



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 79 of 1976

An Act to amend the Motor Vehicles Act, 1959-1976.

[Assented to 9th December, 1976]

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), 1976". Short titles.

(2) The Motor Vehicles Act, 1959-1976, 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, 1959-1976".

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

(2) Notwithstanding the provisions of subsection (1) of this section, sections 5, 6, 7 and 8 of this Act shall be deemed to have come into operation on the first day of August, 1976.

3. Section 5 of the principal Act is amended by striking out from subsection (1) the definition of "weight" and inserting in lieu thereof the following definition:— Amendment of principal Act, s. 5— Interpretation.

"mass" of a vehicle includes the mass of any prescribed accessories or equipment carried (either habitually or intermittently) on the vehicle:.

4. Section 33a of the principal Act is amended by striking out the word "weight" wherever it occurs in paragraphs (a) and (b) and inserting in lieu thereof, in each case, the word "mass". Amendment of principal Act, s. 33a— Separate registration for parts of articulated motor vehicle.

Amendment of principal Act, s. 38—
Reduced registration fees for incapacitated ex-servicemen.

5. Section 38 of the principal Act is amended by striking out from subsection (1) the passage “the registration fee for that motor vehicle shall be one-third of the prescribed registration fee” and inserting in lieu thereof the passage “the prescribed registration fee for that motor vehicle shall be reduced by the prescribed amount”.

Amendment of principal Act, s. 38a—
Reduced registration fees for certain pensioners.

6. Section 38a of the principal Act is amended by striking out from subsection (1) the passage “the registration fee for that motor vehicle shall be seventy per centum of the prescribed registration fee” and inserting in lieu thereof the passage “the prescribed registration fee for that motor vehicle shall be reduced by the prescribed amount”.

Amendment of principal Act, s. 38ab—
Reduced registration fees for trailers owned by certain pensioners.

7. Section 38ab of the principal Act is amended by striking out from subsection (1) the passage “the registration fee for that trailer shall be eighty per centum of the prescribed registration fee” and inserting in lieu thereof the passage “the prescribed registration fee for that trailer shall be reduced by the prescribed amount”.

Amendment of principal Act, s. 38b—
Reduced registration fees for certain incapacitated persons.

8. Section 38b of the principal Act is amended by striking out from subsection (1) the passage “the registration fee for that motor vehicle shall be seventy per centum of the prescribed registration fee” and inserting in lieu thereof the passage “the prescribed registration fee for that motor vehicle shall be reduced by the prescribed amount”.

Amendment of principal Act, s. 44—
Duty to notify change in vehicle and tyres.

9. Section 44 of the principal Act is amended by striking out from paragraph (a) of subsection (2) the word “weight” and inserting in lieu thereof the word “mass”.

Amendment of principal Act, s. 66—
Use of general trader's plates.

10. Section 66 of the principal Act is amended by striking out from paragraphs (c) and (d) of subsection (2) the word “weight” wherever it occurs and inserting in lieu thereof, in each case, the word “mass”.

Amendment of principal Act, s. 72—
Classification of licences.

11. Section 72 of the principal Act is amended by striking out the word “weight” wherever it occurs in subsections (2) and (10) and inserting in lieu thereof, in each case, the word “mass”.

Amendment of principal Act, s. 82—
Cancellation, etc., of licence or learner's permit by Registrar.

12. Section 82 of the principal Act is amended by striking out paragraphs (c), (d) and (e) and inserting in lieu thereof the following paragraphs:—

(c) has been convicted of an offence, or a series of offences, involving the use of a motor vehicle, that in the opinion of the consultative committee shows him to be unfit to hold a licence or a learner's permit;

or

(d) has otherwise behaved in a manner that, in the opinion of the consultative committee, shows him to be unfit to hold a licence or a learner's permit.

13. The following sections are enacted and inserted in the principal Act after section 98n thereof:—

Enactment of
ss. 98o and
98p of
principal Act—

98o. No person other than—

(a) the driver of the towtruck;

and

(b) the owner, driver or person in charge of a vehicle that is being, or is to be, towed,

Persons who
may ride in
towtruck.

shall ride in or upon a towtruck while it is being driven to or from the scene of an accident.

Penalty: Two hundred dollars.

98p. (1) The Minister may appoint such inspectors as he thinks necessary for the purposes of this Part. Inspectors.

(2) An inspector shall make such investigations and reports, relevant to the administration of this Part, as the Registrar may direct.

(3) For the purposes of an investigation under this section, an inspector may—

(a) upon the authority of a warrant issued by a justice—

(i) break into any premises;

and

(ii) seize any document or object that may constitute, or furnish, evidence of an offence against this Act;

and

(b) require any person to answer truthfully any question that may be relevant to the investigation.

(4) A person shall not—

(a) hinder an inspector acting in the exercise of powers conferred on him by this section;

or

(b) refuse or fail to answer truthfully any question put to him in the course of an investigation under this Part by an inspector.

Penalty: Ten thousand dollars.

(5) Any statement of fact made in a report made by an inspector at the direction of the Registrar under this section shall, in any legal proceedings under this Act, be accepted, in the absence of proof to the contrary, as proof of the fact so stated.

(6) An apparently genuine document purporting to be a report made by an inspector at the direction of the Registrar under this section shall be accepted, in any legal proceedings, in the absence of proof to the contrary, to be such a report.

Amendment of
principal Act,
s. 134a—
Right of appeal.

14. Section 134a of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

(1) Any person who is aggrieved by a decision of the Registrar or the Commissioner of Police—

(a) to exercise a power conferred on him by Part III or Part IIIA of this Act in a manner adverse to the aggrieved person;

or

(b) to suspend or cancel a towtruck certificate held by the aggrieved person,

may in accordance with the relevant rules of court, appeal against the decision to a magistrate sitting in chambers.

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

D. NICHOLLS, Governor