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**ELIZABETHAE II REGINAE**

A.D. 1980

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**No. 37 of 1980**

**An Act to amend the Motor Vehicles Act, 1959-1978.**

*[Assented to 17th April, 1980]*

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

Short titles.

1. (1) This Act may be cited as the "Motor Vehicles Act Amendment Act, 1980".

(2) The Motor Vehicles Act, 1959-1978, is hereinafter referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1980".

Commencement.

2. This Act shall come into operation on a day to be fixed by proclamation.

Amendment of principal Act, s. 75a—  
Learner's permits.

3. Section 75a of the principal Act is amended by inserting in subsection (6) after the passage "Sections 87 to 97" the passage " , section 98b" .

Enactment of ss. 81a and 81b of principal Act.

4. The following sections are enacted and inserted in the principal Act after section 81 thereof:—

First licences must be subject to certain probationary conditions.

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

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

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

or

- (c) is applying for the licence subsequent to having had a licence cancelled pursuant to section 81b of this Act,

the Registrar shall endorse upon the licence—

- (d) a condition that the holder of the licence shall not drive a motor vehicle on a road in any part of the State at a speed exceeding eighty kilometres per hour;

and

- (e) a condition that the holder of the licence shall not drive a motor vehicle on a road unless there are affixed to the vehicle, in accordance with the regulations, plates bearing the letter "P".

(2) Subject to subsection (3) of this section, the conditions imposed under subsection (1) of this section shall be effective for a period of one year.

(3) Where a licence is issued to an applicant who holds a licence issued under the law of a place outside this State, the Registrar may reduce the period for which the conditions shall be effective.

(4) If an applicant is not willing to accept a licence endorsed with conditions pursuant to this section, the Registrar shall refuse to issue a licence to the applicant.

(5) A person shall not contravene a condition endorsed upon his licence under this section.

Penalty: Two hundred dollars.

81b. (1) For the purposes of this section, "probationary conditions"—

Cancellation of learner's permits or probationary licences.

- (a) in relation to a learner's permit, means such of the prescribed conditions to which learner's permits are generally subject as are designated as probationary conditions by the regulations;

and

- (b) in relation to a driver's licence, means the conditions referred to in paragraphs (d) and (e) of subsection (1) of section 81a of this Act.

(2) Subject to subsection (3) of this section, where the holder of a learner's permit or licence that is endorsed with probationary conditions—

- (a) is convicted of an offence of contravening a probationary condition;

or

- (b) is convicted of an offence in respect of which a demerit point is, or demerit points are, recorded against him, and, in consequence, the total number of demerit points recorded against him equals or exceeds three,

the Registrar shall refer the matter to the consultative committee and, if the committee so recommends, shall, by notice in writing served personally or by post upon the holder, cancel every permit or licence then held by him.

(3) If—

(a) a court before which a person is convicted of an offence of contravening a probationary condition of his licence is satisfied, by evidence given on oath forthwith upon conviction, that the contravention was trivial, or that other proper cause exists for the court to exercise the powers conferred by this subsection;

and

(b) the convicted person has not previously been convicted of an offence of contravening a probationary condition,

the court may order that the licence of that person be not cancelled as a result of that offence.

(4) A cancellation under this section shall take effect upon the day specified in the notice served under subsection (2) of this section.

(5) Where a permit or licence has been cancelled under this section, the person who held that permit or licence is not entitled to apply for a further permit or licence—

(a) until the expiration of three months from the day on which the cancellation took effect;

or

(b) where the person is disqualified from holding or obtaining a licence or has had his licence suspended, until the expiration of that disqualification or suspension,

whichever is the later.

(6) A person who has had, or is liable to have, his licence cancelled under this section may, in accordance with the relevant rules of court, appeal to a local court against the cancellation.

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

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

(9) Where a court has allowed an appeal, the court shall order—

(a) that the Registrar endorse upon the licence probationary conditions, or extend the existing probationary conditions, as the case may require, to have effect from the day upon which the appeal is allowed until the expiration of one year from the day upon which the appellant became liable to have his licence cancelled under this section;

and

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

(10) Where an appeal has been instituted under this section, the cancellation against which the appeal is brought shall be inoperative until the appeal has been determined or withdrawn.

(11) A person who has successfully appealed against cancellation of his licence under this section is not entitled to appeal against any

subsequent cancellation of his licence under this section until the expiration of one year from the day on which that previous appeal was allowed.

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

5. Section 82 of the principal Act is amended—

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

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

(ac) endorse the conditions referred to in section 81a of this Act upon the licence of any person and stipulate that those conditions shall be effective for such period as the consultative committee recommends;;

and

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

(1a) Sections 81a and 81b of this Act apply, *mutatis mutandis*, to and in relation to the holder of a licence endorsed with conditions pursuant to paragraph (ac) of subsection (1) of this section as if those conditions had been endorsed upon the licence pursuant to section 81a of this Act.

6. Section 93 of the principal Act is amended by inserting in subsection (1) after the passage "convicts a person of an offence that attracts demerit points under this Act," the passage "convicts a person of the offence of contravening or failing to comply with a condition of a permit or licence under this Act,".

7. Section 145 of the principal Act is amended by inserting after paragraph (g) the following paragraph:—

(ga) regulating the use of motor vehicles to which "L" or "P" plates are affixed pursuant to this Act:.

Amendment of principal Act, s. 82—  
Obligation upon Registrar to deal with learner's permits and driver's licences pursuant to recommendations of the consultative committee.

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

Amendment of principal Act, s. 145—  
Regulations.

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

K. D. SEAMAN, Governor