



ANNO DUODECIMO

ELIZABETHAE II REGINAE

A.D. 1963

No. 23 of 1963

An Act to amend the Motor Vehicles Act, 1959-1962.

[Assented to 14th November, 1963.]

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, 1963". Short titles.

(2) The Motor Vehicles Act, 1959-1962, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1963".

(3) The Motor Vehicles Act, 1959-1962, is hereinafter referred to as "the principal Act".

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act. Incorporation.

3. Subsection (1) of section 5 of the principal Act is amended— Amendment of principal Act, s. 5.

(a) by striking out the definition of "owner" therein and inserting in lieu thereof the following definition:—

"owner" includes a person who takes a motor vehicle on hire (whether pursuant to a hire-purchase agreement or otherwise); and

(b) by inserting at the end thereof the following definition:—

“wharf” includes—

(a) any wharf, quay, jetty, pier, landing place or stage, platform, slip, basin, siding, dock, or other place at which goods can be landed, loaded, or unloaded, whether situated on or near the shore of the sea or of any arm or inlet thereof, or on or near the shore of any inland river or other inland water;

(b) all railways and tramways on the wharf, and the approaches thereto; and

(c) a wharf only partly constructed as well as a completed wharf.

Amendment of
principal Act,
s. 12.

4. Paragraph (c) of subsection (1) of section 12 of the principal Act is amended by inserting after the word “implements” therein the words “or carrying farm implements by means of an attachment designed for that purpose”.

Enactment of
s. 12a of
principal Act—

5. The following section is inserted in the principal Act after section 12 thereof:—

Exemption of
vehicles used
on wharves.

12a. A motor vehicle may be driven without registration on a wharf for the purpose of loading or unloading cargo.

Enactment of
principal Act,
s. 40a—

6. The following section is inserted in the principal Act after section 40 thereof—

Refund of part
of registration
fee on
eligibility for
reduced fee.

40a. Where a vehicle has been registered upon payment of the full registration fee and the owner of the vehicle becomes entitled to an exemption from or reduction of registration fees at any time during the period for which the vehicle is registered, the Registrar may at his discretion refund to the owner of the vehicle such part of the registration fee as the Registrar deems just in the circumstances.

Amendment of
principal Act,
s. 44.

7. Subsection (2) of section 44 of the principal Act is amended by inserting therein after paragraph (f) thereof the following paragraph:—

(g) Any alteration or addition by which the load capacity of a motor vehicle may be varied.

Amendment of
principal Act,
s. 51.

8. Section 51 of the principal Act is amended—

(a) by inserting before the words “duplicate label” therein the words “permit or a”; and

(b) by inserting at the end thereof the following subsection (the preceding part of the section as amended by paragraph (a) of this section being designated as subsection (1) thereof)—

(2) A permit issued under this section—

(a) shall remain in operation until the expiration of the date shown therein ;
and

(b) shall not be of any force except while it is affixed to the vehicle to which it relates in the position prescribed for the carrying of a registration label.

9. Section 61 of the principal Act is amended by striking out subsection (2) thereof and inserting in lieu thereof the following subsections :—

Effect of hire-
purchase
and hire
transactions.

(2) Where an owner—

(a) has repossessed a motor vehicle pursuant to a hire-purchase agreement ; and

(b) has retained possession of the vehicle for any subsequent period as required by Division V of Part III of the Hire-Purchase Agreements Act, 1960-1962, until the hirer loses his right to obtain the return of the vehicle pursuant to that Division,

the application of section 57 of this Act shall thereupon extend in relation to the owner as if—

I. the hirer had transferred the ownership of the vehicle to the owner at the time that he so lost his right to obtain the return of the vehicle ; and

II. the reference to “the transferee” in that section were a reference to “the owner”,

and sections 58 and 60 of this Act shall have effect accordingly.

(3) Where an owner repossesses a motor vehicle pursuant to a hire-purchase agreement in relation to which the Hire-Purchase Agreements Act, 1960-1962, does not apply, the repossession shall be deemed to be a transfer for the purposes of sections 57, 58 and 60 of this Act.

(4) Where a hirer of a motor vehicle—

(a) upon the termination of the hiring returns the vehicle to the owner; or

(b) if the vehicle is the subject of a hire-purchase agreement—voluntarily returns the vehicle to the owner,

the return shall be deemed to be a transfer for the purposes of sections 56, 57, 58 and 60 of this Act.

Amendment of
principal Act,
s. 74.

10. Section 74 of the principal Act is amended by inserting therein after subsection (1) thereof the following subsection :—

(1a) A person who drives a motor vehicle on a wharf for the purpose of loading or unloading cargo shall not be required to comply with subsection (1) while so driving.

Amendment of
principal Act,
s. 80.

11. Section 80 of the principal Act is amended—

(a) by inserting at the end of subsection (2) thereof the words “or a temporary driving permit authorizing that person to drive motor vehicles on roads during the period, and subject to the conditions and restrictions, specified in the permit”; and

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

(3) The temporary driving permit shall, while the conditions and restrictions specified therein are observed, have effect as a licence.

Amendment of
principal Act,
s. 85.

12. Section 85 of the principal Act is amended by inserting at the end thereof the following subsection (the preceding part of the section being designated as subsection (1) thereof) :—

(2) If the person applying for a licence of class A under this section satisfies the Registrar that he has passed a driving test conducted by some other public authority and the Registrar is satisfied with the standard of that test, the Registrar may issue a licence to that person although he has not produced a certificate as provided by subsection (1).

Amendment of
principal Act,
s. 98a.

13. Subsection (1) of section 98a of the principal Act is amended by striking out the word “car” therein and inserting in lieu thereof the word “vehicle”.

Amendment of
principal Act,
s. 102.

14. Section 102 of the principal Act is amended—

(a) by inserting after the word “road” in subsection (1) thereof the words “or on a wharf”;

(b) by inserting after the word “was” (first occurring) in the penalty at the foot of subsection (1) thereof the words “being driven on a wharf for the purpose of loading or unloading cargo, or being”;

- (c) by inserting after the word "section," (last occurring) in paragraph (ii) of subsection (2) thereof the words "or in driving a motor vehicle on a wharf for the purpose of loading or unloading cargo,"; and
- (d) by repealing subsection (4) thereof.

15. The following section is inserted in the principal Act after section 139 thereof:—

Enactment of
s. 139a of
principal Act—

139a. (1) A person who by virtue of an order of a court under this Act is disqualified from holding and obtaining a driver's licence may appeal against the order in the same manner as against a conviction.

Suspension of
disqualification
on appeal.

(2) Pending the hearing and determination of any such appeal the operation of any such order may be suspended--

- (a) in the case of an order made by a court of summary jurisdiction, by the court which made the order, or a judge of the Supreme Court;
- (b) in the case of an order made by the Supreme Court, by a judge of that Court.

(3) An order of suspension may be made before or after the institution of the appeal, but shall not have any effect until the defendant—

- (a) has duly instituted the appeal and paid the appropriate court fees; and
- (b) has served on the Registrar the order of suspension or a copy thereof, and a notice that the appeal has been duly instituted and the fees paid.

16. Section 142 of the principal Act is amended by inserting therein after paragraph (c) thereof the following paragraph:—

Amendment of
principal Act.
s. 142.

- (d) the allegation in a complaint that at the time mentioned in the complaint there was not in force in respect of a particular motor vehicle a policy of insurance complying with Part IV of this Act shall be *prima facie* evidence of the fact so alleged.

Amendment of
principal Act.
s. 145.

17. Section 145 of the principal Act is amended—

(a) by inserting therein after paragraph (a) thereof the following paragraph :—

(a1) providing for the determination by the Registrar of the load capacity in respect of a motor vehicle to be registered and for the insertion in the registration certificate issued in respect of a motor vehicle of such load capacity and providing for the method or methods of such determination of load capacity.

(b) by inserting therein after paragraph (c) thereof the following paragraph :—

(c1) prescribing circumstances under which a motor vehicle on which is not affixed any registration label or permit may be driven ; and

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

EDRIC BASTYAN, Governor.