 57 applies in relation to the owner as if—

(c) the hirer had transferred the ownership of the vehicle to the owner at the time the right to obtain the return of the vehicle was lost;

and

(d) the reference to "the transferee" in that section were a reference to "the owner",

and sections 58 and 60 have effect accordingly.

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(4) Where a hirer of a motor vehicle in whose name the vehicle is registered—

(a) returns the vehicle to the owner on termination of the hiring;

or

(b) if the vehicle is the subject of a hire-purchase agreement, voluntarily returns the vehicle to the owner,

the return will be taken to be a transfer for the purposes of sections 56, 57, 58 and 60.

Trader's Plates

Issue of trader's plates

62. (1) There are two kinds of trader's plates: general trader's plates and limited trader's plates.

(2) Subject to this section, the Registrar may, upon payment of the prescribed fee, issue—

(a) to any person engaged in the business of manufacturing, repairing, or dealing in motor vehicles and who has suitable premises for that purpose, such number

and kind of trader's plates as the Registrar considers necessary, having regard to the business requirements of that person;

(b) to any manufacturer of agricultural machinery, such number of limited trader's plates as the Registrar considers necessary for attachment to agricultural machinery driven or drawn on roads in the course of the business of that manufacturer.

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(4) The Registrar must keep a record showing the name and place of business of every person to whom a trader's plate has been issued under this section.

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(6) The Registrar may issue a trader's plate to any person or persons in a business name registered in accordance with the *Business Names Act, 1963*, under which that person or those persons carry on business.

(7) A trader's plate will be taken to have been issued on a date determined by the Registrar in respect of that trader's plate and will not be effective for the purposes of this Act before that date.

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Specifications of plates

64. Every trader's plate must bear a distinctive number and conform to such specifications as the Registrar may determine.

Duration

65. A trader's plate will be issued for a period expiring on 31 December following the date on which it was issued, and may be reissued for successive periods of 12 months.

Use of general trader's plates

66. (1) In this section—

"the trader", in relation to a general trader's plate, means the person to whom the plate was issued.

(2) A motor vehicle to which a general trader's plate is affixed in accordance with the regulations may be driven on a road in accordance with the following provisions and not otherwise:

(a) any person may drive the vehicle for any purpose directly connected with a business carried on by the trader and being either—

(i) a business of manufacturing, repairing or dealing in motor vehicles;

or

(ii) a business of manufacturing or repairing mechanical or electrical goods carried on in conjunction with a business of manufacturing, repairing or dealing in motor vehicles;

(b) any customer of the trader or any employee of any such customer may drive the vehicle for any purpose while the vehicle is on loan from the trader to the customer and a vehicle owned by the customer is in possession of the trader for the purpose of being repaired, altered, added to or tested by the trader;

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(d) if the vehicle is a motor car or if its mass does not exceed 1 780 kilograms, and upon a sale of the vehicle by the trader it is delivered to the buyer on a day when the office of the Registrar is not open for business, the buyer or any person authorized by the buyer may drive that vehicle for any purpose until the expiration of the first day on which the office of the Registrar is open for business after the day on which the vehicle was delivered.

(3) Where a motor vehicle to which a general trader's plate is affixed is driven otherwise than in accordance with subsection (2)—

(a) the driver of the vehicle;

and

(b) where the driver of the vehicle is not the trader, the trader,

are each guilty of an offence.

Penalty: Division 9 fine.

Use of limited trader's plates

67. (1) In this section—

"the trader", in relation to a limited trader's plate, means the person to whom the plate was issued.

(2) A motor vehicle to which a limited trader's plate is affixed in accordance with the regulations may be driven on a road by any of the following persons, namely:

(a) the trader;

(b) a partner of the trader or, where the trader is a company, a member of that company;

(c) a salaried officer or regular employee of the trader;

(d) a prospective purchaser of the motor vehicle accompanied (except in the case of a motor cycle) by a person referred to in paragraph *(a)*, *(b)* or *(c)*;

(e) a purchaser of the motor vehicle resident in another State;

or

(f) in the case of a limited trader's plate issued to a manufacturer of agricultural machinery, a person engaged or employed (whether as a servant of the manufacturer or as an independent contractor or as a servant of an independent contractor) to drive or draw agricultural machines in the course of the business of that manufacturer.

(3) A motor vehicle to which a limited trader's plate is affixed must not be driven on a road—

(a) except in the course of a business carried on by the trader being—

(i) a business of manufacturing, repairing or dealing in motor vehicles;

(ii) a business of manufacturing agricultural machinery;

or

(iii) a business of manufacturing or repairing mechanical or electrical goods carried on in conjunction with a business of manufacturing, repairing or dealing in motor vehicles;

and

(b) except for the purpose of—

(i) proceeding to a workshop for painting or repairs, or returning from a workshop after painting or repairs;

(ii) trial during, or immediately after, construction or repairs for the purpose of ascertaining whether it is in proper working condition;

(iii) trial for the benefit of a prospective purchaser, or a person genuinely interested in the sale or exchange of the vehicle;

(iv) proceeding to, or returning from, a prospective purchaser for or after trial;

(v) proceeding for delivery to a purchaser, or being driven by a purchaser resident in another State to a place within that State;

(vi) proceeding to a railway station or a wharf for transport or shipment;

(vii) proceeding from a railway station or wharf to the premises of a manufacturer or dealer;

(viii) proceeding to an exhibition or show for display or trial, or returning from such an exhibition or show;

(ix) proceeding to, or returning from, any garage, auction room, or other place at which vehicles are stored, or offered for sale, and at which the vehicle is to be, or has been, stored, or is to be, or has been, offered for sale;

or

(x) proceeding to, returning from or towing a motor vehicle that has become incapable of proceeding under its own motive power.

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(4) A motor vehicle to which a limited trader's plate is affixed must not be driven on a road—

(a) on a public holiday for any purpose other than a purpose permitted by the regulations;

or

(b) on any day for any purpose prohibited by the regulations.

(5) Where a motor vehicle to which a limited trader's plate is affixed is driven in contravention of any provision of this section—

(a) the driver of the vehicle;

and

(b) where the driver of the vehicle is not the trader, the trader,

are each guilty of an offence.

Penalty: Division 9 fine.

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Return of trader's plates and refunds

70. (1) A person to whom a trader's plate has been issued may surrender it to the Registrar at any time.

(2) Subject to section 71, if a person who holds a trader's plate ceases to carry on the business in relation to which that plate was issued, the person must, within seven days of ceasing to carry on that business—

(a) in the case of the purchase or acquisition of the business by another person, notify the Registrar in writing of the name and address of that other person and the date of the sale or acquisition;

or

(b) in any other case, surrender the plate to the Registrar.

Penalty: Division 10 fine.

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(4) Where a person fails to surrender a trader's plate pursuant to subsection (2), a member of the police force or an inspector may take possession of the trader's plate and for that purpose enter and search any premises or place.

(5) Where a person surrenders a trader's plate to the Registrar pursuant to this section before 31 March next following the issue of the plate to the person, the Registrar must pay or credit to that person an amount arrived at by multiplying one-twelfth of the prescribed annual fee by the number of complete calendar months unexpired.

Transfer of trader's plates

71. (1) A person must, within seven days of purchasing or acquiring a business in relation to which a trader's plate is held, apply in writing to the Registrar for the transfer of that plate.

Penalty: Division 10 fine.

(2) Upon an application under this section, the Registrar may, upon payment of the prescribed fee, cause the trader's plate to be transferred to the person who has purchased or acquired the business for the remainder of the period for which the plate was issued.

(3) The transferee of a trader's plate will for the purposes of this Act be taken to be the person to whom that plate was issued.

Registration in Business Names

Registration in business names

71a. (1) Where an application for registration is made by a person carrying on a business the name of which is registered under the *Business Names Act, 1963*, the Registrar may, notwithstanding the preceding provisions of this Part, register the motor vehicle in that business name.

(2) Upon registration of a motor vehicle under this section, the provisions of this Act apply and have effect in relation to each person who is carrying on the business as if that person were the owner of the motor vehicle, but it will be sufficient compliance with any such provision if any one of those persons discharges the obligations imposed by the provision on the owner.

PART III

DRIVERS' LICENCES

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Classification of licences

72. (1) A licence must be endorsed with one or more of the prescribed classifications.

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(7) Subject to this Act, where a person applies for the grant of a licence, the licence, if granted, must be endorsed with any classification for which the person has applied.

(8) Subject to this Act, where a person applies for the renewal of a licence, the licence, if renewed, must be endorsed with the classification with which the licence was endorsed immediately prior to renewal.

(9) Where an applicant for the renewal of a licence applies for the endorsement of any further or other classification upon the licence, and satisfies the Registrar, by such evidence as the Registrar may require, that the applicant is competent to drive a motor vehicle in respect of which that further or other classification is required under this Act, the licence, if renewed, must be endorsed with that further or other classification.

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Register of licences

73. (1) The Registrar must keep a register of the names and addresses of all licensed drivers, and of all endorsements on, and renewals, suspensions, and cancellations of, licences.

(2) The register will contain such other information as the Registrar thinks necessary for the administration of this Act and will be in a form determined by the Registrar.

Duty to hold licence or learner's permit

74. (1) Subject to this Act, a person must not drive a motor vehicle on a road unless the person holds an appropriate licence or a learner's permit.

Penalty: Division 10 fine.

(1a) A person who drives a motor vehicle on a wharf for the purpose of loading or unloading cargo is not required to comply with subsection (1) while so driving.

(2) "Appropriate licence", in relation to the driving of any motor vehicle, means a licence which authorizes the holder to drive motor vehicles of the class to which that motor vehicle belongs.

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Issue and renewal of licences

75. (1) Subject to this Act, the Registrar must issue a licence to, or renew the licence of, any person who—

(a) makes a written application for the licence or renewal in a form determined by the Minister;

(b) forwards with the application the prescribed fee;

and

(c) has complied with any requirements of the Registrar under section 77b.

(2) A licence will be in a form determined by the Minister.

(3) Where an application is made for the issue, or renewal, of a licence, the Registrar, if satisfied that the circumstances of the case justify the issue of a temporary licence under this section, may, upon payment of such fee (if any) and subject to such terms and conditions as the Registrar considers appropriate, issue a temporary licence and the licence will be valid—

(a) until the application is determined or, where the application is not entirely in order, until a proper application is made and determined;

or

(b) until the expiration of one month from the date of the issue of the temporary licence,

whichever is the lesser.

(4) A person must not contravene a condition inserted in a licence pursuant to this section.

Penalty: Division 10 fine.

Only one licence to be held at any time

75aa. (1) The Registrar must not issue a licence or learner's permit to a person who holds an interstate licence unless the person—

(a) surrenders the interstate licence to the Registrar;

and

(b) provides the Registrar with a letter addressed to the authority that issued the interstate licence requesting the authority to cancel the licence.

(2) Where a person who holds an interstate licence is issued with a licence or learner's permit under this Act, the interstate licence will, for the purposes of this Act, be taken to have been cancelled on the date of issue of the licence or permit under this Act.

(3) Where a person who holds a licence or learner's permit under this Act is issued with an interstate licence, the licence or permit under this Act will, for the purposes of this Act, be taken to have been cancelled on the date of issue of the interstate licence.

Learner's permits

75a. (1) Subject to this Act, the Registrar must issue a learner's permit to any person who—

(a) makes a written application for the permit in a form determined by the Minister;

(b) forwards with the application the prescribed fee;

(c) has passed the examination prescribed in section 79;

and

(d) has complied with any requirements of the Registrar under section 77b.

(2) A learner's permit—

(a) will be in a form determined by the Minister;

(b) authorize the holder of the permit to drive a motor vehicle on roads—

(i) during the period specified in the permit;

and

(ii) subject to the conditions imposed by or under subsection (3);

and

(c) while the conditions to which the permit are subject are observed, have effect as a licence.

(3) A learner's permit is subject to the following conditions:

(a) a condition that the holder of the permit must not drive a motor vehicle, or attempt to put a motor vehicle in motion, on a road while there is present in his or her blood the prescribed concentration of alcohol;

(b) a condition that the holder of the permit must not drive a motor vehicle at a speed exceeding by 10 kilometres an hour or more a speed limit that applies under the *Road Traffic Act, 1961*, or this Act;

(c) a condition that the holder of the permit must not drive a motor vehicle on a road unless one plate bearing the letter "L" is affixed to the vehicle in accordance with the regulations;

(d) a condition that the holder of the permit must not drive a motor vehicle on a road—

(i) being a motor vehicle other than a motor cycle—unless another person who holds a driver's licence authorizing the person to drive that motor vehicle (not being a probationary licence) occupies a seat in the vehicle next to the holder of the permit;

or

(ii) being a motor cycle—unless any person who is carried by the holder of the permit as a passenger on the motor cycle or in a sidecar attached to the motor cycle is the holder of a driver's licence authorizing the person to drive that motor cycle (not being a probationary licence);

(da) a condition that the holder of the permit must at all times when driving a motor vehicle on a road carry the permit and produce it forthwith if requested to do so by a member of the police force;

and

(e) any other condition—

(i) limiting the kind of vehicle that may be driven pursuant to the permit;

(ii) limiting the hours during which or the locality within which a vehicle may be driven pursuant to the permit;

or

(iii) imposing any other restriction,

that the Registrar thinks necessary.

(3aa) A condition imposed on a learner's permit by the Registrar under subsection (3) *(e)* must be endorsed on the permit.

(3a) In this section—

"prescribed concentration of alcohol" means any concentration of alcohol in the blood.

(3b) The conditions referred to in subsection (3) do not apply to the holder of a permit when driving any vehicle that the person is authorized to drive pursuant to a driver's licence.

(3c) The condition referred to in subsection (3) *(d)* does not apply to the holder of a permit when driving a motor vehicle during the course of a practical driving test conducted pursuant to this Act.

(3d) The condition referred to in subsection (3) *(da)* does not apply to the holder of the permit where the holder has parted with possession of the permit pursuant to this Act or any other Act.

(4) If an applicant is not willing to accept a learner's permit subject to the conditions imposed by or under this section, the Registrar must refuse to issue a permit to the applicant.

(5) A person must not contravene a condition of a learner's permit.

Penalty: Division 8 fine.

(5aaa) The holder of a learner's permit must not drive a motor vehicle, other than a motor cycle, on a road unless two plates bearing the letter "L" are affixed to the vehicle in accordance with the regulations.

Penalty: Division 11 fine.

(5aa) The holder of a learner's permit must not drive a motor vehicle on a road in any part of the State at a speed exceeding 80 kilometres an hour.

Penalty: Division 8 fine.

(5a) Sections 47b (2), 47c, 47d, 47e and 47g of the *Road Traffic Act, 1961*, apply in relation to an offence against subsection (5) of contravening the condition referred to in subsection (3) *(a)* as if—

(a) a reference in any of those sections to an offence against that Act were a reference to an offence against subsection (5);

and

(b) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47a of that Act were a reference to the prescribed concentration of alcohol as defined in subsection (3a).

(5b) Where the court before which a person is charged with an offence against subsection (5) of contravening a condition referred to in subsection (3) *(a)* convicts the person of the offence or finds that the charge is proved but does not proceed to conviction, the court must, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court, being not more than six months from the making of the order, a lecture conducted pursuant to the regulations.

(5c) A person must not fail, without reasonable excuse, to comply with an order under subsection (5b).

Penalty: Division 11 fine.

(5d) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (5b) is, in the absence of proof to the contrary, proof of the matter so certified.

(5e) Section 175 of the *Road Traffic Act, 1961*, applies in relation to—

(a) an offence against subsection (5) of contravening the condition referred in subsection (3) *(b)*;

or

(b) an offence against subsection (5aa),

as if a reference in that section to an offence against that Act were a reference to an offence against subsection (5) or (5aa).

(6) Sections 88 to 97, 98b and 136 apply in relation to learner's permits and to the holders of learner's permits in the same way as they apply to licences and the holders of licences; and in their application to learner's permits and the holders of learner's permits those sections will be construed as if the words "or learner's permit" were inserted wherever the word "licence" occurs.

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Issue of duplicate licence or learner's permit

77. (1) On the application of the holder of a licence or learner's permit, the Registrar may, if satisfied of the loss or destruction of the licence or learner's permit, or on the surrender of the licence or permit to the Registrar, and payment of the prescribed fee, issue to the holder a duplicate licence or learner's permit bearing all memoranda endorsed on the original licence or learner's permit that are current; but the Registrar may, for reasonable cause, remit the fee in any case.

(2) Any such duplicate will avail for all purposes as if it were the original licence or learner's permit.

Licences and learner's permits to include photographs

77a. (1) A licence (other than a temporary licence) issued or renewed after the commencement of this section must include a photograph of the holder of the licence.

(2) A learner's permit (other than a temporary learner's permit) issued or renewed after the commencement of this section must, if the Registrar so determines, include a photograph of the holder of the permit.

(3) Subject to section 77b, on the application of the holder of a licence issued before the commencement of this section, the Registrar may, on surrender of the licence and payment of an amount determined in accordance with the regulations, issue to the holder a new licence bearing a photograph of the holder and the appropriate endorsements.

(4) Where a probationary licence is issued under subsection (3), the licence expires on the expiration of the period for which the probationary conditions of the old licence would have been effective.

Power of Registrar to require photograph of applicant for licence, etc.

77b. (1) Where a photograph of a person is to be included on a licence or permit, the Registrar may, for the purpose of obtaining such a photograph—

(a) require the person to attend at a specified place for the purpose of having the person's photograph taken;

or

(b) require the person to supply to the Registrar one or more photographs of the person as specified by the Registrar.

(2) Where—

(a) a person of whom a requirement is made under subsection (1) refuses or fails to comply with the requirement;

or

(b) a photograph of a person taken or supplied pursuant to subsection (1) is not, in the opinion of the Registrar, suitable for inclusion on a licence or permit,

the Registrar may determine that the licence or permit in question not be issued or renewed as the case may be.

Temporary licences and learner's permits

77c. (1) Where—

(a) on application by a person for the issue or renewal of a licence or learner's permit, the Registrar determines that the licence or permit should be issued or renewed;

and

(b) the licence or permit must when issued or renewed include a photograph of the person,

the Registrar may issue to the person a temporary licence or temporary learner's permit pending the preparation and delivery of a licence or permit that bears a photograph of the person.

(2) A temporary licence or permit issued to a person under subsection (1)—

(a) must bear all the appropriate endorsements and has effect for all purposes as if it were the appropriate licence or permit for which the person made application;

but

(b) expires—

(i) on the day specified for that purpose in the licence or permit, being not more than one month after the date on which it is issued;

or

(ii) on the day on which the person receives the licence or permit that bears a photograph of the person,

whichever is the earlier.

Graduated licences

78. (1) A learner's permit cannot be issued to a person under the age of 16 years.

(2) Subject to subsection (3), a licence cannot be issued to a person under the age of 16 years and six months.

(3) A licence subject to conditions or restrictions by virtue of which the holder of the licence is authorized to drive only a self-propelled wheelchair may be issued to a person under the age of 16 years and six months.

Examination of applicant for driver's licence or learner's permit

79. (1) Subject to this Act, the Registrar may not issue a licence or a learner's permit to an applicant who has not held a licence at some time during the period of five years immediately preceding the date of the application unless—

(a) the applicant produces to the Registrar a certificate signed by an examiner certifying that the applicant has passed an examination conducted by the examiner, in the rules required by law to be observed by drivers of motor vehicles;

or

(b) the applicant satisfies the Registrar by such evidence as the Registrar may require that, within the period of five years immediately preceding the date of the

application, the applicant held a licence to drive a motor vehicle under the law of a State or Territory of Australia other than this State.

(2) A person will not be regarded as having passed an examination for the purposes of this section unless the person has answered correctly at least three-quarters of the questions asked in the examination. Although a person may have answered correctly at least three-quarters of the questions asked in the examination, the Registrar may treat the person as having failed if an incorrect answer has been given to any question dealing with any rule which in the Registrar's opinion is one of special importance.

(3) The following persons are examiners for the purposes of this section:

(a) every member of the police force;

and

(b) any other person appointed by the Registrar to be an examiner for the purposes of this section.

(4) The examination will consist of such number of questions as the Registrar may determine and the questions for each applicant must be selected by the examiner from a series of questions formulated and supplied by the Registrar.

(5) A person who has sat for and failed to pass an examination under this section may again sit for such an examination at any time after an interval of two clear days.

Practical driving tests

79a. The Registrar must not issue a licence to an applicant who has not held a licence at some time during the period of five years immediately preceding the date of application, unless—

(a) the applicant produces to the Registrar a certificate signed by an authorized examiner certifying that the applicant has passed a practical driving test conducted by that examiner and appropriate to the class of the licence for which application is made;

or

(b) the applicant satisfies the Registrar by such evidence as the Registrar may require that the applicant—

(i) has at some time during the period of five years immediately preceding the date of application held a licence to drive motor vehicles under the law of some place outside this State;

and

(ii) has experience such that the Registrar should issue a licence of the category for which application is made without requiring a practical driving test under this Act.

Licence or permit falsely obtained is void

79b. A driver's licence or learner's permit that is issued by the Registrar pursuant to a false or misleading statement of the applicant, or on the basis of any false evidence produced by the applicant, is void and of no effect.

Licence or learner's permit unlawfully altered or damaged is void

79ba. Where a person, without lawful authority, wilfully alters, defaces or otherwise damages a licence or learner's permit, the licence or permit is void and of no effect.

Duty on holder of licence to notify illness, etc.

79c. The holder of a learner's permit or driver's licence who suffers during the term of the permit or licence any illness or injury that may impair his or her competence to drive a motor vehicle without danger to the public must, within a reasonable time after the occurrence of the illness or injury, notify the Registrar in writing accordingly.

Penalty: Division 9 fine.

Power to test applicants

80. (1) If in the opinion of the Registrar it is desirable that the ability or fitness of an applicant for the issue or renewal of a learner's permit or driver's licence, or of the holder of a learner's permit or driver's licence, to drive a motor vehicle should be tested, the Registrar may require the person to undergo such tests or to furnish such evidence of ability or fitness to drive as the Registrar directs.

(1a) The Registrar may, with the approval of the Minister, direct that all applicants for the issue or renewal of a learner's permit or driver's licence who are of a particular class must undergo such tests, or furnish such evidence as to ability or fitness to drive a motor vehicle, or a motor vehicle of a particular class, as the Registrar may require.

(2) If a person fails to comply with a requirement of the Registrar under subsection (1) or (1a), or if, after considering the results of the tests or the evidence, the Registrar is satisfied that a person is not competent to drive a motor vehicle without danger to the public, the Registrar may refuse to issue a learner's permit or licence to that person, or suspend a learner's permit or licence issued to that person, until the person satisfies the Registrar, in such a manner as the Registrar directs, that he or she is competent so to drive a motor vehicle.

(3) The Registrar may issue to any person who has been required to undergo tests, or to furnish other evidence of ability or fitness to drive a motor vehicle, a temporary driving permit authorizing that person, subject to such conditions and restrictions as may be specified in the permit, to drive motor vehicles.

(4) A temporary driving permit has, subject to any conditions and restrictions specified in the permit, effect as a licence.

(5) A person must not contravene any condition or restriction of a temporary driving permit.

Penalty: Division 10 fine.

Restricted learner's permits and licences

81. (1) Where, in such circumstances as the Registrar thinks fit and upon such evidence as the Registrar may require, the Registrar is satisfied that the holder of a learner's permit or driver's licence, or an applicant for the issue or renewal of a learner's permit or driver's licence, should only be permitted to drive a motor vehicle subject to restriction, the Registrar may endorse upon the permit or licence all or any of the following conditions:

(a) a condition that the holder of the permit or licence is permitted to drive only in specified localities;

(b) a condition that the holder of the permit or licence is permitted to drive only a vehicle of a specified class, size or type or a vehicle fitted with specified equipment;

or

(c) any other condition that the Registrar thinks necessary for the purpose of preventing accident or injury.

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(2) Where the Registrar is satisfied that, because of special circumstances it would be unreasonable to require the applicant to take an examination under section 79 or to pass a driving test under section 79a, the Registrar may, without submitting the applicant to such an examination or test, issue a permit or licence containing conditions as provided by subsection (1).

(3) If a person is not willing to accept a condition proposed by the Registrar under this section, the Registrar must refuse to issue the permit or licence, or cancel the permit or licence, as the case may require.

(4) A person must not contravene a condition endorsed upon a licence pursuant to this section.

Penalty: Division 10 fine.

Probationary licences

81a. (1) Without derogating from any other provision of this Act, where the applicant for the issue of a driver's licence—

(a) has not held an unconditional licence issued under this Act or under the law of a place outside this State at some time during the period of three years immediately preceding the application;

(b) holds a licence issued under the law of a place outside this State subject to conditions that are substantially the same as the conditions referred to in paragraphs *(d)* and *(e)*;

(ba) holds a licence issued under the law of a place outside this State that is not subject to conditions substantially the same as those referred to in paragraphs *(d)* and *(e)* but—

(i) is under the age of 19 years;

or

(ii) has held that licence for less than one year;

or

(c) has been disqualified from holding or obtaining a licence—

(i) pursuant to section 81b;

or

(ii) by order of a court made pursuant to section 47, 47b, 47e or 47i of the *Road Traffic Act, 1961*,

and has not held an unconditional licence issued under this Act since the end of the period of disqualification,

a licence issued to such an applicant is subject to the following conditions:

(ca) a condition that the holder of the licence must not drive a motor vehicle or attempt to put a motor vehicle in motion on a road while there is present in his or her blood the prescribed concentration of alcohol;

(d) a condition that the holder of the licence must not drive a motor vehicle at a speed exceeding by 10 kilometres an hour or more a speed limit that applies under the *Road Traffic Act, 1961*, or this Act;

(e) a condition that the holder of the licence must not drive a motor vehicle on a road unless one plate bearing the letter "P" is affixed to the vehicle in accordance with the regulations;

and

(f) a condition that the holder of the licence will at all times when driving a motor vehicle on a road carry the licence and produce it forthwith if requested to do so by a member of the police force.

(1aa) Notwithstanding subsection (1), where the applicant for the issue of a driver's licence has previously held an unconditional licence issued under this Act or under the law of a place outside this State but not during the period of three years immediately preceding the date of the application, the Registrar may issue a licence not subject to probationary conditions.

(1a) In this section—

"prescribed concentration of alcohol" means any concentration of alcohol in the blood:

"unconditional licence" means a licence not subject to the conditions referred to in subsection (1) *(d)* and *(e)* or conditions substantially the same as those conditions and includes a licence issued under this Act that has been subject to such conditions for the period fixed by or under this Act.

(2) Subject to subsection (3), the conditions imposed under subsection (1) are effective—

(a) in the case of an applicant who is under the age of 18 years—until he or she turns 19;

(b) in any other case—for a period of one year.

(2a) The condition referred to in subsection (1) *(f)* does not apply to the holder of a probationary licence where the holder has parted with possession of the licence pursuant to this Act or any other Act.

(3) Where—

(a) a licence is issued to an applicant referred to in subsection (1) *(b)* or *(ba)*—the Registrar may, if of the opinion that there is proper cause to do so, reduce the period for which the conditions will be effective;

or

(b) a licence is issued to an applicant referred to in subsection (1) *(c)* (ii) and the court by which the order of disqualification was made ordered that the conditions were to be effective for a greater period than that prescribed by subsection (2)—the conditions will be effective for the period ordered by the court.

(4) If an applicant is not willing to accept a probationary licence, the Registrar must refuse to issue a licence to the applicant.

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(5) A person must not contravene a condition of a probationary licence.

Penalty: Division 8 fine.

(5a) The holder of a probationary licence must not drive a motor vehicle, other than a motor cycle, on a road unless two plates bearing the letter "P" are affixed to the vehicle in accordance with the regulations.

Penalty: Division 11 fine.

(5b) The holder of a probationary licence must not drive a motor vehicle on a road in any part of the State at a speed exceeding 100 kilometres an hour.

Penalty: Division 8 fine.

(6) Sections 47b (2), 47c, 47d, 47e and 47g of the *Road Traffic Act, 1961*, apply in relation to an offence against subsection (5) of contravening the condition referred to in subsection (1) *(ca)* as if—

(a) a reference in any of those sections to an offence against that Act were a reference to an offence against subsection (5);

and

(b) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47a of that Act were a reference to the prescribed concentration of alcohol as defined in subsection (1a).

(7) Where the court before which a person is charged with an offence against subsection (5) of contravening the condition referred to in subsection (1) *(ca)* convicts the person of the offence or finds that the charge is proved but does not proceed to conviction, the court must, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court, being not more than six months from the making of the order, a lecture conducted pursuant to the regulations.

(8) A person must not fail, without reasonable excuse, to comply with an order under subsection (7).

Penalty: Division 11 fine.

(9) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (7) is, in the absence of proof to the contrary, proof of the matter so certified.

(10) Section 175 of the *Road Traffic Act, 1961*, applies in relation to—

(a) an offence against subsection (5) of contravening the condition referred to in subsection (1) *(d)*;

or

(b) an offence against subsection (5b),

as if a reference in that section to an offence against that Act were a reference to an offence against subsection (5) or (5b).

Consequences of contravention of probationary conditions or incurring four or more demerit points

81b. (1) In this section—

"probationary conditions"—

(a) in relation to a learner's permit, means the conditions referred to in section 75a;

or

(b) in relation to a probationary licence, means the conditions referred to in section 81a.

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(2) Where a person who holds a learner's permit or a probationary licence—

(a) commits an offence of contravening a probationary condition;

or

(b) commits an offence in respect of which a demerit point is, or demerit points are, recorded against the person and, in consequence, the total number of demerit points recorded against the person in respect of offences committed while the holder of a learner's permit or a probationary licence equals or exceeds four,

the Registrar must, upon receiving notice under section 93 of the conviction, or the expiation, of the offence, give notice—

(c) that the person is disqualified from holding or obtaining a permit or licence for a period of six months commencing on a day specified in the notice;

and

(d) that, if the person holds any permit or licence at the commencement of the period of disqualification, the permit or licence is cancelled.

(3) Any notice under subsection (2) must be given in writing served personally or by post upon the person to whom it is directed.

(4) Notwithstanding the provisions of subsection (2), any notice given to a person under that subsection does not apply in relation to any unconditional licence held or sought by the person if the person held an unconditional licence when the offence giving rise to the notice was committed.

(5) In subsection (4)—

"unconditional licence" means a licence not subject to probationary conditions.

(6) Where a person has been or is liable to be given notice of disqualification under subsection (2), that person may, in accordance with the relevant rules of court, appeal to a local court against the disqualification.

(7) The appellant and the Crown are entitled to be heard upon the appeal.

(8) If the local court is satisfied by evidence given on oath by or on behalf of the appellant that the disqualification would result in undue hardship to the appellant, the court may allow the appeal.

(9) Where a court has allowed an appeal against disqualification under this section, the court must order—

(a) that the disqualification be removed;

(b) that any licence held by or issued to the appellant be subject to probationary conditions for the following period:

(i) in the case of a licence subject to probationary conditions held by or issued to a person under the age of 19 years—a period of six months commencing on the expiry of those previous conditions;

(ii) in any other case—for a period of one year commencing on the date of the order or the issue of the licence, as the case may require;

and

(c) if the appellant is the holder of a licence—that the Registrar vary the endorsements on the licence, or cancel the licence and issue a probationary licence, as the case may require.

(10) Where an appeal against disqualification has been instituted under this section, the disqualification and any related cancellation are suspended until the determination or withdrawal of the appeal.

(10a) Where an appeal against disqualification is allowed under this section, any related cancellation has no effect.

(10b) An order under subsection (9) *(b)* does not affect the period for which probationary conditions imposed by section 81a on a licence issued to the appellant after the date of the order would be effective under that section.

(11) A person who has successfully appealed against disqualification under this section is not entitled to appeal against any subsequent disqualification under this section until the expiration of one year from the day on which that previous appeal was allowed.

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(12) Nothing in this section derogates from any provision of this Act, or any other Act, dealing with disqualification from holding or obtaining permits or licences, or suspension of permits or licences.

Registrar to give effect to certain recommendations of consultative committee

82. (1) The Registrar must, upon the recommendation of the consultative committee—

(a) refuse to issue or renew a licence or a learner's permit to any person;

(ab) suspend, for such period as the consultative committee recommends, the licence or learner's permit of any person;

(ac) cancel the licence of any person and issue in its place a probationary licence subject to probationary conditions effective for such period as the committee recommends;

or

(b) cancel the licence or learner's permit of any person,

if that person has been convicted of an offence, or a series of offences, involving the use of a motor vehicle that, in the opinion of the consultative committee, shows the person to be unfit to hold a licence or a learner's permit or has behaved in some other manner that, in the opinion of the consultative committee, shows the person to be unfit to hold a licence or a learner's permit.

(1aa) A person who expiates an offence that attracts demerit points under this Act will, for the purposes of subsection (1), be taken to have been convicted of that offence.

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(2) The Registrar must, upon a recommendation of the consultative committee, exercise the powers under section 81, where the committee is of the opinion that a person should only be permitted to drive a motor vehicle subject to restriction.

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Term of licence

84. (1) Subject to this section and the regulations, every licence will be issued for a term not exceeding 5 years, specified on the licence.

(1a) The Registrar may, if of the opinion that it is appropriate to do so, extend the term of a licence for a period not exceeding 12 months.

(1b) A probationary licence issued after the commencement of this subsection expires on the expiration of the period for which the probationary conditions are effective but may be renewed as a licence not subject to probationary conditions.

(2) Subject to subsection (2a), an application for renewal of a licence must be made before the expiry of that licence.

(2a) The Registrar may renew a licence notwithstanding its expiry provided that application for renewal is made within 90 days of the expiry.

(2b) Notwithstanding the renewal of a licence after its expiry, the holder of the licence is not, for the purposes of this Act, to be taken as licensed during the period between the expiry of the licence and the date of its renewal.

(3) The term of a licence issued in renewal of a previous licence commences on the day after the expiry of the previous licence.

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(7) Every licence will, subject to this Act and the other laws of this State, continue in force for the term for which it was issued unless the holder surrenders the licence to the Registrar.

(8) Upon surrender of a licence, the person surrendering the licence is, subject to the regulations, entitled to a refund of a proportion of the licence fee determined in accordance with the regulations.

Variation of licence classifications

85. (1) If a person who holds a licence satisfies the Registrar by such evidence as the Registrar may require that he or she is competent to drive motor vehicles for which a licence endorsed with any further or other classification is required under this Act, the Registrar must, on production of the licence, endorse the licence with the appropriate further or other classification.

(2) If, in such circumstances as the Registrar thinks fit and on such evidence as the Registrar may require, the Registrar is satisfied that the holder of a licence is no longer competent to drive motor vehicles of a particular class, the Registrar may remove a classification from the licence or substitute another classification.

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Suspension of licence of person suffering from disease or disability

88. (1) If the Commissioner of Police or the Registrar suspects that any person holding a driver's licence is suffering from any disease (mental or physical) or any disability that impairs or may at any time impair the person's ability to drive a motor vehicle, the Commissioner or the Registrar may suspend the licence of that person for such period as the Commissioner or the Registrar thinks proper.

(2) If the Commissioner of Police or the Registrar is subsequently satisfied that the ability of the person to drive a motor vehicle is not impaired, or is not impaired to such an extent as to justify the continuance of the suspension, the Commissioner or the Registrar may remove the suspension.

(3) Where the licence of any person has been suspended under this section, that person may on complaint duly laid before a court of summary jurisdiction and served on the Commissioner of Police or the Registrar, as the case may be, as defendant to the proceedings, apply to that court for an order removing the suspension.

(4) The court may if it deems it expedient to do so order that the suspension be removed as from any date that it thinks proper, or that the period of suspension be altered, or may refuse the application or make any other order (including an order as to costs) that the court thinks just.

Cancellation or suspension of licence where driver disqualified in another State

89. If an applicant for a licence, or a person holding a licence, is, by reason of any judgment, order or decision given or made pursuant to a law of any other State or Territory of the Commonwealth or of any country outside the Commonwealth, disqualified, prevented or prohibited from driving a motor vehicle in that State, Territory or country, the Registrar may refuse to issue a licence to, or may suspend a licence held by, that person, for all or part of the time during which the person is so disqualified, prevented or prohibited.

Mode of suspension

90. Every suspension imposed by the Registrar or the Commissioner of Police must be effected by notice in writing signed by the Commissioner or the Registrar, as the case may require, and served on the holder of the licence either personally or by registered post.

Effect of suspension and disqualification

91. (1) This section and section 93 apply to suspensions and disqualifications imposed under this or any other Act.

(2) While a licence is suspended it has no force or effect.

(3) While a person is disqualified from holding and obtaining a licence, any licence held or obtained by that person has no force or effect.

(4) The Registrar must not issue a licence to any person who is so disqualified.

(5) A person must not drive a motor vehicle on a road while his or her licence is suspended or while disqualified from holding or obtaining a licence.

Penalty: Division 7 imprisonment.

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Notice to be given to Registrar

93. (1) Whenever a court convicts a person of an offence that attracts demerit points under this Act, convicts a person of the offence of contravening or failing to comply with a

condition of a permit or licence under this Act, or makes an order affecting demerit points or disqualifying a person from holding or obtaining a driver's licence, and whenever the Commissioner of Police suspends a driver's licence, the proper officer of the court, or the Commissioner of Police, must send to the Registrar a notice in writing stating the date of the conviction, order or suspension, the nature of the order, or the period of any disqualification or suspension, and short particulars of the grounds on which it was made.

(2) If any such conviction or order is quashed or varied by a court on appeal, the proper officer of the court must forthwith send to the Registrar a notice in writing stating the date of the order made on the appeal and the effect of the order.

(3) If any such suspension is removed by the Commissioner of Police, the Commissioner must forthwith send to the Registrar a notice in writing stating the date of the removal of the suspension, the date as from which it takes effect and the grounds for the removal.

(3a) Where a person expiates an offence to which a traffic infringement notice relates, and that offence—

(a) attracts demerit points under this Act;

or

(b) is an offence of contravening a condition of a learner's permit or probationary licence,

the Commissioner of Police must send to the Registrar notice in writing of the expiation.

(3b) Where the Commissioner of Police withdraws a traffic infringement notice in relation to which notice under subsection (3a) has been given, the Commissioner must, by further notice in writing, advise the Registrar forthwith of the withdrawal and the grounds upon which the withdrawal was made.

(4) In this section—

"proper officer" means—

(a) in relation to the Supreme Court, the registrar of that court;

(b) in relation to any other court, the clerk of that court.

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Duty to produce licence

96. (1) The driver of a motor vehicle, if requested by a member of the police force to produce his or her licence, must produce the licence either—

(a) forthwith to the member of the police force who made the request;

or

(b) within 48 hours after the making of the request, at a police station conveniently located for the driver, specified by the member of the police force at the time of making the request.

Penalty: Division 10 fine.

(2) A document purporting to be signed by the Commissioner of Police and purporting to certify that a licence has not been produced as required by this section is, in the absence of proof to the contrary, proof of the matter purporting to be so certified.

(3) A person must not falsely represent to a member of the police force that he or she is the person named in a licence.

Penalty: Division 10 fine.

(4) In this section—

"driver" includes—

(a) a person sitting next to the holder of a learner's permit in a vehicle being driven by the holder of the permit;

(b) a person being carried as a passenger on, or in a sidecar attached to, a motor cycle being driven by the holder of a learner's permit:

"member of the police force" includes—

(a) an inspector;

(b) an inspector as defined in the *Road Traffic Act, 1961.*

Duty to produce licence at court

97. (1) A licensed driver who is charged with an offence against any provision of any Act relating to motor vehicles may be required to produce his or her licence to the court at the time of the hearing of the charge.

Penalty: Division 10 fine.

(2) It is a defence to a charge under this section to prove that the defendant had a reasonable excuse for not producing the licence.

Visiting motorists

97a. (1) Subject to subsection (2)—

(a) a member of the armed forces or the spouse, or a dependant, of the member who is living with the member may drive a vehicle in this State pursuant to an interstate licence;

(b) the spouse, or a dependant, of a member of the armed forces who is living with the member may drive a vehicle in this State pursuant to a foreign licence if he or she last entered this State less than three months before driving the vehicle;

(c) any other person may drive a vehicle in this State pursuant to an interstate licence or a foreign licence if that person last entered this State less than three months before driving the vehicle.

(2) A person who is disqualified from holding or obtaining an interstate licence in any State or Territory of the Commonwealth cannot drive a vehicle in this State pursuant to a licence or learner's permit issued in another State or Territory of the Commonwealth.

(3) A person when driving a vehicle in this State pursuant to subsection (1) must carry the licence and must produce it if requested to do so by—

(a) a member of the police force;

(b) an inspector;

or

(c) an inspector under the *Road Traffic Act, 1961.*

Penalty: Division 10 fine.

(4) Where a person drives a vehicle in this State pursuant to subsection (1) the interstate licence or foreign licence will, for the purposes of the law of this State, be taken to be a licence issued under this Act.

(5) Where a person drives a vehicle in this State pursuant to an interstate licence or foreign licence, the licence will, for the purposes of any contract or policy of insurance relating

to the vehicle, be taken to be a licence issued under this Act notwithstanding that the driver last entered the State three months or more before driving the vehicle.

(6) In this section—

"foreign licence" means a licence issued under the law of another country that corresponds to a driver's licence issued under this Act:

"member of the armed forces" means a serving member of the naval, military or air forces of the Commonwealth.

Enforcement of duty to hold licence

98. The Commissioner of Police must at intervals of not more than 12 months take such steps as are reasonably practicable to ascertain whether any persons are driving motor vehicles without holding licences.

Duty to carry licence when teaching holder of learner's permit to drive

98aa. The holder of a motor driving instructor's licence must display the licence on his or her person at all times—

(a) when seated next to the holder of a learner's permit in a vehicle being driven by the holder of the permit;

or

(b) when carried as a passenger on, or in a sidecar attached to, a motor cycle being driven by the holder of a learner's permit.

Penalty: Division 9 fine.

PART IIIA

MOTOR DRIVING INSTRUCTORS' LICENCES

Instructors' licences

98a. (1) A person who is not the holder of a current motor driving instructor's licence must not, for fee, reward, salary, wages or other remuneration or for any other consideration paid or payable by any person, teach any other person to drive a motor vehicle.

Penalty: Division 10 fine.

(2) If the Registrar is satisfied that an applicant for an instructor's licence—

(a) is the holder of a valid driver's licence;

(b) has held a driver's licence in South Australia or elsewhere for a continuous period of not less than three years immediately preceding the date of the application;

(c) is a fit and proper person to hold an instructor's licence;

and

(d) is proficient as a motor driving instructor,

the Registrar must issue to the applicant an instructor's licence in a form determined by the Minister.

(2aa) An instructor's licence may be issued subject to such conditions as the Registrar thinks fit.

(2a) An application for an instructor's licence must be made in a manner and form determined by the Minister and must be accompanied by the prescribed fee.

(2b) If the Registrar is not satisfied that an applicant for an instructor's licence is a fit and proper person to hold such a licence, the Registrar must refer the question of whether

the applicant is a fit and proper person to hold an instructor's licence to the consultative committee for inquiry, and the determination of that question by the consultative committee is binding on the Registrar.

(3) Every instructor's licence will, subject to this Act, remain in force for a period, not exceeding five years, specified on the licence, but nothing in this subsection precludes the issue, subject to this Act, of a further instructor's licence to the holder to take effect upon the expiration of an earlier instructor's licence.

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(5) In order to test the proficiency of any applicant for an instructor's licence (whether or not the applicant is or has been the holder of such a licence) the Registrar may require the applicant to undergo such tests as the Registrar may think necessary, whether written, oral or practical, and those tests must, without limiting the generality of the foregoing, include examination in traffic laws, driving practices, vehicle manipulation and teaching technique.

(6) Where the driver's licence of any holder of an instructor's licence is cancelled or suspended or any such holder otherwise ceases to hold a driver's licence, the instructor's licence automatically ceases to have any effect, and where the driver's licence of any such holder is suspended, the instructor's licence, unless cancelled pursuant to the provisions of this Part, is automatically suspended for the same period.

(7) The Registrar may cancel any instructor's licence or suspend any instructor's licence for such term as the Registrar thinks fit if satisfied that the holder has been guilty of conduct making him or her unfit to hold such a licence.

(7a) Where the Registrar is of the opinion that proper grounds exist for the cancellation of an instructor's licence under subsection (7), the Registrar must not proceed to cancel the licence unless the matter has been referred to the consultative committee and the committee has concurred in the Registrar's opinion that proper grounds exist for cancellation of the licence under that subsection.

(8) Where an instructor's licence is suspended, it has no effect during the term of the suspension.

(9) The provisions of sections 77, 96, 139ba and 141 *(a)* apply to and in respect of holders of instructor's licences as if the words "instructor's licence" were substituted for the word "licence" wherever it occurs in those sections and that paragraph.

(10) This section does not apply to—

(a) a member of the police force acting in the execution of duty;

or

(b) a person who teaches another to drive a motor vehicle if both the teacher and the learner are employed by the same employer and are acting in the ordinary course of their employment.

PART IIIB

POINTS DEMERIT SCHEME

Points demerit scheme

98b. (1) Where a person is convicted of an offence specified in the third schedule, the number of demerit points prescribed by the schedule in relation to that offence will, subject to this section, be recorded against that person.

(1a) Where a person expiates an offence to which a traffic infringement notice relates, the person will, for the purposes of this section, be taken to have been convicted of that offence on the day upon which the offence was expiated.

(2) Upon the demerit points recorded against a person amounting to twelve or more in number, the person is, subject to this section, disqualified from holding or obtaining a driver's licence for a period of three months.

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(4) In calculating the aggregate of the demerit points recorded against any person for the purposes of this section, only those demerit points that relate to offences committed within a period of three years may be taken into account.

(5) Where it is practicable so to do, the Registrar must, when the number of demerit points recorded against any person is equal to or exceeds one-half of the number required for disqualification under this section, send by post to that person a notice—

(a) specifying the number of points recorded against the person;

and

(b) warning that further convictions for prescribed offences may result in disqualification from holding or obtaining a licence.

(6) The operation of this section is not affected by any failure to comply with subsection (5).

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(8) Where a person is convicted of two or more offences arising from the same incident, demerit points will be recorded only in respect of the offence, or one of the offences, that attracts or attract the most demerit points.

(9) A court in determining the penalty to be imposed upon a person convicted of an offence must not take into account the fact that, in consequence of the conviction, demerit points will be recorded against the convicted person pursuant to this Act.

(10) If a court by which a person is convicted of an offence is satisfied by evidence given on oath forthwith upon conviction that the offence is trifling, or that any other proper cause exists, it may order that no demerit points, or a reduced number of demerit points, be recorded against the convicted person in respect of that offence.

(11) The Registrar must—

(a) where the aggregate of demerit points recorded against a person amounts to twelve or more;

or

(b) where a person by instrument in writing addressed to the Registrar admits convictions that will lead to the recording of twelve or more demerit points and requests that the disqualification should commence forthwith,

cause to be served personally or by post upon that person a notice informing the person that he or she is disqualified from holding or obtaining a licence and the disqualification takes effect upon the service of the notice or, if at the time of service of the notice the person is disqualified from holding or obtaining a licence under some other provision either of this Act or of some other Act, the disqualification takes effect upon the expiration or termination of that prior disqualification.

(12) Where a disqualification has taken effect in pursuance of subsection (11), the demerit points incurred by the disqualified person up to (and including) the time at which the person committed the offence that brought the aggregate of the demerit points recorded to twelve or more are wholly extinguished.

(12a) Where a person who is disqualified under this section institutes (whether before or after the disqualification is effected) an appeal against a conviction in respect of which demerit points that are included in the points resulting in the disqualification were recorded, or applies for a rehearing of the proceedings that led to the conviction, the disqualification is inoperative until the appeal or application for rehearing is determined or withdrawn.

(13) A person who has become liable to disqualification under this section may (whether or not the disqualification has in fact taken effect) appeal to a local court against the disqualification.

(14) The appellant and the Crown are entitled to be heard upon the appeal.

(15) If the local court is satisfied by evidence given on oath by or on behalf of the appellant that—

(a) it is not in the public interest that the appellant should be disqualified under this section;

or

(b) that the disqualification would result in undue hardship to the appellant,

the court may order that the aggregate of the demerit points recorded against the appellant be reduced to eleven.

(15a) Where a court has made an order under subsection (15) on the ground that the disqualification would result in undue hardship, the court must order—

(a) that the Registrar endorse upon the licence such conditions as are appropriate in view of the grounds upon which the court allowed the appeal;

and

(b) that the appellant deliver the licence to the Registrar for that purpose.

(15b) A condition endorsed upon a licence pursuant to subsection (15a) has effect for the period of three months from the time of the endorsement.

(15c) A person who fails to comply with a condition endorsed upon a licence pursuant to subsection (15a) is guilty of an offence.

Penalty: Division 10 fine.

(15d) Where a person is convicted of an offence under subsection (15c), one demerit point will, subject to this section, be recorded against that person.

(16) Where an appeal has been instituted under this section, a disqualification against which the appeal is brought is inoperative until the appeal has been determined or withdrawn.

(17) Where a court has ordered a reduction in the aggregate of demerit points recorded against an appellant, the Registrar must deduct the number of points by which the aggregate was reduced from the recorded points in the order in which they were incurred by the appellant.

(18) A person is not entitled to appeal against disqualification under this section if any of the demerit points upon which the person is liable to be disqualified formed part of an aggregate that was reduced by the court upon a previous appeal under this section.

(19) For the purposes of this section, a person incurs demerit points in respect of a prescribed offence on the day on which the offence is committed.

(20) While a person is disqualified under this section from holding or obtaining a licence, any licence held by the person is, by force of this section, suspended.

PART IIIC

TOWTRUCKS

Interpretation

98c. In this Part—

"inspector" means an inspector appointed under this Part.

Certain towtruck drivers required to hold certificates

98d. (1) Subject to subsection (2), a person who is not the holder of a towtruck certificate or temporary towtruck certificate must not drive or operate the equipment of a towtruck within the declared area.

Penalty: Division 8 fine.

(2) Subsection (1) does not prevent a person who does not hold a towtruck certificate or temporary towtruck certificate from driving or operating the equipment of a towtruck within the declared area in the course of a business conducted from a place of business outside the declared area, provided that the towtruck is not used for the purpose of towing a motor vehicle damaged in an accident occurring within the declared area.

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Applications for towtruck certificates

98e. (1) An application for a towtruck certificate must be made to the Registrar in such manner and form, contain such information and be accompanied by such papers and documents (including photographs) as the Registrar may require.

(2) An applicant for a towtruck certificate must, if the Registrar so requires—

(a) undergo such tests or furnish such other evidence as the Registrar may require of ability to drive and operate the equipment of a towtruck of a kind specified by the Registrar;

(b) furnish the Registrar with such further information, papers or documents as the Registrar may require;

and

(c) verify by statutory declaration information furnished for the purposes of the application.

(3) An applicant for a towtruck certificate must at the time of making the application pay the prescribed application fee to the Registrar.

Entitlement to be granted towtruck certificates

98f. (1) Subject to this Act, an applicant is entitled to be granted a towtruck certificate if the applicant—

(a) is of or above the age of 18 years;

(b) is the holder of a class 2 or class 3 driver's licence granted and in force under Part III;

(c) is a fit and proper person to be granted a towtruck certificate;

(d) has an adequate knowledge of the provisions of this Act relating to driving and operating the equipment of towtrucks;

and

(e) is proficient in driving and operating the equipment of a towtruck of the kind specified by the Registrar.

(2) Where due application is made for a towtruck certificate under this Part and the applicant is entitled to be granted the certificate, the Registrar must, upon payment of the prescribed fee, grant the certificate.

Renewal of towtruck certificates

98g. * * * * * * * * *

(2) A towtruck certificate granted or renewed under this Part will, subject to this Act, remain in force for a period of 12 months from the grant or renewal of the certificate and may from time to time be renewed for successive periods of 12 months.

(3) An application for renewal of a towtruck certificate must be made to the Registrar in such manner and form as may be required by the Registrar.

(4) Where due application is made for renewal of a towtruck certificate, the Registrar must, upon payment of the prescribed fee, renew the certificate.

Conditions of towtruck certificates

98h. (1) The Registrar may, upon granting or renewing a towtruck certificate, or at any other time, by notice in writing to the holder of the certificate, impose a condition of the certificate.

(2) The Registrar may, at any time, by notice in writing to the holder of a towtruck certificate, vary or revoke a condition of the certificate.

(3) A person who is the holder of a towtruck certificate must not contravene or fail to comply with a condition of the certificate.

Penalty: Division 9 fine.

Surrender of towtruck certificate

98i. A person who is the holder of a towtruck certificate may, at any time, surrender the certificate and the certificate thereupon ceases to have any effect.

Suspension of towtruck certificate

98j. A towtruck certificate will be taken to be suspended for any period for which the holder of the certificate is not the holder of a class 2 or class 3 driver's licence that is in force under Part III.

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Temporary towtruck certificates

98k. (1) The Registrar may, in such circumstances as the Registrar thinks fit, grant a person a temporary towtruck certificate authorizing that person to drive and operate the equipment of a towtruck during a period specified in the certificate.

(2) The Registrar may, upon granting a temporary towtruck certificate, or at any other time, by notice in writing to the holder of the certificate, impose a condition of the certificate.

(3) The Registrar may, at any time, by notice in writing to the holder of a temporary towtruck certificate, vary or revoke a condition of the certificate.

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(5) A person who is the holder of a temporary towtruck certificate must not contravene or fail to comply with a condition of the certificate.

Penalty: Division 9 fine.

Form of certificates

98*l*. (1) Towtruck certificates and temporary towtruck certificates will be in a form determined by the Registrar.

(2) The Registrar may, at any time, by notice in writing to the holder of a towtruck certificate or temporary towtruck certificate, require the certificate to be returned to the Registrar at a place and within a period specified in the notice for the purpose of varying the form of the certificate or replacing the certificate with a certificate in a different form.

(3) A person given a notice under this section must not fail to comply with the notice.

Penalty: Division 9 fine.

Duplicate certificates

98m. (1) The Registrar may, on the application of the holder of a towtruck certificate or temporary towtruck certificate, if satisfied of the loss or destruction of the certificate, or on the surrender of the certificate to the Registrar, and on payment of the prescribed fee, issue to the holder a duplicate certificate.

(2) The Registrar may, for reasonable cause, remit a fee payable under subsection (1).

(3) A duplicate issued under this section has effect as if it were the original.

Return of certificates when cancelled or suspended

98ma. (1) Where a towtruck certificate or temporary towtruck certificate is cancelled or suspended under this Act, the Registrar may, by notice in writing to the former holder of the certificate, require the certificate to be returned to the Registrar at a place and within a period specified in the notice.

(2) A person given a notice under this section must not fail to comply with it.

Penalty: Division 9 fine.

Register of certificates

98mb. (1) The Registrar must keep a register of all towtruck certificates and temporary towtruck certificates granted under this Part and record in the register all related conditions, suspensions, cancellations and disqualifications.

(2) The register will contain such other information as the Registrar thinks necessary for the administration of this Part and be in a form fixed by the Registrar.

Towtruck operators to notify Registrar of towtruck drivers in their employ

98mc. (1) A towtruck operator must not cause, suffer or permit a person to drive or operate the equipment of a towtruck in the course of the operator's business in circumstances in which that person is required to hold a towtruck certificate or temporary towtruck certificate unless—

(a) that person holds a towtruck certificate or temporary towtruck certificate;

and

(b) the towtruck operator has notified the Registrar in writing that that person will be employed in the operator's business as a towtruck driver.

Penalty: Division 9 fine.

(2) Where notification has been given under subsection (1) *(b)* of the employment of a person as a towtruck driver and that person dies or ceases to be so employed, the towtruck operator must, within 48 hours, notify the Registrar in writing of that fact.

Penalty: Division 9 fine.

Only persons directed by police to proceed to or be present at scene of accident for purposes related to removal, wrecking or repair

98md. (1) A person must not, for or in expectation of a fee, reward or benefit of any kind, or in the course of a business, proceed to, or be present at, the scene of an accident that occurred within the declared area for any purpose related to the removal, storage, repair or wrecking of a motor vehicle that was damaged in the accident unless the person—

(a) is the holder of a towtruck certificate;

(b) is acting pursuant to an accident towing direction given—

(i) if the person is a towtruck operator—to the person;

or

(ii) in any other case—to a towtruck operator by whom the person is employed;

and

(c) is proceeding or has proceeded to the scene of the accident in a towtruck registered in the name of the towtruck operator to whom the accident towing direction was given.

Penalty: Division 5 fine.

(2) In any proceedings for an offence against subsection (1), an allegation in the complaint that the defendant was acting for a purpose related to the removal, storage, repair or wrecking of a motor vehicle damaged in the accident is, in the absence of proof to the contrary, proof of the facts so alleged.

(3) A member of the police force or an inspector may, for the purpose of protecting the driver, owner or person in charge of a motor vehicle damaged in an accident (whether occurring within or outside the declared area) from undue soliciting or harassment, require a person to leave the scene of the accident, or give such other direction as the member of the police force or inspector thinks fit to a person present at the scene of the accident.

(4) A person must comply with any requirement or direction given under this section.

Penalty: Division 8 fine.

Towing of vehicle at or from scene of accident

98me. (1) A person must not, for or in expectation of a fee, reward or benefit of any kind, or in the course of a business, tow or otherwise remove a motor vehicle damaged in an accident that occurred within the declared area at or from the scene of the accident unless the person—

(a) is the holder of a towtruck certificate;

(b) is acting pursuant to an accident towing direction given—

(i) if the person is a towtruck operator—to the person;

or

(ii) in any other case—to a towtruck operator by whom the person is employed;

(c) tows the damaged vehicle by means of a towtruck registered in the name of the towtruck operator to whom the accident towing direction was given;

and

(d) has before removing the damaged vehicle personally obtained from the owner or person in charge of the vehicle or an inspector or member of the police force authorization to remove the vehicle in the form of a valid authority to tow.

Penalty: Division 5 fine.

(2) An authority to tow is not valid for the purposes of subsection (1)—

(a) if it is given by a towtruck operator, towtruck driver or a person acting on behalf of a towtruck operator, or towtruck driver, unless the towtruck operator or towtruck driver is the owner of the damaged vehicle or was the driver of, or a passenger in, the vehicle immediately before the accident occurred;

(b) if it is given by a person under the age of 16 years;

(c) unless it is contained in a document issued by the Registrar to the towtruck operator to whom the accident towing direction was given for use as an authority to tow;

(d) unless it is signed and completed in triplicate;

(e) unless the towtruck driver before presenting the document to any person for signature fully and accurately enters in the document the particulars required by the document;

(f) unless the document is signed by the person authorizing removal of the damaged vehicle;

and

(g) unless the towtruck driver, forthwith upon obtaining the signature of the person authorizing removal of the damaged vehicle, signs the document personally and enters in it the date and time at which each person signed it and then forthwith delivers the original of the authority to that other person.

(3) A towtruck driver who has obtained an authority to tow under this section authorizing the towtruck driver to remove a vehicle from the scene of an accident must remove the vehicle in accordance with the terms of the authority to the address specified in the authority by the shortest route practicable and leave the vehicle at that address until it is lawfully removed.

Penalty: Division 8 fine.

(4) A person must not prevent by intimidation or force a person duly authorized to remove a damaged motor vehicle from the scene of an accident from doing so, or from delivering the vehicle to and leaving it at the place specified in the authority.

Penalty: Division 8 fine.

(5) Where a towtruck driver has been given, or expects to be given, a fee, reward or benefit of any kind in anticipation of, or return for, removing a damaged vehicle from the scene of an accident to a particular place (other than the registered premises of the towtruck operator to whom the accident towing direction was given), the towtruck driver must not solicit from the owner or person in charge of the vehicle authorization to remove the vehicle to that place.

Penalty: Division 8 fine.

(6) Where, in proceedings for an offence against subsection (5), it is proved that the defendant solicited from the owner or person in charge of a motor vehicle authorization to

remove the vehicle from the scene of an accident to a place other than the registered premises of the towtruck operator to whom the accident towing direction was given, the defendant will be taken, in the absence of proof to the contrary, to have been given, or to have expected to be given, a fee, reward or benefit of any kind in anticipation of, or return for, removing the vehicle to that place.

(7) A person must not alter any of the particulars in an authority to tow under this section without the consent of the person who gave the authority indicated by signature of that person in the margin of the authority near to the alteration.

Penalty: Division 8 fine.

(8) Where an alteration is made to any of the particulars in an authority to tow under this section, the authority is not valid for the purposes of this section unless the signatures of the towtruck driver and the person who gave the authority appear in the margin of the authority near to the alteration.

(9) A person must not solicit a person who has signed an authority to tow a motor vehicle from the scene of an accident for a revocation or variation of that authority or for any further or other authorization superseding that authority.

Penalty: Division 8 fine.

(10) An inspector or a member of the police force present at the scene of an accident may, by oral or written direction, revoke an authority to tow if the inspector or member of the police force considers that—

(a) the particulars required to be entered in the authority have not been fully or correctly entered;

(b) the authority or an alteration of the authority has been obtained or made in contravention of a provision of this Act;

or

(c) the removal or repair of the vehicle should be delayed in order to preserve evidence for the purpose of future court proceedings.

(11) An inspector or a member of the police force may give such directions as are reasonable in the circumstances to a towtruck operator or towtruck driver requiring that person to tow or remove a motor vehicle at or from the scene of an accident (whether or not an authority to tow has been obtained in respect of that vehicle and whether the accident occurred within or outside the declared area) for the purpose of removing or preventing an obstruction or danger arising or likely to arise from the accident.

(12) A towtruck operator or towtruck driver must not, without reasonable excuse, fail to comply with a direction given under subsection (11).

Penalty: Division 8 fine.

(13) A towtruck driver who has obtained an authority to tow under this section in relation to a motor vehicle—

(a) must within the period of ten hours after obtaining the authority, deliver the duplicate and triplicate copies of the authority to the registered premises of the towtruck operator to whom the accident towing direction in relation to that motor vehicle was given;

and

(b) must, until those copies of the authority have been delivered, carry them with him or her and, on demand, produce them for inspection to an inspector or member of the police force.

Penalty: Division 8 fine.

(14) A towtruck operator (being a towtruck driver or the employer of a towtruck driver who has obtained an authority to tow)—

(a) must ensure—

(i) that the duplicate and triplicate copies of the authority to tow are completed in the prescribed manner with the prescribed additional information;

(ii) that the duplicate copy so completed is forwarded to the Registrar in such manner and within such time as may be prescribed;

and

(b) must retain the triplicate copy at his or her registered premises for a period of not less than three years after receipt of the authority.

Penalty: Division 8 fine.

(15) Where a towtruck operator removes a motor vehicle from the scene of an accident in accordance with an authority to tow to the place specified in the authority and leaves the vehicle at that place, the towtruck operator is entitled to recover from the owner of the vehicle, by action in a court of competent jurisdiction, as a debt, a fee for so removing the vehicle determined according to the prescribed scale of fees.

Storage of vehicles by towtruck operators

98mf. (1) Where a motor vehicle damaged in an accident is stored by or on behalf of a towtruck operator (being a towtruck operator who engages in the towing of motor vehicles damaged in accidents occurring within the declared area) otherwise than at the towtruck operator's registered premises, the towtruck operator is guilty of an offence.

Penalty: Division 8 fine.

(2) Where a motor vehicle has been removed by a towtruck operator in accordance with an authority to tow from the scene of an accident that occurred within the declared area to the registered premises of the towtruck operator for storage of the vehicle at those premises, the towtruck operator must—

(a) store the vehicle at those premises in accordance with the regulations until it is lawfully removed from the premises;

and

(b) be entitled to recover from the owner of the vehicle, by action in a court of competent jurisdiction, as a debt, a fee for so storing the vehicle determined according to the prescribed scale of fees.

Removal of vehicle from place to which it was removed from the scene of an accident

98mg. (1) Where a motor vehicle has been removed from the scene of an accident to the place specified in an authority to tow given in relation to that vehicle, a person must not, for or in expectation of a fee, reward or benefit of any kind, or in the course of a business, remove the vehicle from that place except—

(a) pursuant to a written direction, in the form determined by the Registrar, of the owner of the vehicle or a person duly authorized to act on the owner's behalf to a place specified in the direction, being a direction given after the removal of the vehicle to the place specified in the authority to tow;

or

(b) with the approval of the Registrar to a place and in accordance with the conditions specified in the approval.

Penalty: Division 8 fine.

(2) The Registrar may, upon application made in writing by a person into whose possession a motor vehicle has come as a result of its removal from the scene of an accident in accordance with the terms of an authority to tow, give approval by notice in writing, upon such conditions as the Registrar thinks fit and specifies in the approval, for the vehicle to be removed to a place specified in the approval, if the Registrar is satisfied that the person has made reasonable attempts to obtain the permission of the owner of the vehicle or a person duly authorized to act on the owner's behalf to remove the vehicle to another place and that it is reasonable in the circumstances that the vehicle be removed to that other place.

Contracts relating to the repair of certain motor vehicles

98mh. (1) A person must not, at the scene of any accident within the declared area involving or affecting a motor vehicle, or, where the vehicle was removed from the scene of the accident by a towtruck, within the period of 12 hours following that accident, solicit the owner, driver or person in charge of the vehicle for a contract, authority, insurance claim or other document for or relating to the storage, wrecking or repair or a quotation for repair of the vehicle or for revocation or variation of any such contract, authority, insurance claim or document.

Penalty: Division 8 fine.

(2) No contract for a quotation for repair of a motor vehicle or for repair of a motor vehicle, being a motor vehicle that has been damaged in an accident within the declared area, is, if entered into before the prescribed time, enforceable or may be relied upon in any way unless—

(a) the contract is in writing (and, in addition, in the case of a contract for quotation for repair of a motor vehicle, is in the prescribed form) and has been signed by the owner of the vehicle or some person duly authorized to act on the owner's behalf;

(b) there is printed conspicuously on that contract in capital letters in bold, black type so as to be clearly seen the words "This contract is unenforceable unless the owner of the motor vehicle or some person duly authorized to act on the owner's behalf confirms the contract not less than six hours nor more than fourteen days after the signing of the contract";

(c) the owner of the vehicle or person duly authorized to act on the owner's behalf is given a duplicate of the contract immediately after signing the contract and the other party to the contract has obtained from that person an acknowledgment in writing of receipt of the duplicate;

and

(d) the owner of the vehicle or some person duly authorized to act on the owner's behalf has not less than six hours nor more than fourteen days after the signing of the contract notified the other party to the contract in writing that the owner confirms the contract.

(3) No amount is payable, nor does a lien arise, in respect of the cost of making repairs to, or preparing a quotation for repair of, a motor vehicle referred to in subsection (2) where the repairs are made or the quotation is prepared before the prescribed time, unless the repairs are made or the quotation is prepared pursuant to a contract that has been entered into and confirmed in accordance with subsection (2).

(4) In this section—

"the prescribed time" means—

(a) where the vehicle was removed from the scene of the accident by a towtruck—the time at which after the vehicle was so removed the owner or

some person duly authorized to act on the owner's behalf recovers actual physical possession of the vehicle;

or

(b) the expiration of 24 hours after the removal of the vehicle from the scene of the accident,

whichever last occurs.

(5) An agreement or arrangement that purports to exclude, modify or restrict the operation of this section is to that extent void and of no effect.

(6) A purported waiver of a right conferred by this section is void and of no effect.

(7) The provisions of this section, other than subsection (1), do not apply to a contract to which Part III of the *Fair Trading Act, 1987*, applies.

Duty to surrender vehicle

98mi. (1) A person who has in his or her possession or control a motor vehicle that has been damaged in an accident and removed from the scene of the accident by a towtruck or that has broken down and been removed by a towtruck, must, at the request of the owner of the vehicle or a person acting on the owner's behalf, and upon payment or tender of payment of all amounts lawfully claimed from the owner in relation to—

(a) removal of the vehicle from the scene of the accident or the place at which it broke down;

(b) storage of the vehicle;

(c) quotation for repair of the vehicle;

(d) repair of the vehicle,

forthwith deliver up the vehicle to the owner or person acting on the owner's behalf.

Penalty: Division 7 fine.

(2) Notwithstanding the provisions of section 98mf (2), no amount is payable for storage of a motor vehicle referred to in subsection (1) for a period exceeding 14 days unless notices in the prescribed form and containing the prescribed information have been given in the prescribed manner before the vehicle has been stored for that period.

(3) An agreement or arrangement that purports to exclude, modify or restrict the operation of subsection (2) is to that extent void and of no effect.

(4) Subject to subsection (5), where an inspector has reason to believe that a person has failed to deliver up a vehicle in contravention of subsection (1), the inspector may seize and remove the vehicle and deliver it to the owner or person acting on the owner's behalf and for that purpose may exercise the powers conferred on inspectors for the purpose of an investigation under section 98p.

(5) An inspector must not exercise the powers conferred by subsection (4) except upon the authority of a warrant issued by a justice.

Accident spotting

98mj. (1) A person must not enter into an agreement or arrangement under which information relating to the occurrence of an accident involving or affecting a motor vehicle or to the location of a motor vehicle damaged in an accident is, for a fee, reward or benefit of any kind, furnished to or by that person for any purpose relating to the towing, storage, repair or wrecking of the vehicle.

Penalty: Division 7 fine.

(2) Where in any proceedings for an offence against subsection (1) it is proved that information of the kind referred to in that subsection was furnished to or by the defendant, the defendant will be taken, in the absence of proof to the contrary, to have entered into an agreement or arrangement under which such information is, for a fee, reward or benefit, furnished to or by the defendant, for a purpose relating to the towing, storage, repair or wrecking of the vehicle.

Off the hook transactions

98mk. (1) A person must not directly or indirectly give or agree or offer to give, or receive, agree to receive, or solicit, a fee, reward or benefit of any kind for or in expectation of obtaining for himself or herself or another person—

(a) the work of repairing or wrecking a damaged motor vehicle;

(b) permission to prepare or give a quotation for repair of a damaged motor vehicle;

(c) permission to place a damaged motor vehicle in storage;

or

(d) possession or control of a damaged motor vehicle for any purpose related to the storage, repair or wrecking of the vehicle.

Penalty: Division 5 fine.

(2) Where in any proceedings for an offence against subsection (1) circumstances are proved from which it is reasonable to infer that the defendant was a party to a transaction to which that subsection applies, it will be presumed, in the absence of proof to the contrary, that the defendant was a party to such a transaction.

Towtruck driver to carry certificate while driving towtruck

98m*l*. (1) A person who is the holder of a towtruck certificate or temporary towtruck certificate must have that certificate fixed to his or her clothing in accordance with the regulations at all times when driving or riding in or upon a towtruck or operating the equipment of a towtruck.

Penalty: Division 9 fine.

(2) A person who is the holder of a towtruck certificate or temporary towtruck certificate must, upon being requested by a member of the police force or an inspector to do so, forthwith deliver the certificate to the member of the police force or inspector for inspection.

Penalty: Division 9 fine.

Trader's plates not to be used for the purpose of a towtruck in certain circumstances

98n. A person must not drive a towtruck bearing trader's plates within the declared area for the purpose of proceeding to, returning from, or towing, a motor vehicle that has become unable to proceed under its own motive power.

Penalty: Division 9 fine.

Persons who may ride in towtruck

98o. (1) No person other than—

(a) the driver of the towtruck;

and

(b) the owner, driver or person in charge of a vehicle that is being, or is to be, towed,

may ride in or upon a towtruck while it is being driven within the declared area to the scene of an accident.

Penalty: Division 9 fine.

(2) A person other than—

(a) the driver of the towtruck;

(b) the owner, driver or person in charge of a damaged vehicle that is being towed;

and

(c) any person who was a passenger in that damaged vehicle,

must not ride in or upon a towtruck while it is towing a damaged vehicle within the declared area from the scene of an accident.

Penalty: Division 9 fine.

(3) Where a person rides in or upon a towtruck in contravention of subsection (1) or (2), the driver of the towtruck is also guilty of an offence.

Penalty: Division 9 fine.

(4) An allegation in any complaint for an offence against this section that a towtruck was being driven, or was towing a vehicle, within the declared area to or from the scene of an accident is, in the absence of proof to the contrary, proof of the facts so stated.

(5) Notwithstanding any other provision of this section, one other person who is the holder of a towtruck certificate or temporary towtruck certificate may accompany the driver (in addition to any other persons referred to in subsection (1) or (2)) on any towtruck with a mass of more than five tonnes.

Inspectors

98p. (1) The Minister may appoint such inspectors as the Minister thinks necessary for the purposes of this Part.

(2) An inspector must make such investigations and reports, relevant to the administration of this Part, as the Registrar may direct.

(3) Subject to subsection (3a), for the purposes of an investigation under this section, an inspector may, on any day and at any hour, with such assistants (if any) as the inspector thinks reasonably necessary—

(a) upon the authority of a warrant issued by a justice—

(i) break into any premises;

and

(ii) break into any part of the premises or any vehicle or thing contained in the premises;

and

(b) without a warrant—

(i) enter upon and search any premises or any vehicle or thing contained in those premises;

(ii) require the driver of a towtruck to stop the vehicle;

(iii) require any person to produce any documents or books that may be relevant to the investigation, and to take copies of those documents or books, or any part of them;

(iv) seize any documents, books or other objects that may furnish evidence of an offence against this Act;

and

(v) require any person to answer any question that may be relevant to the investigation.

(3a) An inspector may not exercise the power conferred under subsection (3) *(b)* (i), in relation to any premises, at any time when those premises are not open for business.

(4) A person must not—

(a) assault or hinder an inspector, or a person assisting an inspector, while the inspector is acting in the exercise of powers conferred by this section;

or

(b) refuse or fail to answer truthfully and forthwith any question put to the person in the course of an investigation under this Part by an inspector.

Penalty: Division 4 fine.

(4a) A person must not use abusive, threatening or insulting language to an inspector, or a person assisting an inspector, while the inspector is acting in the exercise of powers conferred under this Part.

Penalty: Division 9 fine.

(5) Any statement of fact made in a report made by an inspector at the direction of the Registrar under this section will, in any legal proceedings under this Act, be accepted, in the absence of proof to the contrary, as proof of the fact so stated.

(6) An apparently genuine document purporting to be a report made by an inspector at the direction of the Registrar under this section will be accepted, in any legal proceedings, in the absence of proof to the contrary, to be such a report.

(7) An allegation in a complaint that a person named in the report is an inspector will, in the absence of proof to the contrary, be proof of the fact so stated.

(8) An inspector must, upon the request of any person in relation to whom the inspector intends to exercise any of the powers conferred by this Part, produce for the inspection of that person the certificate of identity furnished to the inspector by the Minister.

Penalty: Division 10 fine.

(9) A person must not, by words or conduct, falsely represent that he or she is an inspector.

Penalty: Division 9 fine.

(10) An inspector does not incur any liability by virtue of any act or omission in the exercise, or purported exercise, in good faith of the powers conferred by this Part.

Power to require production or attendance for investigations

98pa. (1) An inspector may, for the purposes of an investigation, by notice in writing given to a person require the person—

(a) within the time and in the manner specified to furnish information specified in the notice;

(b) within or at the time and at the place specified to produce for inspection a vehicle or other object or books, papers, documents or records of any kind specified in the notice;

or

(c) at a reasonable time and at the place specified in the notice to attend in person in order to enable an inspector to put questions to that person.

(2) A person must not, without reasonable excuse, fail to comply with a requirement of an inspector made under subsection (1).

Penalty: Division 7 fine.

Reference of certain matters to the consultative committee

98pb. (1) The Registrar must, before refusing an application for a towtruck certificate or temporary towtruck certificate, or before imposing a condition of a certificate under this Part, refer the matter to the committee for decision by the committee.

(2) Where a matter is decided by the committee pursuant to this section, the Registrar must give effect to the decision of the committee.

The Towtruck Tribunal

98pc. (1) The *Towtruck Tribunal* is established.

(2) The Tribunal consists of three members of whom—

(a) one (the presiding member) will be—

(i) a District Court Judge nominated by the Senior District Court Judge;

(ii) a magistrate nominated by the Chief Magistrate;

or

(iii) a legal practitioner of not less than seven years standing appointed by the Governor;

and

(b) two will be appointed by the Governor on the nomination of the Minister and of these—

(i) one will be selected from a panel of three submitted by the Motor Trade Association of South Australia Incorporated (unless the association, after being requested to do so by the Minister, fails to submit such a panel);

and

(ii) the other will be a person who has, in the Minister's opinion, appropriate knowledge of the towtruck industry.

(3) A District Court Judge or a magistrate will not be nominated to the position of presiding member of the Tribunal unless the Minister, by notice in writing to the Senior Judge or the Chief Magistrate, indicates a desire to have the position filled from the judiciary or the magistracy.

(4) A member of the Tribunal who is appointed by the Governor will be appointed for a term not exceeding three years and will, on the expiration of a term of appointment, be eligible for reappointment.

(5) A member of the Tribunal may have a deputy to act in his or her absence and the provisions applicable to nomination, selection and appointment of members extend to deputies.

(6) A member (or deputy member) of the Tribunal is entitled to such allowances and expenses (if any) as the Governor may determine.

Inquiries

98pd. (1) The Tribunal may, upon the application of a person made in the prescribed manner, or of its own motion, inquire into the conduct of a person who holds or has held a towtruck certificate or temporary towtruck certificate.

(2) If after conducting an inquiry under subsection (1) into the conduct of a person, the Tribunal is satisfied that proper cause exists for disciplinary action, the Tribunal may do one or more of the following:

(a) reprimand the person;

(b) impose a division 9 fine;

(c) suspend for a period specified by the Tribunal or until the fulfilment of a condition imposed by the Tribunal, or until the further order of the Tribunal, a towtruck certificate or temporary towtruck certificate held by the person, or cancel the certificate;

(d) disqualify the person either temporarily or permanently, or, until the fulfilment of a condition imposed by the Tribunal, or until the further order of the Tribunal, from obtaining a towtruck certificate or temporary towtruck certificate.

(3) There is proper cause for disciplinary action in relation to a person who holds or has held a towtruck certificate or temporary towtruck certificate if—

(a) the certificate was improperly obtained;

(b) the person has contravened or failed to comply with a provision of this Act;

(c) the person has contravened or failed to comply with a condition of the certificate;

(d) the person has contravened, or failed to comply with, a provision of the *Radiocommunications Act 1983* of the Commonwealth;

(e) the person has been convicted, or found guilty, of an offence involving dishonest, threatening or violent behaviour or involving the use of a motor vehicle;

or

(f) the person has been guilty of any other act or default of such a nature that, in the opinion of the Tribunal, disciplinary action should be taken against the person.

(4) Where a person has expiated an offence that attracts demerit points under this Act, the person will be taken, for the purposes of subsection (3), to have been convicted of the offence.

(5) The Tribunal must give to the person whose conduct is the subject of an inquiry under this Part, and to the person (if any) upon whose application the inquiry is to be held, not less than seven days notice of the time and place at which it intends to conduct the inquiry and must afford the person a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Tribunal.

(6) If a person to whom notice has been given pursuant to subsection (5) does not attend at the time and place fixed by the notice, the Tribunal may hold the inquiry in that person's absence.

(7) Subject to this Act, the procedure at an inquiry will be as determined by the Tribunal.

(8) A person whose conduct becomes the subject of an inquiry conducted by the Tribunal and a person upon whose application an inquiry is held under this Part may be represented by counsel at the inquiry.

(9) In an inquiry the Tribunal must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms, and is not

bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(10) The Tribunal may, upon the determination of an inquiry under this Part, make such orders as to costs as the Tribunal thinks just and reasonable.

(11) Where the Tribunal makes an order for the payment of a fine or costs against a person who holds a towtruck certificate or temporary towtruck certificate and the fine or costs are not paid within the time fixed by the Tribunal, the Tribunal may suspend the certificate of that person until the fine or costs are paid, or for such period as the Tribunal thinks fit.

(12) Where the Tribunal has ordered the payment of a fine or costs, the fine or costs are recoverable summarily.

Review

98pe. (1) A person aggrieved by any decision or order made by the Registrar under the accident towing roster scheme may apply to the Tribunal for a review of the decision or order.

(2) The application for review must be made within one month of the making of the decision or order to be reviewed, but the Tribunal may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the application be so made.

(3) The Tribunal may, on the review, do one or more of the following, according to the nature of the case:

(a) confirm the decision or order subject to the review;

(b) substitute, or make, in addition, any decision or order that could have been made in the first instance;

(c) make any further or other order as to costs or any other matter that the case requires.

(4) The Registrar must, if required by a person in relation to whom such a decision or order has been made, state in writing the reasons for the decision or order.

(5) If the reasons for a decision or order are not given in writing at the time of the making of the decision or order and the person in relation to whom it was made then requested that the reasons be given in writing, the time for making an application for review runs from the time of service upon that person of the written statement of those reasons.

(6) Where the Registrar or the Tribunal is satisfied that an application for review of such a decision or order has been made, the Registrar or the Tribunal may suspend the operation of the decision or order until the completion of the review.

(7) Where the Registrar has suspended the operation of a decision or order pursuant to subsection (6), the Registrar may terminate the suspension and, where the Tribunal has done so, the Tribunal may terminate the suspension.

(8) Subject to this Act, the procedure for a review will be as determined by the Tribunal.

(9) Where the Tribunal has ordered the payment of costs, the costs are recoverable summarily.

Powers of Tribunal

98pf. (1) The Tribunal may for the purposes of an inquiry or review under this Part—

(a) by summons signed on behalf of the Tribunal by one of its members, require the attendance before the Tribunal of any person whom it thinks fit to call before it;

(b) by summons signed on behalf of the Tribunal by one of its members, require the production of any motor vehicle, books, papers, documents or other thing;

(c) inspect any motor vehicle, books, papers, documents or other thing produced before it, and retain them for such reasonable period as it thinks fit, and make copies of such books, papers or documents or any of their contents;

(d) require a person to make an oath or affirmation that the person will truly answer all questions put to the person by the Tribunal or by a person appearing before it relevant to any matter arising in the hearing (which oath or affirmation may be administered by a member of the Tribunal);

or

(e) require a person (other than counsel) appearing before the Tribunal (whether summoned to appear or not) to answer relevant questions put to the person by a member of the Tribunal or by a person appearing before it.

(2) Subject to subsection (3), a person—

(a) who, having been served with a summons to attend before the Tribunal, neglects or fails to attend in obedience to the summons;

(b) who, having been served with a summons to produce any motor vehicle, books, papers, documents or other thing, neglects or fails to comply with the notice;

(c) who misbehaves before the Tribunal, wilfully insults the Tribunal or a member of the Tribunal, or interrupts the proceedings of the Tribunal;

or

(d) who refuses to be sworn or to affirm, or to answer a relevant question, when required to do so by the Tribunal,

is guilty of an offence.

Penalty: Division 8 fine.

(3) A person is not obliged to answer a question put in proceedings before the Tribunal if the answer to the question would tend to incriminate the person.

(4) In the course of an inquiry the Tribunal may receive in evidence, and act upon—

(a) a transcript of evidence in proceedings before any court or tribunal;

or

(b) a finding or judgment of any court or tribunal,

that may be relevant to the proceedings.

Protection for Registrar

98pg. No liability attaches to—

(a) the Registrar;

(b) a member of the committee;

or

(c) a member of the Tribunal,

for an act or omission in good faith and in the performance or discharge or purported performance or discharge of a power, function or duty conferred by or under this Act.

PART IIID

DISABLED PERSONS' PARKING PERMITS

Application for a disabled person's parking permit

98r. (1) A person—

(a) who is, by virtue of a permanent physical impairment, unable to use public transport;

and

(b) whose speed of movement is, by virtue of that impairment, severely restricted,

may apply to the Registrar for a disabled person's parking permit.

(2) An application under this section must be made in a manner and form determined by the Minister, and must be accompanied by the prescribed fee.

(3) The Registrar may require an applicant for a permit under this section to be examined by a medical practitioner nominated by the Registrar, at a place accessible and convenient to the applicant.

(4) If the Registrar is satisfied, either upon the report of a medical practitioner pursuant to subsection (3) or upon such other evidence as the Registrar may require, that the applicant meets the criteria set out in subsection (1), the Registrar must issue to the applicant a disabled person's parking permit.

Duration of permit

98s. A disabled person's parking permit will, subject to this Act, remain in force for one year, and may be renewed annually in a manner and form determined by the Minister, and upon payment of the prescribed fee.

Parking permit entitlements

98t. (1) A disabled person's parking permit entitles the driver of any motor vehicle, while the vehicle is in the course of being used for the transportation of the holder of the permit, to such exemptions, conditional or unconditional, in relation to the parking or standing of that vehicle as may be prescribed under the *Local Government Act, 1934.*

(2) A person—

(a) who is the holder of a disabled person's parking permit;

and

(b) who drives a motor vehicle to and from his or her place of employment,

may apply in writing to the council of the area in which that place of employment is situated, for permission to park a motor vehicle near to that place of employment.

(3) A council to which an application is duly made under subsection (2) may, after consultation with the applicant, make such arrangements for the parking of the applicant's motor vehicle near to the place of employment while the applicant is in attendance at that place as are reasonably practicable, having regard to—

(a) the speed of movement of the applicant and the distance the applicant is able to move without undue difficulty;

(b) the particular needs, requirements and disabilities of the applicant;

and

(c) the range of other parking facilities that may be available, accessible and convenient to the applicant.

(4) A council must, for the purpose of giving effect to an arrangement made under subsection (3), exempt the applicant, conditionally or unconditionally, from such of the regulations under the *Local Government Act, 1934*, as may be necessary.

(5) A council may, after consultation with the person in relation to whom an arrangement has been made under subsection (3), revoke or vary that arrangement.

(6) A person who is aggrieved by a decision of a council to refuse to make an arrangement under subsection (3), or to revoke or vary such an arrangement, may apply to the Minister, in a manner and form determined by the Minister, for a review of the decision.

Misuse of permit

98u. A person must not display, or permit to be displayed, a disabled person's parking permit on a motor vehicle unless that vehicle is in the course of being used for the transportation of the holder of the permit.

Penalty: Division 9 fine.

Cancellation of permit

98v. (1) The Registrar—

(a) must, if satisfied, upon the report of a medical practitioner, that the holder of a disabled person's parking permit no longer meets the criteria set out in section 98r (1);

or

(b) may, if the holder of a disabled person's parking permit is convicted of an offence against section 98u,

cancel, or refuse to renew, the permit.

(2) The Registrar may, by notice in writing served personally or by post on the holder of a disabled person's parking permit, require that person to deliver the permit to the Registrar, at a place and within a reasonable time specified in the notice, for the purpose of cancelling the permit pursuant to this section.

(3) A person must comply with a notice served under subsection (2).

Penalty: Division 10 fine.

Review by the Minister

98w. A person who is aggrieved by a decision of the Registrar to refuse to issue or renew a disabled person's parking permit, or to cancel a permit, may apply to the Minister, in a manner and form determined by the Minister, for a review of the decision.

Interpretation

98x. A motor vehicle will for all purposes be taken to be in the course of being used for the transportation of the holder of a disabled person's parking permit notwithstanding that the holder of the permit is accompanied by other persons.

PART IV

THIRD PARTY INSURANCE

Interpretation

99. (1) In this Part, unless the context otherwise requires—

"approved insurer" means a person or body of persons approved by the Minister as an insurer under this Part:

"bodily injury" includes mental or nervous shock:

"the insurance premium committee" means the committee appointed under section 129:

"insured motor vehicle" or "insured vehicle" means a motor vehicle in relation to which a policy of insurance under this Part is in force:

"insured person" means a person insured by a policy of insurance under this Part:

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"the nominal defendant" means a person appointed by the Minister to be the nominal defendant, and for the time being holding that appointment:

"owner" means an owner or joint owner or part owner of a motor vehicle and a person who has the use of a motor vehicle under a hire-purchase agreement:

"policy of insurance" means a policy of insurance that complies with this Part.

(1a) Where two corporations are related corporations for the purposes of the *Companies (South Australia) Code*, they are related corporations for the purposes of this Part.

(2) Other words and expressions used in this Part have the meaning assigned to them in section 5, unless the context otherwise requires.

(3) For the purposes of this Part and the fourth schedule, death or bodily injury will not be regarded as being caused by or as arising out of the use of a motor vehicle if it is not a consequence of—

(a) the driving of the vehicle;

(b) a collision, or action taken to avoid a collision, with the vehicle when stationary;

or

(c) the vehicle running out of control.

Insurance premiums to be paid on applications for registration

99a. (1) An applicant for—

(a) the registration or renewal of registration of a motor vehicle;

(b) an exemption from registration in respect of a motor vehicle;

or

(c) a permit in respect of a motor vehicle,

must at the time of application pay to the Registrar the premium upon a policy of insurance in terms of the fourth schedule for the motor vehicle in respect of which the application is made.

(2) The applicant must, in the application, select an approved insurer to be the insurer in terms of the policy of insurance and if the applicant fails so to select an approved insurer the Registrar may, subject to subsection (3), select such an insurer in respect of the application.

(3) Where an applicant purports to select a corporation as the approved insurer in respect of the motor vehicle, and the corporation is not an approved insurer but a related corporation is such an insurer, the Registrar must, subject to any agreement with an approved insurer under this Part, select the related corporation as the approved insurer.

(4) Where the Registrar purports to select an approved insurer pursuant to the provisions of this section, that selection will be conclusively presumed to be valid and effectual for the purposes of this section and no claim or proceedings can lie against the Registrar in respect of any such selection.

(5) The applicant must, in the application, furnish the Registrar with such information as may be necessary in order to determine the appropriate insurance premium.

(6) Where as a result of any transfer in the ownership of a vehicle, any alteration to the nature of a vehicle, or any change in the use of a vehicle, a greater premium becomes payable in respect of the motor vehicle than that paid to the Registrar when the application was made, the insurer may recover the amount of the difference between the respective premiums as a debt in any court of competent jurisdiction.

(7) Where by reason of any fact known to the insured person a greater premium becomes payable to the insurer in respect of the motor vehicle, the insured person must forthwith give the insurer notice in writing of that fact.

Penalty: Division 10 fine.

(8) A policy of insurance in terms of the fourth schedule is in force in respect of the motor vehicle as from the time at which the grant or renewal of registration, the exemption from registration, or permit becomes effective and, subject to this Part—

(a) remains in force for the whole of the period for which registration is granted or renewed and for a further period of grace of 30 days (but falls due for renewal at the expiration of the former period);

or

(b) remains, subject to express provision in this Act for the policy to be effective for a longer period, in force for the whole of the period for which the exemption from registration, or permit, is granted, but then expires.

(9) The insurer selected pursuant to the provisions of this section in respect of a motor vehicle becomes the insurer under the policy of insurance relating to that motor vehicle.

(10) Where a policy of insurance comes into force in relation to a motor vehicle during the period of grace referred to in subsection (8), the period of grace thereupon terminates.

(11) Where the registration of a motor vehicle is transferred, the policy of insurance continues in operation in relation to the person to whom the registration is transferred.

(12) A policy of insurance cannot be cancelled while the registration, exemption from registration, or permit, in respect of the motor vehicle to which the policy relates remains in force but upon any renewal of registration a different approved insurer may be selected and that insurer thereupon becomes the insurer of the motor vehicle from the day and time at which the renewal becomes effective.

(13) The Registrar must, subject to subsection (14), pay to an approved insurer the premiums collected by the Registrar in respect of policies of insurance in respect of which that approved insurer was selected as the insurer under this section.

(14) The Registrar must retain out of the amounts to be paid to each approved insurer under this section such administration expenses as are determined by agreement between the Registrar and the approved insurers or as may, in default of agreement, be determined by the insurance premium committee.

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(17) A policy of insurance under this section is not invalidated by any error or omission on the part of the Registrar or any officer acting at the direction or under the control of the Registrar.

(18) An entry in the register of motor vehicles kept under this Act to the effect that a specified insurer is, or was for a period to which the entry relates, the insurer under a policy of insurance relating to a specified motor vehicle is conclusive evidence that the insurer is,

or was for that period, the insurer under such a policy of insurance relating to that motor vehicle.

(19) An application for the issue of trader's plates will, for the purposes of this section, be taken to be an application for registration in respect of a motor vehicle, and the policy of insurance that comes into operation upon the issue of the trader's plates is effective (whether or not the trader's plates have been transferred) in relation to any motor vehicle driven in pursuance of the trader's plates.

Application of this Part to the Crown

100. (1) This Part does not render it obligatory to insure any vehicle owned by the Crown and used solely in the public business of the State.

(2) Where a motor vehicle owned by the Crown is not insured under this Part—

(a) the Crown will, without affecting its rights or liabilities, if any, as an owner, be taken to be an insurer who has issued a policy of insurance complying with this Part in relation to the use of that vehicle;

and

(b) any person who drives that vehicle either with or without the consent of the Crown will, subject to subsection (3), be taken to be an insured person.

(3) Where a person drives a vehicle owned by the Crown without the consent of the Crown or a person authorized to give such consent on behalf of the Crown, and the Crown pays any money or incurs any costs in respect of a claim for death or bodily injury caused by such driving, the Crown may recover the amount so paid and the costs so incurred from the person who so drove the vehicle.

Approved insurers

101. (1) Any person or body of persons, corporate or unincorporate, carrying on, or intending to carry on, the business of insurance within the State may apply to the Minister for approval as an insurer under this Part.

(2) The Minister may grant or refuse any such application.

(3) An application for approval under this section must be made on or before 1 April in any year, and the approval, if granted, will be effective as from 1 July in that year.

(4) Before approving of an insurer the Minister may require the insurer to enter into an undertaking and an agreement by which the insurer accepts duties and obligations relating to insurance under this Part and matters incidental to those duties and obligations.

(5) If, at or before 1 April in any year, an approved insurer applies to the Minister for the withdrawal of approval under this Part, the Minister may, as from 1 July next ensuing, withdraw the approval of that insurer.

(6) Where the Minister is satisfied that there are special circumstances justifying doing so, the Minister may, upon receipt of due application (which need not be made in conformity with the limitations of time stipulated by this section) grant approval as an approved insurer or withdraw approval from an approved insurer, and the grant or withdrawal of approval will be effective as from a date determined by the Minister.

(7) The Minister may, by notice in writing served personally or by post upon an approved insurer, require the insurer to furnish the Minister, within such time as may be stipulated in the notice, with such evidence of the insurer's financial position and capacity to meet existing and future liabilities under policies of insurance under this Part as may be required in the notice.

(8) If—

(a) an approved insurer commits a breach of a term or condition of a provision of this Part, or a term or condition on an undertaking or agreement entered into pursuant to this section;

(b) an approved insurer fails to comply with a requirement under subsection (7);

or

(c) the Minister, after considering evidence furnished by an approved insurer in compliance with a requirement under subsection (7), is not satisfied that the approved insurer has sufficient financial resources to continue properly to carry on business as an approved insurer,

the Minister may—

(d) withdraw the approval of the insurer;

or

(e) suspend the approval of the insurer for such period as the Minister thinks fit.

(9) The withdrawal, suspension or non-renewal of the approval of an insurer does not affect the validity of any policy of insurance.

Duty to insure against third party risks

102. (1) A person must not drive a motor vehicle on a road or on a wharf unless a policy of insurance complying with this Part is in force in relation to that vehicle; but this section does not apply in respect of a tractor being driven in pursuance of section 12 (1) or 13 until the Governor by proclamation declares that this section so applies. No such proclamation may be made until the Governor is satisfied that the committee appointed under section 129 has fixed a uniform rate of premium for insurance in relation to farm tractors throughout the State.

(2) The penalty for an offence against subsection (1) is—

(a) in the case of an offence arising out of—

(i) driving a motor vehicle of a class specified in section 12 or 13 for any of the purposes and under the conditions prescribed in that section;

(ii) driving a motor vehicle on a wharf for the purpose of loading or unloading cargo;

or

(iii) towing an uninsured trailer,

for a first offence—a division 12 fine;

for a subsequent offence—a division 10 fine;

and

(b) in any other case—

(i) a division 9 fine;

and

(ii) disqualification from holding and obtaining a driver's licence for a period of not more than 12 months.

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(3) Notwithstanding any other Act, proceedings for an offence against this section may be commenced at any time within 12 months from the date of the commission of the offence.

(4) Subsection (1) does not apply to a person who, on any road, drives a motor vehicle, if—

(a) the motor vehicle is registered in a proclaimed State or Territory of the Commonwealth or is otherwise permitted by the law of a proclaimed State or Territory of the Commonwealth to be driven on public roads within that proclaimed State or Territory;

and

(b) there is in force in that State or Territory in respect of the motor vehicle a policy of insurance—

(i) that complies with the law of the State or Territory;

and

(ii) under which the owner and the driver of the motor vehicle are insured against liability which might be incurred by the owner or driver in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the motor vehicle in this State.

(5) For the purposes of subsection (4), the Governor may by proclamation declare any State or Territory, the law of which in the Governor's opinion substantially meets the requirements of this Part, to be a proclaimed State or Territory.

(6) A proclamation under subsection (5) may be revoked or varied by a subsequent proclamation.

Duty to produce evidence of insurance

103. (1) An owner of a motor vehicle, if requested by a member of the police force or an inspector to produce evidence that a policy of insurance complying with this Part is, or was at any specified time or for any specified period in force in relation to that vehicle, must produce that evidence either—

(a) forthwith to the member of the police force or inspector making the request;

or

(b) at a police station (to be nominated to the member or inspector by the owner when the request is made), within five days after the making of the request.

Penalty: Division 10 fine.

(2) The production of a valid certificate of registration, in respect of the motor vehicle is sufficient evidence that a policy of insurance complying with this Part was in force during any period in respect of which the certificate was granted in respect of the motor vehicle.

Requirements if policy is to comply with this Part

104. In order to comply with this Part a policy of insurance must insure the owner of the motor vehicle to which the policy relates, and any other person who at any time drives the vehicle, whether with or without the consent of the owner, in respect of all liability that may be incurred by the owner or other person in respect of the death of, or bodily injury to, any person caused by, or arising out of the use of, the vehicle in any part of the Commonwealth.

Policies to conform to amending Acts

105. When an Act comes into operation altering the insurance required to be given by a policy under this Part or the rights or liabilities of the insurer under any such policy, every policy of insurance providing insurance required by this Part and in force when that Act comes into operation, or at any time thereafter, will be taken to provide the insurance required by this Part, as altered by that Act.

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Rights of persons named in policies

107. Notwithstanding any enactment, an insurer under a policy of insurance (whether under this Part or otherwise) in relation to a motor vehicle is, as from the date of the policy, liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover.

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Liability of insurers where premium not paid

109. The fact that the correct premium has not been paid in respect of a policy of insurance under this Part does not affect the validity or operation of the policy.

Liability of insurer to pay for emergency treatment

110. (1) Where—

(a) (i) a legally qualified medical practitioner or registered nurse renders emergency treatment in respect of bodily injury (including fatal injury) to a person caused by or arising out of the use of an insured motor vehicle;

or

(ii) the person so injured is immediately after the injury conveyed in any vehicle;

and

(b) within one month after the occurrence out of which the death or bodily injury arose, the medical practitioner, nurse or person who conveyed the injured person gives notice in writing of a claim under this section to the insurer in relation to the motor vehicle,

the insurer must make such of the following payments as are applicable to the case:

(c) to the medical practitioner—the prescribed fee for each person to whom emergency treatment is rendered together with any travelling expenses reasonably and necessarily incurred in respect of that emergency treatment;

(d) to the nurse—the prescribed fee for all emergency treatment rendered by the nurse to the person or persons injured in the accident together with any travelling expenses reasonably and necessarily incurred by the nurse in respect of that emergency treatment (which sum will, if emergency treatment is rendered to two or more persons, be taken to have been paid on behalf of all those persons in equal shares);

and

(e) to any person who conveyed the injured person as mentioned in paragraph *(a)*—an amount to be ascertained in accordance with the regulations.

(2) Where bodily injury (including fatal injury) is caused by or arises out of the use of two or more motor vehicles insured by different insurers, each insurer must pay an equal share of the payments required to be made under subsection (1).

(3) The liability (if any)—

(a) of the owner or driver of the motor vehicle in respect of the death or bodily injury;

(b) of the insurer to the owner or driver in respect of the contract of insurance;

and

(c) of the injured person or his or her personal representatives to the person to whom a payment is made under this section,

is reduced by the amount paid by the insurer under this section.

(4) In this section—

"emergency treatment" means such medical or surgical treatment or examination by a legally qualified medical practitioner or a registered nurse as is immediately required as the result of injury referred to in subsection (1).

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(6) A sum payable under this section is recoverable as if it were a simple contract debt due from the insurer to the person entitled to that sum.

(7) The Commissioner of Police must, if so requested by a person who alleges entitlement to a payment under this section, furnish that person with any information at the Commissioner's disposal as to—

(a) the identification marks of any motor vehicle that the person alleges to be a motor vehicle out of the use of which the death or bodily injury arose;

and

(b) the identity and address of the person who was using the vehicle at the time of the event out of which the death or bodily injury arose.

(8) A person who was using a motor vehicle at the time when death or bodily injury was caused by or arose from such use must, upon the request of any person who alleges entitlement to payment under this section, furnish the person with the name and address of the insurer in relation to that vehicle at the time of the death or injury.

Penalty: Division 11 fine.

Liability of insurer to pay for hospital treatment

111. When a payment is made (whether or not with an admission of liability) by an insurer under or in consequence of a policy of insurance under this Part in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle, the insurer must, in addition to making any other payments provided for by this Part, make such payments with respect to hospital treatment as are payable pursuant to any Act.

Liability of insurer in respect of burial at public expense

111a. Where—

(a) the death of a person has been caused by, or has arisen out of the use of, an insured motor vehicle;

and

(b) the deceased person has been buried at public expense,

the Treasurer may, in any court of competent jurisdiction, recover from the insurer the cost of the burial.

Liability of insurer when judgment obtained against insured

112. Where—

(a) a person has obtained judgment in an action against an insured person for death or bodily injury caused by, or arising out of the use of, an insured motor vehicle;

and

(b) before the action came on for hearing the insurer knew that the action had been commenced,

the judgment creditor may recover by action from the insurer such amount of the money (including costs or a proportionate part of those costs) payable pursuant to the judgment as relates to death or bodily injury and has not been paid.

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Liability of insurer where the insured is dead or cannot be found

113. (1) Where—

(a) death or bodily injury has been caused by, or has arisen out of the use of, an insured motor vehicle, but the insured person is dead or cannot be served with process;

and

(b) a person who could have obtained a judgment in respect of that death or bodily injury against the insured person if he or she were living or had been served with process, has given notice of a claim under this section and a short statement of the grounds of the claim as soon as possible after ascertaining that the insured person was dead or could not be found, or within such time as would prevent the possibility of the insurer being prejudiced by want of such notice,

the person who could have so recovered judgment against the insured person may recover the amount of that judgment by action against the insurer.

(2) Without limiting the scope of subsection (1), it is declared that a right of action against the insurer under that subsection in a case where the insured person is dead exists and has existed since the enactment of that subsection notwithstanding that the claimant has or had a right of action against the estate of the deceased person under the *Survival of Causes of Action Act, 1940*, or any other law.

Certain defences ineffective in actions against insurers

114. It is not a defence to an action under either of the two preceding sections that the insurer is not liable under a policy of insurance by reason of the fact that—

(a) the policy was obtained by mis-statement or non-disclosure;

or

(b) the insured person has committed a breach of or failed to comply with a term, condition or warranty of the policy or a provision of this Part.

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Claims against nominal defendant where vehicle not identified

115. (1) Where—

(a) death, or bodily injury, has been caused by, or has arisen out of the use of, a motor vehicle;

and

(b) the identity of the vehicle has not after due inquiry and search been ascertained,

a person who could have obtained a judgment in respect of that death or bodily injury against the driver may recover by action against the nominal defendant the amount of the judgment that could have been recovered against the driver.

(2) The nominal defendant is not liable to satisfy a judgment obtained against the nominal defendant, but the judgment and the nominal defendant's costs must be paid—

(a) out of money contributed by approved insurers pursuant to a scheme under section 119;

or

(b) if no such scheme is in operation, by the Minister and approved insurers in accordance with section 120.

(3) A person who proposes to proceed against the nominal defendant in pursuance of this section must, as soon as reasonably practicable after it becomes apparent that the identity of the vehicle is not readily ascertainable, give to the nominal defendant notice in writing of the person's claim and a short statement of the grounds on which it is made.

(4) Where a claimant fails to give notice of a claim in accordance with the requirements of subsection (3), and the court before which the action is brought is satisfied on the balance of probabilities that the defendant has been prejudiced in the conduct of his or her defence by that failure, it may, if the justice of the case so requires, dismiss the action.

Claim against nominal defendant where vehicle uninsured

116. (1) In this section—

"uninsured motor vehicle" means a motor vehicle in relation to which no policy of insurance as required by this Part is in force but does not include a motor vehicle in relation to which there is in force a policy of insurance—

(a) that complies with the law of some other State or Territory of the Commonwealth;

and

(b) under which the owner and driver of the motor vehicle are insured against liability that might be incurred by either or both of them in respect of the death of, or bodily injury to, any person caused by, or arising out of the use of, the motor vehicle in this State.

(2) A person claiming damages in respect of death or bodily injury caused by negligence in the use of an uninsured motor vehicle on a road may bring an action for the recovery of those damages against the nominal defendant.

(3) Where a person has brought an action against the nominal defendant under subsection (2)—

(a) the claimant may recover against the nominal defendant the amount of the judgment which in the circumstances could have been recovered against the driver of the uninsured vehicle or a person liable for the negligence of that driver;

and

(b) no action for damages against the driver, or the person so liable, may be commenced or proceeded with.

(4) A person who proposes to proceed against the nominal defendant in pursuance of this section must, as soon as reasonably practicable after it becomes apparent that the motor vehicle in respect of which the claim arises was uninsured, give to the nominal defendant notice in writing of the claim and a short statement of the grounds on which it is made.

(5) Where a claimant fails to give notice of a claim in accordance with the requirements of subsection (4) and the court before which the action is brought is satisfied on the balance of probabilities that the defendant has been prejudiced in the conduct of his or her defence by that failure, it may, if the justice of the case so requires, dismiss the action.

(6) The nominal defendant is not liable to satisfy a claim or judgment obtained against the nominal defendant under this section but the claim or judgment and the nominal defendant's costs must be paid out of money contributed by approved insurers pursuant to a scheme under section 119.

(7) A sum properly paid by the nominal defendant to satisfy a claim made or judgment obtained under this section together with costs is recoverable by the nominal defendant from the driver of the motor vehicle or any person liable for the negligence of that driver; but it is a defence in an action under this subsection if the defendant satisfies the court that at the time of the accident—

(a) the defendant was the owner of the motor vehicle or was driving the vehicle with the consent of the owner;

and

(b) that he or she had reasonable grounds for believing and did believe that the vehicle was an insured motor vehicle.

(8) The nominal defendant must pay any amount recovered under this section to approved insurers in such amounts or proportions as the Minister directs.

Appointment of nominal defendant

116a. (1) The Minister may, by instrument published in the *Gazette*, appoint a person to be the nominal defendant for the purposes of this Part.

(2) The person for the time being holding the appointment as the nominal defendant may be designated or described (without specification of an actual name) as "The Nominal Defendant" in any legal process or other document.

Interpretation of expression in ss. 113 and 115

117. In sections 113 and 115 the expression "a person who could have obtained a judgment in respect of that death or bodily injury" includes a tortfeasor against whom a claim has been made in respect of that death or bodily injury and who is entitled to recover contribution in respect of it from some other person pursuant to Part III of the *Wrongs Act, 1936*.

An action for injury caused by, or arising out of use of, a motor vehicle may be maintained between spouses

118. (1) Where a person would, if not married to his or her spouse, be liable to his or her spouse for bodily injury caused by, or arising out of the use of, a motor vehicle, the spouse is entitled to recover from that person damages in respect of the injury in all respects as if the spouse were not married to that person.

(2) Where the injury referred to in subsection (1) results in death, an action is maintainable subject to, and in accordance with, Part II of the *Wrongs Act, 1936*, in respect of the injury.

(3) A right of action conferred by this section is exercisable, notwithstanding any law to the contrary—

(a) where the injury was caused or inflicted in the State;

(b) where the parties were, at the time of the injury, domiciled or resident in the State;

or

(c) where the defendant was, at the time of the injury, insured by a policy of insurance under this Part.

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(5) A policy of insurance in respect of any motor vehicle driven within the State will, notwithstanding any express or implied term to the contrary, and notwithstanding that the Crown or an instrumentality of the Crown is the insurer liable under the policy, be taken to provide that the person insured is granted an indemnity against claims under this section.

(6) An action is maintainable under this section whether the parties were married prior to, or subsequent to, the time of the injury.

Appointment of nominal defendant when approved insurer is in liquidation or enters into compromise with creditors

118a. (1) Where the Minister is satisfied that an approved insurer, being a corporation incorporated in the State or elsewhere, has insufficient assets to meet all its liabilities and—

(a) is being wound up;

or

(b) has entered into a compromise or arrangement with its creditors,

the Governor may, on the recommendation of the Minister, by proclamation declare that this section applies to that insurer and thereupon this section will apply to that insurer in accordance with the declaration.

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(3) Where this section applies to an insurer, any person having any claim or entitled to bring any action or enforce any judgment against that insurer—

(a) under the terms and conditions of a policy of insurance under this Part;

or

(b) pursuant to any provision of this Part,

may make or bring that claim or action or enforce that judgment against the nominal defendant.

(4) The nominal defendant has the same duties and liabilities and has and may exercise the same powers and rights in or in relation to any such claim, action or judgment as the insurer would have if it were not being wound up, or had not entered into a compromise or arrangement with its creditors.

(5) Notwithstanding any other Act, where the nominal defendant pays or is liable to pay any sum pursuant to subsection (3) and the amount so paid or liable to be paid or any part of it would, if paid by the insurer, have been recoverable by the insurer from another person under any provision of this Part or a contract or arrangement for reinsurance, the nominal defendant has and may exercise the rights and powers of the insurer under that contract or

arrangement so as to enable the nominal defendant to recover that amount from that other person.

(6) The insurer or any officer or agent of the insurer or, where the insurer is being wound up, the liquidator of the insurer must, upon the request of the nominal defendant forthwith—

(a) furnish the nominal defendant with such particulars as the nominal defendant requires relating to claims, actions and judgments referred to in subsection (3) of which the insurer or liquidator has received notice;

(b) make available to the nominal defendant all books and papers of the insurer relating to those claims, actions and judgments;

and

(c) give the nominal defendant such assistance as the nominal defendant reasonably requires in relation to any such claim, action or judgment.

(7) All money paid out or costs incurred by the nominal defendant under this section in respect of any claim, action or judgment will be paid—

(a) out of money contributed by approved insurers pursuant to a scheme under section 119;

or

(b) if no such scheme is in operation, by the Treasurer and approved insurers in accordance with section 120.

(8) The amount of all money paid out or costs incurred by the nominal defendant under this section may, in the winding up of the insurer or in any compromise or arrangement between the insurer and any of its creditors, be proved as a debt due to the nominal defendant by the insurer, and the nominal defendant must pay any amounts received as dividends out of the assets of the insurer, and any amounts recoverable by the insurer under this Part that have been recovered by the nominal defendant, to such approved insurers in such amounts or proportions as the Minister directs.

Scheme under which approved insurers indemnify liabilities incurred by nominal defendant

119. (1) The Minister may, by notice in the *Gazette*, publish a scheme under which all approved insurers will contribute money in proportions provided for in the scheme for—

(a) satisfying claims made, or judgments pronounced, against the nominal defendant under this Part;

and

(b) otherwise indemnifying the nominal defendant against payments made, and costs incurred, in respect of claims under this Part.

(2) The Minister may, by notice published in the *Gazette*, vary or revoke any scheme previously published under this section.

(3) The nominal defendant may by action in any court of competent jurisdiction enforce the terms of any scheme published under this section.

Satisfaction of judgment against nominal defendant where no scheme in force

120. (1) If no scheme is in force under the preceding section, the amount of a judgment against the nominal defendant and the nominal defendant's costs and any other money that the nominal defendant is liable to pay under this Part will be paid by the Treasurer out of the General Revenue of the State.

(2) This section without further appropriation is sufficient authority for making payments under subsection (1).

(3) Every person who was an approved insurer at the date of the accident giving rise to the injury is liable to pay a contribution to the Treasurer to reimburse the Treasurer for the amount paid pursuant to this section.

(4) The contribution of each insurer will be determined by the Treasurer and in so determining the Treasurer must have regard to the premium income received for insurance under this Part during the previous year by each insurer.

Policy to bind all insured persons

121. While a policy of insurance remains in force, every person who is insured in terms of the policy is contractually bound by the provisions of the policy in all respects as if the person had agreed with the insurer so to be bound.

Cancellation of policy

122. (1) An insurer may, subject to subsection (2), by notice in writing served personally or by post upon the insured person, cancel a policy of insurance in respect of a motor vehicle.

(2) A policy of insurance may not be cancelled under subsection (1) unless the insurer has received from the Registrar a written notice stating that no registration, exemption from registration or permit is in force in relation to the motor vehicle.

Right of insurer against unauthorized driver of vehicle

123. Where a person without lawful excuse drives a motor vehicle without first obtaining the consent of its owner, the insurer may, by action in a court of competent jurisdiction, recover from the person any money paid or costs incurred by the insurer in respect of a claim for death or bodily injury caused by his or her driving.

Notice of accident or claim

124. (1) Where an accident caused by, or arising out of the use of, a motor vehicle results in the death of, or bodily injury to, any person, written notice must be given as soon as practicable to the person who is the insurer under a policy of insurance in respect of the vehicle stating in detail—

(a) the fact of the accident;

(b) the time and place at which it occurred;

(c) the circumstances of the accident;

(d) the name and address of any person killed or injured in the accident;

and

(e) the names and addresses of any witnesses of the accident.

(2) Where notice is not given as required by subsection (1), the owner, the person in charge, and the driver, of the motor vehicle at the time of the accident are each guilty of an offence.

Penalty: Division 8 fine or division 8 imprisonment.

(3) It is a defence to a prosecution under subsection (2)—

(a) that the defendant did not know of the accident, or gave the requisite notice as soon as practicable after the accident came to his or her knowledge;

or

(b) that the defendant believed upon reasonable grounds that the requisite notice had been given.

(4) Where a claim is made upon an insured person in respect of an accident of a kind referred to in subsection (1), the insured person must as soon as practicable give notice of the claim to the insurer and furnish the insurer with such information in relation to the claim as the insurer may reasonably require.

Penalty: Division 10 fine.

(5) The insurer may, by notice in writing, require—

(a) the driver of the motor vehicle at the time of the accident to produce the licence or permit in pursuance of which he or she was driving the motor vehicle, for the inspection of the insurer;

or

(b) the owner of the motor vehicle at the time of the accident to produce the certificate of registration or permit in respect of the motor vehicle, for the inspection of the insurer,

and if a person of whom such a requirement has been duly made fails to comply with the requirement the person is guilty of an offence.

Penalty: Division 10 fine.

(6) A person must not give any notice or information under this section that is, to his or her knowledge, false or misleading in any material particular.

Penalty: Division 8 fine or division 8 imprisonment.

(7) A notice or information given under this section is privileged from production or disclosure in any legal proceedings except proceedings under this Part.

Recovery by the insurer

124a. (1) Where an insured person incurs a liability against which he or she is insured under this Part and the insured person has contravened or failed to comply with a term of the policy of insurance—

(a) by driving a motor vehicle while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle;

or

(b) by driving a motor vehicle while there is present in his or her blood a concentration of .15 grams or more of alcohol in 100 millilitres of blood,

the insurer may, by action in a court of competent jurisdiction, recover from the insured person any money paid or costs incurred by the insurer in respect of that liability.

(2) Where an insured person incurs a liability against which he or she is insured under this Part and the insured person has, to the prejudice of the insurer—

(a) contravened or failed to comply with a term of the policy of insurance other than one referred to in subsection (1);

or

(b) contravened or failed to comply with—

(i) a requirement of section 124;

or

(ii) a provision of section 126,

the insurer may, by action in a court of competent jurisdiction, recover from the insured person so much of the money paid or costs incurred by the insurer in respect of that liability as the court thinks just and reasonable in the circumstances.

Recovery of an excess in certain cases

124ab. (1) Where an insured person incurs a liability against which he or she is insured under this Part and the liability arises out of an accident which was to the extent of more than 25 per cent the fault of the insured person, the insurer may recover from the insured person as a debt—

(a) where the money paid and costs incurred by the insurer in respect of the liability does not exceed $200—the amount of that money paid and costs incurred;

and

(b) where the money paid and costs incurred by the insurer exceed $200—$200.

(2) The insurer is not entitled to recover an amount under subsection (1) if the insurer exercises any other right of recovery against the insured person under this Part.

Power of insurer to deal with claims against insured

125. (1) An insurer may, on behalf of an insured person—

(a) conduct any legal proceedings in respect of circumstances out of which a claim against the insurer has arisen, or may arise;

(b) conduct and control negotiations in respect of any claim against the insured person;

and

(c) at any stage of those negotiations or proceedings pay, compromise or settle any claim against the insured person.

(2) The insured person must sign and execute all such warrants, authorities, and other documents as are necessary to give effect to this section and, if he or she makes default in doing so or is absent or cannot be found, the insurer may sign or execute the warrants, authorities, or other documents on behalf of the insured person.

(3) Where—

(a) as the result of the use of a motor vehicle an accident happens which results in the death of or bodily injury to any person, as well as damage to property;

and

(b) claims are made in respect of the death or bodily injury and also in respect of the damage to property,

then nothing said or done in any negotiations for settlement of either claim, and no judgment given in legal proceedings in respect of either claim, can be evidence in legal proceedings in respect of the other claim.

Joinder of insurer as defendant to an action

125a. (1) Where an action for damages or other compensation has been commenced in a court against an insured person in respect of death or bodily injury resulting from the use of a motor vehicle, the court may, on the application of the insurer, join it as a defendant to the action.

(2) The court may not join an insurer as a defendant to an action under subsection (1) unless the court is of the opinion that—

(a) there is an actual or potential conflict of interest between the insurer and the insured in relation to the presentation of the defence;

and

(b) the defence proposed by the insurer in relation to which the actual or potential conflict of interest arises is, in the circumstances of the case, not merely speculative.

(3) Where, in pursuance of this section, an insurer has been joined as a defendant to an action—

(a) the insurer will be taken to have directly assumed the liability (if any) of the insured person upon the claim in respect of death or bodily injury and, where such a liability is found to exist, judgment upon that claim will be given not against the insured person but against the insurer;

(b) the insured person remains a party to the action only for the purposes of—

(i) defending a claim that is not a claim in respect of death or bodily injury;

or

(ii) proceeding upon a counterclaim,

and where there is no such claim or counterclaim, the insured person ceases to be a party to the action;

(c) the insured person may not be joined as a third party to the action;

(d) the insured person is, notwithstanding paragraphs *(b)* and *(c)*, entitled to be heard in the proceedings upon any question related to the claim in respect of death or bodily injury;

(e) for the purpose referred to in paragraph *(d)*, the insured person is entitled to be represented by counsel of his or her own choice, and the insured person's costs must be paid by the insurer unless, in the opinion of the court, there are special reasons for ordering otherwise;

and

(f) the insurer may apply to call the insured person to give evidence and, in that event, the person will be called, or summoned to appear, as a witness and be liable to cross-examination by the insurer.

(4) No judgment or finding of a court in proceedings in which an insurer has been joined as a defendant under this section is binding in subsequent proceedings against the insured person under section 124a.

Duty of insured not to litigate or negotiate claim

126. An insured person must not, without the consent in writing of the insurer concerned—

(a) enter upon, or incur any expense in, any litigation;

(b) make any offer or promise of payment or settlement;

(c) make any payment or settlement;

(d) make any admission of liability;

or

(e) authorize the repair of the motor vehicle, or dismantle, or wilfully cause damage to, the motor vehicle,

in respect of any claim in respect of which the person is insured with that insurer, but this provision does not prevent any person from truthfully answering any question reasonably asked of the person by any police officer.

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Medical examination of claimants

127. (1) In this section—

"claimant" means a person who has made a claim, or on whose behalf a claim has been made, for bodily injury caused by or arising out of the use of a motor vehicle.

(2) A claimant must—

(a) submit himself or herself to any medical examination by a legally qualified medical practitioner nominated by the insurer that the insurer may require;

(b) within 21 days of consulting a legally qualified medical practitioner in relation to the injury to which the claim relates, or such longer period as may be reasonable in the circumstances of the case or as the insurer may allow, inform the insurer, by notice in writing, of—

(i) the name of the medical practitioner;

and

(ii) the day on which the consultation occurred;

and

(c) within 21 days of receiving (either personally or through a legal practitioner engaged by the claimant) a written report from a legally qualified medical practitioner consulted by the claimant in relation to the injury, or such longer period as may be reasonable in the circumstances of the case, send a copy of that report to the insurer.

(3) A claimant cannot be required to submit to a medical examination under subsection (2) *(a)* more frequently than is permitted by the regulations.

(4) The cost of a medical examination under subsection (2) *(a)* must be borne by the insurer.

(5) If a claimant fails to comply with subsection (2) *(a)*—

(a) the claimant is not entitled, until he or she complies with the subsection, to commence proceedings or to continue proceedings that have been commenced in respect of the injury;

(b) if proceedings have been commenced, the court may award costs against the claimant;

and

(c) the claimant is not entitled to damages or compensation for any period during which the failure continues.

(6) If a claimant fails to comply with subsection (2) *(b)* or *(c)* and proceedings have been commenced before a court—

(a) the court may award costs against the claimant;

and

(b) the court may take that failure into account in assessing an award of compensation in favour of the claimant.

(7) In deciding on an award of costs under subsection (6) *(a)* or a reduction in an award of compensation under subsection (6) *(b)*, the court may take into account—

(a) the effect that the non-compliance with subsection (2) *(b)* or *(c)* has had on the proper conduct of the case by any other party to the action;

and

(b) the effect that that non-compliance may have had on the possibility of settling the case before trial.

(8) Where a written report is obtained by the insurer on the findings made, or the opinions formed, by a legally qualified medical practitioner on the examination of a claimant under subsection (2) *(a)*, the insurer must, within 21 days of receiving the report, send a copy of the report to the claimant (or a legal practitioner engaged by the claimant).

Duty of insurers to furnish information

128. (1) The Minister may by written notice given to an approved insurer require the insurer to furnish to the Minister within a period fixed by the notice, being not less than two months, any information reasonably required by the Minister and specified in the notice, relating to—

(a) premiums received for insurance under this Part;

(b) claims paid under this Part;

(c) persons insured under this Part;

(d) any other matters relevant to this Part.

(2) An insurer who receives such a notice must comply with it; but it is a defence to a charge of non-compliance to show that the insurer had a reasonable excuse for the non-compliance.

Penalty: Division 9 fine.

(3) An insurer must not wilfully or negligently furnish to the Minister any false information relating to matters specified in a notice under this section.

Penalty: Division 9 fine.

Inquiries into premiums

129. (1) Upon the recommendation of the Minister, the Governor may appoint a committee to inquire into and determine from time to time what premiums in respect of insurance under this Part are fair and reasonable.

* * * * * * * * * *

(2) The persons appointed to such a committee will be—

(a) a judge of the Supreme Court, a magistrate, or a legal practitioner who has been admitted for at least ten years, who will be the presiding officer;

(b) the Public Actuary;

(c) three persons appointed to represent owners of motor vehicles;

(d) three persons appointed to represent approved insurers.

(3) The members referred to in subsection (2) *(c)* and *(d)* will be appointed after consultation between the Minister and bodies which, in the opinion of the Minister, represent approved insurers and owners of motor vehicles respectively.

(4) The members of the committee hold office during the Governor's pleasure and the Governor will make appointments to fill vacancies occurring on the committee.

(5) The committee has all the powers of a royal commission, and the *Royal Commissions Act, 1917*, with the necessary modifications applies to the presiding officer and other members of the committee and its secretary and its proceedings and to witnesses and persons summoned as witnesses before the committee.

(6) The Minister must lay every determination of the committee before Parliament.

Rebate and commissions prohibited

129a. An approved insurer must not make a payment in the nature of a rebate or commission to any person in respect of any policy of insurance.

Actions to be tried without jury

130. Every action brought against the owner or driver of a motor vehicle for damages in respect of the death of or bodily injury to any person caused by or arising out of the use of that vehicle, will be tried without a jury.

Insurance by visiting motorists

131. The Registrar must not grant a certificate of temporary registration of a motor vehicle to a person visiting the State unless an insurance policy is in force under which persons who drive that vehicle in the State are, in the Registrar's opinion, adequately insured against any liability which may be incurred by them in respect of the death of or bodily injury to any person caused by or arising out of the use of that motor vehicle in the State.

Power to disqualify on application of insurer

132. (1) An approved insurer may apply on complaint to a court of summary jurisdiction for an order that any person be disqualified for such period as the court fixes from holding or obtaining a driver's licence.

(2) If it is proved to the satisfaction of the court that the defendant is likely, in the event of continuing to drive motor vehicles, to endanger unduly the safety of the public, the court may make such order under subsection (1) as it thinks just.

Contracting out of liability for negligence

133. (1) Subject to subsection (2), any contract (whether under seal or not) by virtue of which a person contracts in advance out of any right to claim damages or any other remedy for the negligence of any other person in driving a motor vehicle is to that extent void.

(2) Neither subsection (1) nor any corresponding previous enactment will be construed as applying to a right or remedy in respect of loss of or damage to property.

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Persons entitled to act in connection with claims

134. (1) A person must not—

(a) for or in the expectation of directly or indirectly receiving any reward accept any instructions or authority to act on behalf of any person in respect of the making, commencement, resisting, negotiation, compromise or settlement of any claim or action for damages for death, bodily injury, or injury to property, arising out of the use of a motor vehicle;

(b) for or in the expectation of directly or indirectly receiving any reward make, commence, resist, negotiate, compromise or settle or cause to be made, commenced, resisted, negotiated, compromised or settled on behalf of any person, any such claim or action;

or

(c) hold himself or herself out as being willing to act for reward on behalf of any person in making, commencing, resisting, negotiating, compromising or settling any such claim or action.

Penalty: Division 9 fine.

(2) This section does not apply to—

(a) any qualified legal practitioner acting in the course of his or her profession;

(b) any officer of an association formed for the protection of the interests of employees and whether registered under any Commonwealth or State Act or not, when acting in the course of his or her duties for a member of that association;

(c) any person employed or instructed by an approved insurer to act on its behalf in connection with—

(i) any claim or action in a case where the insurer is liable to indemnify the person against whom the claim is made or the action brought;

(ii) any claim for injury to property in a case where the insurer is exercising rights of subrogation in respect of that injury and where the person so employed or instructed limits himself or herself to making and settling the claim without threatening or otherwise referring to legal proceedings in respect of the claim.

(3) An agreement to pay money for work done or services rendered contrary to this section is void and any money so paid is recoverable by the person who has paid it.

PART V

SUPPLEMENTARY PROVISIONS

Right of appeal

134a. (1) Any person who is aggrieved by a decision of the Registrar or the Commissioner of Police to exercise a power conferred by Part III or IIIA in a manner adverse to the aggrieved person may, in accordance with the relevant rules of court, appeal against the decision to a magistrate sitting in chambers.

(2) On an appeal under this section, the magistrate may—

(a) confirm, reverse or vary the decision appealed against;

and

(b) make such order as to costs, or any other ancillary matter, as the magistrate thinks just.

False statements

135. (1) A person must not in furnishing information, or compiling a record, pursuant to this Act make, or include in the record, a statement that is false or misleading in a material particular.

Penalty: Division 7 fine or division 7 imprisonment.

(2) On a charge of an offence under subsection (1), it is not necessary for the prosecutor to prove the state of mind of the defendant, but the defendant is entitled to be acquitted if the defendant proves that when making the statement he or she believed and had reasonable grounds for believing it was true.

(3) This section applies to written and oral statements, and in respect of written and oral applications and requests.

(4) Where, in pursuance of a false statement made by a person, the Registrar has refunded any money paid under this Act—

(a) the court may, in any proceedings against that person for an offence against this section, in addition to any penalty, order the defendant to pay to the Registrar the money so refunded;

or

(b) the Registrar may recover the money from that person as a debt in any court of competent jurisdiction.

Bribes

135a. A person must not, while acting in the administration of this Act or in the exercise of any powers conferred or delegated under this Act, solicit, receive or accept any bribe, and a person must not give or offer a bribe to any such person.

Penalty: Division 7 fine or division 7 imprisonment.

Duty to notify change of address

136. (1) If the holder of a licence, or a person (other than a body corporate) registered as the owner of a motor vehicle, changes the place at which he or she is ordinarily resident, the person must within 14 days of so doing give written notice to the Registrar of the new place at which he or she is ordinarily resident.

Penalty: Division 10 fine.

(1a) Where a motor vehicle is registered in a business name, and the owner of the motor vehicle changes the principal place of business at which he or she carries on business in that business name, the owner must within 14 days of so doing give written notice to the Registrar of the address of the new principal place of business.

Penalty: Division 10 fine.

(2) A body corporate registered as the owner of a motor vehicle or a person holding trader's plates must, within 14 days of changing the principal place of business of the body corporate or person within the State, give written notice of the new principal place of business to the Registrar.

Penalty: Division 10 fine.

Duty to answer certain questions

137. A person must when requested by a member of the police force or an inspector in the course of performing duties under this Act forthwith truly answer any question put to the person for the purpose of ascertaining—

(a) the purpose for which or the circumstances in which a motor vehicle bearing a trader's plate or a motor vehicle registered at a reduced fee is being or was being driven on any occasion;

(b) the name and place of residence or business of any person who is or was driving any motor vehicle on any occasion.

Penalty: Division 10 fine.

Duty of registered owners to furnish particulars of vehicles

138. A person who is registered as the owner of a motor vehicle must, upon request by the Registrar or an inspector, deliver to the Registrar or inspector such evidence of the nature and mass of any motor vehicle owned by that person and of the nature of the tyres with which that vehicle is fitted as is required by the Registrar or inspector.

Penalty: Division 10 fine.

Commissioner of Police to give certain information to Registrar

138a. The Commissioner of Police—

(a) must, upon the request of the Registrar;

and

(b) may, at any other time,

provide the Registrar with such information as may be relevant to the question of whether a particular person is a fit and proper person to hold any licence, permit or towtruck certificate under this Act or to hold a position on an accident towing roster established under the accident towing roster scheme.

Effect of dishonoured cheques on transactions under the Act

138b. (1) Subject to subsection (2), if a cheque given in purported payment of any amount payable to the Registrar under this Act, or lawfully collected by the Registrar on behalf of any other body or person, is dishonoured on presentation, the transaction in relation to which the payment was purported to have been made will be taken to be, and to always have been, void and of no effect.

(2) The Registrar may, in such circumstances as the Registrar thinks fit, by notice in writing served personally or by post upon the person who is liable to make the payment, suspend the operation of subsection (1) for such period as may be specified in the notice, for the purpose of allowing that person to complete payment of the due amount within that period.

(3) Where a person upon whom a notice has been served under subsection (2) pays the due amount (together with any bank charges paid by the Registrar in respect of the dishonoured cheque) in the time specified, the transaction will be taken to have been effective as from the day upon which application was made.

(4) Where a transaction is void by virtue of this section, the Registrar may, by notice in writing served personally or by post upon the person who is liable to make the payment—

(a) require the person to deliver to the Registrar at a place and within a reasonable time specified in the notice any licence, permit, label, certificate, plate or other document or thing issued by the Registrar in consequence of the purported transaction;

or

(b) require the person to deal with any such licence, permit, label, certificate, plate, document or thing in the prescribed manner.

(5) A person must comply with a notice served under subsection (4).

Penalty: Division 10 fine.

(6) Where, in any proceedings for an offence against this or any other Act, it is proved that the defendant has had the benefit of any licence, permit, label, certificate, plate or other document or thing issued pursuant to a transaction that is void by virtue of this section, the court may, in addition to any penalty, order the defendant to pay to the Registrar such

proportion as the court thinks appropriate of the sum that the defendant was liable to pay upon the issue of that licence, permit, label, certificate, or other document or thing.

(7) Notwithstanding any other provision of this section, where a transaction is void pursuant to this section, the Registrar, in such circumstances as the Registrar thinks fit—

(a) may accept late payment by the applicant of the due amount and direct that the transaction be taken to have been effective as from a day specified by the Registrar;

or

(b) may refuse to enter into any further transaction with the applicant, unless the applicant pays to the Registrar the amount that was payable in respect of the void transaction, or such proportion of that amount as the Registrar thinks fit.

Inspection of motor vehicles

139. The Registrar, an inspector, a member of the police force or a person authorized in writing by the Registrar to examine motor vehicles for the purposes of this Act may—

(a) examine any motor vehicle for the purpose of ascertaining any facts on which the amount of the registration fee for that motor vehicle depends or for the purpose of verifying any particulars disclosed in an application to register or to transfer the registration of any motor vehicle;

(b) for the purpose of any such examination enter and remain in any premises at any reasonable time and search those premises for motor vehicles;

(c) take from any part of a motor vehicle a sample of any liquid fuel used or appearing to be used for propelling that motor vehicle;

(d) for all or any of the abovementioned purposes require any person to produce a motor vehicle at a specified place and at a specified day and time for the purpose of examination.

Suspension of disqualification on appeal

139a. (1) A person who by virtue of an order of a court under this Act is disqualified from holding or obtaining a driver's licence may appeal against the order in the same manner as against a conviction.

(2) Pending the hearing and determination of any such appeal the operation of any such order may be suspended—

(a) in the case of an order made by a court of summary jurisdiction, by the court which made the order, or a judge of the Supreme Court;

(b) in the case of an order made by the Supreme Court, by a judge of that Court.

(3) An order of suspension may be made before or after the institution of the appeal, but will not have any effect until the defendant—

(a) has duly instituted the appeal and paid the appropriate court fees;

and

(b) has served on the Registrar the order of suspension or a copy of it, and a notice that the appeal has been duly instituted and the fees paid.

Consultative committee

139b. (1) The Minister must appoint a consultative committee for the purposes of this Act.

(2) The consultative committee consists of—

(a) the Registrar or a nominee of the Registrar;

(b) the Commissioner of Police or a nominee of the Commissioner;

and

(c) a legal practitioner of at least five years standing.

(3) The members of the consultative committee hold office upon such terms and conditions as the Minister may determine.

(3a) The Minister may appoint a suitable person to be the deputy of a member of the consultative committee and any such person will, while acting in the absence of that member, be taken to be a member of the committee with all the powers, authorities, duties and obligations of a member of the committee.

(4) It is the duty of the consultative committee to determine any matters upon which its opinion or decision is required under this Act.

(5) Two members of the consultative committee constitute a quorum at any meeting of the committee and any decision concurred in by two members of the committee is the decision of the committee.

(6) A member of the consultative committee is entitled to receive such remuneration, allowances and expenses as the Minister may determine.

(7) The Registrar must furnish the consultative committee with any information known to the Registrar that is relevant to any matter being considered by the committee.

(8) No proceedings, decision or order of the consultative committee in relation to any matter may be called into question, quashed or set aside by reason of any antecedent decision or action by the Registrar, or a delegate of the Registrar, in relation to the matter pursuant to this Act.

Power to require production of licence, etc.

139ba. (1) Where by or under this or any other Act—

(a) a licence or learner's permit is cancelled or suspended or has become void, or the holder of a licence or learner's permit is disqualified from holding or obtaining a licence or permit;

or

(b) a decision or order is made, or the Registrar is required—

(i) to cancel or suspend a licence or learner's permit;

(ii) to disqualify the holder of a licence or learner's permit from holding or obtaining a licence or permit;

(iii) to make, vary or remove any endorsement on a licence or learner's permit of or relating to any classification, condition, disqualification, suspension or other restriction,

the court, person or body making the decision or order, or, in any case, the Registrar, may require the holder of the licence or permit to produce the licence or permit at a specified place and within a specified period.

(2) A requirement for production of a licence or permit may be imposed by order of a court, or by notice in writing served on the holder of the licence or permit.

(3) A person must comply with a requirement for production of a licence or permit imposed under this section.

Penalty: Division 9 fine.

(4) Where a licence or permit is produced pursuant to this section, the court, person or body to whom it is produced, or, in any case, the Registrar, may do one or more of the following as the case may require:

(a) make, vary or remove any endorsement on the licence or permit;

(b) where the licence or permit is or is to be cancelled or suspended or has become void, or a disqualification is imposed on the holder of the licence or permit—retain the licence or permit.

Issue of new licence or permit where licence, etc., cannot be endorsed

139bb. (1) Where—

(a) an endorsement is to be made on a licence or learner's permit or an existing endorsement on a licence or permit is to be varied or removed;

and

(b) the licence or permit is in such a form that the endorsement cannot be made, varied or removed,

the Registrar may, on production of the licence or permit, retain the licence or permit and issue to the holder of the licence or permit a new licence or permit bearing the appropriate endorsements.

(2) Where a new licence or permit is issued under this section, the old licence or permit has no further force or effect and must be destroyed.

(3) A licence or permit issued under this section will, for the purposes of this Act, be taken to have been in force from the date on which the old licence or permit was issued or last renewed.

Manner of endorsing licence, etc.

139bc. An endorsement on a licence or learner's permit is, for the purposes of this Act, sufficiently made if it is made in accordance with the regulations.

Notices

139c. Except as otherwise provided in this Act, a document or notice required or authorized by this Act to be given to or served on a person may—

(a) be served on that person personally;

or

(b) be sent by post addressed to that person at his or her last known place of residence, employment or business.

Evidence of registers

140. A document purporting to be an extract from, or copy of, an entry contained in any register kept pursuant to this Act and purporting to be certified as such an extract or copy by the Registrar is, in all legal proceedings and arbitrations, admissible as evidence, and is, in the absence of proof to the contrary, proof of the matters stated without the production of any register, licence, notice or other document upon which any entry may be founded.

Evidence by certificate of Registrar

141. A document purporting to be a certificate signed by the Registrar stating all or any of the following matters, namely:

(a) that a specified person was not on a specified day or during a specified period the holder of a licence of a specified category or was not the holder of a towtruck certificate;

(ab) that premises described in the certificate were not on a specified day or during a specified period the registered premises of a towtruck operator described in the certificate;

(ac) that a motor vehicle described in the certificate was or was not on a specified day or during a specified period registered in the name of a person or a business name described in the certificate;

(b) that a specified person had not on a specified day or during a specified period registered any motor vehicle whatever, or a specified motor vehicle;

(c) that no trader's plate or no trader's plate bearing a particular number had on a specified day or during a specified period been issued to a specified person;

(d) that a specified number was not the number on any trader's plate in force on a specified day;

(e) that a specified motor vehicle was not on a specified day or during a specified period a registered motor vehicle;

(f) that a specified number was not on any specified day assigned to any motor vehicle whatever, or to a specified motor vehicle;

(g) that a specified person had not on or before a specified day made or delivered an application to the Registrar under a specified provision of this Act, or had not given, furnished or produced to the Registrar a notice, document or object required by or under a specified provision of this Act;

(h) that a specified person had not on or before a specified day delivered to the Registrar, or dealt with in the prescribed manner, the registration label issued in respect of a specified motor vehicle;

(i) that a specified person had not on or before a specified day notified the Registrar in writing of a change of residence or principal place of business;

(j) that a document that is attached to the certificate, or that a document a copy of which is attached to the certificate, was lodged in the Registrar's office on a specified day;

(k) that a specified person had or had not on or before a specified day paid any specified fee or amount payable to the Registrar under this Act,

is in all legal proceedings and arbitrations proof of the matters so stated in the absence of proof to the contrary.

Facilitation of proof

142. In proceedings for an offence against this Act—

(a) proof that a motor vehicle does not bear a distinguishing number as prescribed by this Act or that it does not bear a registration label or that it bears a number or a registration label other than the one issued in respect of that motor vehicle is, in the absence of proof to the contrary, proof that the motor vehicle is not registered;

(b) proof that a person is registered as the owner of a motor vehicle is, in the absence of proof to the contrary, proof that the person is the owner of that motor vehicle;

(ba) proof that a motor vehicle is registered in a business name as provided by section 71a is, in the absence of proof to the contrary, proof that any person carrying on the business is the owner of that motor vehicle;

(c) the allegation in a complaint that a place is a street or road is, in the absence of proof to the contrary, proof that that place is a road within the meaning of this Act;

(d) the allegation in a complaint that at the time mentioned in the complaint there was not in force in respect of a particular motor vehicle a policy of insurance complying with Part IV is, in the absence of proof to the contrary, proof of the fact so alleged;

(e) the allegation in a complaint that a person performed a specified act for or in expectation of any fee or reward or benefit, or in the course of a business, is, in the absence of proof to the contrary, proof of the fact so alleged;

(f) a document purporting to be a certificate signed by a member of the police force of or above the rank of inspector stating that a person specified in the certificate was or was not given an accident towing direction on a specified day and in relation to a motor vehicle and accident specified in the certificate is proof of the matters so stated in the absence of proof to the contrary.

Causing or permitting offences

143. (1) A person who causes or permits another person to do or omit to do anything in contravention of any provision of this Act is guilty of an offence and liable to the penalty prescribed for that contravention.

(2) This section does not restrict the operation of section 53 of the *Justices Act, 1921* (which relates to the liability of persons aiding, abetting, counselling or procuring the commission of offences).

Offences by corporations

143a. Where a person convicted of an offence against this Act is a corporation, every member of the governing body of the corporation is guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless the person proves that he or she could not by the exercise of reasonable diligence have prevented the commission of the offence by the corporation.

Summary offences

144. An offence against this Act is a summary offence.

Limitation of time for bringing proceedings

144a. Notwithstanding anything contained in any other Act, proceedings for an offence against this Act may be brought at any time within one year from the date on which the alleged offence was committed.

Regulations

145. (1) The Governor may make regulations—

(a) prescribing all matters necessary or convenient to be prescribed for the administration of this Act and for carrying out the objects of this Act;

* * * * * * * * * *

(b) exempting, subject to such conditions as may be stipulated in the regulations, any specified motor vehicle, or motor vehicles of any specified class, from the obligation to be registered or to bear identification numbers or a registration label or permit in pursuance of this Act;

(c) exempting, subject to such conditions as may be stipulated in the regulations, persons of any specified class from the obligation to hold a licence or a licence of a specified class, instructor's licence, or towtruck certificate under this Act;

* * * * * * * * * *

(d) providing for the determination by the Registrar of the load capacity of a motor vehicle to be registered and for the insertion in the registration certificate issued in respect of a motor vehicle of a note of its load capacity;

(e) prescribing, and providing for the payment of fees, for any practical driving test conducted for the purposes of this Act;

(f) prescribing any other fees or monetary amount for the purposes of this Act;

(fa) prescribing fees for the purposes of the *Interstate Road Transport Act 1985* of the Commonwealth;

(g) providing for the remission or reduction of any fee payable under this Act;

(ga) regulating the use of motor vehicles to which "L" or "P" plates are affixed pursuant to this Act;

(gb) providing for the attachment of number plates to motor vehicles, or any class of motor vehicles, and prescribing the fees payable for number plates, or any class of number plates;

(gc) providing for the classification of licences and the classes of motor vehicles permitted to be driven pursuant to those classifications;

(gd) prescribing the qualifications that are required to be held before a person may hold a licence endorsed with a particular classification, and empowering the Registrar to exempt persons, conditionally or unconditionally, from that requirement;

(h) providing for an accident towing roster scheme and for that purpose may by regulation—

(i) provide for and regulate the issuing of directions by or on behalf of members of the police force for towtrucks to proceed to the scenes of accidents occurring in the declared area;

(ii) provide for and regulate the administration of an accident towing roster under which the towtrucks of towtruck operators holding positions on the roster may be directed to proceed to the scenes of accidents occurring within the declared area, or, if the declared area is divided into zones, within a particular zone;

(iii) empower the Minister to declare, by notice published in the *Gazette*, that the declared area be divided into zones specified in the notice, and to vary or revoke any such declaration by a subsequent notice;

(iv) empower the Registrar to determine applications by towtruck operators for positions on an accident towing roster;

(v) prescribe the qualifications that applicants must have in order to be granted positions on an accident towing roster;

(vi) otherwise provide for and regulate applications for and the allocation of positions on an accident towing roster;

(vii) provide for and prescribe the duties of and regulate the activities and conduct of towtruck operators holding positions on an accident towing roster;

(viii) empower the Registrar to stipulate conditions with which towtruck operators holding positions on an accident towing roster must comply;

(ix) empower the Registrar to reprimand a towtruck operator who holds a position on an accident towing roster, to remove or suspend the operator from the roster or to reduce the number of positions held by the operator on the roster and prescribe the circumstances in which the Registrar may exercise those powers;

(x) provide for tests or examinations for the purpose of determining applications for positions on an accident towing roster;

(xi) prohibit any conduct that might interfere with the operation or administration of an accident towing roster or the issuing of accident towing directions;

(xii) regulate the activities and conduct of persons employed or acting in the course of the business of a towtruck operator holding a position on an accident towing roster;

(xiii) prescribe the standards and requirements for and provide for the registration of the premises used by towtruck operators who hold positions on an accident towing roster;

(xiv) require the display at towtruck operators' registered premises of signs of a prescribed size, construction and form and containing the prescribed information and regulate the positioning of such signs;

(xv) regulate the storage at the registered premises of towtruck operators of vehicles damaged in accidents;

(xvi) prescribe the standards and requirements for and provide for the approval by the Registrar of towtrucks and equipment carried on towtrucks used for towing motor vehicles damaged in accidents in the declared area and prohibit the driving of towtrucks that do not comply with the prescribed standards and requirements or that have not been so approved;

(xvii) provide for and prescribe the hours at which towtruck operators must be ready and able to engage in towing pursuant to accident towing directions;

(xviii) require towtruck operators to insure against risks of damage to or loss relating to motor vehicles towed or stored in the course of their businesses;

(xix) prescribe application fees and fees payable annually for positions on an accident towing roster, being fees which may vary according to prescribed factors;

(xx) provide for the issuing of documents to be used as authorities to tow and the fees for issuing such documents;

(xxi) regulate the possession or use of documents issued by the Registrar for use as authorities to tow;

(xxii) prescribe the duties of a towtruck driver or towtruck operator where a document issued for use as an authority to tow, or an authority to tow, or a copy of an authority to tow, is lost, destroyed, rendered unusable or illegible or cancelled;

(xxiii) require the keeping and preserving of records by persons holding or formerly holding positions on an accident towing roster;

(xxiv) require the provision of information to the Registrar by towtruck operators holding positions on an accident towing roster;

(i) providing for the inspection of towtrucks and equipment carried on towtrucks;

(j) prescribing the forms of certificates, notices or documents required or authorized to be given under Part IIIC or under the regulations or providing that the forms of those certificates, notices or documents must be as determined by the Minister;

(k) prescribing the fees for certificates under Part IIIC which may be of varying amounts according to factors prescribed in the regulations;

(l) exempting, or conferring on the Registrar a power to exempt, a person from compliance with a specified provision of Part IIIC or a regulation made for the purposes of that Part for a period and subject to conditions specified in the regulations or by the Registrar;

(la) exempting, conditionally or unconditionally, any person or class of persons or any motor vehicle or class of motor vehicle, from any provision of this Act;

and

(m) prescribing fines, not exceeding a division 8 fine, for breach of, or non-compliance with, the regulations.

(2) Any regulations made under this section or any other section may be of general application or limited by reference to time, places, circumstances or any other factor.

Persons in service of Crown bound

146. Except where otherwise expressly provided, this Act applies to persons in the Public Service of the Crown while engaged on such service, as well as when not so engaged.

Financial provision

147. (1) The money required to make any refund of registration fees authorized by this Act will be paid out of the General Revenue of the State, and this Act is a sufficient appropriation and authority for any such payment.

(2) Other money required for the administration of this Act will be paid out of money voted by Parliament for that purpose.

Duty of medical practitioners

148. (1) Where a legally qualified medical practitioner, a registered optician, or a registered physiotherapist has reasonable cause to believe that—

(a) a person whom he or she has examined holds a driver's licence or a learner's permit;

and

(b) that person is suffering from a physical or mental illness, disability or deficiency such that, if the person drove a motor vehicle, he or she would be likely to endanger the public,

the medical practitioner, registered optician or registered physiotherapist is under a duty to inform the Registrar in writing of the name and address of that person, and of the nature of the illness, disability or deficiency from which the person is believed to be suffering.

(2) Where a medical practitioner, registered optician or registered physiotherapist furnishes information to the Registrar in pursuance of subsection (1), he or she must notify the person to whom the information relates of that fact and of the nature of the information furnished.

(3) A person incurs no civil or criminal liability in carrying out his or her duty under subsection (1).

SCHEDULES

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THIRD SCHEDULE

Offence under Road Traffic Act	Nature of Offence	Number of Demerit Points carried by Offence
Section 47(1)	Driving, or attempting to put a vehicle in motion, while under influence of liquor or drug	6
Section 43(3)*(a)*	Failing to stop after an accident in which any person or animal is injured or killed	5
Section 46(1)	Reckless or dangerous driving	5
Section 47b(1)	Driving, or attempting to put a vehicle in motion, with prescribed concentration of alcohol in blood	5
Section 47e(3)	Refusing or failing to comply with a reasonable police direction in connection with breath analysis or to exhale into a breath analysing instrument as directed	5
Section 63(1)	Failing to give way	4
Section 65	Failing to give way at crossover	4
Section 66	Failing to give way when entering road from private land	4
Section 67(1)	Failing to give way to pedestrian on pedestrian crossing	4
Section 67(3)	Passing vehicle stopped at pedestrian crossing to give way to pedestrian	4
Section 72(1)	Failing to stand	4
Section 78(2a) or (2b)	Failing to comply with exhibited stop sign	4
Section 43(3)*(a)*	Failing to stop after an accident in which any real or personal property (other than an animal) is destroyed or damaged	3
Section 45	Careless driving	3
Section 48	Exceeding general speed limit	3
Section 49(1)*(a)*	Exceeding speed limit in a town, etc.	3
Section 49(1)*(b)*	Exceeding speed limit past school bus	3
Section 49(1)*(c)*	Exceeding speed limit past school or playground	3
Section 49(1)*(d)*	Exceeding speed limit within the prescribed distance of a school crossing	3
* *	* * * * * * *	* *
Section 50(1)	Exceeding speed limit in speed zone	3
* *	* * * * * * *	* *
Section 53(1)	Exceeding speed limit—heavy vehicle, bus, passenger vehicle with seating for more than eight persons	3
Section 56*(b)*	Moving from a lane when movement cannot be made with safety	3
Section 57(1)	Crossing barrier lines	3
Section 58(1)	Overtaking or attempting to overtake in a dangerous manner	3
Section 58(4)	Overtaking otherwise than on left of vehicle signalling right turn	3
Section 68	Failing to give way to pedestrian when turning at intersection or junction	3
Section 69	Failing to give way when driving from stationary position at edge of carriageway	3
Section 75(1)	Disobeying traffic lights or signs when driving vehicle	3
Section 76	Failing to comply with traffic sign	3
* *	* * * * * * *	* *
Section 78	Failing to comply with stop sign	3
* *	* * * * * * *	* *
Section 80	Failing to comply with rules as to level crossings	3
Section 54(1)	Failing to keep left	2
Section 56*(a)*	Failing to keep vehicle entirely within traffic lane	2
Section 70(1)	Improper right hand turn	2
Section 74(1)	Failing to give prescribed signal	2
Section 74a	Permitting signalling device to operate after completed turn or divergence	2
Section 81(1)	Failing to stop at railway crossing—certain vehicles	2
* *	* * * * * * *	* *
Section 122	Failing to dip headlamps	2
Section 111	Driving, etc., a vehicle without prescribed lamps or reflectors	1

FOURTH SCHEDULE

POLICY OF INSURANCE

1. The insurer insures the owner of the motor vehicle and any other person who at any time drives the vehicle, whether with or without the consent of the owner, in respect of all liability that may be incurred by the owner or other person in respect of the death of, or bodily injury to, any person caused by, or arising out of the use of, the vehicle in any part of the Commonwealth.

2. A person so insured warrants that the vehicle—

(a) will not be driven by himself or herself or, with his or her knowledge or consent (which will be presumed in any proceedings in the absence of proof that the insured person did not know of, or consent to, the vehicle being so driven), by any other person—

(i) while so much under the influence of intoxicating liquor or a drug as to be incapable of exercising effective control of the vehicle;

(ia) while there is present in his or her blood a concentration of .15 grams or more of alcohol in 100 millilitres of blood;

(ii) while not duly licensed or otherwise permitted by law to drive the motor vehicle;

or

(iii) while the vehicle is overloaded, or in an unsafe, unroadworthy or damaged condition;

and

(b) will not be used otherwise than for purposes—

(i) stated in the application for registration, renewal of registration, exemption from registration, or permit, in respect of the motor vehicle;

or

(ii) agreed upon by the insurer and the registered owner of the vehicle.

SCHEDULE OF TRANSITIONAL PROVISIONS

DIVISION I

(Transitional provision from Motor Vehicles Act Amendment Act (No. 4), 1986, s. 8)

8. The amendments made by this Act do not affect a cause of action, right or liability that arose before the commencement of this Act.

DIVISION II

(Transitional provision from Motor Vehicles Act Amendment Act (No. 3), 1989, s. 7)

7. (1) Subject to subsection (2), sections 78, 81a(1), (2) and (3) and 81b of the principal Act, as in force immediately prior to the commencement of this Act, continue to apply to and in relation to a person who is, as at that commencement, the holder of a learner's permit or a licence subject to probationary conditions, as if the amendments effected by this Act had not been enacted.

(2) Subsection (1) does not apply in relation to a learner's permit or licence issued subsequent to the cancellation of a permit or licence referred to in that subsection.

APPENDIX 1

Legislative History

The Motor Vehicles Act, 1959, repealed certain provisions of the Road Traffic Act, 1934-1958 (repealed).

Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 7 of The Public General Acts of South Australia 1837-1975 at page 435.

Section 2:	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 3:	repealed by 50, 1984, s. 3(1) (3rd Sched.)
Section 4:	amended by 14, 1976, s. 3; 120, 1978, s. 3; deleted in pursuance of the Acts Republication Act, 1967: *see* Summary of Provisions
Section 5(1):	definition of "accident" inserted by 98, 1981, s. 3(a)
	definition of "accident towing direction" inserted by 98, 1981, s. 3(a)
	definition of "accident towing roster scheme" inserted by 98, 1981, s. 3(a)
	definition of "authority to tow" inserted by 98, 1981, s. 3(b)
	definition of "authorized examiner" inserted by 14, 1976, s. 4(a)
	definition of "the balance of the prescribed registration fee" inserted by 14, 1976, s. 4(a); amended by 120, 1978, s. 4(1)(a)
	definition of "the committee" inserted by 98, 1981, s. 3(c)
	definition of "declared area" inserted by 98, 1981, s. 3(d); amended by 50, 1984, s. 3(1) (3rd Sched.); paragraph (c) repealed by 50, 1984, s. 3(1) (3rd Sched.)
	definition of "interstate licence" inserted by 11, 1989, s. 2
	definition of "Minister" repealed and definition of "mass" inserted in its place by 120, 1978, s. 4(1)(b)
	definition of "mobile crane" amended by 14, 1976, s. 4(b)
	definition of "motor car" amended by 120, 1978, s. 4(1)(c)
	definition of "motor omnibus" amended by 120, 1978, s. 4(1)(d); deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
	definition of "number" substituted by 61, 1985, s. 3
	definition of "owner" amended by 50, 1984, s. 3(1) (3rd Sched.)
	definition of "premises" inserted by 98, 1981, s. 3(e)
	definition of "premium" or "insurance premium" substituted by 49, 1981, s. 2
	definition of "prescribed registration fee" inserted by 14, 1976, s. 4(c)
	definition of "probationary conditions" inserted by 15, 1989, s. 3
	definition of "probationary licence" inserted by 15, 1989, s. 3
	definition of "quotation for repair" inserted by 98, 1981, s. 3(f)
	definition of "reduced registration fee" inserted by 14, 1976, s. 4(d)
	definition of "registered premises" inserted by 98, 1981, s. 3(g)
	definition of "the Registrar" amended by 120, 1978, s. 4(1)(e)
	definition of "scene of an accident" inserted by 98, 1981, s. 3(h)
	definition of "temporary towtruck certificate" inserted by 98, 1981, s. 3(i)
	definition of "tow" inserted by 98, 1981, s. 3(j)
	definition of "towtruck" substituted by 14, 1976, s. 4(e); 98, 1981, s. 3(j)
	definition of "towtruck certificate" inserted by 14, 1976, s. 4(e); substituted by 98, 1981, s. 3(j)
	definition of "towtruck driver" inserted by 98, 1981, s. 3(j)
	definition of "towtruck operator" inserted by 98, 1981, s. 3(j)
	definition of "tractor" repealed by 14, 1976, s. 4(f)
	definition of "the Tribunal" inserted by 98, 1981, s. 3(k)
	definition of "weight" substituted by 14, 1976, s. 4(g); repealed and definition of "mass" inserted in its place by 79, 1976, s. 3; repealed by 120, 1978, s. 4(1)(f)
Section 5(2):	substituted by 120, 1978, s. 4(1)(g)
Section 5(3a):	inserted by 120, 1978, s. 4(1)(h)
Section 7(2a) and (3):	repealed by 120, 1978, s. 5
Section 9:	amended by 120, 1978, s. 6; 11, 1989, Sched.
Section 12a(2):	amended by 120, 1978, s. 7
Sections 14 and 15:	repealed by 120, 1978, s. 8
Section 16(4):	amended by 4, 1986, s. 2(a)
Section 16(6):	amended by 120, 1978, s. 9; 11, 1989, Sched.
Section 16(8):	inserted by 4, 1986, s. 2(b)
Section 17:	amended by 14, 1976, s. 5; repealed by 120, 1978, s. 10
Sections 17a and 18:	repealed by 120, 1978, s. 10
Section 19:	amended by 14, 1976, s. 6; repealed by 120, 1978, s. 10
Section 19a(1):	amended by 120, 1978, s. 11(a)
Section 19a(2):	amended by 120, 1978, s. 11(b)
Section 20(2):	amended by 14, 1976, s. 7
Section 20(2a):	inserted by 120, 1978, s. 12(a)
Section 20(4):	amended by 120, 1978, s. 12(b)
Section 24(1):	amended by 120, 1978, s. 13; 61, 1985, s. 4(a)
Section 24(1a):	repealed by 61, 1985, s. 4(b); inserted by 94, 1986, s. 3
Section 24(1b) and (1c):	inserted by 94, 1986, s. 3
Section 24(5):	substituted by 81, 1987, s. 2
Section 26:	substituted by 120, 1978, s. 14; amended by 94, 1986, s. 4
Section 27:	substituted by 14, 1976, s. 8
Sections 28 - 30:	repealed by 14, 1976, s. 8
Section 31:	amended and redesignated as s. 31(1) by 14, 1976, s. 9; amended by 120, 1978, s. 15(b)
Section 31(1)(h):	repealed by 120, 1978, s. 15(a)
Section 31(1)(o):	repealed by 120, 1978, s. 15(c)
Section 31(2):	inserted by 14, 1976, s. 9(b)
Section 33:	amended by 14, 1976, s. 10; 120, 1978, s. 16; repealed by 94, 1986, s. 5
Section 33a:	amended by 79, 1976, s. 4

Section 34(1):	amended by 14, 1976, s. 11; 120, 1978, s. 18
Section 35(1):	amended by 14, 1976, s. 12; 120, 1978, s. 19
Section 36:	amended by 14, 1976, s. 13
Section 37(1):	amended by 12, 1987, s. 2
Section 37(2):	amended by 14, 1976, s. 14
Section 38(1):	amended by 14, 1976, s. 15(a); 79, 1976, s. 5
Section 38(3):	amended by 14, 1976, s. 15(b)
Section 38a(1):	amended by 14, 1976, s. 16(a); 79, 1976, s. 6; 120, 1978, s. 20
Section 38a(3):	amended by 14, 1976, s. 16(b)
Section 38ab(1):	amended by 14, 1976, s. 17(a); 79, 1976, s. 7; 120, 1978, s. 21
Section 38ab(3):	amended by 14, 1976, s. 17(b)
Section 38b(1):	amended by 14, 1976, s. 18(a); 79, 1976, s. 8
Section 38b(3):	amended by 14, 1976, s. 18(b)
Section 39:	repealed by 14, 1976, s. 19
Section 40:	substituted by 14, 1976, s. 20
Section 40(1):	redesignated as s. 40 in pursuance of the Acts Republication Act, 1967
Section 40(2):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 40a:	amended by 14, 1976, s. 21
Section 41(1):	amended by 14, 1976, s. 22(a), (b); 90, 1983, s. 3(a); 94, 1986, s. 6(a), (b)
Section 41(1)(c):	repealed by 94, 1986, s. 6(b)
Section 41(2):	amended by 14, 1976, s. 22(c); 120, 1978, s. 22; 90, 1983, s. 3(b); 94, 1986, s. 6(c); 11, 1989, Sched.
Section 41(3):	inserted by 90, 1983, s. 3(c); amended by 94, 1986, s. 6(d)
Section 41(4) and (5):	inserted by 90, 1983, s. 3(c)
Section 42:	amended by 14, 1976, s. 23
Section 43(5) and (5a):	repealed by 120, 1978, s. 23(a)
Section 43(7):	amended by 120, 1978, s. 23(b); 11, 1989, Sched.
Section 44(2):	amended by 14, 1976, s. 24(a); 79, 1976, s. 9; 120, 1978, s. 24(a)
Section 44(3):	amended by 14, 1976, s. 24(b); 120, 1978, s. 24(b), (c)
Section 44(4):	amended by 120, 1978, s. 24(d); 11, 1989, Sched.
Heading preceding section 46:	substituted by 61, 1985, s. 5
Section 46:	amended by 14, 1976, s. 25; 120, 1978, s. 25; substituted by 61, 1985, s. 5
Section 46a:	inserted by 49, 1981, s. 3; repealed by 61, 1985, s. 5
Section 47:	substituted by 120, 1978, s. 26; 61, 1985, s. 5
Section 47(1):	amended by 11, 1989, Sched.
Section 47(2):	amended by 75, 1987, s. 3
Section 47a:	inserted by 61, 1985, s. 5
Section 47a(7):	amended by 11, 1989, Sched.
Section 47b:	inserted by 61, 1985, s. 5
Section 47b(2):	amended by 11, 1989, Sched.
Section 48(1b):	amended by 11, 1989, Sched.
Section 48(3):	amended by 120, 1978, s. 27; 11, 1989, Sched.
Section 48(3) proviso:	redesignated as s. 48(4) in pursuance of the Acts Republication Act, 1967
Section 49(6):	amended by 120, 1978, s. 28(a); 11, 1989, Sched.
Section 49(7):	amended by 120, 1978, s. 28(b)
Section 49(8) and (9):	inserted by 120, 1978, s. 28(c)
Section 50(1):	amended by 14, 1976, s. 26
Section 51(1):	amended by 14, 1976, s. 27
Section 52(2):	amended by 120, 1978, s. 29; 11, 1989, Sched.
Section 53(1):	amended by 120, 1978, s. 30; 11, 1989, Sched.
Section 54(1):	amended by 120, 1978, s. 31
Section 54(2):	amended by 14, 1976, s. 28
Section 55(2):	amended by 14, 1976, s. 29
Section 55(3):	amended by 120, 1978, s. 32
Section 56:	amended by 120, 1978, s. 33; 4, 1986, s. 3; 11, 1989, Sched.
Section 57(1):	amended by 14, 1976, s. 30; 120, 1978, s. 34; 4, 1986, s. 4(a); 11, 1989, Sched.
Section 57(1a):	inserted by 4, 1986, s. 4(b)
Section 58:	amended by 14, 1976, s. 31
Section 60(2):	amended by 14, 1976, s. 32
Section 62(2):	amended by 14, 1976, s. 33; 120, 1978, s. 35(a), (b)
Section 62(3):	repealed by 120, 1978, s. 35(c)
Section 62(4):	amended by 120, 1978, s. 35(d)
Section 62(5):	repealed by 120, 1978, s. 35(e)
Section 62(6):	amended by 120, 1978, s. 35(f)
Section 62(7):	amended by 120, 1978, s. 35(g), (h)
Section 63:	repealed by 14, 1976, s. 34
Section 64:	amended by 14, 1976, s. 35
Section 65:	substituted by 4, 1986, s. 5
Section 66(1):	substituted by 120, 1978, s. 36(a)
Section 66(2):	amended by 14, 1976, s. 36(a); 79, 1976, s. 10; 120, 1978, s. 36(b)
Section 66(2)(c):	repealed by 120, 1978, s. 36(c)
Section 66(3):	substituted by 14, 1976, s. 36(b); amended by 120, 1978, s. 36(d), (e); 11, 1989, Sched.
Section 67(1):	substituted by 120, 1978, s. 37(a)
Section 67(2):	amended by 14, 1976, s. 37(a); 120, 1978, s. 37(b)
Section 67(3):	substituted by 14, 1976, s. 37(b); amended by 120, 1978, s. 37(c)
Section 67(3a):	repealed by 14, 1976, s. 37(b)
Section 67(4):	substituted by 14, 1976, s. 37(b); amended by 120, 1978, s. 37(d)
Section 67(5):	inserted by 14, 1976, s. 37(b); amended by 120, 1978, s. 37(e), (f); 11, 1989, Sched.
Sections 68, 69 and 69a:	repealed by 14, 1976, s. 38
Section 70(1):	substituted by 120, 1978, s. 38(a)
Section 70(2):	substituted by 120, 1978, s. 38(a); amended by 11, 1989, Sched.
Section 70(3):	repealed by 120, 1978, s. 38(a)
Section 70(4):	amended by 120, 1978, s. 38(b), (c)
Section 70(5):	substituted by 120, 1978, s. 38(d)

Section 71(1): substituted by 120, 1978, s. 39(a); amended by 11, 1989, Sched.
Section 71(2): amended by 14, 1976, s. 39; 120, 1978, s. 39(b)-(d)
Section 71(3): amended by 120, 1978, s. 39(e), (f)
Section 71aa: repealed by 14, 1976, s. 40
Section 72(1): amended by 120, 1978, s. 40(a); substituted by 94, 1986, s. 7(a)
Section 72(2): amended by 79, 1976, s. 11; 120, 1978, s. 40(b); repealed by 94, 1986, s. 7(a)
Section 72(3) - (5): repealed by 94, 1986, s. 7(a)
Section 72(5a): inserted by 120, 1978, s. 40(c); repealed by 94, 1986, s. 7(a)
Section 72(6): repealed by 94, 1986, s. 7(a)
Section 72(7) - (9): substituted by 120, 1978, s. 40(d)
Section 72(9a) and (9b): inserted by 120, 1978, s. 40(e); repealed by 94, 1986, s. 7(b)
Section 72(10): amended by 79, 1976, s. 11; 120, 1978, s. 40(f); repealed by 94, 1986, s. 7(b)
Section 72a: repealed by 14, 1976, s. 41
Section 74(1): amended by 14, 1976, s. 42; 120, 1978, s. 41; 11, 1989, Sched.
Sections 74a, 74b and 74c: repealed by 14, 1976, s. 43
Section 75(1): amended by 14, 1976, s. 44(a); 15, 1989, s. 4
Section 75(2): substituted by 14, 1976, s. 44(b); 120, 1978, s. 42
Section 75(4): inserted by 14, 1976, s. 44(c); amended by 11, 1989, Sched.
Section 75aa: inserted by 11, 1989, s. 3
Section 75a(1): amended by 14, 1976, s. 45(a); 15, 1989, s. 5(a)
Section 75a(2): substituted by 72, 1985, s. 3(a); amended by 15, 1989, s. 5(b)
Section 75a(3): substituted by 14, 1976, s. 45(b); 120, 1978, s. 43; 48, 1981, s. 3(a); 72, 1985, s. 3(a); amended by 15, 1989, s. 5(c)-(e)
Section 75a(3aa): inserted by 15, 1989, s. 5(f)
Section 75a(3a): inserted by 48, 1981, s. 3(a); substituted by 72, 1985, s. 3(a)
Section 75a(3b) and (3c): inserted by 72, 1985, s. 3(a)
Section 75a(3d): inserted by 15, 1989, s. 5(g)
Section 75a(4): substituted by 72, 1985, s. 3(a); 15, 1989, s. 5(g)
Section 75a(4a): inserted by 72, 1985, s. 3(a); repealed by 15, 1989, s. 5(g)
Section 75a(5): amended by 14, 1976, s. 45(c); substituted by 72, 1985, s. 3(a); amended by 11, 1989, Sched.; substituted by 15, 1989, s. 5(g)
Section 75a(5aaa) and (5aa): inserted by 72, 1985, s. 3(a); amended by 11, 1989, Sched.
Section 75a(5a): inserted by 48, 1981, s. 3(b); amended by 20, 1983, s. 2
Section 75a(5b): inserted by 48, 1981, s. 3(b)
Section 75a(5c): inserted by 48, 1981, s. 3(b); amended by 11, 1989, Sched.
Section 75a(5d): inserted by 48, 1981, s. 3(b)
Section 75a(5e): inserted by 72, 1985, s. 3(b)
Section 75a(6): amended by 37, 1980, s. 3; 50, 1984, s. 3(1) (3rd Sched.)
Section 76: repealed by 14, 1976, s. 46
Section 77(1): amended by 120, 1978, s. 44
Sections 77a - 77c: inserted by 15, 1989, s. 6
Section 78: amended by 120, 1978, s. 45; 94, 1986, s. 8; substituted by 35, 1989, s. 4
Section 79(1): substituted by 14, 1976, s. 47(a); 4, 1986, s. 6
Section 79(3): substituted by 14, 1976, s. 47(b)
Section 79(4): amended by 120, 1978, s. 46
Section 79a: substituted by 14, 1976, s. 48; amended by 4, 1986, s. 7
Section 79b: repealed by 14, 1976, s. 48; inserted by 120, 1978, s. 47
Section 79ba: inserted by 15, 1989, s. 7
Section 79c: inserted by 120, 1978, s. 47; amended by 11, 1989, Sched.
Section 80(1): amended by 120, 1978, s. 48(a)
Section 80(1a): inserted by 120, 1978, s. 48(b)
Section 80(2): amended by 14, 1976, s. 49; 120, 1978, s. 48(c)
Section 80(3): amended by 120, 1978, s. 48(d)
Section 80(5): amended by 11, 1989, Sched.
Section 81(1): substituted by 120, 1978, s. 49(a)
Section 81(1a): inserted by 120, 1978, s. 49(a); repealed by 15, 1989, s. 8
Section 81(1b): inserted by 120, 1978, s. 49(a); amended by 11, 1989, Sched.; repealed by 15, 1989, s. 8
Section 81(2): amended by 120, 1978, s. 49(b)
Section 81(3): substituted by 120, 1978, s. 49(c)
Section 81(4): amended by 120, 1978, s. 49(d); 50, 1984, s. 3(1) (3rd Sched.); 11, 1989, Sched.
Section 81a: inserted by 37, 1980, s. 4
Section 81a(1): amended by 48, 1981, s. 4(a); 72, 1985, s. 4(a)-(e); 15, 1989, s. 9(a), (b); 35, 1989, s. 5(a)
Section 81a(1aa): inserted by 20, 1983, s. 3(a); amended by 72, 1985, s. 4(f); 15, 1989, s. 9(c)
Section 81a(1a): inserted by 48, 1981, s. 4(b)
definition of "prescribed concentration of alcohol" substituted by 72, 1985, s. 4(g)
definition of "unconditional licence" inserted by 72, 1985, s. 4(g)
Section 81a(2): amended by 15, 1989, s. 9(d); substituted by 35, 1989, s. 5(b)
Section 81a(2a): inserted by 15, 1989, s. 9(e)
Section 81a(3): substituted by 72, 1985, s. 4(h); amended by 35, 1989, s. 5(c)
Section 81a(4): amended by 15, 1989, s. 9(f)
Section 81a(4a): inserted by 72, 1985, s. 4(i); repealed by 15, 1989, s. 9(g)
Section 81a(5): amended by 72, 1985, s. 4(j); 11, 1989, Sched.; substituted by 15, 1989, s. 9(h)
Section 81a(5a): inserted by 72, 1985, s. 4(k); amended by 11, 1989, Sched.; 15, 1989, s. 9(i)
Section 81a(5b): inserted by 72, 1985, s. 4(k); amended by 11, 1989, Sched.; 15, 1989, s. 9(j); 35, 1989, s. 5(d)
Section 81a(6): inserted by 48, 1981, s. 4(c); amended by 20, 1983, s. 3(b)
Section 81a(7): inserted by 48, 1981, s. 4(c)
Section 81a(8): inserted by 48, 1981, s. 4(c); amended by 11, 1989, Sched.
Section 81a(9): inserted by 48, 1981, s. 4(c)
Section 81a(10): inserted by 72, 1985, s. 4(*l*)
Section 81b: inserted by 37, 1980, s. 4
Section 81b(1): amended by 48, 1981, s. 5; substituted by 72, 1985, s. 5(a); amended by 15, 1989, s. 10(a)
Section 81b(1a): inserted by 20, 1983, s. 4(a); repealed by 72, 1985, s. 5(a)
Section 81b(2): amended by 40, 1981, s. 3; substituted by 20, 1983, s. 4(b); 72, 1985, s. 5(a); amended by 15, 1989, s. 10(b)

Section 81b(3):	repealed by 20, 1983, s. 4(c); inserted by 72, 1985, s. 5(a)
Section 81b(4) - (6):	substituted by 72, 1985, s. 5(a)
Section 81b(8):	amended by 72, 1985, s. 5(b)
Section 81b(9):	substituted by 72, 1985, s. 5(c); amended by 15, 1989, s. 10(c); 35, 1989, s. 6
Section 81b(10):	substituted by 72, 1985, s. 5(c)
Section 81b(10a):	inserted by 72, 1985, s. 5(c)
Section 81b(10b):	inserted by 72, 1985, s. 5(c); amended by 15, 1989, s. 10(d)
Section 81b(11):	amended by 72, 1985, s. 5(d)
Section 81b(11a):	inserted by 20, 1981, s. 4(d); repealed by 15, 1989, s. 10(e)
Section 81b(11b):	inserted by 20, 1981, s. 4(d); amended by 11, 1989, Sched.; repealed by 15, 1989, s. 10(e)
Section 82:	amended by 79, 1976, s. 12; redesignated as s. 82(1) by 120, 1978, s. 50; amended by 37, 1980, s. 5(a); 15, 1989, s. 11(a)
Section 82(1aa):	inserted by 40, 1981, s. 4
Section 82(1a):	inserted by 37, 1980, s. 5(b); repealed by 15, 1989, s. 11(b)
Section 82(1ab):	inserted by 20, 1983, s. 5; repealed by 15, 1989, s. 11(b)
Section 82(1ac):	inserted by 20, 1983, s. 5; amended by 11, 1989, Sched.; repealed by 15, 1989, s. 11(b)
Section 82(2):	inserted by 120, 1978, s. 50
Section 83:	repealed by 14, 1976, s. 50
Sections 83a - 83d:	repealed by 14, 1976, s. 51
Section 84:	substituted by 14, 1976, s. 52
Section 84(1):	amended by 4, 1986, s. 8(a)
Section 84(1a):	inserted by 4, 1986, s. 8(b)
Section 84(1b):	inserted by 15, 1989, s. 12(a)
Section 84(2):	amended by 75, 1987, s. 4(a)
Section 84(2a) and (2b):	inserted by 75, 1987, s. 4(b)
Section 84(4) - (6):	repealed by 15, 1989, s. 12(b)
Section 85:	amended and redesignated as s. 85(1) by 120, 1978, s. 51
Section 85(2):	inserted by 120, 1978, s. 51(b); substituted by 15, 1989, s. 13
Section 85(3):	inserted by 120, 1978, s. 51(b); amended by 11, 1989, Sched.; repealed by 15, 1989, s. 13
Section 86:	repealed by 120, 1978, s. 52
Section 87:	repealed by 14, 1976, s. 53
Section 91(1):	amended by 15, 1989, s. 14
Section 91(5):	amended by 11, 1989, Sched.
Section 92:	amended by 120, 1978, s. 53; 72, 1985, s. 6; 11, 1989, Sched.; repealed by 15, 1989, s. 15
Section 93(1):	amended by 37, 1980, s. 6
Section 93(3a):	inserted by 40, 1981, s. 5; amended by 15, 1989, s. 16
Section 93(3b):	inserted by 40, 1981, s. 5
Section 93(4):	amended by 50, 1984, s. 3(1) (3rd Sched.)
Section 94:	amended by 120, 1978, s. 54; 11, 1989, Sched.; repealed by 15, 1989, s. 17
Section 95:	amended by 120, 1978, s. 55; repealed by 15, 1989, s. 17
Section 96(1):	amended by 120, 1978, s. 56(a), (b); 11, 1989, Sched.
Section 96(2):	amended by 120, 1978, s. 56(c)
Section 96(3):	amended by 120, 1978, s. 56(d); 11, 1989, Sched.
Section 96(4):	substituted by 15, 1989, s. 18
Section 97(1):	amended by 120, 1978, s. 57; 11, 1989, Sched.
Section 97a:	amended by 14, 1976, s. 54; 120, 1978, s. 58; substituted by 11, 1989, s. 4
Section 98aa:	inserted by 15, 1989, s. 19
Section 98a(1):	amended by 14, 1976, s. 55(a); 120, 1978, s. 59(a); 11, 1989, Sched.
Section 98a(2) and (2a):	substituted by 14, 1976, s. 55(b)
Section 98a(2aa):	inserted by 4, 1986, s. 9(a)
Section 98a(2b):	inserted by 14, 1976, s. 55(b)
Section 98a(3):	amended by 4, 1986, s. 9(b)
Section 98a(4):	repealed by 14, 1976, s. 55(c)
Section 98a(9):	amended by 120, 1978, s. 59(b); 15, 1989, s. 20
Section 98a(10):	inserted by 14, 1976, s. 55(d)
Section 98b(1a):	inserted by 40, 1981, s. 6(a)
Section 98b(2):	amended by 14, 1976, s. 56(a)
Section 98b(3):	repealed by 14, 1976, s. 56(b)
Section 98b(5):	amended by 14, 1976, s. 56(c), (d)
Section 98b(7):	repealed by 120, 1978, s. 60(1)(a)
Section 98b(10):	amended by 120, 1978, s. 60(1)(b); 40, 1981, s. 6(b)
Section 98b(11) - (13):	substituted by 14, 1976, s. 56(e)
Section 98b(12a):	inserted by 120, 1978, s. 60(1)(c)
Section 98b(15):	substituted by 14, 1976, s. 56(f)
Section 98b(15a) and (15b):	inserted by 120, 1978, s. 60(2)
Section 98b(15c):	inserted by 120, 1978, s. 60(2): amended by 11, 1989, Sched.
Section 98b(15d):	inserted by 120, 1978, s. 60(2)
Section 98b(16) and (17):	substituted by 14, 1976, s. 56(f)
Section 98b(18) - (20):	inserted by 14, 1976, s. 56(f)
	Part IIIC comprising ss. 98c - 98n and heading inserted by 14, 1976, s. 57
Section 98c:	amended by 120, 1978, s. 61; substituted by 98, 1981, s. 4
Section 98d:	amended by 120, 1978, s. 62; substituted by 98, 1981, s. 4
Section 98d(1):	amended by 11, 1989, Sched.
Section 98da:	inserted by 120, 1978, s. 63; repealed by 98, 1981, s. 4
Section 98e:	amended by 120, 1978, s. 64; substituted by 98, 1981, s. 4
Section 98f:	amended by 120, 1978, s. 65; 40, 1981, s. 7; substituted by 98, 1981, s. 4
Section 98g:	amended by 120, 1978, s. 66; substituted by 98, 1981, s. 4
Section 98g(1):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 98h:	substituted by 98, 1981, s. 4
Section 98h(3):	amended by 11, 1989, Sched.
Section 98i:	amended by 120, 1978, s. 67; substituted by 98, 1981, s. 4
Section 98j:	amended by 120, 1978, s. 68; substituted by 98, 1981, s. 4

Section 98ja:	inserted by 120, 1978, s. 69; repealed by 98, 1981, s. 4
Section 98k:	amended by 120, 1978, s. 70; substituted by 98, 1981, s. 4
Section 98k(4):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 98k(5):	amended by 11, 1989, Sched.
Section 98*l*:	amended by 120, 1978, s. 71; substituted by 98, 1981, s. 4
Section 98*l*(3):	amended by 11, 1989, Sched.
Section 98m:	amended by 120, 1978, s. 72; substituted by 98, 1981, s. 4
Section 98ma:	inserted by 98, 1981, s. 4
Section 98ma(2):	amended by 11, 1989, Sched.
Section 98mb:	inserted by 98, 1981, s. 4
Section 98mc:	inserted by 98, 1981, s. 4; amended by 11, 1989, Sched.
Section 98md:	inserted by 98, 1981, s. 4
Section 98md(1) and (4):	amended by 11, 1989, Sched.
Section 98me:	inserted by 98, 1981, s. 4
Section 98me(1), (3) - (5), (7), (9), (12) - (14):	amended by 11, 1989, Sched.
Section 98mf:	inserted by 98, 1981, s. 4
Section 98mf(1):	amended by 11, 1989, Sched.
Section 98mg:	inserted by 98, 1981, s. 4
Section 98mg(1):	amended by 11, 1989, Sched.
Section 98mh:	inserted by 98, 1981, s. 4
Section 98mh(1):	amended by 11, 1989, Sched.
Section 98mi:	inserted by 98, 1981, s. 4
Section 98mi(1):	amended by 11, 1989, Sched.
Section 98mj:	inserted by 98, 1981, s. 4
Section 98mj(1):	amended by 11, 1989, Sched.
Section 98mk:	inserted by 98, 1981, s. 4
Section 98mk(1):	amended by 11, 1989, Sched.
Section 98m*l*:	inserted by 98, 1981, s. 4; amended by 11, 1989, Sched.
Section 98n:	amended by 98, 1981, s. 5; 11, 1989, Sched.
Section 98o:	inserted by 79, 1976, s. 13; amended and redesignated as s. 98o(1) by 120, 1978, s. 73; amended by 98, 1981, s. 6(a); 11, 1989, Sched.
Section 98o(2):	inserted by 120, 1978, s. 73(b); amended by 98, 1981, s. 6(b); 11, 1989, Sched.
Section 98o(3):	inserted by 120, 1978, s. 73(b); amended by 98, 1981, s. 6(c); 11, 1989, Sched.
Section 98o(4):	inserted by 120, 1978, s. 73(b)
Section 98o(5):	inserted by 98, 1981, s. 6(d)
Section 98p:—	inserted by 79, 1976, s. 13
Section 98p(3):	amended by 120, 1978, s. 74(a)-(d)
Section 98p(3a):	inserted by 120, 1978, s. 74(e)
Section 98p(4):	amended by 120, 1978, s. 74(f), (g); 98, 1981, s. 7; 11, 1989, Sched.
Section 98p(4a):	inserted by 120, 1978, s. 74(h); amended by 11, 1989, Sched.
Section 98p(7):	inserted by 120, 1978, s. 74(i)
Section 98p(8) and (9):	inserted by 120, 1978, s. 74(i); amended by 11, 1989, Sched.
Section 98p(10):	inserted by 120, 1978, s. 74(i)
Section 98pa:	inserted by 98, 1981, s. 8
Section 98pa(2):	amended by 11, 1989, Sched.
Section 98pb:	inserted by 98, 1981, s. 8
Section 98pc:	inserted by 98, 1981, s. 8; substituted by 12, 1987, s. 3
Section 98pd:	inserted by 98, 1981, s. 8
Section 98pd(2):	amended by 11, 1989, Sched.
Section 98pe:	inserted by 98, 1981, s. 8
Section 98pe(4), (6) and (7):	substituted by 50, 1984, s. 3(1) (3rd Sched.)
Section 98pf:	inserted by 98, 1981, s. 8
Section 98pf(2):	amended by 11, 1989, Sched.
Section 98pg:	inserted by 98, 1981, s. 8
	Part IIID comprising ss. 98r - 98x and heading inserted by 120, 1978, s. 75
Section 98r(1):	amended by 10, 1983, s. 2
Section 98u:	amended by 11, 1989, Sched.
Section 98v(3):	amended by 11, 1989, Sched.
Section 99(1):	definition of "Minister" repealed by 50, 1984, s. 3(1) (3rd Sched.)
Section 99(1a):	amended by 50, 1984, s. 3(1) (3rd Sched.)
Section 99(3):	inserted by 127, 1986, s. 3; amended by 40, 1988, s. 3
Section 99a(7):	amended by 11, 1989, Sched.
Section 99a(8):	amended by 53, 1989, s. 2.
Section 99a(15) and (16):	deleted in pursuance of the Acts Republication Act, 1967, as their function is now exhausted
Section 100(1):	substituted by 120, 1978, s. 76(a)
Section 100(2):	amended by 120, 1978, s. 76(b)-(d)
Section 100(3):	amended by 120, 1978, s. 76(e), (f)
Section 102(1):	amended by 120, 1978, s. 77(a); 11, 1989, Sched.
Section 102(2):	amended by 120, 1978, s. 77(b)-(d); substituted by 11, 1989, Sched; amended by 53, 1989, s. 3(a), (b)
Section 102(2a):	inserted by 11, 1989, Sched.; repealed by 53, 1989, s. 3(c)
Section 103(1):	amended by 120, 1978, s. 78; 11, 1989, Sched.
Section 104:	amended by 14, 1976, s. 58
Section 106:	repealed by 14, 1976, s. 59
Section 108:	repealed by 14, 1976, s. 59
Section 110(1):	amended by 14, 1976, s. 60; 120, 1978, s. 79(a); 50, 1984, s. 3(1) (3rd Sched.)
Section 110(8):	amended by 120, 1978, s. 79(b); 11, 1989, Sched.
Section 111:	amended by 50, 1984, s. 3(1) (3rd Sched.)
Section 111a:	amended by 14, 1976, s. 61
Section 112:	amended by 14, 1976, s. 62
Section 113(1):	amended by 14, 1976, s. 63
Section 113(2):	amended by 50, 1984, s. 3(1) (3rd Sched.)
Section 115(1):	amended by 14, 1976, s. 64(a)
Section 115(3):	amended by 14, 1976, s. 64(b)

Section 116(1):	substituted by 14, 1976, s. 65(a)
Section 116(4) and (5):	inserted by 14, 1976, s. 65(b)
Section 118(1):	amended by 14, 1976, s. 66
Section 118(4):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 118a(2):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 119:	substituted by 14, 1976, s. 67
Section 123:	substituted by 127, 1986, s. 4
Sections 124(2), (4) and (5):	amended by 11, 1989, Sched.
Section 124(6):	amended by 120, 1978, s. 80; 11, 1989, Sched.
Section 124a:	substituted by 127, 1986, s. 5
Section 124ab:	inserted by 127, 1986, s. 5
Section 125(3):	amended by 66, 1981, s. 2
Section 125a:	inserted by 119, 1983, s. 2
Section 127:	substituted by 127, 1986, s. 6
Section 128(2):	amended by 120, 1978, s. 81(a); 11, 1989, Sched.
Section 128(3):	amended by 120, 1978, s. 81(b); 11, 1989, Sched.
Section 129(1a):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 133:	amended and redesignated as s. 133(1) by 5, 1986, s. 3
Section 133(2):	inserted by 5, 1986, s. 3(b)
Section 133(3):	inserted by 5, 1986, s. 3(b); deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted
Section 134(1):	amended by 120, 1978, s. 82; 11, 1989, Sched.
Section 134a:	inserted by 14, 1976, s. 68
Section 134a(1):	substituted by 79, 1976, s. 14; amended by 98, 1981, s. 9; 50, 1984, s. 3(1) (3rd Sched.)
Section 135(1):	substituted by 120, 1978, s. 83(a); 98, 1981, s. 10; amended by 11, 1989, Sched.
Section 135(4):	inserted by 120, 1978, s. 83(b)
Section 135a:	inserted by 120, 1978, s. 84; amended by 98, 1981, s. 11; 11, 1989, Sched.
Section 136(1):	amended by 120, 1978, s. 85(a); 11, 1989, Sched.
Section 136(1a):	amended by 120, 1978, s. 85(b); 11, 1989, Sched.
Section 136(2):	amended by 120, 1978, s. 85(c); 11, 1989, Sched.
Section 137:	amended by 120, 1978, s. 86; 11, 1989, Sched.
Section 138:	amended by 120, 1978, s. 87; 11, 1989, Sched.
Section 138a:	inserted by 120, 1978, s. 88; amended by 98, 1981, s. 12
Section 138b:	inserted by 120, 1978, s. 88
Section 138b(5):	amended by 11, 1989, Sched.
Section 139b(3a):	inserted by 98, 1981, s. 13(a)
Section 139b(7):	inserted by 120, 1978, s. 89
Section 139b(8):	inserted by 98, 1981, s. 13(b)
Sections 139ba - 139bc:	inserted by 15, 1989, s. 21
Section 139c:	inserted by 98, 1981, s. 14
Section 140:	amended by 120, 1978, s. 90; 98, 1981, s. 15
Section 141:	amended by 14, 1976, s. 69; 120, 1978, s. 91; 98, 1981, s. 16
Section 142:	amended by 14, 1976, s. 70; 98, 1981, s. 17
Section 143(1):	amended by 98, 1981, s. 18
Section 143a:	inserted by 98, 1981, s. 19
Section 145:	amended by 14, 1976, s. 71; 37, 1980, s. 7; 49, 1981, s. 4; amended and redesignated as s. 145(1) by 98, 1981, s. 20; amended by 4, 1986, s. 10; 94, 1986, s. 9; 11, 1989, Sched.
Section 145(a1):	repealed by 14, 1976, s. 71
Section 145(c1):	repealed by 14, 1976, s. 71
Section 145(2):	inserted by 98, 1981, s. 20(b)
First schedule:	repealed by 50, 1984, s. 3(1) (3rd Sched.)
Second schedule:	repealed by 50, 1984, s. 3(1) (3rd Sched.)
Third schedule	
Items—	
Section 49(1)(e), Section 51(1), Section 77, Section 78a and Section 83(1)	deleted in pursuance of the Acts Republication Act, 1967, as their function is now exhausted
Fourth schedule	
clause 2:	amended by 127, 1986, s. 7

APPENDIX 2

Divisional Penalties

At the date of publication of this reprint divisional penalties are, as provided by section 28a of the *Acts Interpretation Act, 1915*, as follows:

Division	Maximum imprisonment	Maximum fine
1	15 years	$60 000
2	10 years	$40 000
3	7 years	$30 000
4	4 years	$15 000
5	2 years	$8 000
6	1 year	$4 000
7	6 months	$2 000
8	3 months	$1 000
9	—	$500
10	—	$200
11	—	$100
12	—	$50

Note: This appendix is provided for convenience of reference only.