



**MOTOR VEHICLES (DISABLED PERSONS' PARKING PERMITS)  
AMENDMENT ACT 1998**

**No. 13 of 1998**

**SUMMARY OF PROVISIONS**

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6. Amendment of s. 98U—Misuse of permit
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9. Amendment of s. 98X—Interpretation
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**SCHEDULE**

*Further Amendments of Principal Act*



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**ELIZABETHAE II REGINAE**

**A.D. 1998**

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**No. 13 of 1998**

**An Act to amend the Motor Vehicles Act 1959.**

*[Assented to 2 April 1998]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Motor Vehicles (Disabled Persons' Parking Permits) Amendment Act 1998*.

(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.

**Amendment of s. 98R—Application for permit**

3. Section 98R of the principal Act is amended—

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

(1) The following persons may apply to the Registrar for a disabled person's parking permit:

(a) a disabled person; and

(b) an organisation that provides to at least 4 disabled persons services that include transportation services.;

(b) by inserting after subsection (2) the following subsection:

(2a) The Registrar may require an applicant to furnish the Registrar with specified evidence as to the applicant's eligibility for a permit under this section.;

(c) by striking out from subsection (3) "for a permit under this section" and substituting "who is a disabled person";

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(d) by striking out subsection (4) and substituting the following subsection:

(4) If the Registrar is satisfied that an applicant is eligible for a permit under this section, the Registrar must grant a disabled person's parking permit to the applicant.

**Amendment of s. 98S—Duration and renewal of permits**

4. Section 98S of the principal Act is amended by striking out subsection (1) and substituting the following subsection:

(1) A disabled person's parking permit will be granted or renewed—

- (a) in the case of a permit issued to a disabled person with a temporary physical impairment—for such period, not exceeding 12 months, as the Registrar thinks appropriate in view of the likely duration of the impairment;
- (b) in any other case—for a number of years, not exceeding 5, determined by the Registrar.

**Amendment of s. 98T—Parking permit entitlements**

5. Section 98T of the principal Act is amended—

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

(1) A disabled person's parking permit entitles—

- (a) in the case of a permit issued to a disabled person—the owner and the driver of any motor vehicle, while the vehicle is in the course of being used for the transportation of the disabled person;
- (b) in the case of a permit issued to an organisation—the owner and the driver of any motor vehicle, while the vehicle is in the course of being used by the organisation for the transportation of a disabled person to whom the organisation provides services,

to such exemptions, conditional or unconditional, in relation to the parking or standing of the vehicle as may be prescribed by regulation under the *Local Government Act 1934*;

(b) by striking out from subsection (2) "A person" and substituting "A disabled person".

**Amendment of s. 98U—Misuse of permit**

6. Section 98U of the principal Act is amended by inserting "or, if the permit was issued to an organisation, the transportation of a disabled person to whom the organisation provides services" after "the holder of the permit".

**Amendment of s. 98V—Cancellation of permit**

7. Section 98V of the principal Act is amended—

(a) by inserting in subsection (1)(a) "a disabled person who is" after "that";

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

(ab) must, if satisfied that an organisation that is the holder of a disabled person's parking permit no longer meets the criteria set out in section 98R(1); or.

**Insertion of s. 98WA**

8. The following section is inserted after section 98W of the principal Act:

**Interstate permit holders have reciprocal entitlements**

98WA. (1) The holder of a permit issued in another State or a Territory of the Commonwealth under a corresponding law will, while in this State, be taken to be the holder of a disabled person's parking permit under this Part and the permit will give rise to the same entitlements and obligations (including liability to cancellation) as if it had been issued under the relevant provision of this Part.

(2) The Minister may, by notice in the *Gazette*, declare that a law of another State or a Territory of the Commonwealth is a corresponding law for the purposes of this section.

**Amendment of s. 98X—Interpretation**

9. Section 98X of the principal Act is amended—

(a) by striking out "the holder of a disabled person's parking permit notwithstanding that the holder of the permit" and substituting "a disabled person despite the fact that the person";

(b) by inserting after its present contents (now to be designated subsection (1)) the following subsection:

(2) In this Part—

"**disabled person**" means a person with a temporary or permanent physical impairment—

(a) whose speed of movement is severely restricted by the impairment;  
and

(b) whose ability to use public transport is significantly impeded by the impairment;

"**temporary physical impairment**" means a physical impairment that, in the opinion of the Registrar, is likely to endure for more than 6 months but is not likely to be permanent.

**Statute law revision amendments**

10. The principal Act is further amended in the manner indicated in the schedule.

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**SCHEDULE**  
*Further Amendments of Principal Act*

Provision Amended	How Amended
Section 5(1) Definition of "business name"	Strike out " <i>Business Names Act 1963</i> " and substitute " <i>Business Names Act 1996</i> ".
Section 5(1) Definition of "declared area"	Strike out this definition and substitute:  "declared area" means—  (a) the area of a municipal council; and  (b) the areas of the District Councils of East Torrens and Stirling; and  (c) a part of the State declared by regulation to be within the area for the purposes of this definition;.
Section 9(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 16(9)	Strike out the penalty provision and substitute:  Maximum penalty: \$125.
Section 16(11)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 23A(2)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 38A(1)(a)(i)	Strike out "Department for Community Welfare" and substitute "Department of Human Services".
Section 38AB(1)(a)(i)	Strike out "Department for Community Welfare" and substitute "Department of Human Services".
Section 41(2)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 41(2a)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 43A(3)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 43A(7)	Strike out the penalty provision and substitute:  Maximum penalty: \$125.
Section 44(4)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.

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- Section 47(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 47A(7) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 47B(2) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 47C(3) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 47C(5) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 48(1b) Strike out the penalty provision and substitute:  
Maximum penalty: \$125.
- Section 48(3) Strike out the penalty provision and substitute:  
Maximum penalty: For a first offence—\$125.  
For a subsequent offence—\$250.
- Section 52(3) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 52(5) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 53(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 57(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 57(2) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 62(6) Strike out "*Business Names Act 1963*" and substitute "*Business Names Act 1996*".
- Section 66(2) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 70(2) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 71(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.

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- Section 71A(1) Strike out "*Business Names Act 1963*" and substitute "*Business Names Act 1996*".
- Section 74(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 75A(5) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 75A(5aaa) Strike out the penalty provision and substitute:  
Maximum penalty: \$125.
- Section 75A(5aa) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 75A(7) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 80(5) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 81(4) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 81A(5) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 81A(5a) Strike out the penalty provision and substitute:  
Maximum penalty: \$125.
- Section 81(5b) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 81B(3a) Strike out the penalty provision and substitute:  
Maximum penalty: \$125.
- Section 91(5) Strike out the penalty provision and substitute:  
Maximum penalty: For a first offence—imprisonment for 6 months.  
For a subsequent offence—imprisonment for 2 years.
- Section 96(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 96(3) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.

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Section 97(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 97A(3)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 98AAA(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 98AA	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 98AAB(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 98AAB(2)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 98A(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 98BG	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 98D(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$1 250.
Section 98H(3)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 98K(5)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 98L(3)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 98MA(2)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 98MC(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 98MC(2)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 98MD(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$10 000.



- Section 98MD(4) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98ME(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$10 000.
- Section 98ME(3) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98ME(4) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98ME(5) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98ME(7) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98ME(9) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98ME(12) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98ME(13) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98ME(14) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98MF(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98MG(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98MH(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$1 250.
- Section 98MI(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$2 500.
- Section 98MJ(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$2 500.
- Section 98MK(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$10 000.

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- Section 98ML(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$750.
- Section 98ML(2) Strike out the penalty provision and substitute:  
Maximum penalty: \$750.
- Section 98N Strike out the penalty provision and substitute:  
Maximum penalty: \$750.
- Section 98O(1) Strike out the penalty provision and substitute:  
Maximum penalty: \$750.
- Section 98O(2) Strike out the penalty provision and substitute:  
Maximum penalty: \$750.
- Section 98O(3) Strike out the penalty provision and substitute:  
Maximum penalty: \$750.
- Section 98P(4) Strike out the penalty provision and substitute:  
Maximum penalty: \$20 000.
- Section 98P(4a) Strike out the penalty provision and substitute:  
Maximum penalty: \$750.
- Section 98P(8) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 98P(9) Strike out the penalty provision and substitute:  
Maximum penalty: \$750.
- Section 98PA(2) Strike out the penalty provision and substitute:  
Maximum penalty: \$2 500.
- Section 98PG(1)(b) Strike out "\$1 000" and substitute "\$1 250".
- Section 98U Strike out the penalty provision and substitute:  
Maximum penalty: \$750.
- Section 98V(3) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 99A(7) Strike out the penalty provision and substitute:  
Maximum penalty: \$250.
- Section 99(1a) Strike out "*Companies (South Australia) Code*" and substitute "*Corporations Law*".
- Section 102(2)(a) Strike out "a division 12 fine" and substitute "\$75".  
Strike out "a division 10 fine" and substitute "\$250".

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Section 102(2)(b)	Strike out "a division 9 fine" and substitute "\$750".
Section 102(3)	Strike out this subsection.
Section 103(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 110(8)	Strike out the penalty provision and substitute:  Maximum penalty: \$125.
Section 124(2)	Strike out the penalty provision and substitute:  Maximum penalty: \$1 250 or imprisonment for 3 months.
Section 124(4)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 124(5)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 124(6)	Strike out the penalty provision and substitute:  Maximum penalty: \$1 250 or imprisonment for 3 months.
Section 128(2)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 128(3)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 134(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 135(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$2 500 or imprisonment for 6 months.
Section 135A	Strike out the penalty provision and substitute:  Maximum penalty: \$2 500 or imprisonment for 6 months.
Section 136(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 136(1a)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 136(2)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 136(2a)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.

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Section 137	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 138	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 138B(5)	Strike out the penalty provision and substitute:  Maximum penalty: \$250.
Section 139(5)	Strike out the penalty provision and substitute:  Maximum penalty: \$5 000.
Section 139BA(3)	Strike out the penalty provision and substitute:  Maximum penalty: \$750.
Section 139D(1)	Strike out the penalty provision and substitute:  Maximum penalty: \$5 000.
Section 139F	Strike out the penalty provision and substitute:  Maximum penalty: \$1 250.
Section 143(2)	Strike out this subsection.
Sections 144 and 144A	Strike out these sections and substitute:  <b>Prosecution of offences</b> 144. Proceedings for an offence against this Act must be commenced—  (a) in the case of an expiable offence—within the time limits prescribed for expiable offences by the <i>Summary Procedure Act 1921</i> ;  (b) in any other case—within 2 years of the date on which the offence is alleged to have been committed.
Section 145(2)(m)	Strike out "a division 8 fine" and substitute "\$1 250".
Section 145(2)(n)	Strike out "\$300" and substitute "\$310".

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

E. J. NEAL Governor