



ANNO DECIMO

ELIZABETHAE II REGINAE

A.D. 1961

No. 33 of 1961

An Act to amend the Motor Vehicles Act, 1959-1960.

[Assented to 9th November, 1961.]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short titles.

1. (1) This Act may be cited as the "Motor Vehicles Act Amendment Act, 1961".

(2) The Motor Vehicles Act, 1959-1960, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1961".

(3) The Motor Vehicles Act, 1959-1960, is hereinafter referred to as "the principal Act".

Incorporation.

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

**Commence-
ment.**

3. (1) Sections 1, 2, 3, 5 and 7 of this Act shall come into force on the day on which this Act is assented to by the Governor.

(2) The other provisions of this Act shall come into force on the day, or on the several days, fixed by the Governor by proclamation.

(3) The Governor may so fix different days for the coming into force of different parts or provisions of this Act.

**Amendment of
principal Act,
s. 4.**

4. Section 4 of the principal Act is amended by inserting therein after the line "Part III.—Drivers Licences. Sections

72-98." the line "Part IIIA.—Motor Driving Instructors' Licences. Section 98a."

5. Subsection (1) of section 5 of the principal Act is amended by adding at the end of the definition of "trailer" therein the words "unless such rear portion is used in conjunction with a forward part which has been separately registered under the provisions of section 33a of this Act".

Amendment of
principal Act,
s. 5.

6. Section 26 of the principal Act is amended—

Amendment of
principal Act,
s. 26.

(a) by striking out the words "first day of the month in which it was effected" therein and inserting in lieu thereof the words "date on which it was effected or on the day after the expiration of the previous registration if the same was in the name of the applicant and the application for registration is made not more than 10 days (or with the applicant's consent a longer period) after the expiration of the previous registration.";

(b) by inserting at the end thereof the following subsection (the previous portion of the section being designated as subsection (1) thereof):—

(2) The Registrar may reduce the duration of registration by not more than ten days (or with the consent of the applicant for a longer period for registration) without adjusting the registration fee where the date of expiration thereof would otherwise be a date subsequent to fourteen days after the date of expiration stated on a Certificate of Insurance lodged with the application for registration pursuant to section 21 of this Act.

7. The following section is inserted in the principal Act after section 33 thereof—

Enactment of
principal Act,
s. 33—

33a. If the owner of an articulated motor vehicle with which two or more rear portions are intended to be used—

Separate
registrations
for parts of
articulated
motor vehicles.

(a) applies for separate registrations of a forward part and rear portions, and

(b) states in his application the combined weight in hundredweights of the forward part and the heaviest rear portion to be used in conjunction therewith, and

- (c) pays the fee prescribed by subsection (3) of section 29 of this Act, according to a power-weight calculated for the purpose of this section by adding the combined weight in hundredweights of that forward part and the heaviest rear portion to be used in conjunction therewith to its horsepower,

the Registrar shall, in consideration of the fee so paid—

- (1) register that forward part, and
- (2) register such rear portions which are to be used in conjunction with a forward part, without fee.

Amendment of
principal Act,
s. 54.

8. Section 54 of the principal Act is amended by striking out subsection (3) thereof.

Amendment of
principal Act,
s. 55.

9. Section 55 of the principal Act is amended by striking out subsection (1) thereof and inserting in lieu thereof the following subsection :—

55. (1) (a) The prescribed refund shall be in respect of the period of registration unexpired at the time when the registration label is destroyed in accordance with the Regulations or is delivered to the Registrar, provided that if the application for cancellation is delivered to the Registrar more than one month after the destruction or delivery of the label, the period unexpired may be calculated at the discretion of the Registrar or from the time when the application for cancellation is delivered to the Registrar.

(b) The amount of refund shall be calculated by multiplying one-twelfth of the full annual registration fee by the number of complete months unexpired and by adding to the product the product of one three hundred and sixty-fifth of the annual registration fee and the number of days in excess of complete months unexpired.

Amendment of
principal Act,
s. 83.

10. Subsection (1) of section 83 of the principal Act is amended by inserting after the words “or learner’s permit” therein the words “or instructor’s licence” and by inserting after the word “refused” the words “or whose instructor’s licence has been cancelled or suspended pursuant to any of the provisions of section 98a”.

Enactment of
Part IIIA of
principal Act.

11. The following heading and section are inserted in the principal Act after section 98 thereof—

PART IIIA.—MOTOR DRIVING INSTRUCTORS' LICENCES.

98a. (1) A person shall not for fee, reward, salary, wages or other remuneration or for any consideration whatever by whomsoever paid or payable teach any other person to drive a motor car unless he is the holder of a current motor driving instructor's licence.

**Instructor's
licence.**

Penalty : Fifty pounds.

(2) Upon the application of any person over the age of twenty-one years who is the holder of a driver's licence and who has held a driver's licence whether in South Australia or elsewhere for a continuous period of not less than three years then last past the Registrar upon being satisfied of the applicant's good character and of his proficiency as a motor driving instructor shall issue to the applicant an instructor's licence in the prescribed form.

(3) Every instructor's licence shall subject to this Act remain in force for a period of three years from the date of issue thereof, but nothing in this subsection shall preclude the issue, subject to this Act, of a further instructor's licence to the holder to take effect upon the expiration of an earlier instructor's licence.

(4) A fee of ten pounds shall be payable for the issue of every instructor's licence.

(5) In order to test the proficiency of any applicant for an instructor's licence (whether or not he is or has been the holder of such a licence) the Registrar may require the applicant to undergo such tests as the Registrar may think necessary, whether written oral or practical; and such tests shall, without limiting the generality of the foregoing provision, include examination in the following matters, namely: traffic laws, driving practices, vehicle manipulation and teaching technique.

(6) Where the driver's licence of any holder of an instructor's licence is cancelled or suspended or any such holder otherwise ceases to hold a driver's licence, the instructor's licence shall thereupon automatically cease to have any effect, and where the driver's licence of any such holder is suspended the instructor's licence, unless cancelled pursuant to the provisions of this part, shall thereupon automatically be suspended for the same period.

(7) The Registrar may cancel any instructor's licence or suspend any instructor's licence for such term as he thinks fit if he is satisfied that the holder has been guilty of conduct making him unfit to hold such a licence.

(8) Where an instructor's licence is suspended it shall during the term of the suspension be of no effect.

(9) The provisions of sections 86, 92, 94, 95, 96, and of paragraph (a) of section 141 shall apply to and in respect of holders of instructor's licences and instructor's licences and shall in such application be read as if the words "instructor's licence" were substituted for the word "licence" wherever the same occurs in those sections and that paragraph.

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

J. M. NAPIER, Governor's Deputy.