



ANNO VICESIMO TERTIO

GEORGII V REGIS.

A.D. 1932.

No. 2095.

An Act to amend the Motor Vehicles Acts, 1921 to 1929,
and for other purposes.

[Assented to, November 30th, 1932.]

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, 1932". Short titles.
(2) The Motor Vehicles Acts, 1921 to 1929, and this Act may be
cited together as the "Motor Vehicles Acts, 1921 to 1932".
(3) The Motor Vehicles Act, 1921, is hereinafter called "the
principal Act".
2. This Act is incorporated with the other Acts mentioned in Incorporation.
section 1 of this Act and those Acts and this Act shall be read as
one Act.
3. Section 6 of the principal Act (as amended by the Motor Amendment of
principal Act,
s. 6 (2)—
Register of motor
vehicles.
Vehicles Act Amendment Act, 1925) is amended by striking out
subsection (2) thereof and inserting in lieu thereof the following
subsection :—
 - (2) The prescribed forms of application received by the
Registrar from the persons applying to register motor vehicles
shall be bound or otherwise assembled by the Registrar and
arranged in order as the Registrar determines and shall con-
stitute the Register of Motor Vehicles within the meaning of
this Act: Provided that the regulations may provide that the
register shall be constituted and kept in any other way.

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Amendment of
principal Act, s. 7—

4. Section 7 of the principal Act is amended by inserting at the end thereof the following subsection :—

Exemption of
certain tractors from
registration.

(6) A motor tractor shall not be deemed to be driven on any road or street so as to require registration under this Act by reason only of the fact—

(a) that it is driven on a road or street for the purpose of carrying out any contract made with a municipal or district council for scarifying, grading, and/or rolling any roads or streets ; or

(b) that it is driven on any road or street for the purpose of drawing farm implements or machinery from one farm to another.

Amendment of s. 8E
of principal Act—
Extension of time
for notifying
transfer.

5. Section 8E of the principal Act (as enacted by section 5 of the Motor Vehicles Act, 1929) is amended by striking out the word “fourteen” in the third line thereof and inserting in lieu thereof “twenty-one”.

Repeal of sections
8F to 8H of the
principal Act, and
substitution of
certain provisions—

6. Sections 8F to 8H, inclusive, of the principal Act (as enacted by section 5 of the Motor Vehicles Act, 1929) are repealed, and the following sections are hereby enacted and substituted in lieu thereof :—

Transfer of
registration or
refund.

8F. (1) Upon or after delivery to the Registrar of the registration card in accordance with the last preceding section the transferor may either—

(a) join with the transferee in a joint application to the Registrar to transfer the registration of the motor vehicle to the transferee ; or

(b) apply for cancellation of the said registration and a refund or credit of part of the registration fee in accordance with the next succeeding section.

(2) If such a joint application for the transfer of the registration is made the Registrar shall upon payment by the transferee of a fee of Two Shillings and Sixpence transfer the registration to the transferee and issue to him a registration card similar to that issued upon the original registration of a motor vehicle.

(3) Unless a joint application for the transfer of the registration, accompanied by the proper fee, or an application for cancellation of the registration, is lodged with the Registrar within twenty-one days after the transfer, the registration shall, upon the expiration of the said twenty-one days, become void, and the Registrar shall neither transfer such registration nor refund or credit any money in respect thereof.

Refunds of registra-
tion fee in certain
cases.

8G. (1) The owner or (as the case may be) the former owner of any registered motor vehicle may in any of the circumstances mentioned hereunder, upon delivery to the Registrar of the
current

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current registration card issued in respect of that vehicle, apply to the Registrar to cancel the registration of the vehicle and pay or credit to him the prescribed amount as defined in this section.

(2) The circumstances in which an application under this section may be made are the following:—

- (a) if the applicant has ceased to be the owner of the vehicle:
- (b) if the motor vehicle has become permanently unfit for use as a motor vehicle:
- (c) if the motor vehicle has been removed from the State for permanent use out of the State, and, where the removal is to another State, has been registered in that State.

(3) The prescribed amount shall be one-twelfth of the full annual registration fee for the particular vehicle for each complete month of the registration period which is unexpired at the time when the registration card is delivered by the applicant to the Registrar.

(4) The Registrar may require any applicant to satisfy him by statutory declaration or other means as to the truth of the matters on which he bases his claim for a refund or credit.

8H. If any applicant for registration of a motor vehicle pays the registration fee by cheque and the cheque is dishonoured on presentation the registration of the motor vehicle for which the cheque was tendered shall be void as from the day on which it was effected, and the applicant shall on demand made by the Registrar immediately deliver to him the registration card issued in respect of that motor vehicle. If any applicant fails to comply with this section he shall be guilty of an offence and liable to a fine not exceeding Twenty Pounds.

Avoidance of registration where cheque dishonoured.

8I. If any motor vehicle is not correctly described in the application for registration thereof, and as a result of the misdescription the vehicle is registered without the full amount of the fee payable for the said registration being paid, the applicant for registration shall be liable to pay to the Registrar a sum equal to the balance of the fee short paid, and the said sum may be recovered by the Registrar as a debt by action in any Court of competent jurisdiction.

Provision for recovery where registration fee short paid.

7. Section 9 of the principal Act is repealed, and the following section is hereby enacted and substituted in lieu thereof:—

9. (1) The Registrar may, upon payment of the proper fee as fixed by this section for each pair, issue in accordance with this section trader's plates to any person who has proved to his satisfaction that he is engaged in the business of manufacturing, repairing, or dealing in motor vehicles, and has suitable premises for the purpose. There shall be two kinds of trader's plates, namely, general trader's plates, and limited trader's plates.

Repeal of s. 9 of principal Act and substitution of new provisions.

Trader's plates.

(2) Every

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(2) Every pair of trader's plates shall remain operative as such until the thirty-first day of March next after the date of the issue thereof and no longer unless the period of operation thereof is extended. The Registrar may from time to time upon payment of the proper fee extend the period of operation of any trader's plates until the thirty-first day of March next after the granting of the extension.

(3) The Registrar may in his discretion issue not more than three pairs of general trader's plates to any one person.

(4) The number of limited trader's plates which may be issued to any one person shall be determined by the Registrar, due regard being paid to the business requirements of the applicant.

(5) No limited trader's plate shall be issued to any person who is not the holder of a current general trader's plate.

(6) The fees for the issue or extension of operation of trader's plates shall be as follows:—

For the issue or extension of operation of one pair of general trader's plates Ten Pounds Ten Shillings:

For the issue or extension of operation of a second pair of general trader's plates Eight Pounds Eight Shillings:

For the issue or extension of operation of a third pair of general trader's plates Seven Pounds Seven Shillings:

For the issue or extension of operation of each pair of limited trader's plates Ten Shillings:

Provided that if the trader's plates are issued between the thirtieth day of September and the first day of April the said fee shall be half of the fee otherwise payable.

(7) The Registrar shall keep a record showing the name and place of business of every person to whom any trader's plates have been issued under this section.

(8) Every pair of trader's plates shall bear a distinctive number and conform to such specifications as the Minister from time to time directs by notice in the *Government Gazette*.

(9) Any person selling or disposing of his business during the currency of any trader's plates issued to him shall, within seven days thereafter, give written notice of such sale or disposal to the Registrar; and the Registrar may, upon payment of a transfer fee of Five Shillings cause the trader's plates to be transferred to the purchaser of the business for the remainder of the period for which such trader's plates were issued.

(10) No person shall on any street or road drive any motor vehicle having a trader's plate attached thereto for the purpose of carrying passengers or goods for hire or reward.

(11) No

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(11) No person shall on any street or road, drive any motor vehicle having a limited trader's plate attached thereto unless he is—

- (a) the person to whom such trader's plate was issued :
- (b) a partner of the person or member of the company to whom or to which such trader's plate was issued :
- (c) a salaried officer or regular employee of the person or company to whom or to which such trader's plate was issued :
- (d) a prospective purchaser of the motor vehicle accompanied (except in the case of a motor cycle) by any such person as is mentioned in, paragraph (a), (b) or (c) of this subsection :
- (e) a purchaser of the motor vehicle resident in another State.

(12) No person shall on any street or road drive any motor vehicle having a limited trader's plate attached thereto unless the vehicle is at the time—

- (a) on trial, during the course of construction or repairs or immediately after completion of construction or repairs, for the purpose of ascertaining whether its parts are in proper working condition ;
- (b) on trial for the benefit of a prospective purchaser, or any person *bona fide* interested in the exchange or sale of the vehicle ;
- (c) proceeding to or returning from a prospective purchaser for or after trial ;
- (d) proceeding for delivery to a purchaser or being driven by a purchaser resident in another State, to a place within that State ;
- (e) proceeding to or returning from a workshop for painting or repairs ;
- (f) proceeding to a railway station or wharf for entraining or shipment or proceeding from a railway station or wharf to the premises of a manufacturer or dealer ;
- (g) proceeding to an exhibition or show for display or trial or returning therefrom ;
- (h) proceeding to or returning from any garage, auction room, or other place at which vehicles are usually stored, or usually or periodically offered for sale, and at which the vehicle is to be, or has been stored, or is to be, or has been offered for sale ; or
- (i) proceeding to or returning with a motor vehicle which, while being driven upon a road or street, has become unable to proceed under its own power.

(13) No

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(13) No person shall on any street or road, by means of any motor vehicle having a limited trader's plate attached thereto—

(a) convey any person to or from any race meeting, trotting meeting, foot races, football or cricket match, or other sport; or

(b) carry any goods or load whatsoever except a load which consists solely of some ordinary form of ballast such as sand, gravel, scrap iron, or the like and is carried solely for the purpose of testing the vehicle.

(14) No person shall on any Sunday or public holiday drive on any street or road any motor vehicle having a limited trader's plate attached thereto.

(15) If any vehicle is driven in contravention of subsection (11), (12), (13), or (14) the driver of the vehicle, and if the driver is not the person to whom the trader's plates were issued, then that person also shall be guilty of an offence.

(16) Every trader's plate issued under this section shall remain the property of the Minister; and if any trader's plate at any time ceases to be operative as such the person to whom it was issued shall, on demand made by the Registrar, return the plate to him within seven days thereafter, and if he fails to do so he shall be guilty of an offence and liable to a penalty of not more than Ten Pounds.

(17) Any person guilty of any failure to observe or contravention of any of the provisions of this section shall be guilty of an offence; and any person guilty of an offence against this section for which a penalty is not otherwise provided shall be liable to a penalty not exceeding Thirty Pounds.

(18) Any person who is driving or has driven a motor vehicle to which a trader's plate is or was attached shall, when required by any member of the police force, forthwith truly answer any questions put to him by such member relevant to the purpose for which, and the circumstances in which, such vehicle is being driven or was driven.

If any person fails to comply with this section he shall be guilty of an offence.

(19) Every person to whom any trader's plate has been issued under this section shall, when required to do so by any member of the police force, furnish to such member the name and address of any person driving on any occasion specified by such member any motor vehicle to which such plate was attached. If any person upon being so required refuses or fails to furnish such name and address or furnishes a false name or false address he shall be guilty of an offence.

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8. Section 19 of the principal Act is amended by striking out subsection (2) thereof and inserting in lieu thereof the following subsection :—

Amendment of
principal Act,
s. 19 (2)—
Register of licences.

(2) The prescribed forms of application received by the Registrar from persons applying for licences shall be bound or otherwise assembled by the Registrar and arranged in order as the Registrar determines and shall constitute the Register of Licences within the meaning of this Act: Provided that the regulations may provide that the Register of Licences shall be constituted and kept in any other way.

9. Section 20 of the principal Act is repealed and the following section enacted and substituted in lieu thereof :—

Repeal and
re-enactment of
s. 20—

20. (1) No person shall drive a motor vehicle on any road or street at an excessive speed.

Provision as to
speed of motor
vehicles.

(2) It shall be *prima facie* proof only that a person has driven at an excessive speed if it is proved that he drove on a street or road—

(a) in any municipality, town, or township at a greater speed than twenty-five miles per hour; or

(b) outside a municipality, town, or township at a greater speed than forty miles per hour.

(3) Subsection (2) of this section shall not apply to—

(a) any motor vehicle owned by the Fire Brigades Board or any Fire Brigade, or the controlling authority thereof, and which is being driven to a fire for use in connection with the extinguishing thereof;

(b) any motor vehicle which is being used by a member of the Police Force for the purpose of effecting an arrest, or otherwise in connection with the detection, suppression, or prevention of crime; or

(c) any ambulance motor vehicle which is being used for ambulance work.

(4) In considering whether an offence has been committed under this section the Court shall have regard to the nature, condition, and use of the street or road upon which the offence is alleged to have been committed and to the amount of traffic which at the time actually is or which might reasonably be expected to be upon such street or road and to the vehicle concerned, and to all other circumstances affecting the matter whether of the same nature as those mentioned or not.

10. Section 21 of the principal Act (as amended by section 8 of the Motor Vehicles Act Amendment Act, 1925) is amended—

Amendment of
principal Act,
s. 21—
Negligent driving.

(a) by striking out the word “negligently” in the second line thereof and inserting in lieu thereof the words “in a culpably negligent manner or”;

(b) by

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(b) by inserting at the end of subsection (1) thereof the following passage:—

If a defendant is convicted for any offence against this subsection committed more than three years after his last previous conviction for any offence against this subsection, the offence first mentioned shall for the purposes of this section be treated as a first offence.

Repeal and re-enactment of s. 31—

Duty of drivers to prevent unnecessary noise, &c.

11. Section 31 of the principal Act is repealed and the following section enacted and substituted in lieu thereof:—

31. (1) No person shall ride or drive a motor vehicle in any street or road—

- (a) which has not attached to it and in use a silencer which eliminates all unnecessary noise; or
- (b) which has attached to it a silencer to which any alteration has been made which does or is likely to reduce the effectiveness of such silencer; or
- (c) on which there is any device which may be used to reduce the effectiveness of the silencer.

(2) Any person who makes any alteration to a silencer which does or is likely to reduce its effectiveness, shall be guilty of an offence.

(3) No rider or driver of a motor vehicle shall allow it to make or emit any unnecessary noise, smoke, visible vapour, or smell.

Consequential repeal of ss. 24 and 29 of principal Act.

12. Sections 24 and 29 of the principal Act are repealed.

Amendment of principal Act, s. 32 (2)—

Lighted lamps on motor cycles.

13. Subsection (2) of Section 32 of the principal Act is amended by inserting at the end thereof the following proviso:—

Provided that this subsection shall not apply to any motor cycle if and so long as such motor cycle is stationary in a street or road, and is standing under or near a lighted public street lamp or other lamp so illuminating such street or road as to render such motor cycle clearly visible, and to remove any risk of accident by collision or otherwise.

New section 42A.—

14. The following section is hereby enacted and inserted in the principal Act after section 42 thereof:—

Penalty on improper use of vehicles registered for reduced fee.

42A. Where the registration of any motor vehicle has been obtained at a reduced fee under any provision in the Schedule to this Act, upon any declaration, representation, or statement being made to the Registrar that such vehicle will only be used for some particular purpose or purposes and such vehicle

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vehicle is driven on a road or street for any other purpose, the person driving the vehicle, and if that person is employed by any other person to drive the vehicle then the employer also, shall be guilty of an offence and liable to a penalty not exceeding Twenty Pounds.

15. Section 50 of the principal Act (as amended by section 14 of the Motor Vehicles Act Amendment Act, 1925) is amended by inserting after paragraph (e) of subsection (2) thereof the following paragraphs:—

Amendment of principal Act, s. 50—
Evidentiary provisions.

- (f) that any motor vehicle therein described was not on any given date a registered motor vehicle:
- (g) that any number therein mentioned was not on any given date assigned to any motor vehicle whatever, or to any particular motor vehicle therein described:
- (h) that any person therein described had not on any given date notified the Registrar in the prescribed form of the transfer of any motor vehicle therein described:
- (i) that any person therein described had not on any given date delivered to the Registrar the registration card issued in respect of any transferred motor vehicle therein described:
- (j) that any person therein described had not on any given date notified the Registrar in writing of his permanent change of address from any address therein described to any other address therein described.

16. The Schedule to the principal Act (as enacted by the Motor Vehicles Act, 1929) is amended by inserting therein after paragraph 2 the following paragraph:—

Amendment of the Schedule to the principal Act—
Fees for tricycles or trivans.

2A. The registration fee for a motor tricycle or trivan shall be as follows—

If the tricycle or trivan does not exceed 10 p.w.£2
If the tricycle or trivan does exceed 10 p.w.£4

17. The said Schedule is amended by striking out paragraph 5 thereof and inserting in lieu thereof the following paragraph:—

Amendment of the Schedule to the principal Act—

5. The fees set out in this Schedule are for the full period of twelve months. If any registration is effected after the end of April in any year a proportionate part of the fee shall be payable, calculated according to the number of months still to run before the following thirty-first day of March, including the whole of the month in which the registration is applied for.

Proportionate fees for part of year only.

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Amendment of
Schedule, paragraph
7—

Primary producers'
vehicles.

18. Paragraph 7 of the said Schedule is amended by striking out the words "except for carrying goods the produce of the land of such primary producer or goods necessary for working such land" and inserting "for carrying 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."

Further amendment
of the Schedule to
the principal Act—

Reduced fees for
vehicles owned by
prospectors.

19. The said Schedule is further amended by inserting therein after paragraph 7 the following paragraphs:—

7A. If the Registrar of Motor Vehicles is satisfied by the production of a certificate from the Director of Mines certifying that the person is a genuine prospector, or such other evidence as he requires, that—

- (a) any commercial motor vehicle is owned by a person whose principal business consists in prospecting for metals or minerals; and
- (b) such motor vehicle will not be used on roads or streets except for carrying plant, tools, stores, or other equipment used in connection with such prospecting, or metals or minerals won by the said owner from the soil,

the registration fee shall be the amount which would otherwise be payable under this Schedule less fifty per centum thereof.

Reduced fees for
vehicles owned by
fishermen.

7B. If the Registrar of Motor Vehicles is satisfied by the production of a certificate from the Chief Inspector of Fisheries or such other evidence as he requires that—

- (a) any commercial motor vehicle is owned by a person who is engaged in fishing as his sole means of livelihood; and
- (b) that such motor vehicle will not be used on roads or streets except for carrying fish, or equipment used in connection with the occupation of fishing,

the registration fee shall be the amount which would otherwise be payable under this Schedule, less fifty per centum thereof.

Amendment of
principal Act—
The Schedule.

20. Paragraph 9 of the said Schedule is amended so as to read as follows:—

- 9. (a) If any commercial motor vehicle for the registration of which a reduced registration fee has been paid as allowed by paragraph 7 is used for the carriage of 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; or
- (b) if any commercial motor vehicle for the registration of which a reduced registration fee has been paid as allowed by paragraph 7A or 7B is used for any purpose other than a purpose set out in paragraph 7A or 7B, as the case may be; or
- (c) if

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(c) if any motor tractor for the registration of which a reduced registration fee has been paid as allowed by paragraph 8 is used for any purpose other than the purpose mentioned in that paragraph,

the balance of a full year's registration fee shall in all cases be forthwith due and payable and may be recovered from the owner by the Registrar in a summary way on complaint in a Court of summary jurisdiction.

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

A. HORE-RUTHVEN, Governor.