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

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 police officer 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 means a device or system of a kind approved by the Minister by notice in the Gazette as an alcohol interlock for the purposes of this Act;

alcohol interlock scheme conditions means—

(a) the mandatory alcohol interlock scheme conditions; or

(b) the voluntary alcohol interlock scheme conditions;

approved alcohol interlock provider means a person, or a person of a class, approved by the Minister by notice in the Gazette as a provider of alcohol interlocks for the purposes of this Act;

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 authorised officer or police officer;

authorised examiner means—

(a) a police officer 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;

authorised officer means a person appointed as an authorised officer under section 35 of the *Road Traffic Act 1961* or a person of a class of persons appointed as authorised officers under that section;

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;

category 1 offence means an offence against section 47B(1) of the *Road Traffic Act 1961* involving a concentration of alcohol of less than .08 grams in 100 millilitres of blood;

category 2 offence means an offence against section 47B(1) or (1a) of the *Road Traffic Act 1961* involving a concentration of alcohol of less than .15 grams, but not less than .08 grams, in 100 millilitres of blood;

category 3 offence means an offence against section 47B(1) or (1a) of the *Road Traffic Act 1961* involving a concentration of alcohol of .15 grams or more in 100 millilitres of blood;

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;

configuration, in relation to a heavy vehicle, has the meaning assigned to it by the regulations;

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;

CPI means the Consumer Price Index (All Groups) for the City of Adelaide;

CTP Regulator or ***Regulator*** means the CTP Regulator established under the *Compulsory Third Party Insurance Regulation Act 2016*;

declared area means—

(a) the area of a municipal council; or

(b) a part of the State declared by regulation to be within the area for the purposes of this definition;

drink driving offence has the same meaning as in the *Road Traffic Act 1961*;

drug driving offence has the same meaning as in the *Road Traffic Act 1961*;

foreign licence means a licence to drive a motor vehicle issued under the law of another country;

garage address of a vehicle means—

(a) in the case of a vehicle normally kept at a depot when not in use—the principal depot of the vehicle; or

(b) in any other case—the address of the place of business or residence at which the vehicle is normally kept when not in use;

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 is a heavy vehicle for the purposes of the *Heavy Vehicle National Law (South Australia)*;

Heavy Vehicle National Law (South Australia) has the same meaning as in the *Heavy Vehicle National Law (South Australia) Act 2013*;

Heavy Vehicle National Regulations (South Australia) has the same meaning as in the *Heavy Vehicle National Law (South Australia) Act 2013*;

high powered vehicle means a motor vehicle—

(a) belonging to a class of vehicles prescribed by the regulations as high powered vehicles for the purposes of this Act; or

(b) of a kind included in this definition by the Registrar by notice in the Gazette,

but does not include a motor vehicle of a kind excluded from this definition by the Registrar by notice in the Gazette;

insurance premium or ***premium***, in relation to a motor vehicle, means the premium appropriate to the motor vehicle for a policy of insurance under Part 4, as determined by the CTP Regulator from time to time, and includes any money that the Registrar is required to retain under section 99A(14);

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

interstate non-provisional licence means a licence of a type prescribed by regulation for the purposes of this definition issued under the law of another State or Territory of the Commonwealth;

interstate provisional licence means a licence of a type prescribed by regulation for the purposes of this definition issued under the law of another State or Territory of the Commonwealth;

learner's permit means a learner's permit issued under this Act;

learner's permit conditions means the conditions referred to in section 75A(10);

licence means a driver's licence issued under this Act;

LSS Fund levy means the LSS Fund levy under Part 7 of the *Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013*;

mandatory alcohol interlock scheme conditions means the conditions referred to in section 81F;

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 but does not include an electric personal transporter (within the meaning of the *Road Traffic (Miscellaneous) Regulations 2014*) that may be driven on or over a road in accordance with an approval of the Minister under section 161A of the *Road Traffic Act 1961*;

nominated vehicle for a person means a motor vehicle nominated by the person to the Registrar in accordance with section 81F;

non-provisional licence means a licence issued under this Act other than a provisional licence;

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;

oral fluid has the same meaning as in the *Road Traffic Act 1961*;

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

P1 licence means a provisional licence that is taken to be a P1 licence in accordance with section 81A(2);

P2 licence means a provisional licence other than a P1 licence;

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*;

practical driving test, in relation to a person applying for a licence, means a test approved by the Registrar as a practical driving test in relation to a class of licence to which the licence sought by the person belongs;

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

prescribed conditions means learner's permit conditions, probationary licence conditions or provisional licence conditions;

prescribed drink driving offence means any drink driving offence other than a category 1 offence;

prescribed drug has the same meaning as in the *Road Traffic Act 1961*;

prescribed registration fee means the amount of the fee payable in respect of the registration of a motor vehicle that is fixed by, or determined in accordance with, the regulations as 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 designed to tow a semi-trailer;

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

probationary licence conditions means conditions referred to in section 81AB;

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

provisional licence conditions means the conditions referred to in section 81A(4);

qualified supervising driver—see section 72A;

quarter means any period of three months;

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;

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) 1 axle group or a 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 results in some of the mass of the trailer's load being imposed on the prime mover;

series of photographs includes a film, video or other continuous visual recording;

serious drink driving offence—see section 81E;

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;

Tribunal means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*;

ultra high powered vehicle means a motor vehicle prescribed by the regulations as an ultra high powered vehicle for the purposes of this definition;

unconditional licence means—

(a) a licence issued under this Act not subject to alcohol interlock scheme conditions or prescribed conditions; or

(b) a licence of a type prescribed by regulation for the purposes of this definition issued under the law of another State or Territory of the Commonwealth;

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.

(3b) The Minister may, by notice in the Gazette, approve or revoke the approval of—

(a) a device or system as an alcohol interlock for the purposes of this Act; or

(b) a person, or a person of a class, as a provider of alcohol interlocks for the purposes of this Act.

(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.

(5) Subject to subsection (6), a licence, permit, exemption or other authorisation or document issued under this Act may be issued—

(a) in the form of a physical document or item; or

(b) in electronic form; or

(c) in both the form of a physical document or item and in electronic form.

(6) Part 3 of the *Electronic Communications Act 2000* applies in relation to the issue of a licence, permit, exemption or other authorisation or document under this Act in electronic form (and a licence, permit, exemption or other authorisation or document under this Act will only be issued in electronic form if the requirements of section 18 of that Act are satisfied).

(6a) The regulations may provide that specified provisions of this Act apply with modifications prescribed by the regulations to a licence, permit, exemption or other authorisation or document issued under this Act—

(a) in electronic form; or

(b) in the form of a physical document or item where the licence, permit, exemption or other authorisation or document has also been issued in electronic form.

(7) In this Act, if a monetary amount is followed by the word "(indexed)", the amount is to be adjusted on 1 January of each year, beginning in 2006, by multiplying the stated amount by a multiplier obtained by dividing the CPI for the quarter ending 30 June in the previous year by the CPI for the quarter ending 30 June 2004.

(8) For the purposes of this Act (other than section 81A), in determining the period for which a person has held a licence, learner's permit, foreign licence, interstate licence or interstate learner's permit, any period during which the person's licence or permit has been suspended under this Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this subsection).

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.

6A—Delegation by Minister

(1) The Minister may delegate a power or function of the Minister under this Act.

(2) A delegation under this section—

(a) may be made—

(i) to a particular person or body; or

(ii) to the person for the time being occupying a particular office or position; and

(b) may be absolute or subject to conditions or limitations specified in the instrument of delegation; and

(c) if the instrument of delegation so provides, may be further delegated by the delegate; and

(d) is revocable at will and does not derogate from the power of the delegator to act in any matter.

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 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.

(4) The Registrar may delegate any powers or functions of the Registrar 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.

(3) The Registrar may, on the Registrar's own initiative or on application by any person, correct or alter the register if satisfied that an entry in the register is incorrect, incomplete or inaccurate.

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: $7 500.

(1a) However, subsection (1) does not apply to a person who drives a motor vehicle, or causes a motor vehicle to stand, if the person proves that the person—

(a) drove the motor vehicle, or caused the motor vehicle to stand, in prescribed circumstances; and

(b) did not know that the motor vehicle was unregistered.

(1b) For the purposes of subsection (1a), a person may prove a matter referred to in that subsection by furnishing to the Commissioner of Police a statutory declaration in accordance with any requirements prescribed by the regulations.

(1c) It is a defence to a charge of an offence against subsection (1) if the defendant was not a registered owner or the registered operator of the vehicle and the defendant proves that the defendant did not know, and could not reasonably be expected to have known, that the vehicle was unregistered.

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

Maximum penalty: $7 500.

(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.

(4a) It is a defence to a charge of an offence against subsection (3) to prove that—

(a) the vehicle was not driven or left standing on the road by the defendant; and

(b) the defendant had taken reasonable steps to ensure that any person lawfully entitled to use the motor vehicle would have been aware that the vehicle was unregistered.

(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 driven or 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.

(6a) The provisions of Schedule 1 apply to an offence against this section if evidence relating to the offence was obtained through the operation of a photographic detection device.

(6b) A motor vehicle is driven or caused to stand by a person in prescribed circumstances for the purposes of subsection (1a) if—

(a) the person is not an owner or the registered operator of the vehicle and the person is required by the person's employer to drive the vehicle, or to cause the vehicle to stand, in the course of the person's employment; or

(b) the motor vehicle is driven or caused to stand in circumstances declared by the regulations.

(7) In this section—

owner, in relation to a motor vehicle, includes the last registered owner and the last registered operator of the vehicle, but does not include a person who takes the vehicle on hire;

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 police officer to do so, produce evidence of the person's public liability insurance either—

(a) forthwith to the police officer 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 police officer at the time of making the request.

Maximum penalty: $750.

(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 police officer to do so, produce evidence of the person's public liability insurance either—

(a) forthwith to the police officer 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 police officer at the time of making the request.

Maximum penalty: $750.

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 after the Registrar declines 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) If the owner of a motor vehicle not previously registered in the owner's name, or a person acting on the owner's behalf, satisfies a police officer stationed at a police station situated outside a radius of 40 kilometres from the former General Post Office at Adelaide that—

(a) an application for the registration of the vehicle, to commence as from a day not later than the issue of a permit under this subsection, has been made; and

(b) the prescribed fee payable in respect of the registration of the vehicle has been paid; and

(c) the appropriate insurance premium has been paid; and

(d) the stamp duty (if any) payable on the application has been paid,

the police officer 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.

(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 issued under this section will cease to have any force or effect—

(a) in the case of a permit issued under subsection (1)—

(i) when information becomes publicly available (in a manner prescribed by regulation) that the motor vehicle has been registered; or

(ii) when the period specified in the permit expires,

whichever occurs first;

(b) in the case of a permit issued under subsection (2)—

(i) when information becomes publicly available (in a manner prescribed by regulation) that the motor vehicle has been registered; or

(ii) on the expiration of the prescribed period,

whichever occurs first.

(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: $750.

(10) If a condition of a permit under subsection (1) is contravened the Registrar may, by notice given to the holder of the permit in a manner and form determined by the Minister, revoke the permit.

(11) A person who contravenes a condition of a permit under subsection (1) is guilty of an offence.

Maximum penalty: $750.

(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 police officer stationed at a police station situated outside a radius of 40 kilometres from the former General Post Office at Adelaide is satisfied that a permit under subsection (2) has been lost or destroyed, the police officer may, on payment of the prescribed fee, issue a duplicate permit.

(14) Where the Registrar or a police officer 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 given to the applicant in a manner and form determined by the Minister, 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) be made in a manner and form determined by the Minister; and

(b) state correctly—

(i) in the case of an application other than for renewal of registration—the following particulars:

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

(B) if the owner of the vehicle is a natural person—the address at which the owner is ordinarily resident;

(C) if the 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 owner or an owner of the vehicle);

(E) if 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;

(F) if 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;

(G) the garage address of the vehicle;

(H) in the case of an application relating to a heavy vehicle—the configuration of the vehicle for the period of registration; or

(ii) in the case of an application for renewal of registration—the particulars prescribed by the regulations; and

(c) include such other information as the Minister may require.

(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

(ba) the appropriate LSS Fund levy; 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 decline 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 decline the application and return or refund 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, the appropriate LSS Fund levy 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—

(A) in the case of a heavy vehicle—12 months or 1, 2 or 3 quarters; or

(B) in any other case—12 months or 1 quarter; 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—

(i) the vehicle complies with an Act or law that regulates the design, construction or maintenance of such a vehicle; or

(ii) the vehicle would, if driven on a road, put the safety of persons using the road at risk; or

(iii) the vehicle or part of the vehicle 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 or part of 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.

(4) The Registrar must refuse to register a vehicle if—

(a) the vehicle is a vehicle of a class prescribed for the purposes of section 139(1)(c); and

(b) the vehicle has been examined under section 139; and

(c) the Registrar reasonably believes that because the vehicle does not comply with an Act or law that regulates the design, construction or maintenance of such a vehicle, the vehicle would, if driven on a road, put the safety of persons using the road at risk.

(5) The Registrar may refuse to register a motor vehicle if the Registrar has made a decision under section 71C in relation to the vehicle and the reasons for that decision still exist.

Division 3A—Periodic payments

24A—Registrar may accept periodic renewal payments

(1) The Registrar may, by notice in the Gazette, determine a scheme (the ***periodic payment scheme***) for periodic payment, by debit to a nominated ADI account, of—

(a) registration renewal fees under this Act; and

(b) other amounts payable on renewal of the registration of a motor vehicle under this or any other Act.

(2) Without limiting the periodic payment scheme, the terms of the scheme must set out—

(a) how a person can apply to participate in the scheme; and

(b) how a person can cancel the person's participation in the scheme; and

(c) when a person's participation in the scheme may be cancelled by the Registrar; and

(d) the period prior to the expiry of the registration of the motor vehicle before which the debit must occur; and

(e) details of the consequences of failing to comply with the scheme.

(3) The Registrar may, by further notice in the Gazette, vary, substitute or revoke the periodic payment scheme.

(4) The periodic payment scheme may be of general or limited application (and may, to avoid doubt, exclude specified classes of motor vehicles or registrations from its operation).

(5) The provisions of this Act will, by force of this subsection, be taken to be modified to the extent necessary to give effect to the periodic payment scheme.

Note—

For example, the provisions of section 24 that provide for a minimum registration period of 1 quarter will be taken to be modified to allow a registration period of 1 month if the scheme provides for such a period.

(6) If a person applies to participate in the periodic payment scheme in respect of a specified motor vehicle, the Registrar may—

(a) accept the person's application to participate in the scheme in respect of the motor vehicle; and

(b) renew the registration of the motor vehicle from time to time in accordance with the scheme until the person's participation in the scheme in respect of the motor vehicle is cancelled.

(7) A person's participation in the periodic payment scheme in respect of a particular motor vehicle is cancelled if—

(a) the person applies to have the person's participation in the scheme cancelled; or

(b) the registration of the motor vehicle is cancelled under this Act; or

(c) the registration of the motor vehicle is transferred to a different person under this Act; or

(d) the person notifies the Registrar of the transfer of ownership of the motor vehicle in accordance with section 56; or

(e) the Registrar cancels the person's participation in the scheme in accordance with the scheme.

(8) A person who is a participant in the periodic payment scheme in respect of a particular motor vehicle must, in accordance with the scheme, notify the Registrar of any change in—

(a) the person's personal particulars or circumstances that may affect an amount to be paid in respect of the registration of the motor vehicle; or

(b) such other information or circumstances as may be specified under the scheme for the purposes of this subsection.

(9) A person who refuses or fails to comply with subsection (8) is guilty of an offence.

Maximum penalty: $1 250.

(10) An application under this section or for the purposes of the periodic payment scheme must be made in accordance with the scheme.

(11) If registration renewal fees or other amounts payable on renewal of the registration of a motor vehicle fee are debited to an account in accordance with the periodic payment scheme, the Registrar may (but is not, in any circumstances, required to) refund the whole or part of the amount so debited (including, to avoid doubt, where the person's participation in the scheme has been cancelled after the amount has been so debited).

(12) Without limiting any other provision of this Act, the Registrar may give any notice under this section, or under the periodic payment scheme, to a participant in the periodic payment scheme by email, text message or other electronic form of communication.

(13) For the purposes of this section, a reference to an ADI account includes a reference to a credit card account.

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.

28—Payments into National Heavy Vehicle Regulator Fund

(1) The Registrar must, in accordance with a scheme agreed with the National Heavy Vehicle Regulator, pay into the National Heavy Vehicle Regulator Fund any amounts collected or received in respect of the regulatory component of the prescribed registration fees for heavy vehicles.

(2) If the prescribed registration fee for a heavy vehicle is to be reduced by the prescribed amount under section 34 or 37, the prescribed amount is to be deducted from the road use component of the registration fee and not the regulatory component.

(3) In this section—

National Heavy Vehicle Regulator means the National Heavy Vehicle Regulator established under the *Heavy Vehicle National Law (South Australia)*;

National Heavy Vehicle Regulator Fund means the National Heavy Vehicle Regulator Fund established under the *Heavy Vehicle National Law (South Australia)*;

regulatory component of the prescribed registration fee means that component of the registration fee prescribed by the regulations or a fee notice under the *Legislation (Fees) Act 2019* as the regulatory component of the registration fee;

road use component of the prescribed registration fee means that component of the registration fee prescribed by the regulations or a fee notice under the *Legislation (Fees) Act 2019* as the road use component of the registration fee.

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 the officer 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.

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 pensioner entitlement 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 a pensioner entitlement card issued under an 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 pensioner entitlement 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 a pensioner entitlement card issued under an 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 or carers

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

(a) that—

(i) the owner of a motor vehicle, in consequence of the loss of the use of 1 or both legs, is permanently unable to use public transport; and

(ii) 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; or

(b) that—

(i) the owner of a motor vehicle is the parent or legal guardian of a child who, in consequence of the loss by the child of the use of 1 or both of the child's legs, is permanently unable to use public transport; and

(ii) the motor vehicle will, during the period for which it is sought to be registered, be wholly or mainly used for transporting the child,

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 given in a manner and form determined by the Minister to 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) If the amount referred to in subsection (1) is not paid within 14 days after notice under that subsection has been given, the Registrar may, by notice given in a manner and form determined by the Minister to the person registered as the owner or 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.

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: $2 500.

(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-three 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 police officer or an authorised officer, produce the certificate for inspection by the police officer or authorised officer.

Maximum penalty: $250.

(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 regulations), 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: $5 000.

(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: $5 000.

(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 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).

(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: $5 000.

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: $5 000.

47C—Return, recovery etc 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) If the registration of a motor vehicle—

(a) has expired; 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),

the Registrar may, by notice given in a manner and form determined by the Minister to the owner of the vehicle or the person who is or was last registered as the owner or the operator of the vehicle, direct the person to either—

(d) destroy the number plates; or

(e) surrender the number plates to the Registrar; or

(f) ensure that the number plates are securely stored so that they cannot be affixed to any motor vehicle that is driven, or allowed to stand on, a road,

within the period specified in the notice.

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

Maximum penalty: $5 000.

(4) Subject to the regulations, 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 police officer or an authorised officer 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.

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 the person's possession a number plate or an article resembling a number plate that is liable to be mistaken for a number plate.

Maximum penalty: $5 000.

(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: $5 000.

(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 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.

55B—Notice to be given to Registrar

(1) If a court makes an order—

(a) suspending or cancelling the registration of a motor vehicle; or

(b) disqualifying a person from registering a motor vehicle,

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

(2) If any such 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.

(3) 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.

55C—Action following disqualification or suspension outside State

(1) If a person is disqualified from registering a motor vehicle in another State or Territory of the Commonwealth, the Registrar must—

(a) if the person is the registered operator of the motor vehicle under this Act, cancel the registration of the motor vehicle;

(b) refuse to register the motor vehicle in the name of the person as an owner or operator during the period of disqualification.

(2) If an order is made in another State or Territory of the Commonwealth that the registration of a motor vehicle be suspended, the Registrar must, if the motor vehicle is registered under this Act, suspend the registration of the motor vehicle.

56—Duty of transferor on transfer of vehicle

If 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—

(a) within 7 days after the transfer—lodge with the Registrar an application for cancellation of the registration of the vehicle; or

(b) do the following:

(i) within 7 days after the transfer—

(A) give to the transferee the prescribed documents in respect of the vehicle; and

(B) complete and sign a notice of the transfer of ownership of the vehicle in a form determined by the Minister;

(ii) within 14 days after the transfer—lodge with the Registrar the notice referred to in subsubparagraph (B).

Maximum penalty: $1 250.

57—Duty of transferee on transfer of vehicle

(1) If 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 7 days after the transfer, sign a notice under section 56(b)(i)(B).

Maximum penalty: $1 250.

(2) If—

(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 lodged with the Registrar within 7 days after the transfer,

the transferee must, within 14 days after the transfer—

(c) lodge with the Registrar—

(i) an application to transfer the registration of the vehicle; and

(ii) the prescribed documents in respect of the vehicle; and

(d) pay the prescribed fee for the transfer; and

(e) pay the stamp duty (if any) payable on the application.

Maximum penalty: $1 250.

(2a) If the transferee fails to lodge an application required under subsection (2) within 14 days after the transfer of the vehicle, the Registrar may refuse to enter into any transaction with the transferee until such an application has been lodged.

(3) If—

(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 of 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 lodging an application for transfer of registration.

(5) An application for the transfer of the registration of a motor vehicle must—

(a) be made in a manner and form determined by the Minister; and

(b) state correctly the following particulars:

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

(ii) if the new owner of the vehicle is a natural person—the address at which the new owner is ordinarily resident;

(iii) if 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;

(iv) 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);

(v) if 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;

(vi) if 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;

(vii) the garage address of the vehicle;

(viii) 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 vehicle

If an application to transfer the registration of a motor vehicle has not been lodged with the Registrar but—

(a) a notice under section 56(b)(i)(B) in relation to the vehicle has been lodged with the Registrar; or

(b) the Registrar is satisfied on the basis of other evidence that the 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 prescribed documents in respect of a motor vehicle and an application to transfer the registration are lodged with 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—

(i) the vehicle complies with an Act or law that regulates the design, construction or maintenance of such a vehicle; or

(ii) the vehicle would, if driven on a road, put the safety of persons using the road at risk; or

(iii) the vehicle or part of the vehicle 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 or part of the vehicle is or may be stolen.

(5) The Registrar must refuse to transfer the registration of a vehicle if—

(a) the vehicle is a vehicle of a class prescribed for the purposes of section 139(1)(c); and

(b) the vehicle has been examined under section 139; and

(c) the Registrar reasonably believes that because the vehicle does not comply with an Act or law that regulates the design, construction or maintenance of such a vehicle, the vehicle would, if driven on a road, put the safety of persons using the road at risk.

(6) The Registrar may refuse to transfer the registration of a motor vehicle if the Registrar has made a decision under section 71C in relation to the vehicle and the reasons for that decision still exist.

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 lodged—

(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 lodgement 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.

60A—Lodgement of applications, notices etc

For the purposes of sections 56, 57, 57A, 58 and 60 of this Act, a requirement to lodge an application, notice or other document with the Registrar will be taken to have been met if all the information required to be included in the application, notice or other document is provided to the Registrar in a manner determined by the Minister.

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.

61A—Removal of number plates by Chief Recovery Officer

If the Chief Recovery Officer forwards to the Registrar number plates that have been seized from a motor vehicle under section 43 of the *Fines Enforcement and Debt Recovery Act 2017*, the Registrar—

(a) may cancel the registration of the vehicle; and

(b) must, if the registration of the vehicle is cancelled under paragraph (a), pay to the Chief Recovery Officer the refund (if any) to which the registered owner or registered operator would have been entitled under section 54(2) if the registration of the vehicle had been cancelled under section 54(1).

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 Registration Act 2011* of the Commonwealth 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: $750.

(4) Where a person fails to surrender a trade plate pursuant to subsection (2), a police officer or an authorised officer 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: $750.

(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 and documents

71A—Property in plates and documents

Number plates, trade plates and prescribed documents issued under this Act remain the property of the Crown.

71B—Replacement of plates and documents

(1) If the Registrar is satisfied by statutory declaration or such other evidence as the Registrar may require that a number plate, trade plate or prescribed document 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, trade plate or prescribed document.

(1a) However, if a number plate has been seized by the Chief Recovery Officer under the *Fines Enforcement and Debt Recovery Act 2017*, a person may not make application for a replacement number plate unless the application is authorised in writing by the Chief Recovery Officer.

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

Maximum penalty: $250.

Division 13—Miscellaneous

71C—Powers of Registrar in relation to offensive material displayed on motor vehicles

(1) Subject to this section, if the Registrar is given an advertising code breach notice in relation to a motor vehicle by Ad Standards the Registrar may do either or both of the following:

(a) refuse to enter into any transaction—

(i) with the registered owner or the registered operator of the motor vehicle to which the advertising code breach notice (whether in relation to that motor vehicle or any other motor vehicle); and

(ii) with any other person in relation to the motor vehicle to which the advertising code breach notice relates;

(b) cancel the registration of the motor vehicle to which the advertising code breach notice relates.

(2) The Registrar must, before acting under subsection (1), give notice to the registered owner or the registered operator of the motor vehicle to which the advertising code breach relates—

(a) advising the owner or operator of the Registrar's decision under that subsection; and

(b) specifying the action that must be taken, and the period within which it must be taken, to avoid the Registrar acting under subsection (1); and

(c) advising of the right to apply to the Tribunal for a review of the Registrar's decision.

(3) If the Registrar is notified by Ad Standards that Ad Standards has withdrawn the advertising code breach notice relating to the motor vehicle—

(a) the Registrar must inform the registered owner or the registered operator of the vehicle that the advertising code breach notice in relation to the vehicle has been withdrawn; and

(b) the Registrar must not take action under subsection (1).

(4) If, before the Registrar takes action under subsection (1), the Registrar is notified that material of an offensive nature is no longer displayed on the motor vehicle, the Registrar must not take action under subsection (1).

(5) If the registration of a motor vehicle is cancelled under this section, no part of any amount paid in respect of the registration of the vehicle is refundable.

(6) In this section—

Ad Standards means—

(a) if the regulations prescribe a body for the purposes of this definition—that body; or

(b) if the regulations do not prescribe a body for the purposes of this definition—the Australian Association of National Advertisers (ACN 003 179 673);

advertising code means—

(a) the document entitled *AANA Code of Ethics* published by the Australian Association of National Advertisers (ACN 003 179 673), as in force from time to time; or

(b) a document that—

(i) constitutes a code of ethics or standard for advertising; and

(ii) is prescribed by the regulations to be an advertising code for the purposes of this section;

advertising code breach determination means a determination of Ad Standards (or, if a body has been appointed by Ad Standards to make such a determination, that body) that material appearing on a specified motor vehicle breaches the advertising code;

advertising code breach notice means a notice—

(a) setting out the details of an advertising code breach determination; and

(b) specifying that the determination is final.

(7) This section does not apply in relation to any—

(a) electoral advertisement as defined in the *Electoral Act 1985*; or

(b) electoral material as defined in the *Local Government (Elections) Act 1999*; or

(c) electoral matter as defined in the *Commonwealth Electoral Act 1918* of the Commonwealth; or

(d) material of a prescribed kind.

Part 3—Drivers' licences

72—Classification of licences

(1) A licence must be assigned 1 or more prescribed classifications.

(2) Subject to this Act, if a person applies for the grant or renewal of a licence and the licence is granted or renewed (as the case may be), the Registrar must ensure that the licence is assigned the classification for which the person has applied.

(3) If—

(a) an applicant for the renewal of a licence applies for the licence to be assigned any further or other classification; and

(b) the Registrar is satisfied 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 Registrar must ensure that the licence, if renewed, is assigned that further or other classification.

(4) If the Registrar is satisfied that a person who holds a licence is competent to drive motor vehicles for which a licence assigned a further or other classification is required under this Act, the Registrar must ensure that the licence is assigned the appropriate further or other classification.

(5) The Registrar may, for the purposes of this section, require a person who holds a licence or applies for the grant or renewal of a licence to provide evidence to the satisfaction of the Registrar of the person's competency to drive motor vehicles for which a particular classification is required under this Act.

(6) The regulations may provide that, for the purposes of this Act, a person is to be taken to hold a licence that is assigned a particular classification if the person has held a licence of some other classification for a prescribed period (the ***qualifying period***).

(7) Subject to the regulations, a classification assigned to a licence must be endorsed on the licence.

(8) For the purposes of this Act, in determining whether a person has held a licence for the qualifying period, any period during which—

(a) the person's licence was suspended; or

(b) the person was disqualified from holding or obtaining a licence in this State or in another State or Territory of the Commonwealth,

is not to be taken into account.

72A—Qualified supervising drivers

(1) For the purposes of this Act, a person ***acts as a qualified supervising driver*** for the holder of a permit or licence if—

(a) when the holder of the permit or licence drives a motor vehicle, or attempts to put a motor vehicle in motion, on a road, the person—

(i) occupies a seat in the vehicle next to the holder of the permit or licence, or, if the vehicle is a motor bike, is a passenger on the bike or in a sidecar attached to the bike; and

(ii) takes all reasonable steps to supervise and instruct the holder of the licence or permit in the safe and efficient driving of the motor vehicle; and

(b) the person is the holder of—

(i) an unconditional licence authorising the person to drive the vehicle; or

(ii) a foreign licence of a type approved by the Registrar by notice in the Gazette authorising the person to drive the vehicle,

and has held such a licence during the whole of the immediately preceding 2 year period; and

(c) the licence held by the person is not subject to a condition under section 98BE(2) requiring the person to be of good behaviour.

(2) A person who has the prescribed concentration of alcohol in the person's blood, or a prescribed drug in the person's oral fluid or blood, must not act as a qualified supervising driver for the holder of a licence or permit.

Maximum penalty: $1 250.

(3) Sections 47C, 47D, 47E, 47EAA, 47GA, 47GB and 47K and Schedule 1 of the *Road Traffic Act 1961* apply in relation to an offence against subsection (2) as if—

(a) a reference in any of those sections to an offence against that Act were a reference to an offence against subsection (2); and

(b) the person alleged to have committed an offence against subsection (2) were, when acting as a qualified supervising driver for the holder of a permit or licence, 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 this section.

(4) In this section—

prescribed concentration of alcohol means a concentration of .05 grams or more of alcohol in 100 millilitres of blood.

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.

(2aa) For the purposes of subsections (1) and (2), a person who, immediately before 1 December 2024, held a licence in this State (other than a provisional licence) that authorised them to drive an ultra high powered vehicle will be taken to have been previously authorised to drive a motor vehicle of that class on a road.

(2a) Subject to this Act, if a person—

(a) drives a motor vehicle on a road; and

(b) has, as a consequence of being convicted of a serious drink driving offence, been disqualified from holding or obtaining a licence; and

(c) has not, since the end of the period of that disqualification, been authorised, under this Act or the law of another State or Territory of the Commonwealth, to drive a motor vehicle,

the person is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(2ab) Subject to this Act, if—

(a) a person drives a motor vehicle on a road; and

(b) the person has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of a drink driving offence or an alleged drink driving offence (whether committed, or allegedly committed, in this State or in another State or Territory of the Commonwealth); and

(c) —

(i) the drink driving offence or alleged drink driving offence was an offence against section 47(1a), 47B(1a), 47E(3a) or 47I(7) of the *Road Traffic Act 1961*; or

(ii) if the offence was a prescribed drink driving offence—the person has—

(A) been convicted of at least 1 other prescribed drink driving offence; or

(B) been convicted of or expiated at least 2 other drink driving offences,

committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence; or

(iii) in any other case—the person has been convicted of or expiated at least 2 other drink driving offences committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence; and

(d) the person has not, since the end of the period of the disqualification referred to in paragraph (b), been authorised, under this Act or the law of another State or Territory of the Commonwealth, to drive a motor vehicle,

the person is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(2ac) Subject to this Act, if—

(a) a person drives a motor vehicle on a road; and

(b) the person has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of a drug driving offence or an alleged drug driving offence (whether committed, or allegedly committed, in this State or in another State or Territory of the Commonwealth); and

(c) —

(i) the drug driving offence or alleged drug driving offence was an offence against section 47(1a), 47BA(1a), 47EAA(9a) or 47I(7) of the *Road Traffic Act 1961*; or

(ii) the person has been convicted of or expiated at least 1 other drug driving offence committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence; and

(d) the person has not, since the end of the period of the disqualification referred to in paragraph (b), been authorised, under this Act or the law of another State or Territory of the Commonwealth, to drive a motor vehicle,

the person is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 1 year.

(2b) An offence against this section is not expiable if the maximum penalty for the offence is $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) in the case of a motor bike—the person holds a licence or learner's permit that authorises the holder to drive a motor bike of that class; or

(ab) in the case of an ultra high powered vehicle—the person holds a licence that authorises the holder to drive an ultra high powered vehicle; or

(b) in the case of a motor vehicle that is not a motor bike or an ultra high powered vehicle—

(i) the person holds a licence that authorises the holder to drive a motor vehicle of that class; or

(ii) the person—

(A) holds a licence; and

(B) 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

(iii) the person holds a learner's permit that authorises the holder to drive a motor vehicle of that class.

(4) When the holder of a licence under this Act drives a motor vehicle on a road as authorised under subsection (3)(b)(ii), the obligations imposed by section 75A(10) to (19) (inclusive) on the holder of a learner's permit apply to the holder of the licence as if the references in those provisions to a learner's permit or permit were references to the licence.

(5) Where a court convicts a person of an offence against this section for which the maximum penalty is $5 000 or imprisonment for 1 year, the following provisions apply:

(a) the court must order that the person be disqualified from holding or obtaining a driver's licence or learner's permit 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 or learner's permit—the disqualification operates to cancel the licence or permit 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) or (5a) 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.

(7) In this section—

(a) a reference to a drink driving offence includes a reference to an offence against a law of another State or Territory of the Commonwealth that corresponds to an offence against this Act that is within the ambit of the definition of ***drink driving offence*** in section 5(1);

(b) a reference to a drug driving offence includes a reference to an offence against a law of another State or Territory of the Commonwealth that corresponds to an offence against this Act that is within the ambit of the definition of ***drug driving offence*** in section 5(1);

(c) a reference to a prescribed drink driving offence includes a reference to an offence against a law of another State or Territory of the Commonwealth that corresponds to an offence against this Act that is within the ambit of the definition of ***prescribed drink driving offence*** in section 5(1).

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 resident in this State and is—

(i) in the case of a person applying for the issue of a licence authorising the driving of a motor bike—at least 19 years of age; or

(ii) in any other case—at least 17 years of age; and

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

(b) pays 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—

(a) the Registrar must cancel the licence; and

(b) 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 1 licence to be held at any time

(a1) The Registrar must not issue a licence to a person who already holds a licence under this Act unless the person surrenders the licence to the Registrar.

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

(a) surrenders the interstate learner's permit, interstate licence or foreign licence to the Registrar; and

(b) in the case of a person who holds an interstate learner's permit or interstate licence—provides the Registrar with a letter addressed to the authority that issued the permit or licence requesting the authority to cancel the permit or licence.

(2) Where a person who holds an interstate learner's permit, interstate licence or foreign licence is issued with a licence or learner's permit under this Act, the interstate learner's permit, 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 learner's permit, 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 learner's permit, interstate licence or foreign licence.

(4) Where a person holds a licence or learner's permit and one or more interstate learner's permits or interstate licences, the Registrar may, by notice given in a manner and form determined by the Minister 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 learner's permits or interstate licences to the Registrar and provide the Registrar with letters addressed to the authorities that issued the permits or licences requesting those authorities to cancel the permits or licences.

(5) If a person does not surrender the person's licence or learner's permit or surrender the person's interstate learner's permits or 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.

(7) A requirement to surrender a permit or licence under this section only applies in relation to a permit or licence that is held in the form of a physical document or item.

(8) Nothing in this section affects the ability of the Registrar to issue—

(a) to a person who holds a permit or licence issued in the form of a physical document or item the same permit or licence in electronic form (without surrender of the permit or licence issued in the form of a physical document or item); or

(b) to a person who holds a permit or licence issued in electronic form the same permit or licence in the form of a physical document or item (without surrender of the permit or licence issued in electronic form).

75A—Learner's permit

(1) In this section—

prescribed concentration of alcohol means any concentration of alcohol in the blood;

prescribed learner's permit holder means a person under the age of 25 years who holds a learner's permit authorising the holder to drive a motor bike;

prescribed locality means an area in the State defined as a prescribed locality for the purposes of this section—

(a) by the regulations; or

(b) by the Registrar by notice in the Gazette;

service brake means the brake normally used to decelerate a vehicle.

(2) Subject to this Act, the Registrar must issue a learner's permit to an applicant if—

(a) the applicant—

(i) is at least 16 years of age; and

(ii) is resident in the State; and

(iii) has passed the theoretical examination prescribed for the purposes of section 79; and

(iv) has complied with any requirements of the Registrar under section 77B; and

(v) has—

(A) in the case of an applicant for a learner's permit authorising the driving of a motor bike—completed the motor bike driver training prescribed by the regulations and complied with any other requirements prescribed by the regulations; or

(B) in any other case—complied with any other requirements prescribed by the regulations in relation to the class of motor vehicle in respect of which the permit is sought; and

(b) the application—

(i) is made in a manner and form determined by the Minister; and

(ii) is accompanied by the prescribed fee.

(2a) Despite subsection (2), the Registrar must not issue a learner's permit authorising the driving of a motor bike to a person under 18 years of age unless—

(a) the person is at least 16 years of age and the person satisfies the Registrar that the person resides in a prescribed locality; or

(b) the person is at least 17 years of age and is the holder of a provisional licence.

(3) A learner's permit issued to an applicant in respect of a class of motor vehicle remains in force until the expiration of the period specified in the permit or until a licence is issued to the applicant in respect of the same class of vehicle (whichever occurs first).

(4) Subject to this Act, the Registrar may renew a learner's permit if—

(a) the applicant has complied with any requirements of the Registrar under section 77B and any other requirements prescribed by regulation in relation to the class of motor vehicle in relation to which the permit applies; and

(b) the application—

(i) is made in a manner and form determined by the Minister; and

(ii) is accompanied by the prescribed fee.

(5) Subject to subsection (6), an application for renewal of a learner's permit must be made before the expiry of that permit.

(6) The Registrar may renew a learner's permit despite its expiry provided that application for renewal is made within 12 months of the expiry.

(7) Despite the renewal of a learner's permit after its expiry, the holder of the permit is not, for the purposes of this Act, to be taken to have been the holder of the permit during the period between the expiry of the permit and the date of its renewal.

(8) If 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 refuse the application and return any fee paid in respect of the application.

(9) 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 of a class specified in the permit on roads—

(i) during the period for which the permit remains in force; and

(ii) subject to learner's permit conditions; and

(c) while the learner's permit conditions are complied with, has effect as a licence.

(10) 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 the prescribed concentration of alcohol is present in the holder's blood, or a prescribed drug is present in the holder's oral fluid or blood;

(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 (other than a motor bike) on a road unless the holder of the permit is accompanied by a person acting as a qualified supervising driver for the holder of the permit;

(d) 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.

(11) A condition imposed on a learner's permit by the Registrar under subsection (10)(d) must be endorsed on the permit.

(12) The condition referred to in subsection (10)(c) does not apply while the holder of a learner's permit is driving a motor vehicle during the course of a practical driving test conducted under this Act.

(13) If an applicant is not willing to accept a learner's permit subject to learner's permit conditions, the Registrar must refuse to issue a permit to, or renew the permit of, the applicant.

(14) The holder of a learner's permit must not contravene a condition of the permit.

Maximum penalty: $1 250.

(15) The holder of a learner's permit must not—

(a) drive a motor bike on a road unless a plate bearing the letter "L" is affixed to the bike in accordance with the regulations; or

(b) drive any other motor vehicle on a road unless 2 plates bearing the letter "L" are affixed to the vehicle in accordance with the regulations.

Maximum penalty: $1 250.

(16) 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 100 kilometres an hour.

Maximum penalty: $1 250.

(17) Subsections (14), (15) and (16) do not apply to the holder of a learner's permit while the holder is driving a class of motor vehicle that the holder is authorised to drive under a licence.

(18) Sections 47C, 47D, 47E, 47EAA, 47GA, 47GB and 47K and Schedule 1 of the *Road Traffic Act 1961* apply in relation to an offence against subsection (14) of contravening the condition referred to in subsection (10)(a) as if—

(a) a reference in any of those sections to an offence against that Act was a reference to an offence against subsection (14); and

(b) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47A of that Act was a reference to the prescribed concentration of alcohol as defined in this section.

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

(a) an offence against subsection (14) of contravening the condition referred in subsection (10)(b); or

(b) an offence against subsection (16),

as if a reference in that section to an offence against that Act was a reference to an offence against subsection (14) or (16).

(20) A prescribed learner's permit holder must not drive a motor bike on a road between the hours of midnight and 5.00 am.

Maximum penalty: $1 250.

(21) It is a defence to a charge of an offence against subsection (20) if the defendant establishes that the defendant was driving the vehicle in the circumstances prescribed—

(a) in Schedule 2; or

(b) by the regulations; or

(c) by notice in the Gazette under subsection (22).

(22) The Registrar may, by notice in the Gazette, prescribe circumstances that will constitute a defence for the purposes of subsection (21)(c) and may, by further notice in the Gazette, vary or revoke such a notice.

(23) A notice prescribing circumstances that will constitute a defence for the purposes of subsection (21)(c) has effect for the period specified in the notice (which must be not longer than 6 months).

(24) The holder of a learner's permit authorising the holder to drive a motor bike must not, while driving a motor bike on a road, carry any person on the motor bike (whether as a passenger on the motor bike or in a sidecar attached to the motor bike).

Maximum penalty: $1 250.

(25) The holder of a learner's permit authorising the holder to drive a motor bike must not, while driving a motor bike on a road, tow any vehicle by use of the motor bike.

Maximum penalty: $1 250.

75B—Special provisions applying to certain motor bike learner's permits

(1) The holder of a restricted motor bike learner's permit must not drive a motor bike on a road except in circumstances prescribed—

(a) in Schedule 2 clause 3(2); or

(b) in Schedule 2 clause 4(1a); or

(c) in Schedule 2 clause 5; or

(d) by the regulations; or

(e) by notice in the Gazette under subsection (2).

Maximum penalty: $1 250.

(2) The Registrar may, by notice in the Gazette, prescribe circumstances for the purposes of subsection (1)(e) and may, by further notice in the Gazette, vary or revoke such a notice.

(3) A notice prescribing circumstances for the purposes of subsection (1)(e) has effect for the period specified in the notice (which must not be longer than 6 months).

(4) In this section—

restricted motor bike learner's permit means a learner's permit issued under section 75A(2a)(a).

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 satisfies the Registrar, by such evidence as the Registrar may require, that the applicant has passed an approved theoretical examination; or

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

(i) at some time during the period of 12 months immediately preceding the date of the application the applicant held an interstate learner's permit; or

(ii) at some time during the period of 5 years immediately preceding the date of the application the applicant held an interstate licence; or

(iii) at some time during the period of 5 years immediately preceding the date of the application the applicant held a foreign licence of a type approved by the Registrar by notice in the Gazette.

(2) The regulations 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—

approved theoretical examination means an examination approved by the Registrar as a theoretical examination for the purposes of this section.

79A—Driving experience required for issue of licence

(1) Subject to this section, the Registrar must not issue a licence authorising the driving of a motor bike to an applicant who has not held such a licence during the period of 5 years immediately preceding the date of the application unless—

(a) in the case of an applicant who has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of an offence committed or allegedly committed (whether in this State or elsewhere) while the applicant held a learner's permit or interstate learner's permit (provided the applicant did not also hold a licence or interstate licence in respect of another class of motor vehicle) or after the expiry of such a permit but before obtaining any licence or interstate licence, and the applicant has not held a licence or interstate licence since the end of the period of disqualification—the applicant has held a learner's permit authorising the holder to drive a motor bike for periods totalling at least 12 months of which there must be a continuous period of not less than 3 months since the end of the period of disqualification; or

(b) in any other case—the applicant has held a learner's permit authorising the holder to drive a motor bike for a continuous period of at least 12 months.

(2) Subject to this section, the Registrar must not issue a licence authorising the driving of a motor vehicle (other than a motor bike) to an applicant who has not held a licence during the period of 5 years immediately preceding the date of the application unless—

(a) in the case of an applicant under the age of 25—

(i) if the applicant has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of an offence committed or allegedly committed (whether in this State or elsewhere) while the applicant held a learner's permit or interstate learner's permit (provided the applicant did not also hold a licence or interstate licence in respect of another class of motor vehicle) or after the expiry of such a permit but before obtaining any licence or interstate licence, and the applicant has not held a licence or interstate licence since the end of the period of disqualification—the applicant has held a learner's permit for periods totalling at least 12 months of which there must be a continuous period of not less than 3 months since the end of the period of disqualification; or

(ii) in any other case—the applicant has held a learner's permit for a continuous period of at least 12 months; or

(b) in the case of an applicant aged 25 or over—

(i) if the applicant has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of an offence committed or allegedly committed (whether in this State or elsewhere) while the applicant held a learner's permit or interstate learner's permit (provided the applicant did not also hold a licence or interstate licence in respect of another class of motor vehicle) or after the expiry of such a permit but before obtaining any licence or interstate licence, and the applicant has not held a licence or interstate licence since the end of the period of disqualification—the applicant has held a learner's permit for periods totalling at least 6 months of which there must be a continuous period of not less than 3 months since the end of the period of disqualification; or

(ii) in any other case—the applicant has held a learner's permit for a continuous period of at least 6 months.

(3) Subject to this section, the Registrar must not issue a licence authorising the driving of a motor vehicle to an applicant who has not held such a licence during the period of 5 years immediately preceding the date of the application unless—

(a) the applicant has produced to the Registrar—

(i) a logbook that—

(A) is in a form approved by the Registrar; and

(B) has been completed in accordance with the instructions contained in the logbook so as to verify that the applicant has satisfied the prescribed requirements relating to the applicant's driving experience; or

(ii) other evidence to the satisfaction of the Registrar that the applicant has satisfied the prescribed requirements relating to the applicant's driving experience; and

(b) the Registrar is satisfied that the applicant has passed—

(i) an approved hazard perception test conducted—

(A) by a police officer or an approved tester; or

(B) by a method approved by the Registrar; and

(ii) a practical driving test conducted by an authorised examiner; and

(c) in the case of an applicant for a licence authorising the driving of a motor bike—the applicant has completed the motor bike driver training prescribed by the regulations.

(4) The Registrar may issue a licence 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 despite the applicant not satisfying the requirements of subsection (1), (2) or (3) if the applicant satisfies the Registrar, by such evidence as the Registrar may require, that—

(a) the applicant has at some time during the period of 5 years immediately preceding the date of the application held—

(i) an interstate licence; or

(ii) a foreign licence of a type approved by the Registrar by notice in the Gazette; or

(b) the applicant—

(i) has at some time held a licence issued under this Act, an interstate learner's permit, an interstate licence or a licence issued under the law of some other place outside this State; and

(ii) has obtained satisfactory driving experience.

(5) The Registrar may dispense with the requirement that an applicant must have held a learner's permit for the continuous period referred to in subsection (1)(b), (2)(a)(ii) or (2)(b)(ii) if the Registrar is satisfied that the applicant has held a learner's permit for periods that are sufficient in aggregate.

(6) The Registrar may dispense with the requirement imposed by subsection (3)(a) if the application is for the issue of a licence of a class prescribed by regulation.

(7) If—

(a) an applicant for a licence has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of an offence committed or allegedly committed (whether in this State or elsewhere)—

(i) while the person held a learner's permit or interstate learner's permit (provided the person did not also hold a licence or interstate licence in respect of another class of motor vehicle); or

(ii) after the expiry of such a permit but before obtaining any licence or interstate licence; and

(b) the applicant has held a licence or interstate licence at some time during the period of 5 years immediately preceding the date of the application but has not held a licence or interstate licence since the end of the period of disqualification,

the Registrar must not issue a licence to the applicant unless—

(c) the applicant has, since the end of the period of disqualification, held a learner's permit for a continuous period of at least 3 months; and

(d) the applicant has produced to the Registrar evidence to the satisfaction of the Registrar that, since the end of the period of disqualification, the applicant has passed—

(i) an approved hazard perception test conducted—

(A) by a police officer or an approved tester; or

(B) by a method approved by the Registrar; and

(ii) a practical driving test conducted by an authorised examiner.

(8) In this section—

approved hazard perception test means a test approved by the Registrar as a hazard perception test for the purposes of this Act;

approved tester means—

(a) a person appointed by the Registrar to conduct hazard perception tests; or

(b) a person of a class approved by the Registrar to conduct hazard perception tests.

79B—Alcohol and drug dependency assessments and issue of licences

(1) If—

(a) an applicant for the issue of a licence has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of a drink driving offence or an alleged drink driving offence (whether committed, or allegedly committed, in this State or in another State or Territory of the Commonwealth); and

(b) the applicant has not held a licence or learner's permit, or an interstate licence or interstate learner's permit, since the end of the period of disqualification; and

(c) —

(i) the drink driving offence or alleged drink driving offence was an offence against section 47(1a), 47B(1a), 47E(3a) or 47I(7) of the *Road Traffic Act 1961*; or

(ii) if the offence was a prescribed drink driving offence—the applicant has—

(A) been convicted of at least 1 other prescribed drink driving offence; or

(B) been convicted of or expiated at least 2 other drink driving offences,

committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence; or

(iii) in any other case—the applicant has been convicted of or expiated at least 2 other drink driving offences committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence,

the Registrar must, before determining the application for the licence, direct the applicant to submit to an examination by an approved assessment provider to determine whether or not the applicant is dependent on alcohol unless the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that—

(d) the applicant has successfully completed an alcohol dependency treatment program not more than 60 days before the date of application for the licence; and

(e) the applicant is not dependent on alcohol.

(2) If—

(a) an applicant for the issue of a licence—

(i) has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of a drug driving offence or an alleged drug driving offence (whether committed, or allegedly committed, in this State or in another State or Territory of the Commonwealth); or

(ii) has had their licence or permit cancelled under section 81D(2)(a); and

(b) the applicant has not held a licence or learner's permit, or an interstate licence or interstate learner's permit, since the end of the period of disqualification or the cancellation of the applicant's licence or permit under section 81D(2)(a) (as the case requires); and

(c) —

(i) the drug driving offence or alleged drug driving offence was an offence against section 47(1a), 47BA(1a), 47EAA(9a) or 47I(7) of the *Road Traffic Act 1961*; or

(ii) the applicant has been convicted of or expiated at least 1 other drug driving offence committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of the offence,

the Registrar must, before determining the application for the licence, direct the applicant to submit to an examination by an approved assessment provider to determine whether or not the applicant is dependent on drugs unless the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that—

(d) the applicant has successfully completed a drug dependency treatment program not more than 60 days before the date of application for the licence; and

(e) the applicant is not dependent on drugs.

(3) An approved assessment provider must, as soon as practicable after the assessment of a person has been completed under this section, furnish a report on the examination to the Registrar, and send a copy of the report to the person.

(4) Subject to subsection (6), if the Registrar is satisfied, on the basis of the report of an approved assessment provider, that the applicant is dependent on alcohol, the Registrar must refuse to issue a licence to the applicant until the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that the applicant is no longer dependent on alcohol.

(5) If the Registrar is satisfied, on the basis of the report of an approved assessment provider, that the applicant is dependent on drugs, the Registrar must refuse to issue a licence to the applicant until the applicant satisfies the Registrar, on the basis of the report of an approved assessment provider or such other evidence as the Registrar may require, that the applicant is no longer dependent on drugs.

(6) If the Registrar is satisfied, on the basis of the report of an approved assessment provider, that the applicant is dependent on alcohol, but the applicant is willing to accept a licence subject to the mandatory alcohol interlock scheme conditions, the Registrar may, subject to this Act, issue such a licence to the applicant.

(7) The mandatory alcohol interlock scheme conditions of a licence issued under this section are effective until the holder of the licence satisfies the Registrar, on the basis of a report of an approved assessment provider or such other evidence as the Registrar may require, that the holder of the licence is no longer dependent on alcohol.

(7a) For the avoidance of doubt, an offence may be taken into account as an offence committed or allegedly committed within the period of 5 years before the date of commission or alleged commission of an offence referred to in subsection (1)(a) or (2)(a)(i) (the ***disqualification offence***) regardless of whether or not the person had been convicted of or expiated the offence at the time of commission of the disqualification offence.

(8) In this section—

(a) a reference to an approved assessment provider is a reference to—

(i) a person who—

(A) is registered under the *Health Practitioner Regulation National Law* to practice medicine as a specialist in addiction medicine; and

(B) is a Fellow of the Australasian Chapter of Addiction Medicine of the Royal Australasian College of Physicians; or

(ii) a person who—

(A) is registered under the *Health Practitioner Regulation National Law* to practice medicine as a specialist in psychiatry; and

(B) is a Fellow of the Royal Australian and New Zealand College of Psychiatrists; and

(C) holds a Certificate in Addiction Psychiatry; or

(iii) a person or body approved as an assessment provider for the purposes of this section by the Minister to whom the administration of the *Health Care Act 2008* is committed;

(b) a reference to a drink driving offence includes a reference to an offence against a law of another State or Territory of the Commonwealth that corresponds to an offence against this Act that is within the ambit of the definition of ***drink driving offence*** in section 5(1);

(c) a reference to a drug driving offence includes a reference to an offence against a law of another State or Territory of the Commonwealth that corresponds to an offence against this Act that is within the ambit of the definition of ***drug driving offence*** in section 5(1);

(d) a reference to a prescribed drink driving offence includes a reference to an offence against a law of another State or Territory of the Commonwealth that corresponds to an offence against this Act that is within the ambit of the definition of ***prescribed drink driving offence*** in section 5(1).

(9) Nothing in this section derogates from the Registrar's powers under section 80 or 81.

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, or a motor vehicle of a particular class, should be assessed, the Registrar may require the person to undergo such assessments 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, or all holders of a licence or learner's permit who are of a particular class, must undergo such assessments, 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.

(1b) The Registrar may, in directing a person to undergo an assessment under this section, require that the assessment be undertaken at a particular location or by a particular person or body determined by the Registrar.

(2) For the purposes of this section, an assessment undertaken to assess a person's ability or fitness to drive a motor vehicle, or motor vehicle of a particular class, must comply with guidelines published or adopted by the Minister by notice in the Gazette and the results of such an assessment must be applied by the Registrar in accordance with any policies published or adopted by the Minister by notice in the Gazette.

(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 assessments 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 the person is competent to drive a motor vehicle; or

(f) remove a classification assigned to the person's licence, or substitute for a classification assigned to the person's licence another classification.

(3) The Registrar may issue to any person who has been required to undergo assessments, 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: $1 250.

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.

(1a) If the Registrar is not satisfied that an applicant for the issue or renewal of a licence authorising the driving of a motor bike is competent to drive a motor bike fitted with a manual transmission, the Registrar may endorse on the licence a condition that the holder of the licence must not drive a motor bike unless it is fitted with an automatic transmission.

(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 or a hazard perception 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 or permit pursuant to this section.

Maximum penalty: $1 250.

81A—Provisional licences

(1) In this section—

complying interstate provisional licence—an interstate provisional licence is a complying interstate provisional licence if it has been in force for a period of at least 12 months;

P1 qualifying period means the period, or total period, for which a person has held a P1 licence (excluding, if the person had been disqualified from holding or obtaining a licence in this State or in another State or Territory of the Commonwealth, any period preceding the period of disqualification);

P2 qualifying period means the period, or total period, for which a person has held a P2 licence (excluding, if the person had been disqualified from holding or obtaining a licence in this State or in another State or Territory of the Commonwealth, any period preceding the period of disqualification);

peer passenger means a passenger in a motor vehicle who is aged not less than 16 years and not more than 20 years;

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

(2) Without derogating from any other provision of this Act, if an applicant for the issue of a licence—

(a) has not held a non-provisional licence or interstate non-provisional licence at some time during the period of 5 years immediately preceding the application; or

(b) holds an interstate provisional licence; or

(c) holds an interstate non-provisional licence or a foreign licence but is under the age of 20 years; or

(d) —

(i) has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of an offence committed or allegedly committed (whether in this State or elsewhere) while the holder of a P1 licence or interstate provisional licence; and

(ii) has not held a P2 licence or a complying interstate provisional licence since the end of the period of disqualification,

a licence issued to the applicant is a provisional licence and will be taken to be a P1 licence until the applicant has completed a P1 qualifying period of 12 months (and thereafter will be taken to be a P2 licence).

(3) Without derogating from any other provision of this Act, if an applicant for the issue of a licence has been disqualified from holding or obtaining a licence or learner's permit in this State, or in another State or Territory of the Commonwealth, as a consequence of an offence committed or allegedly committed (whether in this State or elsewhere)—

(a) while the holder of a P2 licence or a complying interstate provisional licence; or

(b) after the expiry of such a licence but before obtaining a non-provisional licence or an interstate non-provisional licence,

and has not held a non-provisional licence or an interstate non-provisional licence since the end of the period of disqualification, a licence issued to the applicant is a provisional licence and will be taken to be a P2 licence.

(4) The provisional licence conditions are as follows:

(a) 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 the prescribed concentration of alcohol is present in the holder's blood, or a prescribed drug is present in the holder's oral fluid or blood;

(b) 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.

(5) Subject to this Act, the Registrar must not grant a non-provisional licence to an applicant unless the applicant—

(a) will be aged 20 years or over at the commencement of the term of the licence; and

(b) will, at the commencement of the term of the licence, have completed a P2 qualifying period of at least 2 years; and

(c) is not the holder of a provisional licence that is subject to alcohol interlock scheme conditions.

(6) If a court disqualifies a person from holding or obtaining a licence or learner's permit the court may order—

(a) that any provisional licence to be issued to the person at the end of the period of disqualification will be taken to be a P1 licence for an extended period; or

(b) that the period referred to in subsection (5)(b) be extended in relation to any such provisional licence.

(7) Despite any other provision of this Act, if an applicant for the issue of a driver's licence—

(a) holds or has previously held a foreign licence; or

(b) is of a class of applicants prescribed by regulation,

the Registrar may, if of the opinion that there is proper cause to do so, do 1 or more of the following:

(c) issue a licence not subject to the conditions that would otherwise be imposed under this section;

(d) reduce the period for which the person will be taken to hold a P1 licence under this section or the period referred to in subsection (5)(b).

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

(9) The holder of a provisional licence must not contravene a condition of the licence.

Maximum penalty: $1 250.

(10) Sections 47C, 47D, 47E, 47EAA, 47GA, 47GB and 47K and Schedule 1 of the *Road Traffic Act 1961* apply in relation to an offence against subsection (9) of contravening the condition referred to in subsection (4)(a) as if—

(a) a reference in any of those sections to an offence against that Act was a reference to an offence against subsection (9); and

(b) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47A of that Act was a reference to the prescribed concentration of alcohol as defined in this section.

(11) 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.

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

(a) an offence against subsection (9) of contravening the condition referred to in subsection (4)(b); or

(b) an offence against subsection (11),

as if a reference in that section to an offence against that Act was a reference to an offence against subsection (9) or (11).

(13) The holder of a provisional licence must not, if the holder is under the age of 25 years, drive a high powered vehicle.

Maximum penalty: $1 250.

(14) Subject to the regulations, the Registrar may, on application by the holder of a provisional licence and payment of the fee (if any) prescribed by regulation, grant the holder an exemption from subsection (13) for such a term and subject to such conditions as the Registrar thinks fit.

(15) The holder of a P1 licence must not—

(a) drive a motor bike on a road unless a plate bearing the letter "P" is affixed to the bike in accordance with the regulations; or

(b) drive any other motor vehicle on a road unless 2 plates bearing the letter "P" are affixed to the vehicle in accordance with the regulations.

Maximum penalty: $1 250.

(16) The holder of a P1 licence who is under the age of 25 years must not drive a motor vehicle on a road between the hours of midnight and 5.00 am unless the driver is accompanied by a person acting as a qualified supervising driver for the holder of a licence.

Maximum penalty: $1 250.

(17) It is a defence to a charge of an offence against subsection (16) if the defendant establishes that the defendant was driving the vehicle in the circumstances prescribed—

(a) in Schedule 2; or

(b) by the regulations; or

(c) by notice in the Gazette under subsection (20).

(18) The holder of a P1 licence who is under the age of 25 years must not drive a motor vehicle on a road while 2 or more peer passengers are present in the vehicle unless the driver is also accompanied by a person acting as a qualified supervising driver for the holder of a licence.

Maximum penalty: $1 250.

(19) It is a defence to a charge of an offence against subsection (18) if the defendant establishes that the defendant was driving the vehicle in the circumstances prescribed—

(a) in Schedule 2; or

(b) by the regulations; or

(c) by notice in the Gazette under subsection (20).

(20) The Registrar may, by notice in the Gazette, prescribe circumstances that will constitute a defence for the purposes of subsection (17)(c) or subsection (19)(c) and may, by further notice in the Gazette, vary or revoke such a notice.

(21) A notice prescribing circumstances that will constitute a defence for the purposes of subsection (17)(c) or subsection (19)(c) has effect for the period specified in the notice (which must be not longer than 6 months).

(22) For the purposes of this section—

(a) in determining the period for which a person has held a P1 licence or P2 licence or whether a person has completed a P1 qualifying period or a P2 qualifying period, any period during which the person's licence has been suspended under this Act or another law of this State is not to be taken into account; and

(b) in determining the period for which a person has held a non-provisional licence or non-provisional interstate licence, any period during which the person's licence has been suspended under this Act or another law of this State is not to be taken into account,

unless the suspension came into operation before the commencement of this subsection.

81AB—Probationary licences

(1) Without derogating from any other provision of this Act, if a person applies for the issue of a licence following—

(a) a period of disqualification from holding or obtaining a licence imposed in prescribed circumstances; or

(b) cancellation of the person's licence under section 81D(2)(a),

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

(c) 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;

(d) 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 the prescribed concentration of alcohol is present in the holder's blood, or a prescribed drug is present in the holder's oral fluid or blood.

(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) or (3b), 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 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 to be subject to the alcohol interlock scheme conditions; or

(ii) 12 months,

whichever is the longer period.

(3b) If a licence is not issued subject to the alcohol interlock scheme conditions but the application for the licence was made following a period of disqualification ordered by a court for a serious drink driving offence committed on or after the commencement of section 81E, the conditions imposed by subsection (1) are effective for—

(a) a period of 12 months or double the period for which the licence would have been required to be subject to the alcohol interlock scheme conditions had a licence subject to such conditions been issued (whichever is the longer period); or

(b) a period of 3 years,

whichever is the lesser.

(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 47C, 47D, 47E, 47EAA, 47GA, 47GB and 47K and Schedule 1 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 circumstances—a period of disqualification from holding or obtaining a licence is imposed in prescribed circumstances if the disqualification is imposed—

(a) pursuant to section 81B, 81BB, 81C or 81D; or

(b) by order of a court in this State or any other State or Territory of the Commonwealth; or

(c) in respect of an offence committed whilst the person was not authorised to drive a motor vehicle on a road under this Act;

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

(8) For the purposes of this section, in determining the period for which conditions imposed under this section have been effective on a licence, any period during which the licence has been suspended under this Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this subsection).

81AC—Special provisions applying to certain motor bike licences

(1) In this section—

prescribed concentration of alcohol means any concentration of alcohol in the blood;

prescribed motor bike licence means a licence authorising the driving of a motor bike of a class prescribed by the regulations for the purposes of this section.

(2) A prescribed motor bike licence is subject to the condition that the holder of the licence must not drive a motor bike, or attempt to put a motor bike in motion, on a road while the prescribed concentration of alcohol is present in the holder's blood, or a prescribed drug is present in the holder's oral fluid or blood.

(3) The holder of a prescribed motor bike licence must not contravene the condition referred to in subsection (2).

Maximum penalty: $1 250.

(4) If a person is not willing to accept a licence subject to the condition imposed by subsection (2), the Registrar must refuse to issue a licence to the person.

(5) Sections 47C, 47D, 47E, 47EAA, 47GA, 47GB and 47K and Schedule 1 of the *Road Traffic Act 1961* apply in relation to an offence against subsection (3) of contravening the condition referred to in subsection (2) as if—

(a) a reference in any of those sections to an offence against that Act was a reference to an offence against subsection (3); and

(b) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47A of that Act was a reference to the prescribed concentration of alcohol as defined in this section.

(6) This section applies in relation to a prescribed motor bike licence—

(a) whether or not the licence is a provisional licence; and

(b) whether the licence is issued or renewed before or after the commencement of this section.

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

(1) Subject to this section, if—

(a) a person who holds a learner's permit, provisional licence or probationary licence commits an offence of contravening a prescribed condition; or

(b) a person expiates an offence of contravening a prescribed condition allegedly committed while the holder of a learner's permit, provisional licence or probationary licence; or

(c) demerit points are incurred by a person and, in consequence—

(i) 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 provisional licence equals or exceeds 4; or

(ii) the total number of demerit points recorded against the person in respect of offences committed or allegedly committed while the holder of a probationary licence equals or exceeds 2,

the Registrar must, on becoming aware of that fact, give the person written notice—

(d) that, commencing on the day on which the notice takes effect in accordance with section 139BD, the person is disqualified from holding or obtaining a permit or licence for a period of 6 months; and

(e) that, if the person holds any permit or licence when the notice takes effect, the permit or licence is cancelled.

(2) If the Registrar is required to give a person a notice under subsection (1), the Registrar may, in that notice or by subsequent written notice given to the person, 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.

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

Maximum penalty: $750.

(4) Notwithstanding the provisions of subsection (1), 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) 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.

81BA—Safer Driver Agreements

(1) If a person has been or is liable to be given a notice of disqualification under section 81B as a consequence of an offence committed or allegedly committed while the holder of a provisional licence, the person is entitled to enter into a Safer Driver Agreement in lieu of suffering the disqualification if—

(a) the notice of disqualification related to an offence other than a serious disqualification offence; and

(b) the person has not, within the preceding period of 5 years, entered into a Safer Driver Agreement in lieu of suffering a disqualification; and

(c) the Magistrates Court has not, within the preceding period of 5 years, allowed an appeal by the person against a disqualification under section 81B.

(2) A Safer Driver Agreement may be entered into by a person as follows:

(a) the person must give notice to the Registrar, in accordance with the regulations, of the person's intention to enter into the Safer Driver Agreement—

(i) within 21 days of the day specified in the notice of disqualification; or

(ii) with the permission of the Registrar, within 28 days of the day specified in the notice of disqualification;

(b) if the person has given notice in accordance with paragraph (a), the Safer Driver Agreement will be taken to have been entered into by the person—

(i) 28 days after—

(A) if the notice of disqualification was served personally on the person—the day on which the person was so served; or

(B) in any other case—the day specified in the notice of disqualification; or

(ii) if, on the day referred to in subparagraph (i), the person is already disqualified from holding or obtaining a licence or permit—on the termination of that prior disqualification.

(3) If a Safer Driver Agreement is entered into by a person, the following provisions apply:

(a) any licence that the person holds is cancelled and the person is, on application to the Registrar, entitled to a refund as if the person were surrendering the licence;

(b) the disqualification is removed and the person is entitled to apply for a licence;

(c) section 81A applies in relation to the person when applying for the licence as if, despite the removal of the disqualification, the person had been disqualified from holding or obtaining a licence as a consequence of the offence and were making the application at the end of the period of disqualification.

(4) If—

(a) a person who holds a provisional licence issued on an application referred to in subsection (3)(b) commits an offence of contravening a prescribed condition; or

(b) a person expiates an offence allegedly committed while the holder of a provisional licence issued on an application referred to in subsection (3)(b), being an offence of contravening a prescribed condition; or

(c) a person incurs demerit points in respect of an offence committed or allegedly committed while the holder of a provisional licence issued on an application referred to in subsection (3)(b), 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 that licence equals or exceeds 4,

the Registrar must, on becoming aware of that fact, give the person written notice—

(d) that, commencing on the day on which the notice takes effect in accordance with section 139BD, the person is disqualified from holding or obtaining a permit or licence for a period of 12 months; and

(e) that, if the person holds any licence when the notice takes effect, the licence is cancelled.

(5) 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.

(6) In this section—

red light offence has the same meaning as in section 79B of the *Road Traffic Act 1961*;

serious disqualification offence means—

(a) an offence against the *Criminal Law Consolidation Act 1935*; or

(b) an offence that attracts 4 or more demerit points; or

(c) a speeding offence that attracts 3 or more demerit points, if committed by the holder of a licence who has, while holding that licence, previously been convicted of, or expiated, another speeding offence that attracted 3 or more demerit points; or

(d) a combination of a red light offence and a speeding offence arising out of the same incident; or

(e) any offence committed by the holder of a licence who has previously been disqualified from holding or obtaining a licence or learner's permit in this State;

speeding offence has the same meaning as in section 79B of the *Road Traffic Act 1961*.

81BB—Appeals to Magistrates Court

(1) Subject to subsection (2), if a person has been given a notice of disqualification under section 81B as a consequence of an offence committed or allegedly committed while the holder of a provisional licence or probationary licence, the person may appeal to the Magistrates Court against the disqualification.

(2) A person is not entitled to appeal against a disqualification under this section if—

(a) the person is, or was, entitled to elect to enter into a Safer Driver Agreement in accordance with section 81BA in lieu of suffering the disqualification; or

(ab) the person has, within the preceding period of 5 years, been disqualified from holding or obtaining a permit or licence in accordance with section 81BA(4); or

(b) the Magistrates Court has, within the preceding period of 5 years, allowed an appeal by the person against a disqualification under section 81B.

(3) The appellant and the Crown are entitled to be heard upon an appeal against a disqualification under section 81B.

(4) The Magistrates Court may allow an appeal if the Court is satisfied—

(a) that, on the basis of evidence given on oath by or on behalf of the appellant, the disqualification would result in severe and unusual hardship to the appellant or a dependant of the appellant; and

(b) if the Crown submits evidence (whether orally or in writing) as to previous offences relating to the appellant's use of a motor vehicle for which the appellant has been found guilty or that the appellant has expiated—that such evidence does not indicate that the appellant is a substantial risk to the appellant or to other members of the public.

(5) The appellant's evidence must include evidence relating to the forms of transport that would be available to the appellant if the appeal were not allowed and why those forms of transport do not adequately meet the needs of the appellant or a dependant of the appellant.

(6) 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.

(7) If the Magistrates Court allows an appeal by a person against a disqualification, the following provisions apply:

(a) any licence that the person holds is cancelled and the person is, on application to the Registrar, entitled to a refund as if the person were surrendering the licence;

(b) the disqualification is removed and the person is entitled to apply for a licence;

(c) sections 81A and 81AB apply in relation to the person when applying for the licence as if, despite the removal of the disqualification, the person had been disqualified from holding or obtaining a licence as a consequence of the offence and were making the application at the end of the period of disqualification;

(d) this Act applies in relation to the person when applying for the licence as if, despite the removal of the disqualification, the person had been disqualified from holding or obtaining a licence as a consequence of the offence and were making the application at the end of the period of disqualification;

(g) if the licence issued to the person on the application referred to in paragraph (c) is a probationary licence, section 81AB(3) applies in relation to the person as if the reference in section 81AB(3) to 1 year was a reference to 18 months.

(8) If—

(a) a person who holds a provisional licence or probationary licence issued on an application referred to in subsection (7)(c) commits an offence of contravening a prescribed condition; or

(b) a person expiates an offence allegedly committed while the holder of a provisional licence or probationary licence issued on an application referred to in subsection (7)(c), being an offence of contravening a prescribed condition; or

(c) a person incurs demerit points in respect of an offence committed or allegedly committed while the holder of a provisional licence issued on an application referred to in subsection (7)(c), 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 that licence equals or exceeds 4; or

(ca) a person incurs demerit points in respect of an offence committed or allegedly committed while the holder of a probationary licence issued on an application referred to in subsection (7)(c) 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 that licence equals or exceeds 2,

the Registrar must, on becoming aware of that fact, give the person written notice—

(d) that, commencing on the day on which the notice takes effect in accordance with section 139BD, the person is disqualified from holding or obtaining a permit or licence for a period of 12 months; and

(e) that, if the person holds any licence when the notice takes effect, the licence is cancelled.

81BC—Disqualification for certain offences relating to section 45C of the *Road Traffic Act 1961*

(1) This section applies to the following offences:

(a) an alleged offence against section 45C of the *Road Traffic Act 1961*;

(b) an alleged offence against section 79B 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 an offence against section 45C(1) of that Act (a ***section 79B offence***).

(2) Subject to this section, if a person expiates an offence to which this section applies, the Registrar must, on becoming aware of that fact, give the person written notice that—

(a) the person is disqualified from holding or obtaining a licence or learner's permit for the relevant period; and

(b) if the person holds a licence or learner's permit when the notice takes effect—the licence or permit is suspended for the relevant period.

(3) Subsection (2) does not apply—

(a) if—

(i) a section 45D notice has been given to the person in relation to the offence referred to in subsection (2); or

(ii) in the case of an alleged offence against section 45C—no such notice has been given to the person but the Commissioner of Police has forwarded to the Registrar a request in writing that no notice be given to the person by the Registrar under subsection (2); or

(ab) if the information available to the Registrar at the time indicates that the alleged offence is not a second or subsequent offence; or

(b) in such other circumstances as may be prescribed by regulation.

(3a) Where—

(a) a person expiates an offence to which this section applies (the ***later offence***); and

(b) the information available to the Registrar at the time the Registrar becomes aware of that expiation indicates that it is not a second or subsequent offence; and

(c) the Registrar subsequently becomes aware that the person has been convicted of or has expiated another offence to which this section applies (the ***previous offence***) that was committed or allegedly committed before the later offence; and

(d) the person would have received a notice under subsection (2) in respect of the later offence if the person had been convicted of or expiated the previous offence before they expiated the later offence (and if such information had been available to the Registrar at the time the Registrar became aware of the expiation of the later offence),

the Registrar must, on becoming aware of those circumstances, give the person a notice under subsection (2) in respect of the later offence.

(3b) The regulations may prescribe circumstances in which subsection (3a) will not apply or may modify the operation of subsection (3a) in prescribed circumstances.

(4) Subsections (9), (10), (11) and (12) of section 45D of the *Road Traffic Act 1961* apply to the withdrawal of a notice given under subsection (2) and for that purpose a reference in those provisions to a section 45D notice will be taken to be a reference to a notice under subsection (2) and a reference to the Commissioner of Police will be taken to be a reference to the Registrar.

(5) If a person expiates an offence to which this section applies and a notice is given under subsection (2) but the expiation notice in respect of that offence is subsequently withdrawn, sections 45D(6), (7) and (8) and 45E of the *Road Traffic Act 1961* apply in relation to the notice under subsection (2), and for that purpose a reference in those provisions to a section 45D notice will be taken to be a reference to a notice under subsection (2) and a reference to the Commissioner of Police in section 45E will be taken to include a reference to the Registrar.

(6) Part 3E does not apply to a decision of the Registrar under this section.

(7) For the purposes of this section, the ***relevant period*** for which a person is disqualified from holding or obtaining a licence or learner's permit, or for which a licence or learner's permit held by the person is suspended, by written notice under subsection (2)—

(a) commences at the time the notice takes effect in accordance with section 139BD; and

(b) ends—

(i) if the person given the notice under subsection (2) is notified in accordance with subsection (4) that the notice has been withdrawn; or

(ii) if the expiation notice for the offence to which the notice under subsection (2) relates is withdrawn and the person given the notice under subsection (2) is notified in writing by or on behalf of the Commissioner of Police (whether that notification is given personally or by post) that the person—

(A) is not to be charged with any offence to which this section applies arising out of the course of conduct to which the notice under subsection (2) relates; and

(B) is not to be given an expiation notice in respect of such an offence; or

(iii) in any event, at the end of 6 months from the commencement of the relevant period, less any period of disqualification or suspension that has applied, or is applicable, to the person under section 45D of the *Road Traffic Act 1961* in respect of the offence to which the notice under this section relates.

(8) In determining whether an offence to which this section applies is a second or subsequent offence for the purposes of this section—

(a) in the case of an offence against section 45C, any previous offence against section 45C for which the person has been convicted or that the person has expiated will be taken into account; and

(b) in the case of a section 79B offence, any previous section 79B offence for which the person has been convicted or that the person has expiated will be taken into account,

but only if the previous offence was committed or, in the case of an offence that has been expiated, was alleged to have been committed, by the person within the period of 5 years immediately preceding the date on which the offence under consideration was committed.

(8a) If a person expiates more than 1 offence to which this section applies at the same time, the person will, for the purposes of this section, be taken to have expiated the offences sequentially in the order in which the offences were allegedly committed (and the offences may be dealt with under this section accordingly as if the Registrar had become aware of the expiations in that order).

(8b) For the avoidance of doubt, a person may be given a notice under this section in relation to a second or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second or subsequent offence.

(9) In this section—

section 45D notice means a notice of licence disqualification or suspension under section 45D of the *Road Traffic Act 1961*.

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 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, on becoming aware of that fact, give the person written notice—

(a) that, commencing on the day on which the notice takes effect in accordance with section 139BD, the person is disqualified from holding or obtaining a licence or learner's permit for the ***relevant period*** being—

(i) if the offence is a second offence—3 months; or

(ii) if the offence is a third offence—6 months; or

(iii) if the offence is a subsequent offence—12 months; and

(b) that, if the person holds any licence or learner's permit when the notice takes effect, the licence or permit is cancelled.

(3) Subsection (2) does not apply if the information available to the Registrar at the time indicates that the alleged offence is not a second, third or subsequent offence.

(4) Where—

(a) a person expiates an offence to which this section applies (the ***later offence***); and

(b) the Registrar subsequently becomes aware that the person has been convicted of or expiated another offence to which this section applies (the ***previous offence***) that was committed or allegedly committed before the later offence; and

(c) if the person had been convicted of or expiated the previous offence before they expiated the later offence (and if such information had been available to the Registrar at the time the Registrar became aware of the expiation of the later offence)—

(i) the person would have been given a notice under subsection (2) disqualifying them from holding or obtaining a licence or learner's permit for the relevant period; or

(ii) the relevant period for which the person would have been disqualified by the notice under subsection (2) would have been longer,

the Registrar must, on becoming aware of that fact, give the person written notice that—

(d) the person is disqualified from holding or obtaining a licence or learner's permit—

(i) in a case where paragraph (c)(i) applies—for the relevant period; or

(ii) in any other case—for the prescribed additional period; and

(e) if the person holds a licence or learner's permit when the notice takes effect—the licence or permit is cancelled.

(5) The regulations may prescribe circumstances in which subsection (4) will not apply or may modify the operation of subsection (4) in prescribed circumstances.

(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 drink driving offence or drug driving offence for which the person has been convicted or that the person has expiated will be taken into account, but only if the previous offence was committed or, in the case of an offence that has been expiated, was alleged to have been committed, by the person 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.

(9) For the purposes of this section, the ***prescribed additional period*** for which a person is disqualified from holding or obtaining a licence or learner's permit by written notice under subsection (4)—

(a) commences at the time the notice takes effect in accordance with section 139BD; and

(b) ends at the end of the period equal to the difference between the following:

(i) the relevant period for which the person would have been disqualified by the notice under subsection (2) if the person had been convicted of or expiated the previous offence before they expiated the later offence;

(ii) the relevant period for which the person was disqualified by the notice given to them under subsection (2).

(10) If a person expiates more than 1 offence to which this section applies at the same time, the person will, for the purposes of this section, be taken to have expiated the offences sequentially in the order in which the offences were allegedly committed (and the offences may be dealt with under this section accordingly).

(11) For the avoidance of doubt, a person may be given a notice under this section in relation to a second, third or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second, third or subsequent offence.

81D—Disqualification for certain drug driving offences

(1) This section applies to an alleged offence against section 47BA(1) or (1a) of the *Road Traffic Act 1961*.

(2) If a person expiates an offence to which this section applies the following provisions apply:

(a) if the person was given a notice of immediate licence disqualification or suspension under section 47IAA of the *Road Traffic Act 1961* in respect of the offence and the offence is a first offence, the Registrar must, on becoming aware of the expiation of the offence, give the person written notice that, if the person holds any licence or learner's permit when the notice is given, the licence or permit is cancelled;

(b) if the person was given a notice of immediate licence disqualification or suspension under section 47IAA of the *Road Traffic Act 1961* in respect of the offence (and it is not a first offence), the Registrar must, on becoming aware of the expiation of the offence, give the person written notice—

(i) that, commencing on the day on which the notice takes effect in accordance with section 139BD, the person is disqualified from holding or obtaining a licence or learner's permit for the ***relevant period*** being—

(A) if the offence is a second offence—9 months; or

(B) if the offence is a third offence—1 year and 9 months; or

(C) if the offence is a subsequent offence—2 years and 9 months; and

(ii) that, if the person holds any licence or learner's permit when the notice takes effect, the licence or permit is cancelled;

(c) in any other case—the Registrar must, on becoming aware of the expiation of the offence, give the person written notice—

(i) that, commencing on the day on which the notice takes effect in accordance with section 139BD, the person is disqualified from holding or obtaining a licence or learner's permit for the ***relevant period*** being—

(A) if the offence is a first offence—3 months; or

(B) if the offence is a second offence—12 months; or

(C) if the offence is a third offence—2 years; or

(D) if the offence is a subsequent offence—3 years; and

(ii) that, if the person holds any licence or learner's permit when the notice takes effect, the licence or permit is cancelled.

(2a) Where—

(a) a person expiates an offence to which this section applies (the ***later offence***) and is given a notice under subsection (2)(a), (b) or (c) in respect of that offence; and

(b) the Registrar subsequently becomes aware that the person has been convicted of or expiated another offence to which this section applies (the ***previous offence***) that was committed or allegedly committed before the later offence; and

(c) if the person had been convicted of or expiated the previous offence before they expiated the later offence (and if such information had been available to the Registrar at the time the Registrar became aware of the expiation of the later offence)—

(i) the person would have been given a notice under subsection (2)(b) disqualifying them from holding or obtaining a licence or learner's permit for the relevant period; or

(ii) the relevant period for which the person would have been disqualified by the notice under subsection (2)(b) or (c) would have been longer,

the Registrar must, on becoming aware of that fact, give the person written notice that—

(d) the person is disqualified from holding or obtaining a licence or learner's permit for the prescribed additional period; and

(e) if the person holds a licence or learner's permit when the notice takes effect—the licence or permit is cancelled.

(2b) The regulations may prescribe circumstances in which subsection (2a) will not apply or may modify the operation of subsection (2a) in prescribed circumstances.

(3) 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 drink driving offence or drug driving offence for which the person has been convicted or that the person has expiated will be taken into account, but only if the previous offence was committed or, in the case of an offence that has been expiated, was alleged to have been committed, by the person within the prescribed period immediately preceding the date on which the offence to which this section applies is alleged to have been committed.

(4) For the purposes of subsection (3), the ***prescribed period*** is 5 years.

(5) For the purposes of this section, the ***prescribed additional period*** for which a person is disqualified from holding or obtaining a licence or learner's permit by written notice under subsection (2a)—

(a) commences at the time the notice takes effect in accordance with section 139BD; and

(b) ends at the end of the period equal to the difference between the following:

(i) the relevant period for which the person would have been disqualified by the notice under subsection (2) if the person had been convicted of or expiated the previous offence before they expiated the later offence;

(ii) the period for which the person was disqualified in respect of the offence by the notice given to them under subsection (2) or by the notice of immediate licence disqualification or suspension under section 47IAA of the *Road Traffic Act 1961* or by both such notices (as the case may be).

(6) If a person expiates more than 1 offence to which this section applies at the same time, the person will, for the purposes of this section, be taken to have expiated the offences sequentially in the order in which the offences were allegedly committed (and the offences may be dealt with under this section accordingly).

(7) For the avoidance of doubt, a person may be given a notice under this section in relation to a second, third or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second, third or subsequent offence.

81E—Circumstances in which licence will be subject to mandatory alcohol interlock scheme conditions

(1) In this section—

disqualification means disqualification from holding or obtaining a licence or learner's permit;

serious drink driving offence means any drink driving offence other than—

(a) a category 1 offence; or

(b) a category 2 offence that is a first offence.

(2) In determining whether a category 2 offence is a first offence for the purposes of this section, any previous drink driving offence (other than a category 1 offence) for which the defendant has been convicted will be taken into account, but only if the previous offence was committed within the period of 5 years immediately preceding the date on which the offence under consideration was committed.

(3) Subject to subsection (4), if a person who applies for a licence—

(a) has been disqualified from holding or obtaining a licence by order of a court on conviction for a serious drink driving offence committed on or after the commencement of this section; and

(b) the person has not held a licence since the end of the period of disqualification,

a licence issued to the person will be subject to the mandatory alcohol interlock scheme conditions (in addition to any conditions otherwise required) until—

(c) the conditions have been effective for the following period (the ***prescribed minimum period***):

(i) in the case of a person who has been given a notice of immediate licence disqualification or suspension under section 47IAA of the *Road Traffic Act 1961* in respect of the offence—

(A) subject to subsubparagraph (AB), a period equal to the aggregate of the period of licence disqualification or suspension that has applied as a result of the notice and the period of disqualification for the offence ordered by the court; or

(AB) in the case of an order made under section 47IAA(9)(e)(i) of the *Road Traffic Act 1961*—the period equal to the period of disqualification for the offence ordered by the court; or

(B) a period of 3 years,

whichever is the lesser;

(ii) in any other case—

(A) a period equal to the period of disqualification for the offence ordered by the court; or

(B) a period of 3 years,

whichever is the lesser; and

(d) the person qualifies for the issue of a licence that is not subject to the mandatory alcohol interlock scheme conditions in accordance with subsection (5).

(4) If the applicant satisfies the Registrar, on such evidence as the Registrar may require, that prescribed circumstances exist in the particular case, a licence issued to the applicant will not be subject to the mandatory alcohol interlock scheme conditions.

(5) The holder of a licence subject to the mandatory alcohol interlock scheme conditions qualifies for the issue of a licence not subject to such conditions if—

(a) the conditions have been effective for the prescribed minimum period; and

(b) the Registrar is satisfied that, during the immediately preceding period of 3 months, the alcohol interlock fitted to the nominated vehicle for the person has not recorded any incidents of a kind specified in a notice by the Minister in the Gazette.

(6) For the purposes of this section, in determining whether the mandatory alcohol interlock conditions of a person's licence have been effective for the prescribed minimum period, the following periods are not to be taken into account:

(a) any period during which an alcohol interlock was not fitted to the nominated vehicle for the person;

(b) any period during which there was no nominated vehicle for the person;

(c) any period during which the person's licence was suspended under this Act or another law of this State (unless the suspension came into operation before the commencement of this paragraph).

81F—Mandatory alcohol interlock scheme conditions

(1) The mandatory alcohol interlock scheme conditions to which a licence is subject are as follows:

(a) a condition that the holder of the licence must not drive a motor vehicle on a road other than a motor vehicle that the person has nominated to the Registrar in accordance with this section;

(b) a condition that the holder of the licence must not drive the nominated vehicle on a road unless it is fitted with a properly functioning alcohol interlock that has been installed by an approved alcohol interlock provider;

(c) a condition that the nominated vehicle must only be operated in accordance with instructions published by the Minister by notice in the Gazette;

(d) a condition that the holder of the licence must not interfere with the alcohol interlock, or cause or permit the alcohol interlock to be interfered with;

(e) a condition that the holder of the licence must, when driving the nominated vehicle on a road, carry in the vehicle a certificate, in a form approved by the Minister, issued by an approved alcohol interlock provider certifying that the alcohol interlock fitted to the vehicle was properly functioning when the vehicle was last examined by the provider;

(f) a condition that the holder of the licence must, if required to do so by a police officer or an authorised officer when the nominated vehicle is in the person's charge on a road, produce the certificate for inspection by the officer;

(g) a condition that the holder of the licence must produce the nominated vehicle for examination by an approved alcohol interlock provider at times and places from time to time fixed by the Registrar by notice given to the person in a manner and form determined by the Minister;

(h) a condition that the holder of the licence must comply with any requirements prescribed by the regulations.

(2) A motor vehicle must be nominated by the person in the person's application for the licence, or by written notice to the Registrar, by specifying the vehicle's registration number and any other details required by the Registrar.

(3) Nomination of a motor vehicle by the person is of no effect if the vehicle is a nominated vehicle for any other person.

(4) A motor vehicle ceases to be a nominated vehicle for the person if the nomination is withdrawn by the person or, if the person is not the registered owner of the vehicle, by the registered owner, by written notice to the Registrar.

(5) In this section—

authorised officer does not include—

(a) an authorised person as defined in the *Local Government Act 1999*; or

(b) any other person who is not an employee in the public service.

81G—Cessation of licence subject to mandatory alcohol interlock scheme conditions

(1) If a person voluntarily surrenders a licence subject to the mandatory alcohol interlock scheme conditions or ceases to hold such a licence for any other reason before the person qualifies for the issue of a licence not subject to such conditions in accordance with section 81E, a licence subsequently issued to the person will be subject to the conditions until—

(a) the aggregate of the periods for which the conditions have applied in relation to the person equals the prescribed minimum period specified in section 81E; and

(b) the person qualifies for the issue of a licence not subject to the conditions in accordance with that section.

(2) For the purposes of subsection (1)—

(a) a person ceases to hold a licence if the licence is suspended under this Act or another law of this State;

(b) in determining a period for which mandatory alcohol interlock scheme conditions have applied in relation to a person, any period during which the person's licence has been suspended under this Act or another law of this State is not to be taken into account (unless the suspension came into operation before the commencement of this subsection).

81H—Contravention of mandatory alcohol interlock scheme conditions

(1) The holder of a licence subject to the mandatory alcohol interlock scheme conditions must not contravene any of the conditions.

Maximum penalty: $2 500.

(2) A person must not assist the holder of a licence subject to the mandatory alcohol interlock scheme conditions to operate a motor vehicle, or interfere with an alcohol interlock, in contravention of any of the conditions.

Maximum penalty: $2 500.

(3) In proceedings for an offence against this section, an apparently genuine document purporting to be a certificate signed by the Registrar certifying that—

(a) a specified motor vehicle was or was not, or no vehicle was, at a specified time, a nominated vehicle for a specified person; or

(b) a written notice was served on a specified person fixing specified times and places at which a specified motor vehicle must be produced for examination by an approved alcohol interlock provider,

will be accepted as proof of the matters stated in the certificate in the absence of proof to the contrary.

(4) In proceedings for an offence against this section, an apparently genuine document purporting to be a certificate signed by the Registrar certifying that an alcohol interlock fitted to a specified motor vehicle recorded electronically that the vehicle was operated at a specified time in contravention of an instruction published by the Minister by notice in the Gazette will be accepted as proof that the vehicle was operated at that time in contravention of that instruction in the absence of proof to the contrary.

(5) Subsection (4) does not apply unless it is proved that the alcohol interlock fitted to the motor vehicle was tested by an approved alcohol interlock provider (or an employee of an approved alcohol interlock provider) not more than the prescribed number of days before and not more than the prescribed number of days after the time of the vehicle's operation specified in the certificate and found on each occasion to be properly functioning.

(6) In proceedings for an offence against this section, an apparently genuine document purporting to be a certificate signed by an approved alcohol interlock provider (or an employee of an approved alcohol interlock provider) certifying that—

(a) an alcohol interlock was, on a specified date, installed in a specified motor vehicle; or

(b) an alcohol interlock fitted to a specified motor vehicle was tested by that person on a specified day and found to be properly functioning; or

(c) an alcohol interlock was, on a specified date, removed from a specified motor vehicle,

will be accepted as proof of the matters stated in the certificate in the absence of proof to the contrary.

(7) In proceedings for an offence against this section, if it is proved that—

(a) a specified motor vehicle was operated at a specified time in contravention of an instruction published by the Minister by notice in the Gazette; and

(b) the vehicle was a nominated vehicle for a specified person at that time,

it will be presumed, in the absence of proof to the contrary, that the vehicle was so operated by that person at that time.

(8) In proceedings for an offence against this section, an apparently genuine document purporting to be a certificate signed by the Registrar certifying that a specified motor vehicle was not produced for examination by an approved alcohol interlock provider at a specified time and place will be accepted as proof of the matters stated in the certificate in the absence of proof to the contrary.

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

(1) 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.

(2) If the Registrar has refused to issue a licence or permit to a person, or to renew a person's licence or permit, or has cancelled a person's licence or permit, in accordance with this section, the Registrar may refuse to consider further applications by the person for the issue or renewal of a licence or permit if—

(a) it appears to the Registrar that the person is acting in a frivolous or vexatious manner in making the applications; or

(b) the person has failed to provide evidence that satisfies the Registrar that it no longer appears that the person should not hold a licence or permit in order to prevent accident or injury or a repetition of the offence or offences by the person.

83—Consequences of certain orders or administrative actions outside State

(1) If—

(a) the Registrar becomes aware that, under a law of another State or Territory of the Commonwealth, an order has been made or administrative action has been taken that affects a person's licence or other authority to drive a motor vehicle in that State or Territory; and

(b) the person holds a licence or learner's permit,

the Registrar must take such action in relation to the licence or permit as may be necessary to give effect to the order or administrative action as if it had been made or taken in this State in relation to the licence or permit.

(2) If the Registrar becomes aware that, under a law of another State or Territory of the Commonwealth, an order has been made or administrative action has been taken that results in—

(a) a person's licence or other authority to drive a motor vehicle in that State or Territory being suspended; or

(b) a person being disqualified from holding or obtaining a licence or other authority to drive a motor vehicle in that State or Territory,

the Registrar must refuse to issue a licence or learner's permit to the person during the period of suspension or disqualification.

(3) If—

(a) the Registrar becomes aware that, under a law of another country, an order has been made or administrative action has been taken that affects a person's licence or other authority to drive a motor vehicle in that country; and

(b) the person holds a licence or learner's permit,

the Registrar may take such action in relation to the licence or permit as may be necessary to give effect to the order or administrative action as if it had been made or taken in this State in relation to the licence or permit.

(4) If the Registrar becomes aware that, under a law of another country, an order has been made or administrative action has been taken that results in—

(a) a person's licence or other authority to drive a motor vehicle in that country being suspended; or

(b) a person being disqualified from holding or obtaining a licence or other authority to drive a motor vehicle in that country,

the Registrar may refuse to issue a licence or learner's permit to the person during the period of suspension or disqualification.

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

(1) 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 a manner and form determined by the Minister 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.

(2) This section does not apply where the Registrar is required, under any Act or law, to exercise a power to suspend, cancel or vary a person's licence or learner's permit.

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) Subject to section 81B(4), 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 the person's licence or learner's permit is suspended under section 38 of the *Fines Enforcement and Debt Recovery Act 2017*.

Maximum penalty:

(a) in the case of a first offence—imprisonment for 6 months; or

(b) in the case of a subsequent offence—imprisonment for 2 years.

(5a) A person must not drive a motor vehicle on a road while the person's licence or learner's permit is suspended (other than under section 38 of the *Fines Enforcement and Debt Recovery Act 2017*) 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:

(a) in the case of a first offence—imprisonment for 12 months; or

(b) in the case of a subsequent offence—imprisonment for 3 years.

(6) Subsection (5a) does not apply to a person driving a motor vehicle on a road in accordance with an unconditional licence to which the disqualification does not apply in accordance with section 81B(4).

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; or

(d) makes an order under section 45E or 47IAB of the *Road Traffic Act 1961*; or

(da) makes an order under section 47J(9) of the *Road Traffic Act 1961* revoking a disqualification; or

(e) makes an order modifying a person's 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 and effect of the finding or order 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) If a person expiates an offence that—

(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, the issuing authority (within the meaning of the *Expiation of Offences Act 1996*) or the Chief Recovery Officer (whoever first becomes aware that the person has expiated the offence) 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.

(3c) If a person is, for the purposes of subsection (3a), taken to have expiated an offence to which that subsection applies on the making of an enforcement determination under the *Fines Enforcement and Debt Recovery Act 2017* and the enforcement determination is subsequently revoked under that Act—

(a) in the case of revocation by a court—the court; or

(b) in any other case—the Chief Recovery Officer,

must forthwith notify the Registrar in writing of the revocation.

(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.

94—Administrative errors and notices of disqualification

(1) If, as a result of an administrative error, a notice of disqualification is not given to a person by the Registrar within 12 months after the person became liable to be given that notice of disqualification under this Act, the Registrar must not give the notice of disqualification to the person (despite any other provision of this Act).

(2) For the purposes of subsection (1) (and despite section 139BD), the Registrar will be taken to have given a notice of disqualification to a person if the Registrar has sent such a notice to the person by post, even if the person has failed to comply with a requirement made under section 139BD(3) within the period specified in the notice.

(3) In this section—

notice of disqualification has the same meaning as in section 139BD.

96—Duty to produce licence or permit

(1) The driver of a motor vehicle, if requested by a police officer to produce the driver's licence or learner's permit, must produce the licence or learner's permit either—

(a) forthwith to the police officer 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 police officer at the time of making the request.

Maximum penalty: $1 250.

(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 police officer that the person is the person named in a licence or learner's permit.

Maximum penalty: $750.

(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;

police officer includes an authorised officer.

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 must, if so required by the court, a police officer or the Registrar, produce the driver's licence or learner's permit to the court at the time of the hearing of the charge.

Maximum penalty: $1 250.

(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 or interstate learner's permit that authorises the person to drive a motor vehicle of the class to which that motor vehicle belongs; or

(ii) an interstate licence or interstate learner's permit and an exemption under a law of the place where the licence or permit 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 or interstate learner's permit—

(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 and is a permanent resident or citizen of Australia—the person has not resided in this State for a continuous period of more than 3 months; and

(c) the person is not disqualified from holding or obtaining—

(i) an interstate licence or interstate learner's permit 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.

(2c) If the Chief Recovery Officer determines under section 40 of the *Fines Enforcement and Debt Recovery Act 2017* that the operation of this section is suspended insofar as it applies to a specified person, subsection (1) does not apply to the person while the determination is in force.

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

(a) a police officer; or

(b) an authorised officer.

Maximum penalty: $1 250.

(4) If a person drives a vehicle in this State pursuant to subsection (1)—

(a) the person's licence or permit will, for the purposes of section 74 and any other prescribed law, be taken to be a licence or permit (as the case may be) under this Act; and

(b) the licence or permit is subject to any conditions that apply to the licence or permit in the jurisdiction in which it was issued (other than conditions that apply only in circumstances that are unique to that other jurisdiction or that are prescribed by the regulations) and such conditions are enforceable as if they were imposed under this Act; and

(c) the licence or permit will, for the purposes of a contract or policy of insurance relating to the vehicle, be taken to be a licence or permit under this Act.

(5) A reference in subsection (3) or (4) to a person's licence or permit includes a reference to any exemption, international driving permit or Driver Identification Document that the person is required to hold under subsection (1) in addition to an interstate licence, interstate permit 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 learner's permit includes a licence issued under the law of New Zealand that corresponds to a learner's permit under this Act;

permanent resident means a person who holds a current permanent visa under the *Migration Act 1958* of the Commonwealth.

98AAA—Duty to carry licence when driving heavy vehicle

(1) A person must carry the person's driver's licence at all times while driving a heavy vehicle on a road and must produce the licence forthwith if requested to do so by a police officer.

Maximum penalty: $1 250.

(1a) In subsection (1)—

police officer includes an authorised officer.

(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 the holder's 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 police officer.

Maximum penalty: $1 250.

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: $2 500.

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

(1) 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 $2 500; and

(b) the licence or permit is void and of no effect.

(2) A person who, without lawful authority, possesses a licence or learner's permit that has been wilfully altered, defaced or damaged is guilty of an offence.

Maximum penalty: $2 500.

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 the holder's 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.

98AAG—Exemptions for Aboriginal persons in remote areas

(1) Subject to this section, the Minister may, by instrument in writing or by notice in the Gazette—

(a) exempt a specified person, or a person of a specified class, from specified provisions of this Part subject to such conditions as the Minister thinks fit and specifies in the instrument or notice of exemption; or

(b) vary or revoke an exemption, or a condition of an exemption, under this section or impose a further condition.

(2) An exemption under this section may only be granted for the purpose of enabling an Aboriginal person who ordinarily resides in a remote area to obtain a licence under this Act.

(3) An exemption under this section expires when the person to whom the exemption applies is issued with an unconditional licence under this Act.

(4) In this section—

Aboriginal person means a person of Aboriginal descent who is accepted as a member by a group in the community who claim Aboriginal descent;

remote area means—

(a) the lands as defined in the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*; or

(b) the lands as defined in the *Maralinga Tjarutja Land Rights Act 1984*; or

(c) lands prescribed by regulation.

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: $750.

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

(a) holds an unconditional licence and has, during the period of 5 years immediately preceding the application, held such a licence for 2 years or periods totalling 2 years (excluding, if the applicant has been disqualified from holding or obtaining a licence in this State, or from holding or obtaining an interstate licence in another State or Territory of the Commonwealth, any period preceding the period of disqualification); and

(b) has, during the period of 5 years immediately preceding the application, held a driver's licence in this State or elsewhere for 4 years or periods totalling 4 years (excluding, if the applicant has been disqualified from holding or obtaining such a licence in this State or elsewhere, any period preceding the period of disqualification); 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 the holder 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(1)(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 police officer acting in the execution of duty; or

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

Part 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.

(1aa) Where a natural 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 a prescribed offence, the number of demerit points prescribed by the regulations in relation to the prescribed offence in which the vehicle appears to have been involved is, subject to this section, incurred by the 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 treated as if the person has expiated the offence in accordance with the *Expiation of Offences Act 1996*.

(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 (other than the holder of an interstate learner's permit or interstate licence) has incurred an aggregate of 12 or more demerit points in respect of offences committed within a period of 3 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 or learner's permit for the prescribed period.

(2) If a person who holds an interstate learner's permit or 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 or learner's permit 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 give a person written notice when the person 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) If a person is liable to be disqualified under section 98BC, the Registrar must on becoming aware of that fact, subject to this section, give the person written notice—

(a) that, commencing on the day on which the notice takes effect in accordance with section 139BD, the person is disqualified from holding or obtaining a licence or learner's permit for the prescribed period referred to in section 98BC; and

(b) that, if the person holds any licence or learner's permit when the notice takes effect, the licence or learner's permit is suspended for that prescribed period.

(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) A notice of disqualification under section 98BD(2) does not take effect if the person to whom the notice is given makes an election under subsection (2).

(2) If a person who holds a licence is given a notice of disqualification under section 98BD(2), the person may, by notice given to the Registrar in accordance with the regulations—

(a) within 21 days of the day specified in the notice of disqualification; or

(b) with the permission of the Registrar, within 28 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 notice of disqualification would have taken effect in accordance with section 139BD.

(2a) If a person incurs 2 or more demerit points in relation to 1 or more offences committed by the person while the holder of a licence subject to the condition referred to in subsection (2), the Registrar must, on becoming aware of that fact, give the person written notice—

(a) that, commencing on the day on which the notice takes effect in accordance with section 139BD, the person is disqualified from holding or obtaining a licence for a period that is twice the period for which the disqualification would have applied under section 98BC if the person's licence had not been subject to that condition; and

(b) that, if the person holds any licence when the notice takes effect, the licence is suspended during the period of disqualification.

(5) Where a disqualification under section 98BC or a condition under subsection (2) has taken effect, 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).

98BF—Effect of appeal or rehearing on disqualification and discounting

(1) Where a disqualified person—

(a) institutes an appeal against a conviction for an offence 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.

(2) If, following an appeal against conviction for an offence or a rehearing of proceedings that lead to a conviction for an offence, the person is no longer disqualified, any demerit points for other offences discounted under section 98BE(5) in respect of that disqualification must be reinstated.

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 learner's permit or 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 learner's permit or 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 learner's permits and 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

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 information 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 police officer or an authorised officer 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 police officer or authorised officer 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

(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 authorised officer or police officer 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 authorised officer or a police officer present at the scene of an accident may, by oral or written direction, revoke an authority to tow if the authorised officer or police officer 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 authorised officer or a police officer 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 the towtruck driver and, on demand, produce them for inspection to an authorised officer or police officer.

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 the towtruck operator's 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

(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 the person's 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 authorised officer has reason to believe that a person has failed to deliver up a vehicle in contravention of subsection (1), the authorised officer 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 authorised officers for the purpose of an investigation under section 98P.

(5) An authorised officer 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 the person 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 and produce certificate

The holder of a towtruck certificate or temporary towtruck certificate must—

(a) carry the certificate in accordance with the regulations at all times while—

(i) driving a towtruck; or

(ii) riding in or on a towtruck; or

(iii) operating the equipment of a towtruck; or

(iv) being in attendance at the scene of an accident; and

(b) produce the certificate for inspection immediately if requested to do so by—

(i) a police officer; or

(ii) an authorised officer; or

(iii) a person present at the scene of an accident at which the holder is in attendance.

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 information 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—Investigation powers

(2) An authorised officer 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 authorised officer may, on any day and at any hour, with such assistants (if any) as the authorised officer 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 authorised officer 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 authorised officer, or a person assisting an authorised officer, while the authorised officer 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 authorised officer.

Maximum penalty: $20 000.

(4a) A person must not use abusive, threatening or insulting language to an authorised officer, or a person assisting an authorised officer, while the authorised officer is acting in the exercise of powers conferred under this Part.

Maximum penalty: $750.

(5) Any statement of fact made in a report made by an authorised officer 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 authorised officer 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.

98PA—Power to require production or attendance for investigations

(1) An authorised officer 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 authorised officer to put questions to that person.

(2) A person must not, without reasonable excuse, fail to comply with a requirement of an authorised officer 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 Tribunal, 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 authorised officer or any other person may lodge with the Tribunal a complaint setting out matters that are alleged to constitute grounds for disciplinary action under this Part.

98PE—Hearing by Tribunal

(1) On the lodging of a complaint, the Tribunal may conduct a hearing to determine whether the matters alleged in the complaint constitute grounds for disciplinary action under this Part.

(2) Without limiting the usual powers of the Tribunal, the Tribunal may during the hearing—

(a) allow an adjournment to enable an authorised officer 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 Tribunal may think fit to impose.

98PF—Appointment, selection etc of assessors

(1) For the purposes of section 22 of the *South Australian Civil and Administrative Tribunal Act 2013*, there will be a panel of assessors consisting of—

(a) persons representative of the motor trade industry; and

(b) persons representative of the towtruck industry.

(2) In any proceedings under this Part, the Tribunal may, if the President so determines, sit with 1 or more assessors selected by the President from the panel referred to in subsection (1).

(3) In this section—

President means the President of the Tribunal appointed under the *South Australian Civil and Administrative Tribunal Act 2013*.

98PG—Disciplinary action

(1) On the hearing of a complaint, the Tribunal 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 Tribunal 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 the person's 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 seek a review of the decision by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

(7) An application for review must be made to the Tribunal within 28 days of the making of the decision.

(8) If the reasons of the council are not given in writing at the time of making the decision that is to be the subject of a review and the person seeking the review, within 1 month of the making of the decision, requires the council's reasons in writing, the time for applying for a review runs from the time when the person receives the written statement of those reasons.

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 given in a manner and form determined by the Minister to 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 given to the person under subsection (2).

Maximum penalty: $750.

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

98Z—Review by Registrar

(1) A person who is aggrieved by a decision of the Registrar under Part 2 (other than section 71C), 3, 3A, 3C or 3D may, within 1 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) If an application is made under subsection (1), the Registrar must review the decision to which the application relates.

(4) The applicant must, if so required by the Registrar—

(a) appear personally before the Registrar in support of the application; and

(b) provide any information sought by the Registrar; and

(c) verify information provided to the Registrar by statutory declaration.

(5) The applicant may be assisted before the Registrar by an agent or representative (not being a legal practitioner).

(6) On a review under this section, the Registrar may confirm or vary the decision under review or set aside the decision and substitute a new decision.

98ZA—Review by Tribunal

(1) A person who—

(a) is aggrieved by a decision of the Registrar under section 71C; or

(b) is dissatisfied with a decision as confirmed, varied or substituted by the Registrar on a review under section 98Z,

may seek a review of the decision by the Tribunal under section 34 of the *South Australian Civil and Administrative Tribunal Act 2013*.

(2) An application for review must be made to the Tribunal within 28 days of the making of the decision.

(3) If the reasons of the Registrar are not given in writing at the time of making the decision that is to be the subject of a review and the person seeking the review, within 1 month of the making of the decision, requires the Registrar's reasons in writing, the time for applying for a review runs from the time when the person receives the written statement of those reasons.

Part 4—Third party insurance

99—Interpretation

(1) In this Part, unless the context otherwise requires—

approved insurer means a person or body of persons approved by the Minister as an insurer under this Part;

bodily injury includes mental or nervous shock;

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;

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;

participant in a road race includes a driver or navigator of, or passenger in, a motor vehicle that takes part in the road race;

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;

road race means any contest—

(a) that tests the speed or reliability of motor vehicles or the skill or endurance of their drivers or navigators; and

(b) that—

(i) is declared to be an event to which section 33 of the *Road Traffic Act 1961* applies; or

(ii) takes place on a race track established or adapted for the purpose of such contests;

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;

terrorist act has the same meaning as in the *Terrorism (Commonwealth Powers) Act 2002*.

(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) Subject to subsection (3a), for the purposes of this Part, death or bodily injury will be regarded as being caused by or arising out of the use of a motor vehicle only if it is a direct 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.

(3a) For the purposes of this Part, death or bodily injury will not be regarded as being caused by or arising out of the use of a motor vehicle if the death or bodily injury is caused by a terrorist act.

(4) For the purposes of this Part, death or bodily injury will be regarded as being caused by or 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 determined by the CTP Regulator for the motor vehicle in respect of which the application is made.

(2) The approved insurer for a motor vehicle in respect of which an application for registration is made will be—

(a) in the case of an application to register a new motor vehicle—the approved insurer selected by the CTP Regulator in accordance with a scheme determined by the Minister; or

(b) in any other case—

(i) the approved insurer selected by the applicant for registration; or

(ii) if the applicant for registration fails to select an approved insurer—the approved insurer selected by the CTP Regulator in accordance with a scheme determined by the Minister.

(2a) For the purposes of subsections (1) and (2), if a person is a participant in the periodic payment scheme under section 24A in respect of a particular motor vehicle—

(a) the time of application in relation to a particular renewal will be taken to be the time when an amount for renewal of registration in accordance with the scheme is debited to the nominated account; and

(b) without limiting subsection (3), the approved insurer for the motor vehicle will be taken to be the approved insurer selected, as provided by subsection (2), in the person's most recent application for registration of the vehicle.

(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 CTP Regulator must, subject to any agreement with an approved insurer under this Part, select the related corporation as the approved insurer.

(4) Where the CTP Regulator 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 Regulator 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: $750.

(8) A policy of insurance in terms determined by the CTP Regulator 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) Subject to subsection (9a), the insurer under the policy of insurance relating to a motor vehicle is—

(a) the approved insurer selected under the provisions of this section in respect of that motor vehicle; or

(b) if the insurer referred to in paragraph (a), with the approval of the CTP Regulator and the consent of the registered owner of the motor vehicle, novates or assigns the policy of insurance to another approved insurer—that other approved insurer.

(9a) If—

(a) a new motor vehicle is registered for a period of more than 3 months; and

(b) the registered owner of the vehicle, within the first 3 months in the period of registration of the vehicle, nominates an approved insurer other than the approved insurer selected by the CTP Regulator at the time of the application for registration of the vehicle,

the policy of insurance relating to the motor vehicle will, on the commencement of the fourth month in the period of the registration of the vehicle, be taken to have been transferred from the approved insurer selected by the CTP Regulator to the approved insurer nominated by the registered owner of the vehicle (and the approved insurer to whom the policy of insurance is transferred then becomes the insurer under the policy of insurance relating to that motor vehicle).

(9b) If a policy of insurance is transferred under subsection (9a) from one approved insurer (the ***old insurer***) to another approved insurer (the ***new insurer***), the old insurer must pay to the new insurer the same proportion of the insurance premium received by the old insurer for the policy of insurance as the unexpired portion of the period for which the policy remains in force bears to the whole of the period for which the policy of insurance is effective under this Part (and the amount payable under this subsection may be recovered by the new insurer from the old insurer as a debt in any court of competent jurisdiction).

(9c) A nomination under subsection (9a) must be made in a manner and form determined by the CTP Regulator.

(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 collected by the Registrar under this section a sum of money determined by the CTP Regulator as costs associated with compulsory third party insurance.

(15) The costs determined by the CTP Regulator under subsection (14) must include an amount to cover the costs reasonably incurred by the Registrar in connection with the administration of the compulsory third party insurance scheme.

(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.

(20) For the purposes of this section, a motor vehicle is a ***new motor vehicle*** if—

(a) the vehicle has not previously been registered under this Act or the law of any other State or Territory of the Commonwealth; and

(b) less than 2 years have elapsed since the year and month in which the vehicle was manufactured.

101—Approved insurers

(1) Subject to this section, any person or body (whether incorporated or unincorporated) that carries on, or intends to carry on, the business of insurance in this State, may apply to the Minister for approval as an insurer under this Part.

(2b) An application for approval as an insurer under this Part must—

(a) be made in a manner and form approved by the CTP Regulator; and

(b) be lodged with the Regulator; and

(c) be referred by the Regulator to the Minister, together with any recommendations of the Regulator to the Minister in relation to the application.

(2c) The Minister may, after considering any recommendations made by the CTP Regulator in relation to an application for approval, grant or refuse the application.

(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 next following the date of the approval.

(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) An approved insurer may, on or before 1 April in any year, apply to the Minister for the withdrawal of approval under this Part.

(5a) An application for the withdrawal of approval under this Part must—

(a) be made in a manner and form approved by the CTP Regulator; and

(b) be lodged with the Regulator; and

(c) be referred by the Regulator to the Minister, together with any recommendations of the Regulator to the Minister in relation to the application.

(5b) The Minister may, after considering any recommendations made by the CTP Regulator in relation to an application for the withdrawal of approval under this Part, grant the application with effect from 1 July following the making of the application.

(6) If—

(a) an application for approval or withdrawal of approval under this Part is made other than in conformity with the limitations of time stipulated in this section; and

(b) the Minister, after considering any recommendations made by the CTP Regulator in relation to the application, is satisfied that there are special circumstances justified in doing so,

the Minister may grant the application with effect 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—

(i) evidence furnished by an approved insurer in compliance with a requirement under subsection (7); and

(ii) any recommendations made by the CTP Regulator in relation to the matter,

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: $10 000.

(1a) However, subsection (1) does not apply to a person who drives a motor vehicle, or causes a motor vehicle to stand, if the person proves that the person—

(a) drove the motor vehicle, or caused the motor vehicle to stand, in prescribed circumstances; and

(b) did not know that the motor vehicle was uninsured.

(1b) For the purposes of subsection (1a), a person may prove a matter referred to in that subsection by furnishing to the Commissioner of Police a statutory declaration in accordance with any requirements prescribed by the regulations.

(1c) It is a defence to a charge of an offence against subsection (1) if the defendant was not a registered owner or the registered operator of the vehicle and the defendant proves that the defendant did not know, and could not reasonably be expected to have known, that the vehicle was uninsured.

(2) If an uninsured motor vehicle is driven or found standing on a road, the owner of the vehicle is guilty of an offence.

Maximum penalty: $10 000.

(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.

(3aa) It is a defence to a charge of an offence against subsection (2) to prove that—

(a) the vehicle was not driven or left standing on the road by the defendant; and

(b) the defendant had taken reasonable steps to ensure that any person lawfully entitled to use the motor vehicle would have been aware that the vehicle was uninsured.

(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 driven or 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.

(3c) The provisions of Schedule 1 apply to an offence against this section if evidence relating to the offence was obtained through the operation of a photographic detection device.

(3d) A motor vehicle is driven or caused to stand by a person in prescribed circumstances for the purposes of subsection (1a) if—

(a) the person is not an owner or the registered operator of the vehicle and the person is required by the person's employer to drive the vehicle, or to cause the vehicle to stand, in the course of the person's employment; or

(b) the motor vehicle is driven or caused to stand in circumstances declared by the regulations.

(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, but does not include a person who takes the vehicle on hire.

104—Requirements if policy is to comply with this Part

(1) In order to comply with this Part, a policy of insurance must—

(a) 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; and

(b) be in the terms, and contain the conditions and warranties, determined by the CTP Regulator from time to time.

(2) However, a policy of insurance complies with this Part even though it does not extend to liability arising from the death of, or bodily injury to, a participant in a road race caused by the act or omission of another participant in the road race.

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.

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 the person's 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: $250.

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 the person 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 section 112 or 113 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 the defendant's 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) a prescribed agricultural machine (within the meaning of section 12) in relation to which there is in force a policy of public liability insurance referred to in section 12(2b); or

(b) a motor vehicle in relation to which there is in force a policy of public liability insurance referred to in section 12B(2); or

(c) a motor vehicle of a kind exempted by the regulations from insurance under this Part in relation to which there is in force a policy of insurance as required by the regulations; or

(d) a motor vehicle in relation to which there is in force a policy of public liability insurance referred to in section 134H(a); or

(e) a motor vehicle in relation to which there is in force a policy of insurance—

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

(ii) under which the owner and driver of the motor vehicle are insured against liability that might be incurred 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.

(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 the defendant's 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 the driver's blood a concentration of .1 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.

(7aa) If—

(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 committed an offence against section 43 of the *Road Traffic Act 1961*,

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.

(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; or

(c) whether the driver of the uninsured vehicle is guilty of an offence against section 43 of the *Road Traffic Act 1961*,

will be treated as determinative of the issue in an action by the nominal defendant under this section.

(7ab) For the purposes of this section, a person will be taken to have committed an offence against section 43 of the *Road Traffic Act 1961* if, and only if, the person has been found guilty of the offence.

(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 could not reasonably be expected to have known 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; or

(c) committed an offence against section 43 of the *Road Traffic Act 1961*.

(7e) A court before which an action is brought for recovery from a person of a sum paid by the nominal defendant to satisfy a claim made or judgment obtained must, if the court is to determine the amount that it is just and reasonable in the circumstances for the nominal defendant to recover from the person, take into account—

(a) the extent to which the person contributed to or is otherwise responsible for the liability to which the claim or judgment relates; and

(b) any other matter that the court considers relevant.

(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*.

118A—Appointment of nominal defendant when approved insurer is wound up etc

(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 or the other provisions of this Part.

(2) For the purposes of subsection (1), the following provisions of this Act are prescribed:

(a) sections 110, 111 and 111A;

(b) sections 124 and 124AA;

(d) section 125B;

(da) section 126A;

(e) sections 127, 127A, 127B and 127C;

(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.

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 the person's driving.

124—Duty to cooperate 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

(ca) the name, date of birth and address of the driver of the motor vehicle at the time 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 the defendant's knowledge; or

(b) that the defendant believed upon reasonable grounds that the requisite notice had been given; or

(c) if the defendant has not given notice of a particular detail as required by subsection (1)—that the defendant, having made reasonable inquiries, complied with the requirements of subsection (1) to the best of the defendant's knowledge, information and belief.

(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: $5 000.

(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: $750.

(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 the driver 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 prescribed documents relating to 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: $750.

(6) A person must not give any notice or information under this section that is, to the person's knowledge, false or misleading in any material particular.

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

(6a) Where a claim is made 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.

124AA—Limitation of liability in respect of foreign awards

(1) This section applies in relation to actions brought before a court of another country or state (except a state or territory of the Commonwealth).

(2) Any limitation on liability for damages for death or bodily injury arising out of the use of a motor vehicle that is relevant to the operation of this Part and the degree of liability under the policy of insurance under this Part (including, but not limited to, the *Civil Liability Act 1936*) is a substantive law of the State and is intended to apply in relation to any action that arises out of the occurrence of the death or bodily injury—

(a) irrespective of where the death or bodily injury occurred; and

(b) despite the fact that the court before which the action is brought would not (but for this subsection) apply, or take into account, the law of this State.

(3) If—

(a) an action is brought in respect of death or bodily injury arising out of the use of an insured motor vehicle in a court that is not a court of the State; and

(b) despite subsection (2), the court awards an amount to a person that is in excess of the amount (if any) that would have been awarded in a similar action before a court of the State; and

(c) the insurer is liable to pay the amount awarded,

the following provisions apply:

(d) the insurer is entitled to recover the excess from, or set off the excess against any payment to be made to, the person to whom the amount is awarded (the ***judgment creditor***);

(e) the insured person's liability to the judgment creditor is fully discharged on payment by the insurer to the judgment creditor of—

(i) the amount awarded; or

(ii) the amount awarded less the amount of the excess.

(4) In the course of proceedings under subsection (3)(d), a court may—

(a) receive in evidence any transcript of evidence in proceedings before the court by which the amount was awarded and draw any conclusion of fact from the evidence it considers proper; or

(b) adopt any of the court's findings of fact.

124A—Recovery by insurer

(1) Where an insured person incurs a liability against which the insured person 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 the insured person's blood a concentration of .1 grams or more of alcohol in 100 millilitres of blood,

the insurer may, by action in a court of competent jurisdiction, recover from the insured person any money paid or costs incurred by the insurer in respect of that liability.

(2) Where an insured person incurs a liability against which the insured person is insured under this Part and the insured person has, to the prejudice of the insurer—

(aa) contravened or failed to comply with a term of the policy of insurance by committing an offence against section 43 of the *Road Traffic Act 1961*; or

(a) contravened or failed to comply with any other 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.

(2a) 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; or

(c) whether the insured person is guilty of an offence against section 43 of the *Road Traffic Act 1961*,

will be treated as determinative of the issue in an action by the insurer under this section.

(2b) For the purposes of this section, a person will be taken to have committed an offence against section 43 of the *Road Traffic Act 1961* if, and only if, the person has been found guilty of the offence.

(3) Where an insured person incurs, as a participant in a road race, a liability against which the insured person is insured under this Part, the insurer may, by action in a court of competent jurisdiction, recover from the organiser of the road race the amount of the liability and the reasonable costs incurred by the insurer in respect of that liability.

(4) A court before which an action is brought for recovery from a person of a sum paid by an insurer to satisfy a liability incurred by an insured person must, if the court is to determine the amount that it is just and reasonable in the circumstances for the insurer to recover from the person, take into account—

(a) the extent to which the person contributed to or is otherwise responsible for the liability incurred; and

(b) any other matter that the court considers relevant.

124AB—Recovery of an excess in certain cases

(1) Where an insured person incurs a liability against which the insured person 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) if the money paid and costs incurred by the insurer in respect of the liability do not exceed the prescribed amount—

(i) the amount of that money paid and costs incurred; or

(ii) if the amount to be recovered from the insured person is received within 1 month following a first request for payment—95% of the amount of that money paid and costs incurred; and

(b) if the money paid and costs incurred by the insurer exceed the prescribed amount—

(i) the prescribed amount; or

(ii) if the amount to be recovered from the insured person is received within 1 month following a first request for payment—95% of the prescribed amount.

(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.

(3) For the purposes of this section, the ***prescribed amount*** is $460.

(4) The amount prescribed by subsection (3) will be indexed so that it is adjusted on 1 January of each year, beginning on 1 January 2012, by multiplying the stated amount by a proportion obtained by dividing the CPI for the September quarter of the immediately preceding year by the CPI for the September quarter 2010 (with the amount so adjusted being rounded up to the nearest multiple of $10).

(5) A reference in this section to the prescribed amount in connection with costs incurred and money paid by the insurer in respect of a liability arising out of an accident is a reference to the prescribed amount for the year in which the accident occurred (having regard to any adjustment made to the prescribed amount as required under subsection (4)).

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 the insured person 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.

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 the insured person's 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.

126A—Claim for compensation

(1) A person who seeks to make a claim for damages or other compensation in relation to the death of, or bodily injury to, a person for which insurance is provided under this Part must furnish the insurer or the nominal defendant (as the case may be) with a notice of claim that complies with the requirements of subsection (2).

(2) A notice under subsection (1)—

(a) must be provided at a time or within a period prescribed by the regulations; and

(b) must be furnished in a manner and form approved by the Minister; and

(c) must set out or be accompanied by—

(i) a statement setting out details of the claim; and

(ii) a certificate or opinion as to the nature and probable cause of the death or injury (as the case requires) provided by a medical practitioner; and

(iii) the relevant police report number for any report provided to a police officer under the *Road Traffic Act 1961* in connection with the relevant accident; and

(iv) such other report or other information in relation to the accident or the claim as may be prescribed by the regulations; and

(d) must be accompanied by a statement (in a form prescribed by the regulations) authorising the insurer or the nominal defendant to have access to records and other sources of information relevant to the claim.

(3) Any material or information required under subsection (2)(c) must comply with any requirements prescribed by the regulations.

(4) An insurer or the nominal defendant must, within 21 days of receiving any record or other information under subsection (2)(d), send a copy of the report or information to the claimant (or a legal practitioner engaged by the claimant).

(5) An insurer and the nominal defendant must establish practices and procedures designed to assist claimants to comply with the requirements of the preceding subsections.

(6) If a person fails to comply with a preceding subsection—

(a) the insurer or the nominal defendant (as the case may be) may decline to consider or deal with the claim while the failure continues; and

(b) the person is not entitled, until the person complies with the relevant requirements, to commence proceedings or to continue proceedings that have been commenced in respect of the death or injury.

(7) Subsection (6) operates subject to any provision made by the regulations about qualifying or restricting the effect of failing to comply with the requirements of this section.

(8) In this section—

medical practitioner means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student).

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.

(2) A claimant must—

(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.

(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.

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 applying to 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 applying to 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 scales of charges 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.

(3a) In addition, the Minister may, by instrument in writing, in relation to a particular case or class of case, increase a limit or charge that applies for the purposes of this section (and the prescribed limit or prescribed scale will, in that case, then be taken to be increased to the extent allowed by the instrument).

(4) For the purposes of this section, a reference in section 32 of the *Workers Rehabilitation and Compensation Act 1986* or the scales of charges made 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.

(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.

127B—Liability of insurer to pay treatment, care and support costs

(1) In this section—

treatment, care and support needs of a person are the person's needs for or in connection with any of the following:

(a) medical treatment (including pharmaceuticals);

(b) dental treatment;

(c) rehabilitation;

(d) ambulance transportation;

(e) aids and appliances;

(f) prostheses;

(g) such other kinds of treatment, care, support or services as may be prescribed by the regulations.

(2) Subject to this section, if—

(a) a person who has not attained the age of 16 years suffers bodily injury caused by or arising out of the use of a motor vehicle; and

(b) the incident to which the bodily injury is attributable occurs in South Australia,

then the insurer is liable to pay all the necessary and reasonable expenses with respect to the treatment, care and support needs of the person (including after the person attains the age of 16 years) that are attributable to that bodily injury.

(3) This section applies whether or not a liability at common law exists against the owner of the relevant motor vehicle or other person on account of the occurrence of the bodily injury (but any award of damages must take into account the extent to which an entitlement arises under this section).

(4) This section does not apply in relation to a participant in the Scheme under the *Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013*.

(5) Section 127A will apply to any services under this section insofar as they are prescribed services under that section.

(6) If a person suffered the bodily injury as a result of or partly as a result of the fault of another person (the wrongdoer), the insurer is entitled to recover from the wrongdoer as a debt due to the insurer such proportion of the present value of the insurer's treatment, care and support liabilities in respect of the person's bodily injury as corresponds to the wrongdoer's share in the responsibility for the injury.

(7) The present value of the insurer's treatment, care and support liabilities in respect of a bodily injury is the sum of the following amounts:

(a) amounts already paid by the insurer under this section in respect of the treatment, care and support needs associated with the bodily injury; and

(b) the present value of the amounts that the insurer estimates will be payable by the insurer in the future under this section in respect of the treatment, care and support needs associated with the bodily injury.

127C—Control of legal costs

(1) Subject to subsection (3), a court before which proceedings are brought in respect of a claim for which a person is insured under this Part must comply with the following provisions as to costs in relation to the claimant:

(a) if the total amount recovered in respect of the claim does not exceed $25 000—the court must not award in favour of the claimant costs as between party and party unless the court is of the opinion that there are exceptional circumstances justifying the award of such costs;

(b) if the total amount recovered in respect of the claim exceeds $25 000 but does not exceed $100 000—the court must not award in favour of the claimant costs in respect of the proceedings in excess of the costs applying under the designated scale unless the court is satisfied that there are exceptional circumstances justifying the award of additional costs.

(2) A court before which proceedings are brought in respect of a claim for which a person is insured under this Part must comply with the following provisions as to costs in relation to the defendant:

(a) if the total amount claimed does not exceed $25 000—the court must not award in favour of the defendant costs as between party and party unless the court is of the opinion that there are exceptional circumstances justifying the award of such costs;

(b) if the total amount claimed exceeds $25 000 but does not exceed $100 000—the court must not award in favour of the defendant costs in respect of the proceedings in excess of the costs applying under the designated scale unless the court is satisfied that there are exceptional circumstances justifying the award of additional costs.

(3) If proceedings are brought before a court in order to obtain approval of a compromise or settlement that relates to a person who is under a legal disability, subsection (1)(a) does not apply so as to prevent an award of costs as between party and party insofar as the costs are directly related to obtaining that approval.

(4) In this section—

designated scale means the scale of costs that apply in relation to civil proceedings in the Magistrates Court of South Australia (even if the claim against the insurer is for an amount that exceeds the jurisdictional limit of that court), subject to any modifications made by the regulations for the purposes of this section.

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.

129A—Commissions and other financial benefits and inducements prohibited without Minister's approval

(1) An approved insurer must not give, or offer to give, to any person, in respect of any policy of insurance, a commission, discount, gift, rebate or any other form of financial benefit or inducement.

(2) Subsection (1) does not apply in relation to financial benefits or inducements of a class approved by the Minister from time to time.

131—Insurance by visiting motorists

The Registrar must not grant 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 themself 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 the legal practitioner's 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 the officer's 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 themself 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 4A—Trials of automotive technologies

134B—Interpretation

(1) In this Part—

authorisation notice, in respect of a trial of automotive technology, means a notice authorising the trial under section 134D(1);

authorised trial means a trial the subject of an authorisation notice;

authorised trial period means the period specified in an authorisation notice during which an authorised trial may be undertaken;

exemption means an exemption under section 134E, as in force from time to time.

(2) For the purposes of this Part, a particular technology will be taken to be ***automotive technology*** if the technology—

(a) is related to the design, construction or use of wholly or partly autonomous motor vehicles; or

Note—

These vehicles are commonly referred to as driverless cars or driverless vehicles.

(b) otherwise relates to advances in the design or construction of motor vehicles.

134C—Minister may publish or adopt guidelines

(1) The Minister may, by notice in the Gazette, publish or adopt guidelines in connection with the operation of this Part.

(2) The Minister may, by subsequent notice in the Gazette, vary, substitute or revoke guidelines published or adopted under this section.

(3) A copy of any guidelines published or adopted under this section must—

(a) be published on a website determined by the Minister; and

(b) be kept available for public inspection, without charge and during ordinary office hours, at an office or offices specified by the Minister.

134D—Minister may authorise trials of automotive technologies

(1) The Minister may, by notice in the Gazette (an ***authorisation notice***), authorise a specified person to undertake a trial of automotive technology in accordance with this Part.

(2) Before authorising a trial under this Part, the Minister must—

(a) be satisfied that the person has in place, or will have in place before the trial commences, arrangements for public liability insurance that comply with any requirements under section 134H; and

(b) comply with any other requirements set out in the regulations for the purposes of this subsection,

however a failure to comply with this subsection will not, of itself, invalidate the authorisation of a trial.

(3) Subject to section 134L, an authorisation notice—

(a) must specify—

(i) the area or areas of the State in which the trial may be undertaken; and

(ii) the authorised trial period in respect of the trial; and

(iii) the scope and nature of the trial; and

(iv) the name of the person authorised to undertake the trial; and

(b) must contain any other information required by the regulations in respect of the trial; and

(c) may include such other information as the Minister thinks appropriate.

(4) An authorisation may be conditional or unconditional (including, to avoid doubt, a condition requiring compliance with guidelines prepared or adopted by the Minister under section 134C).

(5) The Minister must, not later than 1 month before the commencement of an authorised trial, cause details of the authorised trial to be published on a website determined by the Minister (however a failure to comply with this subsection will not, of itself, invalidate the authorisation of a trial).

(6) The Minister may vary or revoke an authorisation, or vary, revoke or add a condition of an authorisation, for any reason the Minister thinks fit.

134E—Exemptions from this and other Acts

(1) Subject to this section, the Minister may, for a purpose related to an authorised trial, exempt a person or class of persons, or a vehicle or class of vehicles, from the operation of a provision or provisions of this or any other Act, law or standard.

(2) An exemption may be granted on the Minister's own initiative or on an application made in a manner and form determined by the Minister.

(3) In the case of an exemption from a provision or provisions of an Act for which the Minister is not responsible, the Minister must consult with the Minister responsible for the administration of that Act before granting the exemption.

(4) An exemption—

(a) must be by notice in the Gazette (whether as part of an authorisation notice or otherwise); and

(b) may be conditional or unconditional; and

(c) remains in force (subject to any suspension under section 134F) until—

(i) the day on which the authorised trial period ends; or

(ii) the end of the period specified in the exemption; or

(iii) the exemption is revoked,

whichever occurs first.

(5) The Minister may vary an exemption, or vary, revoke or add a condition of an exemption, for any reason the Minister thinks fit.

134F—Revocation and suspension of exemption

(1) The Minister must revoke an exemption if authorisation of the authorised trial to which the exemption relates is revoked.

(2) The Minister may revoke an exemption if—

(a) the Minister is of the opinion that it is no longer in the public interest for the authorised trial to which the exemption relates to continue; or

(b) the person authorised to undertake the trial—

(i) has not complied with a requirement under section 134H; or

(ii) has contravened or failed to comply with a condition of the exemption.

(3) The Minister may suspend the operation of the whole or part of an exemption if the Minister is of the opinion that it is appropriate to do so.

(4) A revocation or suspension—

(a) must be by notice in writing served personally on the person authorised to undertake the trial, or a person nominated by the person authorised to undertake the trial; and

(b) must be published on a website determined by the Minister (however a failure to comply with this paragraph will not, of itself, invalidate the revocation or suspension); and

(c) has effect from the day or time specified in the notice and, in the case of a suspension, remains in force for the period specified in the notice.

(5) If the Minister suspends the operation of an exemption, the Minister may, by notice in the Gazette, vary the authorisation notice in respect of the trial as the Minister thinks fit (including, to avoid doubt, by extending the authorised trial period).

134G—Offence to contravene etc condition of exemption

(1) A person who contravenes or fails to comply with a condition of an exemption is guilty of an offence

Maximum penalty: $2 500.

(2) If a person contravenes or fails to comply with a condition of an exemption, the exemption does not, while the contravention or non-compliance continues, operate in that person's favour.

(3) If, by virtue of subsection (2), a person is guilty of an offence against the provision of this or any other Act, law or standard from which the person was exempted by an exemption, the person may be proceeded against either for that offence or for an offence against subsection (1).

134H—Requirement for insurance

A person authorised to undertake an authorised trial must ensure that there is in force at all times during the authorised trial period—

(a) a policy of public liability insurance indemnifying the owner and any authorised driver or operator of the vehicle in an amount not less than the amount specified by the Minister in relation to the trial in relation to death or bodily injury caused by, or arising out of, the use of the vehicle on a road; and

(b) a policy of public liability insurance indemnifying the owner and any authorised driver or operator of the vehicle in an amount not less than the amount specified by the Minister in relation to the trial in relation to damage to property caused by, or arising out of, the use of the vehicle on a road; and

(c) any other policy of insurance that the Minister may reasonably require in relation to the trial.

134I—Offence to hinder authorised trial or interfere with equipment

(1) A person who, without reasonable excuse—

(a) hinders or obstructs the undertaking of an authorised trial; or

(b) interferes with any equipment or device relating to an authorised trial,

is guilty of an offence.

Maximum penalty: $10 000.

(2) In proceedings for an offence against subsection (1), it is a defence for the defendant to prove that the defendant did not know, and could not reasonably have been expected to have known, that the activity allegedly constituting the offence would, in fact, hinder or obstruct the undertaking of an authorised trial, or constitute interference with equipment or a device (as the case requires).

(3) Without limiting the ways in which a person can interfere with equipment or a device, a person will be taken to interfere with equipment or a device if the person interferes with an electronic signal being sent to, or from, the equipment or device.

134J—Immunity relating to official powers or functions

(1) This section applies to the same persons as section 74 of the *Public Sector Act 2009*.

(2) Subject to this Act, no civil liability attaches to a person to whom this section applies for an act or omission done in good faith and without negligence in relation to an authorised trial.

(3) An action that would, but for subsection (2), lie against a person lies instead against the Crown, except in the case of a member of a body corporate or the governing body of a body corporate or a person employed or appointed by, or a delegate of, a body corporate, in which case it lies instead against the body corporate.

(4) This section does not prejudice rights of action of the Crown or a public sector agency in respect of an act or omission of a person not in good faith.

134K—Commencement of prosecutions

(1) A prosecution for an offence against this or any other Act that relates to an authorised trial must not be commenced without the consent of—

(a) in the case of an offence against this Act or any other Act for which the Minister is responsible—the Minister; or

(b) in the case of an offence against an Act for which another Minister is responsible—that Minister.

(2) In proceedings for an offence against this or any other Act, a document apparently signed by a Minister stating that the Minister consents to a particular prosecution will be accepted, in the absence of proof to the contrary, as proof of that consent.

134L—Confidentiality

Without limiting section 134D, the Minister must (unless the Minister considers it inappropriate to do so) take reasonable steps to prevent information—

(a) that is commercially sensitive in nature; and

(b) that is the subject of a request to the Minister by a person connected with an authorised trial or a proposed trial for the information to be kept confidential,

from being published or otherwise made public under this Part.

134M—Report to Parliament

(1) The Minister must, within 6 months after the completion of an authorised trial, prepare a report in relation to the authorised trial.

(2) A report must contain the information required by the regulations in relation to the authorised trial to which the report relates.

(3) The Minister must cause a copy of a report under this section to be laid before both Houses of Parliament within 12 sitting days after the Minister's receipt of the report.

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: $5 000 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 the defendant 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.

(5) A prosecution for an offence against subsection (1) may be commenced at any time within 2 years after the date of the alleged commission of the offence or, with the authorisation of the Attorney-General, at a later time within 5 years after the date of the alleged commission of the offence.

(6) An apparently genuine document purporting to be signed by the Attorney-General and to authorise the commencement of proceedings for an offence against subsection (1) will be accepted in any legal proceedings, in the absence of proof to the contrary, as proof of the authorisation.

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 the person's 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 the person's name or the place at which the person 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 the person is ordinarily resident, as the case may require.

Maximum penalty: $1 250.

(2) If a person (other than a body corporate) who holds trade plates changes the person's 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 the person's new name or new principal place of business, as the case may require.

Maximum penalty: $1 250.

(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: $1 250.

(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: $1 250.

(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: $1 250.

(2d) If a person 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; or

(c) the holder of trade plates,

changes the person's postal address, the person must, within 14 days of the change, give notice to the Registrar in a prescribed manner of the person's new postal address.

Maximum penalty: $1 250.

(3) The Registrar may require a person giving notice of a change of name, residence, principal place of business, postal address 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 police officer or an authorised officer 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: $750.

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 authorised officer, provide to the Registrar or authorised officer such evidence of the design, construction, maintenance, safety, ownership or appearance of the vehicle as is required by the Registrar or authorised officer.

Maximum penalty: $750.

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: $750.

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 given in a manner and form determined by the Minister to 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 to whom notice has been given 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 given in a manner and form determined by the Minister to 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, 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, certificate, plate, document or thing in the prescribed manner.

(5) A person must comply with a notice served under subsection (4).

Maximum penalty: $750.

(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, 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, 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

(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) Subject to this section, the Registrar or an authorised vehicle inspector may examine a motor vehicle for any of the following purposes:

(a) verifying any information disclosed in—

(i) an application made to the Registrar in respect of the vehicle or any evidence provided by an applicant in response to a requirement of the Registrar under this Act; or

(ii) a notice of the making of an alteration or addition to the vehicle given to the Registrar by a person under section 44 or any evidence provided by a person in response to a requirement of the Registrar under that section;

(b) ascertaining any facts on which the amount of any fee or payment to the Registrar in respect of the vehicle depends;

(c) ascertaining whether—

(i) the vehicle complies with an Act or law that regulates the design, construction or maintenance of such a vehicle; or

(ii) the vehicle would, if driven on a road, put the safety of persons using the road at risk;

(d) ascertaining whether the vehicle or part of the vehicle is or may be stolen.

(2) A motor vehicle may not be examined for the purposes of subsection (1)(c) unless—

(a) the vehicle is of a class prescribed for the purposes of that subsection; or

(b) an application to register, or transfer the registration of, the vehicle has been made; or

(c) notice of the making of an alteration or addition to the vehicle is given, or is required to be given, to the Registrar by a person under section 44; or

(d) prescribed circumstances exist.

(3) The Registrar may determine that motor vehicles of a class prescribed for the purposes of subsection (1)(c) must be examined periodically at intervals prescribed by the regulations.

(4) For the purposes of subsection (1)—

(a) the Registrar or an authorised vehicle inspector may take from any part of a motor vehicle a sample of any liquid fuel used or appearing to be used for propelling that vehicle;

(b) the Registrar, a police officer or an authorised officer may—

(i) enter and remain in any premises at any reasonable time and search those premises for motor vehicles; or

(ii) require a person to produce a motor vehicle at a specified authorised inspection station or other specified place at a specified day and time for the purpose of examination.

(5) The Registrar, a police officer or an authorised officer may only exercise the powers conferred by subsection (4)(b)(i) in respect of residential premises on the authority of a warrant issued by a magistrate.

(6) A warrant may not be issued unless the magistrate is satisfied that the warrant is reasonably required in the circumstances.

(7) An application for the issue of a warrant—

(a) may be made either personally or by telephone; and

(b) must be made in accordance with any procedures prescribed by the regulations.

(8) A person of whom a requirement is made by the Registrar, a police officer or an authorised officer under subsection (4)(b)(ii) must not refuse or fail to comply with the requirement.

Maximum penalty: $10 000.

(9) A person must not—

(a) without reasonable excuse, hinder or obstruct an authorised vehicle inspector in the exercise of powers under this section; or

(b) falsely represent, by words or conduct, that the person is an authorised vehicle inspector; or

(c) falsely represent, by words or conduct, that premises are an authorised inspection station.

Maximum penalty: $10 000.

(10) The Registrar may—

(a) authorise a person, or persons of a specified class, to examine motor vehicles for the purposes of this section;

(b) authorise the use of specified premises as an inspection station for the examination of motor vehicles for the purposes of this section;

(c) make an authorisation under paragraph (a) or (b) subject to such terms and conditions as the Registrar thinks fit;

(d) vary or revoke an authorisation under paragraph (a) or (b) at any time.

(11) 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.

(12) A person who contravenes a code of practice established under this section is guilty of an offence.

Maximum penalty: $10 000.

(13) A person authorised by the Registrar to examine motor vehicles for the purposes of this section may, with the approval of the Minister, charge fees for the examination of a motor vehicle that exceed the fees prescribed under this Act or the *Road Traffic Act 1961* for that purpose.

(14) The Minister may, for the purposes of subsection (13), grant or revoke an approval as the Minister thinks fit, or make any approval subject to such conditions as the Minister thinks fit.

(15) In this section—

authorised inspection station means premises used as an inspection station for the examination of motor vehicles pursuant to an authorisation under subsection (10);

authorised vehicle inspector means—

(a) an authorised officer; or

(b) a police officer; or

(c) a person, or person of a class, authorised to examine motor vehicles pursuant to an authorisation under subsection (10).

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 police officer) reasonably suspects that the vehicle or part of the vehicle is or may be stolen, the person must—

(a) immediately inform a police officer 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 police officer.

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—

(a) order of a court; or

(b) notice given in a manner and form determined by the Minister to 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: $1 250.

(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.

139BD—Service and commencement of notices of disqualification

(1) A notice of disqualification authorised or required to be given under this Act must be given in accordance with this section.

(2) A notice of disqualification must in the first instance be sent by post, addressed to the person to whom it is required to be given, at the person's last known postal address.

(3) The Registrar must, in the notice—

(a) require the person—

(i) to personally acknowledge receipt of the notice—

(A) by attending, within the period specified in the notice, at a place of a kind prescribed by the regulations; or

(B) by recording the acknowledgement, within the period specified in the notice, by electronic means of a kind determined by the Minister; and

(ii) to pay to the Registrar, in accordance with the notice, the administration fee prescribed by the regulations; and

(b) inform the person that if the person fails to comply with the requirements of the notice—

(i) another notice of disqualification will be issued and served on the person personally; and

(ii) the person will be liable to pay a service fee of the amount prescribed by the regulations; and

(iii) the Registrar may refuse to enter into any transaction with the person until the person pays the service fee; and

(c) inform the person that if another notice of disqualification is issued and an attempt to serve the notice personally is unsuccessful, the Registrar may refuse to enter into any transaction with the person until the person pays the service fee and personally acknowledges receipt of the notice in accordance with the notice.

(4) If a person to whom a notice of disqualification is posted fails to comply with a requirement made under subsection (3) within the period specified in the notice—

(a) the notice is to be taken for the purposes of this Act not to have been given to the person; and

(b) the Registrar must issue another notice of disqualification and cause it to be served on the person personally.

(5) If an attempt is made to effect personal service of a notice of disqualification—

(a) the Registrar may, if the attempt is successful, refuse to enter into any transaction with the person to whom the notice was given until the person pays the service fee prescribed by the regulations; or

(b) the Registrar may, if the attempt is unsuccessful, refuse to enter into any transaction with the person to whom the notice is required to be given until—

(i) the person personally acknowledges receipt of the notice in accordance with the notice; and

(ii) the person pays the service fee prescribed by the regulations.

(6) For the purposes of this Act, a notice of disqualification is to be taken to have been given to a person—

(a) in the case of a notice receipt of which is personally acknowledged by the person as required by the notice—on the day on which receipt of the notice is so acknowledged; or

(b) in the case of a notice that is served on the person personally—on the day on which the notice is so served.

(7) A notice of disqualification must specify when the notice will take effect in accordance with this section.

(8) Subject to subsections (9) and (9a), a notice of disqualification takes effect as follows:

(a) in the case of a notice receipt of which is personally acknowledged by a person as required by the notice—28 days after the day specified in the notice;

(b) in the case of a notice that is served on a person personally—28 days after the day on which the notice is so served.

(9) If, at the time that a notice of disqualification is due to take effect, the person is already disqualified from holding or obtaining a licence or permit or the person's licence or permit is already suspended, the notice of disqualification will instead take effect on the termination of that prior disqualification or suspension.

(9a) If, in accordance with subsection (8), 2 or more notices of disqualification would take effect at the same time, the notices of disqualification will instead take effect in the order determined by the Registrar, with each notice of disqualification taking effect on the termination of the prior disqualification or suspension.

(10) If the Registrar considers that there are proper reasons for doing so, the Registrar may, at any time before a notice of disqualification takes effect, reissue the notice.

(11) In this section—

notice of disqualification means a notice under section 81B(1), 81BA(4), 81BB(8), 81BC(2), 81C(2), 81D(2)(b) or (c), 98BD(2) or 98BE(2a).

139C—Service of other notices and documents

(1) Except as otherwise provided in this Act, a notice or other document required or authorised 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 the person's last known postal address; or

(c) be given to the person by electronic means of a kind determined by the Minister.

(2) If a notice or other document 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 under this or any other Act; or

(b) with the consent of the person from whom the information was obtained or to whom the information relates; or

(c) in connection with the administration of—

(i) this Act; or

(ii) the *Heavy Vehicle National Law (South Australia) Act 2013*; or

(iii) the *Heavy Vehicle National Regulations (South Australia)*; or

(iv) the local regulations made under the *Heavy Vehicle National Law (South Australia) Act 2013*; or

(d) to a public authority of any jurisdiction for law enforcement purposes or a prescribed public authority of any jurisdiction; or

(e) to a court or in connection with any legal proceedings; or

(ea) as may be required for the purposes of—

(i) the *Fines Enforcement and Debt Recovery Act 2017*; or

(ii) Part 4 Division 3 of the *Local Nuisance and Litter Control Act 2016*; or

(iii) section 5D of the *Environment Protection Act 1993*; or

(f) in accordance with guidelines prescribed by the regulations.

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 alcohol interlock provider, and a person engaged in the activities of an approved alcohol interlock provider for the purposes of this Act, are to be taken to be engaged in the administration of this Act.

139E—Protection from liability

(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.

139G—Offences by authorised officers

An authorised officer 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:

(a) that a specified person was not on a specified day or during a specified period the holder of a licence of a specified class or category or was not the holder of a towtruck certificate;

(aa) that, on a specified day, a specified person was or was not the holder of an exemption under section 81A(14);

(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;

(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 postal address or 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 the *Heavy Vehicle National Law (South Australia)*, the *Heavy Vehicle National Regulations (South Australia)* or 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.

(2a) In the absence of proof to the contrary, in proceedings under this Act, a notice of disqualification will be taken to have been given to a person—

(a) in the case of a notice receipt of which is personally acknowledged by the person—

(i) by the person attending, within the period specified in the notice, at a place of a kind prescribed by the regulations; or

(ii) by the person recording the acknowledgement, within the period specified in the notice, by electronic means of a kind determined by the Minister,

on the day on which receipt of the notice is so acknowledged; or

(b) in the case of a notice that is served on the person personally—on the day on which the notice is so served.

(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 a motor vehicle bears a number other than the number issued under this Act 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 an information 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 an information that at the time mentioned in the information 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 an information 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 police officer 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)(i)(B) 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.

143B—General defences

(1) It is a defence to a charge for an offence against this Act if the person charged establishes that the conduct constituting the offence was—

(a) authorised or excused by or under a law; or

(b) done in compliance with a direction given by an authorised officer or police officer; or

(c) done in response to circumstances of emergency.

(2) The defence under subsection (1)(c) applies only if the person charged reasonably believed that—

(a) circumstances of emergency existed; and

(b) committing the offence was the only reasonable way to deal with the emergency; and

(c) the conduct was a reasonable response to the emergency.

(3) Nothing in this section affects any other defence available at law.

145—Regulations and fee notices

(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 permit in pursuance of this Act; and

(ba) empowering the Registrar to issue documents relating to the registration of a motor vehicle or to any registered particulars of a registered motor vehicle, prescribing fees for the issue of such documents by the Registrar, prescribing classes of documents (whether issued by the Registrar or any other person or body) relating to the registration of a motor vehicle and providing offences relating to such documents; 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

(e) prescribing, and providing for the payment of fees, for any 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, or be taken to hold, a licence assigned a particular classification, and empowering the Registrar to exempt persons, conditionally or unconditionally, from that requirement; and

(ge) preventing a person who fails a test of a prescribed kind conducted for the purposes of this Act from taking a subsequent such test within the prescribed period; and

(gf) providing for matters relating to exemptions under section 81A(14), including the issue, carriage and production of certificates of exemption and the use, suspension, cancellation or surrender of exemptions or certificates of exemption; and

(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 police officers 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 Registrar to declare, by notice in the Gazette, that the declared area is divided into zones specified in the notice, and to vary or revoke any such declaration by a subsequent notice;

(iv) empower the Registrar to determine applications by towtruck operators for positions on an accident towing roster;

(v) prescribe the qualifications that applicants must have in order to be granted positions on an accident towing roster;

(vi) otherwise provide for and regulate applications for and the allocation of positions on an accident towing roster;

(vii) provide for and prescribe the duties of and regulate the activities and conduct of towtruck operators holding positions on an accident towing roster;

(viii) empower the Registrar to stipulate conditions with which towtruck operators holding positions on an accident towing roster must comply;

(ix) empower the Registrar to reprimand a towtruck operator who holds a position on an accident towing roster, to remove or suspend the operator from the roster or to reduce the number of positions held by the operator on the roster and prescribe the circumstances in which the Registrar may exercise those powers;

(x) provide for tests or examinations for the purpose of determining applications for positions on an accident towing roster;

(xi) prohibit any conduct that might interfere with the operation or administration of an accident towing roster or the issuing of accident towing directions;

(xii) regulate the activities and conduct of persons employed or acting in the course of the business of a towtruck operator holding a position on an accident towing roster;

(xiii) prescribe the standards and requirements for and provide for the registration of the premises used by towtruck operators who hold positions on an accident towing roster;

(xiv) require the display at towtruck operators' registered premises of signs of a prescribed size, construction and form and containing the prescribed information and regulate the positioning of such signs;

(xv) regulate the storage at the registered premises of towtruck operators of vehicles damaged in accidents;

(xvi) prescribe the standards and requirements for and provide for the approval by the Registrar of towtrucks and equipment carried on towtrucks used for towing motor vehicles damaged in accidents in the declared area and prohibit the driving of towtrucks that do not comply with the prescribed standards and requirements or that have not been so approved;

(xvii) provide for and prescribe the hours at which towtruck operators must be ready and able to engage in towing pursuant to accident towing directions;

(xviii) require towtruck operators to insure against risks of damage to or loss relating to motor vehicles towed or stored in the course of their businesses;

(xix) prescribe application fees and fees payable annually for positions on an accident towing roster, being fees which may vary according to prescribed factors;

(xx) provide for the issuing of documents to be used as authorities to tow and the fees for issuing such documents;

(xxi) regulate the possession or use of documents issued by the Registrar for use as authorities to tow;

(xxii) prescribe the duties of a towtruck driver or towtruck operator where a document issued for use as an authority to tow, or an authority to tow, or a copy of an authority to tow, is lost, destroyed, rendered unusable or illegible or cancelled;

(xxiii) require the keeping and preserving of records by persons holding or formerly holding positions on an accident towing roster;

(xxiv) require the provision of information to the Registrar by towtruck operators holding positions on an accident towing roster; 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 $5 000, for breach of, or non-compliance with, the regulations; and

(n) fixing expiation fees, not exceeding $2 500, for alleged offences against the Act or regulations.

(1a) Regulations made under subsection (1)(ca) or (cb) may—

(a) prescribe penalties, not exceeding a $5 000 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 $1 250, for an alleged offence against a regulation made under that subsection.

(1b) To avoid doubt, regulations made under subsection (1)(gc) or (gd) may require a person who holds a particular class of licence (the ***original licence***) to obtain a different class of licence in order to drive a class of motor vehicle that they had been authorised to drive under the original licence.

(2) Regulations under this Act may—

(a) be of general application or limited application;

(b) make different provision according to the matters or circumstances to which they are expressed to apply;

(c) provide that a matter or thing in respect of which regulations may be made is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister, the Registrar, an inspector or any other person or body prescribed by the regulations;

(d) include evidentiary provisions to facilitate proof of contraventions of the regulations for the purposes of proceedings for offences;

(e) refer to or incorporate, wholly or partially and with or without modification—

(i) the text of model legislation or road transport legislation set out in regulations made for the purposes of section 7 of the *National Transport Commission Act 2003* of the Commonwealth; or

(ii) a document published by the National Transport Commission and approved by the Australian Transport Council; or

(iii) a specified standard, code or other document prepared or published by a prescribed body,

as in force at the time the regulations are made or as in force from time to time;

(f) contain provisions of a savings or transitional nature.

(3) If regulations refer to or incorporate 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) evidence of the contents of the standard, code or other document may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code, standard or other document.

(4) The Minister may prescribe fees for the purposes of this Act by fee notice under the *Legislation (Fees) Act 2019*.

(8) In this section—

written-off motor vehicle means a motor vehicle of a class defined by the regulations as written-off vehicles.

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 the health professional 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, the person 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), the health professional 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 the person's duty under subsection (1).

Schedule 1—Evidence obtained by photographic detection device

1—Interpretation

In this Schedule—

camera detected registration offence means a registration offence where evidence relating to the offence was obtained through the operation of a photographic detection device;

photographic detection device means a photographic detection device approved under the *Road Traffic Act 1961* in relation to registration offences;

registration offence means an offence against section 9 or 102.

2—Certain offences subsumed

(1) If—

(a) the registration of a motor vehicle has expired; and

(b) a person is given an expiation notice for a camera detected registration offence involving the vehicle (the ***first offence***); and

(c) since the vehicle was last registered, that person has not been charged with, or been given an expiation notice for, a registration offence arising out of a different incident involving that vehicle,

the first offence subsumes all other camera detected registration offences involving that vehicle and committed by that person within 14 days of the date of the commission of the first offence.

(2) However, if, within 14 days of the date of the commission of the first offence, the person is charged with, or given an expiation notice for, that offence or any other registration offence involving the same vehicle, any camera detected registration offences involving that vehicle and committed by that person after the person is so charged, or is given such an expiation notice, are not subsumed by the first offence.

3—Notice about photographic evidence

An expiation notice, expiation reminder notice or summons in respect of a camera detected registration offence must be accompanied by a notice in the prescribed form stating that a copy of the photographic evidence—

(a) will, on written application to the Commissioner of Police by the person to whom the expiation notice, reminder notice or summons is issued, be sent by post to the address nominated in that application or (in the absence of such a nomination) to the last known address of the applicant; and

(b) may be viewed on application to the Commissioner of Police.

4—Evidentiary

In proceedings for a camera detected registration offence—

(a) a photograph or series of photographs produced by the prosecution will be admitted in evidence if—

(i) the photograph or series of photographs was produced from exposures taken, or electronic records made, by a photographic detection device; and

(ii) the requirements of the *Road Traffic Act 1961* as to the operation and testing of photographic detection devices were complied with in connection with that use of the device,

and a denotation as to date, time and location that appears as part of such a photograph or series of photographs will be accepted as proof, in the absence of proof to the contrary, of the date, time and location at which the exposures were taken or the electronic records were made by the photographic detection device; and

(b) a document produced by the prosecution and purporting to be signed by the Commissioner of Police, or any other police officer of or above the rank of inspector, and purporting to certify—

(i) that a specified device used at a specified location during a specified period was a photographic detection device; and

(ii) that the requirements of the *Road Traffic Act 1961* as to the operation and testing of photographic detection devices were complied with in connection with the use of that device during that period,

will be accepted as proof, in the absence of proof to the contrary, of the facts so certified; and

(c) where it is also certified in a document of a kind referred to in paragraph (b) that the device was designed and set to operate according to a specified system during that period, it will be presumed, in the absence of proof to the contrary, that the device was designed and set to operate according to that system during that period and did, in fact, so operate.

Schedule 2—Prescribed circumstances (sections 75A, 75B and 81A)

1—Driving with immediate family members

(1) For the purposes of section 81A(19), a motor vehicle is driven in prescribed circumstances if all the peer passengers, or all but 1 of the peer passengers, in the vehicle are immediate family members of the driver.

(2) In this clause—

Aboriginal or Torres Strait Islander means a person who—

(a) is descended from an Aboriginal or Torres Strait Islander person; and

(b) regards themself as an Aboriginal or Torres Strait Islander; and

(c) is accepted as an Aboriginal or Torres Strait Islander by an Aboriginal or Torres Strait Islander community;

domestic partner means a person who is a domestic partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under that Act or not;

immediate family member of a driver means—

(a) the driver's spouse or domestic partner; or

(b) a child of whom the driver has custody as a parent or guardian; or

(c) a guardian or step-parent of the driver; or

(d) the spouse of a grandparent of the driver; or

(e) a brother or sister of the driver; or

(f) a stepbrother or stepsister of the driver; or

(g) a child of whom a parent, guardian or step-parent of the driver has custody as a parent or guardian; or

(h) a person held to be related to the driver according to Aboriginal or Torres Strait Islander kinship rules and observances (if the driver is an Aboriginal or Torres Strait Islander);

spouse—a person is the spouse of another if they are legally married.

2—Emergency workers

(1) For the purposes of sections 75A(21), 81A(17) and 81A(19), driving a motor vehicle while engaged in official duties as an emergency worker is driving the vehicle in prescribed circumstances.

(2) In this clause—

emergency worker means a member of the police force or a person who is an emergency worker as defined by the regulations for the purposes of this clause.

3—Driving to attend education or training

(1) For the purposes of sections 75A(21) and 81A(17), driving a motor vehicle by the shortest practicable route between—

(a) a place at which the driver resides (whether temporarily or permanently); and

(b) a place at which the driver participates in—

(i) recognised secondary education or training; or

(ii) recognised tertiary education or training; or

(iii) recognised vocational education and training,

for the purposes of participating in such education or training is driving the motor vehicle in prescribed circumstances.

(2) For the purposes of section 75B(1), driving a motor bike by the shortest practicable route between—

(a) a place at which the driver resides (whether temporarily or permanently); and

(b) a place at which the driver participates in—

(i) recognised tertiary education or training; or

(ii) recognised vocational education and training,

for the purposes of participating in such education or training is driving the motor bike in prescribed circumstances.

(3) In this clause—

recognised secondary education or training means a course of education or training provided by a secondary education provider and in which participants must be enrolled (other than a course of a kind declared by the regulations to be excluded from this definition);

recognised tertiary education or training means a course of education or training provided by a tertiary education provider and in which participants must be enrolled (other than a course of a kind declared by the regulations to be excluded from this definition);

recognised vocational education and training means a course of education and training provided by a vocational education and training provider and in which participants must be enrolled (other than a course of a kind declared by the regulations to be excluded from this definition).

4—Driving to participate in activities

(1) For the purposes of sections 75A(21) and 81A(17), driving a motor vehicle by the shortest practicable route between—

(a) a place at which the driver resides (whether temporarily or permanently); and

(b) a place at which the driver engages in recognised activity participation,

for the purposes of the recognised activity participation is driving the vehicle in prescribed circumstances.

(1a) For the purposes of section 75B(1), driving a motor bike by the shortest practicable route between—

(a) a place at which the driver resides (whether temporarily or permanently); and

(b) a place at which the driver participates in a sporting activity,

for the purposes of recognised sporting activity participation is driving the motor bike in prescribed circumstances.

(2) In this clause—

recognised activity means—

(a) a sporting, artistic, charitable, religious or scientific activity; or

(b) an activity of a kind prescribed by the regulations for the purposes of this definition;

recognised activity participation means participation in a recognised activity that is provided or organised by an association, club or other organisation (other than participation of a kind declared by the regulations to be excluded from this definition);

recognised sporting activity participation means participation in a sporting activity that is provided or organised by an association, club or other organisation (other than participation of a kind declared by the regulations to be excluded from this definition).

5—Driving for work purposes

(1) For the purposes of sections 75A(21), 75B(1) and 81A(17), driving a motor vehicle—

(a) by the shortest practicable route between—

(i) a place at which the driver resides (whether temporarily or permanently); and

(ii) a place at which the driver undertakes work; or

(b) as required in the course of undertaking work,

is driving the vehicle in prescribed circumstances.

(2) For the purposes of section 81A(19), driving a motor vehicle as required in the course of undertaking work (other than work that is unpaid work experience or other work as a volunteer) is driving the vehicle in prescribed circumstances.

(3) In this clause—

work means work, in any capacity, for a person conducting a business or undertaking, or as a self-employed person conducting a business or undertaking, and includes work as an apprentice or trainee, work in the form of unpaid work experience or work as a volunteer.

Legislative history

Notes

- This version is comprised of the following:

Part 1	12.3.2025
Part 2	24.4.2025
Part 3	24.4.2025
Part 3A	20.3.2018
Part 3B	12.3.2025
Part 3C	1.9.2022
Part 3D	4.5.2020
Part 3E	11.5.2023
Part 4	1.7.2019
Part 4A	20.3.2018
Part 5	7.11.2024
Schedules	19.6.2024

- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- 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.

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	*Motor Vehicles Act 1959*	22.12.1959	22.12.1959: s 2; except ss 4—147 & Schs—14.4.1960 (*Gazette 14.4.1960 p1039*)
1960	16	*Motor Vehicles Act Amendment Act 1960*	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 (*Gazette 10.11.1960 p1301*)
1960	55	*Motor Vehicles Act Amendment Act (No. 2) 1960*	24.11.1960	ss 1—3—24.11.1960: s 3(1); remainder of Act—1.7.1961 (*Gazette 18.5.1961 p1139*)

1961	33	*Motor Vehicles Act Amendment Act 1961*	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: (*Gazette 1.3.1962 p430*); 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	*Motor Vehicles Act Amendment Act 1962*	25.10.1962	s 3(1)—9.11.1961: s 3(2); remainder of Act—25.10.1962
1962	49	*Motor Vehicles Act Amendment Act (No. 2) 1962*	15.11.1962	15.11.1962
1963	23	*Motor Vehicles Act Amendment Act 1963*	14.11.1963	14.11.1963
1964	24	*Statutes Amendment (Stamp Duties and Motor Vehicles) Act 1964*	9.10.1964	ss 1, 2 & 9(a)—9.10.1964: s 2(1); remainder of Act—19.10.1964 (*Gazette 15.10.1964 p1203*)
1966	75	*Motor Vehicles Act Amendment Act 1966*	1.12.1966	1.12.1966
1966	76	*Motor Vehicles Act Amendment Act (No. 2) 1966* as amended by 2/1967	1.12.1966	1.1.1968 (*Gazette 16.11.1967 p2199*)
1966	88	*Motor Vehicles Act Amendment Act (No. 3) 1966*	8.12.1966	8.12.1966
1967	2	*Motor Vehicles Act Amendment Act (No. 2) 1966, Rectification Act 1967*	23.3.1967	1.1.1968: s 1(1)
1968	6	*Motor Vehicles Act Amendment Act 1968*	19.9.1968	19.9.1968
1968	18	*Motor Vehicles Act Amendment Act (No. 2) 1968*	28.11.1968	1.1.1969 (*Gazette 5.12.1968 p2429*)
1970	10	*Motor Vehicles Act Amendment Act 1970*	3.9.1970	3.9.1970
1970	32	*Motor Vehicles Act Amendment Act (No. 2) 1970*	19.11.1970	19.11.1970
1971	12	*Motor Vehicles Act Amendment Act 1971*	1.4.1971	1.4.1971
1971	15	*Age of Majority (Reduction) Act 1971*	8.4.1971	15.4.1971 (*Gazette 15.4.1971 p1598*)
1971	39	*Motor Vehicles Act Amendment Act (No. 2) 1971*	29.4.1971	29.4.1971
1971	79	*Motor Vehicles Act Amendment Act (No. 3) 1971*	18.11.1971	1.1.1972 (*Gazette 9.12.1971 p2370*)
1972	55	*Motor Vehicles Act Amendment Act 1972*	27.4.1972	27.4.1972: s 2(1) except ss 11, 13, 14 and 16—1.4.1973 (*Gazette 8.3.1973 p861*)
1972	58	*Statutes Amendment (Miscellaneous Provisions) Act 1972*	27.4.1972	18.5.1972 (*Gazette 18.5.1972 p1926*)
1972	143	*Motor Vehicles Act Amendment Act (No. 2) 1972*	7.12.1972	21.12.1972 (*Gazette 21.12.1972 p2722*)
1973	91	*Motor Vehicles Act Amendment Act 1973*	13.12.1973	18.2.1974 (*Gazette 17.1.1974 p109*)

1974	51	*Motor Vehicles Act Amendment Act 1974*	30.8.1974	1.10.1974 (*Gazette 30.8.1974 p1605*)
1974	89	*Motor Vehicles Act Amendment Act (No. 2) 1974*	28.11.1974	1.3.1975 (*Gazette 13.2.1975 p506*)
1975	22	*Motor Vehicles Act Amendment Act 1975*	27.3.1975	1.1.1976 (*Gazette 11.12.1975 p3137*)
1975	24	*Statute Law Revision Act 1975*	27.3.1975	27.3.1975
1976	14	*Motor Vehicles Act Amendment Act 1976*	4.3.1976	13.5.1976 except s 52—7.7.1976 (*Gazette 13.5.1976 p2460*)
1976	79	*Motor Vehicles Act Amendment Act (No. 2) 1976*	9.12.1976	17.1.1977 (*Gazette 13.1.1977 p45*)
1978	120	*Motor Vehicles Act Amendment Act 1978*	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 (*Gazette 18.1.1979 p98*) and except s 75—31.5.1979 (*Gazette 31.5.1979 p1611*) and except ss 4(2) & 17—repealed by 65/1989 without coming into operation
1980	37	*Motor Vehicles Act Amendment Act 1980*	17.4.1980	1.6.1980 (*Gazette 22.5.1980 p1372*)
1981	40	*Motor Vehicles Act Amendment Act 1981*	19.3.1981	4.6.1981 (*Gazette 4.6.1981 p1641*)
1981	48	*Motor Vehicles Act Amendment Act (No. 2) 1981*	18.6.1981	18.6.1981 (*Gazette 18.6.1981 p1841*)
1981	49	*Motor Vehicles Act Amendment Act (No. 3) 1981*	18.6.1981	18.6.1981
1981	66	*Motor Vehicles Act Amendment Act (No. 4) 1981*	15.10.1981	15.10.1981
1981	98	*Motor Vehicles Act Amendment Act (No. 5) 1981*	23.12.1981	2.9.1984 (*Gazette 8.3.1984 p548*)
1983	1	*Motor Vehicles Act Amendment Act 1983*	28.4.1983	28.4.1983
1983	20	*Motor Vehicles Act Amendment Act (No. 2) 1983*	26.5.1983	26.5.1983
1983	90	*Motor Vehicles Act Amendment Act (No. 3) 1983*	8.12.1983	1.2.1984 (*Gazette 19.1.1984 p88*)
1983	119	*Motor Vehicles Act Amendment Act (No. 4) 1983*	22.12.1983	22.12.1983
1984	50	*Statute Law Revision Act 1984*	24.5.1984	Sch 3—1.1.1985 (*Gazette 13.12.1984 p1811*)
1985	61	*Motor Vehicles Act Amendment Act 1985*	30.5.1985	5.9.1985 (*Gazette 5.9.1985 p700*)
1985	7	*Motor Vehicles Act Amendment Act (No. 2) 1985*	6.6.1985	1.7.1985 (*Gazette 20.6.1985 p2182*)
1986	4	*Motor Vehicles Act Amendment Act 1986*	13.3.1986	13.3.1986
1986	5	*Motor Vehicles Act Amendment Act (No. 2) 1986*	13.3.1986	14.4.1960: s 2

1986	94	*Motor Vehicles Act Amendment Act (No. 3) 1986*	11.12.1986	11.12.1986 except ss 7 & 8—6.1.1987 and except ss 5 & 6—1.1.1988 (*Gazette 11.12.1986 p1820*)
1986	127	*Motor Vehicles Act Amendment Act (No. 4) 1986*	24.12.1986	8.2.1987 (*Gazette 5.2.1987 p248*)
1987	12	*Motor Vehicles Act Amendment Act 1987*	9.4.1987	9.4.1987
1987	75	*Motor Vehicles Act Amendment Act (No. 2) 1987*	19.11.1987	27.1.1988 (*Gazette 21.1.1988 p116*)
1987	81	*Motor Vehicles Act Amendment Act (No. 3) 1987*	26.11.1987	26.11.1987
1988	40	*Motor Vehicles Act Amendment Act 1988*	5.5.1988	8.2.1987: s 2
1989	11	*Motor Vehicles Act Amendment Act 1989*	30.3.1989	30.3.1989
1989	15	*Motor Vehicles Act Amendment Act (No. 2) 1989*	20.4.1989	4.9.1989 (*Gazette 31.8.1989 p700*)
1989	35	*Motor Vehicles Act Amendment Act (No. 3) 1989*	4.5.1989	30.10.1989 (*Gazette 26.10.1989 p1298*) 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	*Motor Vehicles Act Amendment Act (No. 4) 1989*	14.9.1989	13.11.1989 (*Gazette 2.11.1989 p1349*)
1989	65	*Motor Vehicles Act Amendment Act (No. 5) 1989*	29.10.1989	28.3.1990 (*Gazette 15.3.1990 p728*)
1990	20	*Motor Vehicles Act Amendment Act 1990*	26.4.1990	17.7.1990 (*Gazette 5.7.1990 p198*)
1990	51	*Motor Vehicles Act Amendment Act (No. 2) 1990*	22.11.1990	31.1.1991 (*Gazette 24.1.1991 p232*)
1990	82	*Motor Vehicles Act Amendment Act (No. 3) 1990*	20.12.1990	20.12.1990
1991	12	*Road Traffic (Alcohol, Speed and Helmets) Amendment Act 1991*	28.3.1991	1.7.1991 (*Gazette 9.5.1991 p1484*)
1991	54	*Motor Vehicles (Historic Vehicles and Disabled Persons' Parking) Amendment Act 1991*	28.11.1991	3.2.1992 (*Gazette 23.1.1992 p200*)
1992	1	*Motor Vehicles (Licences and Demerit Points) Amendment Act 1992*	5.3.1992	1.6.1992 (*Gazette 28.5.1992 p1512*)
1992	69	*Statutes Amendment (Public Actuary) Act 1992*	19.11.1992	10.12.1992 (*Gazette 10.12.1992 p1752*)
1992	73	*Criminal Law (Sentencing) (Suspension of Vehicle Registration) Amendment Act 1992*	19.11.1992	s 4—1.7.1993 (*Gazette 1.7.1993 p198*)
1992	87	*Motor Vehicles (Confidentiality) Amendment Act 1992*	3.12.1992	1.7.1993 (*Gazette 22.4.1993 p1400*)
1993	4	*Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Act 1993*	4.3.1993	1.7.1993 (*Gazette 6.5.1993 p1578*)

1993	5	*Statutes Amendment (Motor Vehicles and Wrongs) Act 1993*	4.3.1993	3.5.1993 (*Gazette 29.4.1993 p1476*)
1993	34	*Statutes Amendment (Attorney-General's Portfolio) Act 1993*	13.5.1993	s 8—5.8.1993 (*Gazette 29.7.1993 p682*)
1993	73	*Motor Vehicles (Driving Whilst Disqualified—Penalties) Amendment Act 1993*	21.10.1993	21.10.1993
1994	65	*Motor Vehicles (Learners' Permits and Probationary Licences) Amendment Act 1994*	3.11.1994	5.12.1994 (*Gazette 1.12.1994 p1869*)
1994	76	*Motor Vehicles (Conditional Registration) Amendment Act 1994*	8.12.1994	2.3.1995 (*Gazette 2.3.1995 p734*)
1995	47	*SGIC (Sale) Act 1995*	22.6.1995	Sch 4—1.5.1995: Sch 4 (cl 1(2))
1995	77	*Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1995*	23.11.1995	1.7.1996 (*Gazette 30.5.1996 p2637*)
1995	95	*Statutes Amendment (Drink Driving) Act 1995*	7.12.1995	Pts 1 & 3—4.4.1996 (*Gazette 4.4.1996 p1886*)
1996	29	*Motor Vehicles (Miscellaneous) Amendment Act 1996*	2.5.1996	1.7.1996 (*Gazette 30.5.1996 p2637*) except ss 9 & 10(a)—24.12.1997 (*Gazette 18.12.1997 p1645*)
1996	3	*Motor Vehicles (Miscellaneous No. 2) Amendment Act 1996*	2.5.1996	1.7.1996 (*Gazette 30.5.1996 p2637*, erratum *Gazette 6.6.1996 p2874*) except the definition of garage address (as inserted by s 3(b)), ss 7(a) & (b), 22, 40 & 41—27.3.1997 (*Gazette 27.3.1997 p1342*) and except s 21—15.1.1998 (*Gazette 8.1.1998 p4*) and except ss 3(d), 29, 31—37 & 42—2.5.1998 (*Gazette 30.4.1998 p2022*)
1996	34	*Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996*	2.5.1996	Sch cl 24—3.2.1997 (*Gazette 19.12.1996 p1923*)
1996	53	*Statutes Amendment (Administrative and Disciplinary Division of District Court) Act 1996*	1.8.1996	24.3.1997 (*Gazette 20.3.1997 p1292*)
1996	65	*Motor Vehicles (Trade Plates) Amendment Act 1996*	15.8.1996	7.4.1997 (*Gazette 27.3.1997 p1342*) except ss 3, 5—18 and Sch—17.11.1997 (*Gazette 13.11.1997 p1280*)
1996	73	*Motor Vehicles (Demerit Points) Amendment Act 1996*	7.11.1996	7.11.1996
1996	99	*Motor Vehicles (Inspection) Amendment Act 1996*	19.12.1996	1.7.1997 (*Gazette 26.6.1997 p3051*)
1997	51	*Motor Vehicles (Farm Implements and Machines) Amendment Act 1997*	31.7.1997	15.1.1998 (*Gazette 8.1.1998 p4*) except s 5—27.3.1997: s 2
1997	77	*Motor Vehicles (Heavy Vehicles Registration Charges) Amendment Act 1997*	18.12.1997	1.7.1996: s 2
1998	13	*Motor Vehicles (Disabled Persons' Parking Permits) Amendment Act 1998*	2.4.1998	28.5.1998 (*Gazette 21.5.1998 p2199*)

1998	14	*Motor Vehicles (Wrecked or Written Off Vehicles) Amendment Act 1998*	2.4.1998	6.9.1999 (*Gazette 26.8.1999 p955*)
1998	53	*Motor Vehicles (Cheque and Debit or Credit Card Payments) Amendment Act 1998*	3.9.1998	3.9.1998
1998	60	*Statutes Amendment (Fine Enforcement) Act 1998*	3.9.1998	Pt 8 (ss 41—43)—6.3.2000 (*Gazette 18.11.1999 p2358*)
1998	67	*Statutes Amendment (Motor Accidents) Act 1998*	17.9.1998	Pt 2 (ss 4—12) & Pt 4 (s 14)—29.10.1998 (*Gazette 17.9.1998 p902*)
1998	76	*Road Traffic (Road Events) Amendment Act 1998*	17.12.1998	14.1.1999 (*Gazette 14.1.1999 p378*)
1999	39	*Road Traffic (Road Rules) Amendment Act 1999*	5.8.1999	1.12.1999 (*Gazette 11.11.1999 p2254*)
1999	52	*Motor Vehicles (Miscellaneous) Amendment Act 1999*	12.8.1999	s 92(a), (c)—6.9.1999 (*Gazette 26.8.1999 p955*); 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 (*Gazette 25.11.1999 p2434*); ss 44(d), (g) and 50(f)—23.3.2000 (*Gazette 16.3.2000 p1420*); s 76—1.7.2000 (*Gazette 29.6.2000 p3414*); 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 (*Gazette 7.7.2001 p2144*); 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 (*Gazette 5.7.2001 p2536*)
1999	67	*Motor Vehicles (Heavy Vehicles Speeding Control Scheme) Amendment Act 1999*	18.11.1999	ss 1—4—9.7.2001 (*Gazette 5.7.2001 p2536*)
2000	4	*District Court (Administrative and Disciplinary Division) Amendment Act 2000*	20.4.2000	Sch 1 (cl 26)—1.6.2000 (*Gazette 18.5.2000 p2554*); Sch 1 (cl 27)—17.6.2001 (*Gazette 7.6.2001 p2144*) same day as ss 52 & 75 of 52/1999
2000	30	*Motor Vehicles (Miscellaneous) Amendment Act 2000*	6.7.2000	6.7.2000 (*Gazette 6.7.2000 p4*)
2000	76	*Statutes Amendment (Transport Portfolio) Act 2000*	14.12.2000	Pt 3 (ss 5—8)—1.3.2001 (*Gazette 18.1.2001 p70*)
2000	9	*Road Traffic (Alcohol Interlock Scheme) Amendment Act 2000*	21.12.2000	ss 8 & 9—16.7.2001 (*Gazette 12.7.2001 p2594*)
2001	17	*Statutes Amendment (Transport Portfolio) Act 2001*	17.5.2001	ss 11—14—17.6.2001 (*Gazette 7.6.2001 p2145*); ss 10(c) & 15—9.7.2001 (*Gazette 5.7.2001 p2536*); s 10(a) & (b)—uncommenced

2002	17	*Statutes Amendment (Third Party Bodily Injury Insurance) Act 2002*	12.9.2002	Pt 3 (ss 15—19)—3.10.2002 (*Gazette 3.10.2002 p3578*)
2002	34	*Statutes Amendment (Corporations—Financial Services Reform) Act 2002*	28.11.2002	Pt 9 (ss 22 & 23)—1.8.2003 (*Gazette 10.7.2003 p2913*)
2002	37	*Statutes Amendment (Transport Portfolio) Act 2002*	28.11.2002	Pt 4 (ss 10—15)—3.7.2003 (*Gazette 3.7.2003 p2877*)
2003	8	*Statutes Amendment (Road Safety Reforms) Act 2003*	12.6.2003	Pt 3 (ss 8—20)—15.12.2003 (*Gazette 11.12.2003 p4431*)
2003	44	*Statute Law Revision Act 2003*	23.10.2003	Sch 1—24.11.2003 (*Gazette 13.11.2003 p4048*)
2004	6	*Motor Vehicles (Suspension of Licences of Medically Unfit Drivers) Amendment Act 2004*	1.4.2004	1.4.2004
2004	9	*Law Reform (Ipp Recommendations) Act 2004*	8.4.2004	Pt 4 (ss 77—80)—1.5.2004 (*Gazette 29.4.2004 p1172*)
2004	54	*Motor Vehicles (Fees) Amendment Act 2004*	16.12.2004	16.12.2004
2005	6	*Statutes Amendment (Drink Driving) Act 2005*	14.4.2005	Pt 2 (ss 4 & 5) and Sch 1—1.12.2005 (*Gazette 10.11.2005 p3927*)
2005	10	*Motor Vehicles (Licences and Learner's Permits) Amendment Act 2005*	21.4.2005	Pt 2 (ss 4—8, 9(1) & (3), new s 79A(1) & (2) (as inserted by s 10), 11—17) and Sch 1 (cll 3—5)—31.10.2005 (*Gazette 13.10.2005 p3698*); s 9(2) and new s 79A(3) & (4) (as inserted by s 10)—31.10.2006 (*Gazette 19.10.2006 p3746*)
2005	53	*Statutes Amendment (Transport Portfolio) Act 2005*	27.10.2005	Pt 3 (ss 5 & 6) and Sch 1—17.11.2005 (*Gazette 17.11.2005 p3973*)
2005	77	*Road Traffic (Drug Driving) Amendment Act 2005*	8.12.2005	Sch 1 (cll 3—7)—1.7.2006 (*Gazette 8.6.2006 p1600*)
2006	13	*Statutes Amendment (Road Transport Compliance and Enforcement) Act 2006*	29.6.2006	Pt 4 (ss 46—66)—30.4.2007 (*Gazette 26.4.2007 p1353*)
2007	14	*Motor Vehicles (National Transport Commission) Amendment Act 2007*	5.4.2007	Pt 2 (ss 4—7)—5.6.2008 (*Gazette 5.6.2008 p1870*)
2007	16	*Motor Vehicles (Third Party Insurance) Amendment Act 2007*	5.4.2007	5.4.2007
2007	59	*Motor Vehicles (Miscellaneous) Amendment Act 2007*	29.11.2007	23.6.2008 (*Gazette 19.6.2008 p2381*)
2008	26	*Statutes Amendment (Transport Portfolio) Act 2008*	26.6.2008	Pt 3 (ss 6, 7 & 14)—25.9.2008 (*Gazette 18.9.2008 p4504*); ss 9—13, 15—17, 19 & 21—31.1.2009 (*Gazette 15.1.2009 p307*); ss 5, 8 & 18—1.6.2009 (*Gazette 30.4.2009 p1543*); s 20—15.5.2010 (*Gazette 6.5.2010 p1724*)
2009	8	*Statutes Amendment (Transport Portfolio—Alcohol and Drugs) Act 2009*	12.3.2009	Pt 3 (ss 12—15, 19—21, 22(1), (2), 24 & 26)—1.5.2009 (*Gazette 9.4.2009 p1349*); ss 16—18, 22(3), 23 & 25—1.2.2010 (*Gazette 10.12.2009 p6169*)

2009	26	*Motor Vehicles (Miscellaneous) Amendment Act 2009*	11.6.2009	1.7.2009 (*Gazette 25.6.2009 p2999*)
2009	71	*Motor Vehicles (Miscellaneous No 2) Amendment Act 2009*	10.12.2009	Pt 2 (ss 4—28) & Sch 1 (cll 2—7)—4.9.2010 (*Gazette 24.6.2010 p3155*)
2009	84	*Statutes Amendment (Public Sector Consequential Amendments) Act 2009*	10.12.2009	Pt 94 (ss 217—219)—1.2.2010 (*Gazette 28.1.2010 p320*)
2010	14	*Motor Vehicles (Miscellaneous) Amendment Act 2010*	23.9.2010	9.12.2010 (*Gazette 9.12.2010 p5579*)
2010	22	*Statutes Amendment (Budget 2010) Act 2010*	18.11.2010	Pt 5 (ss 18—39)—1.7.2011 (*Gazette 29.4.2011 p1289*)
2011	13	*Statutes Amendment (Transport Portfolio—Penalties) Act 2011*	12.5.2011	Pt 3 (ss 8—29)—30.6.2011 (*Gazette 19.5.2011 p1508*)
2011	23	*Motor Vehicles (Third Party Insurance) Amendment Act 2011*	30.6.2011	10.7.2011 (*Gazette 7.7.2011 p2997*)
2012	3	*Business Names Registration (Transitional Arrangements) Act 2012*	22.3.2012	Sch 1 (cl 6)—28.5.2012 (*Gazette 19.4.2012 p1467*)
2012	42	*Motor Vehicles (Disqualification) Amendment Act 2012*	22.11.2012	31.1.2013 (*Gazette 17.1.2013 p76*)
2013	15	*Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013*	23.5.2013	Sch 2 (cll 11—19, 22 & 23)—1.7.2013 (*Gazette 20.6.2013 p2629*)
2013	16	*Statutes Amendment (Directors' Liability) Act 2013*	23.5.2013	Pt 37 (s 70)—17.6.2013 (*Gazette 6.6.2013 p2498*)
2013	31	*Statutes Amendment (Fines Enforcement and Recovery) Act 2013*	1.8.2013	Pt 9 (ss 39—46)—3.2.2014 (*Gazette 30.1.2014 p422*)
2013	35	*Statutes Amendment (Heavy Vehicle National Law) Act 2013*	1.8.2013	Pt 2 (ss 4—7)—10.2.2014 (*Gazette 6.2.2014 p551*)
2013	40	*Motor Vehicles (Periodic Payments) Amendment Act 2013*	19.9.2013	Pt 2 (ss 4 & 5)—21.11.2013 (*Gazette 21.11.2013 p4277*)
2013	64	*Statutes Amendment (Transport Portfolio) Act 2013*	21.11.2013	Pt 2 (ss 4, 5, 10—13)—16.1.2014; ss 6—9 & 14—31.3.2014 (*Gazette 16.1.2014 p123*)
2013	70	*Motor Vehicles (Learner's Permits and Provisional Licences) Amendment Act 2013*	21.11.2013	28.7.2014 (*Gazette 16.1.2014 p122*)
2013	75	*Motor Vehicles (Driver Licensing) Amendment Act 2013*	5.12.2013	5.12.2013
2015	8	*Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*	18.6.2015	Pt 23 (ss 124—128)—1.7.2015 (*Gazette 25.6.2015 p3076*)
2015	41	*Statutes Amendment and Repeal (Budget 2015) Act 2015*	26.11.2015	Pt 5 (s 12)—26.11.2015: s 2(1)
2016	10	*Motor Vehicles (Trials of Automotive Technologies) Amendment Act 2016*	31.3.2016	9.6.2016 (*Gazette 9.6.2016 p2056*)

2016	16	*Compulsory Third Party Insurance Regulation Act 2016*	21.4.2016	Sch 1 (cll 10(1), 11(3), 12(2)—(6), (8), (9), 15 & 18—12.5.2016; cll 10(2), (3), 11(1), (2), (4), 12(1), (7), 13, 14, 16, 17, 19—23)—1.7.2016 (*Gazette 12.5.2016 p1445*)
2016	21	*Local Nuisance and Litter Control Act 2016*	26.5.2016	Sch 2 (cl 6)—1.2.2017 (*Gazette 21.7.2016 p2988*)
2017	7	*Statutes Amendment and Repeal (Simplify) Act 2017*	15.3.2017	Pt 19 (ss 76(2) & 83)—1.9.2017 immediately after the commencement of 9/2017 (*Gazette 29.8.2017 p3795*); ss 76(1), 77—82, 84—90)—1.11.2017 (*Gazette 22.6.2017 p2224*)
2017	28	*Statutes Amendment (Heavy Vehicle Registration Fees) Act 2017*	15.8.2017	Pt 3 (s 4)—15.8.2017
2017	38	*Statutes Amendment (Transport Online Transactions and Other Matters) Act 2017*	10.10.2017	Pt 4 (ss 6 to 22, 24, 25, 27 to 32, 33(3))—19.12.2017; ss 23, 26, 33(1), (2), Sch 1 (Pt 4)—20.3.2018 (*Gazette 19.12.2017 p5122*) (Amendments to ss 9(1a) and (1c), 48(1), 53(1) and 102(1a) and (1c) purportedly made by Sch 1 Pt 4 are of no effect because of other amendments.)
2017	45	*Environment Protection (Waste Reform) Amendment Act 2017*	14.11.2017	Sch 1 (cl 2)—28.11.2017 (*Gazette 28.11.2017 p4752*)
2017	54	*Statutes Amendment (Vehicle Inspections and South Eastern Freeway Offences) Act 2017*	28.11.2017	Pt 2 (ss 7, 8 &10)—1.5.2019 (*Gazette 21.3.2019 p928*); ss 4 to 6 & 9—21.11.2019 (*Gazette 21.11.2019 p3928*)
2017	63	*Statutes Amendment (Drink and Drug Driving) Act 2017*	12.12.2017	Pt 3 (s 11(2))—8.3.2018; ss 8 to 10 & 11(1)—24.4.2018 (*Gazette 13.2.2018 p732*)
2017	71	*Fines Enforcement and Debt Recovery Act 2017*	12.12.2017	Sch 1 (cll 27 to 31)—30.4.2018 (*Gazette 6.2.2018 p609*)
2019	5	*Motor Vehicles (Compulsory Third Party Insurance) Amendment Act 2019*	9.5.2019	14.6.2019 except ss 5 to 7—1.7.2019 (*Gazette 6.6.2019 p1754*)
2019	14	*Statutes Amendment (SACAT) Act 2019*	11.7.2019	Pt 19 (ss 120 to 128)—4.5.2020 (*Gazette 27.2.2020 p442*)
2019	25	*Statutes Amendment and Repeal (Simplify) Act 2019*	3.10.2019	Pt 31 (ss 59, 60, 63 & 65)—3.10.2019: s 2(1); ss 61, 62, 64 & 66—6.4.2020 (*Gazette 2.4.2020 p631*)
2019	39	*Statutes Amendment (South Eastern Freeway Offences) Act 2019*	6.12.2019	Pt 2 (s 3) & Sch 1—6.12.2019
2020	20	*Statutes Amendment (Licence Disqualification) Act 2020*	9.7.2020	Pt 2 (s 4)—30.11.2020 (*Gazette 26.11.2020 p5372*)
2021	8	*Motor Vehicles (Motor Bike Driver Licensing) Amendment Act 2021*	11.3.2021	7.10.2021 except ss 4 to 8 & ss 10 to 13—22.11.2021 (*Gazette 7.10.2021 p3685*)

2021	17	*Statutes Amendment (Transport Portfolio) Act 2021*	20.5.2021	Pt 6 (ss 19, 23 to 29 & 33 to 35)—1.9.2022 (*Gazette 18.8.2022 p2563*); ss 20 to 22 & 30 to 32—11.5.2023 (*Gazette 11.5.2023 p929*)
2021	42	*Motor Vehicles (Electric Vehicle Levy) Amendment Act 2021*	4.11.2021	Sch 2 (cl 1)—4.11.2021: s 2(1); Pt 2 (ss 4 to 11)—Act repealed by Motor Vehicles (Electric Vehicle Levy) Amendment Repeal Act 2023 on 23.2.2023 before Pt 2 came into operation
2021	49	*Road Traffic (Drug Driving and Careless or Dangerous Driving) Amendment Act 2021*	9.12.2021	Sch 1 (cll 1 to 6)—13.2.2023 (*Gazette 3.11.2022 p6549*)
2022	24	*Statutes Amendment (Use of Devices in Vehicles) Act 2022*	8.12.2022	Pt 2 (ss 3 & 4)—19.6.2024 (*Gazette 6.6.2024 p1333*)
2023	24	*Statutes Amendment (Serious Vehicle and Vessel Offences) Act 2023*	13.7.2023	Pt 4 (s 11)—1.1.2024 (*Gazette 25.10.2023 p3602*)
2024	**46**	***Statutes Amendment (Transport Portfolio) Act 2024***	**24.10.2024**	**Pt 4 (ss 12 to 14)—24.4.2025 (*Gazette 24.4.2025 p774*)**
2024	48	*Motor Vehicles (Previous Offences) Amendment Act 2024*	7.11.2024	Pt 2 (ss 3 to 8) & Sch 1 (cll 3 & 4)—7.11.2024: s 2
2024	51	*Statutes Amendment (Personal Mobility Devices) Act 2024*	21.11.2024	Pt 2 (s 3)—19.6.2024: s 2(2); Pt 3 (ss 4 & 5)—13.7.2025 (*Gazette 26.6.2025 p2059*)
2024	56	*Motor Vehicles (Motor Driving Instructors and Authorised Examiners) Amendment Act 2024*	5.12.2024	uncommenced
2025	9	*Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Act 2025*	12.3.2025	Pt 8 (ss 13 to 17)—12.3.2025: s 2(1)
2025	20	*Motor Vehicles (Disability Parking Permit Scheme) Amendment Act 2025*	22.5.2025	uncommenced

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
Pt 1		

s 2	deleted in pursuance of the *Acts Republication Act 1967* as its function is now exhausted	18.12.1989
	inserted by 52/1999 s 3	1.12.1999
s 3	*deleted by 50/1984 s 3(1) (Sch 3)*	*1.1.1985*
s 4	*amended by 14/1976 s 3*	*13.5.1976*
	amended by 120/1978 s 3	*18.1.1979*
	deleted in pursuance of the Acts Republication Act 1967	*1.1.1985*
s 5		
s 5(1)		
accident	inserted by 98/1981 s 3(a)	2.9.1984
accident towing direction	inserted by 98/1981 s 3(a)	2.9.1984
	amended by 13/2006 s 65(1)	30.4.2007
accident towing roster scheme	inserted by 98/1981 s 3(a)	2.9.1984
agriculture	inserted by 51/1997 s 3(a)	15.1.1998
agricultural	inserted by 51/1997 s 3(a)	15.1.1998
agricultural implement	inserted by 52/1999 s 4(a)	1.12.1999
agricultural machine	inserted by 52/1999 s 4(a)	1.12.1999
alcohol interlock	inserted by 8/2009 s 12(1)	1.5.2009
alcohol interlock scheme conditions	inserted by 8/2003 s 8(a)	15.12.2003
	substituted by 8/2009 s 12(1)	1.5.2009
approved alcohol interlock provider	inserted by 8/2009 s 12(1)	1.5.2009
articulated motor vehicle	*deleted by 65/1989 s 3(a)*	*28.3.1990*
authorised agent	*inserted by 51/1990 s 3(a)*	*31.1.1991*
	deleted by 52/1999 s 4(b)	*9.7.2001*
authorised examiner	inserted by 14/1976 s 4(a)	13.5.1976
	amended by 13/2006 s 65(1)	30.4.2007
authorised officer	inserted by 13/2006 s 46(1)	30.4.2007
	substituted by 35/2013 s 4(1)	10.2.2014
authority to tow	inserted by 98/1981 s 3(b)	2.9.1984
	amended by 13/2006 ss 65(1), 66	30.4.2007
the balance of the prescribed registration fee	inserted by 14/1976 s 4(a)	13.5.1976
	amended by 120/1978 s 4(1)(a)	18.1.1979
	amended by 30/1996 s 3(a)	1.7.1996
business name	*amended by 13/1998 s 10 (Sch)*	*28.5.1998*
	deleted by 52/1999 s 4(c)	*9.7.2001*

category 1 offence	inserted by 8/2009 s 12(2)	1.5.2009
category 2 offence	inserted by 8/2009 s 12(2)	1.5.2009
	amended by 63/2017 s 8(1)	24.4.2018
category 3 offence	inserted by 8/2009 s 12(2)	1.5.2009
	amended by 63/2017 s 8(2)	24.4.2018
commercial motor vehicle	substituted by 65/1989 s 3(b)	28.3.1990
the committee	*inserted by 98/1981 s 3(c)*	*2.9.1984*
	deleted by 52/1999 s 4(d)	*17.6.2001*
the Commonwealth Road Transport Charges Act	*inserted by 77/1995 s 3(a)*	*1.7.1996*
	amended by 52/1999 s 4(e)	*1.12.1999*
	deleted by 14/2007 s 4(1)	*5.6.2008*
configuration	inserted by 77/1995 s 3(a)	1.7.1996
	substituted by 14/2007 s 4(1)	5.6.2008
CPI	inserted by 54/2004 s 3(1)	16.12.2004
CTP Regulator or Regulator	inserted by 16/2016 Sch 1 cl 10(1)	12.5.2016
declared area	inserted by 98/1981 s 3(d)	2.9.1984
	amended by 50/1984 s 3(1) (Sch 3)	1.1.1985
	substituted by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 8/2009 s 12(3)	1.5.2009
District Court	*inserted by 52/1999 s 4(f)*	*1.12.1999*
	deleted by 14/2019 s 120(1)	*4.5.2020*
drink driving offence	inserted by 8/2009 s 12(4)	1.5.2009
drug driving offence	inserted by 8/2009 s 12(4)	1.5.2009
farm implement	*inserted by 30/1996 s 3(b)*	*1.7.1996*
	substituted by 51/ 1997 s 3(b)	*15.1.1998*
	deleted by 52/1999 s 4(g)	*1.12.1999*
farm machine	*inserted by 51/1997 s 3(b)*	*15.1.1998*
	deleted by 52/1999 s 4(g)	*1.12.1999*
foreign licence	inserted by 52/1999 s 4(g)	1.12.1999
	substituted by 59/2007 s 4(1)	23.6.2008
garage address	inserted by 30/1996 s 3(b)	27.3.1997
	substituted by 35/2013 s 4(2)	10.2.2014
gross combination mass or GCM	inserted by 52/1999 s 4(h)	9.7.2001
gross vehicle mass or GVM	inserted by 52/1999 s 4(h)	9.7.2001
health professional	inserted by 6/2004 s 3	1.4.2004
heavy vehicle	inserted by 77/1995 s 3(b)	1.7.1996

	substituted by 52/1999 s 4(i)	9.7.2001
	substituted by 35/2013 s 4(3)	10.2.2014
Heavy Vehicle National Law (South Australia)	inserted by 35/2013 s 4(3)	10.2.2014
Heavy Vehicle National Regulations (South Australia)	inserted by 35/2013 s 4(3)	10.2.2014
high powered vehicle	inserted by 71/2009 s 4(1)	4.9.2010
inspector	*deleted by 13/2006 s 46(2)*	*30.4.2007*
insurance premium or premium	inserted by 16/2016 Sch 1 cl 10(2)	1.7.2016
interstate learner's permit	inserted by 71/2009 s 4(2)	4.9.2010
interstate licence	inserted by 11/1989 s 2	30.3.1989
	substituted by 71/2009 s 4(2)	4.9.2010
interstate non-provisional licence	inserted by 10/2005 s 4(1)	31.10.2005
interstate provisional licence	inserted by 10/2005 s 4(1)	31.10.2005
learner's permit	inserted by 59/2007 s 4(2)	23.6.2008
learner's permit conditions	inserted by 52/1999 s 4(j)	17.6.2001
	substituted by 10/2005 s 4(2)	31.10.2005
	substituted by 71/2009 s 4(3)	4.9.2010
licence	substituted by 59/2007 s 4(3)	23.6.2008
LSS Fund levy	inserted by 15/2013 Sch 2 cl 11	1.7.2013
mandatory alcohol interlock scheme conditions	inserted by 8/2009 s 12(5)	1.5.2009
Minister	*deleted by 120/1978 s 4(1)(b)*	*18.1.1979*
mass	*inserted by 79/1976 s 3*	*17.1.1977*
	deleted by 120/1978 s 4(1)(f)	*18.1.1979*
	inserted by 120/1978 s 4(1)(b)	*18.1.1979*
	deleted by 52/1999 s 4(k)	*17.6.2001*
mobile crane	*amended by 14/1976 s 4(b)*	*13.5.1976*
	deleted by 52/1999 s 4(k)	*17.6.2001*
mobile fork lift	*deleted by 52/1999 s 4(k)*	*17.6.2001*
motor bike	inserted by 52/1999 s 4(k)	17.6.2001
motor car	*amended by 120/1978 s 4(1)(c)*	*18.1.1979*
	deleted by 52/1999 s 4(k)	*17.6.2001*
motor cycle	*deleted by 52/1999 s 4(k)*	*17.6.2001*
motor omnibus	*amended by 120/1978 s 4(1)(d)*	*18.1.1979*

	deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted	*18.12.1989*
motor vehicle	substituted by 52/1999 s 4(k)	17.6.2001
	amended by 51/2024 s 3	19.6.2024
	amended by 51/2024 s 4	uncommenced—not incorporated
nominated vehicle	inserted by 8/2009 s 12(6)	1.5.2009
non-provisional licence	inserted by 10/2005 s 4(3)	31.10.2005
number	substituted by 61/1985 s 3	5.9.1985
operator	inserted by 52/1999 s 4(l)	9.7.2001
oral fluid	inserted by 8/2009 s 12(7)	1.5.2009
owner	amended by 50/1984 s 3(1) (Sch 3)	1.1.1985
P1 licence	inserted by 10/2005 s 4(4)	31.10.2005
	amended by 71/2009 s 4(4)	4.9.2010
	substituted by 70/2013 s 4(1)	28.7.2014
P1 licence conditions	*inserted by 71/2009 s 4(5)*	*4.9.2010*
	deleted by 70/2013 s 4(1)	*28.7.2014*
P2 licence	inserted by 10/2005 s 4(4)	31.10.2005
	amended by 71/2009 s 4(6)	4.9.2010
	substituted by 70/2013 s 4(1)	28.7.2014
P2 licence conditions	*inserted by 71/2009 s 4(7)*	*4.9.2010*
	deleted by 70/2013 s 4(1)	*28.7.2014*
photograph	inserted by 37/2002 s 10	3.7.2003
	amended by 8/2003 s 8(b)	15.12.2003
photographic detection device	inserted by 8/2003 s 8(c)	15.12.2003
practical driving test	inserted by 10/2005 s 4(5)	31.10.2005
premises	inserted by 98/1981 s 3(e)	2.9.1984
premium or insurance premium	*substituted by 49/1981 s 2*	*18.6.1981*
	amended by 67/1998 s 4	*29.10.1998*
	deleted by 16/2016 Sch 1 cl 10(3)	*1.7.2016*
prescribed conditions	inserted by 10/2005 s 4(6)	31.10.2005
	substituted by 8/2009 s 12(8)	1.5.2009
prescribed drink driving offence	inserted by 63/2017 s 8(3)	24.4.2018
prescribed drug	inserted by 8/2009 s 12(8)	1.5.2009
prescribed registration fee	inserted by 14/1976 s 4(c)	13.5.1976
	substituted by 77/1995 s 3(c)	1.7.1996

	substituted by 30/1996 s 3(c)	1.7.1996
	substituted by 77/1997 s 3	1.7.1996
	amended by 52/1999 s 4(m)	1.12.1999
	substituted by 14/2007 s 4(2)	5.6.2008
primary producer	amended by 51/1997 s 3(c)	15.1.1998
prime mover	inserted by 65/1989 s 3(c)	28.3.1990
	substituted by 52/1999 s 4(n)	17.6.2001
	amended by 35/2013 s 4(4)	10.2.2014
probationary conditions	*inserted by 15/1989 s 3*	*4.9.1989*
	deleted by 30/1996 s 3(d)	*2.5.1998*
probationary licence	inserted by 15/1989 s 3	4.9.1989
	deleted by 30/1996 s 3(d)	2.5.1998
	inserted by 52/1999 s 4(n)	17.6.2001
probationary licence conditions	inserted by 52/1999 s 4(n)	17.6.2001
	substituted by 10/2005 s 4(7)	31.10.2005
provisional licence	inserted by 30/1996 s 3(d)	2.5.1998
provisional licence conditions	inserted by 30/1996 s 3(d)	2.5.1998
	substituted by 10/2005 s 4(8)	31.10.2005
	substituted by 71/2009 s 4(8)	4.9.2010
	substituted by 70/2013 s 4(2)	28.7.2014
qualified supervising driver	inserted by 10/2005 s 4(8)	31.10.2005
quarter	inserted by 77/1995 s 3(d)	1.7.1996
quotation for repair	inserted by 98/1981 s 3(f)	2.9.1984
reduced registration fee	inserted by 14/1976 s 4(d)	13.5.1976
	substituted by 30/1996 s 3(e)	1.7.1996
registered operator	inserted by 52/1999 s 4(o)	9.7.2001
registered owner	substituted by 52/1999 s 4(o)	9.7.2001
registered premises	inserted by 98/1981 s 3(g)	2.9.1984
the Registrar	amended by 120/1978 s 4(1)(e)	18.1.1979
registration	inserted by 20/1990 s 3	17.7.1990
review committee	*inserted by 52/1999 s 4(p)*	*17.6.2001*
	deleted by 8/2015 s 124	*1.7.2015*
road	substituted by 52/1999 s 4(p)	17.6.2001
road-related area	inserted by 52/1999 s 4(p)	17.6.2001
scene of an accident	inserted by 98/1981 s 3(h)	2.9.1984
semi-trailer	inserted by 52/1999 s 4(q)	17.6.2001

	substituted by 35/2013 s 4(5)	10.2.2014
series of photographs	inserted by 24/2022 s 3	19.6.2024
serious drink driving offence	inserted by 8/2009 s 12(9)	1.5.2009
temporary towtruck certificate	inserted by 98/1981 s 3(i)	2.9.1984
tow	inserted by 98/1981 s 3(j)	2.9.1984
towtruck	substituted by 14/1976 s 4(e)	13.5.1976
	substituted by 98/1981 s 3(j)	2.9.1984
towtruck certificate	inserted by 14/1976 s 4(e)	13.5.1976
	substituted by 98/1981 s 3(j)	2.9.1984
towtruck driver	inserted by 98/1981 s 3(j)	2.9.1984
towtruck operator	inserted by 98/1981 s 3(j)	2.9.1984
tractor	*deleted by 14/1976 s 4(f)*	*13.5.1976*
trailer	amended by 65/1989 s 3(d)	28.3.1990
	substituted by 52/1999 s 4(r)	17.6.2001
Tribunal	inserted by 14/2019 s 120(2)	4.5.2020
the Tribunal	*inserted by 98/1981 s 3(k)*	*2.9.1984*
	deleted by 53/1996 s 4	*24.3.1997*
ultra high powered vehicle	inserted by 9/2025 s 13	12.3.2025
unconditional licence	inserted by 10/2005 s 4(9)	31.10.2005
	amended by 8/2009 s 12(10)	1.5.2009
vehicle	inserted by 52/1999 s 4(r)	17.6.2001
voluntary alcohol interlock scheme conditions	*inserted by 8/2009 s 12(11)*	*1.5.2009*
	deleted by 7/2017 s 76(1)	*1.11.2017*
weight	*substituted by 14/1976 s 4(g)*	*13.5.1976*
	deleted by 79/1976 s 3	*17.1.1977*
s 5(1a)	inserted by 52/1999 s 4(s)	1.12.1999
s 5(2)	substituted by 120/1978 s 4(1)(g)	18.1.1979
s 5(2a) and (2b)	inserted by 52/1999 s 4(t)	17.6.2001
s 5(3)	substituted by 52/1999 s 4(t)	17.6.2001
s 5(3a)	inserted by 120/1978 s 4(1)(h)	18.1.1979
s 5(3b)	inserted by 8/2009 s 12(12)	1.5.2009
s 5(5)	inserted by 51/1990 s 3(b)	31.1.1991
	deleted by 52/1999 s 4(u)	9.7.2001
	inserted by 7/2017 s 76(2)	1.9.2017
s 5(6)	inserted by 34/1996 s 4 (Sch cl 24)	3.2.1997
	deleted by 31/2013 s 39	3.2.2014

	inserted by 7/2017 s 76(2)	1.9.2017
s 5(6a)	inserted by 7/2017 s 76(2)	1.9.2017
s 5(7)	inserted by 54/2004 s 3(2)	16.12.2004
s 5(8)	inserted by 17/2021 s 19	1.9.2022
s 6	inserted by 52/1999 s 5	17.6.2001
s 6A	inserted by 38/2017 s 6	19.12.2017
Pt 2		
Pt 2 Div 1		
heading preceding s 7	*deleted by 44/2003 s 3(1) (Sch 1)*	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 7		
s 7(1)	amended by 52/1999 s 6(a)	9.7.2001
	amended by 53/2005 s 5(1)	17.11.2005
s 7(2)	amended by 52/1999 s 6(b), (c)	9.7.2001
s 7(2a)	*inserted by 53/2005 s 5(2)*	*17.11.2005*
	deleted by 13/2006 s 47	*30.4.2007*
s 7(2a)	*deleted by 120/1978 s 5*	*18.1.1979*
s 7(3)	*deleted by 120/1978 s 5*	*18.1.1979*
	inserted by 51/1990 s 4	*31.1.1991*
	substituted by 52/1999 s 6(d)	*9.7.2001*
	deleted by 13/2006 s 47	*30.4.2007*
s 7(4)	inserted by 51/1990 s 4	31.1.1991
	substituted by 52/1999 s 6(d)	9.7.2001
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 7(5)	inserted by 51/1990 s 4	31.1.1991
	substituted by 52/1999 s 6(d)	9.7.2001
s 7(6) and (7)	inserted by 52/1999 s 6(d)	9.7.2001
s 8		
s 8(3)	inserted by 5/2019 s 4	14.6.2019
s 9	amended by 120/1978 s 6	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 73/1992 s 4(a)	1.7.1993
	amended by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 52/1999 s 7	9.7.2001
s 9(1)	amended by 26/2008 s 5(1)	1.6.2009
	amended by 31/2013 s 40(1)	3.2.2014
s 9(1a)	inserted by 22/2010 s 18(1)	1.7.2011
	substituted by 7/2017 s 77(1)	1.11.2017
	The amendment to s 9(1a) purportedly made by Sch 1 Pt 4 of 38/2017 is of no effect because of other amendments.	
s 9(1b)	inserted by 22/2010 s 18(1)	1.7.2011
s 9(1c)	inserted by 22/2010 s 18(1)	1.7.2011

	substituted by 7/2017 s 77(2)	1.11.2017
	The amendment to s 9(1c) purportedly made by Sch 1 Pt 4 of 38/2017 is of no effect because of other amendments.	
s 9(2)	*amended by 22/2010 s 18(2)*	*1.7.2011*
	deleted by 7/2017 s 77(2)	*1.11.2017*
s 9(3)	amended by 26/2008 s 5(2)	1.6.2009
	amended by 22/2010 s 18(3)	1.7.2011
	amended by 31/2013 s 40(2)	3.2.2014
s 9(4a)	inserted by 22/2010 s 18(4)	1.7.2011
s 9(5)	amended by 22/2010 s 18(5)	1.7.2011
s 9(6a)	inserted by 22/2010 s 18(6)	1.7.2011
s 9(6b)	inserted by 22/2010 s 18(6)	1.7.2011
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 9(7)		
owner	amended by 22/2010 s 18(7)	1.7.2011
Pt 2 Div 2		
heading preceding s 10	*deleted by 44/2003 s 3(1) (Sch 1)*	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 10	amended by 65/1996 s 3	17.11.1997
s 10A	inserted by 65/1996 s 4	7.4.1997
s 11	*substituted by 30/1996 s 4*	*1.7.1996*
	deleted by 52/1999 s 8	*9.7.2001*
s 12	amended by 77/1995 s 4	1.7.1996
	substituted by 30/1996 s 4	1.7.1996
s 12(1)	amended by 51/1997 s 4(a), (b)	15.1.1998
	amended by 52/1999 s 9(a)	1.12.1999
s 12(2)	amended by 51/1997 s 4(c)	15.1.1998
	amended by 52/1999 s 9(a), (b)	1.12.1999
s 12(2a) and (2b)	inserted by 51/1997 s 4(d)	15.1.1998
	amended by 52/1999 s 9(a), (c)	1.12.1999
s 12(2c)	inserted by 52/1999 s 9(d)	9.7.2001
	amended by 13/2006 s 65(1)	30.4.2007
	amended by 13/2011 s 8	30.6.2011
s 12(3)	amended by 51/1997 s 4(e)	15.1.1998
	amended by 52/1999 s 9(a)	1.12.1999
s 12(4)	inserted by 51/1997 s 4(f)	15.1.1998
prescribed agricultural machine	amended by 52/1999 s 9(e), (f)	1.12.1999
s 12A	amended by 120/1978 s 7	18.1.1979
	substituted by 52/1999 s 10	9.7.2001
s 12B	inserted by 52/1999 s 10	9.7.2001

s 12B(3)	amended by 13/2006 s 65(1)	30.4.2007
	amended by 13/2011 s 9	30.6.2011
s 13	*deleted by 30/1996 s 5*	*1.7.1996*
ss 14 and 15	*deleted by 120/1978 s 8*	*18.1.1979*
s 16	amended by 120/1978 s 9	18.1.1979
	amended by 4/1986 s 2	13.3.1986
	amended by 11/1989 Sch	30.3.1989
	substituted by 20/1990 s 4	17.7.1990
s 16(1)	amended by 38/2017 s 7(1)	19.12.2017
s 16(2)	amended by 30/1996 s 6(a)	1.7.1996
	amended by 13/2006 s 65(1)	30.4.2007
	substituted by 38/2017 s 7(2)	19.12.2017
	amended by 8/2021 s 4(1)	22.11.2021
s 16(7)	substituted by 22/2010 s 19	1.7.2011
	substituted by 7/2017 s 78	1.11.2017
s 16(9)	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 10(1)	30.6.2011
s 16(10)	amended by 38/2017 s 7(3)	19.12.2017
s 16(11)	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 10(2)	30.6.2011
s 16(13)	amended by 13/2006 s 65(1)	30.4.2007
	amended by 8/2021 s 4(2)	22.11.2021
s 16(14)	amended by 30/1996 s 6(b)	1.7.1996
	amended by 13/2006 s 65(1)	30.4.2007
	amended by 38/2017 s 7(4)	19.12.2017
s 17	*amended by 14/1976 s 5*	*13.5.1976*
	deleted by 120/1978 s 10	*18.1.1979*
ss 17A and 18	*deleted by 120/1978 s 10*	*18.1.1979*
s 19	*amended by 14/1976 s 6*	*13.5.1976*
	deleted by 120/1978 s 10	*18.1.1979*
s 19A	amended by 120/1978 s 11	18.1.1979
	substituted by 52/1999 s 11	1.12.1999
Pt 2 Div 3		
heading preceding s 20	*deleted by 44/2003 s 3(1) (Sch 1)*	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 20		
s 20(1)	amended by 77/1995 s 5(a)	1.7.1996
	amended by 30/1996 s 7(a), (b)	27.3.1997
	amended by 51/1997 s 5	27.3.1997
	substituted by 52/1999 s 12(a)	9.7.2001
	substituted by 38/2017 s 8	19.12.2017
	amended by 54/2017 s 4	21.11.2019

s 20(1a)	inserted by 52/1999 s 12(a)	9.7.2001
s 20(2)	amended by 14/1976 s 7	13.5.1976
	amended by 76/1994 s 3	2.3.1995
	amended by 77/1995 s 5(b)	1.7.1996
	amended by 30/1996 s 7(c)	1.7.1996
	amended by 15/2013 Sch 2 cl 12	1.7.2013
s 20(2a)	inserted by 120/1978 s 12(a)	18.1.1979
	amended by 20/1990 s 5	17.7.1990
	amended by 52/1999 s 12(b)	9.7.2001
s 20(3)	substituted by 52/1999 s 12(c)	9.7.2001
s 20(4)	amended by 120/1978 s 12(b)	18.1.1979
s 21	inserted by 20/1990 s 6	17.7.1990
	amended by 76/1994 s 4	2.3.1995
	amended by 30/1996 s 8	1.7.1996
	amended by 52/1999 s 13	1.12.1999
	amended by 38/2017 s 9	19.12.2017
s 22	amended by 4/1993 s 3	1.7.1993
s 23A	inserted by 99/1996 s 3	1.7.1997
s 23A(2)	amended by 13/1998 s 10 (Sch)	28.5.1998
s 24		
s 24(1)	amended by 120/1978 s 13	19.2.1979
	amended by 61/1985 s 4(a)	5.9.1985
	substituted by 77/1995 s 6(a)	1.7.1996
	amended by 30/1996 s 9(a)	1.7.1996
	substituted by 52/1999 s 14(a)	9.7.2001
	amended by 22/2010 s 20	1.7.2011
	amended by 15/2013 Sch 2 cl 13	1.7.2013
s 24(1a)	deleted by 61/1985 s 4(b)	5.9.1985
	inserted by 94/1986 s 3	11.12.1986
	amended by 77/1995 s 6(b)	1.7.1996
	substituted by 52/1999 s 14(a)	9.7.2001
s 24(1b)	inserted by 94/1986 s 3	11.12.1986
	substituted by 77/1995 s 6(c)	1.7.1996
	substituted by 30/1996 s 9(b)	1.7.1996
	substituted by 52/1999 s 14(a)	9.7.2001
s 24(1c)	inserted by 94/1986 s 3	11.12.1986
s 24(2)	substituted by 82/1990 s 2	20.12.1990
	substituted by 4/1993 s 4	1.7.1993
	amended by 99/1996 s 4(a)	1.7.1997
	amended by 52/1999 s 14(b)	9.7.2001
	amended by 17/2001 s 10(a)	uncommenced—not incorporated
	amended by 64/2013 s 4(1)	16.1.2014

s 24(3)	substituted by 4/1993 s 4	1.7.1993
	amended by 99/1996 s 4(b)	1.7.1997
	substituted by 52/1999 s 14(c)	9.7.2001
	amended by 17/2001 s 10(c)	9.7.2001
	amended by 17/2001 s 10(b)	uncommenced—not incorporated
	amended by 64/2013 s 4(2)	16.1.2014
s 24(4)	deleted by 4/1993 s 4	1.7.1993
	inserted by 54/2017 s 5	21.11.2019
s 24(5)	substituted by 81/1987 s 2	26.11.1987
	deleted by 4/1993 s 4	1.7.1993
	inserted by 17/2021 s 20	11.5.2023
Pt 2 Div 3A	inserted by 40/2013 s 4	21.11.2013
s 24A		
s 24A(2)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 24A(7)	amended by 38/2017 s 10	19.12.2017
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
Pt 2 Div 4		
heading preceding s 25	*inserted by 76/1994 s 5*	*2.3.1995*
	deleted by 44/2003 s 3(1) (Sch 1)	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 25	inserted by 76/1994 s 5	2.3.1995
s 25(1)	substituted by 77/1995 s 7	1.7.1996
	substituted by 30/1996 s 10(a)	1.7.1996
s 25(2)	amended by 52/1999 s 15(a), (b)	9.7.2001
	(c) deleted by 30/1996 s 10(b)	1.7.1996
s 25(3)	deleted by 30/1996 s 10(c)	1.7.1996
	inserted by 52/1999 s 15(c)	9.7.2001
Pt 2 Div 5		
heading preceding s 26	*deleted by 44/2003 s 3(1) (Sch 1)*	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 26	substituted by 120/1978 s 14	18.1.1979
	amended by 94/1986 s 4	11.12.1986
	amended by 29/1996 s 3	1.7.1996
	substituted by 52/1999 s 16	1.12.1999
Pt 2 Div 6		
heading preceding s 27	*deleted by 44/2003 s 3(1) (Sch 1)*	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 27	substituted by 14/1976 s 8	13.5.1976
s 28	deleted by 14/1976 s 8	13.5.1976
	inserted by 28/2017 s 4	15.8.2017

s 28(3)		
regulatory component	**inserted by 46/2024 s 12**	**24.4.2025**
road use component	**substituted by 46/2024 s 12**	**24.4.2025**
ss 29 and 30	*deleted by 14/1976 s 8*	*13.5.1976*
s 31		
s 31(1)	s 31 amended and redesignated as s 31(1) by 14/1976 s 9	13.5.1976
	amended by 120/1978 s 15(b)	18.1.1979
	(a)—(g) deleted by 30/1996 s 11	1.7.1996
	(h) deleted by 120/1978 s 15(a)	18.1.1979
	(i), (k), (m) and (n) deleted by 30/1996 s 11	1.7.1996
	(o) deleted by 120/1978 s 15(c)	18.1.1979
	(p) deleted by 30/1996 s 11	1.7.1996
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 31(2)	inserted by 14/1976 s 9(b)	13.5.1976
s 31(3)	inserted by 77/1995 s 8	1.7.1996
s 32	*amended by 76/1994 s 6*	*2.3.1995*
	amended by 77/1995 s 9	*1.7.1996*
	amended by 30 1996, s 12	*2.5.1998*
	deleted by 52/1999 s 17	*1.12.1999*
s 33	*amended by 14/1976 s 10*	*13.5.1976*
	amended by 120/1978 s 16	*18.1.1979*
	deleted by 94/1986 s 5	*1.1.1988*
s 33A	*amended by 79/1976 s 4*	*17.1.1977*
	deleted by 65/1989 s 4	*28.3.1990*
s 34		
s 34(1)	amended by 14/1976 s 11	13.5.1976
	amended by 120/1978 s 18	18.1.1979
	amended by 77/1995 s 10	1.7.1996
	amended by 30/1996 s 13	1.7.1996
s 34A	*inserted by 77/1995 s 11*	*1.7.1996*
	deleted by 30/1996 s 14	*1.7.1996*
s 35	*amended by 14/1976 s 12*	*13.5.1976*
	amended by 120/1978 s 19	*18.1.1979*
	deleted by 30/1996 s 14	*1.7.1996*
s 36	*amended by 14/1976 s 13*	*13.5.1976*
	deleted by 30/1996 s 14	*1.7.1996*
s 37		
s 37(1)	amended by 12/1987 s 2	9.4.1987
s 37(2)	amended by 14/1976 s 14	13.5.1976
	amended by 77/1995 s 12	1.7.1996
	amended by 30/1996 s 15	1.7.1996

s 37A	inserted by 30/1996 s 16	1.7.1996
s 38		
s 38(1)	amended by 14/1976 s 15(a)	13.5.1976
	amended by 79/1976 s 5	17.1.1977
	amended by 76/2000 s 5	1.3.2001
s 38(3)	amended by 14/1976 s 15(b)	13.5.1976
s 38A		
s 38A(1)	amended by 14/1976 s 16(a)	13.5.1976
	amended by 79/1976 s 6	17.1.1977
	amended by 120/1978 s 20	18.1.1979
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 26/2008 s 6	25.9.2008
	amended by 84/2009 s 217	1.2.2010
	amended by 25/2019 s 59	3.10.2019
s 38A(3)	amended by 14/1976 s 16(b)	13.5.1976
s 38AB		
s 38AB(1)	amended by 14/1976 s 17(a)	13.5.1976
	amended by 79/1976 s 7	17.1.1977
	amended by 120/1978 s 21	18.1.1979
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 26/2008 s 7	25.9.2008
	amended by 84/2009 s 218	1.2.2010
	amended by 25/2019 s 60	3.10.2019
s 38AB(3)	amended by 14/1976 s 17(b)	13.5.1976
s 38B		
s 38B(1)	amended by 14/1976 s 18(a)	13.5.1976
	amended by 79/1976 s 8	17.1.1977
	substituted by 41/2015 s 12	26.11.2015
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 38B(3)	amended by 14/1976 s 18(b)	13.5.1976
s 39	*deleted by 14/1976 s 19*	*13.5.1976*
	inserted by 54/1991 s 3	*3.2.1992*
	deleted by 30/1996 s 17	*1.7.1996*
s 40	s 40(1) substituted by 14/1976 s 20	13.5.1976
	s 40(1) redesignated as s 40 in pursuance of the *Acts Republication Act 1967*	18.12.1989
	amended by 52/1999 s 18	9.7.2001
s 40(2)	*deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted*	*18.12.1989*
s 40A	amended by 14/1976 s 21	13.5.1976
s 41		
s 41(1)		

motor vehicle of restricted registration	amended by 14/1976 s 22(a), (b)	13.5.1976
	amended by 90/1983 s 3(a)	1.2.1984
	amended by 94/1986 s 6(a), (b)	1.1.1988
	paragraph (c) deleted by 94/1986 s 6(b)	1.1.1988
s 41(2)	amended by 14/1976 s 22(c)	13.5.1976
	amended by 120/1978 s 22	18.1.1979
	amended by 90/1983 s 3(b)	1.2.1984
	amended by 94/1986 s 6(c)	1.1.1988
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 41(2a)	inserted by 30/1996 s 18(a)	1.7.1996
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 41(3)	inserted by 90/1983 s 3(c)	1.2.1984
	amended by 94/1986 s 6(d)	1.1.1988
	amended by 30/1996 s 18(b)	1.7.1996
s 41(4) and (5)	inserted by 90/1983 s 3(c)	1.2.1984
s 42	amended by 14/1976 s 23	13.5.1976
	substituted by 20/1990 s 7	17.7.1990
s 43		
s 43(1)	amended by 52/1999 s 19(a)	9.7.2001
	amended by 38/2017 s 11(1)	19.12.2017
s 43(3)	amended by 52/1999 s 19(b)	9.7.2001
	substituted by 38/2017 s 11(2)	19.12.2017
s 43(5) and (5a)	*deleted by 120/1978 s 23(a)*	*18.1.1979*
s 43(6)	*deleted by 30/1996 s 19*	*1.7.1996*
s 43(7)	*amended by 120/1978 s 23(b)*	*18.1.1979*
	amended by 11/1989 Sch	*30.3.1989*
	deleted by 30/1996 s 19	*1.7.1996*
s 43A	inserted by 77/1995 s 13	1.7.1996
s 43A(3)	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 26/2008 s 8	1.6.2009
s 43A(4)	amended by 52/1999 s 20(a)	9.7.2001
s 43A(7)	substituted by 30/1996 s 20	1.7.1996
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2006 ss 65(1), (3), 66	30.4.2007
	amended by 13/2011 s 11	30.6.2011
s 43A(13)	amended by 52/1999 s 20(b)	9.7.2001
s 43A(16)		
current configuration	amended by 14/2007 s 5	5.6.2008
Pt 2 Div 7		

heading preceding s 44	*inserted by 4/1993 s 5*	*1.7.1993*
	deleted by 44/2003 s 3(1) (Sch 1)	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 44		
s 44(1)	substituted by 14/1998 s 3(a)	6.9.1999
	substituted by 52/1999 s 21(a)	9.7.2001
s 44(1a)	inserted by 14/1998 s 3(a)	6.9.1999
s 44(2)	*amended by 14/1976 s 24(a)*	*13.5.1976*
	amended by 79/1976 s 9	*17.1.1977*
	amended by 120/1978 s 24(a)	*18.1.1979*
	deleted by 52/1999 s 21(b)	*9.7.2001*
s 44(3)	amended by 14/1976 s 24(b)	13.5.1976
	amended by 120/1978 s 24(b), (c)	18.1.1979
	substituted by 4/1993 s 6(a)	1.7.1993
	amended by 52/1999 s 21(c)	9.7.2001
s 44(3a)	inserted by 4/1993 s 6(a)	1.7.1993
s 44(3b)	inserted by 77/1995 s 14	1.7.1996
s 44(4)	amended by 120/1978 s 24(d)	18.1.1979
	amended by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 14/1998 s 3(b)	6.9.1999
	substituted by 52/1999 s 21(d)	9.7.2001
s 44(4a)	inserted by 52/1999 s 21(d)	9.7.2001
s 44(6)	inserted by 4/1993 s 6(b)	1.7.1993
s 45	amended by 52/1999 s 22	9.7.2001
Pt 2 Div 8		
heading preceding s 46	*substituted by 61/1985 s 5*	*5.9.1985*
	deleted by 44/2003 s 3(1) (Sch 1)	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 46	amended by 14/1976 s 25	13.5.1976
	amended by 120/1978 s 25	18.1.1979
	substituted by 61/1985 s 5	5.9.1985
s 46A	*inserted by 49/1981 s 3*	*18.6.1981*
	deleted by 61/1985 s 5	*5.9.1985*
s 47	substituted by 120/1978 s 26	18.1.1979
	substituted by 61/1985 s 5	5.9.1985
s 47(1)	amended by 11/1989 Sch	30.3.1989
	substituted by 30/1996 s 21	15.1.1998
	amended by 51/1997 s 6	15.1.1998
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 52/1999 s 23(a)	9.7.2001
	amended by 26/2008 s 9(1)	31.1.2009

s 47(1a)	inserted by 52/1999 s 23(b)	9.7.2001
	amended by 26/2008 s 9(2)	31.1.2009
s 47(1b)	inserted by 52/1999 s 23(b)	9.7.2001
s 47(2)	amended by 75/1987 s 3	27.1.1988
	amended by 52/1999 s 23(c)	9.7.2001
s 47A	inserted by 61/1985 s 5	5.9.1985
s 47A(4)	amended by 52/1999 s 24(a)	1.12.1999
s 47A(7)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 52/1999 s 24(b)	1.12.1999
	amended by 26/2008 s 10	31.1.2009
s 47B	inserted by 61/1985 s 5	5.9.1985
s 47B(1)	amended by 52/1999 s 25	9.7.2001
s 47B(2)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 26/2008 s 11	31.1.2009
s 47C	inserted by 30/1996 s 22	27.3.1997
s 47C(1)	amended by 52/1999 s 26(a)	9.7.2001
s 47C(2)	amended by 52/1999 s 26(b)	9.7.2001
	amended by 26/2008 s 12(1)	31.1.2009
	amended by 38/2017 s 12	19.12.2017
	substituted by 25/2019 s 61	6.4.2020
s 47C(3)	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 26/2008 s 12(2)	31.1.2009
s 47C(4)	amended by 13/2006 ss 65(1), 66	30.4.2007
	amended by 26/2008 s 12(3)	31.1.2009
s 47C(5)	*amended by 13/1998 s 10 (Sch)*	*28.5.1998*
	deleted by 13/2006 s 48	*30.4.2007*
s 47D	inserted by 52/1999 s 27	9.7.2001
s 47D(1)	amended by 26/2008 s 13(1)	31.1.2009
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 47D(2)	amended by 26/2008 s 13(2)	31.1.2009
Pt 2 Div 9 before deletion by 7/2017		
heading preceding s 48	*deleted by 44/2003 s 3(1) (Sch 1)*	*24.11.2003*
heading	*inserted by 44/2003 s 3(1) (Sch 1)*	*24.11.2003*
	amended by 22/2010 s 21	*1.7.2011*
s 48		
s 48(1)	*substituted by 20/1990 s 8(a)*	*17.7.1990*
	amended by 52/1999 s 28(a)	*9.7.2001*
	substituted by 22/2010 s 22(1)	*1.7.2011*

	The amendment to s 48(1) purportedly made by Sch 1 Pt 4 of 38/2017 is of no effect because that section was repealed before the amendments came into operation.	
s 48(1a)	*amended by 52/1999 s 28(b)*	*9.7.2001*
	amended by 22/2010 s 22(2)	*1.7.2011*
s 48(1b)	*amended by 11/1989 Sch*	*30.3.1989*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	amended by 13/2011 s 12(1)	*30.6.2011*
s 48(2)	*substituted by 20/1990 s 8(b)*	*17.7.1990*
	substituted by 22/2010 s 22(3)	*1.7.2011*
s 48(3)	*amended by 120/1978 s 27*	*18.1.1979*
	amended by 11/1989 Sch	*30.3.1989*
	amended by 20/1990 s 8(c)	*17.7.1990*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	amended by 52/1999 s 28(c)	*9.7.2001*
	amended by 13/2011 s 12(2)	*30.6.2011*
	amended by 22/2010 s 22(4)	*1.7.2011*
s 48(3a)	*inserted by 52/1999 s 28(d)*	*9.7.2001*
	amended by 13/2011 s 12(3)	*30.6.2011*
	amended by 22/2010 s 22(4)	*1.7.2011*
s 48(4)	*s 48(3) proviso redesignated as s 48(4) in pursuance of the Acts Republication Act 1967*	*18.12.1989*
	amended by 52/1999 s 28(e)	*9.7.2001*
	amended by 22/2010 s 22(4)	*1.7.2011*
s 48(5)	*inserted by 52/1999 s 28(f)*	*9.7.2001*
s 49	*amended by 120/1978 s 28*	*18.1.1979*
	amended by 11/1989 Sch	*30.3.1989*
	deleted by 20/1990 s 9	*17.7.1990*
s 50	*amended by 14/1976 s 26*	*13.5.1976*
	amended by 20/1990 s 10	*17.7.1990*
	substituted by 52/1999 s 29	*9.7.2001*
s 50(1)	*amended by 13/2006 s 65(1)*	*30.4.2007*
	amended by 22/2010 s 23	*1.7.2011*
s 51	*amended by 14/1976 s 27*	*13.5.1976*
	amended by 20/1990 s 11	*17.7.1990*
	deleted by 52/1999 s 29	*9.7.2001*
s 52	*amended by 120/1978 s 29*	*18.1.1979*
	amended by 11/1989 Sch	*30.3.1989*
	amended by 51/1990 s 5	*31.1.1991*
	substituted by 30/1996 s 23	*1.7.1996*
s 52(1)	*amended by 52/1999 s 30(a)*	*9.7.2001*
	amended by 22/2010 s 24	*1.7.2011*
s 52(2)	*amended by 52/1999 s 30(b)*	*9.7.2001*

	amended by 22/2010 s 24	*1.7.2011*
s 52(3)	*amended by 13/1998 s 10 (Sch)*	*28.5.1998*
	amended by 13/2011 s 13	*30.6.2011*
s 52(4)	*amended by 13/2006 ss 65(1), 66*	*30.4.2007*
	amended by 22/2010 s 24	*1.7.2011*
s 52(5)	*amended by 13/1998 s 10 (Sch)*	*28.5.1998*
	deleted by 13/2006 s 49	*30.4.2007*
s 53		
s 53(1)	*amended by 120/1978 s 30*	*18.1.1979*
	amended by 11/1989 Sch	*30.3.1989*
	substituted by 20/1990 s 12	*17.7.1990*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	amended by 52/1999 s 31(a)	*9.7.2001*
	amended by 13/2011 s 14	*30.6.2011*
	The amendment to s 53(1) purportedly made by Sch 1 Pt 4 of 38/2017 is of no effect because that section was repealed before the amendments came into operation.	
s 53(1a)	*inserted by 52/1999 s 31(b)*	*9.7.2001*
	amended by 13/2011 s 14	*30.6.2011*
s 53(1aa)	*inserted by 71/2009 s 5*	*4.9.2010*
s 53(1b)	*inserted by 52/1999 s 31(b)*	*9.7.2001*
Pt 2 Div 9	*deleted by 7/2017 s 79*	*1.11.2017*
Pt 2 Div 10		
heading preceding s 54	*substituted by 52/1999 s 32*	*9.7.2001*
	deleted by 44/2003 s 3(1) (Sch 1)	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 54	amended by 14/1976 s 28	13.5.1976
	amended by 120/1978 s 31	18.1.1979
	amended by 4/1993 s 7	1.7.1993
	substituted by 30/1996 s 24	1.7.1996
s 54(1)	amended by 52/1999 s 33	9.7.2001
s 55	*amended by 14/1976 s 29*	*13.5.1976*
	amended by 120/1978 s 32	*18.1.1979*
	amended by 77/1995 s 15	*1.7.1996*
	deleted by 30/1996 s 25	*1.7.1996*
s 55A	inserted by 4/1993 s 8	1.7.1993
	amended by 30/1996 s 26	1.7.1996
	amended by 14/1998 s 4	6.9.1999
	substituted by 52/1999 s 34	9.7.2001
s 55B	inserted by 13/2006 s 50	30.4.2007
s 55C	inserted by 13/2006 s 50	30.4.2007
s 55C(2)	amended by 26/2008 s 14	25.9.2008

s 56	amended by 120/1978 s 33	18.1.1979
	amended by 4/1986 s 3	13.3.1986
	amended by 11/1989 Sch	30.3.1989
	amended by 20/1990 s 13	17.7.1990
	amended by 30/1996 s 27	1.7.1996
	amended by 52/1999 s 35	1.12.1999
	substituted by 26/2008 s 15	31.1.2009
	amended by 22/2010 s 25	1.7.2011
	substituted by 38/2017 s 13	19.12.2017
s 57	amended by 14/1976 s 30	13.5.1976
	amended by 120/1978 s 34	18.1.1979
	amended by 4/1986 s 4	13.3.1986
	amended by 11/1989 Sch	30.3.1989
	substituted by 20/1990 s 14	17.7.1990
s 57(1)	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 26/2008 s 16(1), (2)	31.1.2009
	substituted by 38/2017 s 14	19.12.2017
s 57(2)	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 26/2008 s 16(3), (4)	31.1.2009
	amended by 22/2010 s 26	1.7.2011
	substituted by 38/2017 s 14	19.12.2017
s 57(2a)	inserted by 26/2008 s 16(5)	31.1.2009
	substituted by 38/2017 s 14	19.12.2017
s 57(3)	substituted by 38/2017 s 14	19.12.2017
s 57(4)	substituted by 38/2017 s 14	19.12.2017
s 57(5)	inserted by 52/1999 s 36	9.7.2001
	substituted by 38/2017 s 14	19.12.2017
s 57(6)—(8)	inserted by 52/1999 s 36	9.7.2001
s 57A	inserted by 20/1990 s 15	17.7.1990
	substituted by 26/2008 s 17	31.1.2009
	substituted by 38/2017 s 15	19.12.2017
s 58		
s 58(1)	s 58 amended by 14/1976 s 31	13.5.1976
	s 58 amended by 20/1990 s 16	17.7.1990
	s 58 amended and redesignated as s 58(1) by 4/1993 s 9	1.7.1993
	amended by 22/2010 s 27	1.7.2011
	amended by 38/2017 s 16	19.12.2017
s 58(2)	inserted by 4/1993 s 9(b)	1.7.1993
s 58(3)	inserted by 4/1993 s 9(b)	1.7.1993
	substituted by 52/1999 s 37	1.12.1999
	amended by 64/2013 s 5(1)	16.1.2014
s 58(4)	inserted by 4/1993 s 9(b)	1.7.1993

	substituted by 52/1999 s 37	1.12.1999
	amended by 64/2013 s 5(2)	16.1.2014
s 58(5)	inserted by 54/2017 s 6	21.11.2019
s 58(6)	inserted by 17/2021 s 21	11.5.2023
s 60		
s 60(1)	substituted by 20/1990 s 17	17.7.1990
	amended by 38/2017 s 17(1), (2)	19.12.2017
s 60(2)	amended by 14/1976 s 32	13.5.1976
	substituted by 30/1996 s 28	1.7.1996
s 60A	inserted by 38/2017 s 18	19.12.2017
s 61A	inserted by 71/2017 Sch 1 cl 27	30.4.2018
Pt 2 Div 11		
heading preceding s 62	*amended by 65/1996 s 5*	*17.11.1997*
	deleted by 44/2003 s 3(1) (Sch 1)	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
s 62		
s 62(1)	substituted by 65/1996 s 6(a)	17.11.1997
s 62(2)	amended by 14/1976 s 33	13.5.1976
	amended by 120/1978 s 35(a), (b)	1.4.1979
	substituted by 65/1996 s 6(a)	17.11.1997
s 62(3)	deleted by 120/1978 s 35(c)	1.4.1979
	inserted by 65/1996 s 6(a)	17.11.1997
s 62(4)	amended by 120/1978 s 35(d)	1.4.1979
	amended by 65/1996 s 6(b)	17.11.1997
s 62(5)	*deleted by 120/1978 s 35(e)*	*1.4.1979*
s 62(6)	amended by 120/1978 s 35(f)	1.4.1979
	amended by 65/1996 s 6(c)	17.11.1997
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 3/2012 Sch 1 cl 6	28.5.2012
s 62(7)	amended by 120/1978 s 35(g), (h)	1.4.1979
	amended by 65/1996 s 6(d)	17.11.1997
s 63	*deleted by 14/1976 s 34*	*13.5.1976*
s 64	amended by 14/1976 s 35	13.5.1976
	amended by 65/1996 s 7	17.11.1997
s 65	substituted by 4/1986 s 5	13.3.1986
	substituted by 65/1996 s 8	17.11.1997
s 66	amended by 14/1976 s 36	13.5.1976
	amended by 79/1976 s 10	17.1.1977
	amended by 120/1978 s 36	1.4.1979
	amended by 11/1989 Sch	30.3.1989
	substituted by 65/1996 s 8	17.11.1997
s 66(2)	amended by 13/1998 s 10 (Sch)	28.5.1998

s 67	*amended by 14/1976 s 37*	*13.5.1976*
	amended by 120/1978 s 37	*1.4.1979*
	amended by 11/1989 Sch	*30.3.1989*
	deleted by 65/1996 s 8	*17.11.1997*
ss 68, 69 and 69A	*deleted by 14/1976 s 38*	*13.5.1976*
s 70		
s 70(1)	substituted by 120/1978 s 38(a)	1.4.1979
	amended by 65/1996 s 9(a)	17.11.1997
s 70(2)	substituted by 120/1978 s 38(a)	1.4.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 65/1996 s 9(b)	17.11.1997
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 15	30.6.2011
s 70(3)	*deleted by 120/1978 s 38(a)*	*1.4.1979*
s 70(4)	amended by 120/1978 s 38(b), (c)	1.4.1979
	amended by 65/1996 s 9(c)	17.11.1997
	amended by 13/2006 ss 65(1), 66	30.4.2007
s 70(5)	substituted by 120/1978 s 38(d)	1.4.1979
	substituted by 65/1996 s 9(d)	17.11.1997
s 71		
s 71(1)	substituted by 120/1978 s 39(a)	1.4.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 65/1996 s 10	17.11.1997
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 16	30.6.2011
s 71(2)	amended by 14/1976 s 39	13.5.1976
	amended by 120/1978 s 39(b)—(d)	1.4.1979
	amended by 65/1996 s 10	17.11.1997
s 71(3)	amended by 120/1978 s 39(e), (f)	1.4.1979
	amended by 65/1996 s 10	17.11.1997
Pt 2 Div 12		
heading preceding 71A	*substituted by 52/1999 s 38*	*9.7.2001*
	deleted by 44/2003 s 3(1) (Sch 1)	*24.11.2003*
heading	inserted by 44/2003 s 3(1) (Sch 1)	24.11.2003
	amended by 22/2010 s 28	1.7.2011
	amended by 7/2017 s 80	1.11.2017
s 71A	amended by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 52/1999 s 38	9.7.2001
	amended by 22/2010 s 29	1.7.2011
	amended by 7/2017 s 81	1.11.2017
s 71B before substitution by 22/2010	*inserted by 52/1999 s 38*	*9.7.2001*

s 71B(2)	*amended by 13/2011 s 17*	*30.6.2011*
s 71B	substituted by 22/2010 s 30	1.7.2011
s 71B(1)	amended by 7/2017 s 82(1), (2)	1.11.2017
s 71B(1a)	inserted by 71/2017 Sch 1 cl 28	30.4.2018
s 71B(2)	amended by 7/2017 s 82(3), (4)	1.11.2017
Pt 2 Div 13	inserted by 17/2021 s 22	11.5.2023
s 71C		
s 71C(6)		
Ad Standards	**substituted by 46/2024 s 13(1)**	**24.4.2025**
advertising code breach determination	**amended by 46/2024 s 13(2)**	**24.4.2025**
Board	***deleted by 46/2024 s 13(3)***	***24.4.2025***
Pt 2A before deletion by 35/2013	*inserted by 67/1999 s 3*	*9.7.2001*
s 71C		
s 71C(1)		
prescribed financial market	*inserted by 34/2002 s 22(a)*	*1.8.2003*
s 71C(3)	*amended by 34/2002 s 22(b), (c)*	*1.8.2003*
Pt 2A	*deleted by 35/2013 s 5*	*10.2.2014*
Pt 3		
s 71AA	*deleted by 14/1976 s 40*	*13.5.1976*
s 72 before substitution by 25/2019		
s 72(1)	*amended by 120/1978 s 40(a)*	*19.3.1979*
	substituted by 94/1986 s 7(a)	*6.1.1987*
s 72(2)	*amended by 79/1976 s 11*	*17.1.1977*
	amended by 120/1978 s 40(b)	*19.3.1979*
	deleted by 94/1986 s 7(a)	*6.1.1987*
s 72(3)—(5)	*deleted by 94/1986 s 7(a)*	*6.1.1987*
s 72(5a)	*inserted by 120/1978 s 40(c)*	*19.3.1979*
	deleted by 94/1986 s 7(a)	*6.1.1987*
s 72(6)	*deleted by 94/1986 s 7(a)*	*6.1.1987*
s 72(7)—(9)	*substituted by 120/1978 s 40(d)*	*19.3.1979*
s 72(9a) and (9b)	*inserted by 120/1978 s 40(e)*	*19.3.1979*
	deleted by 94/1986 s 7(b)	*6.1.1987*
s 72(10)	*amended by 79/1976 s 11*	*17.1.1977*
	amended by 120/1978 s 40(f)	*19.3.1979*
	deleted by 94/1986 s 7(b)	*6.1.1987*
	inserted by 52/1999 s 39	*17.6.2001*
	amended by 38/2017 Sch 1 Pt 4	*20.3.2018*
s 72	substituted by 25/2019 s 62	6.4.2020

s 72A	deleted by 14/1976 s 41	13.5.1976
	inserted by 10/2005 s 5	31.10.2005
s 72A(1)	amended by 14/2010 s 4	9.12.2010
s 72A(2)	amended by 77/2005 Sch 1 cl 3(1)	1.7.2006
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 72A(3)	amended by 77/2005 Sch 1 cl 3(2)	1.7.2006
s 72A(4)		
oral fluid	*inserted by 77/2005 Sch 1 cl 3(3)*	*1.7.2006*
	deleted by 8/2009 s 13	*1.5.2009*
prescribed drug	*inserted by 77/2005 Sch 1 cl 3(4)*	*1.7.2006*
	deleted by 8/2009 s 13	*1.5.2009*
s 74	amended by 14/1976 s 42	13.5.1976
	amended by 120/1978 s 41	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 20/1990 s 18	17.7.1990
	amended by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 52/1999 s 40	17.6.2001
	substituted by 8/2003 s 9	15.12.2003
s 74(2aa)	inserted by 9/2025 s 14(1)	12.3.2025
s 74(2a)	inserted by 8/2009 s 14(1)	1.5.2009
	amended by 71/2009 s 6(1)	4.9.2010
s 74(2ab) and (2ac)	inserted by 63/2017 s 9(1)	24.4.2018
s 74(2b)	inserted by 8/2009 s 14(1)	1.5.2009
s 74(3)	substituted by 8/2021 s 5(1)	22.11.2021
	amended by 9/2025 s 14(2), (3)	12.3.2025
s 74(4)	substituted by 10/2005 s 6	31.10.2005
	amended by 71/2009 s 6(2)	4.9.2010
	amended by 8/2021 s 5(2)	22.11.2021
s 74(5)	amended by 8/2009 s 14(2)	1.5.2009
	substituted by 71/2009 s 6(3)	4.9.2010
s 74(6)	amended by 49/2021 Sch 1 cl 1	13.2.2023
s 74(7)	inserted by 63/2017 s 9(2)	24.4.2018
ss 74A, 74B and 74C	*deleted by 14/1976 s 43*	*13.5.1976*
s 75		
s 75(1)	amended by 14/1976 s 44(a)	13.5.1976
	amended by 15/1989 s 4	4.9.1989
	amended by 52/1999 s 41	1.12.1999
	amended by 70/2013 s 5	28.7.2014
	amended by 38/2017 s 19	19.12.2017
	amended by 8/2021 s 6	22.11.2021
s 75(2)	substituted by 14/1976 s 44(b)	13.5.1976
	amended by 120/1978 s 42	18.1.1979

s 75(3)	substituted by 20/1990 s 19	17.7.1990
s 75(4)	*inserted by 14/1976 s 44(c)*	*13.5.1976*
	amended by 11/1989 Sch	*30.3.1989*
	deleted by 20/1990 s 19	*17.7.1990*
s 75AAA	inserted by 52/1999 s 42	17.6.2001
s 75AAA(6)	substituted by 10/2005 s 7	31.10.2005
	substituted by 70/2013 s 6	28.7.2014
s 75AAA(11)	substituted by 71/2009 s 7	4.9.2010
s 75AA	inserted by 11/1989 s 3	30.3.1989
s 75AA(a1)	inserted by 71/2009 s 8(1)	4.9.2010
s 75AA(1)	amended by 52/1999 s 43(a), (b)	17.6.2001
	amended by 71/2009 s 8(2), (3)	4.9.2010
s 75AA(2) and (3)	amended by 52/1999 s 43(c)	17.6.2001
	amended by 71/2009 s 8(4)	4.9.2010
s 75AA(4)	inserted by 1/1992 s 3	1.6.1992
	amended by 71/2009 s 8(5), (6)	4.9.2010
	amended by 38/2017 s 20	19.12.2017
s 75AA(5)	inserted by 1/1992 s 3	1.6.1992
	amended by 71/2009 s 8(7)	4.9.2010
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 75AA(6)	inserted by 52/1999 s 43(d)	17.6.2001
s 75AA(7) and (8)	inserted by 7/2017 s 83	1.9.2017
s 75A before substitution by 71/2009		
s 75A(1)	*amended by 14/1976 s 45(a)*	*13.5.1976*
	amended by 15/1989 s 5(a)	*4.9.1989*
	amended by 52/1999 s 44(a)	*17.6.2001*
	amended by 8/2003 s 10	*15.12.2003*
s 75A(1a) and (1b)	*inserted by 20/1990 s 20(a)*	*17.7.1990*
s 75A(2)	*substituted by 72/1985 s 3(a)*	*1.7.1985*
	amended by 15/1989 s 5(b)	*4.9.1989*
s 75A(3)	*substituted by 14/1976 s 45(b)*	*13.5.1976*
	substituted by 120/1978 s 43	*18.1.1979*
	substituted by 48/1981 s 3(a)	*18.6.1981*
	substituted by 72/1985 s 3(a)	*1.7.1985*
	amended by 15/1989 s 5(c)—(e)	*4.9.1989*
	amended by 65/1994 s 3(a)	*5.12.1994*
	amended by 30/1996 s 29	*2.5.1998*
	amended by 52/1999 s 44(b)	*17.6.2001*
	amended by 37/2002 s 11(a), (b)	*3.7.2003*
	amended by 10/2005 s 8(1)	*31.10.2005*
	amended by 77/2005 Sch 1 cl 4(1)	*1.7.2006*

s 75A(3)	*(da) deleted by 65/1994 s 3(a)*	*5.12.1994*
s 75A(3aa)	*inserted by 15/1989 s 5(f)*	*4.9.1989*
s 75A(3a)	*inserted by 48/1981 s 3(a)*	*18.6.1981*
	substituted by 72/1985 s 3(a)	*1.7.1985*
	amended by 95/1995 s 11(a)	*4.4.1996*
oral fluid	*inserted by 77/2005 Sch 1 cl 4(2)*	*1.7.2006*
	deleted by 8/2009 s 15	*1.5.2009*
prescribed drug	*inserted by 77/2005 Sch 1 cl 4(3)*	*1.7.2006*
	deleted by 8/2009 s 15	*1.5.2009*
s 75A(3b) and (3c)	*inserted by 72/1985 s 3(a)*	*1.7.1985*
s 75A(3d)	*inserted by 15/1989 s 5(g)*	*4.9.1989*
	deleted by 65/1994 s 3(b)	*5.12.1994*
s 75A(4)	*substituted by 72/1985 s 3(a)*	*1.7.1985*
	substituted by 15/1989 s 5(g)	*4.9.1989*
	amended by 20/1990 s 20(b)	*17.7.1990*
s 75A(4a)	*inserted by 72/1985 s 3(a)*	*1.7.1985*
	deleted by 15/1989 s 5(g)	*4.9.1989*
s 75A(5)	*amended by 14/1976 s 45(c)*	*13.5.1976*
	substituted by 72/1985 s 3(a)	*1.7.1985*
	amended by 11/1989 Sch	*30.3.1989*
	substituted by 15/1989 s 5(g)	*4.9.1989*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
s 75A(5aaa)	*inserted by 72/1985 s 3(a)*	*1.7.1985*
	amended by 11/1989 Sch	*30.3.1989*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	amended by 52/1999 s 44(c)	*17.6.2001*
s 75A(5aa)	*inserted by 72/1985 s 3(a)*	*1.7.1985*
	amended by 11/1989 Sch	*30.3.1989*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	substituted by 30/2000 s 3	*6.7.2000*
s 75A(5ab)	*inserted by 30/2000 s 3*	*6.7.2000*
s 75A(5a)	*inserted by 48/1981 s 3(b)*	*18.6.1981*
	amended by 20/1983 s 2	*26.5.1983*
	amended by 95/1995 s 11(b), (c)	*4.4.1996*
	amended by 52/1999 s 44(d)	*23.3.2000*
	amended by 10/2005 s 8(2)	*31.10.2005*
	amended by 77/2005 Sch 1 cl 4(4)	*1.7.2006*
s 75A(5b)	*inserted by 48/1981 s 3(b)*	*18.6.1981*
	deleted by 29/1996 s 4	*1.7.1996*
s 75A(5c)	*inserted by 48/1981 s 3(b)*	*18.6.1981*
	amended by 11/1989 Sch	*30.3.1989*
	deleted by 29/1996 s 4	*1.7.1996*
s 75A(5d)	*inserted by 48/1981 s 3(b)*	*18.6.1981*

	deleted by 29/1996 s 4	*1.7.1996*
s 75A(5e)	*inserted by 72/1985 s 3(b)*	*1.7.1985*
s 75A(6)	*amended by 37/1980 s 3*	*1.6.1980*
	amended by 50/1984 s 3(1) (Sch 3)	*1.1.1985*
	amended by 1/1992 s 4	*1.6.1992*
	deleted by 52/1999 s 44(e)	*17.6.2001*
s 75A(7)	*inserted by 95/1995 s 11(d)*	*4.4.1996*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	deleted by 10/2005 s 8(3)	*31.10.2005*
s 75A(8)	*inserted by 95/1995 s 11(d)*	*4.4.1996*
	amended by 52/1999 s 44(f)	*17.6.2001*
	amended by 37/2002 s 11(c)	*3.7.2003*
	deleted by 10/2005 s 8(3)	*31.10.2005*
s 75A(9)	*inserted by 95/1995 s 11(d)*	*4.4.1996*
	amended by 52/1999 s 44(g)	*23.3.2000*
	deleted by 10/2005 s 8(3)	*31.10.2005*
s 75A	substituted by 71/2009 s 9	4.9.2010
s 75A(1)		
prescribed learner's permit holder	inserted by 70/2013 s 7(1)	28.7.2014
	substituted by 8/2021 s 7(1)	22.11.2021
prescribed locality	inserted by 8/2021 s 7(1)	22.11.2021
s 75A(2)	amended by 8/2021 s 7(2)	22.11.2021
s 75A(2a)	inserted by 8/2021 s 7(3)	22.11.2021
s 75A(10)	amended by 70/2013 s 7(2)	28.7.2014
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
	amended by 8/2021 s 7(4)	22.11.2021
s 75A(17)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 75A(20)	inserted by 70/2013 s 7(3)	28.7.2014
	substituted by 8/2021 s 7(5)	22.11.2021
s 75A(21)	inserted by 70/2013 s 7(3)	28.7.2014
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 75A(22) and (23)	inserted by 70/2013 s 7(3)	28.7.2014
s 75A(24) and (25)	inserted by 8/2021 s 7(6)	22.11.2021
s 75B	inserted by 8/2021 s 8	22.11.2021
s 76	*deleted by 14/1976 s 46*	*13.5.1976*
s 77	*amended by 120/1978 s 44*	*18.1.1979*
	deleted by 52/1999 s 45	*17.6.2001*
s 77A	inserted by 15/1989 s 6	4.9.1989
s 77A(3) and (4)	*deleted by 30/1996 s 30*	*1.7.1996*
s 77B	inserted by 15/1989 s 6	4.9.1989

s 77B(1a)	inserted by 1/1992 s 5(a)	1.6.1992
s 77B(2)	amended by 1/1992 s 5(b), (c)	1.6.1992
s 77BA	inserted by 37/2002 s 12	3.7.2003
s 77C	inserted by 15/1989 s 6	4.9.1989
	substituted by 20/1990 s 21	17.7.1990
s 78	*amended by 120/1978 s 45*	*19.3.1979*
	amended by 94/1986 s 8	*6.1.1987*
	substituted by 35/1989 s 4	*30.10.1989*
	amended by 30/1996 s 31	*2.5.1998*
	deleted by 52/1999 s 46	*17.6.2001*
s 79	amended by 14/1976 s 47	13.5.1976
	amended by 120/1978 s 46	18.1.1979
	amended by 4/1986 s 6	13.3.1986
	amended by 29/1996 s 5	1.7.1996
	substituted by 8/2003 s 11	15.12.2003
s 79(1)	amended by 10/2005 s 9(1)	31.10.2005
	amended by 71/2009 s 10(1)	4.9.2010
	amended by 70/2013 s 8(1), (2)	28.7.2014
	amended by 25/2019 s 63(1)	3.10.2019
	amended by 8/2021 s 9(1)	7.10.2021
s 79(1a)	*inserted by 10/2005 s 9(2)*	*31.10.2006*
	substituted by 71/2009 s 10(2)	*4.9.2010*
	deleted by 70/2013 s 8(3)	*28.7.2014*
s 79(2)	amended by 10/2005 s 9(3)	31.10.2005
	amended by 8/2021 s 9(2)	7.10.2021
s 79(3)		
approved theoretical examination	inserted by 8/2021 s 9(3)	7.10.2021
examiner	*amended by 13/2006 s 65(1)*	*30.4.2007*
	deleted by 70/2014 s 8(4)	*28.7.2014*
tester	*inserted by 70/2013 s 8(4)*	*28.7.2014*
	substituted by 25/2019 s 63(2)	*3.10.2019*
	deleted by 8/2021 s 9(3)	*7.10.2021*
s 79A before substitution by 8/2021	*substituted by 14/1976 s 48*	*13.5.1976*
	amended by 4/1986 s 7	*13.3.1986*
	amended by 8/2003 s 12	*15.12.2003*
	substituted by 10/2005 s 10	*31.10.2005 except (3) and (4)—31.10.2006*
s 79A(1)	*amended by 71/2009 s 11(1)—(3)*	*4.9.2010*
	amended by 70/2013 s 9(1)—(5)	*28.7.2014*
	amended by 38/2017 Sch 1 Pt 4	*20.3.2018*

s 79A(3)	*amended by 71/2009 s 11(4)*	*4.9.2010*
	amended by 70/2013 s 9(6), (7)	*28.7.2014*
s 79A(4)	*amended by 71/2009 s 11(5)*	*4.9.2010*
	substituted by 70/2013 s 9(8)	*28.7.2014*
s 79A	substituted by 8/2021 s 10	22.11.2021
s 79A(3)	amended by 9/2025 s 15	12.3.2025
s 79B	deleted by 14/1976 s 48	13.5.1976
	inserted by 120/1978 s 47	18.1.1979
	amended by 20/1990 s 22	17.7.1990
	deleted by 52/1999 s 47	17.6.2001
	inserted by 8/2009 s 16	1.2.2010
s 79B(1)	substituted by 14/2010 s 5(1)	9.12.2010
	substituted by 63/2017 s 10(1)	24.4.2018
s 79B(2)	substituted by 14/2010 s 5(1)	9.12.2010
	substituted by 63/2017 s 10(1)	24.4.2018
	amended by 49/2021 Sch 1 cl 2(1), (2)	13.2.2023
s 79B(3)	amended by 63/2017 s 10(2)	24.4.2018
s 79B(4) and (5)	substituted by 63/2017 s 10(3)	24.4.2018
s 79B(6) and (7)	amended by 63/2017 s 10(4)	24.4.2018
s 79B(7a)	inserted by 48/2024 s 3	7.11.2024
s 79B(8) before substitution by 63/2017		
prescribed drink driving offence	*inserted by 14/2010 s 5(2)*	*9.12.2010*
s 79B(8)	substituted by 63/2017 s 10(5)	24.4.2018
s 79BA	*inserted by 15/1989 s 7*	*4.9.1989*
	deleted by 52/1999 s 47	*17.6.2001*
s 79C	*inserted by 120/1978 s 47*	*18.1.1979*
	amended by 11/1989 Sch	*30.3.1989*
	deleted by 52/1999 s 47	*17.6.2001*
s 80		
s 80(1)	amended by 120/1978 s 48(a)	18.1.1979
	amended by 52/1999 s 48(a)	1.12.1999
	amended by 46/2024 s 14(1)—(3)	**24.4.2025**
s 80(1a)	inserted by 120/1978 s 48(b)	18.1.1979
	amended by 52/1999 s 48(a)	1.12.1999
	amended by 46/2024 s 14(4), (5)	**24.4.2025**
s 80(1b)	**inserted by 46/2024 s 14(6)**	**24.4.2025**
s 80(2)	amended by 14/1976 s 49	13.5.1976
	amended by 120/1978 s 48(c)	18.1.1979
	substituted by 52/1999 s 48(b)	1.12.1999
	substituted by 46/2024 s 14(7)	**24.4.2025**
s 80(2a)	inserted by 52/1999 s 48(b)	1.12.1999

	amended by 6/2004 s 4	1.4.2004
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
	amended by 25/2019 s 64	6.4.2020
	amended by 46/2024 s 14(8)	**24.4.2025**
s 80(3)	amended by 120/1978 s 48(d)	18.1.1979
	amended by 46/2024 s 14(9)	**24.4.2025**
s 80(5)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 8/2009 s 17	1.2.2010
s 81		
s 81(1)	substituted by 120/1978 s 49(a)	18.1.1979
	amended by 52/1999 s 49(a), (b)	1.12.1999
s 81(1a)	inserted by 120/1978 s 49(a)	18.1.1979
	deleted by 15/1989 s 8	4.9.1989
	inserted by 8/2021 s 11	22.11.2021
s 81(1b)	*inserted by 120/1978 s 49(a)*	*18.1.1979*
	amended by 11/1989 Sch	*30.3.1989*
	deleted by 15/1989 s 8	*4.9.1989*
s 81(2)	amended by 120/1978 s 49(b)	18.1.1979
	amended by 52/1999 s 49(b)	1.12.1999
	amended by 8/2003 s 13	15.12.2003
	amended by 10/2005 s 11	31.10.2005
	amended by 70/2013 s 10	28.7.2014
s 81(3)	substituted by 120/1978 s 49(c)	18.1.1979
	amended by 20/1990 s 23	17.7.1990
	amended by 52/1999 s 49(b)	1.12.1999
s 81(4)	amended by 120/1978 s 49(d)	18.1.1979
	amended by 50/1984 s 3(1) (Sch 3)	1.1.1985
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 8/2009 s 18(1), (2)	1.2.2010
s 81A before substitution by 71/2009	*inserted by 37/1980 s 4*	*1.6.1980*
s 81A(a1)	*inserted by 10/2005 s 12(1)*	*31.10.2005*
examiner	*amended by 13/2006 s 65(1)*	*30.4.2007*
oral fluid	*inserted by 77/2005 Sch 1 cl 5(1)*	*1.7.2006*
	deleted by 8/2009 s 19(1)	*1.5.2009*
prescribed drug	*inserted by 77/2005 Sch 1 cl 5(2)*	*1.7.2006*
	deleted by 8/2009 s 19(1)	*1.5.2009*
serious disqualification offence	*amended by 59/2007 s 5(1)—(3)*	*23.6.2008*
s 81A(1)	*amended by 48/1981 s 4(a)*	*18.6.1981*

	amended by 72/1985 s 4(a)—(e)	*1.7.1985*
	amended by 15/1989 s 9(a), (b)	*4.9.1989*
	amended by 35/1989 s 5(a)	*30.10.1989*
	amended by 65/1994 s 4(a)	*5.12.1994*
	(f) deleted by 65/1994 s 4(a)	*5.12.1994*
	amended by 60/1998 s 41	*6.3.2000*
	amended by 52/1999 s 50(a), (b)	*17.6.2001*
	(caa) deleted by 52/1999 s 50(b)	*17.6.2001*
	amended by 17/2001 s 11	*17.6.2001*
	amended by 8/2003 s 14(a)	*15.12.2003*
	amended by 10/2005 s 12(2)—(4)	*31.10.2005*
	amended by 77/2005 Sch 1 cl 5(3)	*1.7.2006*
s 81A(1aa)	*inserted by 20/1983 s 3(a)*	*26.5.1983*
	amended by 72/1985 s 4(f)	*1.7.1985*
	amended by 15/1989 s 9(c)	*4.9.1989*
	amended by 30/1996 s 32(a)	*2.5.1998*
	amended by 52/1999 s 50(c)	*17.6.2001*
	deleted by 10/2005 s 12(5)	*31.10.2005*
s 81A(1a)	*inserted by 48/1981 s 4(b)*	*18.6.1981*
	deleted by 10/2005 s 12(5)	*31.10.2005*
prescribed concentration of alcohol	*substituted by 72/1985 s 4(g)*	*1.7.1985*
unconditional licence	*inserted by 72/1985 s 4(g)*	*1.7.1985*
s 81A(2)	*amended by 15/1989 s 9(d)*	*4.9.1989*
	substituted by 35/1989 s 5(b)	*30.10.1989*
	amended by 91/2000 s 8(a)	*16.7.2001*
	amended by 8/2003 s 14(b)—(d)	*15.12.2003*
	substituted by 10/2005 s 12(5)	*31.10.2005*
s 81A(2aa)	*inserted by 8/2003 s 14(e)*	*15.12.2003*
	deleted by 10/2005 s 12(5)	*31.10.2005*
s 81A(2a)	*inserted by 15/1989 s 9(e)*	*4.9.1989*
	deleted by 65/1994 s 4(b)	*5.12.1994*
	inserted by 91/2000 s 8(b)	*16.7.2001*
	amended by 8/2003 s 14(f), (g)	*15.12.2003*
	deleted by 10/2005 s 12(5)	*31.10.2005*
s 81A(3)	*substituted by 72/1985 s 4(h)*	*1.7.1985*
	amended by 35/1989 s 5(c)	*30.10.1989*
	substituted by 52/1999 s 50(d)	*17.6.2001*
	substituted by 10/2005 s 12(5)	*31.10.2005*
s 81A(3a)	*inserted by 10/2005 s 12(5)*	*31.10.2005*
	amended by 77/2005 Sch 1 cl 5(4)	*1.7.2006*
s 81A(3b)	*inserted by 10/2005 s 12(5)*	*31.10.2005*

	substituted by 59/2007 s 5(4)	*23.6.2008*
s 81A(3ba)	*inserted by 59/2007 s 5(4)*	*23.6.2008*
s 81A(3d)	*amended by 8/2009 s 19(2)*	*1.5.2009*
s 81A(3e)	*inserted by 10/2005 s 12(5)*	*31.10.2005*
s 81A(4)	*amended by 15/1989 s 9(f)*	*4.9.1989*
	amended by 30/1996 s 32(b)	*2.5.1998*
s 81A(4a)	*inserted by 72/1985 s 4(i)*	*1.7.1985*
	deleted by 15/1989 s 9(g)	*4.9.1989*
s 81A(5)	*amended by 72/1985 s 4(j)*	*1.7.1985*
	amended by 11/1989 Sch 1	*30.3.1989*
	substituted by 15/1989 s 9(h)	*4.9.1989*
	amended by 30/1996 s 32(b)	*2.5.1998*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
s 81A(5a)	*inserted by 72/1985 s 4(k)*	*1.7.1985*
	amended by 11/1989 Sch	*30.3.1989*
	amended by 15/1989 s 9(i)	*4.9.1989*
	amended by 30/1996 s 32(b)	*2.5.1998*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	amended by 52/1999 s 50(e)	*17.6.2001*
	amended by 10/2005 s 12(6)	*31.10.2005*
s 81A(5b)	*inserted by 72/1985 s 4(k)*	*1.7.1985*
	amended by 11/1989 Sch	*30.3.1989*
	amended by 15/1989 s 9(j)	*4.9.1989*
	amended by 35/1989 s 5(d)	*30.10.1989*
	amended by 30/1996 s 32(b)	*2.5.1998*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
s 81A(6)	*inserted by 48/1981 s 4(c)*	*18.6.1981*
	amended by 20/1983 s 3(b)	*26.5.1983*
	amended by 95/1995 s 12	*4.4.1996*
	amended by 52/1999 s 50(f)	*23.3.2000*
	substituted by 10/2005 s 12(7)	*31.10.2005*
	amended by 77/2005 Sch 1 cl 5(5)	*1.7.2006*
s 81A(7)	*inserted by 48/1981 s 4(c)*	*18.6.1981*
	deleted by 29/1996 s 6	*1.7.1996*
s 81A(8)	*inserted by 48/1981 s 4(c)*	*18.6.1981*
	amended by 11/1989 Sch	*30.3.1989*
	deleted by 29/1996 s 6	*1.7.1996*
s 81A(9)	*inserted by 48/1981 s 4(c)*	*18.6.1981*
	deleted by 29/1996 s 6	*1.7.1996*
s 81A(10)	*inserted by 72/1985 s 4(l)*	*1.7.1985*
	amended by 10/2005 s 12(8)	*31.10.2005*

s 81A before substitution by 70/2013	*substituted by 71/2009 s 12*	*4.9.2010*
s 81A(16)	*amended by 14/2010 s 6(1)*	*9.12.2010*
s 81A(17)	*amended by 14/2010 s 6(2)*	*9.12.2010*
s 81A(18)	*deleted by 14/2010 s 6(3)*	*9.12.2010*
s 81A	substituted by 70/2013 s 11	28.7.2014
s 81A(2)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 81A(4)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 81A(13)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 81A(17)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 81A(19)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 81A(22)	inserted by 17/2021 s 23	1.9.2022
s 81AB	inserted by 52/1999 s 51	17.6.2001
s 81AB(1)	amended by 8/2003 s 15(a)	15.12.2003
	amended by 77/2005 Sch 1 cl 6(1)	1.7.2006
	amended by 71/2009 s 13(1)	4.9.2010
	(c) deleted by 64/2013 s 6(1)	31.3.2014
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
	substituted by 49/2021 Sch 1 cl 3	13.2.2023
s 81AB(3)	amended by 91/2000 s 8(c)	16.7.2001
	amended by 8/2009 s 20(1)	1.5.2009
s 81AB(3a)	inserted by 91/2000 s 8(d)	16.7.2001
	amended by 8/2003 s 15(b)—(d)	15.12.2003
	amended by 8/2009 s 20(2), (3)	1.5.2009
s 81AB(3b)	inserted by 8/ 2009 s 20(4)	1.5.2009
	amended by 64/2013 s 6(2)	31.3.2014
s 81AB(6)	amended by 10/2005 s 13	31.10.2005
	amended by 77/2005 Sch 1 cl 6(2)	1.7.2006
s 81AB(7)		
oral fluid	*inserted by 77/2005 Sch 1 cl 6(3)*	*1.7.2006*
	deleted by 8/2009 s 20(5)	*1.5.2009*
prescribed circumstances	inserted by 71/2009 s 13(2)	4.9.2010
	amended by 14/2010 s 7	9.12.2010
prescribed drug	*inserted by 77/2005 Sch 1 cl 6(4)*	*1.7.2006*
	deleted by 8/2009 s 20(5)	*1.5.2009*
s 81AB(8)	inserted by 17/2021 s 24	1.9.2022
s 81AC	inserted by 8/2021 s 12	22.11.2021
s 81B before substitution by 71/2009	*inserted by 37/1980 s 4*	*1.6.1980*
s 81B(1) before deletion by 8/2009	*amended by 48/1981 s 5*	*18.6.1981*

	substituted by 72/1985 s 5(a)	*1.7.1985*
alcohol interlock scheme conditions	*inserted by 91/2000 s 8(e)*	*16.7.2001*
	deleted by 8/2003 s 16(a)	*15.12.2003*
prescribed conditions	*probationary conditions amended by 15/1989 s 10(a)*	*4.9.1989*
	probationary conditions amended to read as prescribed conditions by 30/1996 s 33(a), (b)	*2.5.1998*
	substituted by 52/1999 s 52(a)	*17.6.2001*
	substituted by 91/2000 s 8(e)	*16.7.2001*
	deleted by 10/2005 s 14(1)	*31.10.2005*
relevant drink driving offence	*inserted by 91/2000 s 8(e)*	*16.7.2001*
	substituted by 8/2003 s 16(b)	*15.12.2003*
s 81B(1)	*deleted by 8/2009 s 21(1)*	*1.5.2009*
s 81B(1a)	*inserted by 20/1983 s 4(a)*	*26.5.1983*
	deleted by 72/1985 s 5(a)	*1.7.1985*
s 81B(2)	*amended by 40/1981 s 3*	*4.6.1981*
	substituted by 20/1983 s 4(b)	*26.5.1983*
	substituted by 72/1985 s 5(a)	*1.7.1985*
	amended by 15/1989 s 10(b)	*4.9.1989*
	amended by 1/1992 s 6	*1.6.1992*
	amended by 30/1996 s 33(b), (c)	*2.5.1998*
	amended by 52/1999 s 52(b)—(d)	*17.6.2001*
	amended by 17/2001 s 12(a)	*17.6.2001*
	amended by 91/2000 s 8(f)	*16.7.2001*
	amended by 10/2005 s 14(2)	*31.10.2005*
	amended by 59/2007 s 6(1), (2)	*23.6.2008*
s 81B(2a)	*inserted by 91/2000 s 8(g)*	*16.7.2001*
	deleted by 8/2009 s 21(2)	*1.5.2009*
s 81B(3)	*deleted by 20/1983 s 4(c)*	*26.5.1983*
	inserted by 72/1985 s 5(a)	*1.7.1985*
	substituted by 29/1996 s 7	*1.7.1996*
	amended by 59/2007 s 6(3)	*23.6.2008*
s 81B(3a)	*inserted by 29/1996 s 7*	*1.7.1996*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
s 81B(3b)	*inserted by 29/1996 s 7*	*1.7.1996*
	deleted by 59/2007 s 6(4)	*23.6.2008*
s 81B(4)	*substituted by 72/1985 s 5(a)*	*1.7.1985*
	amended by 17/2001 s 12(b)	*17.6.2001*
s 81B(5)	*substituted by 72/1985 s 5(a)*	*1.7.1985*
	amended by 30/1996 s 33(a)	*2.5.1998*
	substituted by 10/2005 s 14(3)	*31.10.2005*
s 81B(6)	*substituted by 72/1985 s 5(a)*	*1.7.1985*

	amended by 4/2000 s 9(1) (Sch 1 cl 26(a))	*1.6.2000*
	substituted by 10/2005 s 14(3)	*31.10.2005*
s 81B(8)	*amended by 72/1985 s 5(b)*	*1.7.1985*
	amended by 4/2000 s 9(1) (Sch 1 cl 26(b))	*1.6.2000*
	amended by 10/2005 s 14(4)	*31.10.2005*
s 81B(9)	*substituted by 72/1985 s 5(c)*	*1.7.1985*
	amended by 15/1989 s 10(c)	*4.9.1989*
	amended by 35/1989 s 6	*30.10.1989*
	amended by 30/1996 s 33(a), (b)	*2.5.1998*
	amended by 4/2000 s 9(1) (Sch 1 cl 26(c))	*1.6.2000*
	substituted by 52/1999 s 52(e)	*17.6.2001*
	amended by 17/2001 s 12(c)	*17.6.2001*
	amended by 4/2000 s 9(1) (Sch 1 cl 27(a))	*17.6.2001*
	amended by 91/2000 s 8(h)—(j)	*16.7.2001*
	amended by 8/2003 s 16(c)	*15.12.2003*
	substituted by 10/2005 s 14(5)	*31.10.2005*
s 81B(9a)	*inserted by 91/2000 s 8(k)*	*16.7.2001*
	deleted by 10/2005 s 14(5)	*31.10.2005*
relevant prescribed conditions	*amended by 37/2002 s 13*	*3.7.2003*
s 81B(10)	*substituted by 72/1985 s 5(c)*	*1.7.1985*
s 81B(10a)	*inserted by 72/1985 s 5(c)*	*1.7.1985*
	deleted by 52/1999 s 52(f)	*17.6.2001*
s 81B(10b)	*inserted by 72/1985 s 5(c)*	*1.7.1985*
	amended by 15/1989 s 10(d)	*4.9.1989*
	amended by 30/1996 s 33(a)	*2.5.1998*
	deleted by 52/1999 s 52(f)	*17.6.2001*
s 81B(11)	*amended by 72/1985 s 5(d)*	*1.7.1985*
	substituted by 10/2005 s 14(6)	*31.10.2005*
s 81B(11a)	*inserted by 20/1983 s 4(d)*	*26.5.1983*
	deleted by 15/1989 s 10(e)	*4.9.1989*
	inserted by 10/2005 s 14(6)	*31.10.2005*
	amended by 59/2007 s 6(5), (6)	*23.6.2008*
s 81B(11b)	*inserted by 20/1983 s 4(d)*	*26.5.1983*
	amended by 11/1989 Sch	*30.3.1989*
	deleted by 15/1989 s 10(e)	*4.9.1989*
s 81B	substituted by 71/2009 s 14	4.9.2010
s 81B(1)	amended by 64/2013 s 7	31.3.2014
s 81B(3)	amended by 13/2011 s 18	30.6.2011
s 81BA—see s 81BC		
s 81BA	inserted by 71/2009 s 14	4.9.2010
s 81BA(1)	amended by 64/2013 s 8(1)	31.3.2014

s 81BA(2)	substituted by 64/2013 s 8(2)	31.3.2014
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 81BA(3)	amended by 70/2013 s 12(1)	28.7.2014
	(d), (e) deleted by 70/2013 s 12(2)	28.7.2014
s 81BA(4)	amended by 70/2013 s 12(3)	28.7.2014
s 81BA(6)		
red light offence	inserted by 70/2013 s 12(4)	28.7.2014
serious disqualification offence	substituted by 70/2013 s 12(4)	28.7.2014
speeding offence	inserted by 70/2013 s 12(4)	28.7.2014
s 81BB	inserted by 71/2009 s 14	4.9.2010
s 81BB(1)	amended by 48/2024 s 4	7.11.2024
s 81BB(2)	amended by 64/2013 s 9(1)	31.3.2014
s 81BB(4)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 81BB(7)	amended by 70/2013 s 13(1), (2)	28.7.2014
	(e), (f) deleted by 70/2013 s 13(2)	28.7.2014
s 81BB(8)	amended by 64/2013 s 9(2), (3)	31.3.2014
	amended by 70/2013 s 13(3)	28.7.2014
s 81BC	s 81BA inserted by 59/2007 s 7	23.6.2008
	s 81BA redesignated as s 81BC by 71/2009 s 15	4.9.2010
	deleted by 70/2013 s 14	28.7.2014
	inserted by 54/2017 s 7	1.5.2019
s 81BC(1)	amended by 39/2019 s 3(1), (2)	6.12.2019
	amended by 48/2024 s 5(1)	7.11.2024
s 81BC(3)	amended by 39/2019 s 3(3), (4)	6.12.2019
	amended by 48/2024 s 5(2)	7.11.2024
s 81BC(3a) and (3b)	inserted by 48/2024 s 5(3)	7.11.2024
s 81BC(7)	amended by 39/2019 s 3(5), (6)	6.12.2019
	amended by 48/2024 s 5(4)	7.11.2024
s 81BC(8)	amended by 39/2019 s 3(7)	6.12.2019
	amended by 48/2024 s 5(5)	7.11.2024
s 81BC(8a) and (8b)	inserted by 48/2024 s 5(6)	7.11.2024
s 81C	inserted by 8/2003 s 17	15.12.2003
s 81C(1)	amended by 48/2024 s 6(1)	7.11.2024
s 81C(2)	amended by 6/2005 s 4(1)	1.12.2005
	amended by 59/2007 s 8(1), (2)	23.6.2008
	(c) deleted by 8/2009 s 22(1)	1.5.2009
	amended by 70/2013 s 15	28.7.2014
	amended by 48/2024 s 6(2)	7.11.2024
s 81C(3)—(6)	*deleted by 8/2009 s 22(2)*	*1.5.2009*

s 81C(3)—(5)	inserted by 48/2024 s 6(3)	7.11.2024
s 81C(7)	amended by 6/2005 s 4(2)	1.12.2005
	substituted by 8/2009 s 22(3)	1.2.2010
s 81C(9)—(11)	inserted by 48/2024 s 6(4)	7.11.2024
s 81D	inserted by 77/2005 Sch 1 cl 7	1.7.2006
s 81D(1)	substituted by 63/2017 s 11(1)	24.4.2018
s 81D(2)	amended by 59/2007 s 9(1), (2)	23.6.2008
	amended by 70/2013 s 16	28.7.2014
	amended by 63/2017 s 11(2)	8.3.2018
	substituted by 49/2021 Sch 1 cl 4	13.2.2023
	amended by 48/2024 s 7(1), (2)	7.11.2024
s 81D(2a) and (2b)	inserted by 48/2024 s 7(3)	7.11.2024
s 81D(3)	substituted by 8/2009 s 23	1.2.2010
s 81D(5)—(7)	inserted by 48/2024 s 7(4)	7.11.2024
s 81E	inserted by 8/2009 s 24	1.5.2009
s 81E(3)	amended by 20/2020 s 4(1), (2)	30.11.2020
s 81E(6)	amended by 17/2021 s 25	1.9.2022
s 81F	inserted by 8/2009 s 24	1.5.2009
s 81F(1)	amended by 38/2017 s 21	19.12.2017
s 81G		
s 81G(1)	s 81G inserted by 8/2009 s 24	1.5.2009
	s 81G redesignated as s 81G(1) by 17/2021 s 26	1.9.2022
s 81G(2)	inserted by 17/2021 s 26	1.9.2022
s 81H	inserted by 8/2009 s 24	1.5.2009
s 82 before substitution by 52/1999	*amended by 79/1976 s 12*	*17.1.1977*
	amended by 120/1978 s 50	*18.1.1979*
	amended by 37/1980 s 5	*1.6.1980*
	amended by 40/1981 s 4	*4.6.1981*
	amended by 20/1983 s 5	*26.5.1983*
	amended by 11/1989 Sch	*30.3.1989*
	amended by 15/1989 s 11	*4.9.1989*
	amended by 30/1996 s 34	*2.5.1998*
s 82	substituted by 52/1999 s 53	17.6.2001
s 82(1)	s 82 redesignated as s 82(1) by 64/2013 s 10	16.1.2014
s 82(2)	inserted by 64/2013 s 10	16.1.2014
s 83 before substitution by 59/2007	*deleted by 14/1976 s 50*	*13.5.1976*
	inserted by 52/1999 s 53	*17.6.2001*
s 83(2)	*substituted by 13/2006 s 51*	*30.4.2007*
s 83	substituted by 59/2007 s 10	23.6.2008
s 83(2)	substituted by 17/2021 s 27(1)	1.9.2022

s 83(4)	substituted by 17/2021 s 27(2)	1.9.2022
ss 83A—83D	*deleted by 14/1976 s 51*	*13.5.1976*
s 84	substituted by 14/1976 s 52	7.7.1976
	amended by 4/1986 s 8	13.3.1986
	amended by 75/1987 s 4	27.1.1988
	amended by 15/1989 s 12	4.9.1989
	amended by 20/1990 s 24	17.7.1990
	amended by 30/1996 s 35	2.5.1998
	substituted by 52/1999 s 53	17.6.2001
s 85		
s 85(1)	s 85 amended by 120/1978 s 51	18.1.1979
	s 85 amended by 11/1989 Sch	30.3.1989
	s 85 amended by 15/1989 s 13	4.9.1989
	s 85 substituted by 52/1999 s 53	17.6.2001
	s 85 redesignated as s 85(1) by 31/2013 s 41	3.2.2014
	amended by 38/2017 s 22	19.12.2017
s 85(2)	inserted by 31/2013 s 41	3.2.2014
s 86	*deleted by 120/1978 s 52*	*18.1.1979*
s 87	*deleted by 14/1976 s 53*	*13.5.1976*
heading preceding s 88	*deleted by 52/1999 s 53*	*17.6.2001*
s 88	*amended by 4/2000 s 9(1) (Sch 1 cl 26(d), (e))*	*1.6.2000*
	deleted by 52/1999 s 53	*17.6.2001*
ss 89 and 90	*deleted by 52/1999 s 53*	*17.6.2001*
s 91		
s 91(1)	amended by 15/1989 s 14	4.9.1989
s 91(2)	amended by 52/1999 s 54(a)	17.6.2001
s 91(3)	amended by 52/1999 s 54(a)	17.6.2001
	amended by 71/2009 s 16(1)	4.9.2010
s 91(4)	amended by 52/1999 s 54(a)	17.6.2001
s 91(5)	amended by 11/1989 Sch	30.3.1989
	amended by 73/1993 s 2	21.10.1993
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 52/1999 s 54(a), (b)	17.6.2001
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
	substituted by 49/2021 Sch 1 cl 5(1)	13.2.2023
s 91(5a)	inserted by 49/2021 Sch 1 cl 5(1)	13.2.2023
s 91(6)	inserted by 71/2009 s 16(2)	4.9.2010
	amended by 49/2021 Sch 1 cl 5(2)	13.2.2023
s 92	*amended by 120/1978 s 53*	*18.1.1979*
	amended by 72/1985 s 6	*1.7.1985*
	amended by 11/1989 Sch	*30.3.1989*
	deleted by 15/1989 s 15	*4.9.1989*

s 93		
s 93(1)	amended by 37/1980 s 6	1.6.1980
	substituted by 34/1993 s 8	5.8.1993
	amended by 6/2005 s 5(1), (2)	1.12.2005
	amended by 13/2006 s 52	30.4.2007
	amended by 8/2009 s 25	1.2.2010
	amended by 54/2017 s 8	1.5.2019
s 93(2)	substituted by 34/1993 s 8	5.8.1993
s 93(2a)	*inserted by 34/1993 s 8*	*5.8.1993*
	deleted by 52/1999 s 55(a)	*17.6.2001*
s 93(3)	*deleted by 52/1999 s 55(a)*	*17.6.2001*
s 93(3a)	inserted by 40/1981 s 5	4.6.1981
	amended by 15/1989 s 16	4.9.1989
	amended by 34/1996 s 4 (Sch cl 24)	3.2.1997
	amended by 30/1996 s 36	2.5.1998
	amended by 52/1999 s 55(b)	17.6.2001
	substituted by 31/2013 s 42(1)	3.2.2014
	amended by 71/2017 Sch 1 cl 29(1)	30.4.2018
s 93(3b)	inserted by 40/1981 s 5	4.6.1981
	amended by 34/1996 s 4 (Sch cl 24)	3.2.1997
s 93(3c)	inserted by 31/2013 s 42(2)	3.2.2014
	amended by 71/2017 Sch 1 cl 29(2), (3)	30.4.2018
s 93(4)	amended by 50/1984 s 3(1) (Sch 3)	1.1.1985
s 94	amended by 120/1978 s 54	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	deleted by 15/1989 s 17	4.9.1989
	inserted by 42/2012 s 4	31.1.2013
s 95	*amended by 120/1978 s 55*	*18.1.1979*
	deleted by 15/1989 s 17	*4.9.1989*
s 96		
s 96(1)	amended by 120/1978 s 56(a), (b)	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 52/1999 s 56(a)	17.6.2001
	amended by 13/2006 ss 53(1), 65(1)	30.4.2007
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 96(2)	amended by 120/1978 s 56(c)	18.1.1979
	amended by 52/1999 s 56(a)	17.6.2001
s 96(3)	amended by 120/1978 s 56(d)	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 52/1999 s 56(a)	17.6.2001
	amended by 13/2006 s 65(1)	30.4.2007

	amended by 13/2011 s 19	30.6.2011
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 96(4)	substituted by 15/1989 s 18	4.9.1989
driver	amended by 52/1999 s 56(b)	17.6.2001
police officer	member of the police force (b) deleted by 13/2006 s 53(2)	30.4.2007
	member of the police force amended to read police officer by 13/2006 s 65(1)	30.4.2007
	amended by 13/2006 s 66	30.4.2007
s 97		
s 97(1)	amended by 120/1978 s 57	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 52/1999 s 57(a), (b)	1.12.1999
	amended by 13/2006 s 54(1), (2)	30.4.2007
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 97(2)	amended by 52/1999 s 57(b)	1.12.1999
s 97A	amended by 14/1976 s 54	13.5.1976
	amended by 120/1978 s 58	18.1.1979
	substituted by 11/1989 s 4	30.3.1989
s 97A(1)	substituted by 52/1999 s 58(a)	17.6.2001
	amended by 59/2007 s 11(1)	23.6.2008
	amended by 71/2009 s 17(1), (2)	4.9.2010
s 97A(2)	substituted by 52/1999 s 58(a)	17.6.2001
s 97A(2a) and (2b)	inserted by 52/1999 s 58(a)	17.6.2001
s 97A(2c)	inserted by 71/2017 Sch 1 cl 30	30.4.2018
s 97A(3)	amended by 13/1998 s 10 (Sch)	28.5.1998
	(c) deleted by 13/2006 s 55(1)	30.4.2007
	amended by 13/2006 ss 55(2), 65(1), 66	30.4.2007
	amended by 71/2009 s 17(3)	4.9.2010
s 97A(4)	substituted by 52/1999 s 58(b)	17.6.2001
	amended by 10/2005 s 15	31.10.2005
	substituted by 71/2009 s 17(4)	4.9.2010
s 97A(5)	substituted by 52/1999 s 58(b)	17.6.2001
	substituted by 71/2009 s 17(4)	4.9.2010
s 97A(6)	substituted by 52/1999 s 58(b)	17.6.2001
interstate learner's permit	inserted by 71/2009 s 17(5)	4.9.2010
interstate licence	*deleted by 71/2009 s 17(5)*	*4.9.2010*
permanent resident	inserted by 59/2007 s 11(2)	23.6.2008
s 98	*deleted by 71/2009 s 18*	*4.9.2010*
s 98AAA	inserted by 1/1992 s 7	1.6.1992
s 98AAA(1)	amended by 13/1998 s 10 (Sch)	28.5.1998

	amended by 52/1999 s 59(a)	9.7.2001
	amended by 13/2006 ss 56(1), (2), 65(1)	30.4.2007
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98AAA(1a)	inserted by 76/2000 s 6	1.3.2001
police officer	member of the police force (b) deleted by 13/2006 s 56(3)	30.4.2007
	member of the police force amended to read police officer by 13/2006 s 65(1)	30.4.2007
	amended by 13/2006 s 66	30.4.2007
s 98AAA(2)	amended by 52/1999 s 59(b)	9.7.2001
s 98AAA(3)	*deleted by 52/1999 s 59(c)*	*9.7.2001*
s 98AA	inserted by 15/1989 s 19	4.9.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 52/1999 s 60	17.6.2001
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98AAB	inserted by 65/1994 s 5	5.12.1994
	amended by 30/1996 s 37	2.5.1998
	amended by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 52/1999 s 61	17.6.2001
	amended by 13/2006 ss 57, 65(1)	30.4.2007
ss 98AAC	inserted by 52/1999 s 61	17.6.2001
ss 98AAD	inserted by 52/1999 s 61	17.6.2001
s 98AAD(2)	amended by 14/2010 s 8	9.12.2010
s 98AAE		
s 98AAE(1)	s 98AAE inserted by 52/1999 s 61	17.6.2001
	s 98AAE amended and redesignated as s 98AAE(1) by 71/2009 s 19(1), (2)	4.9.2010
s 98AAE(2)	inserted by 71/2009 s 19(2)	4.9.2010
s 98AAF	inserted by 52/1999 s 61	17.6.2001
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98AAG	inserted by 75/2013 s 3	5.12.2013
Pt 3A		
s 98A		
s 98A(1)	amended by 14/1976 s 55(a)	13.5.1976
	amended by 120/1978 s 59(a)	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 20	30.6.2011
s 98A(2)	substituted by 14/1976 s 55(b)	13.5.1976
	amended by 8/2003 s 18(a)	15.12.2003
	amended by 10/2005 s 16(1)	31.10.2005
s 98A(2a)	substituted by 14/1976 s 55(b)	13.5.1976
s 98A(2aa)	inserted by 4/1986 s 9(a)	13.3.1986
s 98A(2b)	*inserted by 14/1976 s 55(b)*	*13.5.1976*

	deleted by 52/1999 s 62(a)	*17.6.2001*
s 98A(3)	amended by 4/1986 s 9(b)	13.3.1986
s 98A(4)	deleted by 14/1976 s 55(c)	13.5.1976
	inserted by 37/2002 s 14	3.7.2003
s 98A(7)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98A(7a)	*deleted by 52/1999 s 62(b)*	*17.6.2001*
s 98A(9)	amended by 120/1978 s 59(b)	18.1.1979
	amended by 15/1989 s 20	4.9.1989
	amended by 52/1999 s 62(c)	17.6.2001
s 98A(10)	inserted by 14/1976 s 55(d)	13.5.1976
	amended by 13/2006 s 65(1)	30.4.2007
s 98A(11)	*inserted by 8/2003 s 18(b)*	*15.12.2003*
	deleted by 10/2005 s 16(2)	*31.10.2005*
Pt 3B	amended by 14/1976 s 56	13.5.1976
	amended by 120/1978 s 60	18.1.1979
	amended by 40/1981 s 6	4.6.1981
	amended by 11/1989 Sch	30.3.1989
	substituted by 1/1992 s 8	1.6.1992
s 98AB	inserted by 17/2001 s 13	17.6.2001
s 98B		
s 98B(1)	amended by 52/1999 s 63(a), (b)	1.12.1999
s 98B(1aa)	inserted by 9/2025 s 16	12.3.2025
s 98B(1a)	inserted by 34/1996 s 4 (Sch cl 24)	3.2.1997
	amended by 31/2013 s 43	3.2.2014
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98B(2)	*deleted by 52/1999 s 63(c)*	*17.6.2001*
s 98B(3)	amended by 8/2003 s 19(a)	15.12.2003
s 98B(3a)—(3c)	inserted by 8/2003 s 19(b)	15.12.2003
s 98BC	amended by 73/1996 s 2	7.11.1996
	substituted by 52/1999 s 64	17.6.2001
s 98BC(1)	substituted by 71/2009 s 20(1)	4.9.2010
s 98BC(2)	amended by 71/2009 s 20(2), (3)	4.9.2010
s 98BD		
s 98BD(1)	amended by 52/1999 s 65(a)	17.6.2001
	amended by 59/2007 s 12(1)	23.6.2008
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98BD(2)	amended by 52/1999 s 65(a)	17.6.2001
	substituted by 59/2007 s 12(2)	23.6.2008
	amended by 71/2009 s 21(1), (2)	4.9.2010
	amended by 70/2013 s 17	28.7.2014
s 98BD(3)	*deleted by 59/2007 s 12(2)*	*23.6.2008*
s 98BD(3a)	inserted by 52/1999 s 65(b)	17.6.2001
s 98BE		

s 98BE(1)	substituted by 52/1999 s 66(a)	17.6.2001
	substituted by 59/2007 s 13(1)	23.6.2008
s 98BE(1a)—(1d)	*inserted by 52/1999 s 66(a)*	*17.6.2001*
	deleted by 59/2007 s 13(1)	*23.6.2008*
s 98BE(2)	substituted by 59/2007 s 13(1)	23.6.2008
s 98BE(2a)	inserted by 59/2007 s 13(1)	23.6.2008
	amended by 70/2013 s 18	28.7.2014
s 98BE(3)	*amended by 59/2007 s 13(2)*	*23.6.2008*
	deleted by 71/2009 s 22(1)	*4.9.2010*
s 98BE(4)	*deleted by 52/1999 s 66(b)*	*17.6.2001*
s 98BE(5)	amended by 52/1999 s 66(c)—(e)	17.6.2001
	amended by 71/2009 s 22(2)	4.9.2010
s 98BF	deleted by 52/1999 s 67	17.6.2001
	inserted by 71/2009 s 23	4.9.2010
s 98BG	*amended by 13/1998 s 10 (Sch)*	*28.5.1998*
	deleted by 52/1999 s 67	*17.6.2001*
s 98BI	inserted by 52/1999 s 68	1.12.1999
s 98BI(1)	amended by 71/2009 s 24(1)	4.9.2010
s 98BI(2)		
licensing authority	amended by 71/2009 s 24(2)	4.9.2010
Pt 3C	inserted by 14/1976 s 57	13.5.1976
s 98C	*amended by 120/1978 s 61*	*18.1.1979*
	substituted by 98/1981 s 4	*2.9.1984*
	deleted by 13/2006 s 58	*30.4.2007*
District Court	*inserted by 53/1996 s 5*	*24.3.1997*
	deleted by 52/1999 s 69	*1.12.1999*
s 98D	amended by 120/1978 s 62	18.1.1979
	substituted by 98/1981 s 4	2.9.1984
s 98D(1)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98DA	*inserted by 120/1978 s 63*	*18.1.1979*
	deleted by 98/1981 s 4	*2.9.1984*
s 98E	amended by 120/1978 s 64	18.1.1979
	substituted by 98/1981 s 4	2.9.1984
s 98F	amended by 120/1978 s 65	18.1.1979
	amended by 40/1981 s 7	4.6.1981
	substituted by 98/1981 s 4	2.9.1984
s 98F(1)	amended by 52/1999 s 70	1.12.1999
s 98G	amended by 120/1978 s 66	18.1.1979
	substituted by 98/1981 s 4	2.9.1984
s 98G(1)	*deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted*	*18.12.1989*
s 98H	substituted by 98/1981 s 4	2.9.1984

s 98H(3)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98I	amended by 120/1978 s 67	18.1.1979
	substituted by 98/1981 s 4	2.9.1984
s 98J	amended by 120/1978 s 68	18.1.1979
	substituted by 98/1981 s 4	2.9.1984
	amended by 52/1999 s 71	1.12.1999
s 98JA	*inserted by 120/1978 s 69*	*18.1.1979*
	deleted by 98/1981 s 4	*2.9.1984*
s 98K	amended by 120/1978 s 70	18.1.1979
	substituted by 98/1981 s 4	2.9.1984
s 98K(4)	*deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted*	*18.12.1989*
s 98K(5)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98L	amended by 120/1978 s 71	18.1.1979
	substituted by 98/1981 s 4	2.9.1984
s 98L(3)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98M	amended by 120/1978 s 72	18.1.1979
	substituted by 98/1981 s 4	2.9.1984
s 98MA	inserted by 98/1981 s 4	2.9.1984
s 98MA(2)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98MB	inserted by 98/1981 s 4	2.9.1984
s 98MC	inserted by 98/1981 s 4	2.9.1984
s 98MC(1) and (2)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98MD	inserted by 98/1981 s 4	2.9.1984
s 98MD(1)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98MD(2)	amended by 17/2021 s 28	1.9.2022
s 98MD(3)	amended by 13/2006 ss 65(1), 66	30.4.2007
s 98MD(4)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98ME	inserted by 98/1981 s 4	2.9.1984
s 98ME(1)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2006 ss 65(1), 66	30.4.2007
s 98ME(3)—(5)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98ME(7) and (9)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998

s 98ME(10) and (11)	amended by 13/2006 ss 65(1), 66	30.4.2007
s 98ME(12)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98ME(13)	amended by 13/2006 ss 65(1), 66	30.4.2007
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98ME(14)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98MF	inserted by 98/1981 s 4	2.9.1984
s 98MF(1)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98MG	inserted by 98/1981 s 4	2.9.1984
s 98MG(1)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98MH	inserted by 98/1981 s 4	2.9.1984
s 98MH(1)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98MI	inserted by 98/1981 s 4	2.9.1984
s 98MI(1)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98MI(4) and (5)	amended by 13/2006 s 66	30.4.2007
s 98MJ	inserted by 98/1981 s 4	2.9.1984
s 98MJ(1)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98MK	inserted by 98/1981 s 4	2.9.1984
s 98MK(1)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98ML before substitution by 38/2017	*inserted by 98/1981 s 4*	*2.9.1984*
s 98ML(1)	*amended by 11/1989 Sch*	*30.3.1989*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
s 98ML(2)	*amended by 11/1989 Sch*	*30.3.1989*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	amended by 13/2006 ss 65(1), 66	*30.4.2007*
s 98ML	substituted by 38/2017 s 23	20.3.2018
s 98N	amended by 98/1981 s 5	2.9.1984
	amended by 11/1989 Sch	30.3.1989
	amended by 65/1996 s 11	17.11.1997
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98O		

s 98O(1)	s 98O inserted by 79/1976 s 13	17.1.1977
	s 98O amended and redesignated as s 98O(1) by 120/1978 s 73	18.1.1979
	amended by 98/1981 s 6(a)	2.9.1984
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98O(2)	inserted by 120/1978 s 73(b)	18.1.1979
	amended by 98/1981 s 6(b)	2.9.1984
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98O(3)	inserted by 120/1978 s 73(b)	18.1.1979
	amended by 98/1981 s 6(c)	2.9.1984
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 98O(4)	inserted by 120/1978 s 73(b)	18.1.1979
	amended by 17/2021 s 29	1.9.2022
s 98O(5)	inserted by 98/1981 s 6(d)	2.9.1984
s 98P	inserted by 79/1976 s 13	17.1.1977
s 98P(1)	*deleted by 13/2006 s 59*	*30.4.2007*
s 98P(2)	amended by 13/2006 s 66	30.4.2007
s 98P(3)	amended by 120/1978 s 74(a)—(d)	18.1.1979
	amended by 13/2006 s 66	30.4.2007
s 98P(3a)	inserted by 120/1978 s 74(e)	18.1.1979
	amended by 13/2006 s 66	30.4.2007
s 98P(4)	amended by 120/1978 s 74(f), (g)	18.1.1979
	amended by 98/1981 s 7	2.9.1984
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2006 s 66	30.4.2007
s 98P(4a)	inserted by 120/1978 s 74(h)	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2006 s 66	30.4.2007
s 98P(5) and (6)	amended by 13/2006 s 66	30.4.2007
s 98P(7)	*inserted by 120/1978 s 74(i)*	*18.1.1979*
	deleted by 13/2006 s 59	*30.4.2007*
s 98P(8) and (9)	*inserted by 120/1978 s 74(i)*	*18.1.1979*
	amended by 11/1989 Sch	*30.3.1989*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	deleted by 13/2006 s 59	*30.4.2007*
s 98P(10)	*inserted by 120/1978 s 74(i)*	*18.1.1979*
	deleted by 13/2006 s 59	*30.4.2007*
s 98PA	inserted by 98/1981 s 8	2.9.1984

s 98PA(1)	amended by 13/2006 s 66	30.4.2007
s 98PA(2)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2006 s 66	30.4.2007
s 98PB	*inserted by 98/1981 s 8*	*2.9.1984*
	deleted by 52/1999 s 72	*17.6.2001*
s 98PC	inserted by 98/1981 s 8	2.9.1984
	substituted by 12/1987 s 3	9.4.1987
	substituted by 53/1996 s 6	24.3.1997
s 98PC(1)	amended by 14/2019 s 121	4.5.2020
s 98PD	inserted by 98/1981 s 8	2.9.1984
	amended by 11/1989 Sch	30.3.1989
	substituted by 53/1996 s 6	24.3.1997
	amended by 13/2006 s 66	30.4.2007
	amended by 14/2019 s 122	4.5.2020
s 98PE before substitution by 14/2019	*inserted by 98/1981 s 8*	*2.9.1984*
	amended by 50/1984 s 3(1) (Sch 3)	*1.1.1985*
	substituted by 53/1996 s 6	*24.3.1997*
s 98PE(2)	*amended by 13/2006 s 66*	*30.4.2007*
s 98PE	substituted by 14/2019 s 123	4.5.2020
s 98PF before substitution by 14/2019	*inserted by 98/1981 s 8*	*2.9.1984*
	amended by 11/1989 Sch	*30.3.1989*
	substituted by 53/1996 s 6	*24.3.1997*
	amended by 4/2000 s 9(1) (Sch 1 cl 26(f))	*1.6.2000*
s 98PF	substituted by 14/2019 s 123	4.5.2020
s 98PG	inserted by 98/1981 s 8	2.9.1984
	substituted by 53/1996 s 6	24.3.1997
s 98PG(1)	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 14/2019 s 124(1)	4.5.2020
s 98PG(2)	amended by 14/2019 s 124(2)	4.5.2020
s 98PH	*inserted by 53/1996 s 6*	*24.3.1997*
	amended by 4/2000 s 9(1) (Sch 1 cl 26(g)—(j))	*1.6.2000*
	deleted by 52/1999 s 73	*17.6.2001*
Pt 3D	inserted by 120/1978 s 75	31.5.1979
s 98R		
s 98R(1)	amended by 10/1983 s 2	28.4.1983
	substituted by 13/1998 s 3(a)	28.5.1998
s 98R(2a)	inserted by 13/1998 s 3(b)	28.5.1998
s 98R(3)	amended by 13/1998 s 3(c)	28.5.1998
s 98R(4)	substituted by 13/1998 s 3(d)	28.5.1998

s 98S	substituted by 54/1991 s 4	3.2.1992
s 98S(1)	substituted by 13/1998 s 4	28.5.1998
s 98T		
s 98T(1)	substituted by 13/1998 s 5(a)	28.5.1998
	substituted by 39/1999 Sch cl 8(a)	1.12.1999
s 98T(1a)—(1c)	inserted by 39/1999 Sch cl 8(a)	1.12.1999
s 98T(2)	amended by 13/1998 s 5(b)	28.5.1998
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 98T(4)	substituted by 39/1999 Sch cl 8(b)	1.12.1999
s 98T(6)	substituted by 14/2019 s 125(1)	4.5.2020
s 98T(7) and (8)	inserted by 14/2019 s 125(2)	4.5.2020
s 98U	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 ss 6, 10 (Sch)	28.5.1998
s 98V		
s 98V(1)	amended by 13/1998 s 7	28.5.1998
s 98V(2)	amended by 38/2017 s 24(1)	19.12.2017
s 98V(3)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 21	30.6.2011
	amended by 38/2017 s 24(2)	19.12.2017
s 98W	*deleted by 52/1999 s 74*	*17.6.2001*
s 98WA	inserted by 13/1998 s 8	28.5.1998
s 98X		
s 98X(1)	s 98X amended and redesignated as s 98X(1) by 13/1998 s 9	28.5.1998
s 98X(2)	inserted by 13/1998 s 9(b)	28.5.1998
Pt 3E	inserted by 52/1999 s 75	17.6.2001
s 98Y	*deleted by 8/2015 s 125*	*1.7.2015*
s 98Z before substitution by 8/2015		
s 98Z(1)	*amended by 67/1999 s 4*	*9.7.2001*
s 98Z	substituted by 8/2015 s 126	1.7.2015
s 98Z(1)	amended by 17/2021 s 30	11.5.2032
s 98ZA before substitution by 14/2019		
s 98ZA(1)	*amended by 4/2000 s 9(1) (Sch 1 cl 27(b))*	*17.6.2001*
	amended by 8/2015 s 127(1)	*1.7.2015*
s 98ZA(2)	*substituted by 64/2013 s 11*	*16.1.2014*
	amended by 8/2015 s 127(2), (3)	*1.7.2015*
s 98ZA(4)	*deleted by 4/2000 s 9(1) (Sch 1 cl 27(c))*	*17.6.2001*
s 98ZA(6)	*deleted by 4/2000 s 9(1) (Sch 1 cl 27(d))*	*17.6.2001*
s 98ZA	substituted by 14/2019 s 126	4.5.2020

s 98ZA(1)	substituted by 17/2021 s 31	11.5.2023
s 98ZC	*deleted by 4/2000 s 9(1), (Sch 1 cl 27(e))*	*17.6.2001*
Pt 4		
s 99		
s 99(1)	amended by 5/1993 s 4(a)	3.5.1993
	amended by 16/2016 Sch 1 cl 11(1)	1.7.2016
GST law	inserted by 17/2002 s 15	3.10.2002
the insurance premium committee	*deleted by 16/2016 Sch 1 cl 11(2)*	*1.7.2016*
mobile fork lift	inserted by 52/1999 s 76(a)	1.7.2000
Minister	*deleted by 50/1984 s 3(1) (Sch 3)*	*1.1.1985*
participant	inserted by 9/2004 s 77(1)	1.5.2004
passenger	inserted by 5/1993 s 4(b)	3.5.1993
road race	inserted by 9/2004 s 77(2)	1.5.2004
self-propelled lawn care machine	inserted by 52/1999 s 76(b)	1.7.2000
terrorist act	inserted by 16/2007 s 3(1)	5.4.2007
transitional period	*inserted by 16/2016 Sch 1 cl 11(3)*	*12.5.2016*
	deleted by 5/2019 s 5	*1.7.2019*
s 99(1a)	amended by 50/1984 s 3(1) (Sch 3)	1.1.1985
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 34/2002 s 23	1.8.2003
s 99(3)	inserted by 127/1986 s 3	8.2.1987
	amended by 40/1988 s 3	8.2.1987
	amended by 5/1993 s 4(c)	3.5.1993
	substituted by 67/1998 s 5	29.10.1998
	amended by 16/2007 s 3(2)	5.4.2007
	amended by 23/2011 s 4(1), (2)	10.7.2011
	amended by 16/2016 Sch 1 cl 11(4)	1.7.2016
s 99(3a)	inserted by 16/2007 s 3(3)	5.4.2007
	amended by 23/2011 s 4(3)	10.7.2011
	amended by 16/2016 Sch 1 cl 11(4)	1.7.2016
s 99(4)	inserted by 30/1996 s 38	1.7.1996
	amended by 51/1997 s 7	15.1.1998
	amended by 52/1999 s 76(c)	1.7.2000
	amended by 23/2011 s 4(4)	10.7.2011
	amended by 16/2016 Sch 2 cl 11(4)	1.7.2016
s 99A		
s 99A(1)	amended by 20/1990 s 25(a)	17.7.1990
	amended by 16/2016 Sch 1 cl 12(1)	1.7.2016
s 99A(2)	substituted by 16/2016 Sch 1 cl 12(2)	12.5.2016
	substituted by 5/2019 s 6(1)	1.7.2019
s 99A(2a)	inserted by 40/2013 s 5	21.11.2013

	amended by 16/2016 Sch 1 cl 12(3)	12.5.2016
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
	amended by 5/2019 s 6(2)	1.7.2019
s 99A(3)	amended by 16/2016 Sch 2 cl 12(4)	12.5.2016
s 99A(4)	amended by 16/2016 Sch 2 cl 12(5), (6)	12.5.2016
s 99A(7)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 22	30.6.2011
s 99A(8)	amended by 53/1989 s 2	13.11.1989
	amended by 20/1990 s 25(b), (c)	17.7.1990
	amended by 16/2016 Sch 2 cl 12(7)	1.7.2016
s 99A(9)	substituted by 16/2016 Sch 2 cl 12(8)	12.5.2016
s 99A(9a)	inserted by 16/2016 Sch 2 cl 12(8)	12.5.2016
	substituted by 5/2019 s 6(3)	1.7.2019
s 99A(9b) and (9c)	inserted by 5/2019 s 6(3)	1.7.2019
s 99A(14)	substituted by 16/2016 Sch 1 cl 12(9)	12.5.2016
s 99A(15)	inserted by 16/2016 Sch 1 cl 12(9)	12.5.2016
s 99A(15) and (16)	*deleted in pursuance of the Acts Republication Act 1967 as their function is now exhausted*	*18.12.1989*
s 99A(19)	amended by 65/1996 s 12	17.11.1997
s 99A(20)	inserted by 5/2019 s 6(4)	1.7.2019
s 100	*amended by 120/1978 s 76*	*18.1.1979*
	amended by 5/1993 s 5	*3.5.1993*
	deleted by 17/2002 s 16	*3.10.2002*
s 101		
s 101(1)	substituted by 16/2016 Sch 1 cl 13(1)	1.7.2016
s 101(1a) and (1b)	*inserted by 17/2002 s 17(a)*	*3.10.2002*
	deleted by 16/2016 Sch 1 cl 13(1)	*1.7.2016*
s 101(2)	*amended by 17/2002 s 17(b)*	*3.10.2002*
	substituted by 16/2016 Sch 1 cl 13(1)	*1.7.2016*
	deleted by 5/2019 s 7	*1.7.2019*
s 101(2a)	*inserted by 16/2016 Sch 1 cl 13(1)*	*1.7.2016*
	deleted by 5/2019 s 7	*1.7.2019*
s 101(2b) and (2c)	inserted by 16/2016 Sch 1 cl 13(1)	1.7.2016
s 101(3)	substituted by 47/1995 Sch 4 cl 1(1)	1.5.1995
	amended by 16/2016 Sch 1 cl 13(2)	1.7.2016
s 101(5)	substituted by 16/2016 Sch 1 cl 13(3)	1.7.2016
s 101(5a) and (5b)	inserted by 16/2016 Sch 1 cl 13(3)	1.7.2016
s 101(6)	substituted by 16/2016 Sch 1 cl 13(4)	1.7.2016
s 101(8)	amended by 16/2016 Sch 1 cl 13(5)	1.7.2016
s 102		
s 102(1)	amended by 120/1978 s 77(a)	18.1.1979
	amended by 11/1989 Sch	30.3.1989

	substituted by 30/1996 s 39(a)	1.7.1996
	substituted by 52/1999 s 77(a)	9.7.2001
	amended by 26/2008 s 18(1)	1.6.2009
	amended by 31/2013 s 44(1)	3.2.2014
s 102(1a)	inserted by 22/2010 s 31(1)	1.7.2011
	substituted by 7/2017 s 84(1)	1.11.2017
	The amendment to s 102(1a) purportedly made by Sch 1 Pt 4 of 38/2017 is of no effect because of other amendments.	
s 102(1b)	inserted by 22/2010 s 31(1)	1.7.2011
s 102(1c)	inserted by 22/2010 s 31(1)	1.7.2011
	substituted by 7/2017 s 84(2)	1.11.2017
	The amendment to s 102(1c) purportedly made by Sch 1 Pt 4 of 38/2017 is of no effect because of other amendments.	
s 102(2)	amended by 120/1978 s 77(b)—(d)	18.1.1979
	substituted by 11/1989 Sch	30.3.1989
	amended by 53/1989 s 3(a), (b)	13.11.1989
	amended by 65/1989 s 5	28.3.1990
	amended by 30/1996 s 39(b), (c)	1.7.1996
	amended by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 52/1999 s 77(a)	9.7.2001
	amended by 26/2008 s 18(2)	1.6.2009
	amended by 22/2010 s 31(2)	1.7.2011
	amended by 31/2013 s 44(2)	3.2.2014
s 102(2a)	*inserted by 11/1989 Sch*	*30.3.1989*
	deleted by 53/1989 s 3(c)	*13.11.1989*
s 102(3)	deleted by 13/1998 s 10 (Sch)	28.5.1998
	inserted by 52/1999 s 77(a)	9.7.2001
s 102(3aa)	inserted by 22/2010 s 31(3)	1.7.2011
s 102(3a)	inserted by 73/1992 s 4(b)	1.7.1993
	substituted by 52/1999 s 77(a)	9.7.2001
	amended by 22/2010 s 31(4)	1.7.2011
s 102(3b)	inserted by 52/1999 s 77(a)	9.7.2001
s 102(3c)	inserted by 22/2010 s 31(5)	1.7.2011
s 102(3d)	inserted by 22/2010 s 31(5)	1.7.2011
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 102(4)	amended by 52/1999 s 77(b)	9.7.2001
s 102(7)	inserted by 52/1999 s 77(c)	9.7.2001
owner	amended by 22/2010 s 31(6)	1.7.2011
s 103 before deletion by 22/2010		
s 103(1)	*amended by 120/1978 s 78*	*18.1.1979*
	amended by 11/1989 Sch	*30.3.1989*

	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	amended by 13/2006 ss 65(1), (3), 66	*30.4.2007*
s 103	*deleted by 22/2010 s 32*	*1.7.2011*
s 104 before substitution by 16/2016		
s 104(1)	*s 104 amended by 14/1976 s 58*	*13.5.1976*
	s 104 amended by 5/1993 s 6	*3.5.1993*
	s 104 redesignated as s 104(1) by 9/2004 s 78	*1.5.2004*
s 104(2)	*inserted by 9/2004 s 78*	*1.5.2004*
s 104	substituted by 16/2016 Sch 1 cl 14	1.7.2016
s 106	*deleted by 14/1976 s 59*	*13.5.1976*
s 108	*deleted by 14/1976 s 59*	*13.5.1976*
s 110		
s 110(1)	amended by 14/1976 s 60	13.5.1976
	amended by 120/1978 s 79(a)	18.1.1979
	amended by 50/1984 s 3(1) (Sch 3)	1.1.1985
s 110(3)	amended by 5/1993 s 7	3.5.1993
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 110(8)	amended by 120/1978 s 79(b)	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 23	30.6.2011
s 111	amended by 50/1984 s 3(1) (Sch 3)	1.1.1985
s 111A	amended by 14/1976 s 61	13.5.1976
s 112	amended by 14/1976 s 62	13.5.1976
s 113		
s 113(1)	amended by 14/1976 s 63	13.5.1976
	amended by 5/1993 s 8	3.5.1993
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 113(2)	amended by 50/1984 s 3(1) (Sch 3)	1.1.1985
s 113A	inserted by 67/1998 s 6	29.10.1998
s 114	amended by 53/2005 s 6	17.11.2005
s 115		
s 115(1)	amended by 14/1976 s 64(a)	13.5.1976
	amended by 5/1993 s 9	3.5.1993
s 115(3)	amended by 14/1976 s 64(b)	13.5.1976
s 115(4)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 116		
s 116(1)	substituted by 14/1976 s 65(a)	13.5.1976
uninsured motor vehicle	substituted by 16/2016 Sch 1 cl 15	12.5.2016
	substituted by 10/2016 s 4	9.6.2016

	amended by 51/2024 s 5	uncommenced—not incorporated
s 116(2)	amended by 5/1993 s 10(a)	3.5.1993
s 116(3)	substituted by 5/1993 s 10(b)	3.5.1993
s 116(4)	inserted by 14/1976 s 65(b)	13.5.1976
s 116(5)	inserted by 14/1976 s 65(b)	13.5.1976
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 116(7)	substituted by 5/1993 s 10(c)	3.5.1993
	substituted by 37/2002 s 15	3.7.2003
	amended by 23/2011 s 5(1)	10.7.2011
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 116(7aa)	inserted by 23/2011 s 5(2)	10.7.2011
s 116(7a)	inserted by 37/2002 s 15	3.7.2003
	amended by 23/2011 s 5(3), (4)	10.7.2011
s 116(7ab)	inserted by 23/2011 s 5(5)	10.7.2011
s 116(7b)	inserted by 37/2002 s 15	3.7.2003
s 116(7c)	inserted by 37/2002 s 15	3.7.2003
	amended by 22/2010 s 33	1.7.2011
s 116(7d)	inserted by 37/2002 s 15	3.7.2003
	amended by 23/2011 s 5(6)	10.7.2011
s 116(7e)	inserted by 23/2011 s 5(7)	10.7.2011
s 116A		
s 116A(1)	amended by 17/2001 s 14	17.6.2001
s 118	*amended by 14/1976 s 66*	*13.5.1976*
	deleted by 5/1993 s 11	*3.5.1993*
s 118A		
s 118A(2)	*deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted*	*18.12.1989*
s 118B	inserted by 67/1998 s 7	29.10.1998
s 118B(1)	amended by 15/2013 Sch 2 cl 14(1)	1.7.2013
s 118B(2)	amended by 23/2011 s 6	10.7.2011
	(c) deleted by 23/2011 s 6	10.7.2011
	amended by 15/2013 Sch 2 cl 14(2), (3)	1.7.2013
s 119	substituted by 14/1976 s 67	13.5.1976
s 123	substituted by 127/1986 s 4	8.2.1987
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 124		
s 124(1)	amended by 23/2011 s 7(1)	10.7.2011
s 124(2)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 124(3)	amended by 23/2011 s 7(2)	10.7.2011
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 124(3a)	inserted by 67/1998 s 8(a)	29.10.1998

	amended by 13/2011 s 24	30.6.2011
	amended by 23/2011 s 7(3)	10.7.2011
s 124(3b)	inserted by 67/1998 s 8(a)	29.10.1998
s 124(4)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 24	30.6.2011
s 124(5)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 24	30.6.2011
	amended by 22/2010 s 34	1.7.2011
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 124(6)	amended by 120/1978 s 80	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 124(6a)	inserted by 67/1998 s 8(b)	29.10.1998
	amended by 17/2002 s 18	3.10.2002
	amended by 23/2011 s 7(4)	10.7.2011
s 124(6b)	inserted by 67/1998 s 8(b)	29.10.1998
	amended by 17/2002 s 18	3.10.2002
s 124AA	inserted by 23/2011 s 8	10.7.2011
s 124AA(2)	amended by 16/2016 Sch 1 cl 16	1.7.2016
s 124A	substituted by 127/1986 s 5	8.2.1987
s 124A(1)	amended by 5/1993 s 12	3.5.1993
	amended by 23/2011 s 9(1)	10.7.2011
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 124A(1a)—see s 124A(2a)		
s 124A(2)	amended by 23/2011 s 9(5), (6)	10.7.2011
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 124A(2a)	s 124A(1a) inserted by 67/1998 s 9	29.10.1998
	s 124A(1a) amended and redesignated as s 124A(2a) by 23/2011 s 9(2)—(4)	10.7.2011
s 124A(2b)	inserted by 23/2011 s 9(7)	10.7.2011
s 124A(3)	inserted by 9/2004 s 79	1.5.2004
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 124A(4)	inserted by 23/2011 s 9(8)	10.7.2011
s 124AB	inserted by 127/1986 s 5	8.2.1987
s 124AB(1)	amended by 5/1993 s 13	3.5.1993
	amended by 23/2011 s 10(1)	10.7.2011
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 124AB(3)—(5)	inserted by 23/2011 s 10(2)	10.7.2011
s 124AC	inserted by 67/1998 s 10	29.10.1998

s 125		
s 125(2)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 125(3)	amended by 66/1981 s 2	15.10.1981
s 125A	inserted by 119/1983 s 2	22.12.1983
s 125A(3)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 125B	inserted by 67/1998 s 11	29.10.1998
s 126A	inserted by 15/2013 Sch 2 cl 15	1.7.2013
s 126A(6)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 127	substituted by 127/1986 s 6	8.2.1987
s 127(2)	(a) deleted by 15/2013 Sch 2 cl 16(1)	1.7.2013
s 127(3) and (4)	*deleted by 15/2013 Sch 2 cl 16(2)*	*1.7.2013*
s 127(5)	*amended by 23/2011 s 11*	*10.7.2011*
	deleted by 15/2013 Sch 2 cl 16(2)	*1.7.2013*
s 127(6a)	inserted by 29/1996 s 8	1.7.1996
s 127(8)	*deleted by 15/2013 Sch 2 cl 16(3)*	*1.7.2013*
s 127A	inserted by 67/1998 s 12	29.10.1998
s 127A(1)		
prescribed limit	amended by 26/2009 s 4(1)	1.7.2009
prescribed scale	amended by 26/2009 s 4(2)	1.7.2009
s 127A(2)	amended by 26/2009 s 4(3)	1.7.2009
s 127A(3a)	inserted by 15/2013 Sch 2 cl 17	1.7.2013
s 127A(4)	amended by 26/2009 s 4(4)	1.7.2009
s 127B	inserted by 15/2013 Sch 2 cl 18	1.7.2013
s 127B(2)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 127C	inserted by 15/2013 Sch 2 cl 18	1.7.2013
s 128		
s 128(2)	amended by 120/1978 s 81(a)	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 128(3)	amended by 120/1978 s 81(b)	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 129 before deletion by 16/2016		
s 129(1a)	*deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted*	*18.12.1989*
s 129(2)	*amended by 69/1992 s 18*	*10.12.1992*
	amended by 17/2002 s 19(a)—(c)	*3.10.2002*
s 129(2a)	*inserted by 17/2002 s 19(d)*	*3.10.2002*
s 129(3)	*amended by 17/2002 s 19(e)*	*3.10.2002*
s 129(5a)	*inserted by 17/2002 s 19(f)*	*3.10.2002*
s 129(6)	*amended by 17/2002 s 19(g)*	*3.10.2002*
s 129(7) and (8)	*inserted by 17/2002 s 19(h)*	*3.10.2002*

s 129	*deleted by 16/2016 Sch 1 cl 17*	*1.7.2016*
s 129A	substituted by 5/2019 s 8	14.6.2019
s 130	*deleted by 5/1993 s 14*	*3.5.1993*
s 131	amended by 5/1993 s 15	3.5.1993
	amended by 22/2010 s 35	1.7.2011
s 132		
s 132(1)	amended by 4/2000 s 9(1) (Sch 1 cl 26(k))	1.6.2000
s 132(2)	amended by 4/2000 s 9(1) (Sch 1 cl 26(l))	1.6.2000
s 133		
s 133(1)	s 133 amended and redesignated as s 133(1) by 5/1986 s 3	14.4.1960
	amended by 5/1993 s 16	3.5.1993
s 133(2)	inserted by 5/1986 s 3(b)	14.4.1960
s 133(3)	*inserted by 5/1986 s 3(b)*	*14.4.1960*
	deleted in pursuance of the Acts Republication Act 1967 as its function is now exhausted	*18.12.1989*
s 134		
s 134(1)	amended by 120/1978 s 82	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 134(2)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 134A	*inserted by 14/1976 s 68*	*13.5.1976*
	amended by 79/1976 s 14	*17.1.1977*
	amended by 98/1981 s 9	*2.9.1984*
	amended by 50/1984 s 3(1) (Sch 3)	*1.1.1985*
	deleted by 52/1999 s 78	*17.6.2001*
s 134A	*inserted by 15/2013 Sch 2 cl 19*	*1.7.2013*
	deleted by 16/2016 Sch 1 cl 18	*12.5.2016*
Pt 4A	inserted by 10/2016 s 5	9.6.2016
s 134F		
s 134F(4)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 134I		
s 134I(2)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 134L	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 134M		
s 134M(3)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
Pt 5		
s 135		
s 135(1)	substituted by 120/1978 s 83(a)	18.1.1979
	substituted by 98/1981 s 10	2.9.1984
	substituted by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998

	amended by 71/2009 s 25(1)	4.9.2010
s 135(2)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 135(4)	inserted by 120/1978 s 83(b)	18.1.1979
s 135(5) and (6)	inserted by 71/2009 s 25(2)	4.9.2010
s 135A	inserted by 120/1978 s 84	18.1.1979
	amended by 98/1981 s 11	2.9.1984
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
s 135B	inserted by 52/1999 s 79	1.12.1999
s 135B(1)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 135C	inserted by 52/1999 s 79	1.12.1999
s 136		
s 136(1)	amended by 120/1978 s 85(a)	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 29/1996 s 9(a)	24.12.1997
	amended by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 52/1999 s 80(a)	9.7.2001
	amended by 26/2008 s 19	31.1.2009
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 136(1a)	*amended by 120/1978 s 85(b)*	*18.1.1979*
	amended by 11/1989 Sch	*30.3.1989*
	amended by 29/1996 s 9(b)	*24.12.1997*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	deleted by 52/1999 s 80(a)	*9.7.2001*
s 136(2)	amended by 120/1978 s 85(c)	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 65/1996 s 13	17.11.1997
	amended by 29/1996 s 9(c)	24.12.1997
	amended by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 52/1999 s 80(a)	9.7.2001
	amended by 26/2008 s 19	31.1.2009
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 136(2a)	inserted by 30/1996 s 40	27.3.1997
	amended by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 52/1999 s 80(a)	9.7.2001
	amended by 26/2008 s 19	31.1.2009
s 136(2b) and (2c)	inserted by 52/1999 s 80(a)	9.7.2001
	amended by 26/2008 s 19	31.1.2009
s 136(2d)	inserted by 59/2007 s 14(1)	23.6.2008
	amended by 26/2008 s 19	31.1.2009
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 136(3)	inserted by 29/1996 s 9(d)	24.12.1997
	amended by 52/1999 s 80(b)	9.7.2001

	amended by 59/2007 s 14(2)	23.6.2008
s 136(4) and (5)	inserted by 29/1996 s 9(d)	24.12.1997
s 137	amended by 120/1978 s 86	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 65/1996 s 14	17.11.1997
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2006 ss 65(1), 66	30.4.2007
	amended by 13/2011 s 25	30.6.2011
s 137A	inserted by 52/1999 s 81	9.7.2001
	amended by 13/2006 s 66	30.4.2007
	amended by 13/2011 s 26	30.6.2011
	amended by 17/2021 s 32	11.5.2023
s 138	amended by 120/1978 s 87	18.1.1979
	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	substituted by 52/1999 s 81	9.7.2001
s 138(4)	amended by 13/2011 s 27	30.6.2011
s 138A	inserted by 120/1978 s 88	18.1.1979
	amended by 98/1981 s 12	2.9.1984
	amended by 99/1996 s 5	1.7.1997
	amended by 52/1999 s 82	9.7.2001
s 138B	inserted by 120/1978 s 88	18.1.1979
s 138B(1)	substituted by 53/1998 s 2(a)	3.9.1998
s 138B(2)	amended by 53/1998 s 2(b)	3.9.1998
	amended by 38/2017 s 25(1)	19.12.2017
s 138B(3)	substituted by 53/1998 s 2(c)	3.9.1998
	amended by 38/2017 s 25(2)	19.12.2017
s 138B(4)	amended by 20/1990 s 26(a)	17.7.1990
	amended by 7/2017 s 85(1)	1.11.2017
	amended by 38/2017 s 25(3)	19.12.2017
s 138B(5)	amended by 11/1989 Sch	30.3.1989
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2011 s 28	30.6.2011
s 138B(6)	amended by 20/1990 s 26(b), (c)	17.7.1990
	amended by 53/1998 s 2(d)	3.9.1998
	amended by 7/2017 s 85(2)	1.11.2017
s 138B(7)	amended by 53/1998 s 2(e), (f)	3.9.1998
s 138B(8)	inserted by 53/1998 s 2(g)	3.9.1998
s 138C	*inserted by 54/2004 s 4*	*16.12.2004*
	deleted by 38/2017 s 26	*20.3.2018*
s 139 before substitution by 54/2017		

s 139(1)	*s 139 amended by 82/1990 s 3*	*20.12.1990*
	s 139 amended by 4/1993 s 10	*1.7.1993*
	s 139 amended and redesignated as s 139(1) by 99/1996 s 6	*1.7.1997*
	amended by 14/1998 s 5	*6.9.1999*
	amended by 52/1999 s 83	*1.12.1999*
	amended by 13/2006 ss 65(1), 66	*30.4.2007*
	amended by 64/2013 s 12(1), (2)	*16.1.2014*
s 139(2)	*inserted by 99/1996 s 6(c)*	*1.7.1997*
	(a) deleted by 30/2000 s 4(a)	*6.7.2000*
s 139(3)	*inserted by 99/1996 s 6(c)*	*1.7.1997*
	deleted by 30/2000 s 4(b)	*6.7.2000*
s 139(4)	*inserted by 99/1996 s 6(c)*	*1.7.1997*
s 139(5)	*inserted by 99/1996 s 6(c)*	*1.7.1997*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
s 139	substituted by 54/2017 s 9	21.11.2019
s 139AA	inserted by 99/1996 s 7	1.7.1997
	amended by 52/1999 s 84	1.12.1999
	amended by 13/2006 s 65(1)	30.4.2007
	amended by 64/2013 s 13	16.1.2014
s 139A		
s 139A(2)	amended by 4/2000 s 9(1) (Sch 1 cl 26(m))	1.6.2000
s 139B	*amended by 98/1981 s 13*	*2.9.1984*
	amended by 120/1978 s 89	*18.1.1979*
	deleted by 52/1999 s 85	*17.6.2001*
s 139BA	inserted by 15/1989 s 21	4.9.1989
s 139BA(2)	substituted by 38/2017 s 27	19.12.2017
s 139BA(3)	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 13/2006 s 60	30.4.2007
ss 139BB and 139BC	inserted by 15/1989 s 21	4.9.1989
s 139BD	inserted by 59/2007 s 15	23.6.2008
s 139BD(2)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 139BD(3)	amended by 26/2009 s 5(1)	1.7.2009
	amended by 38/2017 s 28	19.12.2017
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 139BD(5)	substituted by 26/2009 s 5(2)	1.7.2009
s 139BD(8)	amended by 48/2024 s 8(1)	7.11.2024
s 139BD(9)	amended by 54/2017 s 10(1), (2)	1.5.2019
s 139BD(9a)	inserted by 48/2024 s 8(2)	7.11.2024
s 139BD(11)		
notice of disqualification	amended by 14/2010 s 9	9.12.2010
	amended by 54/2017 s 10(3)	1.5.2019

	amended by 49/2021 Sch 1 cl 6	13.2.2023
s 139C		
s 139C(1)	s 139C inserted by 98/1981 s 14	2.9.1984
	s 139C redesignated as s 139C(1) by 52/1999 s 86	17.6.2001
	amended by 59/2007 s 16(1), (2)	23.6.2008
	substituted by 38/2017 s 29	19.12.2017
	amended by 38/2017 Sch 1 Pt 4 (The amendment to s 139C(1) purportedly made by Schedule 1 is of no effect because of other amendments).	
s 139C(2)	inserted by 52/1999 s 86	17.6.2001
	amended by 59/2007 s 16(3)	23.6.2008
s 139D	inserted by 87/1992 s 3	1.7.1993
s 139D(1)	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 60/1998 s 42	6.3.2000
	amended by 13/2006 s 61	30.4.2007
	amended by 26/2008 s 20	15.5.2010
	amended by 31/2013 s 45	3.2.2014
	amended by 35/2013 s 6	10.2.2014
	amended by 21/2016 Sch 2 cl 6	1.2.2017
	amended by 45/2017 Sch 1 cl 2	28.11.2017
	amended by 38/2017 s 30	19.12.2017
	amended by 71/2017 Sch 1 cl 31	30.4.2018
s 139D(3)	inserted by 76/2000 s 7	1.3.2001
s 139D(4)	s 139D(3) inserted by 91/2000 s 8(l)	16.7.2001
	s 139D(3) redesignated as s 139D(4) in pursuance of the *Acts Republication Act 1967*	16.7.2001
	amended by 71/2009 s 26	4.9.2010
s 139E	inserted by 53/1996 s 7	24.3.1997
s 139E(1)	*amended by 60/1998 s 43*	*6.3.2000*
	amended by 52/1999 s 87(a)	*17.6.2001*
	deleted by 84/2009 s 219	*1.2.2010*
s 139E(2)	*deleted by 84/2009 s 219*	*1.2.2010*
s 139E(3)	inserted by 52/1999 s 87(b)	1.12.1999
s 139F	*inserted by 99/1996 s 8*	*1.7.1997*
	amended by 13/1998 s 10 (Sch)	*28.5.1998*
	amended by 52/1999 s 88	*9.7.2001*
	deleted by 13/2006 s 62	*30.4.2007*
s 139G	inserted by 76/2000 s 8	1.3.2001
	amended by 13/2006 s 66	30.4.2007
s 140		
s 140(1)	s 140 amended by 120/1978 s 90	18.1.1979
	s 140 amended by 98/1981 s 15	2.9.1984

	s 140 redesignated as s 140(1) by 52/1999 s 89	1.12.1999
s 140(2)	inserted by 52/1999 s 89	1.12.1999
s 141		
s 141(1)	s 141 amended by 14/1976 s 69	13.5.1976
	s 141 amended by 120/1978 s 91	18.1.1979
	s 141 amended by 98/1981 s 16	2.9.1984
	s 141 amended by 29/1996 s 10(a)	24.12.1997
	s 141 amended by 29/1996 s 10(b)	1.7.1996
	s 141 amended by 30/1996 s 41	27.3.1997
	s 141 amended by 65/1996 s 15	17.11.1997
	s 141 amended by 52/1999 s 90(a)	9.7.2001
	s 141 amended by 52/1999 s 90(b)	1.12.1999
	s 141 redesignated as s 141(1) by 52/1999 s 90(c)	17.6.2001
	amended by 59/2007 s 17	23.6.2008
	amended by 71/2009 s 27	4.9.2010
	amended by 70/2013 s 19	28.7.2014
	(h) deleted by 7/2017 s 86	1.11.2017
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
	amended by 25/2019 s 65	3.10.2019
s 141(2)	inserted by 52/1999 s 90(c)	17.6.2001
	amended by 35/2013 s 7	10.2.2014
s 141(2a)	inserted by 38/2017 s 31	19.12.2017
s 141(3) and (4)	inserted by 52/1999 s 90(c)	17.6.2001
s 142	amended by 14/1976 s 70	13.5.1976
	amended by 98/1981 s 17	2.9.1984
	amended by 1/1992 s 9	1.6.1992
	(b), (ba) and (ca) deleted by 52/1999 s 91	9.7.2001
	amended by 13/2006 s 65(1)	30.4.2007
	amended by 22/2010 s 36	1.7.2011
	amended by 7/2017 s 87	1.11.2017
	amended by 17/2021 s 33(1), (2)	1.9.2022
s 142A	inserted by 20/1990 s 27	17.7.1990
	amended by 26/2008 s 21	31.1.2009
	amended by 38/2017 s 32	19.12.2017
s 143		
s 143(1)	amended by 98/1981 s 18	2.9.1984
s 143(2)	*deleted by 13/1998 s 10 (Sch)*	*28.5.1998*
s 143A	*inserted by 98/1981 s 19*	*2.9.1984*
	deleted by 16/2013 s 70	*17.6.2013*
s 143B	inserted by 13/2006 s 63	30.4.2007
s 144	*substituted by 13/1998 s 10 (Sch)*	*28.5.1998*
	deleted by 71/2009 s 28	*4.9.2010*

s 144A	*deleted by 13/1998 s 10 (Sch)*	*28.5.1998*
s 145		
s 145(1)	s 145(a1) deleted by 14/1976 s 71	13.5.1976
	s 145(c1) deleted by 14/1976 s 71	13.5.1976
	s 145 amended by 14/1976 s 71	13.5.1976
	s 145 amended by 37/1980 s 7	1.6.1980
	s 145 amended by 49/1981 s 4	18.6.1981
	s 145 amended and redesignated as s 145(1) by 98/1981 s 20	2.9.1984
	amended by 4/1986 s 10	13.3.1986
	amended by 94/1986 s 9	11.12.1986
	amended by 11/1989 Sch	30.3.1989
	amended by 4/1993 s 11	1.7.1993
	amended by 34/1996 s 4 (Sch cl 24)	3.2.1997
	amended by 99/1996 s 9	1.7.1997
	amended by 13/1998 s 10 (Sch)	28.5.1998
	amended by 14/1998 s 6(a)	6.9.1999
	amended by 52/1999 s 92(a)	6.9.1999
	amended by 8/2003 s 20	15.12.2003
	amended by 54/2004 s 5	16.12.2004
	amended by 10/2005 s 17(1), (2)	31.10.2005
	amended by 13/2006 ss 64, 65(2)	30.4.2007
	amended by 14/2010 s 10	9.12.2010
	amended by 13/2011 s 29(1), (2)	30.6.2011
	amended by 22/2010 s 37(1), (2)	1.7.2011
	amended by 31/2013 s 46	3.2.2014
	amended by 70/2013 s 20	28.7.2014
	amended by 7/2017 s 88	1.11.2017
	(fb) deleted by 38/2017 s 33(1)	20.3.2018
	amended by 38/2017 s 33(2)	20.3.2018
	amended by 25/2019 s 66	6.4.2020
s 145(1a)	inserted by 14/1998 s 6(b)	6.9.1999
	amended by 13/2011 s 29(3), (4)	30.6.2011
s 145(1b)	inserted by 24/2023 s 11	1.1.2024
s 145(2)	inserted by 98/1981 s 20(b)	2.9.1984
	substituted by 14/2007 s 6	5.6.2008
	amended by 38/2017 s 33(3)	19.12.2017
s 145(3)	inserted by 77/1995 s 16	1.7.1996
	amended by 52/1999 s 92(b)	1.12.1999
	substituted by 14/2007 s 6	5.6.2008
s 145(4)	inserted by 14/1998 s 6(c)	6.9.1999
	amended by 13/2006 s 66	30.4.2007
	deleted by 14/2007 s 6	5.6.2008

	inserted by 17/2021 s 34	1.9.2022
s 145(5)—(7)	*inserted by 52/1999 s 92(c)*	*6.9.1999*
	deleted by 14/2007 s 6	*5.6.2008*
s 145(8)	inserted by 52/1999 s 92(c)	6.9.1999
written-off motor vehicle	substituted by 17/2001 s 15	9.7.2001
s 146	*substituted by 52/1999 s 93*	*1.12.1999*
	deleted by 14/2007 s 7	*5.6.2008*
s 147		
s 147(1)	amended by 65/1996 s 16	17.11.1997
s 148		
s 148(1)	amended by 6/2004 s 5(1), (2)	1.4.2004
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 148(2)	amended by 6/2004 s 5(3)	1.4.2004
	amended by 38/2017 Sch 1 Pt 4	20.3.2018
s 148(3)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
Sch 1	deleted by 50/1984 s 3(1) (Sch 3)	1.1.1985
	inserted by 22/2010 s 38	1.7.2011
cl 2		
cl 2(1)	amended by 17/2021 s 35(1)	1.9.2022
cl 2(2)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
	amended by 17/2021 s 35(2)	1.9.2022
cl 4	amended by 24/2022 s 4(1), (2)	19.6.2024
Sch 2	deleted by 50/1984 s 3(1) (Sch 3)	1.1.1985
	inserted by 70/2013 s 21	28.7.2014
cl 1		
cl 1(2)	amended by 38/2017 Sch 1 Pt 4	20.3.2018
cl 3	substituted by 8/2021 s 13(1)	22.11.2021
cl 4		
cl 4(1a)	inserted by 8/2021 s 13(2)	22.11.2021
cl 4(2)		
recognised activity participation	substituted by 8/2021 s 13(3)	22.11.2021
recognised sporting activity participation	inserted by 8/2021 s 13(3)	22.11.2021
cl 5		
cl 5(1)	amended by 8/2021 s 13(4)	22.11.2021
Sch 3	*amended by 12/1991 Sch*	*1.7.1991*
	substituted by 1/1992 s 10 (Sch 1)	*1.6.1992*
	amended by 73/1996 s 3	*7.11.1996*
	amended by 76/1998 Sch	*14.1.1999*
	deleted by 52/1999 s 94	*1.12.1999*

Sch 4 before deletion by 16/2016		
cl 1	*amended by 5/1993 s 17(a)*	*3.5.1993*
	amended by 23/2011 s 12(1)	*10.7.2011*
cl 2	*amended by 127/1986 s 7*	*8.2.1987*
	substituted by 5/1993 s 17(b)	*3.5.1993*
	amended by 65/1996 s 17	*17.11.1997*
	amended by 23/2011 s 12(2), (3)	*10.7.2011*
cl 3	*inserted by 5/1993 s 17(b)*	*3.5.1993*
cl 4	*inserted by 9/2004 s 80*	*1.5.2004*
Sch 4	*deleted by 16/2016 Sch 2 cl 19*	*1.7.2016*
Sch 5 before deletion by 14/2019	*inserted by 53/1996 s 8*	*24.3.1997*
cl 4	*amended by 4/2000 s 9(1) (Sch 1 cl 26(n))*	*1.6.2000*
Sch 5	*deleted by 14/2019 s 127*	*4.5.2020*
Sch 6 before deletion by 7/2017	*inserted by 8/2009 s 26*	*1.5.2009*
Sch 6	*deleted by 7/2017 s 89*	*1.11.2017*

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.

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.

Law Reform (Ipp Recommendations) Act 2004, Sch 1

1—Transitional provision

(1) The amendments made by the *Law Reform (Ipp Recommendations) Act 2004* (the ***Ipp Recommendations Act***) are intended to apply only prospectively.

(2) If a cause of action that is based wholly or partly on an event that occurred before the commencement of the Ipp Recommendations Act arises after the commencement of the Ipp Recommendations Act, it will be determined as if the amendments had not been enacted.

Example—

Suppose that A was exposed to asbestos in 1990 but a resultant illness is not diagnosed until after the commencement of the Ipp Recommendations Act. An action is then brought in negligence in which damages are claimed for personal injury. The amendments made by the Ipp Recommendations Act would not affect the determination of liability or the assessment of damages.

(3) As soon as practicable after the expiration of 3 years from the commencement of this Schedule, the Economic and Finance Committee must investigate and report to the Parliament on the effect of the Ipp Recommendations Act on the availability and cost of insurance to persons.

Motor Vehicles (Licences and Learner's Permits) Amendment Act 2005, Sch 1

3—Interpretation

In this Part—

principal Act means the *Motor Vehicles Act 1959*.

4—Learner's permits issued before commencement

Section 79A(a) of the principal Act as in force immediately before the commencement of section 10 continues to apply in relation to an applicant for a licence who—

(a) was the holder of a learner's permit immediately before the commencement of section 10; and

(b) has not been disqualified from holding or obtaining a licence or learner's permit since the commencement of section 10.

5—Provisional licences in force at commencement

Sections 75AAA and 81A of the principal Act as in force immediately before the commencement of section 12 continue to apply in relation to a provisional licence that was in force immediately before the commencement of section 12.

Statutes Amendment (Transport Portfolio) Act 2005, Sch 1—Transitional provisions

A person who, immediately before the commencement of section 5, holds an appointment as an inspector of motor vehicles under section 7 of the *Motor Vehicles Act 1959* continues, on the commencement of section 5, to hold that appointment (and the appointment may be revoked, or conditions of appointment imposed or varied, as if the person had been appointed under section 7 of the *Motor Vehicles Act 1959* as amended by section 5).

Statutes Amendment (Drink Driving) Act 2005, Sch 1—Transitional provisions

The expiation of an offence prior to the commencement of section 4 of this Act cannot be taken into account in determining whether an offence to which section 81C of the *Motor Vehicles Act 1959* applies is a first, second, third or subsequent offence for the purposes of that section.

Motor Vehicles (Miscellaneous) Amendment Act 2007

18—Transitional provision

An amendment to the *Motor Vehicles Act 1959* made by a provision of Part 2 does not apply in relation to an offence committed or allegedly committed before the commencement of that provision.

Motor Vehicles (Miscellaneous No 2) Amendment Act 2009, Sch 1

2—Interpretation

In this Schedule—

principal Act means the *Motor Vehicles Act 1959*.

3—Learner's permits in force immediately before commencement

Subject to clause 4 of this Schedule, sections 75A and 79A of the principal Act, as in force immediately before the commencement of sections 9 and 11 of this Act, continue to apply in relation to a learner's permit in force immediately before that commencement.

4—Requirement to display L plate

The following provisions apply in relation to a learner's permit in force immediately before the commencement of section 9 of this Act:

(a) on the commencement of section 9 of this Act, the condition specified in section 75A(3)(c) of the principal Act (as in force immediately before that commencement) ceases to apply to the permit;

(b) section 75A(15) of the principal Act (as in force after that commencement) applies to the holder of such a permit as if the permit had been issued after that commencement;

(c) on the commencement of section 9 of this Act, section 75A(5aa) of the principal Act (as in force immediately before that commencement) ceases to apply to the holder of the permit;

(d) section 75A(16) of the principal Act (as in force after that commencement) applies to the holder of such a permit as if the permit had been issued after that commencement.

5—Provisional licences in force immediately before commencement

Subject to clause 6 of this Schedule, section 81A of the principal Act, as in force immediately before commencement of section 12 of this Act, continues to apply in relation to a provisional licence in force immediately before that commencement.

6—Requirement to display P plate

The following provisions apply in relation to a P1 licence in force immediately before the commencement of section 12 of this Act:

(a) on the commencement of section 12 of this Act, the condition specified in section 81A(1)(e) of the principal Act (as in force immediately before that commencement) ceases to apply to the licence;

(b) section 81A(15) of the principal Act (as in force after that commencement) applies to the holder of such a licence as if the licence had been issued after that commencement.

7—High powered vehicle restrictions inapplicable to some provisional licences issued after commencement

(1) Section 81A(16) of the principal Act (as in force immediately after the commencement of section 12 of this Act) does not apply to a person who is the holder of a P2 licence issued after the commencement of that subsection if, immediately before the issue of that licence, the person was the holder of a P1 licence that was issued before the commencement of that subsection.

(2) This clause is in addition to and does not derogate from clause 5 of this Schedule.

Statutes Amendment (Budget 2010) Act 2010

39—Transitional provisions

(1) A registration label issued under section 48 of the *Motor Vehicles Act 1959* (the ***Act***) in relation to a motor vehicle other than a heavy vehicle (within the meaning of the Act) is not, after the commencement of section 22 of this Act, taken to be a registration label for the purposes of the Act.

(2) Subject to subsection (3), section 79B of the *Road Traffic Act 1961* (as in force immediately before the commencement of this section) continues to apply in relation to registration offences and owner registration offences (both within the meaning of section 79B of the *Road Traffic Act 1961*) committed before the commencement of this section.

(3) A reference in clause 2 of Schedule 1 of the Act (as in force immediately after the commencement of section 38 of this Act) to a ***camera detected registration offence*** includes a reference to an owner registration offence within the meaning of section 79B of the *Road Traffic Act 1961* (as in force immediately before the commencement of this section).

Motor Vehicles (Third Party Insurance) Amendment Act 2011, Sch 1

1—Transitional provisions

(1) Subject to this clause, an amendment made to the *Motor Vehicles Act 1959* by this Act does not affect a cause of action, right or liability that arose before the commencement of the amendment.

(2) Section 124AA(3) of the *Motor Vehicles Act 1959*, inserted by section 8 of this Act, applies in relation to any action commenced after the day on which the Bill for this Act was first introduced in the Parliament.

Motor Vehicles (Disqualification) Amendment Act 2012, Sch 1—Transitional provision

1—Application of section 94

Section 94 of the *Motor Vehicles Act 1959*, as enacted by this Act, applies in relation to a notice of disqualification that would (but for the provisions of section 94(1)) be given by the Registrar after the commencement of this Act.

Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013, Sch 2

22—Motor Vehicles Act—transitional provisions

(1) In this clause—

principal Act means the *Motor Vehicles Act 1959*.

(2) Section 126A of the principal Act (as inserted by this Act) applies to any claim made after the commencement of that section (including a claim in relation to a death or bodily injury that results from an accident that occurred before that commencement).

(3) An amendment made by this Act to section 127 of the principal Act does not apply in relation to any claim in relation to bodily injury that results from an accident occurring before the commencement of the amendment (and so a paragraph or subsection to be deleted by such an amendment will continue to operate in relation to such a claim including a claim made after the commencement of the amendment).

(4) Section 127B of the principal Act (as inserted by this Act) applies in relation to a death or bodily injury that results from an accident occurring on or after the commencement of that section.

(5) Section 127C of the principal Act (as inserted by this Act) applies in relation to a claim in respect of a death or a bodily injury that results from an accident occurring on or after the commencement of that section.

23—Contribution to liabilities of Authority—transitional provisions

(1) The Treasurer may, after consultation with MAC and the Authority, determine an amount that (in the opinion of the Treasurer) represents the amount derived by MAC from premiums in respect of policies of insurance under Part 4 of the *Motor Vehicles Act 1959* in respect of any treatment, care and support needs of persons who become participants in the Scheme under this Act after the commencement of the Scheme and the commencement of section 58A of the *Civil Liability Act 1936* (as inserted by this Act), including so as to provide an amount with respect to unexpended risk reserves held by MAC that are attributable to road accidents for which provision is made but for which liability does not eventually arise.

(2) The Treasurer may make a determination under subclause (1)—

(a) in respect of past and future premiums payable under Part 4 of the *Motor Vehicles Act 1959* (applying such estimates as the Treasurer thinks fit); and

(b) on the basis of—

(i) estimates with respect to reductions in the liability and financial requirements of MAC in the future; and

(ii) estimates with respect to the liabilities and financial requirements of the Authority under this Act in the future,

and after taking into account such other matters as the Treasurer thinks fit.

(3) An amount determined by the Treasurer under subclause (1) will be payable by MAC (from out of the Compulsory Third Party Fund established under Part 4 of the *Motor Accident Commission Act 1992*) to the Authority (for payment into the Lifetime Support Scheme Fund established under Part 7 of this Act) at a time determined by the Treasurer after consultation with MAC and the Authority.

(4) This clause operates despite any provision in the *Motor Accident Commission Act 1992* about payments into or out of the Compulsory Third Party Fund.

(5) In this clause—

MAC means the Motor Accident Commission.

Statutes Amendment (Transport Portfolio) Act 2013

14—Transitional provisions

(1) The amendment to section 81AB of the principal Act effected by section 6(1) of this Act applies in relation to a probationary licence in force on or after the commencement of section 6(1).

(2) The amendment to section 81AB of the principal Act effected by section 6(2) of this Act applies in relation to a licence issued following a disqualification ordered by a court after the commencement of section 6(2).

(3) The amendment to section 81B of the principal Act effected by section 7 of this Act applies in relation to demerit points incurred before or after the commencement of section 7.

(4) The amendments to section 81BA of the principal Act effected by section 8 of this Act apply in relation to a notice of disqualification issued after the commencement of section 8.

(5) The amendments to section 81BB of the principal Act effected by section 9 of this Act apply in relation to a notice of disqualification issued after the commencement of section 9.

(6) In this section—

principal Act means the *Motor Vehicles Act 1959*.

Motor Vehicles (Learner's Permits and Provisional Licences) Amendment Act 2013, Sch 1—Transitional provisions

1—Interpretation

(1) In this Schedule—

disqualified provisional licence holder means a person who, immediately before the commencement of section 11, was—

(a) a prescribed provisional licence holder; or

(b) the holder of a provisional licence issued to an applicant referred to in section 81A(2)(d);

prescribed provisional licence holder means a person who, immediately before the commencement of section 11, was the holder of a P1 licence that was issued on an application made in accordance with section 81BA(3) or 81BB(7);

principal Act means the *Motor Vehicles Act 1959*.

(2) All other words and phrases used in this Schedule have the same meaning as in the principal Act (unless the contrary intention appears).

2—General application of principal Act as amended

(1) Subject to clauses 3 and 4, the principal Act as in force after the commencement of this Act applies in relation to a licence or learner's permit issued, renewed or in force after the commencement of this Act.

(2) For the avoidance of doubt—

(a) if a provisional licence is to come into effect after the commencement of section 11 as a result of a safer driver agreement entered into under section 81BA of the principal Act before such commencement, section 81BA of the principal Act as in force after such commencement will be taken to apply in relation to the licence; and

(b) if a provisional licence is issued to a person after the commencement of section 11 as a result of an appeal determined under section 81BB of the principal Act before such commencement, section 81BB of the principal Act as in force after such commencement will be taken to apply in relation to the licence.

3—Principal Act as in force before commencement to continue to apply in certain circumstances

Subject to clause 4, the principal Act as in force immediately before the commencement of this Act continues to apply in relation to—

(a) a P1 or P2 licence or a learner's permit in force immediately before the commencement of this Act; and

(b) the renewal of a licence or permit referred to in paragraph (a) (and in relation to a P1 or P2 licence or a learner's permit as so renewed) other than where the renewal occurs on application made more than 12 months after expiry of the previous licence or permit; and

(c) the issue of a P2 licence after the commencement of this Act (and in relation to the P2 licence as so issued) to a person who was the holder of a P1 licence—

(i) immediately before the commencement of this Act; and

(ii) at some time during the period of 12 months immediately preceding the application for the P2 licence; and

(d) the issue of a non-provisional licence after the commencement of this Act to a person who was the holder of a P1 or P2 licence—

(i) immediately before the commencement of this Act; and

(ii) at some time during the period of 12 months immediately preceding the application for the non-provisional licence.

4—Transitional modifications of principal Act

Despite clauses 2 and 3—

(a) on and from the commencement of section 7, section 75A(20) and (21) of the principal Act apply to a prescribed learner's permit holder (within the meaning of section 75A of that Act) whether the permit was issued (or renewed) before or after that commencement; and

(b) on and from the commencement of section 11, section 81A(16), (17), (18) and (19) of the principal Act apply to the holder of a P1 licence who is under the age of 25 years whether the P1 licence was issued (or renewed) before or after that commencement; and

(c) on and from the commencement of section 11 any condition referred to in section 81A(3)(c) of the principal Act (as in force immediately before the commencement of section 11) will cease to apply to a provisional licence; and

(d) on and from the commencement of section 11, section 81A(5)(a) of the principal Act (as in force immediately before the commencement of section 11) will apply as if subparagraph (iv) were deleted; and

(e) on and from the commencement of section 11, section 81A(8)(b) of the principal Act (as in force immediately before the commencement of section 11) will not apply in relation to any applicant for a licence; and

(f) section 81A (as in force immediately before the commencement of section 11) applies to a disqualified provisional licence holder as if—

(i) the references in section 81A(5)(b)(i) to 2 years were references to 12 months; and

(ii) the prescribed period (for the purposes of section 81A) was—

(A) in relation to a prescribed provisional licence holder—2 years; and

(B) in relation to any other disqualified provisional licence holder—18 months; and

(g) a P1 licence referred to in clause 3 may be renewed as a non-provisional licence if—

(i) the holder of the P1 licence—

(A) has not been disqualified from holding or obtaining a driver's licence or learner's permit as a result of an offence committed or allegedly committed while the holder of a P1 licence; and

(B) has held a P1 licence for periods totalling at least 2 years; or

(ii) the holder of the P1 licence is a disqualified provisional licence holder and has held the P1 licence for a period of—

(A) in the case of a prescribed provisional licence holder—at least 3 years; or

(B) in any other case—at least 2 years and 6 months.

5—Examiners taken to be testers

(1) A person who is, immediately before the commencement of section 8, an examiner appointed by the Registrar for the purposes of section 79 of the principal Act is, on the commencement of section 8, taken to be appointed by the Registrar as a tester for the purposes of that section of the principal Act as amended by section 8.

(2) A person who is, immediately before the commencement of section 11, an examiner appointed by the Registrar for the purposes of conducting a hazard perception test under section 81A of the principal Act is, on the commencement of section 11—

(a) taken to continue to be so appointed for the purposes of section 81A of the Act (as in force before the commencement of section 11) as that provision continues to apply in accordance with this Schedule; and

(b) taken to be appointed by the Registrar as a tester for the purposes of section 79A of the principal Act as amended by section 9.

Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015

128—Transitional provisions

(1) In this section—

principal Act means the *Motor Vehicles Act 1959*.

(2) Despite any other provision of this Part, the review committee established under Part 3E of the principal Act continues in existence after the commencement of this Part for the purpose of determining any applications for review referred to the committee before that commencement (and for that purpose the review committee must determine those applications in accordance with the provisions of Part 3E of the principal Act as in force immediately before the commencement of this Part).

Compulsory Third Party Insurance Regulation Act 2016, s 20 and Pt 4—Transitional provisions

20—Transitional provision—Saving of existing policies of insurance under Part 4

A policy of insurance under Part 4 in force immediately before the commencement of this section will, after that commencement, continue in force, until its expiry or cancellation, as a policy under that Part subject to the terms, conditions, warranties and exclusions set out in the table below.

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 .1 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; or

(g) if the person is the driver of the vehicle when it is involved in an accident in which a person is killed or injured—commit an offence against section 43 of the *Road Traffic Act 1961*.

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.

4 This policy of insurance does not extend to liability arising from death of, or bodily injury to, a participant in a road race caused by the act or omission of another participant in the road race.

21—Interpretation

In this Part—

commencement day means the day on which this Part comes into operation;

declared day means the day declared by proclamation to be the day on which the transitional period ends;

Minister means the Minister with responsibility for approving insurers under Part 4 of the Motor Vehicles Act;

transitional period means the period commencing on the commencement day and ending on the declared day.

22—Ministerial control

During the transitional period, the CTP Regulator is subject to the directions of the Minister as to the exercise of the following of the Regulator's functions:

(a) determining premium amounts payable in respect of CTP insurance policies;

(b) determining the minimum terms and conditions of CTP insurance policies;

(c) making, monitoring the operation of, and reviewing from time to time, rules with which approved insurers must comply, and guidelines for approved insurers, in relation to—

(i) the determination of premiums; and

(ii) the management of claims; and

(iii) dispute resolution; and

(iv) the provision of information to consumers; and

(v) any other relevant matter.

23—Transfer of CTP insurance policies

(1) On the commencement day, a CTP insurance policy in existence under Part 4 of the Motor Vehicles Act will, by force of this subclause, be transferred from the Motor Accident Commission to an approved insurer in accordance with a scheme determined by the Minister.

(2) During the transitional period, the CTP Regulator may transfer a CTP insurance policy relating to a motor vehicle from 1 approved insurer to another approved insurer in accordance with a scheme determined by the Minister (in which case, the approved insurer to whom the policy of insurance is transferred becomes the insurer under the policy of insurance relating to that motor vehicle).

Statutes Amendment and Repeal (Simplify) Act 2017, Pt 19

90—Transitional provision

A registration label issued under section 48 of the *Motor Vehicles Act 1959* (the ***Act***) in relation to a heavy vehicle (within the meaning of the Act) is not, after the commencement of section 79 of this Act, taken to be a registration label for the purposes of the Act.

Statutes Amendment (South Eastern Freeway Offences) Act 2019, Sch 1—Transitional provisions

1—Interpretation

In this Schedule—

South Eastern Freeway offence means—

(a) an offence against section 45C of the *Road Traffic Act 1961*; or

(b) an offence against section 79B 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 an offence against section 45C(1) of the *Road Traffic Act 1961*.

2—Transitional provision

The provisions of the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961* as amended by this Act do not apply in respect of a South Eastern Freeway offence committed or allegedly committed before the commencement of this Act (and the provisions of the *Motor Vehicles Act 1959* and the *Road Traffic Act 1961* as in force at the time of the offence or alleged offence will apply instead).

Statutes Amendment (SACAT) Act 2019, Pt 19

128—Transitional provisions

(1) A right of appeal under the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the relevant proceedings may be commenced before the Tribunal rather than the Administrative and Disciplinary Division of the District Court.

(2) A right to lodge a complaint under section 98PD of the principal Act in existence (but not yet exercised) before the relevant day, will be exercised as if this Part had been in operation before the right arose, so that the complaint may be lodged with the Tribunal rather than the Administrative and Disciplinary Division of the District Court.

(3) A decision or order of the Administrative and Disciplinary Division of the District Court under Part 3C of the principal Act in force immediately before the relevant day will, on and from the relevant day, be taken to be a decision or order of the Tribunal.

(4) Nothing in this section affects any proceedings before the Administrative and Disciplinary Division of the District Court commenced before the relevant day.

(5) Nothing in this Part affects any review before the Minister under section 98T of the principal Act, as in force immediately before the relevant day, that was commenced but not determined before the relevant day, and a right of review by the Tribunal under section 98T of the principal Act, as in force after the relevant day, will apply to and in respect of a decision of the Minister on that review (and a reference to a decision of the Minister in section 98T as in force after the relevant day will be taken to be a reference to the decision of the Tribunal on that review).

(6) A member of a panel of persons who may sit as assessors established under the principal Act (as in existence immediately before the relevant day) ceases to hold office on the commencement of this subsection and any contract of employment, agreement or arrangement relating to the office held by that member is terminated by force of this subsection at the same time.

(7) In this section—

principal Act means the *Motor Vehicles Act 1959*;

relevant day means the day on which this Part comes into operation;

Tribunal means the South Australian Civil and Administrative Tribunal established under the *South Australian Civil and Administrative Tribunal Act 2013*.

Motor Vehicles (Electric Vehicle Levy) Amendment Act 2021, Sch 2—Review of Act

1—Review of Act by Select Committee

As soon as practicable after the day that is 1 year after the commencement of this Schedule, the Legislative Council is to appoint a Select Committee to consider longer term issues relating to the use of electric vehicles in the State (including infrastructure, training and the disposal of batteries and other electric vehicle components) and to recommend strategies to address these issues, in accordance with terms of reference determined by the Legislative Council.

Motor Vehicles (Previous Offences) Amendment Act 2024, Sch 1, Pt 2—Transitional provisions etc

3—Notices issued etc before commencement of Act

(1) For the avoidance of doubt, it is declared to have always been lawful for the Registrar of Motor Vehicles to give a person a notice under section 81BC, 81C or 81D of the *Motor Vehicles Act 1959* in relation to a second, third or subsequent offence regardless of whether or not the person had been convicted of or expiated the previous offence or offences at the time of commission of the second, third or subsequent offence.

(2) A decision of the Registrar of Motor Vehicles, before the commencement of this subclause, to treat an offence as a first offence or as a second, third or subsequent offence for the purposes of section 81BC, 81C or 81D of the *Motor Vehicles Act 1959* is taken to be, and to have always been, validly made if the decision was based on the date of commission, or alleged commission, of the offence and no liability lies against the Registrar of Motor Vehicles or the Crown in respect of any period of licence disqualification or any licence suspension or cancellation applying to a person pursuant to such a decision.

(3) If the Registrar of Motor Vehicles is satisfied that a period of licence disqualification or suspension applying to a person pursuant to 1 or more notices given, or purportedly given, under section 81BC(2) before the commencement of section 5 of this Act would result in severe or unusual hardship to the person, the Registrar may (in the Registrar's absolute discretion) by written notice given to the person—

(a) revoke any such notice; or

(b) reduce the period of disqualification or suspension applying to the person to such period as may be specified in the notice.

(4) For the purposes of subclause (3) a notice will be taken to have been given, or purportedly given, at the time the Registrar issued the notice (and not at the time the notice would otherwise be taken to have been given in accordance with section 139BD of the *Motor Vehicles Act 1959*).

(5) A decision of the Registrar of Motor Vehicles, before the commencement of section 8(2) of this Act, to treat 2 or more notices of disqualification personally acknowledged by, or served on, a person in accordance with section 139BD of the *Motor Vehicles Act 1959* as taking effect one after another in a particular order (and not to be taking effect at the same time) is taken to be, and to have always been, validly made and no liability lies against the Registrar of Motor Vehicles or the Crown in respect of any period of licence disqualification or any licence suspension or cancellation applying to a person pursuant to such a decision.

4—Notices issued after commencement of Act

(1) The Registrar of Motor Vehicles may give a person a notice pursuant to section 81BC(3a), 81C(4) or 81D(2a) of the *Motor Vehicles Act 1959* (as inserted by this Act) in respect of offences committed or allegedly committed before the commencement of the relevant provision provided that the person is convicted of or expiates the previous offence referred to in the relevant provision after that commencement.

(2) Section 81BC(7)(b)(iii) of the *Motor Vehicles Act 1959* (as substituted by this Act) applies in relation to a notice issued under that section on or after the commencement of section 5(4) of this Act (whether the person was convicted of or expiated the offences to which the notice relates before or after that commencement).

Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Act 2025, Pt 8

17—Transitional provision

Section 98B(1aa) of the *Motor Vehicles Act 1959* (as inserted by section 16) applies in relation to a conviction for, or expiation of, an offence against section 79B(2) of the *Road Traffic Act 1961* regardless of whether the offence, or the conviction for or expiation of the offence, occurred before or after the commencement of section 16 and regardless of whether a number of demerit points was prescribed by regulations under the *Motor Vehicles Act 1959* in relation to the offence at the time the offence was committed (and any demerit points incurred by a person pursuant to this section are taken to be so incurred at the time of the person's conviction for or expiation of the offence).

Historical versions

Reprint No 1—1.7.1991
Reprint No 2—3.2.1992
Reprint No 3—1.6.1992
Reprint No 4—10.12.1992
Reprint No 5—3.5.1993
Reprint No 6—1.7.1993
Reprint No 7—5.8.1993
Reprint No 8—21.10.1993
Reprint No 9—5.12.1994
Reprint No 10—2.3.1995
Reprint No 11—1.5.1995
Reprint No 12—4.4.1996
Reprint No 13—1.7.1996
Reprint No 14—7.11.1996
Reprint No 15—3.2.1997
Reprint No 16—24.3.1997
Reprint No 17—7.4.1997
Reprint No 18—1.7.1997
Reprint No 19—17.11.1997
Reprint No 20—24.12.1997
Reprint No 21—15.1.1998
Reprint No 22—2.5.1998
Reprint No 23—28.5.1998
Reprint No 24—3.9.1998
Reprint No 25—29.10.1998

Reprint No 26—14.1.1999
Reprint No 27—6.9.1999
Reprint No 28—1.12.1999
Reprint No 29—6.3.2000
Reprint No 30—23.3.2000
Reprint No 31—1.6.2000
Reprint No 32—6.7.2000
Reprint No 33—1.3.2001
Reprint No 34—17.6.2001
Reprint No 35—9.7.2001
Reprint No 36—16.7.2001
Reprint No 37—3.10.2002
Reprint No 38—3.7.2003
Reprint No 39—1.8.2003
Reprint No 40—15.12.2003
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12.3.2025