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# ELIZABETHAE II REGINAE

A.D. 1990

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No. 51 of 1990

An Act to amend the Motor Vehicles Act, 1959.

[Assented to 22 November 1990]

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. 2), 1990*.
- (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.

## Interpretation

3. Section 5 of the principal Act is amended—

- (a) by inserting after the definition of "authority to tow" in subsection (1) the following definition:

"authorized agent" means a person or body authorized by the Registrar under section 7 (3) to exercise or discharge prescribed powers or duties under this Act;

and

- (b) by inserting after subsection (4) the following subsection:

(5) Where a provision of this Act confers a power or duty on a person and an authorized agent has been empowered to exercise or discharge that power or duty, a reference in that provision to the person on whom the power or duty is conferred will be taken to include a reference to that authorized agent.

## Appointment of Registrar and officers, etc.

4. Section 7 of the principal Act is amended by inserting after subsection (2) the following subsections:

(3) The Registrar may authorize any person or body to exercise or discharge any prescribed powers or duties under this Act (except the powers conferred by this section).

(4) An authorization under subsection (3)—

(a) must be by instrument in writing;

(b) may be absolute or conditional;

(c) does not derogate from the power of the person on whom the power or duty is conferred by this Act to act in any matter;

and

(d) may be revoked by the Registrar at any time by notice in writing.

(5) Where—

(a) the exercise or discharge of a prescribed power or duty by the person on whom the power or duty is conferred by this Act is dependent on the opinion or state of mind of that person in relation to a particular matter;

and

(b) the Registrar authorizes some other person or body under subsection (3) to exercise or discharge the power or duty,

an authorized agent may exercise or discharge the power or duty on the basis of his or her own opinion or state of mind in relation to the matter.

#### **Destruction of registration label**

5. Section 52 of the principal Act is amended by striking out from subsection (1) “or a person authorized by the Registrar”.

#### **Certain acts declared valid**

6. Where—

(a) the Registrar has, before the commencement of this Act, purported to authorize a person or body to exercise or discharge a power or duty under the principal Act;

and

(b) that person or body has purportedly exercised or discharged that power or duty in accordance with the authorization,

that purported exercise or discharge of the power or duty is declared to be a valid exercise or discharge of the power or duty as if it had been exercised or discharged, in accordance with the principal Act, by the person on whom the power or duty is conferred by that Act.

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

D. B. DUNSTAN, Governor