

South Australia

## **Motor Vehicles Act 1959**

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

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Legislative history

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**The Parliament of South Australia enacts as follows:**

## **Part 1—Preliminary**

### **1—Short title**

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

### **2—Crown is bound**

- (1) This Act binds the Crown in right of the State and also, so far as the legislative power of the State extends, in all its other capacities.
- (2) No criminal liability attaches to the Crown itself (as distinct from its agents, instrumentalities, officers and employees) under this Act.

### **5—Interpretation**

- (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;

***agriculture*** includes horticulture, viticulture, dairying, bee keeping, livestock production and other similar activity;

and ***agricultural*** has a corresponding meaning;

***agricultural implement*** means a vehicle without its own automotive power, built to perform agricultural tasks;

***agricultural machine*** means a machine with its own automotive power, built to perform agricultural tasks;

***alcohol interlock scheme conditions*** means the conditions referred to in section 51(1) of the *Road Traffic Act 1961*;

***authority to tow***, in relation to a damaged motor vehicle, means authorisation 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;

***authorised examiner*** means—

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

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

**commercial motor vehicle** means—

- (a) a motor vehicle constructed or adapted solely or mainly for the carriage of goods (including a motor vehicle of the type commonly called a utility); and  
(b) a prime mover;

**the Commonwealth Road Transport Charges Act** means the *Road Transport Charges (Australian Capital Territory) Act 1993* of the Commonwealth;

**configuration**, in relation to a heavy vehicle, means a description of a heavy vehicle in the Schedule of the Commonwealth Road Transport Charges Act for which separate provision is made in Part 2 of that Schedule for the amount of the registration charge;

**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 area of a municipal council; and  
(b) the areas of the District Councils of East Torrens and Stirling; and  
(c) a part of the State declared by regulation to be within the area for the purposes of this definition;

**District Court** means the Administrative and Disciplinary Division of the District Court;

**foreign licence** means a licence to drive a motor vehicle issued under the law of another country to a person who ordinarily resides in that country and is not a permanent resident of Australia;

**garage address**, in relation to a motor vehicle, means—

- (a) the address of the place of residence or business at which the motor vehicle is ordinarily kept when not in use; or  
(b) the principal depot or base of operation of the motor vehicle;

**gross combination mass** or **GCM** of a motor vehicle means the greatest possible sum of the maximum loaded mass of the motor vehicle and of any vehicles that may lawfully be towed by it at any one time—

- (a) as specified by the motor vehicle's manufacturer; or  
(b) as specified by the Registrar if—

- (i) the manufacturer has not specified the sum of the maximum loaded mass; or
- (ii) the manufacturer cannot be identified; or
- (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

**gross vehicle mass** or **GVM** of a vehicle means the maximum loaded mass of the vehicle—

- (a) as specified by the vehicle's manufacturer; or
- (b) as specified by the Registrar if—
  - (i) the manufacturer has not specified a maximum loaded mass; or
  - (ii) the manufacturer cannot be identified; or
  - (iii) the vehicle has been modified to the extent that the manufacturer's specification is no longer appropriate;

**health professional** means a legally qualified medical practitioner, a registered optometrist or a registered physiotherapist;

**heavy vehicle** means a motor vehicle that has a gross vehicle mass greater than 4.5 tonnes;

**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;

**learner's permit conditions** means the conditions imposed on a learner's permit under section 75A;

**licence** means a driver's licence;

**motor bike** means a motor vehicle (not being a trailer) with two wheels, and includes a two wheeled motor vehicle with a sidecar attached to it that is supported by a third wheel;

**motor vehicle** means a vehicle that is built to be propelled by a motor that forms part of the vehicle;

**number** means—

- (a) a figure or a combination of figures; or
- (b) a combination of letters of the alphabet; or
- (c) a combination of figures and letters of the alphabet;

**operator**, in relation to a motor vehicle, means the person principally responsible for the operation or use of the vehicle;

**owner** includes a person who takes a motor vehicle on hire;

**photograph** includes an image produced from an electronic record made by a digital or other electronic camera, and **photographic** has a corresponding meaning;

**photographic detection device** has the same meaning as in the *Road Traffic Act 1961*;

**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 4—

- (a) determined by the insurance premium committee established under that Part and published in the Gazette; 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** means—

- (a) in relation to a heavy vehicle—
  - (i) for registration for one or more quarters—a fee equal to the product of the number of quarters for which the vehicle is to be registered multiplied by one quarter of the amount that would be the annual registration charge determined in accordance with the Commonwealth Road Transport Charges Act for registration of the vehicle in the Australian Capital Territory; or
  - (ii) for registration for any other period—a fee equal to the product of the number of days for which the vehicle is to be registered multiplied by one-three hundred and sixty-fifth of the amount that would be the annual registration charge determined in accordance with the Commonwealth Road Transport Charges Act for registration of the vehicle in the Australian Capital Territory; or
- (b) in relation to a motor vehicle other than a heavy vehicle or in relation to a heavy vehicle in respect of which the Commonwealth Road Transport Charges Act makes no provision for an annual registration charge—the amount of the fee payable in respect of the registration of the vehicle that is specified in the regulations as being the registration fee (rather than, for example, an administration fee);

**primary producer** means a person—

- (a) who carries on as principal an agricultural business; or
- (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;

**prime mover** means a motor vehicle built to tow a semi-trailer;

**probationary licence** means a driver's licence subject to probationary licence conditions;

**probationary licence conditions** means the conditions imposed on a licence under section 81AB;

**provisional licence** means a driver's licence subject to provisional licence conditions;

**provisional licence conditions** means the conditions imposed on a licence under section 81A(1);

**quarter** means any period of three months;

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

**reduced registration fee** means—

- (a) the fee payable for conditional registration of a motor vehicle under section 25; or
- (b) any other fee payable by a person for registration of a motor vehicle that is less than the prescribed registration fee in relation to the vehicle;

**registered operator**, in relation to a motor vehicle, means a person recorded on the register of motor vehicles as the operator of the vehicle;

**registered owner**, in relation to a motor vehicle, means a person recorded on the register of motor vehicles as the owner of the 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;

**registration** of a motor vehicle includes re-registration or renewal of registration; and **to register** has a corresponding meaning;

**review committee** means the review committee established under Part 3E;

**road** means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving of motor vehicles;

**road-related area** means any of the following:

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) an area that is not a road and that is open to the public and designated for use by cyclists or animals; or
- (d) an area that is not a road and that is open to or used by the public for driving or parking motor vehicles; or
- (e) any other area that is open to or used by the public and that has been declared by the Minister under section 6 to be a road-related area;

**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;

**semi-trailer** means a trailer that has—

- (a) one axle group or single axle (as those terms are defined in the *Road Traffic Act 1961*) towards the rear; and
- (b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover;

**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 3C;

**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 3C;

**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 that is built to be towed, or is towed, by a motor vehicle, but does not include a motor vehicle that is being towed;

**vehicle** does not include a vehicle operated on a railway or tramway or a mobile machine controlled and guided by a person walking;

**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; and
  - (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.
- (1a) In this Act, a reference to a Commonwealth Act includes a reference to—
- (a) that Commonwealth Act as amended and in force for the time being; and
  - (b) an Act enacted in substitution for that Act.
- (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.
- (2a) A reference in this Act to drivers or the driving of vehicles includes a reference to riders or the riding of vehicles unless it is otherwise expressly stated.
- (2b) A reference in this Act to a road includes a reference to a road-related area unless it is otherwise expressly stated.
- (3) A reference in this Act to a motor vehicle includes a reference to a trailer unless it is otherwise expressly stated.
- (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.

- (6) A person who is granted an order for relief under the *Expiation of Offences Act 1996* in respect of an expiation notice for an offence that attracts demerit points under this Act will, for the purposes of this Act, be taken to have expiated that offence on the day on which the order is granted.

## **6—Power of Minister to include or exclude areas from application of Act**

The Minister may, by notice in the Gazette—

- (a) declare a specified area that is open to or used by the public to be a road-related area;
- (b) declare that this Act, or specified provisions of this Act, do not apply to a specified road or portion of road (either indefinitely or for a specified period);
- (c) vary or revoke such a declaration.



## Part 2—Registration of motor vehicles

### Division 1—Registration

#### 7—Registrar and officers

- (1) The Governor may appoint a Registrar of Motor Vehicles and such deputy registrars of motor vehicles and inspectors of motor vehicles as the Governor considers necessary for the administration of this Act.
- (2) A deputy registrar 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 by the Registrar.
- (3) The Registrar is to be taken to be an inspector appointed under this Act.
- (4) The Registrar may delegate any of his or her powers or functions under this Act or any other Act to—
  - (a) a person for the time being occupying a specified office or position; or
  - (b) a specified person or specified body of persons that, in the opinion of the Registrar, has appropriate qualifications or experience to exercise the relevant powers or functions.
- (5) A power or function delegated under this section may, if the instrument of delegation so provides, be further delegated.
- (6) A delegation under this section—
  - (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) does not derogate from the power of the delegator to act in any matter; and
  - (d) is revocable at will by the delegator.
- (7) A person to whom a power or function is delegated under this section must not contravene, or fail to comply with, a condition to which the delegation is subject.  
Maximum penalty: \$10 000 or imprisonment for two years.

#### 8—The register

- (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.

#### 9—Duty to register

- (1) A person must not drive an unregistered motor vehicle, or cause an unregistered motor vehicle to stand, on a road.  
Maximum penalty: An amount equal to twice the amount of the prescribed registration fee for 12 months that would have been payable for the granting of registration in respect of the vehicle on the day of the offence or \$750, whichever is the greater.

- (2) It is a defence to a charge of an offence against subsection (1) to prove, in a case where the registration of the motor vehicle was not in force by reason of suspension and the defendant was not a registered owner or the registered operator of the vehicle, that—
- (a) a registration label was affixed to the vehicle indicating that the vehicle was registered; and
  - (b) the defendant did not know, and could not reasonably be expected to have known, that the registration of the vehicle was suspended.

- (3) If an unregistered motor vehicle is found standing on a road, the owner of the vehicle is guilty of an offence.

Maximum penalty: An amount equal to twice the amount of the prescribed registration fee for 12 months that would have been payable for the granting of registration in respect of the vehicle on the day of the offence or \$750, whichever is the greater.

- (4) It is a defence to a charge of an offence against subsection (1) or (3) to prove that the motor vehicle was driven or left standing on a road in circumstances in which this Act permits a motor vehicle without registration to be driven on a road.
- (5) It is a defence to a charge of an offence against subsection (3) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was left standing on the road.
- (6) It is a defence to a charge of an offence against subsection (3) where the defendant is the last registered owner or last registered operator to prove that the defendant was not the owner or the operator of the motor vehicle, as the case may be, at the time of the alleged offence.
- (7) In this section—

*owner*, in relation to a motor vehicle, includes the last registered owner and the last registered operator of the vehicle;

*unregistered motor vehicle* means a motor vehicle without registration in force under this Act.

## **Division 2—Exemptions and permits**

### **10—Exemption of vehicles with trade plates**

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

### **10A—Exemption of vehicles being loaded or unloaded from transporter**

- (1) A motor vehicle may be driven without registration on roads if—
- (a) the vehicle is driven for the purpose of loading it onto, or unloading it from, a transporter; and
  - (b) the vehicle is driven not more than 500 metres from the transporter.

(2) When a motor vehicle is being driven on a road as authorised by subsection (1), the policy of insurance in force under Part 4 in relation to the transporter is to be taken to be in force and extend in its coverage in relation to the vehicle being driven and its owner and driver and any passenger in or on it.

(3) In this section—

*transporter* means a motor vehicle (not including a towtruck but including a trailer attached to a motor vehicle) designed for the transportation of motor vehicles.

## **12—Exemption for certain trailers, agricultural implements and agricultural machines**

(1) An unregistered trailer, agricultural implement or prescribed agricultural machine may be towed on roads by a tractor or agricultural machine that is conditionally registered under section 25.

(2) An unregistered agricultural implement or agricultural machine may be towed on roads by a registered motor vehicle.

(2a) Subject to subsection (2b), a prescribed agricultural machine may be driven on roads without registration or insurance under Part 4.

(2b) A prescribed agricultural machine must not be driven without registration or insurance under Part 4 on the carriageway of a road unless—

(a) the prescribed agricultural machine is driven only—

(i) to move the machine across the carriageway by the shortest possible route; or

(ii) to move the machine from a point of unloading to a worksite by the shortest possible route; or

(iii) to enable the machine to perform on the carriageway a special function that the machine is designed to perform; and

(b) there is in force a policy of public liability insurance indemnifying the owner and any authorised driver of the prescribed agricultural machine in an amount of at least five million dollars in relation to death or bodily injury caused by, or arising out of, the use of the prescribed agricultural machine on a road.

(2c) A person who drives a prescribed agricultural machine on a road without registration or insurance under Part 4 as authorised by this section must, if requested by a member of the police force to do so, produce evidence of the person's public liability insurance 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.

Maximum penalty: \$250.

- (3) While a trailer, agricultural implement or agricultural machine is on a road and is being towed, or is on a road and is connected to a vehicle for towing, as authorised under this section, the policy of insurance in force under Part 4 in relation to the towing vehicle is to be taken to extend in coverage so that it is also in force and applies in relation to the trailer, agricultural implement or agricultural machine and its owner and driver and any passenger in or on it.
- (4) In this section—  
*prescribed agricultural machine* means an agricultural machine that—
  - (a) is designed mainly for use outside public road systems; and
  - (b) when driven by its own automotive power, is capable of a speed not exceeding 7 kilometres per hour.

### **12A—Exemption of self-propelled wheelchairs from requirements of registration and insurance**

- (1) A self-propelled wheelchair or any other motor vehicle (not being a motor car) of a prescribed class may be driven on roads 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.
- (2) A self-propelled wheelchair or other motor vehicle to which subsection (1) applies is to be taken to be subject to a policy of insurance in force under Part 4.

### **12B—Exemption of certain vehicles from requirements of registration and insurance**

- (1) Subject to subsection (2), motor vehicles may be driven on roads without registration or insurance under Part 4 as follows:
  - (a) a motor vehicle may be driven for the purpose of taking measures for extinguishing or controlling a fire that is causing or threatening to cause loss of life or injury or damage to persons, animals or property;
  - (b) a motor vehicle may be driven on a wharf for the purpose of loading or unloading cargo;
  - (c) a self-propelled lawn mower may be driven for the purpose of mowing lawn or grass or to or from a place at which it is to be, or has been, used for that purpose.
- (2) A motor vehicle must not be driven on roads without registration or insurance under Part 4 as authorised by subsection (1) unless there is in force a policy of public liability insurance indemnifying the owner and any authorised driver of the vehicle in an amount of at least five million dollars in relation to death or bodily injury caused by, or arising out of, the use of the vehicle on roads.
- (3) A person who drives a motor vehicle on a road without registration or insurance under Part 4 as authorised by this section must, if requested by a member of the police force to do so, produce evidence of the person's public liability insurance 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.

Maximum penalty: \$250.

## **16—Permits to drive vehicles without registration**

- (1) Where—
  - (a) the Registrar is unable to determine an application for registration of a motor vehicle without delay; or
  - (b) the Registrar determines that an application for registration of a motor vehicle should be granted but is unable to effect registration without delay; or
  - (c) the owner of a motor vehicle—
    - (i) applies for a permit following the return by the Registrar of an application for registration of the vehicle; or
    - (ii) applies for a permit authorising the vehicle to be driven on roads without registration in prescribed circumstances or in circumstances in which it is, in the opinion of the Registrar, unreasonable or inexpedient to require the vehicle to be registered,and pays the prescribed fee and the appropriate insurance premium,  
the Registrar may issue to the owner of the vehicle a permit, subject to such terms and conditions as the Registrar thinks fit to impose, authorising the vehicle to be driven on roads without registration during the period specified in the permit.
- (2) Where the owner of a motor vehicle not previously registered in his or her 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 vehicle, to commence as from a day not later than the issue of the permit under this subsection, has been sent to the Registrar by or on behalf of the owner of the vehicle together with a sum sufficient to cover—
  - (a) the prescribed fee payable in respect of registration of the vehicle; and
  - (b) the appropriate insurance premium; and
  - (c) the stamp duty (if any) payable on the application,the member of the police force may issue without fee to the owner of the vehicle a permit authorising the vehicle to be driven on roads without registration during the prescribed period.
- (3) A permit under this section will be in a form determined by the Minister.
- (4) Where a permit has been issued under this section, the motor vehicle to which the permit relates will, while the permit remains in force, be taken to be duly registered under this Act.

**Motor Vehicles Act 1959—1.4.2004 to 30.4.2004**

Part 2—Registration of motor vehicles

Division 2—Exemptions and permits

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- (5) A policy of insurance under Part 4 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—
- (a) where an application for registration of the vehicle made before the issue of the permit is subsequently granted—the expiration of the period for which the registration was applied for, and a further period of grace in accordance with that Part; or
  - (b) in any other case—the expiration of the period for which the permit remains in force.
- (6) Where an application for registration made before the issue of the permit is subsequently granted, the registration will be taken to have commenced from the time of issue of the permit.
- (7) A permit 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 vehicle; or
  - (b) —
    - (i) in the case of a permit under subsection (1)—on the expiration of the period specified in the permit;
    - (ii) in the case of a permit under subsection (2)—on the expiration of the prescribed period,
- whichever first occurs.
- (8) A permit under this section must, throughout the period for which it remains in force, be carried, in accordance with the regulations, in the vehicle to which it relates.
- (9) A person must not drive on a road a motor vehicle in respect of which a permit under this section is in force unless the permit is carried in the vehicle in accordance with the regulations.
- Maximum penalty: \$125.
- (10) If a condition of a permit under subsection (1) is contravened the Registrar may, by notice in writing served personally or by post on the holder of the permit, revoke the permit.
- (11) A person who contravenes a condition of a permit under subsection (1) is guilty of an offence.
- Maximum penalty: \$250.
- (12) If the Registrar is satisfied that a permit under subsection (1) has been lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate permit.
- (13) If 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 is satisfied that a permit under subsection (2) has been lost or destroyed, the member of the police force may, on payment of the prescribed fee, issue a duplicate permit.

(14) Where the Registrar or a member of the police force has, pending the determination of an application for registration of a motor vehicle, issued a permit under this section and the Registrar is subsequently unable to grant registration to the applicant, the Registrar may, by notice in writing served personally or by post on the applicant, refuse the application for registration and refund such part of any fee and insurance premium paid as the Registrar thinks appropriate.

(15) In this section—

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

### 19A—Vehicles registered etc interstate or overseas

(1) A motor vehicle may be driven in this State without registration under this Act if—

- (a) the garage address of the vehicle is outside this State and the vehicle is in this State for the purpose of temporary use; and
- (b) the vehicle—
  - (i) is registered in another State or Territory of the Commonwealth or in a foreign country; or
  - (ii) is permitted to be driven on roads within another State or Territory of the Commonwealth by virtue of a permit or other authority granted and in force under the law of that other State or Territory; and
- (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 or foreign country are duly affixed to the vehicle in accordance with that law; and
- (d) any conditions or restrictions imposed on the use of the vehicle by virtue of the law of that other State or Territory or foreign country are complied with; and
- (e) there is in force in relation to the vehicle a policy of insurance—
  - (i) —
    - (A) in the case of a vehicle registered in a foreign country—that complies with Part 4 of this Act; or
    - (B) in any other case—that complies with the law of the State or Territory in which it is registered or permitted to be driven as referred to in paragraph (b)(ii); and
  - (ii) under which the owner and driver of the 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 vehicle in this State.

(2) A motor vehicle may be driven in this State without registration under this Act until the end of the prescribed period if—

- (a) —

- (i) while the vehicle is in this State for temporary use as referred to in subsection (1), the garage address of the vehicle ceases to be outside this State; or
    - (ii) the vehicle is brought into this State for use from a garage address in this State; and
  - (b) the requirements of subsection (1)(b) to (e) (inclusive) are satisfied in relation to the vehicle.
- (3) In this section—
- prescribed period* means—
- (a) the period of 90 days from the date on which the garage address of the motor vehicle ceases to be outside this State or the vehicle is brought into this State for use from a garage address in this State; or
  - (b) the period ending on the day on which the registration, permit or other authority by virtue of which the motor vehicle is permitted to be driven on roads in another State or Territory or in a foreign country expires,
- whichever is the lesser period.

## **Division 3—Registration procedure**

### **20—Application for registration**

- (1) An application for registration of a motor vehicle must—
- (a) state correctly the following particulars:
    - (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;
    - (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;
    - (iv) the full name of the operator of the vehicle (whether or not that person is the owner or an owner of the vehicle);
    - (v) where the operator is not the owner or an owner of the vehicle and is a natural person, the address at which that person is ordinarily resident;
    - (vi) where the operator is not the owner or an owner of the vehicle and is a body corporate, the address of the principal place of business in this State of the body corporate;
    - (vii) the garage address of the vehicle;
    - (viii) in the case of an application for registration of a heavy vehicle—the configuration of the vehicle for the period of registration; and
  - (b) be made in a manner and form determined by the Minister.

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- (1a) If application is made for the registration of a motor vehicle that has been taken on hire, the Registrar may dispense with—
- (a) the requirement that the application state the name and address of any owner of the vehicle other than the person who has taken the vehicle on hire; or
  - (b) the requirement that the application state the name and address of the person who has taken the vehicle on hire,
- as the Registrar thinks fit.
- (2) At the time of making the application—
- (a) the prescribed fee; and
  - (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 a motor vehicle falsely states the name of the owner or the operator of the vehicle, any registration of the motor vehicle pursuant to that application is void and of no effect.
- (3) An application cannot be made or granted for—
- (a) a person under the age of 18 years to be registered as the owner or operator of a heavy vehicle; or
  - (b) a person under the age of 16 years to be registered as the owner or operator of a motor vehicle other than a heavy vehicle; or
  - (c) the registration of a motor vehicle with a garage address outside this State.
- (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 4 will, notwithstanding the invalidity of the registration, come into operation in respect of the motor vehicle as if it had been validly registered.

## **21—Power of Registrar to return application**

Where application for registration of a motor vehicle is made and—

- (a) the application is not entirely in order; or
- (b) the full amount payable to the Registrar in respect of the application has not been paid; or
- (c) the applicant is, at the time of lodging the application, unable to supply all the information required for the Registrar to assess the fee or determine the application; or
- (d) the Registrar has refused to determine the application until the particulars disclosed in the application are verified; or
- (e) a court has ordered that the vehicle not be registered until some condition is complied with and the condition has not been complied with,

the Registrar may return the application and any prescribed registration fee and insurance premium paid in respect of the application.

## **22—Registrar may require applicant to supply information**

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; or
- (c) any matter in relation to which information is required to be disclosed in the application.

## **23—Refusal to register unfit vehicles**

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.

## **23A—Information required before registration of new vehicles**

- (1) The Registrar must not register a new motor vehicle unless a report containing the particulars prescribed by regulation has been received in relation to that motor vehicle.
- (2) A person must not sell, by retail, a new motor vehicle unless a report referred to in subsection (1) has been lodged with the Registrar in relation to that motor vehicle.  
Maximum penalty: \$750.
- (3) In this section—

*new motor vehicle* means a motor vehicle that has not previously been registered under this Act or the law of any other State or Territory of the Commonwealth.

## **24—Duty to grant registration**

- (1) On 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—
  - (a) register the motor vehicle in the register of motor vehicles—
    - (i) for a period of 12 months or one, two or three quarters; or
    - (ii) where the Registrar considers it necessary to do so to achieve a common day of expiry of the registration of a number of motor vehicles (being a number that equals or exceeds a number to be determined by the Registrar)—for a period expiring on a day fixed by the Registrar or nominated by the applicant in the application as a common day of expiry in relation to those motor vehicles; or
    - (iii) where the Registrar considers it appropriate in the circumstances to register the vehicle for some other period nominated by the applicant in the application—for that nominated period,at the option of the applicant; and

- (b) record in the register of motor vehicles as the owner of the vehicle the person stated in the application to be the owner of the vehicle and as the operator of the vehicle the person stated in the application to be the operator of the vehicle.
- (1a) Despite subsection (1), the Registrar may register a motor vehicle for a period less than a period referred to in subsection (1)(a)(i) where the registration of the vehicle has been cancelled and application for registration is being made before the day on which the previous registration would, but for cancellation, have expired.
- (1b) The registration of a motor vehicle may be renewed despite the expiry of the previous registration provided that—
  - (a) the person stated in the application for renewal to be the owner of the vehicle is the person last recorded in the register of motor vehicles as the owner of the vehicle; and
  - (b) the application for renewal is made—
    - (i) in the case of an application for renewal of registration for a period referred to in subsection (1)(a)(i) or (ii)—within 90 days after the expiry of the previous registration; or
    - (ii) in any other case—within 12 months after the expiry of the previous registration.
- (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) The Registrar may refuse to register a motor vehicle pending investigations (which may include examination of the vehicle)—
  - (a) to verify any information disclosed in the application or any evidence provided by the applicant in response to any requirement of the Registrar under this Act; or
  - (b) to ascertain whether the vehicle—
    - (i) complies with an Act or law that regulates the design, construction or maintenance of such a vehicle; or
    - (ii) would, if driven on a road, put the safety of persons using the road at risk; or
    - (iii) is or may be stolen.
- (3) The Registrar may refuse to register a vehicle if—
  - (a) the Registrar reasonably believes that information disclosed in the application or any evidence provided by the applicant in response to a requirement of the Registrar under this Act is or may be inaccurate, incomplete or misleading; or
  - (b) the vehicle—
    - (i) does not comply with an Act or law that regulates the design, construction or maintenance of such a vehicle; or

- (ii) would, if driven on a road, put the safety of persons using the road at risk; or
- (c) the Registrar reasonably believes that the vehicle is or may be stolen; or
- (ca) the vehicle is of a class prescribed for the purposes of this section; or
- (d) registration of the vehicle in another State or Territory of the Commonwealth has been cancelled or suspended for reasons that still exist; or
- (e) there are unpaid fines or pecuniary penalties arising out of the use of the vehicle in another State or Territory of the Commonwealth.

## **Division 4—Conditional registration**

### **25—Conditional registration**

- (1) The Registrar may register a motor vehicle under this section if—
  - (a) the applicant satisfies the Registrar that the vehicle is of a class prescribed for the purposes of this section; and
  - (b) the applicant undertakes that the conditions of registration of the vehicle under this section will be complied with; and
  - (c) application for registration of the vehicle is made in accordance with section 20 and the fee paid in respect of the registration is the applicable fee fixed by the regulations for the purposes of this section.
- (2) Where a motor vehicle is registered under this section—
  - (a) the period of registration will be the period specified in the regulations; and
  - (b) the registration of the vehicle is subject to—
    - (i) the conditions imposed by the regulations;
    - (ii) such other conditions (if any) as the Registrar thinks fit to impose and notifies in writing to the applicant; and
  - (d) subject to the regulations, the registration is not transferable.
- (3) The Registrar may, by notice in writing to the registered owner or the registered operator of a motor vehicle registered under this section, vary the conditions of the registration or impose further conditions.

## **Division 5—Duration of registration**

### **26—Duration of registration**

- (1) The registration of a motor vehicle commences—
  - (a) on the day on which it is granted (or, if a permit is issued under section 16 after an application for registration of the vehicle is made but before the application is granted, the date of issue of the permit); or
  - (b) if the registration is renewed on application made before the expiry of the previous registration—on the day after that expiry.

- (2) If the registration of a motor vehicle is renewed on application made after the expiry of the previous registration, the period for which the registration is renewed is to be calculated from the day after that expiry.
- (3) Subject to this Act, the registration of a motor vehicle expires on the last day of the period for which it was granted or renewed.

## **Division 6—Registration fees**

### **27—Regulation of registration fees**

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; and
- (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.

### **31—Registration without fee**

- (1) The Registrar must register without fee—
  - (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;
  - (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; and
  - (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.

- (3) This section does not apply in relation to a heavy vehicle other than a heavy vehicle of a kind referred to in subsection (1)(j).

### 34—Registration fees for primary producers' commercial vehicles

- (1) If the owner of a commercial motor vehicle—
- (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 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 prescribed registration fee for that motor vehicle must be reduced by the prescribed amount.

- (2) In this section—

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

### 37—Registration fees for vehicles in outer areas

- (1) In this section—

*outer area* means—

- (a) the whole of Kangaroo Island; or
- (ab) the area of the District Council of Coober Pedy; or
- (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; and
- (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 prescribed registration fee for that motor vehicle must be reduced by the prescribed amount.

### 37A—Application of sections 38 to 38B

Sections 38 to 38B (inclusive) do not apply in relation to a heavy vehicle.

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**38—Registration fees for incapacitated ex-service personnel**

- (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; and
  - (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 70 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.

**38A—Reduced fees for certain concession card holders**

- (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 of Human Services; 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.

### **38AB—Registration fees for trailers owned by certain concession card holders**

- (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 of Human Services; 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 authorise 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.

### **38B—Registration fees for certain incapacitated persons**

- (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.

#### **40—Balance of registration fee**

Where a vehicle has been registered at a reduced registration fee, the registered owner or the registered operator 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.

#### **40A—Refund of part of registration fee on eligibility for reduced fee**

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.

#### **41—Misuse of vehicles registered at reduced fees or without fees**

- (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.  
Maximum penalty: \$750.
- (2a) A person must not contravene or fail to comply with a condition of registration of a motor vehicle under section 25.  
Maximum penalty: \$750.
- (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 registration 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.

#### **42—Registration not transferable in certain cases where vehicle registered at reduced fee or for no fee**

- (1) The registration of a motor vehicle that has been registered without payment of a fee is not transferable unless the transferee satisfies the Registrar that the transferee is entitled to the same exemption from registration fees as the transferor.
- (2) The registration of a motor vehicle that has been registered at a reduced registration fee is not transferable unless—
  - (a) the transferee satisfies the Registrar that the transferee is entitled to the same reduction of registration fees as the transferor; or
  - (b) the balance of the prescribed registration fee is paid at or before the time of lodgement of an application to transfer the registration of the vehicle to the transferee.

#### **43—Short payment etc**

- (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; or
  - (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 or the registered operator 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 or the operator 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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**43A—Temporary configuration certificate for heavy vehicle**

- (1) A person must not drive a registered heavy vehicle on a road in an unregistered configuration unless a temporary configuration certificate is in force under this section in respect of the vehicle for that configuration.
- (2) If a person drives a heavy vehicle on a road in contravention of subsection (1), the vehicle will be taken to be unregistered for the purposes of this Act.
- (3) If a person is guilty of an offence of driving an unregistered vehicle on a road by virtue of subsection (2), a person who caused or permitted the vehicle to be so driven is also guilty of an offence.

Maximum penalty: \$750.

- (4) If the registered owner or the registered operator of a registered heavy vehicle—
  - (a) applies for a temporary configuration certificate to be issued in respect of the vehicle for a configuration other than the vehicle's registered configuration; and
  - (b) pays to the Registrar—
    - (i) a fee equal to the product obtained by multiplying the number of days in the period for which the certificate is to be in force or 90 days (whichever is the greater) by one-third hundred and sixty fifth of the difference between—
      - (A) the prescribed registration fee that would be payable for registration of the vehicle for 12 months if that other configuration were nominated in an application for such registration; and
      - (B) the prescribed registration fee that would be payable for registration of the vehicle for 12 months if its registered configuration were nominated in an application for such registration,

(a fraction of one dollar being counted as one dollar); and

- (ii) the prescribed administration fee,

the Registrar may issue such a certificate to the registered owner or the registered operator of the vehicle.

- (5) A certificate may be issued under this section in respect of a vehicle so as to be in force for a period specified in the certificate at the option of the applicant, being a period not exceeding the unexpired portion of the vehicle's registration.
- (6) A certificate under this section will be in a form determined by the Minister.
- (7) A person who drives a vehicle on a road while a certificate is in force in respect of the vehicle under this section must—
  - (a) carry the certificate in the vehicle; and
  - (b) if so required by a member of the police force or an inspector, produce the certificate for inspection by the member or inspector.

Maximum penalty: \$125.

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Division 6—Registration fees

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- (8) If the Registrar is satisfied that a certificate under this section has been lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate.
- (9) The Registrar may, on application by the holder of a certificate under this section, cancel the certificate.
- (10) If the registration of a vehicle in respect of which a certificate is in force under this section is cancelled or transferred, the certificate is cancelled.
- (11) Subject to subsection (12), if a certificate under this section is cancelled, any registration fee paid for the issue of the certificate is not refundable.
- (12) The Registrar may, if satisfied that reasonable cause exists for doing so, refund all or part of a fee (other than an administration fee) paid for the issue of a certificate under this section.
- (13) Where the person recorded in the register of motor vehicles as the owner or the operator of a heavy vehicle is convicted of an offence of driving the vehicle while it is unregistered by virtue of subsection (2) or of an offence against subsection (3), the court must order, in addition to any other penalty it may have imposed, that the convicted person pay to the Registrar within a period specified in the order, the difference between—
  - (a) the prescribed registration fee that would have been payable for registration of the vehicle for the period for which the vehicle's registration was effected if the current configuration of the vehicle at the time of the offence had been nominated in the application for the registration of the vehicle; and
  - (b) the prescribed registration fee that was paid for registration of the vehicle.
- (14) On making an order under subsection (13), the court must notify the Registrar in writing of the terms of the order.
- (15) Despite any other provision of this Act, registration fees paid pursuant to an order under subsection (13) are not refundable on subsequent cancellation of registration.
- (16) For the purposes of this section—
  - (a) **current configuration**, in relation to a registered heavy vehicle, means the vehicle in its current form together with the trailers (within the meaning of the Commonwealth Road Transport Charges Act), if any, that are being hauled by the vehicle;
  - (b) **registered configuration**, in relation to a registered heavy vehicle, means the configuration nominated in the application for the registration of the vehicle;
  - (c) the current configuration of a registered heavy vehicle will be taken to be an unregistered configuration if—
    - (i) it does not conform to the vehicle's registered configuration; and
    - (ii) the amount paid for registration in respect of the vehicle was less than the amount that would have been payable if the vehicle's current configuration had been nominated in the application for the registration of the vehicle.

## Division 7—Duty to notify alterations or additions to vehicles

### 44—Duty to notify alterations or additions to vehicles

- (1) If an alteration or addition prescribed by the regulations is made to a motor vehicle during the period for which it is registered, the Registrar must, within 14 days after the making of the alteration or addition, be given written notice containing particulars of the alteration or addition.
- (1a) The Registrar may require a person who gives notice under subsection (1) to provide satisfactory evidence by statutory declaration or other means to verify the information disclosed in the notice.
- (3) If a motor vehicle is altered or added to during the period for which it is registered and the alteration or addition is such that, if it had been made before the registration, the fee for that registration would have been more than the amount paid, the Registrar must, within 28 days after the making of the alteration or addition, be paid as an additional fee the amount that bears to the difference the same proportion as the number of months in the unexpired period of the registration (portion of a month being treated as a month) bears to the number of months in the period of registration.
- (3a) In calculating an additional fee payable under this section, any amount of cents not exceeding five cents will be excluded and any amount of cents exceeding five cents will be counted as ten cents.
- (3b) Despite subsections (3) and (3a), the regulations may, for cases of a prescribed kind, provide a different method for calculating an additional fee payable under subsection (3).
- (4) If a requirement of subsection (1) or (3) is not complied with, the registered owner and the registered operator of the vehicle are each guilty of an offence.  
Maximum penalty: \$750.
- (4a) If a person does not comply with a requirement made of the person under subsection (1a), the person is guilty of an offence.  
Maximum penalty: \$750.
- (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).
- (6) In this section—  
*alteration*, in relation to a vehicle, includes the wrecking of the vehicle or the disassembling of the vehicle or part of the vehicle for salvage.

### 45—Refund where vehicle altered

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 registered owner or the registered operator of the vehicle such part of the registration fee as the Registrar thinks just in the circumstances.

## **Division 8—Numbers and number plates**

### **46—Allotment of number on registration**

- (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).

### **47—Duty to carry number plates**

- (1) A person must not drive a motor vehicle, or cause a motor vehicle to stand, on a road unless a number plate or plates—

- (a) that conform to the specifications and design prescribed for number plates of a class established under section 47A; and
- (b) that bear the number allotted to the vehicle under this Act,

are attached to the vehicle in accordance with the regulations.

Maximum penalty: \$250.

- (1a) If a motor vehicle is driven, or caused to stand, on a road in contravention of subsection (1), the registered owner and the registered operator of the vehicle are each guilty of an offence.

Maximum penalty: \$250.

- (1b) It is a defence to a charge of an offence against subsection (1a) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was driven or left standing on the road.

- (2) This section does not apply to—

- (a) a motor vehicle exempted from registration under this Act; or
- (b) a motor vehicle in relation to which a permit has been issued under this Act permitting the vehicle to be driven without registration; or
- (ba) a registered motor vehicle during the period from receipt by the Registrar of a duly made application for a number plate or plates for the vehicle and the end of the day following the day on which the number plate or plates are delivered to the applicant; 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.

### **47A—Classes of number plates and agreements for the allotment of numbers**

- (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).

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

Maximum penalty: \$250.

#### **47B—Issue of number plates**

- (1) The registered owner or the registered operator 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.

Maximum penalty: \$250.

#### **47C—Return or recovery of number plates**

- (1) The Registrar must, before cancelling the registration of a motor vehicle on application by the registered owner or the registered operator, be satisfied in respect of any number plates issued for the vehicle that—
  - (a) the plates have been returned to the Registrar; or
  - (b) the plates cannot be returned because they have been destroyed or stolen; or
  - (c) there is a proper reason why the applicant should be allowed to retain the plates.

- (2) The Registrar must, if the registration of a motor vehicle—
- (a) has expired and has not been renewed within the period allowed for renewal;  
or
  - (b) has become void or has been found to have been void; or
  - (c) is cancelled otherwise than on application as referred to in subsection (1),

by notice in writing served on the owner of the vehicle or person who is or was last registered as the owner or the operator of the vehicle, direct the person to return, within the period specified in the notice, any number plates of a specified kind issued for the vehicle.

- (3) A person must not fail, without reasonable excuse, to comply with a direction under subsection (2).

Maximum penalty: \$250.

- (4) If the registration of a motor vehicle—

- (a) has expired and has not been renewed within the period allowed for renewal;  
or
- (b) has become void or has been found to have been void; or
- (c) has been cancelled,

the Registrar, a member of the police force or an inspector may seize any number plates (other than number plates of a prescribed kind) issued for the vehicle and, for the purpose of so doing, may, at any reasonable time, enter and remain on any land or premises.

- (5) A person must not hinder another person who is acting in the exercise of a power conferred by subsection (4).

Maximum penalty: \$250.

#### **47D—Offences in connection with number plates**

- (1) A person must not—

- (a) drive on a road, or cause to stand on a road, a motor vehicle to which is attached a number plate that bears a number other than a number allotted to the vehicle; or
- (b) drive on a road, or cause to stand on a road, a motor vehicle to which is attached a number plate that has been altered, defaced, mutilated or added to;  
or
- (c) drive on a road, or cause to stand on a road, a motor vehicle to which is attached a colourable imitation of a number plate; or
- (d) without lawful excuse, have in his or her possession a number plate or an article resembling a number plate that is liable to be mistaken for a number plate.

Maximum penalty: \$250.

- (2) If a motor vehicle is driven, or caused to stand, on a road in contravention of subsection (1)(a), (b) or (c), the registered owner and the registered operator of the vehicle are each guilty of an offence.
- Maximum penalty: \$250.
- (3) It is a defence to a charge of an offence against subsection (2) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was driven or left standing on the road.

## Division 9—Registration labels

### 48—Certificate of registration and registration label

- (1) At the time of registering a motor vehicle, the Registrar must issue to the registered owner or the registered operator of the vehicle or his or her agent—
- (a) a certificate of registration, in a form determined by the Minister, relating to that vehicle; and
  - (b) in relation to a vehicle other than a vehicle of a prescribed class, a registration label endorsed with—
    - (i) particulars of the vehicle;
    - (ii) the date of expiry of registration;
    - (iii) such other information as the Registrar thinks fit to include.
- (1a) The Registrar may, at any time, issue to the registered owner or the registered operator, or the agent of the registered owner or the registered operator, 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 the registered operator 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).
- Maximum penalty: \$125.
- (2) The registration label issued in respect of a motor vehicle other than a motor vehicle of a prescribed class or, where an amended registration label has been issued in respect of such a motor vehicle, 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, or cause to stand on a road, a motor vehicle registered under this Act (other than a motor vehicle of a prescribed class) 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.

Maximum penalty:

For a first offence—\$125.

For a subsequent offence—\$250.

- (3a) If a motor vehicle is driven, or caused to stand, on a road in contravention of subsection (3), the registered owner and the registered operator of the vehicle are each guilty of an offence.

Maximum penalty: \$250.

- (4) It is a defence to a charge under subsection (3) or (3a) 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.
- (5) It is a defence to a charge of an offence against subsection (3a) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was driven or left standing on the road.

### **50—Permit to drive pending receipt of registration label**

- (1) If—

- (a) the Registrar; or
- (b) 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,

is satisfied, on such evidence as the Registrar or member of the police force may require, that the registration label issued in respect of a motor vehicle registered under this Act has not been received by the registered owner or the registered operator of the vehicle or by any person on the registered owner's or the registered operator's behalf, the Registrar or the member of the police force may issue a permit permitting the vehicle to be driven on roads without carrying a registration label during the period of operation of the permit.

- (2) A permit under subsection (1)—

- (a) has no force unless the permit is carried, in accordance with the regulations, in the vehicle to which it relates; and
- (b) expires—
- (i) on the expiry of the current registration of the vehicle; or
- (ii) on the date specified in the permit,

whichever is the earlier.

### **52—Return or destruction of registration label**

- (1) The Registrar must, before cancelling the registration of a motor vehicle on application by the registered owner or the registered operator, be satisfied that—
- (a) the registration label issued for the vehicle has been returned or destroyed; or
- (b) the vehicle has been stolen or destroyed.
- (2) The Registrar must, if the registration of a motor vehicle has become void or has been found to have been void or is cancelled otherwise than on application as referred to in subsection (1), by notice in writing served on the person who is or was last registered as the owner or the operator of the vehicle, direct the person to destroy the registration label issued for the vehicle in such manner as the Registrar thinks fit and specifies in the notice.

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- (3) A person must not fail, without reasonable excuse, to comply with a direction under subsection (2).  
Maximum penalty: \$250.
- (4) If the registration of a motor vehicle has become void or has been found to have been void or has been cancelled, 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 on any land or premises.
- (5) A person must not hinder another person who is acting in the exercise of a power conferred by subsection (4).  
Maximum penalty: \$250.

### 53—Offences in connection with registration labels and permits

- (1) A person must not—
- (a) drive on a road, or cause to stand on a road, a motor vehicle on which is affixed a registration label or in which is carried a permit that has ceased to be in force or has been issued in respect of another motor vehicle; or
  - (b) drive on a road, or cause to stand on a road, a motor vehicle on which is affixed a registration label or in which is carried a permit that has been altered, defaced, mutilated or added to; or
  - (c) drive on a road, or cause to stand on a road, a motor vehicle on which is affixed a colourable imitation of a registration label or in which is carried a colourable imitation of a permit; or
  - (d) without lawful excuse, have in his or her possession—
    - (i) a registration label or an article resembling a registration label that is liable to be mistaken for a registration label; or
    - (ii) a permit or an article resembling a permit that is liable to be mistaken for a permit.

Maximum penalty: \$250.

- (1a) If a motor vehicle is driven, or caused to stand, on a road in contravention of subsection (1)(a), (b) or (c), the registered owner and the registered operator of the vehicle are each guilty of an offence.  
Maximum penalty: \$250.
- (1b) It is a defence to a charge of an offence against subsection (1a) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was driven or left standing on the road.
- (2) In this section—  
***permit*** means a permit that permits a vehicle to be driven on roads without carrying a registration label.

## **Division 10—Suspension, cancellation and transfer of registration**

### **54—Cancellation of registration and refund on application**

- (1) Subject to this Act, the Registrar must, on application by the registered owner or the registered operator of a motor vehicle made in a manner and form determined by the Minister, cancel the registration of the vehicle.
- (2) Where a registration is cancelled under this section, the Registrar must pay, or place to the credit of, the applicant any refund required under the regulations.

### **55A—Suspension and cancellation of registration by Registrar**

- (1) Subject to this section, the Registrar may suspend or cancel the registration of a motor vehicle if—
  - (a) the Registrar reasonably believes that—
    - (i) any information disclosed in the application for registration of the vehicle, or, if the registration has been transferred, in the application for transfer of the registration, is or may be inaccurate, incomplete or misleading; or
    - (ii) any evidence provided by the applicant in response to a requirement of the Registrar under this Act is or may be inaccurate, incomplete or misleading; or
  - (b) the vehicle—
    - (i) does not comply with an Act or law that regulates the design, construction or maintenance of such a vehicle; or
    - (ii) would, if driven on a road, put the safety of persons using the road at risk; or
  - (c) in the case of a vehicle in relation to which notice is required to be given to the Registrar under section 44—
    - (i) notice is not given as required by that section; or
    - (ii) a requirement of the Registrar under that section to provide evidence to verify any information disclosed in a notice given under that section is not complied with; or
    - (iii) the Registrar reasonably believes that any information disclosed in a notice given under that section is or may be inaccurate, incomplete or misleading; or
    - (iv) the Registrar reasonably believes that any evidence provided in response to a requirement of the Registrar under that section is or may be inaccurate, incomplete or misleading; or
  - (d) the Registrar reasonably believes that information recorded in the register of motor vehicles in relation to the vehicle is or may be inaccurate, incomplete or misleading; or

- (e) in the case of a vehicle in relation to which the Registrar has, under section 138, required evidence to be provided relevant to the continuation of the registration of the vehicle—
    - (i) evidence is not provided as required by that section; or
    - (ii) the Registrar reasonably believes that any evidence provided under that section is or may be inaccurate, incomplete or misleading; or
  - (f) the vehicle has been destroyed or damaged beyond repair; or
  - (g) the vehicle was registered in error.
- (2) The Registrar may, after cancelling the registration of a motor vehicle under this section, at the Registrar's discretion, refund such part of the amount paid in respect of the registration of the vehicle as the Registrar thinks just.
- (3) If the Registrar decides to suspend the registration of a motor vehicle, the Registrar must give the registered owner or the registered operator of the vehicle notice in writing of—
- (a) the reasons for the suspension; and
  - (b) the date on which the registration is to be suspended; and
  - (c) the action required to be taken to avoid the suspension or have the suspension removed.
- (4) The Registrar must not cancel the registration of a motor vehicle under this section unless the Registrar—
- (a) has suspended the registration and believes that the reason for the suspension still exists; and
  - (b) has given notice in writing to the registered owner or the registered operator—
    - (i) advising that the Registrar has decided to cancel the registration of the vehicle and giving the reasons for the decision; and
    - (ii) specifying any action required to be taken to have the suspension removed and to avoid the cancellation; and
    - (iii) stating that, if that action is not taken within 14 days after the date specified in the notice for that purpose, the cancellation will then take effect; and
    - (iv) advising of the right to apply for review of the decision.
- (5) The Registrar may remove the suspension of the registration of a motor vehicle if the Registrar thinks fit and must do so if satisfied that the action required to be taken to have the suspension removed has in fact been taken.
- (6) If the action stated in a notice under subsection (4) is not taken within the period specified in the notice, the registration of the motor vehicle is cancelled at the end of the period.

### **56—Duty of transferor on transfer of vehicle**

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; or
- (b) —
  - (i) give to the transferee the current certificate of registration or a current duplicate certificate of registration issued to the transferor in respect of the vehicle; and
  - (ii) sign an application, in a form determined by the Minister, to transfer the registration of the vehicle; and
  - (iii) sign or cause to be signed by a person acting on behalf of the transferor, in the presence of the transferee or a person acting on behalf of the transferee, a notice, in a form determined by the Minister, of the transfer of ownership of the vehicle.

Maximum penalty: \$250.

### **57—Duty of transferee on transfer of vehicle**

- (1) Where the ownership of a motor vehicle is transferred not later than 14 days before the expiration of the registration of the vehicle, the transferee must, within seven days after the transfer, sign or cause to be signed by a person acting on behalf of the transferee, in the presence of the transferor or a person acting on behalf of the transferor, a notice under section 56(b)(iii).

Maximum penalty: \$250.

- (2) Where—
  - (a) the ownership of a motor vehicle is transferred not later than 14 days before the expiration of the registration of the vehicle; and
  - (b) an application to cancel the registration is not made within seven days after the transfer,

the transferee must, within 14 days after the transfer, deliver to the Registrar an application to transfer the registration of the vehicle in a form determined by the Minister that—

- (c) has been signed by the transferor and transferee; and
- (d) is accompanied by—
  - (i) the current certificate of registration or a current duplicate certificate of registration issued to the transferor in respect of the vehicle; and
  - (ii) the prescribed fee for the transfer; and
  - (iii) the stamp duty (if any) payable on the application.

Maximum penalty: \$250.

- (3) Where—
- (a) the transferee fails to lodge an application required under subsection (2) within 14 days after 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.
- (4) The Registrar may, if satisfied that reasonable cause exists for doing so, extend the time for making an application for transfer of registration.
- (5) An application for transfer of registration of a motor vehicle must state correctly the following particulars:
- (a) the full name of the new owner of the vehicle;
  - (b) where the new owner of the vehicle is a natural person, the address at which the new owner is ordinarily resident;
  - (c) where the new owner of the vehicle is a body corporate, the address of the principal place of business in this State of the body corporate;
  - (d) the full name of the operator of the vehicle (whether or not that person is the new owner or one of the new owners of the vehicle);
  - (e) where the operator is not the new owner or one of the new owners of the vehicle and is a natural person, the address at which that person is ordinarily resident;
  - (f) where the operator is not the new owner or one of the new owners of the vehicle and is a body corporate, the address of the principal place of business in this State of the body corporate;
  - (g) the garage address of the vehicle;
  - (h) in the case of an application for transfer of registration of a heavy vehicle—the configuration of the vehicle for the unexpired period of registration.
- (6) If application is made for the transfer of registration of a motor vehicle that has been taken on hire, the Registrar may dispense with—
- (a) the requirement that the application state the name and address of any new owner of the vehicle other than the person who has taken the vehicle on hire; or
  - (b) the requirement that the application state the name and address of the person who has taken the vehicle on hire,
- as the Registrar thinks fit.
- (7) If an application for transfer of registration of a motor vehicle falsely states the name of the new owner or of the operator of the vehicle, any registration of the vehicle in the name of the transferee pursuant to that application is void and of no effect.

- (8) An application cannot be made or granted for—
- (a) a person under the age of 18 years to be registered as the new owner or the operator of a heavy vehicle; or
  - (b) a person under the age of 16 years to be registered as the new owner or the operator of a motor vehicle other than a heavy vehicle; or
  - (c) a garage address outside this State to be registered as a motor vehicle's garage address.

### **57A—Power of Registrar to record change of ownership of motor vehicles**

Where no application to transfer the registration of a motor vehicle has been made but the Registrar is satisfied that ownership of the vehicle has been transferred to a particular person, the Registrar may, without registering the vehicle in the name of the transferee, record on the register the transferee as the owner of the vehicle.

### **58—Transfer of registration**

- (1) When the current certificate of registration or a current duplicate certificate of registration issued to the transferor in respect of a motor 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, subject to this Act, register the vehicle in the name of the transferee for the balance of the period of registration.
- (2) The Registrar may require a person applying for transfer of the registration of a motor vehicle to provide satisfactory evidence by statutory declaration or other means as to any matter in relation to which information is required to be disclosed in the application.
- (3) The Registrar may refuse to transfer the registration of a motor vehicle pending investigations (which may include examination of the vehicle)—
- (a) to verify any information disclosed in the application or any evidence provided by the applicant in response to any requirement of the Registrar under this Act; or
  - (b) to ascertain whether the vehicle—
    - (i) complies with an Act or law that regulates the design, construction or maintenance of such a vehicle; or
    - (ii) would, if driven on a road, put the safety of persons using the road at risk; or
    - (iii) is or may be stolen.
- (4) The Registrar may refuse to transfer the registration of the vehicle if—
- (a) the Registrar reasonably believes that information disclosed in the application or any evidence provided by the applicant in response to a requirement of the Registrar under this Act is or may be inaccurate, incomplete or misleading; or
  - (b) the vehicle—
    - (i) does not comply with an Act or law that regulates the design, construction or maintenance of such a vehicle; or

- (ii) would, if driven on a road, put the safety of persons using the road at risk; or
- (c) the Registrar reasonably believes that the vehicle is or may be stolen.

### **59—Non-transferable registrations**

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

### **60—Cancellation of registration where failure to transfer after change of ownership**

- (1) If no application for the cancellation or transfer of the registration of a motor vehicle has been made—
  - (a) within 14 days after the transfer of ownership of the vehicle; or
  - (b) where the Registrar has, under section 57(4), extended the time for the making of an application to transfer the registration, within that time,the Registrar may cancel the registration.
- (2) The Registrar must, after cancelling the registration, on application by the transferee, make any refund required under the regulations.

### **61—Hire-purchase transactions**

- (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.
- (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.

## Division 11—Trade plates

### 62—Issue of trade plates

- (1) If the Registrar is satisfied, on such evidence as the Registrar may require, that a person is engaged in a business in which trade plates are reasonably required for use for a purpose of a kind prescribed by the regulations and stated in the person's application, the Registrar may, on payment of the prescribed fee, issue to the person such number of trade plates as the Registrar considers necessary, having regard to the person's business requirements.
- (2) The Registrar may, in determining whether an applicant for the issuing of trade plates satisfies the requirements of subsection (1), seek the advice and assistance of a person or body that represents the interests of those engaged in a business of the kind in which the applicant is engaged.
- (3) For the purposes of subsection (2), the Registrar may enter into an arrangement with a person or body on such terms and conditions as the Registrar thinks fit.
- (4) The Registrar must keep a record showing the name and place of business of every person to whom a trade plate has been issued under this section.
- (6) The Registrar may issue a trade plate to any person or persons in a business name registered in accordance with the *Business Names Act 1996* under which that person or those persons carry on business.
- (7) A trade plate will be taken to have been issued on a date determined by the Registrar in respect of that trade plate and will not be effective for the purposes of this Act before that date.

### 64—Specifications of plates

Every trade plate must bear a distinctive number and conform to such specifications as the Registrar may determine.

### 65—Duration

A trade plate may be issued for a period of 12 months, 2 years or 3 years at the option of the applicant, and may be reissued for any such period.

### 66—Use of vehicle to which trade plates are affixed

- (1) A motor vehicle to which trade plates are affixed in accordance with the regulations may be driven on a road for a purpose of a kind prescribed by the regulations and stated in the application for the issuing of the plates.
- (2) If a motor vehicle to which trade plates are affixed is driven on a road other than for a purpose of a kind prescribed by the regulations and stated in the application for the issuing of the plates—
  - (a) the driver of the vehicle; and
  - (b) where the driver of the vehicle is not the person to whom the trade plates were issued—that person,

are each guilty of an offence.

Maximum penalty: \$1 250.

**70—Return of trade plates and refunds**

- (1) A person to whom a trade plate has been issued may surrender it to the Registrar at any time.
- (2) Subject to section 71, if a person who holds a trade 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.

Maximum penalty: \$250.

- (4) Where a person fails to surrender a trade plate pursuant to subsection (2), a member of the police force or an inspector may take possession of the trade plate and for that purpose enter and search any premises or place.
- (5) If a person surrenders a trade plate to the Registrar under this section, the Registrar must make any refund required under the regulations.

**71—Transfer of trade plates**

- (1) A person must, within seven days of purchasing or acquiring a business in relation to which a trade plate is held, apply in writing to the Registrar for the transfer of that plate.  
Maximum penalty: \$250.
- (2) Upon an application under this section, the Registrar may, upon payment of the prescribed fee, cause the trade 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 trade plate will for the purposes of this Act be taken to be the person to whom that plate was issued.

**Division 12—Property in and replacement of plates, certificates or labels****71A—Property in plates, certificates or labels**

Number plates, trade plates, registration certificates and registration labels issued under this Act remain the property of the Crown.

**71B—Replacement of plates, certificates or labels**

- (1) If the Registrar is satisfied by statutory declaration or such other evidence as the Registrar may require that a number plate, trade plate, registration certificate or registration label issued in respect of a motor vehicle has been lost, stolen, damaged or destroyed, the Registrar may, on application made in a manner and form determined by the Minister and payment of the prescribed fee, issue, or authorise the issue of, a replacement number plate or trade plate or duplicate registration certificate or registration label.

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Division 12—Property in and replacement of plates, certificates or labels

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- (2) The person to whom a replacement plate or duplicate certificate or label is issued under subsection (1) must, if the original plate, certificate or label is found or recovered, return it to the Registrar.

Maximum penalty: \$250.

## Part 2A—Heavy vehicles speeding control scheme

### 71C—Interpretation

(1) In this Part—

**bus** means a motor vehicle built mainly to carry people that seats more than 9 adults (including the driver);

**corresponding law** means a law of the Commonwealth or another State or Territory of the Commonwealth declared by the regulations to be a corresponding law for the purposes of this Part;

**heavy vehicle** means—

- (a) a bus with a GVM over 5 tonnes; or
- (b) any other motor vehicle with a GVM over 12 tonnes; or
- (c) a motor vehicle of a prescribed class;

**prescribed financial market** means a prescribed financial market within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth;

**prescribed speed**, in relation to a heavy vehicle, means—

- (a) if different speeds are prescribed by regulation for the purposes of this definition in relation to different classes of heavy vehicles—the speed prescribed in relation to the class to which the heavy vehicle belongs; or
- (b) in any other case—the speed prescribed by regulation for the purposes of this definition;

**registered date** of a relevant speeding offence means the date registered under this Part in the register of motor vehicles as the date of the offence;

**registration authority** means the person or body responsible for registering vehicles under a corresponding law;

**speed limiting device** means a device that limits the maximum road speed capability of a vehicle to the prescribed speed;

**vehicle standards** means the vehicle standards under the *Road Traffic Act 1961*.

(2) For the purposes of this Part, a heavy vehicle is to be taken to have been **involved in a relevant speeding offence** if—

- (a) a person has been convicted of an offence in this State of driving the vehicle at a speed 15 kilometres per hour or more over the speed limit applying to the vehicle; or
- (b) a person has expiated an offence in this State in respect of which an expiation notice has been issued alleging that the vehicle was driven at a speed 15 kilometres per hour or more over the speed limit applying to the vehicle; or
- (c) the registration authority under a corresponding law has notified the Registrar of an offence in another State or Territory of the Commonwealth involving the driving of the vehicle at a speed 15 kilometres per hour or more over the speed limit applying to the vehicle and a person has—

- (i) been convicted of the offence; or
  - (ii) paid the amount payable in connection with an infringement notice or penalty notice issued under the law of that State or Territory in respect of the offence.
- (3) For the purposes of this Part, a person is an *associate* of another if—
  - (a) one is a spouse, parent, brother, sister or child of the other; or
  - (b) they are members of the same household; or
  - (c) they are partners; or
  - (d) they are both trustees or beneficiaries of the same trust, or one is a trustee and the other is a beneficiary of the same trust; or
  - (e) one is a body corporate and the other is a director or member of the governing body of the body corporate; or
  - (f) one is a body corporate (other than a public company whose shares are quoted on a prescribed financial market) and the other is a shareholder in the body corporate; or
  - (g) they are related bodies corporate within the meaning of the *Corporations Act 2001* of the Commonwealth; or
  - (h) a chain of relationships can be traced between them under any one or more of the above paragraphs.
- (4) For the purposes of subsection (3), a *beneficiary* of a trust includes an object of a discretionary trust.

#### **71D—Registrar to register relevant speeding offences**

- (1) The Registrar must register in relation to a heavy vehicle registered under this Act each relevant speeding offence in which the vehicle has been involved.
- (2) Registration must be effected by entering in the register of motor vehicles, in relation to the vehicle, the date and place of the relevant speeding offence and any other details the Registrar considers appropriate.
- (3) An offence must not be registered in relation to a vehicle if—
  - (a) the Registrar is satisfied, as a result of notification by the police or otherwise, that, in consequence of some unlawful act, the vehicle was not in the possession or control of the registered owner or the registered operator of the vehicle at the time of the offence; or
  - (b) the regulations require that the offence not be registered.

#### **71E—Notice to be served on registered owner**

On registering a relevant speeding offence in relation to a heavy vehicle under this Part, the Registrar must serve on the registered owner of the vehicle a written notice that—

- (a) describes the entry made in the register; and

- (b) if the vehicle is not already required to be fitted with a speed limiting device, contains a statement of the Registrar's obligations under this Part with respect to the fitting of speed limiting devices; and
- (c) contains a statement of the Registrar's obligations under this Part with respect to the suspension of vehicle registration; and
- (d) contains a statement of the right to apply for the correction of the register or for the review of a decision under this Part.

### **71F—Removal of entries relating to offences on certain change in registered ownership**

The Registrar must remove from the register any entry relating to an offence registered in relation to a heavy vehicle under this Part if—

- (a) a person or persons become registered as the owner or owners of the vehicle in place of the previously registered owner or owners of the vehicle; and
- (b) the newly registered owner is not an associate, or none of the newly registered owners is an associate, of the previously registered owner or any of the previously registered owners of the vehicle.

### **71G—Correction of register**

- (1) The Registrar may at any time, on application by the registered owner, or on the Registrar's own initiative, correct an error in the register in relation to a heavy vehicle.
- (2) A decision on an application under this section is to be taken to be a decision of the Registrar on an application under Part 3E for the review of a decision under this Part.

### **71H—Requirement to fit speed limiting device**

- (1) The Registrar must require a speed limiting device to be fitted to a heavy vehicle (not already required to be fitted with such a device under the vehicle standards) if, on registering a relevant speeding offence in relation to the vehicle under this Part (*the last offence*), it appears from the register that the vehicle has been involved in a previous relevant speeding offence with a registered date within the period of three years up to the registered date of the last offence.
- (2) A requirement under subsection (1) must be made by written notice served on the registered owner of the vehicle and must—
  - (a) require the speed limiting device to be fitted to the vehicle so that the vehicle complies with the speed limiting requirements of the vehicle standards (as if those requirements apply to the vehicle); and
  - (b) specify a period within which the work must be carried out.
- (3) A vehicle in relation to which a notice has been issued under this section must not be driven on a road after the expiry of the period specified in the notice unless a speed limiting device is fitted to the vehicle in accordance with the requirements of the notice and is operating effectively to limit the maximum road speed capability of the vehicle to the prescribed speed.
- (4) If a vehicle is driven in contravention of subsection (3), the driver and the registered owner of the vehicle are each guilty of an offence.

Maximum penalty: \$2 500.

- (5) It is a defence to a charge of an offence against subsection (4) to prove—
- (a) if the defendant is charged as the driver of the vehicle, that, at the time the vehicle is alleged to have been driven in contravention of subsection (3), the defendant was not a registered owner of the vehicle and had no knowledge that the notice had been issued in relation to the vehicle under this section; or
  - (b) if the defendant is charged as a registered owner of the vehicle, that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was alleged to have been driven in contravention of subsection (3).
- (6) In proceedings for an offence against subsection (4), proof that a vehicle in relation to which a notice has been issued under this section was driven 15 kilometres per hour or more over the prescribed speed constitutes proof that the vehicle was driven in contravention of subsection (3) in the absence of proof to the contrary.
- (7) Section 175 of the *Road Traffic Act 1961* applies in relation to proceedings for an offence against subsection (4) in the same way as in relation to proceedings for an offence against that Act.

### **71I—Requirement to satisfy Registrar as to fitting and effective operation of speed limiting device**

- (1) The Registrar may require the registered owner of a vehicle—
- (a) in relation to which a notice has been issued under this Part for the fitting of a speed limiting device; or
  - (b) that is otherwise required to comply with the speed limiting provisions of the vehicle standards,

to satisfy the Registrar, by a date specified by the Registrar, that a speed limiting device is fitted to the vehicle as required and is operating effectively to limit the maximum road speed capability of the vehicle to the prescribed speed.

- (2) A requirement under subsection (1) may be included in a notice served on the registered owner under another provision of this Part or may be made by separate written notice served on the registered owner.
- (3) If the Registrar is not satisfied as to the matters required under subsection (1) in relation to a vehicle by the specified date, the Registrar may, by written notice served on the registered owner of the vehicle, suspend the registration of the vehicle until the owner satisfies the Registrar as to those matters.

### **71J—Suspension of registration**

- (1) The Registrar must suspend the registration of a heavy vehicle if, on registering a relevant speeding offence in relation to the vehicle under this Part (*the last offence*), it appears from the register that the vehicle has been involved in at least the prescribed number of previous relevant speeding offences with registered dates within the period of three years up to the registered date of the last offence.

- (2) For the purposes of subsection (1), *the prescribed number* of previous relevant speeding offences is—
  - (a) in relation to a vehicle that has been required under this Part to be fitted with a speed limiting device (and was not already required to be fitted with such a device under the vehicle standards)—three;
  - (b) in any other case—two.
- (3) Suspension of a vehicle's registration under this section commences on a date specified by the Registrar by written notice served on the registered owner of the vehicle and continues for—
  - (a) 28 days; or
  - (b) if the vehicle's registration has previously been suspended under this section following a relevant speeding offence recorded in the register with a registered date within the period of three years up to the registered date of the last offence—three months.

**71K—Registration not to be renewed, transferred, cancelled etc during period of suspension**

An application for the renewal, transfer or cancellation of the registration of a heavy vehicle, or for the re-registration of a heavy vehicle, cannot be made or granted during a period for which the vehicle's registration is suspended under this Part.

**71L—Notification of relevant speeding offences to other registration authorities**

- (1) The Registrar must notify the registration authority under a corresponding law if a heavy vehicle registered by that authority has been involved in a relevant speeding offence in this State.
- (2) The notice to the registration authority must include details of the vehicle and the date and place of the relevant speeding offence and any other details the Registrar considers appropriate.



## **Part 3—Drivers' licences**

### **72—Classification of licences**

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

### **73—Register of licences**

- (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.

### **74—Duty to hold licence or learner's permit**

- (1) Subject to this Act, a person who—
  - (a) drives a motor vehicle of a particular class on a road; and
  - (b) is not authorised to drive a motor vehicle of that class on a road but has previously been so authorised under this Act or the law of another State or a Territory of the Commonwealth,is guilty of an offence.  
Maximum penalty: \$1 250.
- (2) Subject to this Act, a person who—
  - (a) drives a motor vehicle of a particular class on a road; and
  - (b) is not and has never been authorised, under this Act or the law of another State or a Territory of the Commonwealth, to drive a motor vehicle of that class on a road,is guilty of an offence.  
Maximum penalty:  
For a first offence—\$2 500.

For a subsequent offence—\$5 000 or imprisonment for 1 year.

- (3) For the purposes of this section, a person is authorised to drive a motor vehicle of a particular class on a road if—
  - (a) the person holds a licence under this Act that authorises the holder to drive a motor vehicle of that class; or
  - (b) the person—
    - (i) holds a licence under this Act; and
    - (ii) has the minimum driving experience required by the regulations for the grant of a licence that would authorise the driving of a motor vehicle of that class; or
  - (c) the person holds a learner's permit.
- (4) When the holder of a licence under this Act drives a motor vehicle on a road as authorised under subsection (3)(b), the obligations imposed by section 75A on the holders of learner's permits and qualified passengers for learner drivers apply to the holder of the licence and any accompanying passenger with such modifications and exclusions as are prescribed by the regulations.
- (5) Where a court convicts a person of an offence against subsection (2) that is a subsequent offence, the following provisions apply:
  - (a) the court must order that the person be disqualified from holding or obtaining a driver's licence for such period, being not less than 3 years, as the court thinks fit;
  - (b) the disqualification prescribed by paragraph (a) cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence;
  - (c) if the person is the holder of a driver's licence—the disqualification operates to cancel the licence as from the commencement of the period of disqualification.
- (6) In determining whether an offence is a first or subsequent offence for the purposes of subsection (2), any previous offence against this section or section 91(5) for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the period of 3 years immediately preceding the date on which the offence under consideration was committed.

## **75—Issue and renewal of licences**

- (1) Subject to this Act, the Registrar must issue a licence to, or renew the licence of, any person who—
  - (aa) is of or above the age of 16 years and 6 months and is resident in this State; and
  - (a) makes a written application for the licence or renewal in a form determined by the Minister; and
  - (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 for the issue or renewal of a licence is not entirely in order or the prescribed fee has not been paid, the Registrar may return the application and any fee paid in respect of the application.

#### **75AAA—Term of licence and surrender**

- (1) Subject to this section and the regulations, every licence will be issued or renewed for a term not exceeding 10 years, specified on the licence.
- (2) The term of a licence commences—
- (a) on the day on which it is granted; or
  - (b) if the licence is renewed on application made before the expiry of the previous licence—on the day after that expiry.
- (3) If a licence is renewed on application made within six months after the expiry of the previous licence, the term for which the licence is renewed is to be calculated from the day after that expiry.
- (4) Subject to this Act and any other Act, a licence expires on the last day of the term for which it was granted or renewed.
- (5) A probationary licence expires at the end of the period for which the probationary licence conditions are effective but may be renewed as a licence not subject to probationary licence conditions.
- (6) A provisional licence expires at the end of the period for which the provisional licence conditions are effective but may be renewed as a licence not subject to provisional licence conditions.
- (7) Subject to subsection (8), an application for renewal of a licence must be made before the expiry of that licence.
- (8) The Registrar may renew a licence despite its expiry provided that application for renewal is made within five years of the expiry.
- (9) Despite the renewal of a licence after its expiry, the holder of the licence is not, for the purposes of this Act, to be taken to have been licensed during the period between the expiry of the licence and the date of its renewal.
- (10) 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.
- (11) On 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.

#### **75AA—Only one licence to be held at any time**

- (1) The Registrar must not issue a licence or learner's permit to a person who holds an interstate licence or foreign licence unless the person—
- (a) surrenders the interstate licence or foreign licence to the Registrar; and
  - (b) in the case of a person who holds an interstate licence—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 or foreign licence is issued with a licence or learner's permit under this Act, the interstate licence or foreign 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 or foreign 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 or foreign licence.
- (4) Where a person holds a licence or learner's permit and one or more interstate licences, the Registrar may, by written notice to the person, require the person to elect either—
  - (a) to surrender the licence or learner's permit to the Registrar; or
  - (b) to surrender the interstate licences to the Registrar and provide the Registrar with letters addressed to the authorities that issued the interstate licences requesting those authorities to cancel the licences.
- (5) If a person does not surrender his or her licence or learner's permit or surrender his or her interstate licences and provide appropriate letters within the period allowed in a notice under subsection (4), the licence or learner's permit will, for the purposes of this Act, be taken to have been cancelled on the expiry of that period.
- (6) The Registrar may, if satisfied that it would be unreasonable in the circumstances to require a person who holds a foreign licence to surrender the licence, exempt the person from the operation of this section.

### **75A—Learner's permit**

- (1) Subject to this Act, the Registrar must issue a learner's permit to any person who—
  - (aa) is of or above the age of 16 years and is resident in this State; and
  - (a) makes a written application for the permit in a form determined by the Minister; and
  - (b) forwards with the application the prescribed fee; and
  - (c) has passed the theoretical examination prescribed for the purposes of section 79; and
  - (d) has complied with any requirements of the Registrar under section 77B.
- (1a) Subject to this Act, the Registrar may renew the learner's permit of a person who—
  - (a) makes a written application for the permit in a form determined by the Minister; and
  - (b) forwards with the application the prescribed fee; and
  - (c) has complied with any requirements of the Registrar under section 77B.
- (1b) Where an application for the issue or renewal of a learner's permit is not entirely in order or the prescribed fee has not been paid, the Registrar may return the application and any fee paid in respect of the application.
- (2) A learner's permit—
  - (a) will be in a form determined by the Minister; and

- (b) authorises 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, has 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 bike—unless another person who holds a driver's licence authorising the person to drive that motor vehicle (not being a probationary licence or provisional licence) occupies a seat in the vehicle next to the holder of the permit; or
    - (ii) being a motor bike—unless any person who is carried by the holder of the permit as a passenger on the motor bike or in a sidecar attached to the motor bike is the holder of a driver's licence authorising the person to drive that motor bike (not being a probationary licence or provisional licence);
  - (e) any other condition—
    - (i) limiting the kind of vehicle that may be driven pursuant to the permit; or
    - (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 subsection (3)(a)—  
***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 authorised 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.
- (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, or renew the permit of, the applicant.
- (5) A person must not contravene a condition of a learner's permit.  
Maximum penalty: \$1 250.
- (5aaa) The holder of a learner's permit must not drive a motor vehicle, other than a motor bike, on a road unless two plates bearing the letter "L" are affixed to the vehicle in accordance with the regulations.  
Maximum penalty: \$125.
- (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 that set out below:
- (a) in circumstances where—
    - (i) the vehicle is fitted with a braking system that allows the application of the service brake from the seat in the vehicle next to the driver; and
    - (ii) the vehicle is, apart from having affixed to it a plate bearing the letter "L", otherwise readily identifiable as a vehicle used for driver instruction; and
    - (iii) the holder of a motor driving instructor's licence occupies a seat in the vehicle next to the holder of the learner's permit,100 kilometres an hour;
  - (b) in any other circumstances—80 kilometres an hour.
- Maximum penalty: \$1 250.
- (5ab) In subsection (5aa)—  
**service brake** means the brake normally used to decelerate the vehicle.
- (5a) Sections 47B(2), 47C, 47D, 47E, 47G and 47GA 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).
- (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).

- (7) A person must not act as a qualified passenger for a learner driver while there is present in his or her blood the prescribed concentration of alcohol.  
Maximum penalty: \$1 250.
- (8) For the purposes of subsection (7)—
- (a) a person acts as a qualified passenger for a learner driver if—
    - (i) when the holder of a learner's permit drives a motor vehicle, or attempts to put a motor vehicle in motion, on a road, the person occupies a seat in the vehicle next to the holder of the permit, or, if the vehicle is a motor bike, is a passenger on the bike or in a sidecar attached to the bike; and
    - (ii) the person is the holder of a driver's licence (not being a probationary licence or provisional licence) authorising the person to drive the vehicle; and
  - (b) **prescribed concentration of alcohol** means a concentration of .05 grams or more of alcohol in 100 millilitres of blood.
- (9) Sections 47B(2), 47C, 47D, 47E, 47G and 47GA of the *Road Traffic Act 1961* apply in relation to an offence against subsection (7) as if—
- (a) a reference in any of those sections to an offence against that Act were a reference to an offence against subsection (7); and
  - (b) the person alleged to have committed an offence against subsection (7) were, when acting as a qualified passenger for a learner driver, driving the motor vehicle in question; and
  - (c) 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 for the purposes of subsection (7).

#### **77A—Licences and learner's permits to include photographs**

- (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.

#### **77B—Powers of Registrar in relation to applicant for licence or permit**

- (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.

- (1a) The Registrar may require an applicant for the issue or renewal of a licence or learner's permit to provide such evidence as the Registrar thinks appropriate as to the identity, age or address of the applicant.
- (2) Where—
  - (a) a person of whom a requirement is made under this section refuses or fails to comply with the requirement; or
  - (ab) the Registrar is not satisfied as to the identity, age or address of an applicant for the issue or renewal of a licence or learner's permit; 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.

### **77BA—Use of photographs by Registrar**

- (1) This section applies to a photograph of a person taken or supplied for inclusion on a licence or learner's permit.
- (2) A photograph to which this section applies may be used by the Registrar only for one or more of the following purposes:
  - (a) for inclusion on a licence, learner's permit or proof of age card;
  - (b) to assist in determining the identity of a person applying for—
    - (i) the issue or renewal of a licence or learner's permit; or
    - (ii) the issue of a duplicate licence or learner's permit; or
    - (iii) the issue of a proof of age card; or
    - (iv) the registration of a motor vehicle;
  - (c) in connection with the investigation of a suspected offence against this Act;
  - (d) for the purposes of any legal proceedings arising out of the administration of this Act or the *Road Traffic Act 1961*;
  - (e) for a purpose prescribed by the regulations.
- (3) A photograph to which this section applies may be used for a purpose set out in subsection (2) at the time that the photograph is taken or supplied or at any later time.
- (4) The Registrar must ensure that a photograph to which this section applies is not released except in accordance with a request of a person or body responsible under the law of another State or a Territory of the Commonwealth for the registration or licensing of motor vehicles or the licensing of drivers, where the photograph is required for the proper administration of that law.
- (5) In this section—

***proof of age card*** means a card that may be used for the purposes of identifying the cardholder and providing evidence of the age of the cardholder.

### 77C—Temporary licences and learner's permits

- (1) Where—
- (a) the Registrar is unable to determine an application for the issue or renewal of a licence or learner's permit without delay; or
  - (b) the Registrar determines that an application for the issue or renewal of a licence or learner's permit should be granted but the licence or permit must when issued or renewed include a photograph of the holder; or
  - (c) a person—
    - (i) applies for a temporary licence or temporary learner's permit following the return by the Registrar of an application by the person for the issue or renewal of a licence or learner's permit; or
    - (ii) applies for a temporary licence or temporary learner's permit in circumstances in which, in the opinion of the Registrar, the issue of a temporary licence or temporary learner's permit is justified,and pays the prescribed fee,

the Registrar may issue to the person a temporary licence or temporary learner's permit.

(2) A temporary licence or temporary learner's permit will be in a form determined by the Minister.

(3) A temporary licence or temporary learner's permit issued to a person under this section—

    - (a) must bear all the appropriate endorsements and has effect for all purposes as if it were a licence or learner's permit issued to the person; but
    - (b) expires—
      - (i) in the case of a temporary licence or temporary learner's permit issued under subsection (1)(b)—
        - (A) 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
        - (B) on the day on which the person receives the licence or permit that bears a photograph of the person,whichever is the earlier;
      - (ii) in the case of a temporary licence or temporary learner's permit issued under subsection (1)(c)(i)—
        - (A) 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
        - (B) on the day that a proper application for a licence or learner's permit is determined,whichever is the earlier;

- (iii) in any other case—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.

### **79—Examination of applicant for licence or learner's permit**

- (1) Subject to this Act, the Registrar may not issue a licence or learner's permit to an applicant who has not held a licence at some time during the period of 5 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 the prescribed theoretical examination conducted by that examiner in the prescribed manner; or
  - (b) the applicant satisfies the Registrar, by such evidence as the Registrar may require, that at some time during the period of 5 years immediately preceding the date of the application, the applicant held a licence to drive a motor vehicle under the law of another State or a Territory of the Commonwealth.
- (2) Regulations made for the purposes of subsection (1)(a) may provide that, for the purposes of this Act, a person will not be regarded as having passed an examination unless the person has answered correctly not less than a prescribed number of questions asked in the examination (but, despite such a regulation, the Registrar may treat a person as not having passed an examination for the purposes of this Act if an incorrect answer has been given to a question dealing with a matter that, in the Registrar's opinion, is of special importance).
- (3) In this section—

*examiner* means—

  - (a) a member of the police force; or
  - (b) a person appointed by the Registrar as an examiner for the purposes of this section.

### **79A—Practical driving tests**

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—
  - (i) has held a learner's permit for a period of at least 6 months or periods totalling at least 6 months; and
  - (ii) produces to the Registrar a certificate signed by an authorised 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 the 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.

### **80—Ability or fitness to be granted or hold licence or permit**

- (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 licence or learner's permit, or of the holder of a licence or learner's permit, 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 licence or learner's permit 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) Medical tests required by the Registrar under this section must be conducted in accordance with guidelines published or adopted by the Minister by notice in the Gazette and the results of the tests must be applied by the Registrar, in accordance with any policies published or adopted by the Minister by notice in the Gazette, in assessing the person's competence to drive motor vehicles or motor vehicles of a particular class.
- (2a) If—
  - (a) a person fails to comply with a requirement of the Registrar under this section; or
  - (b) the Registrar is satisfied—
    - (i) after considering the results of tests or evidence required under this section; or
    - (ii) from information furnished to the Registrar by a health professional or from any other evidence received by the Registrar,
 that a person is not competent to drive a motor vehicle or a motor vehicle of a particular class,
 the Registrar may—
  - (c) refuse to issue a licence or permit to the person; or
  - (d) refuse to renew the person's licence or permit; or
  - (e) suspend the person's licence or permit for such period as the Registrar considers necessary in the circumstances of the case, or until the person satisfies the Registrar, in such a manner as the Registrar directs, that he or she is competent to drive a motor vehicle; or
  - (f) remove a classification from the person's licence, or substitute for a classification endorsed on the person's licence another classification.
- (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 authorising 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.

Maximum penalty: \$250.

### **81—Restricted licences and learner's permits**

- (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 licence or learner's permit, or an applicant for the issue or renewal of a licence or learner's permit, should only be permitted to drive a motor vehicle subject to restriction, the Registrar may endorse upon the licence or permit all or any of the following conditions:
  - (a) a condition that the holder of the licence or permit is permitted to drive only in specified localities; or
  - (b) a condition that the holder of the licence or permit 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.
- (2) Where the Registrar is satisfied that, because of special circumstances it would be unreasonable to require the applicant to take a theoretical 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 licence or permit 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 or renew the licence or permit, or cancel the licence or permit, as the case may require.
- (4) A person must not contravene a condition endorsed upon a licence pursuant to this section.

Maximum penalty: \$250.

### **81A—Provisional licences**

- (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 five years immediately preceding the application; or
  - (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); or
  - (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 2 years; or
- (c) has been disqualified from holding or obtaining a licence as a consequence of an offence committed or allegedly committed while the holder of a provisional licence 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.

(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 five years immediately preceding the date of the application, the Registrar may issue a licence not subject to the conditions that would otherwise be imposed under that subsection.

(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 this section, the conditions imposed under subsection (1) are effective—

- (a) in the case of a licence issued to a person under the age of 19 years—
  - (i) if the person incurs one or more demerit points before he or she turns 19—
    - (A) until he or she turns 20; or
    - (B) until 2 years have elapsed,
 whichever occurs later; or
  - (ii) in any other case—
    - (A) until he or she turns 19; or
    - (B) until 2 years have elapsed,
 whichever occurs later;
- (b) in any other case—for a period of 2 years.

- (2aa) Subject to subsection (2a), where a licence is issued to an applicant referred to in subsection (1)(c), the conditions imposed under subsection (1) are effective for—
- (a) the period fixed by subsection (2) followed by a period of 6 months; or
  - (b) if the period of disqualification referred to in subsection (1)(c) was imposed by a court and the court ordered that the conditions imposed under subsection (1) on any licence issued to the person after the period of disqualification be effective for a period greater than the period fixed by paragraph (a)—that period.
- (2a) Where a licence is issued to an applicant referred to in subsection (1)(c) subject to the alcohol interlock scheme conditions in addition to the conditions imposed under subsection (1), the conditions imposed under subsection (1) are effective for—
- (a) the period for which the licence is required under this Act or the *Road Traffic Act 1961* to be subject to the alcohol interlock scheme conditions; or
  - (b) half that period followed by the period fixed by subsection (2),
- whichever is the longer period.
- (3) Where 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.
- (4) If an applicant is not willing to accept a provisional licence, the Registrar must refuse to issue a licence to the applicant.
- (5) A person must not contravene a condition of a provisional licence.  
Maximum penalty: \$1 250.
- (5a) The holder of a provisional licence must not drive a motor vehicle, other than a motor bike, on a road unless two plates bearing the letter "P" are affixed to the vehicle in accordance with the regulations.  
Maximum penalty: \$125.
- (5b) The holder of a provisional licence must not drive a motor vehicle on a road in any part of the State at a speed exceeding 100 kilometres an hour.  
Maximum penalty: \$1 250.
- (6) Sections 47B(2), 47C, 47D, 47E, 47G and 47GA 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).
- (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).

### **81AB—Probationary licences**

- (1) Without derogating from any other provision of this Act, where a person applies for the issue of a driver's licence following a period of disqualification from holding or obtaining such a licence pursuant to section 81B or 81C or by order of a court in this State or any other State or Territory of the Commonwealth, a licence issued to the applicant is subject to the following conditions:
  - (a) a condition that the holder of the licence must carry the licence at all times while driving a motor vehicle on a road pursuant to the licence;
  - (b) 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;
  - (c) a condition that the holder of the licence must not incur two or more demerit points.
- (2) Subsection (1) does not apply where a person applies for the issue of a driver's licence following a period of disqualification—
  - (a) if the disqualification did not result in the cancellation of any driver's licence held by the person; or
  - (b) if the person is required to be issued a provisional licence.
- (3) Subject to subsection (3a), the conditions imposed under subsection (1) are effective for a period of one year or, if the court by which the order of disqualification was made ordered that the conditions were to be effective for a greater period, the period ordered by the court.
- (3a) Where a licence is issued subject to the alcohol interlock scheme conditions, the following provisions apply:
  - (a) the licence is subject to a further condition that the holder of the licence must not drive a motor vehicle on a road unless two plates bearing the letter "P" are affixed to the vehicle in accordance with the regulations (in addition to the conditions imposed by subsection (1));
  - (b) the condition under paragraph (a) is effective for the period for which the licence is required under this Act or the *Road Traffic Act 1961* to be subject to the alcohol interlock scheme conditions;
  - (c) the conditions imposed by subsection (1) are effective for—
    - (i) the period for which the licence is required under this Act or the *Road Traffic Act 1961* to be subject to the alcohol interlock scheme conditions; or
    - (ii) half that period plus the period fixed by subsection (3),whichever is the longer period.
- (4) If an applicant is not willing to accept a probationary licence, the Registrar must refuse to issue a licence to the applicant.

- (5) A person must not contravene a condition of a probationary licence.  
Maximum penalty: \$1 250.
- (6) Sections 47B(2), 47C, 47D, 47E, 47G and 47GA of the *Road Traffic Act 1961* apply in relation to an offence against subsection (5) of contravening the condition referred to in subsection (1)(b) 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 this section.
- (7) In this section—  
*prescribed concentration of alcohol* means any concentration of alcohol in the blood.

### **81B—Consequences of holder of learner's permit, provisional licence or probationary licence contravening conditions etc**

- (1) In this section—  
*prescribed conditions* means learner's permit conditions, probationary licence conditions, provisional licence conditions or alcohol interlock scheme conditions;  
*relevant drink driving offence* means—
- (a) an offence to which section 81C applies that is a third or subsequent offence within the meaning of that section; or
  - (b) an offence referred to in section 49 of the *Road Traffic Act 1961*.
- (2) Subject to subsection (2a), if—
- (a) a person who holds a learner's permit, probationary licence or provisional licence commits an offence of contravening a prescribed condition; or
  - (ab) a person expiates an offence of contravening a prescribed condition allegedly committed while the holder of a learner's permit, probationary licence or provisional licence; or
  - (b) demerit points are incurred by a person and, in consequence, the total number of demerit points recorded against the person in respect of offences committed or allegedly committed while the holder of a learner's permit or a provisional licence equals or exceeds four,
- the Registrar must, on becoming aware of that fact, 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.
- (2a) If—
- (a) during a period of disqualification for a relevant drink driving offence, a person was issued with a permit or licence subject to the alcohol interlock scheme conditions; and

- 
- (b) the person commits an offence of contravening any of those conditions or the condition imposed under this Act that the person must not drive a motor vehicle or attempt to put a motor vehicle in motion on a road while there is present in the person's blood the prescribed concentration of alcohol,
- the period of disqualification that the person must be given notice of under subsection (2) is six months or the number of days remaining in the period of the person's disqualification for the relevant drink driving offence immediately before the issuing of the permit or licence, whichever is the longer period.
- (3) If the Registrar is required to give a person a notice under subsection (2), the Registrar may, in that notice or by subsequent notice, require the person—
- (a) to attend, within a period specified in the notice, a lecture conducted pursuant to the regulations; and
- (b) to pay to the Registrar, in accordance with the notice, the attendance fee prescribed by the regulations.
- (3a) A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (3).  
Maximum penalty: \$125.
- (3b) A notice under subsection (2) or (3) must be in writing given to or served on 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 or allegedly committed.
- (5) In subsection (4)—  
***unconditional licence*** means a licence not subject to prescribed conditions.
- (6) Where a person has been or is liable to be given notice of disqualification under subsection (2), that person may appeal to the Magistrates Court against the disqualification.
- (7) The appellant and the Crown are entitled to be heard upon the appeal.
- (8) If the Magistrates 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) If the Magistrates Court allows an appeal against a disqualification under this section, the Court must—
- (a) order that the disqualification be removed (in which case any licence held by the appellant at the time the disqualification took effect is to be taken to be in force again); and
- (b) —
- (i) if the appellant holds a provisional licence or probationary licence—order that the period for which the prescribed conditions to which the licence is subject are effective be extended for a period of 12 months (except where the appellant is under the age of 20 years in which case the extension is for a period of six months); or

- (ii) if the appellant holds a licence not subject to prescribed conditions but held a provisional licence at the time when the offence that led to the notice of the disqualification was committed or allegedly committed—order that the licence be subject to the relevant prescribed conditions for a period of 12 months commencing on the date of the order (except where the appellant was under the age of 20 years when the offence was committed or allegedly committed in which case the licence will be subject to the relevant prescribed conditions for six months); or
- (iii) if the appellant holds a licence not subject to prescribed conditions but held a probationary licence at the time when the offence that led to the notice of the disqualification was committed or allegedly committed—order that the licence be subject to the relevant prescribed conditions for a period of 12 months commencing on the date of the order; or
- (iv) if the appellant does not hold a licence but held a provisional licence at the time when the offence that led to the notice of the disqualification was committed or allegedly committed—order that any licence issued to the appellant be subject to the relevant prescribed conditions for a period of 12 months commencing on the issue of the licence (except where the appellant was under the age of 20 years when the offence was committed or allegedly committed in which case the licence will be subject to the relevant prescribed conditions for a period of six months); or
- (v) if the appellant does not hold a licence but held a probationary licence at the time when the offence that led to the notice of disqualification was committed or allegedly committed—order that any licence issued to the appellant be subject to the relevant prescribed conditions for a period of 12 months commencing on the issue of the licence.

(9a) In subsection (9)—

***relevant prescribed conditions*** means the prescribed conditions to which the licence held by the appellant was subject at the time when the offence that led to the notice of the disqualification was committed or allegedly committed.

- (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.
- (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.
- (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.

### 81C—Disqualification for certain drink driving offences

- (1) This section applies to an alleged category 1 offence against section 47B(1) of the *Road Traffic Act 1961* other than a first offence or an offence where—
  - (a) the vehicle involved is alleged to have been a prescribed vehicle within the meaning of section 47A of that Act; and
  - (b) the concentration of alcohol in the blood of the person is alleged to have been less than .05 grams in 100 millilitres of blood.
- (2) If a person expiates an offence to which this section applies, the Registrar must give the person written notice—
  - (a) that, commencing on a day specified in the notice, the person is disqualified from holding or obtaining a licence or learner's permit for—
    - (i) if the person has been convicted of a second offence—3 months; or
    - (ii) if the person has been convicted of a third offence—6 months; or
    - (iii) if the person has been convicted of a subsequent offence—12 months; and
  - (b) that, if the person holds any licence or learner's permit at the commencement of the period of disqualification, the licence or permit is cancelled; and
  - (c) if the person has been convicted of a third or subsequent offence—that, despite the disqualification imposed under this section, the person will, on application made to the Registrar at any time after the half-way point in the period of that disqualification, be entitled to be issued with a licence or learner's permit subject to the alcohol interlock scheme conditions for the required period (in addition to any conditions otherwise required).
- (3) However, a person will not be entitled to be issued with a licence or learner's permit in accordance with subsection (2)(c) if—
  - (a) the person does not meet the requirements of this Act for the issue of the licence or permit; or
  - (b) a disqualification (other than the disqualification consequent on the expiation of the offence referred to in subsection (2)) has been imposed in relation to the person and is in force at the date of the person's application for the licence or permit or will commence at a later date.
- (4) The disqualification consequent on the expiation of the offence referred to in subsection (2) ends if the person is issued with a licence or learner's permit subject to the alcohol interlock scheme conditions.
- (5) The required period for which the licence or learner's permit is subject to the alcohol interlock scheme conditions is a number of days equal to twice the number of days remaining in the period of the person's disqualification consequent on the expiation of the offence referred to in subsection (2) immediately before the issuing of the licence or permit.
- (6) Section 51 of the *Road Traffic Act 1961* applies in relation to a person entitled to be issued with a licence or learner's permit in accordance with subsection (2)(c) in the same way as it applies in relation to a person entitled to be issued with a licence or learner's permit in accordance with an order of a court under section 50 of that Act.

- (7) In determining whether an offence to which this section applies is a first, second, third or subsequent offence for the purposes of this section, any previous offence against section 47(1), 47B(1), 47E(3) or 47I(14) of the *Road Traffic Act 1961* for which the person has been convicted will be taken into account, but only if the previous offence was committed within the prescribed period immediately preceding the date on which the offence to which this section applies is alleged to have been committed.
- (8) For the purposes of subsection (7), the prescribed period is—
- (a) in the case of a previous offence that is a category 1 offence—3 years;
  - (b) in any other case—5 years.

## **82—Vehicle offences and unsuitability to be granted or hold licence or permit**

The Registrar may—

- (a) refuse to issue a licence or learner's permit to a person or to renew a person's licence or learner's permit; or
- (b) suspend a person's licence or learner's permit for a specified period; or
- (c) cancel a person's licence and issue in its place a probationary or provisional licence subject to probationary or provisional licence conditions effective for a specified period; or
- (d) cancel a person's licence or learner's permit,

if the person has been convicted of or has expiated an offence, or series of offences, involving the use of a motor vehicle (whether in this State or elsewhere) such that it appears that the person should not hold a licence or permit, or should hold a licence subject to conditions, in order to prevent accident or injury or a repetition of the offence or offences by the person.

## **83—Action following disqualification or suspension outside State**

- (1) If a person is disqualified from driving a motor vehicle in another State or Territory of the Commonwealth, the Registrar must—
- (a) if the person holds a licence or learner's permit under this Act, cancel the licence or permit;
  - (b) refuse to issue a licence or learner's permit to the person during the period of disqualification.
- (2) If an order is made in another State or Territory of the Commonwealth that a person's licence or learner's permit be suspended, the Registrar must—
- (a) suspend the licence or permit;
  - (b) refuse to issue a licence or learner's permit to the person during the period of suspension.
- (3) If a person is disqualified from driving a motor vehicle in another country, the Registrar may—
- (a) if the person holds a licence or learner's permit under this Act, cancel the licence or permit;
  - (b) refuse to issue a licence or learner's permit to the person during the period of disqualification.

- (4) If a person's licence or other authority to drive a motor vehicle in another country is suspended, the Registrar may—
- (a) if the person holds a licence or learner's permit under this Act, suspend the licence or permit;
  - (b) refuse to issue a licence or learner's permit to the person during the period of suspension.

#### **84—Cancellation of licence or permit where issued in error**

If the Registrar is satisfied that a licence or learner's permit has been issued or renewed in error, the Registrar may cancel the licence or permit.

#### **85—Procedures for suspension, cancellation or variation of licence or permit**

If the Registrar decides to exercise a power to suspend, cancel or (otherwise than on the person's application) vary a person's licence or learner's permit, the Registrar must give the person notice in writing of—

- (a) the reasons for the suspension, cancellation or variation; and
- (b) any action required to be taken to have the suspension removed or to avoid the cancellation or variation; and
- (c) the date on which the licence or permit is to be suspended, cancelled or varied; and
- (d) the right to apply for a review of the decision.

#### **91—Effect of suspension and disqualification**

- (1) This section and section 93 apply to suspensions and disqualifications imposed under this or any other Act.
- (2) While a licence or learner's permit is suspended it has no force or effect.
- (3) While a person is disqualified from holding and obtaining a licence or learner's permit, any licence or learner's permit held or obtained by that person has no force or effect.
- (4) The Registrar must not issue a licence or learner's permit to any person who is so disqualified.
- (5) A person must not drive a motor vehicle on a road while his or her licence or learner's permit is suspended or while disqualified in this State or another State or Territory of the Commonwealth from holding or obtaining a licence or learner's permit.

Maximum penalty:

For a first offence—imprisonment for 6 months.

For a subsequent offence—imprisonment for 2 years.

#### **93—Notice to be given to Registrar**

- (1) If a court—
  - (a) convicts a person of an offence that attracts demerit points under this Act; or
  - (b) finds a person guilty of the offence of contravening or failing to comply with a condition of a permit or licence under this Act; or

- (c) makes an order affecting demerit points or disqualifying a person from holding or obtaining a driver's licence,

the proper officer of the court must notify the Registrar in writing of the date of the finding or order, the nature of the finding or order (including the period of any disqualification) and short particulars of the grounds on which the finding or order was made.

- (2) If any such finding or order is quashed or varied by a court on appeal, the proper officer of the court must forthwith notify the Registrar in writing of the date of the order made on the appeal and the effect of the order.
- (3a) Where a person expiates an offence to which an expiation 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, probationary licence or provisional licence,

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

- (3b) Where the Commissioner of Police withdraws an expiation 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.

## 96—Duty to produce licence or permit

- (1) The driver of a motor vehicle, if requested by a member of the police force to produce his or her licence or learner's permit, must produce the licence or learner's permit 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.

Maximum penalty: \$250.

- (2) A document purporting to be signed by the Commissioner of Police and purporting to certify that a licence or learner's permit 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 or learner's permit.

Maximum penalty: \$250.

(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 bike 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*.

### **97—Duty to produce licence or permit at court**

(1) A driver who holds a licence or learner's permit and is charged with an offence against any provision of any Act relating to motor vehicles may be required to produce his or her licence or learner's permit to the court at the time of the hearing of the charge.

Maximum penalty: \$250.

(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 or learner's permit.

### **97A—Visiting motorists**

(1) Subject to this section, a person may drive a motor vehicle on roads in this State without holding a licence under this Act if—

(a) the person holds—

- (i) an interstate licence that authorises the person to drive a motor vehicle of the class to which that motor vehicle belongs; or
- (ii) an interstate licence and an exemption under a law of the place where the licence was issued from the requirement to hold a driver's licence that authorises the driving of a motor vehicle of the class to which that motor vehicle belongs; or

(iii) —

- (A) a foreign licence that authorises the person to drive a motor vehicle of the class to which that motor vehicle belongs; and
- (B) an international driving permit; or

(iv) a foreign driver's licence that—

- (A) authorises the person to drive a motor vehicle of the class to which that motor vehicle belongs; and
- (B) is written in English or is accompanied by an English translation; and

(b) —

(i) in the case of a person who holds an interstate licence—

- (A) the person has not resided in this State for a continuous period of more than three months; or

- (B) the person has resided in this State for a continuous period of more than three months but also holds a valid Driver Identification Document issued by the Commonwealth Department of Defence; or
  - (ii) in the case of a person who holds a foreign licence—the person has not held a current permanent visa under the *Migration Act 1958* of the Commonwealth for more than three months; and
- (c) the person is not disqualified from holding or obtaining—
  - (i) an interstate licence in any State or Territory of the Commonwealth; or
  - (ii) a foreign licence in any country.
- (2) If the Registrar is of the opinion that—
  - (a) a person to whom subsection (1) applies is not suitable to drive a motor vehicle in this State; or
  - (b) the ability of a person to whom subsection (1) applies to drive a motor vehicle safely is impaired due to a permanent or long-term injury or illness,the Registrar may give the person notice in writing—
  - (c) prohibiting the person from driving a motor vehicle on roads in this State without holding a driver's licence issued under this Act while the notice is in force; and
  - (d) stating the reasons for the giving of the notice; and
  - (e) specifying any action that may be taken by the person to regain the benefit of subsection (1); and
  - (f) advising of the right to apply for a review of the decision.
- (2a) The Registrar may revoke a notice under subsection (2) by further notice in writing to the person.
- (2b) If the Registrar gives a person a notice under subsection (2), subsection (1) does not apply to the person while the notice is in force.
- (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; or
  - (b) an inspector; or
  - (c) an inspector under the *Road Traffic Act 1961*.

Maximum penalty: \$250.

- (4) If a person drives a vehicle in this State pursuant to subsection (1), the person's licence will—
  - (a) for the purposes of the law of this State, be taken to be a licence under this Act; and
  - (b) for the purposes of a contract or policy of insurance relating to the vehicle, be taken to be a licence under this Act.

- (5) In subsections (3) and (4)—

*licence*, in relation to a person, includes any exemption, international driving permit or Driver Identification Document that the person is required to hold under subsection (1) in addition to an interstate or foreign licence.

- (6) In this section—

*Contracting State* means a foreign country that is a signatory to the United Nations *Convention on Road Traffic*, Geneva, 1949;

*international driving permit* means a permit issued by—

- (a) a competent authority of a Contracting State or a subdivision of such a State;  
or
- (b) an association duly empowered by such an authority,

in accordance with the United Nations *Convention on Road Traffic*, Geneva, 1949;

*interstate licence* includes a licence or permit issued under the law of New Zealand that corresponds to a learner's permit under this Act.

## 98—Enforcement of duty to hold licence

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.

## 98AAA—Duty to carry licence when driving certain heavy vehicles

- (1) A person must carry his or her driver's licence at all times while driving a motor vehicle with a GVM greater than 8 tonnes on a road and must produce the licence forthwith if requested to do so by a member of the police force.

Maximum penalty: \$750.

- (1a) In subsection (1)—

*member of the police force* includes—

- (a) an inspector;
- (b) an inspector as defined in the *Road Traffic Act 1961*.

- (2) It is a defence to a charge of an offence against this section if it is proved that the vehicle was being used on a journey wholly—

- (a) within a radius of 80 kilometres from a farm occupied by the driver of the vehicle; and
- (b) outside Metropolitan Adelaide within the meaning of the *Development Act 1993*.

## 98AA—Duty to carry licence when teaching holder of learner's permit to drive

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 bike being driven by the holder of a learner's permit.

Maximum penalty: \$750.

**98AAB—Duty to carry probationary licence, provisional licence or learner's permit**

A person who holds a probationary licence, provisional licence or learner's permit must carry the licence or permit at all times while driving a motor vehicle and must produce the licence or permit immediately if requested to do so by a member of the police force.

Maximum penalty: \$250.

**98AAC—Issue of duplicate licence or learner's permit**

On application by the holder of a licence or learner's permit and payment of the prescribed fee, the Registrar may, if satisfied that the licence or learner's permit has been lost, stolen or destroyed, or on the surrender of the licence or permit to the Registrar, issue to the holder a duplicate licence or learner's permit.

**98AAD—Licence or learner's permit falsely obtained is void**

- (1) A licence or learner's permit that is issued or renewed by the Registrar on the basis of a false or misleading statement of the applicant or false or misleading evidence produced by the applicant is void and of no effect.
- (2) A person must not, without lawful excuse, have possession of a licence or learner's permit that was issued or renewed by the Registrar on the basis of a false or misleading statement of the applicant or false or misleading evidence produced by the applicant.

Maximum penalty: \$750.

**98AAE—Licence or learner's permit unlawfully altered or damaged is void**

If a person, without lawful authority, wilfully alters, defaces or otherwise damages a licence or learner's permit—

- (a) the person is guilty of an offence and liable to a fine not exceeding \$750; and
- (b) the licence or permit is void and of no effect.

**98AAF—Duty on holder of licence or learner's permit to notify illness etc**

The holder of a licence or learner's permit who, during the term of the licence or permit, suffers 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 of that fact.

Maximum penalty: \$750.

## Part 3A—Motor driving instructors' licences

### 98A—Instructors' licences

- (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.  
Maximum penalty: \$250.
- (2) If the Registrar is satisfied that an applicant for an instructor's licence—
  - (a) holds an unconditional licence and has held an unconditional licence in South Australia or elsewhere for a continuous period of not less than 12 months immediately preceding the date of the application;
  - (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; and
  - (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.
- (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.
- (4) On surrender of an instructor's 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.
- (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.
- (8) Where an instructor's licence is suspended, it has no effect during the term of the suspension.
- (9) The provisions of sections 96, 98AAC, 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.
- (11) In this section—

***unconditional licence*** means a licence not subject to prescribed conditions (as defined in section 81B) or conditions substantially the same as prescribed conditions.

## Part 3B—Demerit points scheme

### 98AB—Interpretation

- (1) In this Part, a reference to an offence committed by a person includes a reference to an offence allegedly committed by a person that the person has expiated.
- (2) In this Part—

*expiate* includes pay the amount payable in connection with an infringement notice or penalty notice issued under a law of another State or Territory of the Commonwealth in respect of an alleged offence.

### 98B—Demerit points for offences in this State

- (1) Where a person is convicted of, or expiates, an offence of a kind prescribed by the regulations, the number of demerit points prescribed by the regulations in relation to that offence is, subject to this section, incurred by that person.
- (1a) Demerit points are not incurred on the conviction of a person for an offence if the person has already incurred demerit points for that offence by virtue of being granted an order for relief under the *Expiation of Offences Act 1996* in respect of an expiation notice for that offence.
- (3) Subject to this section, if a person is convicted of or expiates two or more offences arising from the same incident, demerit points are incurred only in respect of the offence (or one of the offences) that attracts the most demerit points.
- (3a) If a person is convicted of or expiates two or more offences arising from the same incident and one of the offences is a red light offence and another is a speeding offence, demerit points are incurred in respect of both the red light offence and the speeding offence.
- (3b) If a person is convicted of or expiates an offence against section 79B(2) of the *Road Traffic Act 1961* constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of two or more prescribed offences arising out of the same incident and one of the prescribed offences is a red light offence and another is a speeding offence, the number of demerit points incurred for the offence against section 79B(2) is the sum of the number of demerit points prescribed by the regulations in relation to the red light offence and the number of demerit points prescribed by the regulations in relation to the speeding offence.
- (3c) In subsections (3a) and (3b)—

*prescribed offence* means an offence that is a prescribed offence within the meaning of section 79B of the *Road Traffic Act 1961*;

*red light offence* means an offence that is a red light offence within the meaning of section 79B of the *Road Traffic Act 1961*;

*speeding offence* means an offence that is a speeding offence within the meaning of section 79B of the *Road Traffic Act 1961*.

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

### **98BB—Demerit points for offences interstate**

Where demerit points are incurred or recorded by or in relation to a person under a law of another State or Territory of the Commonwealth declared by the regulations to be a corresponding law for the purposes of this Part, they will be taken to be incurred by that person under this Part.

### **98BC—Liability to disqualification**

- (1) If a person—
- (a) who holds a licence or learner's permit; or
  - (b) who does not hold a licence, learner's permit or an interstate licence,
- has incurred an aggregate of 12 or more demerit points in respect of offences committed within a period of three years up to and including the most recent date on which the person committed an offence in respect of which the person incurred demerit points, the person is liable to be disqualified under this Part from holding or obtaining a licence for the prescribed period.
- (2) If a person who holds an interstate licence has incurred an aggregate of 12 or more demerit points in respect of offences of a kind prescribed by the regulations for the purposes of this subsection committed within a period of three years up to and including the most recent date on which the person committed an offence of that kind in respect of which the person incurred demerit points, the person is liable to be disqualified under this Part from holding or obtaining a licence for the prescribed period.
- (3) For the purposes of this section, the prescribed period of disqualification is—
- (a) where the number of demerit points incurred within the period of three years referred to in subsection (1) or (2) is not less than 12 points but not more than 15 points—three months;
  - (b) where the number of demerit points incurred within the period of three years referred to in subsection (1) or (2) is not less than 16 points but not more than 19 points—four months;
  - (c) where the number of demerit points incurred within the period of three years referred to in subsection (1) or (2) is 20 or more points—five months.

### **98BD—Notices to be sent by Registrar**

- (1) Subject to this section, the Registrar must notify a person when he or she has incurred a number or aggregate of demerit points equal to or exceeding one-half of the number that results in liability to be disqualified under section 98BC.
- (2) Where a person is liable to be disqualified under section 98BC, the Registrar must, subject to this section, give the person notice of the disqualification.
- (3) Notice under this section must be in writing and may be given personally or sent by post.

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- (3a) A notice under this section must inform the person of the person's right to make an election under section 98BE.
  - (4) The Registrar may, but is not required to, give notice under this section to a person who the Registrar is satisfied is not usually resident in this State.
  - (5) The operation of this Part is not affected by any failure to comply with subsection (1).

### **98BE—Disqualification and discounting of demerit points**

- (1) Subject to this section, a notice of disqualification takes effect 28 days after the day specified in the notice.
- (1a) If a person who holds a licence is given a notice of disqualification, the person may, by notice in writing given to the Registrar personally or by post within 21 days of the day specified in the notice of disqualification, elect in lieu of suffering disqualification to accept a condition on the licence requiring the person to be of good behaviour for a period of 12 months commencing on the day on which the disqualification would have taken effect under subsection (1) and, in that case, the notice of disqualification does not take effect.
- (1b) If a person who is given a notice of disqualification does not make an election under subsection (1a), subject to this section, the person is disqualified from holding or obtaining a licence for the prescribed period referred to in section 98BC and any licence held by the person is, by force of this section, suspended for that period.
- (1c) If a person whose licence is subject to the condition referred to in subsection (1a) incurs two or more demerit points during the 12 month period for which the person is required to be of good behaviour, the Registrar must give the person a notice in writing suspending the licence, and disqualifying the person from holding or obtaining a licence, for a period that is twice the period for which the suspension and disqualification would have applied if the person's licence had not been subject to that condition.
- (1d) A notice under subsection (1c) takes effect on the day after the day specified in the notice.
- (2) If, at the time of service of notice of disqualification, the person is already disqualified from holding or obtaining a licence, the disqualification takes effect on termination of that prior disqualification.
- (3) Where a disqualified person—
  - (a) institutes an appeal against a conviction in respect of which demerit points were incurred that are included in the points resulting in the disqualification; or
  - (b) 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.
- (5) Where a disqualification or condition referred to in subsection (1a) has taken effect under this section, the following demerit points are discounted:
  - (a) all demerit points in respect of the offence that brought the aggregate of the demerit points to 12 or more (and led to notice of disqualification being sent to the person under section 98BD);

- (b) all demerit points in respect of offences committed prior to the time at which the person committed that offence (whether or not the person had been convicted of, or had expiated, those offences when the disqualification or condition took effect).

**98BH—Court not to take into account demerit points**

A court in determining the penalty to be imposed on a person convicted of an offence must not take into account the fact that, in consequence of the conviction, demerit points will be incurred by the person.

**98BI—Notification of demerit points to interstate licensing authorities**

- (1) The Registrar must notify the licensing authority of another State or Territory of the Commonwealth of—
  - (a) demerit points incurred under this Act in respect of an offence of a kind prescribed by the regulations for the purposes of this subsection by—
    - (i) a person who holds an interstate licence issued in that State or Territory; or
    - (ii) a person who does not hold a licence or learner's permit under this Act or an interstate licence but who resides in that State or Territory; and
  - (b) such information about the person and the offence in respect of which the person incurred the demerit points as the Registrar considers appropriate.
- (2) In this section—

*licensing authority* means the person or body responsible for issuing interstate licences under a law of another State or Territory of the Commonwealth declared by the regulations to be a corresponding law for the purposes of this Part.

## **Part 3C—Towtrucks**

### **98C—Interpretation**

In this Part—

*inspector* means an inspector appointed under this Part.

### **98D—Certain towtruck drivers required to hold certificates**

- (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.

Maximum penalty: \$1 250.

- (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.

### **98E—Applications for towtruck certificates**

- (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; and
  - (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.

### **98F—Entitlement to be granted towtruck certificates**

- (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; and
  - (b) is the holder of a driver's licence granted and in force under Part 3; and
  - (c) is a fit and proper person to be granted a towtruck certificate; and
  - (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.

### **98G—Renewal of towtruck certificates**

- (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.

### **98H—Conditions of towtruck certificates**

- (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.

Maximum penalty: \$750.

### **98I—Surrender of towtruck certificate**

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.

### **98J—Suspension of towtruck certificate**

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 driver's licence that is in force under Part 3.

### **98K—Temporary towtruck certificates**

- (1) The Registrar may, in such circumstances as the Registrar thinks fit, grant a person a temporary towtruck certificate authorising 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.
- (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.

Maximum penalty: \$750.

### **98L—Form of certificates**

- (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.  
Maximum penalty: \$750.

### **98M—Duplicate certificates**

- (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.

### **98MA—Return of certificates when cancelled or suspended**

- (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.  
Maximum penalty: \$750.

### **98MB—Register of certificates**

- (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.

### **98MC—Towtruck operators to notify Registrar of towtruck drivers in their employ**

- (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.

Maximum penalty: \$750.

- (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.
- Maximum penalty: \$750.

**98MD—Only persons directed by police to proceed to or be present at scene of accident for purposes related to removal, wrecking or repair**

- (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; and
  - (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.

Maximum penalty: \$10 000.

- (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.
- Maximum penalty: \$1 250.

**98ME—Towing of vehicle at or from scene of accident**

- (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; and
  - (b) is acting pursuant to an accident towing direction given—
    - (i) if the person is a towtruck operator—to the person; or

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- (ii) in any other case—to a towtruck operator by whom the person is employed; and
  - (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 authorisation to remove the vehicle in the form of a valid authority to tow.

Maximum penalty: \$10 000.

- (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; and
  - (b) if it is given by a person under the age of 16 years; and
  - (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; and
  - (d) unless it is signed and completed in triplicate; and
  - (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; and
  - (f) unless the document is signed by the person authorising removal of the damaged vehicle; and
  - (g) unless the towtruck driver, forthwith upon obtaining the signature of the person authorising 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 authorising 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.

Maximum penalty: \$1 250.

- (4) A person must not prevent by intimidation or force a person duly authorised 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.

Maximum penalty: \$1 250.

- (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 authorisation to remove the vehicle to that place.  
Maximum penalty: \$1 250.
- (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 authorisation 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.  
Maximum penalty: \$1 250.
- (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 authorisation superseding that authority.  
Maximum penalty: \$1 250.
- (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; or
  - (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).  
Maximum penalty: \$1 250.

- (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.

Maximum penalty: \$1 250.

- (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.

Maximum penalty: \$1 250.

- (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.

### **98MF—Storage of vehicles by towtruck operators**

- (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.

Maximum penalty: \$1 250.

- (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.

### **98MG—Removal of vehicle from place to which it was removed from the scene of an accident**

- (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 authorised 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.

Maximum penalty: \$1 250.

- (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 authorised 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.

### **98MH—Contracts relating to the repair of certain motor vehicles**

- (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.

Maximum penalty: \$1 250.

- (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 authorised to act on the owner's behalf; and
  - (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 authorised 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"; and

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- (c) the owner of the vehicle or person duly authorised 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 authorised 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 authorised 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 3 of the *Fair Trading Act 1987* applies.

### **98MI—Duty to surrender vehicle**

- (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.
- Maximum penalty: \$2 500.

- (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.

### **98MJ—Accident spotting**

- (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.

Maximum penalty: \$2 500.

- (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.

### **98MK—Off the hook transactions**

- (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; or
  - (b) permission to prepare or give a quotation for repair of a damaged motor vehicle; or
  - (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.

Maximum penalty: \$10 000.

- (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.

**98ML—Towtruck driver to carry certificate while driving towtruck**

- (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.

Maximum penalty: \$750.

- (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.

Maximum penalty: \$750.

**98N—Trade plates not to be used for the purpose of a towtruck in certain circumstances**

A person must not drive a towtruck bearing trade 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.

Maximum penalty: \$750.

**98O—Persons who may ride in towtruck**

- (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.

Maximum penalty: \$750.

- (2) A person other than—
- (a) the driver of the towtruck; and
  - (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.

Maximum penalty: \$750.

- (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.

Maximum penalty: \$750.

- (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.

### **98P—Inspectors**

- (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; and
    - (ii) require the driver of a towtruck to stop the vehicle; and
    - (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; and
    - (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.

Maximum penalty: \$20 000.

- (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.

Maximum penalty: \$750.

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- (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.  
Maximum penalty: \$250.
  - (9) A person must not, by words or conduct, falsely represent that he or she is an inspector.  
Maximum penalty: \$750.
  - (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.

#### **98PA—Power to require production or attendance for investigations**

- (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; or
  - (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).  
Maximum penalty: \$2 500.

#### **98PC—Cause for disciplinary action**

- (1) There is proper cause for disciplinary action against a person who holds or has held a towtruck certificate or a temporary towtruck certificate if—
  - (a) the certificate of the person was improperly obtained; or
  - (b) the person has contravened or failed to comply with a provision of this Act; or
  - (c) the person has contravened or failed to comply with a condition of the certificate; or

- (d) the person has contravened, or failed to comply with, a provision of the *Radiocommunications Act 1992* of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
  - (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 District Court, disciplinary action should be taken against the person.
- (2) If a person has expiated an offence that attracts demerit points under this Act, the person will be taken, for the purposes of subsection (1), to have been convicted of the offence.
  - (3) This section applies in relation to conduct occurring before or after the commencement of this section.

### **98PD—Complaints**

An inspector or any other person may lodge with the District Court a complaint setting out matters that are alleged to constitute grounds for disciplinary action under this Part.

### **98PE—Hearing by District Court**

- (1) On the lodging of a complaint, the District Court may conduct a hearing for the purpose of determining whether the matters alleged in the complaint constitute grounds for disciplinary action under this Part.
- (2) Without limiting the usual powers of the District Court, the Court may during the hearing—
  - (a) allow an adjournment to enable an inspector to investigate or further investigate matters to which the complaint relates; and
  - (b) allow the modification of the complaint or additional allegations to be included in the complaint subject to any conditions as to adjournment and notice to parties and other conditions that the Court may think fit to impose.

### **98PF—Participation of assessors in disciplinary proceedings**

In any proceedings under this Part, the District Court will, if a judicial officer of the Court so determines, sit with assessors selected in accordance with Schedule 5.

### **98PG—Disciplinary action**

- (1) On the hearing of a complaint, the District Court may, if it is satisfied on the balance of probabilities that there is proper cause for taking disciplinary action against the person to whom the complaint relates, by an order or orders do one or more of the following:
  - (a) reprimand the person;
  - (b) impose a fine not exceeding \$1 250;

- (c) in the case of a person who holds a towtruck certificate or temporary towtruck certificate—suspend or cancel the certificate;
  - (d) disqualify the person from holding a towtruck certificate or temporary towtruck certificate under this Act.
- (2) The District Court may—
- (a) stipulate that a disqualification is to apply permanently;
  - (b) stipulate that a suspension or disqualification is to apply—
    - (i) for a specified period; or
    - (ii) until the fulfilment of stipulated conditions; or
    - (iii) until further order;
  - (c) stipulate that an order relating to a person is to have effect at a specified future time.
- (3) If—
- (a) a person has been found guilty of an offence; and
  - (b) the circumstances of the offence form, in whole or in part, the subject matter of the complaint,

the person is not liable to a fine under this section in respect of conduct giving rise to the offence.



## Part 3D—Disabled persons' parking permits

### 98R—Application for permit

- (1) The following persons may apply to the Registrar for a disabled person's parking permit:
  - (a) a disabled person; and
  - (b) an organisation that provides to at least 4 disabled persons services that include transportation services.
- (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.
- (2a) The Registrar may require an applicant to furnish the Registrar with specified evidence as to the applicant's eligibility for a permit under this section.
- (3) The Registrar may require an applicant who is a disabled person 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 that an applicant is eligible for a permit under this section, the Registrar must grant a disabled person's parking permit to the applicant.

### 98S—Duration and renewal of permits

- (1) A disabled person's parking permit will be granted or renewed—
  - (a) in the case of a permit issued to a disabled person with a temporary physical impairment—for such period, not exceeding 12 months, as the Registrar thinks appropriate in view of the likely duration of the impairment;
  - (b) in any other case—for a number of years, not exceeding 5, determined by the Registrar.
- (2) A permit may be renewed on application made in a manner and form determined by the Minister and accompanied by the prescribed fee.

### 98T—Permit contents, conditions and entitlements

- (1) A disabled person's parking permit may be used for the purposes of obtaining the benefit of parking exemptions or concessions conferred by the *Australian Road Rules* under the *Road Traffic Act 1961* or by any other Act.
- (1a) A disabled person's parking permit must include a people with disabilities symbol as defined in the *Australian Road Rules*.
- (1b) It is a condition of use of a disabled person's parking permit in relation to a vehicle that—
  - (a) the vehicle must be being used—
    - (i) in the case of a permit issued to a disabled person—for the transportation of the disabled person; or
    - (ii) in the case of a permit issued to an organisation—for the transportation of a disabled person to whom the organisation provides services; and

- (b) the permit must be displayed on the inside of the windscreen on the side opposite to the driver's position (or, if the vehicle does not have a windscreen, in some other prominent position) so that the permit is easily legible to a person standing beside the vehicle.
- (1c) A disabled person's parking permit is not to be taken to be lawfully displayed in a vehicle for the purposes of any other Act unless it is displayed in the vehicle in accordance with the condition referred to in subsection (1b)(b).
- (2) A disabled 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; and
  - (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 purposes of giving effect to an arrangement under subsection (3), grant such an exemption under section 174C of the *Road Traffic Act 1961* (whether conditional or unconditional) 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.

### **98U—Misuse of permit**

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 or, if the permit was issued to an organisation, the transportation of a disabled person to whom the organisation provides services.

Maximum penalty: \$750.

### **98V—Cancellation of permit**

- (1) The Registrar—
  - (a) must, if satisfied, upon the report of a medical practitioner, that a disabled person who is the holder of a disabled person's parking permit no longer meets the criteria set out in section 98R(1); or

- (ab) must, if satisfied that an organisation that is 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).  
Maximum penalty: \$250.

### **98WA—Interstate permit holders have reciprocal entitlements**

- (1) The holder of a permit issued in another State or a Territory of the Commonwealth under a corresponding law will, while in this State, be taken to be the holder of a disabled person's parking permit under this Part and the permit will give rise to the same entitlements and obligations (including liability to cancellation) as if it had been issued under the relevant provision of this Part.
- (2) The Minister may, by notice in the Gazette, declare that a law of another State or a Territory of the Commonwealth is a corresponding law for the purposes of this section.

### **98X—Interpretation**

- (1) A motor vehicle will for all purposes be taken to be in the course of being used for the transportation of a disabled person despite the fact that the person is accompanied by other persons.
- (2) In this Part—

***disabled person*** means a person with a temporary or permanent physical impairment—

- (a) whose speed of movement is severely restricted by the impairment; and
- (b) whose ability to use public transport is significantly impeded by the impairment;

***temporary physical impairment*** means a physical impairment that, in the opinion of the Registrar, is likely to endure for more than 6 months but is not likely to be permanent.



## **Part 3E—Rights of review and appeal**

### **98Y—Review committee**

- (1) The Minister must appoint a review committee for the purposes of this Act.
- (2) The review committee consists of—
  - (a) the Registrar or a nominee of the Registrar; and
  - (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 review committee hold office on such terms and conditions as the Minister may determine.
- (4) A member of the review committee is entitled to receive such remuneration, allowances and expenses as the Minister may determine.
- (5) The Minister may appoint a suitable person to be the deputy of a member of the review 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.
- (6) Two members of the review 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.
- (7) Subject to this section, the review committee may determine its own procedures and inform itself in any manner the committee sees fit.

### **98Z—Review by Registrar or review committee**

- (1) A person who is aggrieved by a decision of the Registrar under Part 2, 2A, 3, 3A, 3C or 3D may, within one month of the making of the decision, apply to the Registrar for a review of the decision.
- (2) An application for a review must be made in accordance with the regulations.
- (3) Subject to subsections (4) and (5), if an application is made under subsection (1), the Registrar must review the decision to which the application relates.
- (4) If an application is made under subsection (1) for review of a decision of the Registrar—
  - (a) to exercise any of the powers conferred by section 82; or
  - (b) to refuse an application for an instructor's licence on the ground that the applicant is not a fit and proper person to hold such a licence; or
  - (c) to cancel an instructor's licence; or
  - (d) to refuse an application for a towtruck certificate or temporary towtruck certificate; or
  - (e) to impose conditions on a certificate issued under Part 3C,the Registrar must refer the application to the review committee.

- (5) If—
- (a) an application for review is made under subsection (1) (other than for a review of a decision of the Registrar referred to in subsection (4)); and
  - (b) in the Registrar's opinion it is desirable that the review be conducted by the review committee rather than the Registrar,
- the Registrar may refer the application to the review committee.
- (6) If the Registrar refers an application for review to the review committee, the Registrar must notify the applicant in writing of that fact.
- (7) The review committee must review a decision of the Registrar that is the subject of an application for review referred to it under this section.
- (8) The Registrar must furnish the review committee with any information known to the Registrar that is relevant to any matter being considered by the committee.
- (9) The applicant must, if so required by the Registrar or review committee—
- (a) appear personally before the Registrar or committee in support of the application; and
  - (b) provide any information sought by the Registrar or committee; and
  - (c) verify information provided to the Registrar or committee by statutory declaration.
- (10) The applicant may be assisted before the Registrar or review committee by an agent or representative (not being a legal practitioner).
- (11) On a review under this section, the Registrar or review committee may confirm or vary the decision under review or set aside the decision and substitute a new decision.

### **98ZA—Appeal to District Court**

- (1) A person who is dissatisfied with a decision as confirmed, varied or substituted by the Registrar or the review committee on a review under section 98Z may appeal to the District Court against the decision.
- (2) If the Registrar or review committee does not give reasons in writing for a decision on a review when the decision is made, the Registrar or committee must do so on request made by a person affected by the decision within one month of the making of the decision.
- (3) An appeal must be instituted—
- (a) within one month of the making of the decision being appealed against; or
  - (b) if a request for reasons in writing for the decision has been made under subsection (2)—within one month of the receipt of the reasons in writing.
- (5) The Registrar will be a party to an appeal under this section.

## Part 4—Third party insurance

### 99—Interpretation

- (1) In this Part and in Schedule 4, 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;

**GST law** means—

- (a) *A New Tax System (Goods and Services Tax) Act 1999* (Cwth); and
- (b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods and services;

**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;

**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;

**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;

**passenger**, in relation to a motor vehicle, includes any person in or on the vehicle whether or not the person is travelling, has travelled or is proposing to travel in or on the vehicle;

**policy of insurance** means a policy of insurance that complies with this Part;

**self-propelled lawn care machine** means a motor vehicle constructed and used for rolling, watering or otherwise maintaining lawn or grass, but does not include a self-propelled lawn mower.

- (1a) Where two corporations are related corporations for the purposes of the *Corporations Act 2001* of the Commonwealth, 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 Schedule 4, death or bodily injury will be regarded as being caused by or as arising out of the use of a motor vehicle only if it is a consequence of—
  - (a) the driving of the vehicle; or
  - (b) the vehicle running out of control; or

- (c) a person travelling on a road colliding with the vehicle when the vehicle is stationary, or action taken to avoid such a collision.
- (4) For the purposes of this Part and Schedule 4, death or bodily injury will be regarded as being caused by or as arising out of the use of a motor vehicle conditionally registered under section 25 that is a tractor, agricultural machine, mobile fork lift or self-propelled lawn care machine only if it is caused by or arises out of the use of the vehicle (as referred to in subsection (3)) on a road.

### **99A—Insurance premium to be paid on applications for registration**

- (1) An applicant for—
  - (a) the registration of a motor vehicle; or
  - (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 Schedule 4 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.

Maximum penalty: \$250.

- (8) A policy of insurance in terms of Schedule 4 is in force in respect of the motor vehicle as from the time at which the grant 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 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.
- (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 trade 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 trade plates is effective (whether or not the trade plates have been transferred) in relation to any motor vehicle driven in pursuance of the trade plates.

## 101—Approved insurers

- (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.
- (1a) However, while the Motor Accident Commission is the sole approved insurer under this Part, an application for approval may only be made under subsection (1) on an invitation by the Minister under subsection (1b).
- (1b) If at any time the Minister forms the view that it would be in the best interests of the State for there to be more than one approved insurer under this Part, the Minister may, in a manner and form determined by the Minister, invite interested persons or bodies to apply for approval.
- (2) The Minister may grant or refuse an application for approval.
- (3) If an application for approval under this section is made—
  - (a) an approval cannot be granted within 3 months of the date of the application; and
  - (b) if the applicant is approved, the approval takes effect on 1 July 1998 or 1 July next following the date of the approval (whichever is the later).
- (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; or
  - (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.

### 102—Duty to insure against third party risks

- (1) A person must not drive an uninsured motor vehicle, or cause an uninsured motor vehicle to stand, on a road.

Maximum penalty:

In the case of an offence arising out of the towing of an uninsured trailer that is not a heavy vehicle—\$250.

In any other case—\$2 500 and disqualification from holding and obtaining a driver's licence for a period of not more than 12 months.

- (2) If an uninsured motor vehicle is found standing on a road, the owner of the vehicle is guilty of an offence.
- Maximum penalty: \$2 500.
- (3) It is a defence to a charge of an offence against subsection (1) or (2) to prove that the motor vehicle was driven or left standing on a road in circumstances in which this Act permits an uninsured motor vehicle to be driven on a road.
- (3a) It is a defence to a charge of an offence against subsection (2) to prove that, in consequence of some unlawful act, the vehicle was not in the possession or control of the defendant at the time it was left standing on the road.
- (3b) It is a defence to a charge of an offence against subsection (2) where the defendant is the last registered owner or last registered operator to prove that the defendant was not the owner or the operator of the motor vehicle, as the case may be, at the time of the alleged offence.
- (4) This section 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.
- (7) In this section—  
*owner*, in relation to a vehicle, includes the last registered owner and the last registered operator of the vehicle.

### **103—Duty to produce evidence of insurance**

- (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.

Maximum penalty: \$250.

- (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.

### **104—Requirements if policy is to comply with this Part**

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 or is a passenger in or on 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.

### **105—Policies to conform to amending Acts**

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.

### **107—Rights of persons named in policies**

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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**109—Liability of insurers where premium not paid**

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.

**110—Liability of insurer to pay for emergency treatment**

(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; and
- (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, or of a passenger in or on the vehicle, in respect of the death or bodily injury; and
- (b) of the insurer to the owner, driver or passenger 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).

(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.

Maximum penalty: \$125.

### **111—Liability of insurer to pay for hospital treatment**

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.

### **111A—Liability of insurer in respect of burial at public expense**

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.

### **112—Liability of insurer when judgment obtained against insured**

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.

### **113—Liability of insurer where the insured is dead or cannot be found**

- (1) Where—
- (a) death or bodily injury has been caused by, or has arisen out of the use of, an insured motor vehicle, but any person insured under a policy of insurance in respect of the vehicle who is wholly or partly liable for the death or bodily injury 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.

### **113A—Insurer not liable for aggravated damages or exemplary or punitive damages**

An insurer is not liable to pay any aggravated damages or exemplary or punitive damages awarded in an action against the insured person in respect of death or bodily injury caused by or arising out of the use of a motor vehicle insured under this Part and the insured person is not entitled to be indemnified by the insurer in respect of such an award.

### **114—Certain defences ineffective in actions against insurers**

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.

### **115—Claims against nominal defendant where vehicle not identified**

- (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 a person insured under a policy of insurance in respect of the vehicle (assuming that the vehicle had been an insured vehicle at the relevant time) may recover by action against the nominal defendant the amount of the judgment that could have been so recovered.

- (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.

### **116—Claim against nominal defendant where vehicle uninsured**

- (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 or arising out of 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 an action may be brought against the nominal defendant under subsection (2)—
  - (a) the amount recoverable is the amount of the judgement that in the circumstances could have been recovered in respect of the death or bodily injury against a person who would have been an insured person if the vehicle had been an insured vehicle at the relevant time; and
  - (b) no action for damages in respect of the death or bodily injury may be commenced or proceeded with against such a person or a person liable in respect of the acts or omissions of such a person.

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- (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) Where—
- (a) a sum is properly paid by the nominal defendant to satisfy a claim made or judgment obtained in respect of death or bodily injury caused by or arising out of the use of an uninsured motor vehicle; and
  - (b) the driver of the uninsured vehicle was wholly or partly liable for the death or bodily injury; and
  - (c) the driver of the uninsured vehicle—
    - (i) drove the vehicle, or did or omitted to do anything in relation to the vehicle, with the intention of causing the death of, or bodily injury to, a person or damage to another's property, or with reckless indifference as to whether such death, bodily injury or damage results; or
    - (ii) drove the 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
    - (iii) drove the vehicle while there was present in his or her blood a concentration of .15 grams or more of alcohol in 100 millilitres of blood,

the nominal defendant may, by action in a court of competent jurisdiction, recover that sum together with costs from the driver or a person liable in respect of the acts or omissions of the driver.

- (7a) A finding of a court in proceedings for an offence as to—
- (a) the incapacity of the driver of the uninsured vehicle to exercise effective control of the vehicle at the relevant time owing to the influence of intoxicating liquor or a drug; or
  - (b) the concentration of alcohol present in 100 millilitres of the blood of the driver of the uninsured vehicle at the relevant time,

will be treated as determinative of the issue in an action by the nominal defendant under subsection (7).

(7b) Where—

- (a) a sum is properly paid by the nominal defendant to satisfy a claim made or judgment obtained in respect of death or bodily injury caused by or arising out of the use of an uninsured motor vehicle; and
- (b) the driver of the uninsured vehicle was wholly or partly liable for the death or bodily injury; but
- (c) the driver of the uninsured vehicle did not drive the vehicle as referred to in subsection (7)(c)(i), (ii) or (iii) or do or omit anything as referred to in subsection (7)(c)(i),

the nominal defendant may, by action in a court of competent jurisdiction, recover that sum, or such part of that sum as the court thinks just and reasonable in the circumstances, together with costs from the driver or a person liable in respect of the acts or omissions of the driver.

(7c) It is a defence to an action under subsection (7b) if the defendant proves that—

- (a) the motor vehicle was being used at the relevant time by or with the consent of the owner; and
- (b) the defendant did not know and had no reason to believe that the vehicle was an uninsured motor vehicle.

(7d) The defence in subsection (7c) does not apply if it is proved that the driver of the uninsured motor vehicle—

- (a) drove the vehicle while not duly licensed or otherwise permitted by law to drive the vehicle; or
- (b) drove the vehicle while the vehicle was overloaded, or in an unsafe, unroadworthy or damaged condition.

(8) The nominal defendant must pay any amount recovered under this section to approved insurers in such amounts or proportions as the Minister directs.

### **116A—Appointment of nominal defendant**

- (1) The Minister may, by instrument published in the Gazette, appoint a person (whether a natural person or a body corporate) 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.

### **117—Interpretation of expression in sections 113 and 115**

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 3 of the *Wrongs Act 1936*.

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**118A—Appointment of nominal defendant when approved insurer is in liquidation or enters into compromise with creditors**

- (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.
- (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; and
  - (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.

### **118B—Interpretation of certain provisions where claim made or action brought against nominal defendant**

- (1) The provisions of this Act prescribed by subsection (2) will be taken to apply where a claim is made or an action is brought against the nominal defendant under this Part as if, for the purposes of those provisions—
  - (a) the motor vehicle in relation to which the claim is made or the action is brought were a motor vehicle insured under a policy of insurance; and
  - (b) the nominal defendant were the insurer and any liability of the nominal defendant were a liability of the insurer under the policy of insurance.
- (2) For the purposes of subsection (1), the following provisions of this Act are prescribed:
  - (a) sections 110, 111 and 111A;
  - (b) section 124(6a);
  - (c) section 124AD;
  - (d) section 125B;
  - (e) sections 127 and 127A;
  - (f) a provision specified by the regulations for the purposes of subsection (1).

### **119—Scheme under which approved insurers indemnify liabilities incurred by nominal defendant**

- (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.

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**120—Satisfaction of judgment against nominal defendant where no scheme in force**

- (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.

**121—Policy to bind all insured persons**

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.

**122—Cancellation of policy**

- (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.

**123—Right of insurer against unauthorised driver of vehicle**

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.

**124—Duty to co-operate with insurer**

- (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; and
  - (b) the time and place at which it occurred; and
  - (c) the circumstances of the accident; and
  - (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.

Maximum penalty: \$1 250 or imprisonment for 3 months.

- (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.

- (3a) A person who at the time of an accident of a kind referred to in subsection (1) was the owner, the person in charge, or the driver, of the motor vehicle must co-operate fully with the insurer in respect of a claim made in respect of the accident.

Maximum penalty: \$250.

- (3b) The duty to co-operate under subsection (3a) will include, in the case of the owner, a duty to give the insurer access to the vehicle, and, if required, possession of the vehicle, or part of the vehicle, on reasonable terms and conditions.

- (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.

Maximum penalty: \$250.

- (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.

Maximum penalty: \$250.

- (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.

Maximum penalty: \$50 000 or imprisonment for one year.

- (6a) Where a claim is made upon an insured person in respect of an accident of a kind referred to in subsection (1), a person must not give the insurer, or someone known by the person to be engaged by the insurer in connection with the claim, any information that the person knows is material to the claim and is false or misleading.

Maximum penalty: \$50 000 or imprisonment for one year.

- (6b) If—

- (a) an amount has been paid to the claimant in connection with a claim in respect of an accident of a kind referred to in subsection (1); and

- (b) the claimant has been found guilty of an offence against subsection (6) or (6a) in connection with the claim,

the person who made the payment is entitled to recover from the claimant the amount of any financial benefit that the claimant gained from the commission of the offence together with any amount that the court considers appropriate in respect of costs incurred in connection with the claim.

- (7) A notice or information given under this section is privileged from production or disclosure in any legal proceedings except proceedings under this Part.

### **124A—Recovery by the insurer**

- (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—

- (aa) by driving a motor vehicle, or doing or omitting to do anything in relation to a motor vehicle, with the intention of causing the death of, or bodily injury to, a person or damage to another's property, or with reckless indifference as to whether such death, bodily injury or damage results; or

- (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.

- (1a) A finding of a court in proceedings for an offence as to—

- (a) the insured person's incapacity to exercise effective control of the vehicle at the time of the motor accident owing to the influence of intoxicating liquor or a drug; or

- (b) the concentration of alcohol present in 100 millilitres of the insured person's blood at the time of the motor accident,

will be treated as determinative of the issue in an action by the insurer under subsection (1).

- (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.

### **124AB—Recovery of an excess in certain cases**

- (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 \$300—the amount of that money paid and costs incurred; and
  - (b) where the money paid and costs incurred by the insurer exceed \$300—\$300.
- (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.

### **124AC—Credit for payment of expenses by insurer**

If an amount claimed as expenses incurred as a result of death or bodily injury caused by or arising out of the use of a motor vehicle is paid by an insurer to or on behalf of the claimant, the amount of any damages payable to the claimant in respect of the death or bodily injury is reduced by the amount so paid.

### **125—Power of insurer to deal with claims against insured**

- (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; and
  - (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.

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**125A—Joinder of insurer as defendant to an action**

- (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; and
  - (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; and
  - (c) the insured person may not be joined as a third party to the action; and
  - (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; and
  - (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.

### 125B—Acquisition of vehicle by insurer

- (1) If—
  - (a) the insurer considers it necessary to acquire the motor vehicle for the purposes of the conduct of negotiations or proceedings connected with the death of, or bodily injury to, any person caused by or arising out of the use of the vehicle; and
  - (b) the owner of the vehicle is unwilling to sell the vehicle to the insurer at all or for a price the insurer considers reasonable,the insurer may acquire the vehicle compulsorily in accordance with this section.
- (2) The insurer may, for the purposes of compulsorily acquiring the motor vehicle, apply to the Magistrates Court for a valuation of the vehicle.
- (3) If within one month after the date of a valuation by the Court, the insurer pays into the Court the amount of the valuation, the Court—
  - (a) must make an order vesting title to the motor vehicle in the insurer; and
  - (b) may make any other incidental or ancillary orders that may be necessary or desirable in the circumstances of the case.
- (4) The insurer must, after acquiring the vehicle, allow inspection and, if necessary, testing, of the vehicle, on reasonable terms and conditions, by—
  - (a) any person who is or may become a party to proceedings in respect of death or bodily injury caused by or arising out of the use of the vehicle; or
  - (b) any person who otherwise has a proper interest in inspecting the vehicle; or
  - (c) any agent of a person referred to in paragraph (a) or (b).

### 126—Duty of insured not to litigate or negotiate claim

An insured person must not, without the consent in writing of the insurer concerned—

- (a) enter upon, or incur any expense in, any litigation; or
- (b) make any offer or promise of payment or settlement; or
- (c) make any payment or settlement; or
- (d) make any admission of liability; or
- (e) authorise 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.

### 127—Medical examination of claimants

- (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.

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- (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; and
  - (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; and
  - (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.
- (6a) Subsection (6) will not apply to any failure by a claimant to comply with subsection (2)(c) if the claimant has dealt with the medical report and taken other action in accordance with any rules of the court under which a party to proceedings may be relieved from the obligation to disclose to another party a medical report the disclosure of which would unfairly prejudice the party's case.
- (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).

### **127A—Control of medical services and charges for medical services to injured persons**

- (1) In this section—
  - injured person* means a person who has suffered bodily injury caused by or arising out of the use of a motor vehicle;
  - prescribed limit*, in relation to prescribed services, means the limit prescribed for the prescribed services for the purposes of section 32 of the *Workers Rehabilitation and Compensation Act 1986*;
  - prescribed scale*, in relation to prescribed services, means the scale of charges prescribed for the prescribed services for the purposes of section 32 of the *Workers Rehabilitation and Compensation Act 1986*;
  - prescribed services* means services of a kind referred to in section 32(2) of the *Workers Rehabilitation and Compensation Act 1986*, but does not include services of a kind excluded from the application of this section by notice made under subsection (2).
- (2) The Minister may, by notice in the Gazette—
  - (a) require that, for the purposes of this section, the regulations made for the purposes of section 32 of the *Workers Rehabilitation and Compensation Act 1986* be read subject to modifications specified in the notice;
  - (b) exclude specified services from the application of this section;
  - (c) vary or revoke a notice under this subsection.
- (3) The Minister must, before issuing a notice under subsection (2)(a) or a notice varying or revoking such a notice, consult with professional associations representing the providers of services to which the notice relates.
- (4) For the purposes of this section, a reference in section 32 of the *Workers Rehabilitation and Compensation Act 1986* or the regulations made under that Act for the purposes of that section to a worker is to be taken to include a reference to an injured person.
- (5) For the purposes of this section, a charge for prescribed services is excessive if—
  - (a) the charge exceeds the prescribed limit or the charge allowed for the prescribed services under the prescribed scale; or
  - (b) in the case of prescribed services for which there is not a prescribed limit and to which a prescribed scale does not apply—the charge exceeds an amount that the Magistrates Court considers reasonable for the provision of the services.

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- (6) The Magistrates Court may, on application by the insurer—
- (a) where an injured person has been charged an excessive amount for prescribed services—reduce the charge by the amount of the excess and, if the charge has been paid to the service provider, order the service provider to pay the amount of the excess to the insurer; or
  - (b) where an injured person has received prescribed services that the Court considers were, in the circumstances of the case, inappropriate or unnecessary—disallow the charge for the services and, if the charge has been paid to the service provider, order the service provider to pay the amount of the charge to the insurer.
- (7) Proceedings may not be commenced under subsection (6)(a) in relation to a charge for a prescribed service for which there is not a prescribed limit and to which a prescribed scale does not apply if, prior to the injured person being charged for the service, the insurer agreed to the amount of the charge.
- (8) Proceedings may not be commenced under subsection (6) unless the insurer has—
- (a) first given the service provider notice that the insurer claims the charge to be excessive or the services to be inappropriate or unnecessary, as the case may be, and of the reasons for the claim; and
  - (b) allowed at least 30 days from the giving of the notice for the service provider and any professional association or other person acting on behalf of the service provider to respond to the claim and consult with the insurer; and
  - (c) given due consideration to any response to the claim and proposals for settlement of the matter made by or on behalf of the service provider; and
  - (d) given the service provider notice of the result of the insurer's consideration of the matter and allowed a further period of 30 days to elapse from the giving of that notice for any further consultations if requested by the service provider.
- (9) A person who provides prescribed services to an injured person, knowing that the person's injury has been caused by or arisen out of the use of a motor vehicle, must not, if a prescribed scale applies to the services, charge an amount for the services exceeding the amount allowed under the prescribed scale.  
Maximum penalty: \$1 250.
- (10) Proceedings may not be commenced under subsection (6) or for an offence against subsection (9) in respect of prescribed services provided in relation to bodily injury caused by or arising out of the use of a motor vehicle unless liability to damages (whether being the whole or part only of the amount claimed) in respect of that injury has been accepted by or established against an insured person or the insurer.
- (11) Proceedings for an offence against subsection (9) may be commenced at any time within 12 months after—
- (a) liability to damages (whether being the whole or part only of the amount claimed) has been accepted or established as referred to in subsection (10); or
  - (b) receipt by the insurer of an account for payment of the charge to which the proceedings relate,
- whichever is the later.

- (12) In proceedings for an offence against subsection (9) it is a defence if the defendant proves that, at the time the defendant charged for the services, the defendant, having made reasonable inquiries, had reason to believe that neither an insured person nor the insurer has or might have any liability to damages in respect of the injury.

### **128—Duty of insurers to furnish information**

- (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.  
Maximum penalty: \$750.
- (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.  
Maximum penalty: \$750.

### **129—Inquiries into premiums**

- (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 legal practitioner who has been admitted for at least ten years, who will be the presiding officer;
  - (b) a person nominated by the Minister;
  - (c) three persons appointed to represent the interests of owners of motor vehicles;
  - (d) three persons with expertise in the insurance industry field, of whom at least one is to represent the interests of approved insurers.
- (2a) At least one member of the committee must be a woman and at least one must be a man.
- (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 the interests of 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.

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- (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.
- (5a) In determining premium amounts, the committee—
- (a) may not fix differential premiums except on the basis of one or more of the following:
    - (i) vehicle type;
    - (ii) vehicle use;
    - (iii) garaging location;
    - (iv) entitlement under the GST law to an input tax credit in respect of compulsory third party insurance premiums; and
  - (b) must, while the Motor Accident Commission is the sole approved insurer under this Part, have regard to the Commission's obligation to seek to achieve and maintain a sufficient level of solvency (within the meaning of section 13A of the *Motor Accident Commission Act 1992*) in its Compulsory Third Party Fund.
- (6) The Minister must lay every determination and a statement of reasons for the determination of the committee before Parliament.
- (7) The committee may not incur expenses in respect of consultancy services or expert advice provided by a person other than as a witness before the committee except with the prior approval of the Minister and Treasurer (which approval must not be unreasonably withheld).
- (8) The administrative costs and expenses reasonably incurred by the committee in carrying out its functions are recoverable—
- (a) while the Motor Accident Commission is the sole approved insurer under this Part—from the Third Party Insurance Fund, subject to and in accordance with the *Motor Accident Commission Act 1992*;
  - (b) in any other case—in fair proportions from all approved insurers, subject to and in accordance with the directions of the Minister and the Treasurer.

### **129A—Rebate and commissions prohibited**

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.

### **131—Insurance by visiting motorists**

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 or are passengers in or on 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.

### **132—Power to disqualify on application of insurer**

- (1) An approved insurer may apply on complaint to the Magistrates Court 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.

### **133—Contracting out of liability**

- (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 in respect of death or bodily injury caused by or arising out of the use of 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.

### **134—Persons entitled to act in connection with claims**

- (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; or
  - (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.

Maximum penalty: \$750.

- (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 5—Supplementary provisions**

### **135—False statements**

- (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.  
Maximum penalty: \$2 500 or imprisonment for 6 months.
- (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.

### **135A—Bribes**

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.

Maximum penalty: \$2 500 or imprisonment for 6 months.

### **135B—Applications made by agent**

- (1) Where it appears to the Registrar that an application under this Act is made by an agent of a person, the Registrar may require the agent to provide evidence to the satisfaction of the Registrar that the agent is authorised by that person to make the application on his or her behalf.
- (2) If an agent fails or refuses to comply with a requirement of the Registrar under subsection (1), the Registrar may refuse to deal with the application.

### **135C—Proof of identity**

The Registrar may require a person making an application or furnishing information under this Act to produce evidence to the satisfaction of the Registrar of the person's identity.

### **136—Duty to notify change of name, address etc**

- (1) If a person (other than a body corporate) who is—
  - (a) a registered owner or the registered operator of a motor vehicle; or
  - (b) the holder of a licence or learner's permit,

changes his or her name or the place at which he or she is ordinarily resident, the person must within 14 days of doing so give notice to the Registrar in a prescribed manner of the new name or new place at which he or she is ordinarily resident, as the case may require.

Maximum penalty: \$250.

- (2) If a person (other than a body corporate) who holds trade plates changes his or her name or principal place of business within the State, the person must within 14 days of doing so give notice to the Registrar in a prescribed manner of his or her new name or new principal place of business, as the case may require.

Maximum penalty: \$250.

- (2a) If a body corporate that is—

- (a) a registered owner or the registered operator of a motor vehicle; or
- (b) the holder of trade plates,

changes the principal place of business of the body corporate within the State, the body corporate must within 14 days of doing so give notice to the Registrar in a prescribed manner of the new principal place of business of the body corporate.

Maximum penalty: \$250.

- (2b) If a motor vehicle ceases to have the garage address registered in respect of the vehicle, the registered operator of the vehicle must within 14 days of the change of garage address, give notice to the Registrar in a prescribed manner of the vehicle's new garage address.

Maximum penalty: \$250.

- (2c) If the person recorded on the register of motor vehicles as the operator of a registered motor vehicle ceases to be the operator of the vehicle and no change of the vehicle's ownership occurs, the registered owner of the vehicle must within 14 days of the change of operator, give notice to the Registrar in a prescribed manner of the vehicle's new operator.

Maximum penalty: \$250.

- (3) The Registrar may require a person giving notice of a change of name, residence, principal place of business or garage address of a vehicle in a particular manner to produce evidence of the change to the satisfaction of the Registrar.
- (4) A requirement under subsection (3) may be made in writing or orally.
- (5) If a person fails to comply with a requirement of the Registrar under subsection (3), the person will, for the purposes of this section, be taken to have failed to give notice in the manner to which the requirement relates.

### **137—Duty to answer certain questions**

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 trade 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.

Maximum penalty: \$250.

### **137A—Obligation to provide evidence of design etc of motor vehicle**

The registered owner or the registered operator of a motor vehicle must, on request by the Registrar or an inspector, provide to the Registrar or inspector such evidence of the design, construction, maintenance, safety or ownership of the vehicle as is required by the Registrar or inspector.

Maximum penalty: \$250.

### **138—Obligation to provide information**

- (1) If the Registrar believes on reasonable grounds that any information contained in the register of motor vehicles or the register of licences is inaccurate, incomplete or misleading, the Registrar may by notice in writing require the registered owner or the registered operator of a motor vehicle, or the holder of a licence, as the case may require, to provide evidence to the Registrar in such form as the Registrar may require, relevant to the issuing, variation or continuation of the registration of the vehicle or the licence, including the holder's personal details and residential address.
- (2) For the purposes of subsection (1), the Registrar may require a person to provide specified documents for inspection and attend at a time and place specified in the notice for identification.
- (3) If a person who is required to attend for identification requests a change to the time or place specified in the notice, the Registrar must consider that request and may change the time or place in accordance with the request.
- (4) If a person fails to comply with a requirement made of the person under this section, the person is guilty of an offence.

Maximum penalty: \$250.

### **138A—Commissioner of Police to give certain information to Registrar**

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, to hold a position on an accident towing roster established under the accident towing roster scheme or to be delegated powers or functions of the Registrar under this Act.

### **138B—Effect of dishonoured cheques etc on transactions under the Act**

- (1) If—
  - (a) an amount payable to the Registrar under this Act or lawfully collected by the Registrar on behalf of any other person or body is purportedly paid by the giving of a cheque or use of a debit card or credit card; and

- (b) the cheque is dishonoured on presentation or the amount is not paid to the Registrar by the body that issued the card or is required to be repaid by the Registrar,
- the transaction in relation to which the payment was purportedly 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 make payment in accordance with subsection (3) within that period.
- (3) If a person on whom a notice has been served under subsection (2) pays the due amount and the prescribed charges in the time specified, the transaction will be taken to be, and to always have been, effective.
- (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 or renewed 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).  
Maximum penalty: \$250.
- (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 or renewed 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 on the issue or renewal of that licence, permit, label, certificate, or other document or thing and the prescribed charges.
- (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 the prescribed charges 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, and the prescribed charges.
- (8) In this section—
- prescribed charges*** means—
- (a) the prescribed administration fee; and

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- (b) any charges imposed on the Registrar in respect of the dishonoured cheque or debit card or credit card transaction concerned.

### **139—Inspection of motor vehicles**

- (1) The Registrar, an inspector, a member of the police force or a person authorised in writing by the Registrar to examine motor vehicles in accordance with this section may—
- (a) examine any motor vehicle for the purpose of—
    - (i) ascertaining any facts on which the amount of any fee or payment to the Registrar in respect of the vehicle depends; or
    - (ii) verifying any information disclosed in an application made to the Registrar in respect of the vehicle or any evidence provided by the applicant in response to a requirement of the Registrar under this Act;
  - (ab) where an application to register, or transfer the registration of, a motor vehicle has been made, examine the motor vehicle for the purpose of ascertaining whether it—
    - (i) complies with any Act or regulation that regulates the design, construction or maintenance of such a motor vehicle; or
    - (ii) would, if driven on a road, put the safety of persons using the road at risk; or
    - (iii) is or may be stolen;
  - (ac) where notice of the making of an alteration or addition to a registered motor vehicle is given, or required to be given, to the Registrar by a person under section 44, examine the motor vehicle for the purpose of—
    - (i) verifying any information disclosed in such a notice or any evidence provided by the person in response to a requirement of the Registrar under that section; or
    - (ii) ascertaining whether the vehicle—
      - (A) complies with any Act or regulation that regulates the design, construction or maintenance of such a vehicle; or
      - (B) would, if driven on a road, put the safety of persons using the road at risk; or
      - (C) is or may be stolen;
  - (b) for the purpose of an examination under paragraph (a), (ab) or (ac) 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.

- (2) An authorisation to examine motor vehicles—
  - (b) may be subject to conditions; and
  - (c) may be revoked at any time.
- (4) The Minister may, for the purposes of this section, establish a code of practice to be observed by persons authorised to examine motor vehicles in accordance with this section.
- (5) A person who contravenes a code of practice established under subsection (4) is guilty of an offence.  
Maximum penalty: \$5 000.

### **139AA—Where vehicle suspected of being stolen**

Where, following inspection of a vehicle under this Part, the person responsible for carrying out the inspection (other than a member of the police force) reasonably suspects that the vehicle is or may be stolen, the person must—

- (a) immediately inform a member of the police force of that suspicion and the reason for it; and
- (b) seize and detain the vehicle until it can be delivered into the custody of a member of the police force.

### **139A—Suspension of disqualification on appeal**

- (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 the Magistrates Court, by a magistrate 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.

### **139BA—Power to require production of licence etc**

- (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.  
Maximum penalty: \$750.
- (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.

### **139BB—Issue of new licence or permit where licence etc cannot be endorsed**

- (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.

### **139BC—Manner of endorsing licence etc**

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.

### **139C—Service of documents**

- (1) Except as otherwise provided in this Act, a document or notice required or authorised 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.
- (2) If a document or notice is required or authorised to be given to or served on the registered owner of a motor vehicle, it is sufficient for the purposes of this Act, in a case where there is more than one registered owner of the vehicle, if it is given to or served on only one or some of the registered owners.

### **139D—Confidentiality**

- (1) A person engaged or formerly engaged in the administration of this Act must not divulge or communicate information obtained (whether by that person or otherwise) in the administration of this Act except—
- (a) as required or authorised by or under this Act; or
  - (b) as authorised by or under any other Act; or
  - (c) with the consent of the person from whom the information was obtained or to whom the information relates; or
  - (d) in connection with the administration of this Act; or
  - (e) for the purposes of any legal proceedings arising out of the administration of this Act; or
  - (ea) as may be required by authorised officers for purposes connected with tracing the whereabouts of debtors, or making penalty enforcement orders, under Part 9 of the *Criminal Law (Sentencing) Act 1988*; or
  - (f) in accordance with guidelines approved by the Minister.

Maximum penalty: \$5 000.

- (2) The Registrar or a person authorised by the Registrar may—
- (a) require a person applying for the disclosure of information obtained in the administration of this Act to provide such evidence as the Registrar or authorised person considers necessary to determine the application;
  - (b) if the Registrar or authorised person thinks fit, require any such evidence to be verified by statutory declaration.
- (3) Information that has been disclosed under subsection (1) for a particular purpose must not be used for any other purpose by—
- (a) the person to whom the information was disclosed; or
  - (b) any other person who gains access to the information (whether properly or improperly and whether directly or indirectly) as a result of that disclosure.

Maximum penalty: \$5 000.

- (4) For the purposes of this section—
- (a) a reference to the administration of this Act is to be taken to include a reference to the administration of the *Road Traffic Act 1961*; and
  - (b) an approved installer within the meaning of Division 5A of Part 3 of that Act, and persons engaged in the activities of an approved installer for the purposes of that Division, are to be taken to be engaged in the administration of this Act.

### **139E—Protection from liability**

- (1) No civil liability is incurred by the Registrar, a member of the review committee or any person engaged in the administration of this Act for an honest act or omission in the exercise or discharge, or purported exercise or discharge, of a power, function or duty under this Act or any other Act.
- (2) A liability that would, but for subsection (1), lie against the person lies instead against the Crown.
- (3) No civil or criminal liability is incurred by a person who, in good faith, furnishes the Registrar with information that discloses or suggests that another person is or may be unfit to drive a motor vehicle.

### **139F—Offence to hinder etc inspector**

A person must not, without reasonable excuse, obstruct or hinder an inspector exercising powers under this Act.

Maximum penalty: \$1 250.

### **139G—Offences by inspectors**

An inspector who—

- (a) addresses offensive language to any person; or
- (b) without lawful authority or a reasonable belief as to lawful authority, hinders or obstructs, or uses or threatens to use force in relation to, any person,

is guilty of an offence.

Maximum penalty: \$1 250.

### **140—Evidence of registers**

- (1) 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.
- (2) With respect to the ownership of a motor vehicle, subsection (1) operates to facilitate proof of the person recorded on the register of motor vehicles as the owner of the vehicle but neither the register nor an extract from, or copy of, an entry contained in the register constitutes evidence of actual title to the vehicle.

### **141—Evidence by certificate etc**

- (1) 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 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 trade plate or no trade 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 trade 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;
- (ea) that specified purposes were the purposes stated in the application for registration, renewal of registration, exemption from registration or a permit in respect of a specified motor vehicle or in the application for the issuing of specified trade plates;
- (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 a prescribed manner of a change of name, residence or principal place of business or a change of garage address;
- (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;
- (l) that a specified person had not within a specified period attended a lecture conducted under a specified provision of this Act,

is in all legal proceedings and arbitrations proof of the matters so stated in the absence of proof to the contrary.

- (2) A document purporting to be a certificate signed by an authority under a corresponding law stating matters relating to—
  - (a) the registration or non-registration of a motor vehicle; or
  - (b) the person recorded on a register as the operator of a motor vehicle; or
  - (c) the GCM, GVM, load capacity or identification of a motor vehicle; or
  - (d) any other matter relating to the use of a motor vehicle on roads; or

- (e) whether a person has a licence or other authority to drive a motor vehicle, the extent of the authority conferred by the licence or other authority and any conditions of the licence or other authority; or
- (f) any offence found to have been committed by a person in relation to the driving of a motor vehicle or in relation to driver licensing, including any penalty imposed or other order made in respect of that offence; or
- (g) demerit points incurred by any person,

is in all legal proceedings and arbitrations proof of the matters so stated in the absence of proof to the contrary.

- (3) A court may admit into evidence other documents prescribed by the regulations in the circumstances set out in the regulations.

- (4) In this section—

*corresponding law* means a law of another State or Territory of the Commonwealth declared by the regulations to be a corresponding law for the purposes of this section.

## 142—Facilitation of proof

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;
- (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 4 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.

## 142A—Evidence of ownership of motor vehicle

A notice under section 56(b)(iii) is, in all legal proceedings, proof of the matters stated in the notice in the absence of proof to the contrary.

### 143—Causing or permitting offences

- (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.

### 143A—Offences by corporations

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.

### 144—Prosecution of offences

Proceedings for an offence against this Act must be commenced—

- (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the *Summary Procedure Act 1921*;
- (b) in any other case—within 2 years of the date on which the offence is alleged to have been committed.

### 145—Regulations

- (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; and
  - (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; and
  - (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; and
  - (ca) requiring—
    - (i) notice to be given to the Registrar of specified matters in relation to any written-off motor vehicle (whether registered or unregistered) or any specified vehicle part;
    - (ii) notices containing specified information to be affixed to written-off motor vehicles (whether registered or unregistered) or any specified vehicle part; and
  - (cb) prohibiting or restricting the use on roads of written-off motor vehicles or the defacing, alteration or removal of notices affixed to written-off motor vehicles or specified vehicle parts; and
  - (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; and

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- (e) prescribing, and providing for the payment of fees, for any practical driving test conducted for the purposes of this Act; and
  - (ea) prescribing, and providing for the payment of fees for the inspection of a motor vehicle for the purposes of this Act; and
  - (f) prescribing any other fees or monetary amount for the purposes of this Act; and
  - (fa) prescribing fees for the purposes of the *Interstate Road Transport Act 1985* of the Commonwealth; and
  - (g) providing for the remission or reduction of any fee payable under this Act; and
  - (ga) regulating the use of motor vehicles to which "L" or "P" plates are affixed pursuant to this Act; and
  - (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; and
  - (gc) providing for the classification of licences and the classes of motor vehicles permitted to be driven pursuant to those classifications; and
  - (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; and
  - (ge) preventing a person who fails a practical driving test, or a practical driving test of a prescribed kind, from taking a subsequent such test within the prescribed period;
  - (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;

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- (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; and
- (i) providing for the inspection of towtrucks and equipment carried on towtrucks; and
  - (j) prescribing the forms of certificates, notices or documents required or authorised to be given under Part 3C or under the regulations or providing that the forms of those certificates, notices or documents must be as determined by the Minister; and
  - (k) prescribing the fees for certificates under Part 3C which may be of varying amounts according to factors prescribed in the regulations; and
  - (l) exempting, or conferring on the Registrar a power to exempt, a person from compliance with a specified provision of Part 3C 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; and
  - (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 \$1 250, for breach of, or non-compliance with, the regulations; and
  - (n) fixing expiation fees, not exceeding \$310, for alleged offences against the Act or regulations.
- (1a) Regulations made under subsection (1)(ca) or (cb) may—
    - (a) prescribe penalties, not exceeding a \$2 500 fine or imprisonment for 6 months, for breach of, or non-compliance with, a regulation made under that subsection; and
    - (b) fix an expiation fee, not exceeding \$210, for an alleged offence against a regulation made under that subsection.
  - (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.
  - (3) The regulations may prescribe a matter by reference to the *Road Transport Charges (Australian Capital Territory) Act 1993* of the Commonwealth.
  - (4) The regulations may confer discretionary powers on the Minister, the Registrar, an inspector or any other person or body.

- (5) The regulations may impose a requirement, or make other provision, by reference to—
- (a) a document published by the National Road Transport Commission and approved by the Ministerial Council for Road Transport; or
  - (b) a specified standard, code or other document,
- as in force at a specified time, or as in force from time to time.
- (6) If the regulations make some provision by reference to a standard, code or other document—
- (a) a copy of the standard, code or other document must be kept available for inspection by members of the public, without charge and during normal office hours, at an office or offices determined by the Minister; and
  - (b) in any legal proceedings, evidence of the contents of the standard, code or other document may be given by production of a document purporting to be certified by or on behalf of the Minister as a true copy of the standard, code or other document.
- (7) The regulations may include evidentiary provisions to facilitate proof of breaches of the regulations for the purposes of proceedings for offences against this Act.
- (8) In this section—
- written-off motor vehicle*** means a motor vehicle of a class defined by the regulations as written-off vehicles.

### **146—Application orders and emergency orders**

- (1) The Minister may, by notice in the Gazette, declare that the operation of specified provisions of this Act—
- (a) are suspended for a specified period; or
  - (b) are varied in a manner specified by the Minister.
- (2) An order must be consistent with the provisions relating to application orders and emergency orders in the agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth.
- (3) An order may have effect in relation to the whole of the State, or to a specified part of the State.
- (4) If the Ministerial Council for Road Transport terminates an order in accordance with the terms of an agreement referred to in subsection (2), the Minister must publish notice of the termination in the Gazette.

### **147—Financial provision**

- (1) The money required to make any refund authorised 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.

## 148—Duty of health professionals

- (1) Where a health professional 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 health professional 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 health professional 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).



## Schedule 4—Policy of insurance

- 1 The insurer insures the owner of the motor vehicle and any other person who at any time drives or is a passenger in or on 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 he or she will not—
  - (a) drive the vehicle, or do or omit to do anything in relation to the vehicle, with the intention of causing the death of, or bodily injury to, a person or damage to another's property or with reckless indifference as to whether such death, bodily injury or damage results; or
  - (b) drive the 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
  - (c) drive the vehicle while there is present in his or her blood a concentration of .15 grams or more of alcohol in 100 millilitres of blood; or
  - (d) drive the vehicle while not duly licensed or otherwise permitted by law to drive the motor vehicle; or
  - (e) drive the vehicle while the vehicle is overloaded, or in an unsafe, unroadworthy or damaged condition; or
  - (f) use the vehicle otherwise than—
    - (i) for purposes stated in the application for registration, renewal of registration, exemption from registration or a permit, in respect of the vehicle; or
    - (ii) if trade plates are affixed to the vehicle—for purposes stated in the application for the issuing of those plates; or
    - (iii) for purposes agreed on between the insurer and the registered owner of the vehicle.
- 3 The owner of the vehicle warrants that no other person will, with his or her knowledge or consent (which will be presumed in any proceedings in the absence of proof to the contrary), drive or use the vehicle, or do or omit to do anything in relation to the vehicle, contrary to any of the paragraphs of clause 2.



## **Schedule 5—Appointment and selection of assessors for District Court proceedings under Part 3C**

- 1 The Minister must establish the following panels of persons who may sit with the District Court as assessors in proceedings under Part 3C:
  - (a) a panel consisting of persons representative of the motor trade industry;
  - (b) a panel consisting of persons representative of the towtruck industry.
- 2 A member of a panel is to be appointed by the Minister for a term of office not exceeding three years and on conditions determined by the Minister and specified in the instrument of appointment.
- 3 A member of a panel is, on the expiration of a term of office, eligible for reappointment.
- 4 Subject to clause 5, if assessors are to sit with the District Court in proceedings under Part 3C, a judicial officer of the Court must select one member from each of the panels to sit with the Court in the proceedings.
- 5 A member of a panel who has a personal or a direct or indirect pecuniary interest in a matter before the District Court is disqualified from participating in the hearing of the matter.
- 6 If an assessor dies or is for any reason unable to continue with any proceedings, the District Court constituted of the judicial officer who is presiding at the proceedings and the other assessor may, if the judicial officer so determines, continue and complete the proceedings.



## Legislative history

### Notes

- This version is comprised of the following:
 

Pt 1	1.4.2004
Pt 2	15.12.2003 (Rep 40)
Pt 2A	1.8.2003 (Rep 39)
Pt 3	1.4.2004
Pt 3A	15.12.2003 (Rep 40)
Pt 3B	15.12.2003 (Rep 40)
Pt 3C	3.7.2003 (Rep 38)
Pt 3D	3.7.2003 (Rep 38)
Pt 3E	3.7.2003 (Rep 38)
Pt 4	1.8.2003 (Rep 39)
Pt 5	1.4.2004
Schs	3.7.2003 (Rep 38)
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation amended by principal Act

The *Motor Vehicles Act 1959* amended the following:

*Road Traffic Act 1934*

### Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1959	53	<i>Motor Vehicles Act 1959</i>	22.12.1959	22.12.1959: s 2; except ss 4—147 & Schs—14.4.1960 ( <i>Gazette 14.4.1960 p1039</i> )
1960	16	<i>Motor Vehicles Act Amendment Act 1960</i>	8.9.1960	s 6(1)—22.12.1959: s 6(2); remainder of Act (except s 4)—14.4.1960: s 3(1); s 4—1.12.1960 ( <i>Gazette 10.11.1960 p1301</i> )
1960	55	<i>Motor Vehicles Act Amendment Act (No. 2) 1960</i>	24.11.1960	ss 1—3—24.11.1960: s 3(1); remainder of Act—1.7.1961 ( <i>Gazette 18.5.1961 p1139</i> )
1961	33	<i>Motor Vehicles Act Amendment Act 1961</i>	9.11.1961	ss 1—3, 5 & 7—9.11.1961: s 3(1); ss 6(a), 8 and 9—1.3.1962 and ss 4, 10 & 11—1.5.1962: ( <i>Gazette 1.3.1962 p430</i> ); s 6(b) will not be brought into operation as it amended a section that was subsequently substituted by 120/1978, s 14
1962	17	<i>Motor Vehicles Act Amendment Act 1962</i>	25.10.1962	s 3(1)—9.11.1961: s 3(2); remainder of Act—25.10.1962

**Motor Vehicles Act 1959—1.4.2004 to 30.4.2004**

## Legislative history

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1962	49	<i>Motor Vehicles Act Amendment Act (No. 2) 1962</i>	15.11.1962	15.11.1962
1963	23	<i>Motor Vehicles Act Amendment Act 1963</i>	14.11.1963	14.11.1963
1964	24	<i>Statutes Amendment (Stamp Duties and Motor Vehicles) Act 1964</i>	9.10.1964	ss 1, 2 & 9(a)—9.10.1964: s 2(1); remainder of Act—19.10.1964 ( <i>Gazette 15.10.1964 p1203</i> )
1966	75	<i>Motor Vehicles Act Amendment Act 1966</i>	1.12.1966	1.12.1966
1966	76	<i>Motor Vehicles Act Amendment Act (No. 2) 1966 as amended by 2/1967</i>	1.12.1966	1.1.1968 ( <i>Gazette 16.11.1967 p2199</i> )
1966	88	<i>Motor Vehicles Act Amendment Act (No. 3) 1966</i>	8.12.1966	8.12.1966
1967	2	<i>Motor Vehicles Act Amendment Act (No. 2) 1966, Rectification Act 1967</i>	23.3.1967	1.1.1968: s 1(1)
1968	6	<i>Motor Vehicles Act Amendment Act 1968</i>	19.9.1968	19.9.1968
1968	18	<i>Motor Vehicles Act Amendment Act (No. 2) 1968</i>	28.11.1968	1.1.1969 ( <i>Gazette 5.12.1968 p2429</i> )
1970	10	<i>Motor Vehicles Act Amendment Act 1970</i>	3.9.1970	3.9.1970
1970	32	<i>Motor Vehicles Act Amendment Act (No. 2) 1970</i>	19.11.1970	19.11.1970
1971	12	<i>Motor Vehicles Act Amendment Act 1971</i>	1.4.1971	1.4.1971
1971	15	<i>Age of Majority (Reduction) Act 1971</i>	18.4.1971	15.4.1971 ( <i>Gazette 15.4.1971 p1598</i> )
1971	39	<i>Motor Vehicles Act Amendment Act (No. 2) 1971</i>	29.4.1971	29.4.1971
1971	79	<i>Motor Vehicles Act Amendment Act (No. 3) 1971</i>	18.11.1971	1.1.1972 ( <i>Gazette 9.12.1971 p2370</i> )
1972	55	<i>Motor Vehicles Act Amendment Act 1972</i>	27.4.1972	27.4.1972: s 2(1) except ss 11, 13, 14 and 16—1.4.1973 ( <i>Gazette 8.3.1973 p861</i> )
1972	58	<i>Statutes Amendment (Miscellaneous Provisions) Act 1972</i>	27.4.1972	18.5.1972 ( <i>Gazette 18.5.1972 p1926</i> )
1972	143	<i>Motor Vehicles Act Amendment Act (No. 2) 1972</i>	7.12.1972	21.12.1972 ( <i>Gazette 21.12.1972 p2722</i> )
1973	91	<i>Motor Vehicles Act Amendment Act 1973</i>	13.12.1973	18.2.1974 ( <i>Gazette 17.1.1974 p109</i> )
1974	51	<i>Motor Vehicles Act Amendment Act 1974</i>	30.8.1974	1.10.1974 ( <i>Gazette 30.8.1974 p1605</i> )
1974	89	<i>Motor Vehicles Act Amendment Act (No. 2) 1974</i>	28.11.1974	1.3.1975 ( <i>Gazette 13.2.1975 p506</i> )
1975	22	<i>Motor Vehicles Act Amendment Act 1975</i>	27.3.1975	1.1.1976 ( <i>Gazette 11.12.1975 p3137</i> )
1975	24	<i>Statute Law Revision Act 1975</i>	27.3.1975	27.3.1975
1976	14	<i>Motor Vehicles Act Amendment Act 1976</i>	4.3.1976	13.5.1976 except s 52—7.7.1976 ( <i>Gazette 13.5.1976 p2460</i> )
1976	79	<i>Motor Vehicles Act Amendment Act (No. 2) 1976</i>	9.12.1976	17.1.1977 ( <i>Gazette 13.1.1977 p45</i> )

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1978	120	<i>Motor Vehicles Act Amendment Act 1978</i>	14.12.1978	18.1.1979 except s 13—19.2.1979 and except ss 40 & 45—19.3.1979 and except ss 35—39—1.4.1979 ( <i>Gazette 18.1.1979 p98</i> ) and except s 75—31.5.1979 ( <i>Gazette 31.5.1979 p1611</i> ) and except ss 4(2) & 17—repealed by 65/1989 without coming into operation
1980	37	<i>Motor Vehicles Act Amendment Act 1980</i>	17.4.1980	1.6.1980 ( <i>Gazette 22.5.1980 p1372</i> )
1981	40	<i>Motor Vehicles Act Amendment Act 1981</i>	19.3.1981	4.6.1981 ( <i>Gazette 4.6.1981 p1641</i> )
1981	48	<i>Motor Vehicles Act Amendment Act (No. 2) 1981</i>	18.6.1981	18.6.1981 ( <i>Gazette 18.6.1981 p1841</i> )
1981	49	<i>Motor Vehicles Act Amendment Act (No. 3) 1981</i>	18.6.1981	18.6.1981
1981	66	<i>Motor Vehicles Act Amendment Act (No. 4) 1981</i>	15.10.1981	15.10.1981
1981	98	<i>Motor Vehicles Act Amendment Act (No. 5) 1981</i>	23.12.1981	2.9.1984 ( <i>Gazette 8.3.1984 p548</i> )
1983	10	<i>Motor Vehicles Act Amendment Act 1983</i>	28.4.1983	28.4.1983
1983	20	<i>Motor Vehicles Act Amendment Act (No. 2) 1983</i>	26.5.1983	26.5.1983
1983	90	<i>Motor Vehicles Act Amendment Act (No. 3) 1983</i>	8.12.1983	1.2.1984 ( <i>Gazette 19.1.1984 p88</i> )
1983	119	<i>Motor Vehicles Act Amendment Act (No. 4) 1983</i>	22.12.1983	22.12.1983
1984	50	<i>Statute Law Revision Act 1984</i>	24.5.1984	Sch 3—1.1.1985 ( <i>Gazette 13.12.1984 p1811</i> )
1985	61	<i>Motor Vehicles Act Amendment Act 1985</i>	30.5.1985	5.9.1985 ( <i>Gazette 5.9.1985 p700</i> )
1985	72	<i>Motor Vehicles Act Amendment Act (No. 2) 1985</i>	6.6.1985	1.7.1985 ( <i>Gazette 20.6.1985 p2182</i> )
1986	4	<i>Motor Vehicles Act Amendment Act 1986</i>	13.3.1986	13.3.1986
1986	5	<i>Motor Vehicles Act Amendment Act (No. 2) 1986</i>	13.3.1986	14.4.1960: s 2
1986	94	<i>Motor Vehicles Act Amendment Act (No. 3) 1986</i>	11.12.1986	11.12.1986 except ss 7 & 8—6.1.1987 and except ss 5 & 6—1.1.1988 ( <i>Gazette 11.12.1986 p1820</i> )
1986	127	<i>Motor Vehicles Act Amendment Act (No. 4) 1986</i>	24.12.1986	8.2.1987 ( <i>Gazette 5.2.1987 p248</i> )
1987	12	<i>Motor Vehicles Act Amendment Act 1987</i>	9.4.1987	9.4.1987
1987	75	<i>Motor Vehicles Act Amendment Act (No. 2) 1987</i>	19.11.1987	27.1.1988 ( <i>Gazette 21.1.1988 p116</i> )
1987	81	<i>Motor Vehicles Act Amendment Act (No. 3) 1987</i>	26.11.1987	26.11.1987
1988	40	<i>Motor Vehicles Act Amendment Act 1988</i>	5.5.1988	8.2.1987: s 2

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1989	11	<i>Motor Vehicles Act Amendment Act 1989</i>	30.3.1989	30.3.1989
1989	15	<i>Motor Vehicles Act Amendment Act (No. 2) 1989</i>	20.4.1989	4.9.1989 ( <i>Gazette 31.8.1989 p700</i> )
1989	35	<i>Motor Vehicles Act Amendment Act (No. 3) 1989</i>	4.5.1989	30.10.1989 ( <i>Gazette 26.10.1989 p1298</i> ) except s 3—which will not be brought into operation as the amendment it made was subsequently substituted by 20/1990, s 18
1989	53	<i>Motor Vehicles Act Amendment Act (No. 4) 1989</i>	14.9.1989	13.11.1989 ( <i>Gazette 2.11.1989 p1349</i> )
1989	65	<i>Motor Vehicles Act Amendment Act (No. 5) 1989</i>	29.10.1989	28.3.1990 ( <i>Gazette 15.3.1990 p728</i> )
1990	20	<i>Motor Vehicles Act Amendment Act 1990</i>	26.4.1990	17.7.1990 ( <i>Gazette 5.7.1990 p198</i> )
1990	51	<i>Motor Vehicles Act Amendment Act (No. 2) 1990</i>	22.11.1990	31.1.1991 ( <i>Gazette 24.1.1991 p232</i> )
1990	82	<i>Motor Vehicles Act Amendment Act (No. 3) 1990</i>	20.12.1990	20.12.1990
1991	12	<i>Road Traffic (Alcohol, Speed and Helmets) Amendment Act 1991</i>	28.3.1991	1.7.1991 ( <i>Gazette 9.5.1991 p1484</i> )
1991	54	<i>Motor Vehicles (Historic Vehicles and Disabled Persons' Parking) Amendment Act 1991</i>	28.11.1991	3.2.1992 ( <i>Gazette 23.1.1992 p200</i> )
1992	1	<i>Motor Vehicles (Licences and Demerit Points) Amendment Act 1992</i>	5.3.1992	1.6.1992 ( <i>Gazette 28.5.1992 p1512</i> )
1992	69	<i>Statutes Amendment (Public Actuary) Act 1992</i>	19.11.1992	10.12.1992 ( <i>Gazette 10.12.1992 p1752</i> )
1992	73	<i>Criminal Law (Sentencing) (Suspension of Vehicle Registration) Amendment Act 1992</i>	19.11.1992	s 4—1.7.1993 ( <i>Gazette 1.7.1993 p198</i> )
1992	87	<i>Motor Vehicles (Confidentiality) Amendment Act 1992</i>	3.12.1992	1.7.1993 ( <i>Gazette 22.4.1993 p1400</i> )
1993	4	<i>Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Act 1993</i>	4.3.1993	1.7.1993 ( <i>Gazette 6.5.1993 p1578</i> )
1993	5	<i>Statutes Amendment (Motor Vehicles and Wrongs) Act 1993</i>	4.3.1993	3.5.1993 ( <i>Gazette 29.4.1993 p1476</i> )
1993	34	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1993</i>	13.5.1993	s 8—5.8.1993 ( <i>Gazette 29.7.1993 p682</i> )
1993	73	<i>Motor Vehicles (Driving Whilst Disqualified—Penalties) Amendment Act 1993</i>	21.10.1993	21.10.1993
1994	65	<i>Motor Vehicles (Learners' Permits and Probationary Licences) Amendment Act 1994</i>	3.11.1994	5.12.1994 ( <i>Gazette 1.12.1994 p1869</i> )
1994	76	<i>Motor Vehicles (Conditional Registration) Amendment Act 1994</i>	8.12.1994	2.3.1995 ( <i>Gazette 2.3.1995 p734</i> )
1995	47	<i>SGIC (Sale) Act 1995</i>	22.6.1995	Sch 4—1.5.1995: Sch 4 (cl 1(2))

1995	77	<i>Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995</i>	23.11.1995	1.7.1996 ( <i>Gazette 30.5.1996 p2637</i> )
1995	95	<i>Statutes Amendment (Drink Driving) Act 1995</i>	7.12.1995	Pts 1 & 3—4.4.1996 ( <i>Gazette 4.4.1996 p1886</i> )
1996	29	<i>Motor Vehicles (Miscellaneous) Amendment Act 1996</i>	2.5.1996	1.7.1996 ( <i>Gazette 30.5.1996 p2637</i> ) except ss 9 & 10(a)—24.12.1997 ( <i>Gazette 18.12.1997 p1645</i> )
1996	30	<i>Motor Vehicles (Miscellaneous No. 2) Amendment Act 1996</i>	2.5.1996	1.7.1996 ( <i>Gazette 30.5.1996 p2637</i> , erratum <i>Gazette 6.6.1996 p2874</i> ) except the definition of garage address (as inserted by s 3(b)), ss 7(a) & (b), 22, 40 & 41—27.3.1997 ( <i>Gazette 27.3.1997 p1342</i> ) and except s 21—15.1.1998 ( <i>Gazette 8.1.1998 p4</i> ) and except ss 3(d), 29, 31—37 & 42—2.5.1998 ( <i>Gazette 30.4.1998 p2022</i> )
1996	34	<i>Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996</i>	2.5.1996	Sch cl 24—3.2.1997 ( <i>Gazette 19.12.1996 p1923</i> )
1996	53	<i>Statutes Amendment (Administrative and Disciplinary Division of District Court) Act 1996</i>	1.8.1996	24.3.1997 ( <i>Gazette 20.3.1997 p1292</i> )
1996	65	<i>Motor Vehicles (Trade Plates) Amendment Act 1996</i>	15.8.1996	7.4.1997 ( <i>Gazette 27.3.1997 p1342</i> ) except ss 3, 5—18 and Sch—17.11.1997 ( <i>Gazette 13.11.1997 p1280</i> )
1996	73	<i>Motor Vehicles (Demerit Points) Amendment Act 1996</i>	7.11.1996	7.11.1996
1996	99	<i>Motor Vehicles (Inspection) Amendment Act 1996</i>	19.12.1996	1.7.1997 ( <i>Gazette 26.6.1997 p3051</i> )
1997	51	<i>Motor Vehicles (Farm Implements and Machines) Amendment Act 1997</i>	31.7.1997	15.1.1998 ( <i>Gazette 8.1.1998 p4</i> ) except s 5—27.3.1997: s 2
1997	77	<i>Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1997</i>	18.12.1997	1.7.1996: s 2
1998	13	<i>Motor Vehicles (Disabled Persons' Parking Permits) Amendment Act 1998</i>	2.4.1998	28.5.1998 ( <i>Gazette 21.5.1998 p2199</i> )
1998	14	<i>Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Act 1998</i>	2.4.1998	6.9.1999 ( <i>Gazette 26.8.1999 p955</i> )
1998	53	<i>Motor Vehicles (Cheque and Debit or Credit Card Payments) Amendment Act 1998</i>	3.9.1998	3.9.1998
1998	60	<i>Statutes Amendment (Fine Enforcement) Act 1998</i>	3.9.1998	Pt 8 (ss 41—43)—6.3.2000 ( <i>Gazette 18.11.1999 p2358</i> )
1998	67	<i>Statutes Amendment (Motor Accidents) Act 1998</i>	17.9.1998	Pt 2 (ss 4—12) & Pt 4 (s 14)—29.10.1998 ( <i>Gazette 17.9.1998 p902</i> )
1998	76	<i>Road Traffic (Road Events) Amendment Act 1998</i>	17.12.1998	14.1.1999 ( <i>Gazette 14.1.1999 p378</i> )
1999	39	<i>Road Traffic (Road Rules) Amendment Act 1999</i>	5.8.1999	1.12.1999 ( <i>Gazette 11.11.1999 p2254</i> )

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1999	52	<i>Motor Vehicles (Miscellaneous) Amendment Act 1999</i>	12.8.1999	s 92(a), (c)—6.9.1999 ( <i>Gazette 26.8.1999 p955</i> ); ss 3, 4(a), (e)—(g), (m) & (s), 9(a)—(c), (e) & (f), 11, 13, 16, 17, 24, 35, 37, 41, 48, 49, 57, 63(a), (b), 68—71, 79, 83, 84, 87(b), 89, 90(b), 92(b), 93, 94 and 97—1.12.1999 ( <i>Gazette 25.11.1999 p2434</i> ); ss 44(d), (g) and 50(f)—23.3.2000 ( <i>Gazette 16.3.2000 p1420</i> ); s 76—1.7.2000 ( <i>Gazette 29.6.2000 p3414</i> ); ss 4(d), (j), (k), (n), (p)—(r), (t), 5, 39, 40, 42, 43, 44(a)—(c), (e), (f), 45—47, 50(a)—(e), 51—56, 58, 60—62, 63(c), 64—67, 72—75, 78, 85, 86, 87(a), 90(c) & 95—17.6.2001 ( <i>Gazette 7.7.2001 p2144</i> ); ss 4(b), (c), (h), (i), (l), (o) & (u), 6—8, 9(d), 10, 12, 14, 15, 18—23, 25—34, 36, 38 59, 77, 80—82, 88, 90(a), 91 & 96—9.7.2001 ( <i>Gazette 5.7.2001 p2536</i> )
1999	67	<i>Motor Vehicles (Heavy Vehicles Speeding Control Scheme) Amendment Act 1999</i>	18.11.1999	ss 1—4—9.7.2001 ( <i>Gazette 5.7.2001 p2536</i> )
2000	4	<i>District Court (Administrative and Disciplinary Division) Amendment Act 2000</i>	20.4.2000	Sch 1 (cl 26)—1.6.2000 ( <i>Gazette 18.5.2000 p2554</i> ); Sch 1 (cl 27)—17.6.2001 ( <i>Gazette 7.6.2001 p2144</i> ) same day as ss 52 & 75 of 52/1999
2000	30	<i>Motor Vehicles (Miscellaneous) Amendment Act 2000</i>	6.7.2000	6.7.2000 ( <i>Gazette 6.7.2000 p4</i> )
2000	76	<i>Statutes Amendment (Transport Portfolio) Act 2000</i>	14.12.2000	Pt 3 (ss 5—8)—1.3.2001 ( <i>Gazette 18.1.2001 p70</i> )
2000	91	<i>Road Traffic (Alcohol Interlock Scheme) Amendment Act 2000</i>	21.12.2000	ss 8 & 9—16.7.2001 ( <i>Gazette 12.7.2001 p2594</i> )
2001	17	<i>Statutes Amendment (Transport Portfolio) Act 2001</i>	17.5.2001	ss 11—14—17.6.2001 ( <i>Gazette 7.6.2001 p2145</i> ); ss 10(c) & 15—9.7.2001 ( <i>Gazette 5.7.2001 p2536</i> ); s 10(a) & (b)—uncommenced
2002	17	<i>Statutes Amendment (Third Party Bodily Injury Insurance) Act 2002</i>	12.9.2002	Pt 3 (ss 15—19)—3.10.2002 ( <i>Gazette 3.10.2002 p3578</i> )
2002	34	<i>Statutes Amendment (Corporations—Financial Services Reform) Act 2002</i>	28.11.2002	Pt 9 (ss 22 & 23)—1.8.2003 ( <i>Gazette 10.7.2003 p2913</i> )
2002	37	<i>Statutes Amendment (Transport Portfolio) Act 2002</i>	28.11.2002	Pt 4 (ss 10—15)—3.7.2003 ( <i>Gazette 3.7.2003 p2877</i> )
2003	8	<i>Statutes Amendment (Road Safety Reforms) Act 2003</i>	12.6.2003	Pt 3 (ss 8—20)—15.12.2003 ( <i>Gazette 11.12.2003 p4431</i> )
2003	44	<i>Statute Law Revision Act 2003</i>	23.10.2003	Sch 1—24.11.2003 ( <i>Gazette 13.11.2003 p4048</i> )
2004	6	<i>Motor Vehicles (Suspension of Licences of Medically Unfit Drivers) Amendment Act 2004</i>	1.4.2004	1.4.2004
2004	9	<b><i>Law Reform (Ipp Recommendations) Act 2004</i></b>	<b>8.4.2004</b>	<b>Pt 4 (ss 77—80)—uncommenced</b>

## Provisions amended since 3 February 1976

- 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.
- Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 1 January 1985 and as at 18 December 1989. Schedules of these alterations were laid before Parliament on 12 February 1985 and 8 February 1990 respectively.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
s 2	deleted in pursuance of the <i>Acts Republication Act 1967</i> as its function is now exhausted inserted by 52/1999 s 3	
s 3	<i>deleted by 50/1984 s 3(1) (Sch 3)</i>	
s 4	<i>amended by 14/1976 s 3</i> <i>amended by 120/1978 s 3</i> <i>deleted in pursuance of the Acts Republication Act 1967</i>	
s 5		
s 5(1)		
accident	inserted by 98/1981 s 3(a)	
accident towing direction	inserted by 98/1981 s 3(a)	
accident towing roster scheme	inserted by 98/1981 s 3(a)	
agriculture	inserted by 51/1997 s 3(a)	
agricultural	inserted by 51/1997 s 3(a)	
agricultural implement	inserted by 52/1999 s 4(a)	
agricultural machine	inserted by 52/1999 s 4(a)	
alcohol interlock scheme conditions	inserted by 8/2003 s 8(a)	
<i>articulated motor vehicle</i>	<i>deleted by 65/1989 s 3(a)</i>	
authority to tow	inserted by 98/1981 s 3(b)	
<i>authorised agent</i>	<i>inserted by 51/1990 s 3(a)</i> <i>deleted by 52/1999 s 4(b)</i>	
authorised examiner	inserted by 14/1976 s 4(a)	
the balance of the prescribed registration fee	inserted by 14/1976 s 4(a)  amended by 120/1978 s 4(1)(a) amended by 30/1996 s 3(a)	

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<i>business name</i>	<i>amended by 13/1998 s 10 (Sch)</i> <i>deleted by 52/1999 s 4(c)</i>	
commercial motor vehicle	substituted by 65/1989 s 3(b)	
<i>the committee</i>	<i>inserted by 98/1981 s 3(c)</i> <i>deleted by 52/1999 s 4(d)</i>	
the Commonwealth Road Transport Charges Act	inserted by 77/1995 s 3(a)	
	amended by 52/1999 s 4(e)	
configuration	inserted by 77/1995 s 3(a)	
declared area	inserted by 98/1981 s 3(d)	
	amended by 50/1984 s 3(1) (Sch 3)	
	substituted by 13/1998 s 10 (Sch)	
District Court	inserted by 52/1999 s 4(f)	
<i>farm implement</i>	<i>inserted by 30/1996 s 3(b)</i> <i>substituted by 51, 1997 s 3(b)</i> <i>deleted by 52/1999 s 4(g)</i>	
<i>farm machine</i>	<i>inserted by 51/1997 s 3(b)</i> <i>deleted by 52/1999 s 4(g)</i>	
foreign licence	inserted by 52/1999 s 4(g)	
garage address	inserted by 30/1996 s 3(b)	
gross combination mass or GCM	inserted by 52/1999 s 4(h)	
<b>health professional</b>	<b>inserted by 6/2004 s 3</b>	<b>1.4.2004</b>
gross vehicle mass or CVM	inserted by 52/1999 s 4(h)	
heavy vehicle	inserted by 77/1995 s 3(b)	
	substituted by 52/1999 s 4(i)	
interstate licence	inserted by 11/1989 s 2	
learner's permit conditions	inserted by 52/1999 s 4(j)	
<i>Minister</i>	<i>deleted by 120/1978 s 4(1)(b)</i>	
<i>mass</i>	<i>inserted by 120/1978 s 4(1)(b)</i> <i>deleted by 52/1999 s 4(k)</i>	
<i>mobile crane</i>	<i>amended by 14/1976 s 4(b)</i> <i>deleted by 52/1999 s 4(k)</i>	
<i>mobile fork lift</i>	<i>deleted by 52/1999 s 4(k)</i>	
motor bike	inserted by 52/1999 s 4(k)	
<i>motor car</i>	<i>amended by 120/1978 s 4(1)(c)</i> <i>deleted by 52/1999 s 4(k)</i>	
<i>motor cycle</i>	<i>deleted by 52/1999 s 4(k)</i>	
<i>motor omnibus</i>	<i>amended by 120/1978 s 4(1)(d)</i> <i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i>	

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motor vehicle	substituted by 52/1999 s 4(k)
number	substituted by 61/1985 s 3
operator	inserted by 52/1999 s 4(l)
owner	amended by 50/1984 s 3(1) (Sch 3)
photograph	inserted by 37/2002 s 10 amended by 8/2003 s 8(b)
photographic detection device	inserted by 8/2003 s 8(c)
premises	inserted by 98/1981 s 3(e)
premium or insurance premium	substituted by 49/1981 s 2 amended by 67/1998 s 4
prescribed registration fee	inserted by 14/1976 s 4(c) substituted by 77/1995 s 3(c) substituted by 30/1996 s 3(c) substituted by 77/1997 s 3 amended by 52/1999 s 4(m)
primary producer	amended by 51/1997 s 3(c)
prime mover	inserted by 65/1989 s 3(c) substituted by 52/1999 s 4(n)
<i>probationary conditions</i>	<i>inserted by 15/1989 s 3 deleted by 30/1996 s 3(d)</i>
probationary licence	inserted by 15/1989 s 3 deleted by 30/1996 s 3(d) inserted by 52/1999 s 4(n)
probationary licence conditions	inserted by 52/1999 s 4(n)
provisional licence	inserted by 30/1996 s 3(d)
provisional licence conditions	inserted by 30/1996 s 3(d)
quarter	inserted by 77/1995 s 3(d)
quotation for repair	inserted by 98/1981 s 3(f)
reduced registration fee	inserted by 14/1976 s 4(d) substituted by 30/1996 s 3(e)
registered operator	inserted by 52/1999 s 4(o)
registered owner	substituted by 52/1999 s 4(o)
registered premises	inserted by 98/1981 s 3(g)
the Registrar	amended by 120/1978 s 4(1)(e)
registration	inserted by 20/1990 s 3
review committee	inserted by 52/1999 s 4(p)
road	substituted by 52/1999 s 4(p)
road-related area	inserted by 52/1999 s 4(p)

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scene of an accident	inserted by 98/1981 s 3(h)
semi-trailer	inserted by 52/1999 s 4(q)
temporary towtruck certificate	inserted by 98/1981 s 3(i)
tow	inserted by 98/1981 s 3(j)
towtruck	substituted by 14/1976 s 4(e) substituted by 98/1981 s 3(j)
towtruck certificate	inserted by 14/1976 s 4(e) substituted by 98/1981 s 3(j)
towtruck driver	inserted by 98/1981 s 3(j)
towtruck operator	inserted by 98/1981 s 3(j)
tractor	<i>deleted by 14/1976 s 4(f)</i>
trailer	amended by 65/1989 s 3(d) substituted by 52/1999 s 4(r)
<i>the Tribunal</i>	<i>inserted by 98/1981 s 3(k)</i> <i>deleted by 53/1996 s 4</i>
vehicle	inserted by 52/1999 s 4(r)
weight	<i>substituted by 14/1976 s 4(g)</i> <i>deleted by 79/1976 s 3</i>
<i>mass</i>	<i>inserted by 79/1976 s 3</i> <i>deleted by 120/1978 s 4(1)(f)</i>
s 5	
s 5(1a)	inserted by 52/1999 s 4(s)
s 5(2)	substituted by 120/1978 s 4(1)(g)
s 5(2a) and (2b)	inserted by 52/1999 s 4(t)
s 5(3)	substituted by 52/1999 s 4(t)
s 5(3a)	inserted by 120/1978 s 4(1)(h)
s 5(5)	<i>inserted by 51/1990 s 3(b)</i> <i>deleted by 52/1999 s 4(u)</i>
s 5(6)	inserted by 34/1996 s 4 (Sch cl 24)
s 6	inserted by 52/1999 s 5
<i>Heading preceding s 7</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 1 heading	inserted by 44/2003 s 3(1) (Sch 1)
s 7	
s 7(1)	amended by 52/1999 s 6(a)
s 7(2)	amended by 52/1999 s 6(b), (c)
s 7(2a)	<i>deleted by 120/1978 s 5</i>
s 7(3)	deleted by 120/1978 s 5 inserted by 51/1990 s 4 substituted by 52/1999 s 6(d)
s 7(4) and (5)	inserted by 51/1990 s 4 substituted by 52/1999 s 6(d)
s 7(6) and (7)	inserted by 52/1999 s 6(d)

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s 9	amended by 120/1978 s 6 amended by 11/1989 Sch amended by 73/1992 s 4(a) amended by 13/1998 s 10 (Sch) substituted by 52/1999 s 7
<i>Heading preceding s 10</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 2 heading	inserted by 44/2003 s 3(1) (Sch 1)
s 10	amended by 65/1996 s 3
s 10A	inserted by 65/1996 s 4
s 11	<i>substituted by 30/1996 s 4</i> <i>deleted by 52/1999 s 8</i>
s 12	amended by 77/1995 s 4 substituted by 30/1996 s 4
s 12(1)	amended by 51/1997 s 4(a), (b) amended by 52/1999 s 9(a)
s 12(2)	amended by 51/1997 s 4(c) amended by 52/1999 s 9(a), (b)
s 12(2a) and (2b)	inserted by 51/1997 s 4(d) amended by 52/1999 s 9(a), (c)
s 12(2c)	inserted by 52/1999 s 9(d)
s 12(3)	amended by 51/1997 s 4(e) amended by 52/1999 s 9(a)
s 12(4)	inserted by 51/1997 s 4(f)
prescribed agricultural machine	amended by 52/1999 s 9(e), (f)
s 12A	amended by 120/1978 s 7 substituted by 52/1999 s 10
s 12B	inserted by 52/1999 s 10
s 13	<i>deleted by 30/1996 s 5</i>
<i>ss 14 and 15</i>	<i>deleted by 120/1978 s 8</i>
s 16	amended by 120/1978 s 9 amended by 4/1986 s 2 amended by 11/1989 Sch substituted by 20/1990 s 4
s 16(2)	amended by 30/1996 s 6(a)
s 16(9) and (11)	amended by 13/1998 s 10 (Sch)
s 16(14)	amended by 30/1996 s 6(b)
s 17	<i>amended by 14/1976 s 5</i> <i>deleted by 120/1978 s 10</i>
<i>ss 17A and 18</i>	<i>deleted by 120/1978 s 10</i>
s 19	<i>amended by 14/1976 s 6</i> <i>deleted by 120/1978 s 10</i>

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s 19A	amended by 120/1978 s 11 substituted by 52/1999 s 11
<i>Heading preceding s 20</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 3 heading	inserted by 44/2003 s 3(1) (Sch 1)
s 20	
s 20(1)	amended by 77/1995 s 5(a) amended by 30/1996 s 7(a), (b) amended by 51/1997 s 5 substituted by 52/1999 s 12(a)
s 20(1a)	inserted by 52/1999 s 12(a)
s 20(2)	amended by 14/1976 s 7 amended by 76/1994 s 3 amended by 77/1995 s 5(b) amended by 30/1996 s 7(c)
s 20(2a)	inserted by 120/1978 s 12(a) amended by 20/1990 s 5 amended by 52/1999 s 12(b)
s 20(3)	substituted by 52/1999 s 12(c)
s 20(4)	amended by 120/1978 s 12(b)
s 21	inserted by 20/1990 s 6 amended by 76/1994 s 4 amended by 30/1996 s 8 amended by 52/1999 s 13
s 22	amended by 4/1993 s 3
s 23A	inserted by 99/1996 s 3
s 23A(2)	amended by 13/1998 s 10 (Sch)
s 24	
s 24(1)	amended by 120/1978 s 13 amended by 61/1985 s 4(a) substituted by 77/1995 s 6(a) amended by 30/1996 s 9(a) substituted by 52/1999 s 14(a)
s 24(1a)	deleted by 61/1985 s 4(b) inserted by 94/1986 s 3 amended by 77/1995 s 6(b) substituted by 52/1999 s 14(a)
s 24(1b)	inserted by 94/1986 s 3 substituted by 77/1995 s 6(c) substituted by 30/1996 s 9(b) substituted by 52/1999 s 14(a)
s 24(1c)	inserted by 94/1986 s 3
s 24(2)	substituted by 82/1990 s 2 substituted by 4/1993 s 4

	amended by 99/1996 s 4(a)
	amended by 52/1999 s 14(b)
s 24(3)	substituted by 4/1993 s 4
	amended by 99/1996 s 4(b)
	substituted by 52/1999 s 14(c)
	amended by 17/2001 s 10(c)
s 24(4)	<i>deleted by 4/1993 s 4</i>
s 24(5)	<i>substituted by 81/1987 s 2</i>
	<i>deleted by 4/1993 s 4</i>
<i>Heading preceding s 25</i>	<i>inserted by 76/1994 s 5</i>
	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 4 heading	inserted by 44/2003 s 3(1) (Sch 1)
s 25	inserted by 76/1994 s 5
s 25(1)	substituted by 77/1995 s 7
	substituted by 30/1996 s 10(a)
s 25(2)	amended by 52/1999 s 15(a), (b)
	(c) deleted by 30/1996 s 10(b)
s 25(3)	deleted by 30/1996 s 10(c)
	inserted by 52/1999 s 15(c)
<i>Heading preceding s 26</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 5 heading	inserted by 44/2003 s 3(1) (Sch 1)
s 26	substituted by 120/1978 s 14
	amended by 94/1986 s 4
	amended by 29/1996 s 3
	substituted by 52/1999 s 16
<i>Heading preceding s 27</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 6 heading	inserted by 44/2003 s 3(1) (Sch 1)
s 27	substituted by 14/1976 s 8
ss 28—30	<i>deleted by 14/1976 s 8</i>
s 31	
s 31(1)	s 31 amended and redesignated as s 31(1) by 14/1976 s 9
	amended by 120/1978 s 15(b)
	(a)—(g) deleted by 30/1996 s 11
	(h) deleted by 120/1978 s 15(a)
	(i), (k), (m) and (n) deleted by 30/1996 s 11
	(o) deleted by 120/1978 s 15(c)
	(p) deleted by 30/1996 s 11
s 31(2)	inserted by 14/1976 s 9(b)
s 31(3)	inserted by 77/1995 s 8
s 32	<i>amended by 76/1994 s 6</i>
	<i>amended by 77/1995 s 9</i>
	<i>amended by 30 1996, s 12</i>

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	<i>deleted by 52/1999 s 17</i>
s 33	<i>amended by 14/1976 s 10</i> <i>amended by 120/1978 s 16</i> <i>deleted by 94/1986 s 5</i>
s 33A	<i>amended by 79/1976 s 4</i> <i>deleted by 65/1989 s 4</i>
s 34	
s 34(1)	amended by 14/1976 s 11 amended by 120/1978 s 18 amended by 77/1995 s 10 amended by 30/1996 s 13
s 34A	<i>inserted by 77/1995 s 11</i> <i>deleted by 30/1996 s 14</i>
s 35	<i>amended by 14/1976 s 12</i> <i>amended by 120/1978 s 19</i> <i>deleted by 30/1996 s 14</i>
s 36	<i>amended by 14/1976 s 13</i> <i>deleted by 30/1996 s 14</i>
s 37	
s 37(1)	amended by 12/1987 s 2
s 37(2)	amended by 14/1976 s 14 amended by 77/1995 s 12 amended by 30/1996 s 15
s 37A	inserted by 30/1996 s 16
s 38	
s 38(1)	amended by 14/1976 s 15(a) amended by 79/1976 s 5 amended by 76/2000 s 5
s 38(3)	amended by 14/1976 s 15(b)
s 38A	
s 38A(1)	amended by 14/1976 s 16(a) amended by 79/1976 s 6 amended by 120/1978 s 20 amended by 13/1998 s 10 (Sch)
s 38A(3)	amended by 14/1976 s 16(b)
s 38AB	
s 38AB(1)	amended by 14/1976 s 17(a) amended by 79/1976 s 7 amended by 120/1978 s 21 amended by 13/1998 s 10 (Sch)
s 38AB(3)	amended by 14/1976 s 17(b)
s 38B	
s 38B(1)	amended by 14/1976 s 18(a)

	amended by 79/1976 s 8
s 38B(3)	amended by 14/1976 s 18(b)
s 39	<i>deleted by 14/1976 s 19</i> <i>inserted by 54/1991 s 3</i> <i>deleted by 30/1996 s 17</i>
s 40	substituted by 14/1976 s 20 r 40(1) redesignated as s 40 in pursuance of the <i>Acts Republication Act 1967</i> amended by 52/1999 s 18
s 40(2)	<i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i>
s 40A	amended by 14/1976 s 21
s 41	
s 41(1)	
motor vehicle of restricted registration	amended by 14/1976 s 22(a), (b)  amended by 90/1983 s 3(a) amended by 94/1986 s 6(a), (b) paragraph (c) deleted by 94/1986 s 6(b)
s 41(2)	amended by 14/1976 s 22(c) amended by 120/1978 s 22 amended by 90/1983 s 3(b) amended by 94/1986 s 6(c) amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 41(2a)	inserted by 30/1996 s 18(a) amended by 13/1998 s 10 (Sch)
s 41(3)	inserted by 90/1983 s 3(c) amended by 94/1986 s 6(d) amended by 30/1996 s 18(b)
s 41(4) and (5)	inserted by 90/1983 s 3(c)
s 42	amended by 14/1976 s 23 substituted by 20/1990 s 7
s 43	
s 43(1)	amended by 52/1999 s 19(a)
s 43(3)	amended by 52/1999 s 19(b)
s 43(5) and (5a)	<i>deleted by 120/1978 s 23(a)</i>
s 43(6)	<i>deleted by 30/1996 s 19</i>
s 43(7)	<i>amended by 120/1978 s 23(b)</i> <i>amended by 11/1989 Sch</i> <i>deleted by 30/1996 s 19</i>
s 43A	inserted by 77/1995 s 13
s 43A(3)	amended by 13/1998 s 10 (Sch)

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s 43A(4)	amended by 52/1999 s 20(a)
s 43A(7)	substituted by 30/1996 s 20 amended by 13/1998 s 10 (Sch)
s 43A(13)	amended by 52/1999 s 20(b)
<i>Heading preceding s 44</i>	<i>inserted by 4/1993 s 5</i> <i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 7 heading s 44	inserted by 44/2003 s 3(1) (Sch 1)
s 44(1)	substituted by 14/1998 s 3(a) substituted by 52/1999 s 21(a)
s 44(1a)	inserted by 14/1998 s 3(a)
s 44(2)	<i>amended by 14/1976 s 24(a)</i> <i>amended by 79/1976 s 9</i> <i>amended by 120/1978 s 24(a)</i> <i>deleted by 52/1999 s 21(b)</i>
s 44(3)	amended by 14/1976 s 24(b) amended by 120/1978 s 24(b), (c) substituted by 4/1993 s 6(a) amended by 52/1999 s 21(c)
s 44(3a)	inserted by 4/1993 s 6(a)
s 44(3b)	inserted by 77/1995 s 14
s 44(4)	amended by 120/1978 s 24(d) amended by 13/1998 s 10 (Sch) substituted by 14/1998 s 3(b) substituted by 52/1999 s 21(d)
s 44(4a)	inserted by 52/1999 s 21(d)
s 44(6)	inserted by 4/1993 s 6(b)
s 45	amended by 52/1999 s 22
<i>Heading preceding s 46</i>	<i>substituted by 61/1985 s 5</i> <i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 8 heading s 46	inserted by 44/2003 s 3(1) (Sch 1) amended by 14/1976 s 25 amended by 120/1978 s 25 substituted by 61/1985 s 5
s 46A	<i>inserted by 49/1981 s 3</i> <i>deleted by 61/1985 s 5</i>
s 47	substituted by 120/1978 s 26 substituted by 61/1985 s 5
s 47(1)	amended by 11/1989 Sch substituted by 30/1996 s 21 amended by 51/1997 s 6 amended by 13/1998 s 10 (Sch) amended by 52/1999 s 23(a)

s 47(1a) and (1b)	inserted by 52/1999 s 23(b)
s 47(2)	amended by 75/1987 s 3 amended by 52/1999 s 23(c)
s 47A	inserted by 61/1985 s 5
s 47A(4)	amended by 52/1999 s 24(a)
s 47A(7)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch) amended by 52/1999 s 24(b)
s 47B	inserted by 61/1985 s 5
s 47B(1)	amended by 52/1999 s 25
s 47B(2)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 47C	inserted by 30/1996 s 22
s 47C(1)	amended by 52/1999 s 26(a)
s 47C(2)	amended by 52/1999 s 26(b)
s 47C(3) and (5)	amended by 13/1998 s 10 (Sch)
s 47D	inserted by 52/1999 s 27
<i>Heading preceding s 48</i>	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 9 heading	inserted by 44/2003 s 3(1) (Sch 1)
s 48	
s 48(1)	substituted by 20/1990 s 8(a) amended by 52/1999 s 28(a)
s 48(1a)	amended by 52/1999 s 28(b)
s 48(1b)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 48(2)	substituted by 20/1990 s 8(b)
s 48(3)	amended by 120/1978 s 27 amended by 11/1989 Sch amended by 20/1990 s 8(c) amended by 13/1998 s 10 (Sch) amended by 52/1999 s 28(c)
s 48(3a)	inserted by 52/1999 s 28(d)
s 48(4)	s 48(3) proviso redesignated as s 48(4) in pursuance of the <i>Acts Republication Act 1967</i> amended by 52/1999 s 28(e)
s 48(5)	inserted by 52/1999 s 28(f)
s 49	<i>amended by 120/1978 s 28</i> <i>amended by 11/1989 Sch</i> <i>deleted by 20/1990 s 9</i>
s 50	amended by 14/1976 s 26 amended by 20/1990 s 10 substituted by 52/1999 s 29
s 51	<i>amended by 14/1976 s 27</i>

	<i>amended by 20/1990 s 11</i>
	<i>deleted by 52/1999 s 29</i>
s 52	amended by 120/1978 s 29
	amended by 11/1989 Sch
	amended by 51/1990 s 5
	substituted by 30/1996 s 23
s 52(1)	amended by 52/1999 s 30(a)
s 52(2)	amended by 52/1999 s 30(b)
s 52(3) and (5)	amended by 13/1998 s 10 (Sch)
s 53	
s 53(1)	amended by 120/1978 s 30
	amended by 11/1989 Sch
	substituted by 20/1990 s 12
	amended by 13/1998 s 10 (Sch)
	amended by 52/1999 s 31(a)
s 53(1a) and (1b)	inserted by 52/1999 s 31(b)
<i>Heading preceding s 54</i>	<i>substituted by 52/1999 s 32</i>
	<i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 10 heading	inserted by 44/2003 s 3(1) (Sch 1)
s 54	amended by 14/1976 s 28
	amended by 120/1978 s 31
	amended by 4/1993 s 7
	substituted by 30/1996 s 24
s 54(1)	amended by 52/1999 s 33
s 55	<i>amended by 14/1976 s 29</i>
	<i>amended by 120/1978 s 32</i>
	<i>amended by 77/1995 s 15</i>
	<i>deleted by 30/1996 s 25</i>
s 55A	inserted by 4/1993 s 8
	amended by 30/1996 s 26
	amended by 14/1998 s 4
	substituted by 52/1999 s 34
s 56	amended by 120/1978 s 33
	amended by 4/1986 s 3
	amended by 11/1989 Sch
	amended by 20/1990 s 13
	amended by 30/1996 s 27
	amended by 52/1999 s 35
s 57	amended by 14/1976 s 30
	amended by 120/1978 s 34
	amended by 4/1986 s 4
	amended by 11/1989 Sch
	substituted by 20/1990 s 14

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s 57(1) and (2)	amended by 13/1998 s 10 (Sch)
s 57(5)—(8)	inserted by 52/1999 s 36
s 57A	inserted by 20/1990 s 15
s 58	
s 58(1)	s 58 amended by 14/1976 s 31 s 58 amended by 20/1990 s 16 s 58 amended and redesignated as s 58(1) by 4/1993 s 9
s 58(2)	inserted by 4/1993 s 9(b)
s 58(3) and (4)	inserted by 4/1993 s 9(b) substituted by 52/1999 s 37
s 60	
s 60(1)	substituted by 20/1990 s 17
s 60(2)	amended by 14/1976 s 32 substituted by 30/1996 s 28
<i>Heading preceding s 62</i>	<i>amended by 65/1996 s 5</i> <i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 11 heading	inserted by 44/2003 s 3(1) (Sch 1)
s 62	
s 62(1)	substituted by 65/1996 s 6(a)
s 62(2)	amended by 14/1976 s 33 amended by 120/1978 s 35(a), (b) substituted by 65/1996 s 6(a)
s 62(3)	deleted by 120/1978 s 35(c) inserted by 65/1996 s 6(a)
s 62(4)	amended by 120/1978 s 35(d) amended by 65/1996 s 6(b)
s 62(5)	<i>deleted by 120/1978 s 35(e)</i>
s 62(6)	amended by 120/1978 s 35(f) amended by 65/1996 s 6(c) amended by 13/1998 s 10 (Sch)
s 62(7)	amended by 120/1978 s 35(g), (h) amended by 65/1996 s 6(d)
s 63	<i>deleted by 14/1976 s 34</i>
s 64	amended by 14/1976 s 35 amended by 65/1996 s 7
s 65	substituted by 4/1986 s 5 substituted by 65/1996 s 8
s 66	amended by 14/1976 s 36 amended by 79/1976 s 10 amended by 120/1978 s 36 amended by 11/1989 Sch substituted by 65/1996 s 8

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s 66(2)	amended by 13/1998 s 10 (Sch)
s 67	<i>amended by 14/1976 s 37</i> <i>amended by 120/1978 s 37</i> <i>amended by 11/1989 Sch</i> <i>deleted by 65/1996 s 8</i>
ss 68, 69 and 69A	<i>deleted by 14/1976 s 38</i>
s 70	
s 70(1)	substituted by 120/1978 s 38(a) amended by 65/1996 s 9(a)
s 70(2)	substituted by 120/1978 s 38(a) amended by 11/1989 Sch amended by 65/1996 s 9(b) amended by 13/1998 s 10 (Sch)
s 70(3)	<i>deleted by 120/1978 s 38(a)</i>
s 70(4)	amended by 120/1978 s 38(b), (c) amended by 65/1996 s 9(c)
s 70(5)	substituted by 120/1978 s 38(d) substituted by 65/1996 s 9(d)
s 71	
s 71(1)	substituted by 120/1978 s 39(a) amended by 11/1989 Sch amended by 65/1996 s 10 amended by 13/1998 s 10 (Sch)
s 71(2)	amended by 14/1976 s 39 amended by 120/1978 s 39(b)—(d) amended by 65/1996 s 10
s 71(3)	amended by 120/1978 s 39(e), (f) amended by 65/1996 s 10
s 71AA	<i>deleted by 14/1976 s 40</i>
Heading preceding 71A	<i>substituted by 52/1999 s 38</i> <i>deleted by 44/2003 s 3(1) (Sch 1)</i>
Pt 2 Div 12 heading	inserted by 44/2003 s 3(1) (Sch 1)
s 71A	amended by 13/1998 s 10 (Sch) substituted by 52/1999 s 38
s 71B	inserted by 52/1999 s 38
Pt 2A comprising ss 71C—71L and heading	inserted by 67/1999 s 3
s 71C	
s 71C(1)	prescribed financial market inserted by 34/2002 s 22(a)
s 71C(3)	amended by 34/2002 s 22(b), (c)
s 72	

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s 72(1)	amended by 120/1978 s 40(a) substituted by 94/1986 s 7(a)
s 72(2)	<i>amended by 79/1976 s 11</i> <i>amended by 120/1978 s 40(b)</i> <i>deleted by 94/1986 s 7(a)</i>
s 72(3)—(5)	<i>deleted by 94/1986 s 7(a)</i>
s 72(5a)	<i>inserted by 120/1978 s 40(c)</i> <i>deleted by 94/1986 s 7(a)</i>
s 72(6)	<i>deleted by 94/1986 s 7(a)</i>
s 72(7)—(9)	substituted by 120/1978 s 40(d)
s 72(9a) and (9b)	<i>inserted by 120/1978 s 40(e)</i> <i>deleted by 94/1986 s 7(b)</i>
s 72(10)	amended by 79/1976 s 11 amended by 120/1978 s 40(f) deleted by 94/1986 s 7(b) inserted by 52/1999 s 39
s 72A	<i>deleted by 14/1976 s 41</i>
s 74	amended by 14/1976 s 42 amended by 120/1978 s 41 amended by 11/1989 Sch amended by 20/1990 s 18 amended by 13/1998 s 10 (Sch) substituted by 52/1999 s 40 substituted by 8/2003 s 9
ss 74A, 74B and 74C	<i>deleted by 14/1976 s 43</i>
s 75	
s 75(1)	amended by 14/1976 s 44(a) amended by 15/1989 s 4 amended by 52/1999 s 41
s 75(2)	substituted by 14/1976 s 44(b) amended by 120/1978 s 42
s 75(3)	substituted by 20/1990 s 19
s 75(4)	<i>inserted by 14/1976 s 44(c)</i> <i>amended by 11/1989 Sch</i> <i>deleted by 20/1990 s 19</i>
s 75AAA	inserted by 52/1999 s 42
s 75AA	inserted by 11/1989 s 3
s 75AA(1)	amended by 52/1999 s 43(a), (b)
s 75AA(2) and (3)	amended by 52/1999 s 43(c)
s 75AA(4) and (5)	inserted by 1/1992 s 3
s 75AA(6)	inserted by 52/1999 s 43(d)
s 75A	
s 75A(1)	amended by 14/1976 s 45(a)

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	amended by 15/1989 s 5(a)
	amended by 52/1999 s 44(a)
	amended by 8/2003 s 10
s 75A(1a) and (1b)	inserted by 20/1990 s 20(a)
s 75A(2)	substituted by 72/1985 s 3(a)
	amended by 15/1989 s 5(b)
s 75A(3)	substituted by 14/1976 s 45(b)
	substituted by 120/1978 s 43
	substituted by 48/1981 s 3(a)
	substituted by 72/1985 s 3(a)
	amended by 15/1989 s 5(c)—(e)
	amended by 65/1994 s 3(a)
	amended by 30/1996 s 29
	amended by 52/1999 s 44(b)
	amended by 37/2002 s 11(a), (b)
s 75A(3)	(da) deleted by 65/1994 s 3(a)
s 75A(3aa)	inserted by 15/1989 s 5(f)
s 75A(3a)	inserted by 48/1981 s 3(a)
	substituted by 72/1985 s 3(a)
	amended by 95/1995 s 11(a)
s 75A(3b) and (3c)	inserted by 72/1985 s 3(a)
s 75A(3d)	<i>inserted by 15/1989 s 5(g)</i>
	<i>deleted by 65/1994 s 3(b)</i>
s 75A(4)	substituted by 72/1985 s 3(a)
	substituted by 15/1989 s 5(g)
	amended by 20/1990 s 20(b)
s 75A(4a)	<i>inserted by 72/1985 s 3(a)</i>
	<i>deleted by 15/1989 s 5(g)</i>
s 75A(5)	amended by 14/1976 s 45(c)
	substituted by 72/1985 s 3(a)
	amended by 11/1989 Sch
	substituted by 15/1989 s 5(g)
	amended by 13/1998 s 10 (Sch)
s 75A(5aaa)	inserted by 72/1985 s 3(a)
	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
	amended by 52/1999 s 44(c)
s 75A(5aa)	inserted by 72/1985 s 3(a)
	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
	substituted by 30/2000 s 3
s 75A(5ab)	inserted by 30/2000 s 3
s 75A(5a)	inserted by 48/1981 s 3(b)

	amended by 20/1983 s 2
	amended by 95/1995 s 11(b), (c)
	amended by 52/1999 s 44(d)
s 75A(5b)	<i>inserted by 48/1981 s 3(b)</i> <i>deleted by 29/1996 s 4</i>
s 75A(5c)	<i>inserted by 48/1981 s 3(b)</i> <i>amended by 11/1989 Sch</i> <i>deleted by 29/1996 s 4</i>
s 75A(5d)	<i>inserted by 48/1981 s 3(b)</i> <i>deleted by 29/1996 s 4</i>
s 75A(5e)	inserted by 72/1985 s 3(b)
s 75A(6)	<i>amended by 37/1980 s 3</i> <i>amended by 50/1984 s 3(1) (Sch 3)</i> <i>amended by 1/1992 s 4</i> <i>deleted by 52/1999 s 44(e)</i>
s 75A(7)	inserted by 95/1995 s 11(d) amended by 13/1998 s 10 (Sch)
s 75A(8)	inserted by 95/1995 s 11(d) amended by 52/1999 s 44(f) amended by 37/2002 s 11(c)
s 75A(9)	inserted by 95/1995 s 11(d) amended by 52/1999 s 44(g)
s 76	<i>deleted by 14/1976 s 46</i>
s 77	<i>amended by 120/1978 s 44</i> <i>deleted by 52/1999 s 45</i>
s 77A	inserted by 15/1989 s 6
s 77A(3) and (4)	<i>deleted by 30/1996 s 30</i>
s 77B	inserted by 15/1989 s 6
s 77B(1a)	inserted by 1/1992 s 5(a)
s 77B(2)	amended by 1/1992 s 5(b), (c)
s 77BA	inserted by 37/2002 s 12
s 77C	inserted by 15/1989 s 6 substituted by 20/1990 s 21
s 78	<i>amended by 120/1978 s 45</i> <i>amended by 94/1986 s 8</i> <i>substituted by 35/1989 s 4</i> <i>amended by 30/1996 s 31</i> <i>deleted by 52/1999 s 46</i>
s 79	amended by 14/1976 s 47 amended by 120/1978 s 46 amended by 4/1986 s 6 amended by 29/1996 s 5 substituted by 8/2003 s 11

s 79A	substituted by 14/1976 s 48 amended by 4/1986 s 7 amended by 8/2003 s 12	
s 79B	<i>deleted by 14/1976 s 48</i> <i>inserted by 120/1978 s 47</i> <i>amended by 20/1990 s 22</i> <i>deleted by 52/1999 s 47</i>	
s 79BA	<i>inserted by 15/1989 s 7</i> <i>deleted by 52/1999 s 47</i>	
s 79C	<i>inserted by 120/1978 s 47</i> <i>amended by 11/1989 Sch</i> <i>deleted by 52/1999 s 47</i>	
s 80		
s 80(1)	amended by 120/1978 s 48(a) amended by 52/1999 s 48(a)	
s 80(1a)	inserted by 120/1978 s 48(b) amended by 52/1999 s 48(a)	
s 80(2)	amended by 14/1976 s 49 amended by 120/1978 s 48(c) substituted by 52/1999 s 48(b)	
s 80(2a)	inserted by 52/1999 s 48(b) <b>amended by 6/2004 s 4</b>	<b>1.4.2004</b>
s 80(3)	amended by 120/1978 s 48(d)	
s 80(5)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)	
s 81		
s 81(1)	substituted by 120/1978 s 49(a) amended by 52/1999 s 49(a), (b)	
s 81(1a)	<i>inserted by 120/1978 s 49(a)</i> <i>deleted by 15/1989 s 8</i>	
s 81(1b)	<i>inserted by 120/1978 s 49(a)</i> <i>amended by 11/1989 Sch</i> <i>deleted by 15/1989 s 8</i>	
s 81(2)	amended by 120/1978 s 49(b) amended by 52/1999 s 49(b) amended by 8/2003 s 13	
s 81(3)	substituted by 120/1978 s 49(c) amended by 20/1990 s 23 amended by 52/1999 s 49(b)	
s 81(4)	amended by 120/1978 s 49(d) amended by 50/1984 s 3(1) (Sch 3) amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)	

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s 81A	inserted by 37/1980 s 4
s 81A(1)	amended by 48/1981 s 4(a) amended by 72/1985 s 4(a)—(e) amended by 15/1989 s 9(a), (b) amended by 35/1989 s 5(a) amended by 65/1994 s 4(a) (f) deleted by 65/1994 s 4(a) amended by 60/1998 s 41 amended by 52/1999 s 50(a), (b) (caa) deleted by 52/1999 s 50(b) amended by 17/2001 s 11 amended by 8/2003 s 14(a)
s 81A(1aa)	inserted by 20/1983 s 3(a) amended by 72/1985 s 4(f) amended by 15/1989 s 9(c) amended by 30/1996 s 32(a) amended by 52/1999 s 50(c)
s 81A(1a) prescribed concentration of alcohol	inserted by 48/1981 s 4(b) substituted by 72/1985 s 4(g)
unconditional licence	inserted by 72/1985 s 4(g)
s 81A(2)	amended by 15/1989 s 9(d) substituted by 35/1989 s 5(b) amended by 91/2000 s 8(a) amended by 8/2003 s 14(b)—(d)
s 81A(2aa)	inserted by 8/2003 s 14(e)
s 81A(2a)	inserted by 15/1989 s 9(e) deleted by 65/1994 s 4(b) inserted by 91/2000 s 8(b) amended by 8/2003 s 14(f), (g)
s 81A(3)	substituted by 72/1985 s 4(h) amended by 35/1989 s 5(c) substituted by 52/1999 s 50(d)
s 81A(4)	amended by 15/1989 s 9(f) amended by 30/1996 s 32(b)
s 81A(4a)	<i>inserted by 72/1985 s 4(i)</i> <i>deleted by 15/1989 s 9(g)</i>
s 81A(5)	amended by 72/1985 s 4(j) amended by 11/1989 Sch 1 substituted by 15/1989 s 9(h) amended by 30/1996 s 32(b) amended by 13/1998 s 10 (Sch)

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s 81A(5a)	inserted by 72/1985 s 4(k) amended by 11/1989 Sch amended by 15/1989 s 9(i) amended by 30/1996 s 32(b) amended by 13/1998 s 10 (Sch) amended by 52/1999 s 50(e)
s 81A(5b)	inserted by 72/1985 s 4(k) amended by 11/1989 Sch amended by 15/1989 s 9(j) amended by 35/1989 s 5(d) amended by 30/1996 s 32(b) amended by 13/1998 s 10 (Sch)
s 81A(6)	inserted by 48/1981 s 4(c) amended by 20/1983 s 3(b) amended by 95/1995 s 12 amended by 52/1999 s 50(f)
s 81A(7)	<i>inserted by 48/1981 s 4(c)</i> <i>deleted by 29/1996 s 6</i>
s 81A(8)	<i>inserted by 48/1981 s 4(c)</i> <i>amended by 11/1989 Sch</i> <i>deleted by 29/1996 s 6</i>
s 81A(9)	<i>inserted by 48/1981 s 4(c)</i> <i>deleted by 29/1996 s 6</i>
s 81A(10)	inserted by 72/1985 s 4(l)
s 81AB	inserted by 52/1999 s 51
s 81AB(1)	amended by 8/2003 s 15(a)
s 81AB(3)	amended by 91/2000 s 8(c)
s 81AB(3a)	inserted by 91/2000 s 8(d) amended by 8/2003 s 15(b)—(d)
s 81B	inserted by 37/1980 s 4
s 81B(1)	amended by 48/1981 s 5 substituted by 72/1985 s 5(a)
<i>alcohol interlock scheme conditions</i>	<i>inserted by 91/2000 s 8(e)</i> <i>deleted by 8/2003 s 16(a)</i>
prescribed conditions	probationary conditions amended by 15/1989 s 10(a)  probationary conditions amended to read as prescribed conditions by 30/1996 s 33(a), (b) substituted by 52/1999 s 52(a) substituted by 91/2000 s 8(e)
relevant drink driving offence	inserted by 91/2000 s 8(e)  substituted by 8/2003 s 16(b)

<i>s 81B(1a)</i>	<i>inserted by 20/1983 s 4(a)</i> <i>deleted by 72/1985 s 5(a)</i>
s 81B(2)	amended by 40/1981 s 3 substituted by 20/1983 s 4(b) substituted by 72/1985 s 5(a) amended by 15/1989 s 10(b) amended by 1/1992 s 6 amended by 30/1996 s 33(b), (c) amended by 52/1999 s 52(b)—(d) amended by 17/2001 s 12(a) amended by 91/2000 s 8(f)
s 81B(2a)	inserted by 91/2000 s 8(g)
s 81B(3)	deleted by 20/1983 s 4(c) inserted by 72/1985 s 5(a) substituted by 29/1996 s 7
s 81B(3a)	inserted by 29/1996 s 7 amended by 13/1998 s 10 (Sch)
s 81B(3b)	inserted by 29/1996 s 7
s 81B(4)	substituted by 72/1985 s 5(a) amended by 17/2001 s 12(b)
s 81B(5)	substituted by 72/1985 s 5(a) amended by 30/1996 s 33(a)
s 81B(6)	substituted by 72/1985 s 5(a) amended by 4/2000 s 9(1) (Sch 1 cl 26(a))
s 81B(8)	amended by 72/1985 s 5(b) amended by 4/2000 s 9(1) (Sch 1 cl 26(b))
s 81B(9)	substituted by 72/1985 s 5(c) amended by 15/1989 s 10(c) amended by 35/1989 s 6 amended by 30/1996 s 33(a), (b) amended by 4/2000 s 9(1) (Sch 1 cl 26(c)) substituted by 52/1999 s 52(e) amended by 17/2001 s 12(c) amended by 4/2000 s 9(1) (Sch 1 cl 27(a)) amended by 91/2000 s 8(h)—(j) amended by 8/2003 s 16(c)
s 81B(9a)	inserted by 91/2000 s 8(k)
relevant prescribed conditions	amended by 37/2002 s 13
s 81B(10)	substituted by 72/1985 s 5(c)
<i>s 81B(10a)</i>	<i>inserted by 72/1985 s 5(c)</i> <i>deleted by 52/1999 s 52(f)</i>
<i>s 81B(10b)</i>	<i>inserted by 72/1985 s 5(c)</i>

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	<i>amended by 15/1989 s 10(d)</i>
	<i>amended by 30/1996 s 33(a)</i>
	<i>deleted by 52/1999 s 52(f)</i>
s 81B(11)	amended by 72/1985 s 5(d)
s 81B(11a)	<i>inserted by 20/1981 s 4(d)</i>
	<i>deleted by 15/1989 s 10(e)</i>
s 81B(11b)	<i>inserted by 20/1981 s 4(d)</i>
	<i>amended by 11/1989 Sch</i>
	<i>deleted by 15/1989 s 10(e)</i>
s 81C	inserted by 8/2003 s 17
s 82	amended by 79/1976 s 12
	amended by 120/1978 s 50
	amended by 37/1980 s 5
	amended by 40/1981 s 4
	amended by 20/1983 s 5
	amended by 11/1989 Sch
	amended by 15/1989 s 11
	amended by 30/1996 s 34
	substituted by 52/1999 s 53
s 83	deleted by 14/1976 s 50
	inserted by 52/1999 s 53
ss 83A—83D	<i>deleted by 14/1976 s 51</i>
s 84	substituted by 14/1976 s 52
	amended by 4/1986 s 8
	amended by 75/1987 s 4
	amended by 15/1989 s 12
	amended by 20/1990 s 24
	amended by 30/1996 s 35
	substituted by 52/1999 s 53
s 85	amended by 120/1978 s 51
	amended by 11/1989 Sch
	amended by 15/1989 s 13
	substituted by 52/1999 s 53
s 86	<i>deleted by 120/1978 s 52</i>
s 87	<i>deleted by 14/1976 s 53</i>
Heading preceding s 88	<i>deleted by 52/1999 s 53</i>
s 88	amended by 4/2000 s 9(1) ( <i>Sch 1 cl 26(d), (e)</i> )
	<i>deleted by 52/1999 s 53</i>
ss 89 and 90	<i>deleted by 52/1999 s 53</i>
s 91	
s 91(1)	amended by 15/1989 s 14
s 91(2)—(4)	amended by 52/1999 s 54(a)
s 91(5)	amended by 11/1989 Sch

- s 92
- amended by 73/1993 s 2
  - amended by 13/1998 s 10 (Sch)
  - amended by 52/1999 s 54(a), (b)
  - amended by 120/1978 s 53*
  - amended by 72/1985 s 6*
  - amended by 11/1989 Sch*
  - deleted by 15/1989 s 15*
- s 93
- s 93(1) amended by 37/1980 s 6
  - substituted by 34/1993 s 8
  - s 93(2) substituted by 34/1993 s 8
  - s 93(2a) *inserted by 34/1993 s 8*
  - deleted by 52/1999 s 55(a)*
  - s 93(3) *deleted by 52/1999 s 55(a)*
  - s 93(3a) inserted by 40/1981 s 5
  - amended by 15/1989 s 16
  - amended by 34/1996 s 4 (Sch cl 24)
  - amended by 30/1996 s 36
  - amended by 52/1999 s 55(b)
  - s 93(3b) inserted by 40/1981 s 5
  - amended by 34/1996 s 4 (Sch cl 24)
  - s 93(4) amended by 50/1984 s 3(1) (Sch 3)
- s 94
- amended by 120/1978 s 54*
  - amended by 11/1989 Sch*
  - deleted by 15/1989 s 17*
- s 95
- amended by 120/1978 s 55*
  - deleted by 15/1989 s 17*
- s 96
- s 96(1) amended by 120/1978 s 56(a), (b)
  - amended by 11/1989 Sch
  - amended by 13/1998 s 10 (Sch)
  - amended by 52/1999 s 56(a)
  - s 96(2) amended by 120/1978 s 56(c)
  - amended by 52/1999 s 56(a)
  - s 96(3) amended by 120/1978 s 56(d)
  - amended by 11/1989 Sch
  - amended by 13/1998 s 10 (Sch)
  - amended by 52/1999 s 56(a)
  - s 96(4) substituted by 15/1989 s 18
  - driver amended by 52/1999 s 56(b)
- s 97
- s 97(1) amended by 120/1978 s 57
  - amended by 11/1989 Sch

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	amended by 13/1998 s 10 (Sch)
	amended by 52/1999 s 57(a), (b)
s 97(2)	amended by 52/1999 s 57(b)
s 97A	amended by 14/1976 s 54
	amended by 120/1978 s 58
	substituted by 11/1989 s 4
s 97A(1) and (2)	substituted by 52/1999 s 58(a)
s 97A(2a) and (2b)	inserted by 52/1999 s 58(a)
s 97A(3)	amended by 13/1998 s 10 (Sch)
s 97A(4)—(6)	substituted by 52/1999 s 58(b)
s 98AAA	inserted by 1/1992 s 7
s 98AAA(1)	amended by 13/1998 s 10 (Sch)
	amended by 52/1999 s 59(a)
s 98AAA(1a)	inserted by 76/2000 s 6
s 98AAA(2)	amended by 52/1999 s 59(b)
s 98AAA(3)	<i>deleted by 52/1999 s 59(c)</i>
s 98AA	inserted by 15/1989 s 19
	amended by 13/1998 s 10 (Sch)
	amended by 52/1999 s 60
s 98AAB	inserted by 65/1994 s 5
	amended by 30/1996 s 37
	amended by 13/1998 s 10 (Sch)
	substituted by 52/1999 s 61
ss 98AAC—98AAF	inserted by 52/1999 s 61
s 98A	
s 98A(1)	amended by 14/1976 s 55(a)
	amended by 120/1978 s 59(a)
	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 98A(2)	substituted by 14/1976 s 55(b)
	amended by 8/2003 s 18(a)
s 98A(2a)	substituted by 14/1976 s 55(b)
s 98A(2aa)	inserted by 4/1986 s 9(a)
s 98A(2b)	<i>inserted by 14/1976 s 55(b)</i>
	<i>deleted by 52/1999 s 62(a)</i>
s 98A(3)	amended by 4/1986 s 9(b)
s 98A(4)	deleted by 14/1976 s 55(c)
	inserted by 37/2002 s 14
s 98A(7a)	<i>deleted by 52/1999 s 62(b)</i>
s 98A(9)	amended by 120/1978 s 59(b)
	amended by 15/1989 s 20
	amended by 52/1999 s 62(c)
s 98A(10)	inserted by 14/1976 s 55(d)

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s 98A(11)	inserted by 8/2003 s 18(b)
Pt 3B comprising s 98B and heading	amended by 14/1976 s 56; 120/1978 s 60; 40/1981 s 6; 11/1989 Sch; deleted and ss 98B—98BH and heading inserted in its place by 1/1992 s 8
s 98AB	inserted by 17/2001 s 13
s 98B	
s 98B(1)	amended by 52/1999 s 63(a), (b)
s 98B(1a)	inserted by 34/1996 s 4 (Sch cl 24)
s 98B(2)	<i>deleted by 52/1999 s 63(c)</i>
s 98B(3)	amended by 8/2003 s 19(a)
s 98B(3a)—(3c)	inserted by 8/2003 s 19(b)
s 98BC	amended by 73/1996 s 2 substituted by 52/1999 s 64
s 98BD	
s 98BD(1) and (2)	amended by 52/1999 s 65(a)
s 98BD(3a)	inserted by 52/1999 s 65(b)
s 98BE	
s 98BE(1)	substituted by 52/1999 s 66(a)
s 98BE(1a)—(1d)	inserted by 52/1999 s 66(a)
s 98BE(4)	<i>deleted by 52/1999 s 66(b)</i>
s 98BE(5)	amended by 52/1999 s 66(c)—(e)
s 98BF	<i>deleted by 52/1999 s 67</i>
s 98BG	<i>amended by 13/1998 s 10 (Sch)</i> <i>deleted by 52/1999 s 67</i>
s 98BI	inserted by 52/1999 s 68
Pt 3C comprising ss 98C—98N and heading	inserted by 14/1976 s 57
s 98C	amended by 120/1978 s 61 substituted by 98/1981 s 4
<i>District Court</i>	<i>inserted by 53/1996 s 5</i> <i>deleted by 52/1999 s 69</i>
s 98D	amended by 120/1978 s 62 substituted by 98/1981 s 4
s 98D(1)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98DA	inserted by 120/1978 s 63 deleted by 98/1981 s 4
s 98E	amended by 120/1978 s 64 substituted by 98/1981 s 4
s 98F	amended by 120/1978 s 65 amended by 40/1981 s 7 substituted by 98/1981 s 4

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s 98F(1)	amended by 52/1999 s 70
s 98G	amended by 120/1978 s 66 substituted by 98/1981 s 4
s 98G(1)	<i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i>
s 98H	substituted by 98/1981 s 4
s 98H(3)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98I	amended by 120/1978 s 67 substituted by 98/1981 s 4
s 98J	amended by 120/1978 s 68 substituted by 98/1981 s 4 amended by 52/1999 s 71
s 98JA	<i>inserted by 120/1978 s 69</i> <i>deleted by 98/1981 s 4</i>
s 98K	amended by 120/1978 s 70 substituted by 98/1981 s 4
s 98K(4)	<i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i>
s 98K(5)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98L	amended by 120/1978 s 71 substituted by 98/1981 s 4
s 98L(3)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98M	amended by 120/1978 s 72 substituted by 98/1981 s 4
s 98MA	inserted by 98/1981 s 4
s 98MA(2)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98MB	inserted by 98/1981 s 4
s 98MC	inserted by 98/1981 s 4
s 98MC(1) and (2)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98MD	inserted by 98/1981 s 4
s 98MD(1) and (4)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98ME	inserted by 98/1981 s 4
s 98ME(1), (3)—(5), (7), (9),(12)—(14)	amended by 11/1989 Sch  amended by 13/1998 s 10 (Sch)
s 98MF	inserted by 98/1981 s 4
s 98MF(1)	amended by 11/1989 Sch

	amended by 13/1998 s 10 (Sch)
s 98MG	inserted by 98/1981 s 4
s 98MG(1)	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 98MH	inserted by 98/1981 s 4
s 98MH(1)	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 98MI	inserted by 98/1981 s 4
s 98MI(1)	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 98MJ	inserted by 98/1981 s 4
s 98MJ(1)	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 98MK	inserted by 98/1981 s 4
s 98MK(1)	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 98ML	inserted by 98/1981 s 4
s 98ML(1) and (2)	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 98N	amended by 98/1981 s 5
	amended by 11/1989 Sch
	amended by 65/1996 s 11
	amended by 13/1998 s 10 (Sch)
s 98O	
s 98O(1)	s 98O inserted by 79/1976 s 13
	s 98O amended and redesignated as s 98O(1) by 120/1978 s 73
	amended by 98/1981 s 6(a)
	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 98O(2)	inserted by 120/1978 s 73(b)
	amended by 98/1981 s 6(b)
	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 98O(3)	inserted by 120/1978 s 73(b)
	amended by 98/1981 s 6(c)
	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 98O(4)	inserted by 120/1978 s 73(b)
s 98O(5)	inserted by 98/1981 s 6(d)
s 98P	inserted by 79/1976 s 13
s 98P(3)	amended by 120/1978 s 74(a)—(d)
s 98P(3a)	inserted by 120/1978 s 74(e)

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s 98P(4)	amended by 120/1978 s 74(f), (g) amended by 98/1981 s 7 amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98P(4a)	inserted by 120/1978 s 74(h) amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98P(7)	inserted by 120/1978 s 74(i)
s 98P(8) and (9)	inserted by 120/1978 s 74(i) amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98P(10)	inserted by 120/1978 s 74(i)
s 98PA	inserted by 98/1981 s 8
s 98PA(2)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98PB	<i>inserted by 98/1981 s 8</i> <i>deleted by 52/1999 s 72</i>
s 98PC	inserted by 98/1981 s 8 substituted by 12/1987 s 3 substituted by 53/1996 s 6
s 98PD	inserted by 98/1981 s 8 amended by 11, 1989, Sch substituted by 53/1996 s 6
s 98PE	inserted by 98/1981 s 8 amended by 50/1984 s 3(1) (Sch 3) substituted by 53/1996 s 6
s 98PF	inserted by 98/1981 s 8 amended by 11/1989 Sch substituted by 53/1996 s 6 amended by 4/2000 s 9(1) (Sch 1 cl 26(f))
s 98PG	inserted by 98/1981 s 8 substituted by 53/1996 s 6
s 98PG(1)	amended by 13/1998 s 10 (Sch)
s 98PH	<i>inserted by 53/1996 s 6</i> <i>amended by 4/2000 s 9(1) (Sch 1 cl 26(g)—(j))</i> <i>deleted by 52/1999 s 73</i>
Pt 3D comprising ss 98R—98X and heading	inserted by 120/1978 s 75
s 98R	
s 98R(1)	amended by 10/1983 s 2 substituted by 13/1998 s 3(a)
s 98R(2a)	inserted by 13/1998 s 3(b)

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s 98R(3)	amended by 13/1998 s 3(c)
s 98R(4)	substituted by 13/1998 s 3(d)
s 98S	substituted by 54/1991 s 4
s 98S(1)	substituted by 13/1998 s 4
s 98T	
s 98T(1)	substituted by 13/1998 s 5(a) substituted by 39/1999 Sch cl 8(a)
s 98T(1a)—(1c)	inserted by 39/1999 Sch cl 8(a)
s 98T(2)	amended by 13/1998 s 5(b)
s 98T(4)	substituted by 39/1999 Sch cl 8(b)
s 98U	amended by 11/1989 Sch amended by 13/1998 ss 6, 10 (Sch)
s 98V	
s 98V(1)	amended by 13/1998 s 7
s 98V(3)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 98W	<i>deleted by 52/1999 s 74</i>
s 98WA	inserted by 13/1998 s 8
s 98X	
s 98X(1)	s 98X amended and redesignated as s 98X(1) by 13/1998 s 9
s 98X(2)	inserted by 13/1998 s 9(b)
Pt 3E comprising ss 98Y, 98Z, 98ZA and 98ZC and heading	inserted by 52/1999 s 75
s 98Z	
s 98Z(1)	amended by 67/1999 s 4
s 98ZA	
s 98ZA(1)	amended by 4/2000 s 9(1) (Sch 1 cl 27(b))
s 98ZA(4)	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 27(c))</i>
s 98ZA(6)	<i>deleted by 4/2000 s 9(1) (Sch 1 cl 27(d))</i>
s 98ZC	<i>deleted by 4/2000 s 9(1), (Sch 1 cl 27(e))</i>
s 99	
s 99(1)	amended by 5/1993 s 4(a)
GST law	inserted by 17/2002 s 15
mobile fork lift	inserted by 52/1999 s 76(a)
Minister	<i>deleted by 50/1984 s 3(1) (Sch 3)</i>
passenger	inserted by 5/1993 s 4(b)
self-propelled lawn care machine	inserted by 52/1999 s 76(b)
s 99(1a)	amended by 50/1984 s 3(1) (Sch 3) amended by 13/1998 s 10 (Sch) amended by 34/2002 s 23
s 99(3)	inserted by 127/1986 s 3

- amended by 40/1988 s 3
- amended by 5/1993 s 4(c)
- substituted by 67/1998 s 5
- s 99(4) inserted by 30/1996 s 38
- amended by 51/1997 s 7
- amended by 52/1999 s 76(c)
- s 99A
  - s 99A(1) amended by 20/1990 s 25(a)
  - s 99A(7) amended by 11/1989 Sch
  - amended by 13/1998 s 10 (Sch)
  - s 99A(8) amended by 53/1989 s 2
  - amended by 20/1990 s 25(b), (c)
  - s 99A(15) and (16) *deleted in pursuance of the Acts Republication Act 1967 as their function is now exhausted*
  - s 99A(19) amended by 65/1996 s 12
- s 100
  - amended by 120/1978 s 76
  - amended by 5/1993 s 5
  - deleted by 17/2002 s 16
- s 101
  - s 101(1a) and (1b) inserted by 17/2002 s 17(a)
  - s 101(2) amended by 17/2002 s 17(b)
  - s 101(3) substituted by 47/1995 Sch 4 cl 1(1)
- s 102
  - s 102(1) amended by 120/1978 s 77(a)
  - amended by 11/1989 Sch
  - substituted by 30/1996 s 39(a)
  - substituted by 52/1999 s 77(a)
  - s 102(2) amended by 120/1978 s 77(b)—(d)
  - substituted by 11/1989 Sch
  - amended by 53/1989 s 3(a), (b)
  - amended by 65/1989 s 5
  - amended by 30/1996 s 39(b), (c)
  - amended by 13/1998 s 10 (Sch)
  - substituted by 52/1999 s 77(a)
  - s 102(2a) *inserted by 11/1989 Sch*
  - deleted by 53/1989 s 3(c)*
  - s 102(3) deleted by 13/1998 s 10 (Sch)
  - inserted by 52/1999 s 77(a)
  - s 102(3a) inserted by 73/1992 s 4(b)
  - substituted by 52/1999 s 77(a)
  - s 102(3b) inserted by 52/1999 s 77(a)
  - s 102(4) amended by 52/1999 s 77(b)
  - s 102(7) inserted by 52/1999 s 77(c)

- s 103  
s 103(1) amended by 120/1978 s 78  
amended by 11/1989 Sch  
amended by 13/1998 s 10 (Sch)
- s 104 amended by 14/1976 s 58  
amended by 5/1993 s 6
- s 106 *deleted by 14/1976 s 59*
- s 108 *deleted by 14/1976 s 59*
- s 110  
s 110(1) amended by 14/1976 s 60  
amended by 120/1978 s 79(a)  
amended by 50/1984 s 3(1) (Sch 3)
- s 110(3) amended by 5/1993 s 7
- s 110(8) amended by 120/1978 s 79(b)  
amended by 11/1989 Sch  
amended by 13/1998 s 10 (Sch)
- s 111 amended by 50/1984 s 3(1) (Sch 3)
- s 111A amended by 14/1976 s 61
- s 112 amended by 14/1976 s 62
- s 113  
s 113(1) amended by 14/1976 s 63  
amended by 5/1993 s 8
- s 113(2) amended by 50/1984 s 3(1) (Sch 3)
- s 113A inserted by 67/1998 s 6
- s 115  
s 115(1) amended by 14/1976 s 64(a)  
amended by 5/1993 s 9
- s 115(3) amended by 14/1976 s 64(b)
- s 116  
s 116(1) substituted by 14/1976 s 65(a)
- s 116(2) amended by 5/1993 s 10(a)
- s 116(3) substituted by 5/1993 s 10(b)
- s 116(4) and (5) inserted by 14/1976 s 65(b)
- s 116(7) substituted by 5/1993 s 10(c)  
substituted by 37/2002 s 15
- s 116(7a)—(7d) inserted by 37/2002 s 15
- s 116A  
s 116A(1) amended by 17/2001 s 14
- s 118 *amended by 14/1976 s 66*  
*deleted by 5/1993 s 11*
- s 118A  
s 118A(2) *deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted*

**Motor Vehicles Act 1959—1.4.2004 to 30.4.2004**  
Legislative history

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s 118B	inserted by 67/1998 s 7
s 119	substituted by 14/1976 s 67
s 123	substituted by 127/1986 s 4
s 124	
s 124(2)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 124(3a) and (3b)	inserted by 67/1998 s 8(a)
s 124(4) and (5)	amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 124(6)	amended by 120/1978 s 80 amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 124(6a) and (6b)	inserted by 67/1998 s 8(b) amended by 17/2002 s 18
s 124A	substituted by 127/1986 s 5
s 124A(1)	amended by 5/1993 s 12
s 124A(1a)	inserted by 67/1998 s 9
s 124AB	inserted by 127/1986 s 5
s 124AC	inserted by 67/1998 s 10
s 124AB	
s 124AB(1)	amended by 5/1993 s 13
s 125	
s 125(3)	amended by 66/1981 s 2
s 125A	inserted by 119/1983 s 2
s 125B	inserted by 67/1998 s 11
s 127	substituted by 127/1986 s 6
s 127(6a)	inserted by 29/1996 s 8
s 127A	inserted by 67/1998 s 12
s 128	
s 128(2)	amended by 120/1978 s 81(a) amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 128(3)	amended by 120/1978 s 81(b) amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 129	
s 129(1a)	<i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i>
s 129(2)	amended by 69/1992 s 18 amended by 17/2002 s 19(a)—(c)
s 129(2a)	inserted by 17/2002 s 19(d)
s 129(3)	amended by 17/2002 s 19(e)
s 129(5a)	inserted by 17/2002 s 19(f)

s 129(6)	amended by 17/2002 s 19(g)
s 129(7) and (8)	inserted by 17/2002 s 19(h)
<i>s 130</i>	<i>deleted by 5/1993 s 14</i>
s 131	amended by 5/1993 s 15
s 132	
s 132(1)	amended by 4/2000 s 9(1) (Sch 1 cl 26(k))
s 132(2)	amended by 4/2000 s 9(1) (Sch 1 cl 26(l))
s 133	
s 133(1)	s 133 amended and redesignated as s 133(1) by 5/1986 s 3 amended by 5/1993 s 16
s 133(2)	inserted by 5/1986 s 3(b)
<i>s 133(3)</i>	<i>inserted by 5/1986 s 3(b)</i> <i>deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted</i>
s 134	
s 134(1)	amended by 120/1978 s 82 amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
<i>s 134A</i>	<i>inserted by 14/1976 s 68</i> <i>amended by 79/1976 s 14</i> <i>amended by 98/1981 s 9</i> <i>amended by 50/1984 s 3(1) (Sch 3)</i> <i>deleted by 52/1999 s 78</i>
s 135	
s 135(1)	substituted by 120/1978 s 83(a) substituted by 98/1981 s 10 substituted by 11/1989 Sch amended by 13/1998 s 10 (Sch)
s 135(4)	inserted by 120/1978 s 83(b)
s 135A	inserted by 120/1978 s 84 amended by 98/1981 s 11 amended by 11/1989 Sch amended by 13/1998 s 10 (Sch)
ss 135B and 135C	inserted by 52/1999 s 79
s 136	
s 136(1)	amended by 120/1978 s 85(a) amended by 11/1989 Sch amended by 29/1996 s 9(a) amended by 13/1998 s 10 (Sch) substituted by 52/1999 s 80(a)
<i>s 136(1a)</i>	<i>amended by 120/1978 s 85(b)</i> <i>amended by 11/1989 Sch</i>

	<i>amended by 29/1996 s 9(b)</i>
	<i>amended by 13/1998 s 10 (Sch)</i>
	<i>deleted by 52/1999 s 80(a)</i>
s 136(2)	amended by 120/1978 s 85(c)
	amended by 11/1989 Sch
	amended by 65/1996 s 13
	amended by 29/1996 s 9(c)
	amended by 13/1998 s 10 (Sch)
	substituted by 52/1999 s 80(a)
s 136(2a)	inserted by 30/1996 s 40
	amended by 13/1998 s 10 (Sch)
	substituted by 52/1999 s 80(a)
s 136(2b) and (2c)	inserted by 52/1999 s 80(a)
s 136(3)	inserted by 29/1996 s 9(d)
	amended by 52/1999 s 80(b)
s 136(4) and (5)	inserted by 29/1996 s 9(d)
s 137	amended by 120/1978 s 86
	amended by 11/1989 Sch
	amended by 65/1996 s 14
	amended by 13/1998 s 10 (Sch)
s 137A	inserted by 52/1999 s 81
s 138	amended by 120/1978 s 87
	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
	substituted by 52/1999 s 81
s 138A	inserted by 120/1978 s 88
	amended by 98/1981 s 12
	amended by 99/1996 s 5
	amended by 52/1999 s 82
s 138B	inserted by 120/1978 s 88
s 138B(1)	substituted by 53/1998 s 2(a)
s 138B(2)	amended by 53/1998 s 2(b)
s 138B(3)	substituted by 53/1998 s 2(c)
s 138B(4)	amended by 20/1990 s 26(a)
s 138B(5)	amended by 11/1989 Sch
	amended by 13/1998 s 10 (Sch)
s 138B(6)	amended by 20/1990 s 26(b), (c)
	amended by 53/1998 s 2(d)
s 138B(7)	amended by 53/1998 s 2(e), (f)
s 138B(8)	inserted by 53/1998 s 2(g)
s 139	
s 139(1)	s 139 amended by 82/1990 s 3
	s 139 amended by 4/1993 s 10

	s 139 amended and redesignated as s 139(1) by 99/1996 s 6
	amended by 14/1998 s 5
	amended by 52/1999 s 83
s 139(2)	inserted by 99/1996 s 6(c)
	(a) deleted by 30/2000 s 4(a)
s 139(3)	<i>inserted by 99/1996 s 6(c)</i>
	<i>deleted by 30/2000 s 4(b)</i>
s 139(4)	inserted by 99/1996 s 6(c)
s 139(5)	inserted by 99/1996 s 6(c)
	amended by 13/1998 s 10 (Sch)
s 139AA	inserted by 99/1996 s 7
	amended by 52/1999 s 84
s 139A	
s 139A(2)	amended by 4/2000 s 9(1) (Sch 1 cl 26(m))
s 139B	<i>amended by 98/1981 s 13</i>
	<i>amended by 120/1978 s 89</i>
	<i>deleted by 52/1999 s 85</i>
s 139BA	inserted by 15/1989 s 21
s 139BA(3)	amended by 13/1998 s 10 (Sch)
ss 139BB and 139BC	inserted by 15/1989 s 21
s 139C	
s 139C(1)	s 139C inserted by 98/1981 s 14
	s 139C redesignated as s 139C(1) by 52/1999 s 86
s 139C(2)	inserted by 52/1999 s 86
s 139D	inserted by 87/1992 s 3
s 139D(1)	amended by 13/1998 s 10 (Sch)
	amended by 60/1998 s 42
s 139D(3)	inserted by 76/2000 s 7
s 139D(4)	s 139D(3) inserted by 91/2000 s 8(1)
	s 139D(3) redesignated as s 139D(4) in pursuance of the <i>Acts Republication Act 1967</i>
s 139E	inserted by 53/1996 s 7
s 139E(1)	amended by 60/1998 s 43
	amended by 52/1999 s 87(a)
s 139E(3)	inserted by 52/1999 s 87(b)
s 139F	inserted by 99/1996 s 8
	amended by 13/1998 s 10 (Sch)
	amended by 52/1999 s 88
s 139G	inserted by 76/2000 s 8
s 140	
s 140(1)	s 140 amended by 120/1978 s 90
	s 140 amended by 98/1981 s 15

	s 140 redesignated as s 140(1) by 52/1999 s 89
s 140(2)	inserted by 52/1999 s 89
s 141	
s 141(1)	s 141 amended by 14/1976 s 69 s 141 amended by 120/1978 s 91 s 141 amended by 98/1981 s 16 s 141 amended by 29/1996 s 10(b) s 141 amended by 30/1996 s 41 s 141 amended by 65/1996 s 15 s 141 amended by 29/1996 s 10(a) s 141 amended by 52/1999 s 90(a), (b) s 141 redesignated as s 141(1) by 52/1999 s 90(c)
s 141(2)—(4)	inserted by 52/1999 s 90(c)
s 142	amended by 14/1976 s 70 amended by 98/1981 s 17 amended by 1/1992 s 9
s 142	(b), (ba) and (ca) deleted by 52/1999 s 91
s 142A	inserted by 20/1990 s 27
s 143	
s 143(1)	amended by 98/1981 s 18
s 143(2)	<i>deleted by 13/1998 s 10 (Sch)</i>
s 143A	inserted by 98/1981 s 19
s 144	substituted by 13/1998 s 10 (Sch)
s 144A	<i>deleted by 13/1998 s 10 (Sch)</i>
s 145	
s 145(1)	s 145(a1) deleted by 14/1976 s 71 s 145(c1) deleted by 14/1976 s 71 s 145 amended by 14/1976 s 71 s 145 amended by 37/1980 s 7 s 145 amended by 49/1981 s 4 s 145 amended and redesignated as s 145(1) by 98/1981 s 20 amended by 4/1986 s 10 amended by 94/1986 s 9 amended by 11/1989 Sch amended by 4/1993 s 11 amended by 34/1996 s 4 (Sch cl 24) amended by 99/1996 s 9 amended by 13/1998 s 10 (Sch) amended by 14/1998 s 6(a) amended by 52/1999 s 92(a) amended by 8/2003 s 20

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s 145(1a)	inserted by 14/1998 s 6(b)	
s 145(2)	inserted by 98/1981 s 20(b)	
s 145(3)	inserted by 77/1995 s 16	
	amended by 52/1999 s 92(b)	
s 145(4)	inserted by 14/1998 s 6(c)	
s 145(5)—(8)	inserted by 52/1999 s 92(c)	
s 145(8)		
written-off motor vehicle	substituted by 17/2001 s 15	
s 146	substituted by 52/1999 s 93	
s 147		
s 147(1)	amended by 65/1996 s 16	
s 148		
<b>s 148(1)</b>	<b>amended by 6/2004 s 5(1), (2)</b>	<b>1.4.2004</b>
<b>s 148(2)</b>	<b>amended by 6/2004 s 5(3)</b>	<b>1.4.2004</b>
<i>Sch 1</i>	<i>deleted by 50/1984 s 3(1) (Sch 3)</i>	
<i>Sch 2</i>	<i>deleted by 50/1984 s 3(1) (Sch 3)</i>	
<i>Sch 3</i>	<i>amended by 12/1991 Sch</i>	
	<i>substituted by 1/1992 s 10 (Sch 1)</i>	
	<i>amended by 73/1996 s 3</i>	
	<i>amended by 76/1998 Sch</i>	
	<i>deleted by 52/1999 s 94</i>	
<i>Sch 4</i>		
cl 1	amended by 5/1993 s 17(a)	
cl 2	amended by 127/1986 s 7	
	substituted by 5/1993 s 17(b)	
	amended by 65/1996 s 17	
cl 3	inserted by 5/1993 s 17(b)	
<i>Sch 5</i>	inserted by 53/1996 s 8	
cl 4	amended by 4/2000 s 9(1) (Sch 1 cl 26(n))	

## Transitional etc provisions associated with Act or amendments

### *Motor Vehicles Act Amendment Act (No. 4) 1986*

#### 8—Transitional provision

The amendments made by this Act do not affect a cause of action, right or liability that arose before the commencement of this Act.

### ***Motor Vehicles Act Amendment Act (No. 3) 1989***

#### **7—Transitional provision**

- (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.

### ***Motor Vehicles Act Amendment Act (No. 5) 1989***

#### **6—Transitional provision**

- (1) Where an articulated motor vehicle was, immediately prior to the commencement of this Act, registered under the principal Act (otherwise than pursuant to section 33A), the prime mover and semi-trailer portions of that vehicle will each be taken to be registered for the balance of the period for which the vehicle was registered.
- (2) In this section—  
*articulated motor vehicle* has the meaning assigned to that expression under the principal Act immediately prior to the commencement of this Act.

### ***Motor Vehicles Act Amendment Act (No. 2) 1990***

#### **6—Certain acts declared valid**

Where—

- (a) the Registrar has, before the commencement of this Act, purported to authorise a person or body to exercise or discharge a power or duty under the principal Act; and
- (b) that person or body has purportedly exercised or discharged that power or duty in accordance with the authorisation,

that purported exercise or discharge of the power or duty is declared to be a valid exercise or discharge of the power or duty as if it had been exercised or discharged, in accordance with the principal Act, by the person on whom the power or duty is conferred by that Act.

### ***Motor Vehicles (Licences and Demerit Points) Amendment Act 1992, Sch 2***

#### **1—Demerit points incurred before commencement of Act**

Demerit points incurred by a person and recorded or required to be recorded against the person under Part 3B of the principal Act as in force immediately before the commencement of this Act will be taken to have been incurred by the person under that Part as substituted by this Act as if that substituted Part had been in force when the demerit points were incurred.

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## **2—Increase, decrease or imposition of demerit points**

- (1) Where Schedule 3 of the principal Act as substituted by this Act increases the number of demerit points prescribed in respect of an offence or prescribes demerit points in respect of an offence where previously none were prescribed, the increase in or imposition of demerit points only applies in respect of offences committed on or after the commencement of this Act.
- (2) Where Schedule 3 of the principal Act as substituted by this Act decreases the number of demerit points prescribed in relation to an offence, the decrease applies only in relation to demerit points incurred after the commencement of this Act whether in respect of offences committed before, on or after that commencement.

### ***Statutes Amendment (Motor Vehicles and Wrongs) Act 1993***

#### **19—Transitional provision**

The amendments made by this Act do not affect a cause of action, right or liability that arose before the commencement of this Act.

### ***Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996***

#### **5—Transitional provision**

An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

### ***Motor Vehicles (Demerit Points) Amendment Act 1996***

#### **4—Effect of disqualification notices issued prior to commencement of Act**

- (1) Subject to subsection (2), a notice of disqualification issued under Part 3B of the principal Act prior to the commencement of this Act will be taken to have been issued under that Part as amended by section 2 of this Act.
- (2) Subsection (1) does not apply in relation to criminal proceedings commenced or completed after the commencement of this Act that relate to the driving of a vehicle before that commencement.

### ***Motor Vehicles (Trade Plates) Amendment Act 1996***

#### **18—Transitional provisions**

- (1) A trader's plate issued under the principal Act as in force immediately before the commencement of this Act will be taken to be a trade plate for the purposes of the principal Act as in force after that commencement.
- (2) Despite subsection (1)—
  - (a) the provisions of section 66 of the principal Act as in force immediately before the commencement of this Act continue to apply in relation to a motor vehicle to which general trader's plates issued under the principal Act as in force immediately before that commencement are affixed in accordance with the regulations;

- (b) the provisions of section 67 of the principal Act as in force immediately before the commencement of this Act continue to apply in relation to a motor vehicle to which limited trader's plates issued under the principal Act as in force immediately before that commencement are affixed in accordance with the regulations,

but only for the unexpired portion of the period for which the plates were issued.

### ***Motor Vehicles (Miscellaneous No. 2) Amendment Act 1996***

#### **42—Transitional provision**

- (1) A probationary licence in force immediately before the commencement of this Act continues in force, subject to the principal Act and any other Act, as if it were a provisional licence and as if the probationary conditions of the licence were provisional licence conditions.
- (2) A reference in any Act, statutory instrument, notice, order or other document to a probationary licence or probationary conditions will, unless the context otherwise requires, be taken to be a reference to a provisional licence or provisional licence conditions as the case may be.

### ***Statutes Amendment (Motor Accidents) Act 1998***

#### **14—Transitional provision**

- (1) An amendment made by this Act does not affect a cause of action, right or liability that arose before the commencement of the amendment.
- (2) However, subsection (1) does not derogate from the operation of section 105 of the *Motor Vehicles Act 1959*.

### ***Motor Vehicles (Miscellaneous) Amendment Act 1999***

#### **97—Report on operation of amended Act**

The Minister must, within six sitting days after the first anniversary of the date of commencement of this Act, cause a report on the operation of the principal Act as amended by this Act to be laid before each House of Parliament.

### ***Road Traffic (Alcohol Interlock Scheme) Amendment Act 2000***

#### **9—Report on operation of amendments**

The Minister must, within six sitting days after the second anniversary of the date of commencement of section 50 of the *Road Traffic Act 1961* as inserted by this Act, cause a report on the operation of the *Road Traffic Act 1961* as amended by this Act and the *Motor Vehicles Act 1959* as amended by this Act to be laid before each House of Parliament.

*Motor Vehicles (Suspension of Licences of Medically Unfit Drivers) Amendment Act 2004, Sch 1*

**1—Certain acts validated**

- (1) Subject to subclause (2), if a suspension of a licence or learner's permit purportedly imposed by the Registrar under section 80 of the *Motor Vehicles Act 1959* before the commencement of this Act would, if imposed after that commencement, have been validly imposed, that suspension is to be taken to have been validly imposed.
- (2) Subclause (1) does not affect a decision or order of a court made before the commencement of this Act.