



ANNO VICESIMO

ELIZABETHAE II REGINAE

A.D. 1971

No. 39 of 1971

An Act to amend the Motor Vehicles Act, 1959-1970.

[Assented to 29th April, 1971]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Motor Vehicles Act Amendment Act (No. 2), 1971". Short titles.

(2) The Motor Vehicles Act, 1959-1970, as amended by this Act, and by all Acts amending the same prior to the commencement of this Act may be cited as the "Motor Vehicles Act, 1959-1971".

(3) The Motor Vehicles Act, 1959-1970, is hereinafter referred to as "the principal Act".

2. Section 4 of the principal Act is amended by inserting after the passage "PART IIIA—Motor Driving Instructors' Licences. Section 98a." the passage "PART IIIB—Points Demerit Scheme. Section 98b." Amendment of principal Act, s. 4—
Division of Act.

3. Section 12 of the principal Act is amended by striking out from subsection (5) the passage "and a grain elevator" and inserting in lieu thereof the passage " , a field bin constructed for the purpose of receiving or storing grain in or close to the field in which it is harvested, a grain elevator and a bale elevator". Amendment of principal Act, s. 12—
Exemption of farmer's tractors and implements.

4. Section 21 of the principal Act is amended by striking out the passage "applied for" and inserting in lieu thereof the passage "to be granted". Amendment of principal Act, s. 21—
Duty to lodge certificates of insurance.

Amendment of
principal Act,
s. 24—
Duty to grant
registration
and allot
number.

5. Section 24 of the principal Act is amended—

(a) by inserting after subsection (1) the following subsection:—

(1a) The Registrar may, at any time, amend or vary a number allotted to a vehicle under subsection (1) of this section.;

and

(b) by inserting after subsection (4) the following subsection:—

(5) The Registrar may refuse to register a motor vehicle if he is not satisfied that the design or construction of the motor vehicle conforms with the provisions of any Act or any regulations under an Act regulating the design or construction of such a motor vehicle.

Repeal of
s. 25 of
principal Act.

6. Section 25 of the principal Act is repealed.

Amendment of
principal Act,
s. 26—
Duration of
registration.

7. Section 26 of the principal Act is amended by striking out subsection (2) and inserting in lieu thereof the following subsections:—

(2) The Registrar may reduce the period of registration by not more than ten days (or with the consent of the applicant for a longer period) without adjusting the registration fee where the certificate of insurance lodged with the application for registration by the applicant would not otherwise be in accordance with the requirements of section 21 of this Act.

(3) Subsection (2) of this section shall be deemed to have come into operation at the commencement of the Motor Vehicles Act Amendment Act, 1961.

Amendment of
principal Act,
s. 31—
Registration
without fee.

8. Section 31 of the principal Act is amended by inserting after paragraph (m) the following paragraphs:—

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

(o) any motor vehicle owned by a municipal or district council, or by a controlling authority under Part XIX of the Local Government Act, 1934-1970, and used solely or mainly in connection with the eradication and control of dangerous and noxious weeds under the Weeds Act, 1956-1969.;

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

9. Section 48 of the principal Act is amended—

Amendment of
principal Act,
s. 48—
Registration
labels.

(a) by inserting after subsection (1) the following subsections:—

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

(1b) A person shall not fail to comply with a direction under subsection (1a) of this section.

Penalty: One hundred dollars.;

(b) by striking out from subsection (2) the passage “Every registration label or the prescribed part thereof” and inserting in lieu thereof the passage “The registration label, or, where an amended registration label has been issued, the amended registration label”;

and

(c) by inserting after the passage “registration label” first occurring in subsection (3) the passage “or, where an amended registration label has been issued, the amended registration label”.

10. Section 61 of the principal Act is amended—

Amendment of
principal Act,
s. 61—
Hire-purchase
transactions.

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(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 shall not be a transfer within the meaning of this Act.;

(b) by striking out paragraph (a) of subsection (2) and inserting in lieu thereof the following paragraph:—

(a) 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;;

(c) by striking out from subsection (3) the passage “repossesses a motor vehicle pursuant to a hire-purchase agreement in relation to which the Hire-Purchase Agreements Act, 1960-1962, does not apply” and inserting in lieu thereof the passage “pursuant to a hire-purchase agreement in relation to which the Hire-Purchase Agreements Act,

1960-1966, does not apply, repossesses a motor vehicle registered in the name of the person who took the vehicle on hire in pursuance of the hire-purchase agreement”;

and

(d) by inserting after the passage “motor vehicle” in subsection (4) the passage “in whose name the vehicle is registered”.

Amendment of
principal Act,
s. 67—
Limited trader's
plates.

11. Section 67 of the principal Act is amended by striking out subsection (3) and inserting in lieu thereof the following subsections:—

(3) A motor vehicle bearing limited trader's plates shall not be driven on a road except for a purpose directly connected with the business carried on by the trader and being—

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

(b) a business of manufacturing agricultural machinery;
or

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

(3a) A person shall not drive a motor vehicle bearing limited trader's plates on a road unless—

(a) he is a person referred to in subsection (2) of this section;

and

(b) the motor vehicle is so driven for a purpose referred to in subsection (3) of this section.

Penalty: One hundred dollars.

Amendment of
principal Act,
s. 77—
Issue of
duplicate
licence or
learner's
permit.

12. Section 77 of the principal Act is amended by striking out from subsection (1) the passage “a fee of twenty-five cents” and inserting in lieu thereof the passage “the prescribed fee”.

Repeal of s. 80
of principal
Act and
enactment of
section in its
place—
Power to test
applicants.

13. Section 80 of the principal Act is repealed and the following section is enacted and inserted in its place:—

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

(2) If, after considering the results of the tests or the evidence, the Registrar is satisfied that a person is not competent to drive a motor vehicle without danger to the public, he may refuse to issue a learner's permit or licence to that person, or suspend a learner's permit or licence issued to that person until he satisfies the Registrar that he is competent so to drive a motor vehicle.

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

(4) A temporary driving permit shall, subject to any conditions and restrictions specified therein, have effect as a licence.

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

Penalty: Two hundred dollars.

14. Section 82 of the principal Act is amended by inserting after the passage "a licence" wherever it occurs the passage "or a learner's permit".

Amendment of principal Act, s. 82—
Power to refuse licence.

15. Section 83b of the principal Act is amended by striking out from subsection (3) the word "shall" secondly occurring.

Amendment of principal Act, s. 83b—
Contract for repairs.

16. Section 89 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of s. 89 of principal Act and enactment of section in its place—

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

Cancellation or suspension of licence where driver disqualified in another State.

17. Section 91 of the principal Act is amended by striking out from subsection (5) the passage "holding and obtaining" and inserting in lieu thereof the passage "holding or obtaining".

Amendment of principal Act, s. 91—
Effect of suspension and disqualification.

Amendment of
principal Act,
s. 92—
Production of
licence on
disqualification.

18. Section 92 of the principal Act is amended by striking out the passage “holding and obtaining” and inserting in lieu thereof the passage “holding or obtaining”.

Amendment of
principal Act,
s. 93—
Notice to be
given to
Registrar.

19. Section 93 of the principal Act is amended—

(a) by striking out subsection (1) and inserting in lieu thereof the following subsection:

(1) Whenever a court convicts a person of an offence that attracts demerit points under this Act, or makes an order affecting demerit points or disqualifying a person from holding or obtaining a driver’s licence, and whenever the Commissioner of Police suspends a driver’s licence, the proper officer of the court, or the Commissioner of Police, shall send to the Registrar a notice in writing stating the date of the conviction, order or suspension, the nature of the order, or the period of any disqualification or suspension, and short particulars of the grounds thereof;

and

(b) by striking out from subsection (2) the passage “order of disqualification” and inserting in lieu thereof the passage “conviction or order”.

Enactmen
Part III B
and s. 98b
of principal
Act—

20. The following new Part and new section is enacted and inserted in the principal Act immediately after section 98a thereof:—

PART III B

POINTS DEMERIT SCHEME

Points demerit
scheme.

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

(2) Upon the demerit points recorded against a person amounting to twelve or more in number, the driver’s licence of that person shall, subject to this section, be suspended, and he shall be disqualified from holding or obtaining a driver’s licence for a period of three months.

(3) Demerit points shall not be recorded in respect of an offence committed before the commencement of the Motor Vehicles Act Amendment Act (No. 2), 1971.

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

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

(a) notifying him of the number of points recorded against him;

and

(b) warning him that further convictions for prescribed offences may result in the suspension of his licence.

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

(7) Where a conviction is recorded against any person and the conviction is subject to appeal, the demerit points in respect of that conviction shall not be recorded against that person until the right of appeal expires, or if there is an appeal, until the determination of the appeal.

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

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

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

(11) The Registrar shall, when the aggregate of the demerit points recorded against a person amounts to twelve or more demerit points cause to be served personally upon that person a notice informing him that his licence has been suspended and he is disqualified from holding or obtaining a licence and the suspension shall take effect upon the service of the notice, or where a suspension or disqualification has been otherwise imposed, upon the expiration or termination of that other suspension or disqualification.

(12) Upon the suspension of a licence pursuant to this section, the demerit points incurred by the holder of the licence up to the time at which his licence became liable to suspension shall be wholly extinguished, notwithstanding that the aggregate of those points, when the licence became liable to suspension, exceeded that required for the suspension of the licence.

(13) A person whose licence is liable to suspension under this section may (whether or not the suspension has in fact taken effect) appeal to the local court against the suspension of his licence.

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

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

(a) it is not in the public interest that the licence be suspended;

or

(b) that the suspension of the licence would result in undue hardship to the appellant,

the court may order that the aggregate of the demerit points recorded against the appellant be reduced by a number not exceeding one quarter of that aggregate.

(16) Where an appeal has been instituted under this section, the suspension shall be inoperative until the appeal has been determined.

(17) A person shall not be entitled to appeal against the suspension of his licence under this section if any of the demerit points upon which his licence is liable to suspension formed part of an aggregate that was reduced by the local court upon a previous appeal under this section.

Amendment of
principal Act,
s. 99—
Interpretation.

21. Section 99 of the principal Act is amended by striking out from subsection (1) the word “Treasurer” and inserting in lieu thereof the word “Minister”.

Amendment of
principal Act,
s. 101—
Approved
insurers.

22. Section 101 of the principal Act is amended by striking out the word “Treasurer” wherever it occurs and inserting in lieu thereof, in each case, the word “Minister”.

Amendment of
principal Act,
s. 103—
Duty to
produce
evidence of
insurance.

23. Section 103 of the principal Act is amended by inserting after the passage “This Part is” the passage “, or was at any specified time or for any specified period”.

Amendment of
principal Act,
s. 115—
Claims against
nominal
defendant.

24. Section 115 of the principal Act is amended by striking out the word “Treasurer” wherever it occurs and inserting in lieu thereof, in each case, the word “Minister”.

25. Section 116 of the principal Act is amended by striking out the word "Treasurer" wherever it occurs and inserting in lieu thereof, in each case, the word "Minister".

Amendment of principal Act, s. 116—
Claims against defendant.

26. Section 118a of the principal Act is amended by striking out from subsections (1) and (8) the word "Treasurer" wherever it occurs and inserting in lieu thereof, in each case, the word "Minister".

Amendment of principal Act, s. 118a—
Appointment of nominal defendant.

27. Section 119 of the principal Act is amended by striking out the word "Treasurer" wherever it occurs and inserting in lieu thereof, in each case, the word "Minister".

Amendment of principal Act, s. 119—
Schemes for payment of liability.

28. Section 128 of the principal Act is amended by striking out the word "Treasurer" wherever it occurs and inserting in lieu thereof, in each case, the word "Minister".

Amendment of principal Act, s. 128—
Duty of insurers to furnish information.

29. Section 129 of the principal Act is amended by striking out the word "Treasurer" wherever it occurs and inserting in lieu thereof, in each case, the word "Minister".

Amendment of principal Act s. 129—
Inquiries into premiums.

30. Section 136 of the principal Act is amended by striking out from subsection (2) the word "incorporate" and inserting in lieu thereof the word "unincorporate".

Amendment of principal Act, s. 136—
Duty to notify change of address.

31. Section 145 of the principal Act is amended by striking out the word "and" immediately preceding paragraph (c1).

Amendment of principal Act, s. 145—
Regulations.

32. The following new schedule to the principal Act is enacted and inserted in the principal Act after the second schedule to the principal Act:—

Enactment of third schedule to principal Act.

THE THIRD SCHEDULE

Offence under Road Traffic Act	Nature of Offence	Number of Demerit Points carried by Offence
Section 47 (1)	Driving, or attempting to put a vehicle in motion, while under influence of liquor or drug	6
Section 43 (3) (a)	Failing to stop after an accident in which any person or animal is injured or killed	5
Section 46 (1)	Reckless or dangerous driving	5
Section 47b (1)	Driving, or attempting to put a vehicle in motion, with prescribed concentration of alcohol in blood	5
Section 47e (3)	Refusing or failing to comply with a reasonable police direction in connection with breath analysis or to exhale into a breath analysing instrument as directed	5
Section 63 (1)	Failing to give way	4
Section 65	Failing to give way at crossover	4
Section 66	Failing to give way when entering road from private land	4
Section 67 (1)	Failing to give way to pedestrian on pedestrian crossing	4
Section 67 (2)	Passing stop line or entering pedestrian crossing while "stop" sign is being exhibited	4
Section 67 (3)	Passing vehicle stopped at pedestrian crossing to give way to pedestrian	4
Section 72 (1)	Failing to stand	4
Section 72a	Failing to give way at roundabout	4
Section 43 (3) (a)	Failing to stop after an accident in which any real or personal property (other than an animal) is destroyed or damaged	3
Section 45	Careless driving	3
Section 48	Exceeding general speed limit	3
Section 49 (1) (a)	Exceeding 35 m.p.h.	3
Section 49 (1) (b)	Exceeding speed past school bus	3
Section 49 (1) (c)	Exceeding speed past school or playground	3
Section 49 (1) (d)	Exceeding 15 m.p.h. approaching and within 100ft. of school crossing	3
Section 49 (1) (e)	Exceeding 15 m.p.h. between signs at road works, etc.	3
Section 50 (1)	Exceeding speed fixed in speed zone	3
Section 51 (1)	Exceeding speed with pillion passenger	3
Section 53 (1) and (2)	Exceeding speed—commercial vehicle	3
Section 53a (1)	Exceeding speed—passenger vehicle with seating for more than eight passengers	3
Section 56 (b)	Moving from a lane when movement cannot be made with safety	3
Section 57 (1)	Crossing barrier lines	3
Section 58 (1)	Overtaking or attempting to overtake in a dangerous manner	3
Section 58 (4)	Overtaking otherwise than on left of vehicle signalling right turn	3
Section 64	Failing to comply with "give way" sign	3
Section 68	Failing to give way to pedestrian when turning at intersection or junction	3
Section 69	Failing to give way when driving from stationary position at edge of carriage-way	3
Section 75 (1)	Disobeying traffic lights or signs when driving vehicle	3
Section 76	Failing to comply with sign bearing words "no turns", "no right turn", "no left turn" or other words to like effect	3

THE THIRD SCHEDULE—*continued*

Offence under Road Traffic Act	Nature of Offence	Number of Demerit Points carried by Offence
Section 77	Failing to comply with "keep left" or "keep right" sign	3
Section 78 (1), (2) and (3) Section 78a	Failing to comply with stop sign	3
Section 80	Failing to comply with road sign or mark regulating traffic movement, or route to be taken	3
Section 80	Failing to comply with rules as to level crossings	3
Section 54 (1)	Failing to keep left	2
Section 56 (a)	Failing to keep vehicle entirely within traffic lane	2
Section 70 (1)	Improper right hand turn	2
Section 74 (1) and (1a) ..	Failing to signal divergence, turn, stopping or slowing down	2
Section 74a	Permitting signalling device to operate after completed turn or divergence ...	2
Section 81 (1)	Failing to stop at railway crossing— certain vehicles	2
Section 83 (1)	Obstructing traffic	2
Section 122	Failing to dip headlamps	2
Section 111 (1)	Driving vehicle without prescribed head- lamps (<i>vide</i> section 112 (1), (2) and (3))	1
Section 111 (1)	Driving vehicle without prescribed clearance lamps (<i>vide</i> section 117 (2), (3), (4) and (5))	1

In the name and on behalf of Her Majesty, I hereby assent
to this Bill.

J. W. HARRISON, Governor.