



ANNO DECIMO QUINTO

## ELIZABETHAE II REGINAE

A.D. 1966

\*\*\*\*\*

## No. 75 of 1966

An Act to amend the Motor Vehicles Act, 1959-1964.

[Assented to 1st December, 1966.]

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, 1966".

(2) The Motor Vehicles Act, 1959-1964, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1966".

(3) The Motor Vehicles Act, 1959-1964, 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.

Repeal and re-enactment of principal Act, s. 13—

3. Section 13 of the principal Act is repealed and re-enacted as follows :—

Exemption of plant used for firebreaks, destroying weeds, etc.

13. A vehicle constructed or adapted for making firebreaks or for the destruction of dangerous or noxious weeds or the destruction of vermin on roads may without registration be—

(a) used on a road in the work of making a firebreak or of destroying dangerous or noxious weeds or vermin; or

(b) driven on a road in the course of a journey to or from a place where such work is being or is to be done.

## 4. Section 31 of the principal Act is amended—

Amendment of  
principal Act,  
s. 31—  
Registration  
without fee.

(a) by striking out the words “a consular officer *de carrière*” in paragraph (j) thereof and inserting in lieu thereof the passage “an accredited diplomatic officer or accredited consular officer *de carrière*,”;

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

(m) any tractor, bulldozer, scarifier, grader, roller, tar sprayer, tar kettle or other like vehicle constructed or adapted for doing work in constructing, improving or repairing roads and used only in such work or in the course of a journey to or from a place where such work is being or is to be done.

## 5. Paragraph (b) of subsection (1) of section 55 of the principal Act is amended by inserting at the end thereof the following proviso:—

Amendment of  
principal Act,  
s. 55—  
Amount of  
prescribed  
refund.

Provided that in calculating the amount of refund any amount of cents not exceeding five cents shall be excluded and any amount of cents exceeding five cents shall count as ten cents.

## 6. Section 60 of the principal Act is amended—

Amendment of  
principal Act,  
s. 60—  
Registration  
to be void  
if not cancelled  
or transferred.

(a) by striking out the words “without making or crediting any refund in respect thereof” in paragraph (b) thereof;

(b) by inserting after the word “transferee” in the proviso thereto the words “or any subsequent transferee”; and

(c) by inserting at the end thereof the following subsection (the preceding portion of the section as amended by this section being re-designated as subsection (1) thereof):—

(2) Where the Registrar cancels the registration, he may, upon application by the transferee, make a refund in respect of the unexpired period of the registration less an amount of four dollars.

## 7. The following heading and section are enacted and inserted in Part II of the principal Act after section 71 thereof:—

Enactment of  
s. 71a of  
principal Act  
and heading  
thereto—

*Registration in Business Names.*Registration in  
business names.

71a. (1) Where an application for registration is made by a person carrying on a business the name of which is registered under the Business Names Act, 1963, the Registrar may, notwithstanding the preceding provisions of this Part, register the motor vehicle in such business name.

(2) Upon registration of a motor vehicle under this section, the provisions of this Act shall apply and have effect in relation to each person who is carrying on the business as if he were the owner of the motor vehicle, but it shall be sufficient compliance with any such provision if any one of those persons discharges the obligations thereby imposed on the owner.

Amendment of  
principal Act,  
s. 83—  
Appeal on  
refusal to  
issue or renew  
licence.

8. Subsection (1) of section 83 of the principal Act is amended by inserting after the word "refusal" therein the words ", cancellation or suspension".

Amendment of  
principal Act,  
s. 96—  
Duty to  
produce  
licence on  
request.

9. Section 96 of the principal Act is amended—

(a) by striking out from subsection (3) thereof the passage "or to an inspector"; and

(b) by inserting after subsection (3) thereof the following subsection :—

(4) In this section, "member of the police force" includes an inspector and a person who is an inspector as defined in section 5 of the Road Traffic Act, 1961-1965.

Amendment of  
principal Act,  
s. 98a—  
Instructor's  
licence.

10. Subsection (1) of section 98a of the principal Act is amended by inserting after the word "duty" therein the words "or to or in respect of any employee of a public authority if such employee is approved by the registrar and is acting in the normal course of his employment".

Amendment of  
principal Act,  
s. 102—  
Duty to insure  
against Third  
Party Risks.

11. Section 102 of the principal Act is amended—

(a) by inserting after the passage "cargo," in paragraph (ii) of subsection (2) thereof the passage "or where the offence relates to an uninsured trailer,"; and

(b) by inserting after subsection (3) thereof the following subsections :—

(4) Subsection (1) of this section shall not apply to a person who, on any road drives a motor vehicle which is temporarily within the State, if—

(a) the motor vehicle is registered in a proclaimed State or Territory of the Commonwealth ; and

(b) there is in force in such State or Territory in respect of such motor vehicle a policy of insurance—

(i) which complies with the law of such State or Territory ; and

(ii) under which the owner and the driver of the motor vehicle are insured against liability which might be incurred by such owner or driver in respect of the death of, or bodily injury to, any person caused by or arising out of the use of such motor vehicle in this State.

(5) For the purposes of subsection (4) of this section, the Governor may by proclamation declare any State or Territory, the law of which in his opinion substantially meets the requirements of this Part, to be a proclaimed State or Territory.

(6) A proclamation under subsection (5) of this section may be revoked or varied by a subsequent proclamation under that subsection.

12. The following section is enacted and inserted in the principal Act after section 111 thereof:—

Enactment of  
s. 111a of  
principal Act—

111a. Where—

(a) an insured person has caused death by negligence in the use of an insured motor vehicle ;

and

(b) the deceased person has been buried at public expense,

Liability of  
insurer in  
respect of  
burial at  
public expense.

the Treasurer may, in any court of competent jurisdiction, recover from the insurer the cost of the burial.

Amendment of  
principal Act,  
s. 116—  
Claim against  
defendant  
where  
vehicle  
uninsured.

**13.** Subsection (1) of section 116 of the principal Act is amended by inserting at the end thereof the words “but does not include any motor vehicle driven by a person temporarily within the State if the motor vehicle is registered as mentioned in subsection (4) of section 102 of this Act and there is in force a policy of insurance which complies with paragraph (b) of that subsection”.

Amendment of  
principal Act,  
s. 118—  
Claim against  
spouse by  
injured person.

**14.** Section 118 of the principal Act is amended—

(a) by inserting after the word “person” (second occurring) in subsection (1) thereof the passage “(whether or not they were married to each other at the time of the injury)” ;

and

(b) by striking out the words “unless the spouse has as soon as reasonably possible after the injury was caused or” in subsection (5) thereof and inserting in lieu thereof the passage “unless the spouse has—

(a) if the injured person and his or her spouse were married to each other at the time of the injury, as soon as reasonably possible after the injury was caused ;

or

(b) if the injured person and his or her spouse were not married to each other at the time of the injury but were so married within three years before the commencement of the Motor Vehicles Act Amendment Act, 1966, within one month after they were so married or after such commencement, whichever last occurs ;

or

(c) if the injured person and his or her spouse were not married to each other at the time of the injury but were so married after the commencement of the Motor Vehicles Act Amendment Act, 1966, within one month after they married ;

or

(d) —

and

(c) by adding the following new subsections—

(6) All actions commenced under this Section shall be commenced within three years next after the cause of action accrued but not after, provided that where the injured person within three years next after the cause of action accrued has commenced proceedings against a person whom he or she subsequently marries before the proceedings are concluded, such proceedings may be continued against the spouse's insurer by substituting the name of such insurer for the name of the spouse, notwithstanding that the period of three years has expired.

(7) where an insured person causes bodily injury by the use of a motor vehicle to his spouse or a person whom he afterwards marries and the carriage of the injured person is pursuant to a contract of hire or reward, the existing or subsequent marriage of the parties shall not be a defence to any action by the injured spouse or other person arising out of a breach of the contract of carriage for hire or reward.

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

Amendment of  
principal Act,  
s. 142—  
Facilitation of  
proof.

(b1) proof that a motor vehicle is registered in a business name as provided by section 71a of this Act shall be *prima facie* evidence that any person carrying on the business is the owner of that motor vehicle ;.

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

EDRIC BASTYAN, Governor.