



ANNO TRICESIMO

ELIZABETHAE II REGINAE

A.D. 1981

No. 48 of 1981

An Act to amend the Motor Vehicles Act, 1959-1981.

[Assented to 18th June, 1981]

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 (No. 2), 1981". Short titles.

(2) The Motor Vehicles Act, 1959-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1981".

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

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

(a) by striking out subsection (3) and substituting the following subsections: Amendment of s. 75a—Learner's permits.

(3) A learner's permit shall be subject to—

(a) a condition that the holder shall not drive a motor vehicle or attempt to put a motor vehicle in motion (being a motor vehicle that he is not authorized to drive pursuant to a driver's licence) while there is present in his blood the prescribed concentration of alcohol;

and

(b) such of the conditions and restrictions prescribed by the regulations as are inserted in the learner's permit by the Registrar (subject to any variations that may be made in a particular case by the Registrar).

(3a) In this section—

“prescribed concentration of alcohol” means a concentration of .05 or more but less than .08 grams of alcohol in a hundred millilitres of blood.;

and

(b) by inserting after subsection (5) the following subsections:

(5a) Sections 47b (2), 47c, 47d and 47g of the Road Traffic Act, 1961-1981, shall apply in relation to an offence against subsection (5) of contravening the condition referred to in subsection (3) (a) as if—

(a) a reference in any of those sections to an offence against that Act were a reference to an offence against subsection (5);

and

(b) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47a of that Act were a reference to the prescribed concentration of alcohol as defined in subsection (3a).

(5b) Where the court before which a person is charged with an offence against subsection (5) of contravening a condition referred to in subsection (3) (a) convicts the person of the offence or finds that the charge is proved but does not proceed to conviction, the court shall, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court, being not more than six months from the making of the order, a lecture conducted pursuant to the regulations.

(5c) A person shall not fail, without reasonable excuse, to comply with an order under subsection (5b).

Penalty: One hundred dollars.

(5d) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (5b) shall, in the absence of proof to the contrary, be proof to the matter so certified.

4. Section 81a of the principal Act is amended—

(a) by inserting before paragraph (d) of subsection (1) the following paragraph:

(ca) a condition that the holder of the licence shall not drive a motor vehicle or attempt to put a motor vehicle in motion while there is present in his blood the prescribed concentration of alcohol.;

Amendment of
s. 81a—
First licences
must be subject
to certain
probationary
conditions.

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

(1a) In this section—

“prescribed concentration of alcohol” means a concentration of .05 or more but less than .08 grams of alcohol in a hundred millilitres of blood.;

and

(c) by inserting after subsection (5) the following subsections:

(6) Sections 47b (2), 47c, 47d and 47g of the Road Traffic Act, 1961-1981, shall apply in relation to an offence against subsection (5) of contravening the condition referred to in subsection (1) (ca) as if—

(a) a reference in any of those sections to an offence against that Act were a reference to an offence against subsection (5);

and

(b) a reference in any of those sections to the prescribed concentration of alcohol as defined in section 47a of that Act were a reference to the prescribed concentration of alcohol as defined in subsection (1a).

(7) Where the court before which a person is charged with an offence against subsection (5) of contravening the condition referred to in subsection (1) (ca) convicts the person of the offence or finds that the charge is proved but does not proceed to conviction, the court shall, unless proper cause for not doing so is shown, order the person to attend, within a period fixed by the court, being not more than six months from the making of the order, a lecture conducted pursuant to the regulations.

(8) A person shall not fail, without reasonable excuse, to comply with an order under subsection (7).

Penalty: One hundred dollars.

(9) A certificate purporting to be signed by the Commissioner of Police and to certify that a person named in the certificate failed to comply with an order under subsection (7) shall, in the absence of proof to the contrary, be proof of the matter so certified.

5. Section 81b of the principal Act is amended—

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

(a) in relation to a learner's permit, means the condition referred to in section 75a (3) (a) together with, in the case of a learner's permit of a prescribed class, such of the conditions and restrictions prescribed for the purposes of section 75a (3) (b) as are in relation to that class of learner's permits designated as probationary conditions by the regulations;;

and

Amendment of
s. 81b—

Cancellation
of learner's
permits and
driver's
licences for
breach of
probationary
conditions, etc.

(b) by inserting in paragraph (b) of subsection (1) after the word "paragraphs" the passage "(ca)".

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

K. D. SEAMAN, Governor