



ANNO TRICESIMO OCTAVO

# ELIZABETHAE II REGINAE

A.D. 1989

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No. 35 of 1989

An Act to amend the Motor Vehicles Act, 1959.

[Assented to 4 May 1989]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *Motor Vehicles Act Amendment Act (No. 3), 1989*.
- (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.

## Duty to hold licence or learner’s permit

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

## Substitution of s. 78

4. Section 78 of the principal Act is repealed and the following section is substituted:

### Graduated licences

78. (1) A learner’s permit cannot be issued to a person under the age of 16 years.
- (2) Subject to subsection (3), a licence cannot be issued to a person under the age of 16 years and six months.
- (3) A licence subject to conditions or restrictions by virtue of which the holder of the licence is authorized to drive only a self-propelled wheelchair may be issued to a person under the age of 16 years and six months.

## Probationary licences

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

(a) by inserting after paragraph (b) of subsection (1) the following paragraph:

(ba) holds a licence issued under the law of a place outside this State that is not subject to conditions substantially the same as those referred to in paragraphs (d) and (e) but—

- (i) is under the age of 19 years;
  - or
  - (ii) has held that licence for less than one year;;
- (b) by striking out subsection (2) and substituting the following subsection:
- (2) Subject to subsection (3), the conditions imposed under subsection (1) are effective—
- (a) in the case of an applicant who is under the age of 18 years—until he or she turns 19;
  - (b) in any other case—for a period of one year.;
- (c) by inserting in paragraph (a) of subsection (3) “or (ba)” after “subsection (1) (b)”;
- and
- (d) by striking out from subsection (5b) “80” and substituting “100”.

**Consequences of learner or probationary driver contravening a probationary condition or incurring four or more demerit points**

6. Section 81b of the principal Act is amended by striking out paragraph (b) of subsection (9) and substituting the following paragraph:

- (b) that any licence held by or issued to the appellant be subject to probationary conditions for the following period:
- (i) in the case of a licence subject to probationary conditions held by or issued to a person under the age of 19 years—a period of six months commencing on the expiry of those previous conditions;
  - (ii) in any other case—for a period of one year commencing on the date of the order or the issue of the licence, as the case may require;.

**Transitional provision**

7. (1) Subject to subsection (2), sections 78, 81a (1), (2) and (3) and 81b of the principal Act, as in force immediately prior to the commencement of this Act, continue to apply to and in relation to a person who is, as at that commencement, the holder of a learner's permit or a licence subject to probationary conditions, as if the amendments effected by this Act had not been enacted.

(2) Subsection (1) does not apply in relation to a learner's permit or licence issued subsequent to the cancellation of a permit or licence referred to in that subsection.

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

D. B. DUNSTAN, Governor