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ELIZABETHAE II REGINAE

A.D. 1990

No. 20 of 1990

An Act to amend the Motor Vehicles Act, 1959.

[Assented to 26 April 1990]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Motor Vehicles Act Amendment Act, 1990*.
- (2) The *Motor Vehicles Act, 1959*, is referred to in this Act as “the principal Act”.

Commencement

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

Interpretation

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

“registration” of a motor vehicle includes re-registration or renewal of registration; and
 “to register” has a corresponding meaning.

Substitution of s. 16

4. Section 16 of the principal Act is repealed and the following section is substituted:

Permits to drive vehicle without registration

16. (1) Where—

- (a) the Registrar is unable to determine an application for registration of a motor vehicle without delay;
- (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 following the return by the Registrar of an application for registration of the vehicle;

or

- (ii) applies for a permit authorizing 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, authorizing the vehicle to be driven on roads without registration during the period specified in the permit.

(2) Where the owner of a motor vehicle not previously registered in his or her name, or a person acting on the owner's behalf, satisfies a member of the police force stationed at a police station situated outside a radius of 40 kilometres from the General Post Office at Adelaide that an application in the proper form for the registration of the vehicle, to commence as from a day not later than the issue of the permit under this subsection, has been sent to the Registrar by or on behalf of the owner of the vehicle together with a sum sufficient to cover—

- (a) the registration fee;
 - (b) the appropriate insurance premium;
- and
- (c) the stamp duty (if any) payable on the application,

the member of the police force may issue without fee to the owner of the vehicle a permit authorizing 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 IV 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 under this section ceases to have any force or effect—

- (a) when the registration label issued in respect of the motor vehicle is affixed to the vehicle;

or

- (b) —

- (i) in the case of a permit under subsection (1)—on the expiration of the period specified in the permit;

- (ii) in the case of a permit under subsection (2)—on the expiration of the prescribed period,

whichever first occurs.

(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.

Penalty: Division 11 fine.

(10) If a condition of a permit under subsection (1) is contravened the Registrar may, by notice in writing served personally or by post on the holder of the permit, revoke the permit.

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

Penalty: Division 10 fine.

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

(14) Where the Registrar or a member of the police force 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 in writing served personally or by post on the applicant, refuse the application for registration and refund such proportion of any registration 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.

Application for registration

5. Section 20 of the principal Act is amended by striking out from subsection (2a) “, or to renew the registration of,”.

Insertion of s. 21

6. The following section is inserted after section 20 of the principal Act:

Power of Registrar to return application

21. Where application for registration of a motor vehicle is made and—

- (a) the application is not entirely in order;
- (b) the full amount payable to the Registrar in respect of the application has not been paid;
- (c) the owner of the vehicle is, at the time of lodging the application, unable to supply all the information required for the Registrar to assess the registration fee or determine the application;

- (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 return the application and any registration fee and insurance premium paid in respect of the application.

Substitution of s. 42

7. Section 42 of the principal Act is repealed and the following section is substituted:

Registration not transferable in certain cases where vehicle registered at reduced fee or for no fee

42. (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.

Registration labels

8. Section 48 of the principal Act is amended—

- (a) by striking out subsection (1) and substituting the following subsection:

(1) At the time of registering a motor vehicle, the Registrar must issue to the registered owner of the vehicle or his or her agent—

- (a) a certificate of registration, in a form determined by the Minister, relating to that vehicle;

and

- (b) in relation to a vehicle other than a vehicle of a prescribed class, a registration label endorsed with—

(i) particulars of the vehicle;

(ii) the date of expiry of registration;

(iii) such other information as the Registrar thinks fit to include.;

- (b) by striking out subsection (2) and substituting the following subsection:

(2) The registration label issued in respect of a motor vehicle other than a motor vehicle of a prescribed class or, where an amended registration label has been issued in respect of such a motor vehicle, the amended registration label must, throughout the period during which the registration remains in

force, be affixed to and carried on the motor vehicle for which it is issued, in accordance with the regulations;

and

- (c) by inserting in subsection (3) after “a motor vehicle registered under this Act” “other than a motor vehicle of a prescribed class”.

Repeal of s. 49

9. Section 49 of the principal Act is repealed.

Permit to drive where label lost or destroyed

10. Section 50 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A permit under subsection (1)—

- (a) has no force unless the permit is carried, in accordance with the regulations, in the vehicle to which it relates;

and

(b) expires—

- (i) on the expiration of the current registration of the vehicle;

or

- (ii) on the date specified in the permit,

whichever is the earlier.

Issue of permit or duplicate label

11. Section 51 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:

(2) A permit under subsection (1)—

- (a) has no force unless the permit is carried, in accordance with the regulations, in the vehicle to which it relates;

and

(b) expires on the date specified in the permit.

Offences in connection with registration labels and permits

12. Section 53 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A person must not—

- (a) drive on a road a motor vehicle on which is affixed a registration label or in which is carried a permit that has ceased to be in force or has been issued in respect of another motor vehicle;

- (b) drive on a road a motor vehicle on which is affixed a registration label or in which is carried a permit that has been altered, defaced, mutilated or added to;

- (c) drive on a road a motor vehicle on which is affixed a colourable imitation of a registration label or in which is carried a colourable imitation of a permit;

or

(d) without lawful excuse, have in his or her possession—

(i) a registration label or an article resembling a registration label that is liable to be mistaken for a registration label;

or

(ii) a permit or an article resembling a permit that is liable to be mistaken for a permit.

Penalty: Division 10 fine.

Duty of transferor on transfer of vehicle

13. Section 56 of the principal Act is amended by striking out paragraph (b) and substituting the following paragraph:

(b) —

(i) give to the transferee the current certificate of registration or a current duplicate certificate of registration issued to the transferor in respect of the vehicle;

(ii) sign an application, in a form determined by the Minister, to transfer the registration of the vehicle;

and

(iii) sign or caused to be signed by a person acting on behalf of the transferor, in the presence of the transferee or a person acting on behalf of the transferee, a notice, in a form determined by the Minister, of the transfer of ownership of the vehicle.

Substitution of s. 57

14. Section 57 of the principal Act is repealed and the following section is substituted:

Duty of transferee on transfer of vehicle

57. (1) Where 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 seven days after the transfer, sign or caused to be signed by a person acting on behalf of the transferee, in the presence of the transferor or a person acting on behalf of the transferor, a notice under section 56 (b) (iii).

Penalty: Division 10 fine.

(2) Where—

(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 made within seven days after the transfer,

the transferee must, within 14 days after the transfer, deliver to the Registrar an application to transfer the registration of the vehicle in a form determined by the Minister that—

(c) has been signed by the transferor and transferee;

and

(d) is accompanied by—

(i) the current certificate of registration or a current duplicate certificate of registration issued to the transferor in respect of the vehicle;

- (ii) the prescribed fee for the transfer;
and
- (iii) the stamp duty (if any) payable on the application.

Penalty: Division 10 fine.

(3) Where—

- (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 or 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 making an application for transfer of registration.

Insertion of s. 57a

15. The following section is inserted after section 57 of the principal Act:

Power of Registrar to record change of ownership of motor vehicles

57a. Where no application to transfer the registration of a motor vehicle has been made but the Registrar is satisfied that 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.

Transfer of registration

16. Section 58 of the principal Act is amended by striking out “a notice of transfer of a vehicle” and substituting “the current certificate of registration or a current duplicate certificate of registration issued to the transferor in respect of a motor vehicle”.

Cancellation of registration

17. Section 60 of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) If no application for the cancellation or transfer of the registration of a motor vehicle has been made—

- (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 making of an application to transfer the registration, within that time,

the Registrar may cancel the registration.

Duty to hold licence or learner's permit

18. Section 74 of the principal Act is amended by striking out from subsection (1) “Division 10 fine” and substituting “Division 8 fine”.

Issue and renewal of licences

19. Section 75 of the principal Act is amended by striking out subsections (3) and (4) and substituting the following subsection:

(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.

Learner's permit

20. Section 75a of the principal Act is amended—

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

(1a) Subject to this Act, the Registrar may renew the learner's permit of a person who—

(a) makes a written application for the permit in a form determined by the Minister;

(b) forwards with the application the prescribed fee;

and

(c) has complied with any requirements of the Registrar under section 77b.

(1b) Where 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 return the application and any fee paid in respect of the application;

and

(b) by inserting in subsection (4) after "to issue a permit to" " , or renew the permit of,".

Substitution of s. 77c

21. Section 77c of the principal Act is repealed and the following section is substituted:

Temporary licences and learner's permits

77c. (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;

(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 endorements 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.

Licence or permit falsely obtained is void

22. Section 79b of the principal Act is amended by inserting after "that is issued" "or renewed".

Restricted learner's permits and licences

23. Section 81 of the principal Act is amended by inserting in subsection (3) after "issue" "or renew".

Term of licence

24. Section 84 of the principal Act is amended—

(a) by inserting in subsection (1) after "will be issued" "or renewed";

and

(b) by inserting in subsection (7) after "for which it was issued" "or renewed".

Insurance premiums to be paid on applications for registration

25. Section 99a of the principal Act is amended—

- (a) by striking out from paragraph (a) of subsection (1) “or renewal of registration”;
- (b) by striking out from subsection (8) “or renewal”;
- and
- (c) by striking out from paragraph (a) of subsection (8) “or renewed”.

Effect of dishonoured cheques on transactions under the Act

26. Section 138b of the principal Act is amended—

- (a) by inserting in paragraph (a) of subsection (4) after “or thing issued” “or renewed”;
- (b) by inserting in subsection (6) after “or thing issued” “or renewed”;
- and
- (c) by striking out from subsection (6) “upon the issue” and substituting “on the issue or renewal”.

Insertion of s. 142a

27. The following section is inserted after section 142 of the principal Act:

Evidence of ownership of motor vehicle

142a. A notice under section 56 (b) (iii) is, in all legal proceedings, proof of the matters stated in the notice in the absence of proof to the contrary.

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

D. B. DUNSTAN, Governor