



ANNO TRICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1989

No. 11 of 1989

An Act to amend the Motor Vehicles Act, 1959.

[

[Assented to 30 March 1989]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Motor Vehicles Act Amendment Act, 1989*.
- (2) The *Motor Vehicles Act, 1959*, is in this Act referred to as “the principal Act”.

Interpretation

2. Section 5 of the principal Act is amended by inserting after the definition of “inspector” in subsection (1) the following definition:

“interstate licence” means a licence or permit issued under the law of another State or Territory of the Commonwealth that corresponds to a driver’s licence or learner’s permit issued under this Act.

Insertion of new s. 75aa

3. The following section is inserted after section 75 of the principal Act:

Only one licence to be held at any time

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

(a) surrenders the interstate licence to the Registrar;

and

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

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

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

Substitution of s. 97a

4. Section 97a of the principal Act is repealed and the following section is substituted:

Visiting motorists

97a. (1) Subject to subsection (2)—

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

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

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

- (a) a member of the police force;
 - (b) an inspector;
- or
- (c) an inspector under the *Road Traffic Act, 1961*.

Penalty: Division 10 fine.

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

(5) Where a person drives a vehicle in this State pursuant to an interstate licence or foreign licence, the licence will, for the purposes of any contract or policy of insurance relating to the vehicle, be taken to be a licence issued under this Act notwithstanding that the driver last entered the State three months or more before driving the vehicle.

(6) In this section—

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

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

SCHEDULE

The principal Act is further amended as follows:

Provision Amended	How Amended
Section 9	Delete "Four hundred dollars" and substitute "Division 9 fine".
Section 16 (6)	Delete "One hundred dollars" and substitute "Division 11 fine".
Section 41 (2)	Delete "\$500" and substitute "Division 9 fine".
Section 43 (7)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 44 (4)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 47 (1)	Delete "\$200" and substitute "Division 10 fine".
Section 47a (7)	Delete "\$200" and substitute "Division 10 fine".
Section 47b (2)	Delete "\$200" and substitute "Division 10 fine".
Section 48 (1b)	Delete "One hundred dollars" and substitute "Division 11 fine".
Section 48 (3)	Delete "For a first offence—One hundred dollars. For a subsequent offence—Two hundred dollars" and substitute: —for a first offence—a division 11 fine. —for a subsequent offence—a division 10 fine.
Section 49 (6)	Delete "One hundred dollars" and substitute "Division 11 fine".
Section 52 (2)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 53 (1)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 56	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 57 (1)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 66 (3)	Delete "shall both be guilty of an offence and each liable to a penalty not exceeding three hundred dollars" and substitute: are each guilty of an offence. Penalty: Division 9 fine.
Section 67 (5)	Delete "shall both be guilty of an offence and each liable to a penalty not exceeding three hundred dollars" and substitute: are each guilty of an offence. Penalty: Division 9 fine.
Section 70 (2)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 71 (1)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 74 (1)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 75 (4)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 75a (5)	Delete "\$1 000" and substitute "Division 8 fine".
Section 75a (5aaa)	Delete "\$100" and substitute "Division 11 fine".
Section 75a (5aa)	Delete "\$1 000" and substitute "Division 8 fine".
Section 75a (5c)	Delete "One hundred dollars" and substitute "Division 11 fine".
Section 79c	Delete "Four hundred dollars" and substitute "Division 9 fine".
Section 80 (5)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 81 (1b)	Delete "Two hundred dollars" and substitute "Division 10 fine".

Provision Amended	How Amended
Section 81 (4)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 81a (5)	Delete "\$1 000" and substitute "Division 8 fine".
Section 81a (5a)	Delete "\$100" and substitute "Division 11 fine".
Section 81a (5b)	Delete "\$1 000" and substitute "Division 8 fine".
Section 81a (8)	Delete "One hundred dollars" and substitute "Division 11 fine".
Section 81b (11b)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 82 (1ac)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 85 (3)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 91 (5)	Delete "Imprisonment for six months" and substitute "Division 7 imprisonment".
Section 92 (1)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 94 (2)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 96 (1)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 96 (3)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 97 (1)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 98a (1)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 98b (15c)	Delete "shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars" and substitute: is guilty of an offence. Penalty: Division 10 fine.
Section 98d (1)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98h (3)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98k (5)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98l (3)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98ma (2)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98mc (1)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98mc (2)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98md (1)	Delete "Five thousand dollars" and substitute "Division 5 fine".
Section 98md (4)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98me (1)	Delete "Five thousand dollars" and substitute "Division 5 fine".
Section 98me (3)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98me (4)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98me (5)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98me (7)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98me (9)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98me (12)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98me (13)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98me (14)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98mf (1)	Delete "shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars" and substitute: is guilty of an offence. Penalty: Division 8 fine.

Provision Amended	How Amended
Section 98mg (1)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98mh (1)	Delete "One thousand dollars" and substitute "Division 8 fine".
Section 98mi (1)	Delete "Two thousand dollars" and substitute "Division 7 fine".
Section 98mj (1)	Delete "Two thousand dollars" and substitute "Division 7 fine".
Section 98mk (1)	Delete "Five thousand dollars" and substitute "Division 5 fine".
Section 98ml (1)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98ml (2)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98n	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98o (1)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98o (2)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98o (3)	Delete "shall also be guilty of an offence and liable to a penalty not exceeding five hundred dollars" and substitute: is also guilty of an offence. Penalty: Division 9 fine.
Section 98p (4)	Delete "Ten thousand dollars" and substitute "Division 4 fine".
Section 98p (4a)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98p (8)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 98p (9)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98pa (2)	Delete "Two thousand dollars" and substitute "Division 7 fine".
Section 98pd (2) (b)	Delete this paragraph and substitute: (b) impose a division 9 fine;.
Section 98pf (2)	Delete "and liable to a penalty not exceeding one thousand dollars" and substitute: Penalty: Division 8 fine.
Section 98u	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 98v (3)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 99a (7)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 102 (1)	Delete penalty provision.
Section 102 (2)	Delete this subsection and substitute: (2) The penalty for an offence against subsection (1) is— (a) in the case of an offence arising out of— (i) driving a motor vehicle of a class specified in section 12 or 13 for any of the purposes and under the conditions prescribed in that section; (ii) driving a motor vehicle on a wharf for the purpose of loading or unloading cargo; or (iii) towing an uninsured trailer, for a first offence—a division 12 fine. for a subsequent offence—a division 10 fine; and (b) in any other case— (i) a division 9 fine, but not less than the maximum of a division 11 fine; and (ii) disqualification from holding and obtaining a driver's licence for a period of not less than three months and not more than 12 months. (2a) The court may, if for special reason it thinks fit to do so, in the case of a first offence, impose a fine or a period of disqualification that is less than the minimum prescribed by subsection (2) (b), but may not otherwise reduce or mitigate those minimum penalties.

Provision Amended	How Amended
Section 103 (1)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 110 (8)	Delete "One hundred dollars" and substitute "Division 11 fine".
Section 124 (2)	Delete "shall each be guilty of an offence and liable to a penalty not exceeding two hundred dollars or imprisonment for three months" and substitute: are each guilty of an offence. Penalty: Division 8 fine or division 8 imprisonment.
Section 124 (4)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 124 (5)	Delete "he shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars" and substitute: the person is guilty of an offence. Penalty: Division 10 fine.
Section 124 (6)	Delete "Five hundred dollars or imprisonment for three months" and substitute "Division 8 fine or division 8 imprisonment".
Section 128 (2)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 128 (3)	Delete "Five hundred dollars" and substitute "Division 9 fine".
Section 134 (1)	Delete "Four hundred dollars" and substitute "Division 9 fine".
Section 135 (1)	Delete "One thousand dollars or imprisonment for six months" and substitute "Division 7 fine or division 7 imprisonment".
Section 135a	Delete "One thousand dollars or imprisonment for six months" and substitute "Division 7 fine or division 7 imprisonment".
Section 136 (1)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 136 (1a)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 136 (2)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 137	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 138	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 138b (5)	Delete "Two hundred dollars" and substitute "Division 10 fine".
Section 145 (1) (m)	Delete this paragraph and substitute: (m) prescribing fines, not exceeding a division 8 fine, for breach of, or non-compliance with, the regulations.

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

D. B. DUNSTAN, Governor