No. 53 of 1959

An Act to consolidate and amend certain enactments relating to the registration of motor vehicles, drivers licences and third party motor insurance, and for other purposes.

[Assented to 22nd December, 1959.]

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

PART I.

PRELIMINARY.

1. This Act may be cited as the "Motor Vehicles Act, 1959". Short title.

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

(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.

3. (1) The Governor may by proclamation fix a day or days upon which the enactments mentioned in the first schedule or any of those enactments shall be repealed. Repeals.

(2) The said enactments shall be repealed as from the day or respective days so fixed.
(3) Upon the repeal of any such enactments, the provisions in the second schedule shall have effect.

4. This Act is divided into Parts as follows:

PART I.—Preliminary. Sections 1-6.
PART II.—Registration of Motor Vehicles. Sections 7-71.
PART III.—Drivers licences. Sections 72-98.
PART IV.—Third Party Insurance. Sections 99-134.
PART V.—Supplementary provisions. Sections 135-147.

5. (1) In this Act, unless the context otherwise requires or some other meaning is clearly intended—

“articulated motor vehicle” means a motor vehicle having at the rear thereof a portion on wheels which is pivoted on and partly superimposed on the forward part of the motor vehicle:

“commercial motor vehicle”—

(a) means a motor vehicle constructed or adapted solely or mainly for the carriage of goods; and

(b) includes a motor vehicle of the type commonly called a utility:

“court” means court (whether the Supreme Court or any other court) having jurisdiction to deal with the matters in relation to which the word is used:

“inspector” means inspector appointed under this Act:

“licence” means a driver’s licence;

“mobile crane” means a motor vehicle which is fitted with a crane operated by power other than human power and which is constructed or adapted solely or mainly for lifting and moving goods by means of that crane:

“mobile fork lift” means a motor vehicle fitted with an apparatus of the kind commonly known as a fork lift and constructed or adapted solely or mainly for lifting and moving goods by means of the fork lift:

“motor vehicle” means—

(a) a vehicle, tractor, or mobile machine driven or propelled or ordinarily capable of being driven or propelled by a steam engine,
internal combustion engine, electricity or any other power not being human or animal power; and

(b) a trailer

but does not include a mobile machine controlled and guided by a person walking, or a vehicle run upon a railway or tramway:

"number" includes a combination of figures and letters of the alphabet:

"owner" includes the hirer under a hire purchase agreement or the assignee of such a hirer:

"primary producer" means a person—

(a) who carries on as principal a business of agriculture, horticulture, viticulture, dairying, bee-keeping, livestock production, or other like business; or

(b) who under a written share-farming agreement works any land as a sharefarmer and not as a servant; or

(c) who carries on as principal the business of fishing.

"the Registrar" means the Registrar of Motor Vehicles or the person for the time being acting as such Registrar:

"registered owner" means a person recorded in the register of motor vehicles as the owner of a motor vehicle:

"road" means—

(a) a road, street, or thoroughfare; and

(b) any other place commonly used by the public or to which the public are permitted to have access:

"tractor" means a motor vehicle constructed or adapted for hauling other vehicles but not for the carriage of passengers other than the driver or loads other than fuel, oil and water for its own consumption:

"trailer" means a vehicle, or a machine on wheels, which vehicle or machine is not self-propelled and is constructed or adapted for being drawn by a motor vehicle, but does not include the rear portion of an articulated motor vehicle:
"weight" when used in relation to a vehicle means the weight of the vehicle including the weight of the lubricating oil, fenders, accessories and tools usually carried thereon but excluding the weight of the passengers, load, petrol, fuel oil and of any producer gas equipment and fuel for use in such equipment.

(2) For the purposes of this Act a person driving a motor vehicle to which a trailer is attached shall be deemed to drive the trailer as well as the motor vehicle.

(3) A reference in a provision of this Act to drivers or the driving of vehicles shall be deemed to include a reference to riders and the riding of vehicles unless the provision by its express terms indicates that it does not apply to such riders or riding.

(4) Subject to section 22a of the Acts Interpretation Act, 1915-1957, this Act shall apply in relation to motor vehicles engaged in trade commerce and intercourse between the States.

PART II.

REGISTRATION OF MOTOR VEHICLES.

Regulation.

7. (1) The Governor may appoint a Registrar of Motor Vehicles and such deputy registrars of motor vehicles, inspectors of motor vehicles and other officers as he considers necessary for the administration of this Act.

(2) A deputy registrar may, subject to any directions given by the Registrar, act on behalf of the Registrar—

(a) during the absence of the Registrar;
1959. **Motor Vehicles Act, 1959.**

(b) at any time in any matters allotted to him by the Registrar.

(3) The expression "the Registrar" in this Act shall include a deputy registrar lawfully acting on behalf of the Registrar.


(2) The register shall contain such information as the Registrar deems necessary for the administration of this Act, and be in a form fixed by the Registrar.

9. A person shall not drive a motor vehicle on a road unless that vehicle has been registered under this Act and the registration thereof is for the time being in force: Provided that it shall be a defence to a charge under this section to prove that the motor vehicle was driven in circumstances in which this Act or the regulations permit a motor vehicle to be driven without registration.

Penalty: Fifty pounds.

**Exemptions and Permits.**

10. A motor vehicle may be driven on roads without registration if it bears trader's plates issued under this Act and is driven in conformity with the provisions of this Act as to trader's plates.

11. (1) A motor vehicle may be driven on roads without registration—

(a) while carrying persons or fire-fighting equipment to or from any place for the purpose of preventing, controlling or extinguishing a fire; or

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s. 9. **Nelson v. The State of South Australia and Others** (1955) 93 C.L.R. 292. As to whether the registration fee is a tax on interstate trade, etc., and inconsistent with section 92 of the Constitution.

**Pioneer Tourist Coaches Proprietary Limited v. The State of South Australia and Others** (1955) 93 C.L.R. 307. As to whether the registration fee is a tax on interstate trade, etc., and inconsistent with section 92 of the Constitution.

**Fry v. Russo** (1958) S.A.S.R. 212. Held that a motor vehicle which was driven from Melbourne and after arrival in Adelaide driven to a service station for the purpose of being serviced, was being used for the purpose of interstate trade and was therefore not required to be registered.

s. 10. **Eclipse Motors Proprietary Ltd. v. Milner** (1950) S.A.S.R. 1. Where a company was the owner of an unregistered motor vehicle and also held trader's plates and an employee in pursuance of instructions of the manager drove the vehicle on a road without the trader's plates being affixed, held that the vehicle was not driven without the knowledge or against the instructions of the owner and that the owner was guilty of an offence against subsection (3) of section 7 of the Road Traffic Act, 1934.
(b) in the course of training members of a fire fighting organization, or for transporting such members to or from such training; or

(c) for the purpose of taking measures for preventing, controlling or extinguishing fires.

(2) In this subsection—

“fire” includes a bush fire and any other fire dangerous to or threatening life or property:

“fire fighting organization” means a voluntary fire brigade or voluntary fire fighting organization registered under any Act.

12. (1) A tractor may be driven without registration on roads within twenty-five miles of a farm occupied by the owner of the tractor on journeys to or from that farm for all or any of the following purposes, namely:

(a) delivery of the tractor to the farm upon the acquisition of the tractor, or delivery of the tractor from the farm upon the sale or disposal thereof;

(b) removal of the tractor to a workshop for repairs, or return of the tractor to the farm from a workshop where repairs were carried out;

(c) drawing farm implements;

(d) proceeding to a place where farm implements are to be attached to the tractor for removal, or returning after delivery of farm implements;

(e) drawing a registered trailer between two or more portions of the farm.

(2) If there is no workshop where repairs can be efficiently carried out to a tractor within twenty-five miles of the farm occupied by the owner of the tractor, the tractor may be driven as aforesaid on roads more than twenty-five miles from that farm for the purpose of proceeding to the nearest workshop where such repairs can be efficiently carried out and returning to the farm from that workshop.

(3) A farm implement may without registration or insurance be drawn by a tractor or other motor vehicle on roads within twenty-five miles of a farm occupied by the owner of such tractor or motor vehicle.

(4) A self-propelled farm implement may be driven without registration or insurance on roads within twenty-five miles of a farm occupied by the owner of such self-propelled
farm implement: Provided that if there is no workshop where repairs can be efficiently carried out to the self-propelled farm implement within twenty-five miles of the farm occupied by the owner of the self-propelled farm implement the self-propelled farm implement may be driven as aforesaid on roads more than twenty-five miles from that farm for the purpose of proceeding to the nearest workshop where such repairs can be efficiently carried out and returning to the farm from that workshop.

(5) In this subsection "farm implement" means an implement or machine for ploughing, cultivating, clearing or rolling land, sowing seed, spreading fertilizer, harvesting crops, spraying, chaff cutting, or other like operations and includes a trailer bin constructed for attachment to a harvester for the purpose of collecting grain in bulk and a grain elevator, but does not include any other vehicle wholly or mainly constructed for the carriage of goods.

13. A 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 or making fire-breaks 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 constructing, improving or repairing the road or 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.

14. If the Registrar is satisfied that a vehicle is intended to be driven on roads solely for the purpose of taking part in a street procession or other like entertainment, he may, in writing, exempt the owner and driver of that vehicle from the obligation to comply with any specified provision of this Act on any day or days.

15. (1) The Registrar may at his discretion without fee grant to any primary producer a permit to drive a motor vehicle owned by him, without registration, along any route specified in the permit for the purpose only of enabling the motor vehicle to be used in connection with the working of two or more separate parcels of land worked in conjunction with each other by that primary producer.
(2) The Registrar shall not grant a permit under this section for a tractor unless it is equipped with pneumatic tyres or other tyres, which, in the Registrar's opinion, will not cause undue damage to roads.

16. If the owner of a motor vehicle not previously registered in the name of such owner, or a person acting on behalf of such owner—

(a) satisfies a member of the police force stationed at a police station situated more than twenty-five miles by a direct line from the General Post Office at Adelaide that an application in the proper form for the registration of the motor vehicle has been sent to the Registrar by or on behalf of the said owner, together with a sum not less than the proper fee for the registration of the vehicle for a period of six months or twelve months commencing on a day not later than the issue of the permit hereinafter mentioned; and

(b) produces to the said member of the police force a certificate of insurance complying with Part IV of this Act or a cover note which is in the prescribed form and is binding on an approved insurer and the terms of which provide that it will during the period of the operation of the permit applied for have the same effect in relation to the motor vehicle as a policy of insurance complying with Part IV of this Act—

the said member of the police force may issue to that owner without fee a permit permitting the motor vehicle to be driven on roads, without registration and without carrying a registration label or number plates, during the period of operation of the permit.

(2) A permit granted under this section—

(a) shall not be of any force except while it is affixed to the vehicle to which it relates in the position prescribed for the carrying of a registration label: and

(b) shall cease to have effect upon the expiration of fourteen days after the issue thereof.

17. (1) The Registrar may in his discretion upon payment of a fee grant to any person a permit permitting any motor vehicle specified in the permit and ordinarily used on land other
than roads to be driven along a road on one or more journeys between such places and at such times as are specified in the permit.

(2) The fee for such a permit shall be fixed by the Registrar and shall be not less than five shillings and not more than one-twelfth of the registration fee for a year for the vehicle concerned.

(3) Any such permit may contain provisions exempting any person from the duty to comply in respect of the vehicle with any specified provisions of this Act or any other Act relating to road traffic.

18. (1) In this section “biddy” means a four-wheeled trailer constructed and ordinarily used for transporting cargo on wharves and jetties between ships and cargo sheds.

(2) The Registrar may without fee grant to any person a written permit authorizing him to draw unregistered biddies on roads by means of registered and insured motor vehicles.

(3) Any such permit may also contain provisions exempting any persons from the duty to comply, in respect of the biddies, with any specified provisions of this Act or any other Act relating to road traffic.

19. (1) The Registrar may insert in any permit granted under this Part any terms and conditions which he deems it desirable to insert in the public interest.

(2) Every such permit shall be sufficient authority for any act done or omission made in accordance with its terms and conditions.

(3) If a term or condition of a permit has been contravened or not observed the Registrar may revoke the permit. Such revocation shall not affect the liability of a person for an act or omission done or made before the revocation.

Registration Procedure.

20. (1) An application to register a motor vehicle shall state correctly the full name and address of the owner of the vehicle and shall be made in accordance with the regulations.

(2) At the time of making the application the fee prescribed by this Act shall be paid to the Registrar.
21. The Registrar shall not register a motor vehicle unless when the application for registration is made there is lodged with him a certificate in the prescribed form given by or on behalf of an insurer approved under Part IV of this Act certifying that one or more policies of insurance complying with that Part have been issued by that insurer in relation to the said motor vehicle, and that the insurance provided by those policies will remain in force throughout the period for which registration is applied for and for fourteen days after the end of that period.

22. The Registrar may require a person applying for the registration of a motor vehicle to satisfy him by statutory declaration, weighbridge note, or other means as to any facts on which the amount of the registration fee depends or which entitle the applicant to be granted registration without payment of a fee.

23. If a court has ordered that a vehicle shall not be registered until some condition is complied with, the Registrar shall not register that vehicle until he is satisfied that that condition has been complied with.

24. Upon application duly made and payment of the prescribed fee, the Registrar shall, subject to this Act—

(a) register the motor vehicle in the register of motor vehicles for a period of either six months or twelve months, at the option of the person applying for registration; and

(b) allot a number to the vehicle.

25. If a person applies for registration of a motor vehicle which has previously been registered in his name, the Registrar shall, if the applicant requests, allot to that vehicle on registration the number allotted to it on the previous registration: Provided that the Registrar may refuse to allot that number if the application for registration is made more than three months after the expiration of the previous registration.

**Duration of Registration.**

26. Every registration of a motor vehicle shall, unless sooner cancelled, expire at the end of a period of six or twelve months (according to the fee paid), commencing on the first day of the month in which it was effected.
27. (1) For the purposes of computing registration fees the power-weight (indicated in this Act by the letters P.W.) of a motor vehicle shall be the number arrived at by adding the weight in hundredweights of the vehicle to its horsepower calculated as hereinafter mentioned.

(2) The horsepower of a motor vehicle propelled by an internal combustion engine shall be calculated by multiplying the square of the number of inches of the internal diameter of the cylinders of the engine by the number of pistons and dividing the product by 25.

(3) The horsepower of a motor vehicle driven by steam and having a boiler with a fire grate shall be calculated by dividing the number of square inches of the area of that fire grate by 25.

(4) The horsepower of a motor vehicle driven by steam and not having a fire grate shall be determined by the Registrar in such manner as he deems just and appropriate.

(5) The horsepower of a motor vehicle driven by electricity shall be calculated by dividing the number of watts of electrical energy consumed by the power unit of the vehicle when running under full load at normal speed by 746.

(6) The weight of a motor vehicle in hundredweights and its horsepower shall be calculated to the nearest whole number.

28. (1) The Registrar may prepare and keep in his office for public inspection a list containing the usual names or designations of motor vehicles of any models or kinds and stating the standard power-weight of motor vehicles of each model or kind when constructed and equipped as mentioned in the list.

(2) The power-weight shown in the list as the standard power-weight of motor vehicles of any model or kind shall be the power-weight of each motor vehicle of that model or kind, unless—

(a) the owner at the time of applying for registration, objects to the power-weight as so shown; or

(b) the motor vehicle has some attachment or alteration affecting its weight and not taken into account when computing the power-weight shown in the list.
(3) The owner of a motor vehicle who objects to the determination of the power-weight by reference to the list may—

(a) weigh the motor vehicle on a public weighbridge in the presence of the Registrar or a person nominated by him; and

(b) strip his engine or power unit for measurement or examination by the Registrar or a person nominated by him,

in which case the weight shall be calculated in accordance with the weighbridge certificate, and the horsepower in accordance with the measurements of the Registrar or the nominated person.

29. (1) The registration fee for a motor bicycle not having a side car attached thereto shall be—

<table>
<thead>
<tr>
<th>Weight (hundredweight)</th>
<th>Fee (£ s. d.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not exceed 1</td>
<td>1 10 0</td>
</tr>
<tr>
<td>Exceed 1</td>
<td>2 5 0</td>
</tr>
</tbody>
</table>

(2) The registration fee for a motor bicycle having a side car attached thereto shall be 3 0 0.

(3) The registration fee for a commercial motor vehicle (not being a trailer, mobile fork lift, or mobile crane) shall be—

<table>
<thead>
<tr>
<th>Weight (P.W.)</th>
<th>Fee (£ s. d.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not exceed 10</td>
<td>3 0 0</td>
</tr>
<tr>
<td>Exceed 10 but</td>
<td>6 0 0</td>
</tr>
<tr>
<td>Not exceed 25</td>
<td></td>
</tr>
<tr>
<td>Exceed 25 but</td>
<td>26 and an</td>
</tr>
<tr>
<td>Not exceed 75</td>
<td>additional £2</td>
</tr>
<tr>
<td>75 to 100</td>
<td>for each 5 P.W. or fractional part of 5 P.W. in excess of 25 P.W.</td>
</tr>
<tr>
<td>75</td>
<td>26 and an</td>
</tr>
<tr>
<td></td>
<td>additional £3 for each 5 P.W. or fractional part of 5 P.W. in excess of 75 P.W.</td>
</tr>
</tbody>
</table>

(4) The registration fee for a motor vehicle (other than a motor bicycle, trailer, commercial
motor vehicle or invalid chair) including a mobile fork lift or mobile crane shall be—

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the vehicle does not exceed 10 P.W.</td>
<td>3</td>
</tr>
<tr>
<td>If the vehicle exceeds 10 P.W. but does not exceed 25 P.W.</td>
<td>5</td>
</tr>
<tr>
<td>If the vehicle exceeds 25 P.W. but does not exceed 75 P.W.—£5 10s. and an additional £1 10s. for each 5 P.W. or fractional part of 5 P.W. in excess of 25 P.W.</td>
<td>10</td>
</tr>
<tr>
<td>If the vehicle exceeds 75 P.W.—£20 10s. and an additional £2 for each 5 P.W. or fractional part of 5 P.W. in excess of 75 P.W.</td>
<td>20</td>
</tr>
</tbody>
</table>

(5) The registration fee for a trailer shall be:

<table>
<thead>
<tr>
<th>Description</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>If the weight of the trailer unladen does not exceed 1 ton</td>
<td>2</td>
</tr>
<tr>
<td>If the weight of the trailer unladen exceeds 1 ton but does not exceed 1½ tons</td>
<td>3</td>
</tr>
<tr>
<td>If the weight of the trailer unladen exceeds 1½ tons but does not exceed 2 tons</td>
<td>3 15</td>
</tr>
<tr>
<td>If the weight of the trailer unladen exceeds 2 tons</td>
<td>4</td>
</tr>
</tbody>
</table>

Where the trailer consists of a machine which is mounted on wheels and is constructed or adapted for being drawn by a motor vehicle, the fee shall be one-half of the amount which would otherwise be payable under this section.

(6) If a motor vehicle has all or any of its wheels fitted with rubber tyres other than pneumatic tyres the fee shall be one and a half times the amount which would otherwise be payable under this section.

If a motor vehicle has all or any of its wheels fitted with metal tyres the fee shall be twice the amount which would otherwise be payable under this section.

(7) The fees previously set out in this section are those payable for registration for twelve months. The fee for registration for six months shall be fifty-two and a half per cent of that payable for registration for twelve months.
30. In calculating a registration fee a fraction of a shilling not exceeding sixpence shall be excluded and a fraction of a shilling exceeding sixpence shall count as a shilling.

31. The Registrar shall register without fee—

(a) any motor vehicle owned by the Fire Brigades Board or a voluntary fire brigade or voluntary fire fighting organization registered under any Act;

(b) any motor vehicle owned by a municipal or district council and used solely for the purpose of fire fighting;

(c) any motor ambulance for the use of which no charge is made;

(d) any motor ambulance operated by a municipal or district council, or by a society or association otherwise than for the purpose of monetary gain to the individual members of such society or organization;

(e) any motor vehicle owned by a municipal or district council and used solely or mainly in connection with the construction or maintenance of roads;

(f) any motor vehicle owned by a municipal or district council or by a controlling authority under Part XIX of the Local Government Act, 1934-1958, and used solely or mainly for the collection and transport of household rubbish:

(g) any motor vehicle owned by the Renmark Irrigation Trust and used solely or mainly in connection with the construction or maintenance of all or any of the following works, namely, roads, irrigation channels, irrigation drains and other works for irrigation or drainage of the trust's area:

(h) any motor vehicle owned by The Municipal Tramways Trust:

(i) any motor vehicle consisting of mobile machinery and plant used for boring for water or of mobile machinery and plant used solely for excavating and cleaning dams. In this paragraph “dams” means excavations in which water is stored or intended to be stored:
32. (1) Motor vehicles owned by the Crown shall not be exempt from registration under this Act and registration fees shall be payable in respect of those vehicles.

(2) The amount of such fees, and the circumstances in which they are payable, shall be the same as in the case of vehicles owned by subjects.

(3) Any question as to the amount of the fee payable on any vehicle owned by the Crown or as to whether any such vehicle should pursuant to this Act be registered without payment of a fee, shall be decided by the Treasurer, whose decision shall be final.

33. If the owner of a motor vehicle—

(a) applies for registration of that vehicle and pays a fee of one pound; and

(b) undertakes that the vehicle will not be used on roads in the State for any purpose other than trade commerce or intercourse between States unless the balance of the registration fee as defined in section 40 of this Act is paid,

the Registrar shall in consideration of the fee so paid register that vehicle for twelve months.

34. (1) If the owner of a commercial motor vehicle or tractor—

(a) satisfies the Registrar by such evidence as he requires that he is a primary producer; and

(b) undertakes that that motor vehicle or tractor will not, unless the balance of the registration fee as defined
35. (1) If the owner of a motor tractor—

(a) satisfies the Registrar by such evidence as he requires that he is a primary producer; and

(b) undertakes that, unless the balance of the registration fee as defined in section 40 of this Act is paid, such motor tractor will not be used on roads except for purposes mentioned in subsection (2) of this section

the registration fee for such motor tractor shall be one-quarter of the amount prescribed by section 29 of this Act.

(2) The purposes referred to in subsection (1) of this section are—

(a) transporting goods the produce of the land of the primary producer, from that land to the nearest railway station, or if there is a port nearer to that land than any railway station then to that port; or

(b) transporting such goods to any place not more than fifteen miles from such land for the purpose of the packing, processing, delivery to a carrier, or sale of such goods;

(c) transporting goods intended for consumption or use on the land of the primary producer from any such railway station, port or place to that land.

36. If the owner of a commercial motor vehicle—

(a) satisfies the Registrar by a certificate from the Director of Mines or such other evidence as the Registrar
requires that he is a prospector whose principal business consists in prospecting for metals or minerals; and

(b) undertakes that, unless the balance of the registration fee as defined in section 40 of this Act is paid, such motor vehicle will be used on roads solely or mainly for carrying plant, tools, stores, or other equipment used in connection with such prospecting, or metals or minerals won by the said owner from the soil,

the registration for the vehicle shall be one-half of the amount prescribed by section 29 of this Act.

37. (1) In this section the word “outer areas” means—

(a) the whole of Kangaroo Island; and

(b) all other parts of the State which are not within a municipality, district council district, Whyalla or Iron Knob.

“Whyalla” means all those portions of the hundreds of Randell and Cultana and County of York, bounded as follows:—Commencing at the south-western corner of section 39, hundred of Randell; thence west-south-westerly at right angles with the western boundary of said section for one and a half miles; thence north-north-westerly at right angles to the north-eastern boundary of the Iron Knob Tramway in County York; thence south-easterly along said boundary of tramway to its intersection with the southern boundary of the hundred of Cultana; thence easterly along portion of said hundred boundary to the sea coast; thence generally southerly and south-westerly in the hundred of Randell following the said sea coast to intersect the production south-south-easterly of the western boundary of section 40; thence north-north-westerly along said production and boundary; thence north-easterly to the south-western corner of section 37; thence north-north-westerly along the western boundary of said section and production to the point of commencement:
PART II.


"Iron Knob" means all that portion of County of Manchester, within a circle having a radius of one and a half miles and its centre at the south-western corner of allotment 270, Town of Iron Knob.

(2) If the owner of a motor vehicle undertakes that, unless the balance of the registration fee as defined in section 40 of this Act is paid, such motor vehicle will, during the period for which registration is applied for—

(a) be used wholly or mainly in outer areas, and

(b) be in the possession and under the control of a person whose place of abode at the time is in outer areas, and

(c) be usually kept at premises situated in outer areas,

the registration fee shall be one half of the amount prescribed by section 29 of this Act.

38. (1) If the Registrar is satisfied by such evidence as he requires that—

(a) a motor vehicle is owned by a person who has been a member of a naval, military, or air force of Her Majesty; and

(b) the owner, as a result of his service in a naval, military, or air force, is totally and permanently incapacitated, or is blind, or has lost a leg or foot, or receives under the laws of the Commonwealth relating to repatriation a pension at the rate for total incapacity, or a pension granted by reason of impairment of his power of locomotion at a rate not less than seventy-five per cent of the rate for total incapacity; and

(c) that motor vehicle will during the period for which it sought to be registered be wholly or mainly used for the transport of the owner,

the registration fee for that motor vehicle shall be one-third of the amount prescribed by section 29 of this Act.

(2) The Registrar shall not grant a registration under this section if the effect of so doing would be that the same person would at any time have more than one vehicle registered at a reduced fee pursuant to this section.

(3) Where the registered owner of a vehicle registered under this section dies or ceases to be the owner of the vehicle, the registration, unless it is cancelled or expires earlier, or unless
the balance of the registration fee as defined in section 40 of this Act is paid, shall become void on the expiration of fourteen days after such death or cessation of ownership.

39. The expression "reduced fee" where used in this Act means a registration fee at a rate lower than that prescribed in section 29.

40. (1) Where a vehicle has been registered at a reduced fee or without payment of a fee the owner of the vehicle may at any time while that registration is in force pay to the Registrar the balance of the registration fee and thereafter the vehicle may be driven on roads to the same extent and in the same circumstances as a vehicle registered upon payment of the full registration fee.

(2) In this section "the balance of the registration fee" means a proportionate part of the full registration fee payable for registration of the vehicle for the period for which it was registered, less a proportionate part of the reduced fee (if any) actually paid for registration of the vehicle. For the purposes of this definition a proportionate part of a fee shall be a part of the fee bearing the same ratio to the whole fee as the number of months unexpired when the balance of the registration fee is paid bears to the number of months for which the whole fee was paid, the whole of the month in which that balance is paid being regarded as unexpired.

41. (1) In this section "motor vehicle of restricted registration" means a motor vehicle—

(a) which has been registered at a reduced fee or without payment of a fee; and

(b) for which the balance of the registration fee as mentioned in section 40 has not been paid.

(2) A person shall not use or keep a motor vehicle of restricted registration for a purpose or in circumstances contrary to the terms of a statement or undertaking which was made in connection with the application for registration of the vehicle. Penalty: Fifty pounds.

(3) If a motor vehicle is used or kept contrary to subsection (2) of this section the amount of the full registration fee for the period for which the vehicle was registered less the amount of the registration fee (if any) paid in respect of the vehicle, shall forthwith become due and payable and may be recovered from the registered owner by the Registrar in a summary way on complaint in a court of summary jurisdiction.
42. The registration of a motor vehicle which has been registered at a reduced fee or without payment of a fee shall not be transferable unless the transferee satisfies the Registrar by such evidence as he requires that he is entitled to the same exemption from or reduction of registration fees as the transferor.

43. (1) If a motor vehicle is incorrectly described in the application for registration thereof, and as a result of the misdescription the vehicle is registered without the full amount of the fee payable for the said registration being paid, the registered owner shall be liable to pay to the Registrar a sum equal to the balance of the fee short paid.

(2) The said sum may be recovered by the Registrar as a debt by action in any court of competent jurisdiction.

(3) If the fee for registration of a motor vehicle is paid by cheque and the cheque is dishonoured on presentation, such registration shall be void as from the day on which it was effected and the Registrar may demand that the registered owner of the motor vehicle shall immediately return to him the registration label for the vehicle or destroy it in accordance with the regulations.

(4) A registered owner shall comply with a demand made by the Registrar under subsection (3) of this section.

Penalty: Twenty-five pounds.

44. (1) If while the registration of a motor vehicle is in force any of the alterations or additions mentioned in subsection (2) of this section are made to the vehicle, the registered owner shall, within fourteen days after the making of the alteration or addition, give written notice to the Registrar containing particulars of the alteration or addition.

(2) The alterations and additions referred to in subsection (1) hereof are the following:—

(a) Any alteration of or addition to the motor vehicle by which its horsepower or weight is increased:

(b) The removal of the engine by which the vehicle is driven and the substitution of another engine therefor:
(c) In the case of a motor vehicle having no tyres other than pneumatic tyres, the removal of a pneumatic tyre and the substitution therefor of a tyre other than a pneumatic tyre:

(d) In the case of a vehicle having no metal tyres, the removal of a tyre and the substitution therefor of a metal tyre:

(e) The attachment of a sidecar to a motor cycle not having a sidecar:

(f) Any alteration or addition by which a motor vehicle which is not a commercial motor vehicle is converted into a commercial motor vehicle.

(3) Within twenty-eight days after the making of any of the alterations or additions mentioned in subsection (2) of this section the owner of the motor vehicle shall pay an additional fee arrived at by multiplying one twelfth of the difference between the amount of the registration fee actually paid and the amount which would have been payable if the alteration or addition had been made at the time of registration, by the number of months of the registration period unexpired at the time of the making of the alterations or additions. For the purpose of this subsection a portion of a month shall be treated as a month.

(4) A person shall not fail to comply with a requirement of this section.

Penalty: Fifty pounds.

(5) In proceedings for an offence against this section the court may in addition to imposing a fine order the defendant to pay to the Registrar any additional fee for which the defendant is liable under subsection (3) of this section.

45. If a motor vehicle is altered during the period for which it was registered, and the alteration is such that if it had been made before the registration, the fee for such registration would have been less than the amount paid, the Registrar may, at his discretion, refund to the owner of the vehicle such part of the registration fee as the Registrar deems just in the circumstances.

Number Plates.

46. (1) A person shall not drive a motor vehicle on a road unless it carries attached thereto a number plate or plates complying with every requirement of this section and the regulations: Provided that—
(a) a vehicle which is not required to be registered under this Act need not carry number plates; and

(b) a person shall not be liable for failure to comply with this section if such failure was due to a collision or other road accident and he had no reasonable opportunity of remedying such failure; and

(c) if a motor vehicle has a number allotted to it painted or marked on the vehicle itself, and the portion of the vehicle on which the number is so marked and the figures and letters thereon comply with this section and the regulations, then that portion of the vehicle shall be deemed to be a number plate complying with this section and the regulations.

Penalty: Fifty pounds.

(2) A motor vehicle, other than a tractor or trailer, shall carry two number plates, one on the front and the other on the rear thereof.

(3) A trailer shall carry one number plate, which shall be on the rear thereof.

(4) A tractor shall carry one number plate, which shall be on the front thereof.

(5) Every number plate shall have the registered number of the vehicle to which it is attached, prefixed by the letters "S.A." conspicuously and permanently painted or otherwise marked or affixed thereon.

(6) Every number plate on a vehicle shall comply with the regulations and be carried in the position prescribed by regulations. Special regulations may be made in relation to the number plates on any prescribed class of motor vehicles.

(7) Every letter and figure on a number plate shall be—

(a) clearly visible in daylight to a person standing on the same plane as the vehicle at any point not less than 10 feet or more than 60 feet from the plate looking at the plate along an imaginary line approximately at right angles to the plate; and

(b) clean and legible at all times.

(8) A motor vehicle licensed by a municipal or district council to ply for hire within a municipality or district may have on the number plate any distinctive design, letter or character approved by the Registrar for the purpose of indicating that the vehicle is so licensed.
47. A person shall not drive on a road an unregistered motor vehicle carrying any number plate or numbers resembling or likely to be mistaken for a number plate or numbers required to be carried on a registered motor vehicle.

Penalty: Fifty pounds.

Registration Labels.

48. (1) At the time of registering a motor vehicle the Registrar shall issue to the registered owner or his agent a registration label having printed or written thereon particulars of that motor vehicle, the duration of the registration, and any other matters which the Registrar thinks it proper to insert.

(2) Every registration label or the prescribed part thereof shall throughout the period during which the registration remains in force be affixed to and carried on the motor vehicle for which it is issued, in accordance with the regulations.

(3) A person shall not drive on a road a motor vehicle registered under this Act which does not carry the registration label issued for that vehicle under this section, or which carries the said label otherwise than in conformity with all the requirements of this section and the regulations.

Penalty: For a first offence—twenty-five pounds; for a subsequent offence—fifty pounds.

49. (1) Where the owner of a motor vehicle which has not previously been registered in his name applies to register such vehicle, but at the time of lodging the application is unable to supply all the information required for the purpose of assessing the registration fee, the Registrar may estimate the amount of the fee.

(2) Upon payment of the estimated fee and lodging of a certificate of insurance complying with this Act, the Registrar may in his discretion allot a number to the vehicle and issue a permit permitting the vehicle to be driven on roads, pending the issue of a registration label, without carrying a registration label.

(3) A permit issued under this section—

(a) shall remain in operation until the expiration of the date shown therein;

(b) shall not be of any force except while it is affixed to the vehicle to which it relates in the position prescribed for carrying of a registration label.
50. (1) If the owner of a motor vehicle—

(a) produces to a member of the police force stationed at a police station more than 25 miles by a direct line from the General Post Office at Adelaide the current registration certificate issued in respect of the motor vehicle; and

(b) satisfies that member of the police force that the registration label issued in respect of the vehicle has not been received by him or any person on his behalf, or has been lost or destroyed, and that an application in the proper form for a duplicate label together with the proper fee have been forwarded to the Registrar

the member of the police force may issue a permit permitting the motor vehicle to be driven on roads without carrying a registration label during the period of operation of the permit.

(2) A permit granted under this section—

(a) shall not be of any force except while it is affixed to the vehicle to which it relates in the position prescribed for the carrying of a registration label; and

(b) shall cease to have effect upon the expiration of the current registration of the vehicle or upon the expiration of fourteen days after the issue of the permit, whichever is earlier.

51. If the Registrar is satisfied by statutory declaration or such other evidence as he may require that the registration label issued in respect of any motor vehicle has not been received by the owner, or has been lost or destroyed he may issue a duplicate label upon payment of the proper fee: Provided that the Registrar may remit the fee if he deems that reasonable cause exists for doing so.

52. (1) If the registration of a motor vehicle becomes void before the expiration of the period for which it was granted the Registrar or any person authorized by him or any member of the police force or any inspector may remove from that vehicle the registration label relating to that registration and for the purpose of so doing may at any reasonable time enter and remain upon any land or premises.

(2) A person shall not hinder any person in the exercise of any power conferred by this section.

Penalty: Fifty pounds.
53. (1) A person shall not—

(a) drive on a road a motor vehicle on which is affixed a registration label or permit which has ceased to be in force, or which has been issued in respect of any other motor vehicle:

(b) without lawful excuse have in his possession a registration label or permit or an article resembling a registration label or permit and liable to be mistaken therefor:

(c) drive on a road a motor vehicle on which is affixed any registration label or permit which has been altered, defaced, mutilated or added to; or

(d) drive on a road a motor vehicle on which is affixed any colourable imitation of a registration label or permit.

Penalty: Fifty pounds.

(2) In this section “permit” means a permit which permits a vehicle to be driven on roads without carrying a registration label.

Cancellation and Transfers of Registration.

54. (1) The registered owner of a vehicle may, at any time, upon delivering to the Registrar the current registration label issued for the vehicle or destroying the label in accordance with the regulations, apply to the Registrar in the prescribed form for cancellation of the registration of the vehicle and payment or credit of the prescribed refund.

(2) When such an application is made and the registration label is delivered or destroyed as mentioned in subsection (1), the Registrar shall cancel the registration and pay or credit to the applicant the prescribed refund less the cancellation fee.

(3) Where the ownership of a registered motor vehicle is transferred before the end of the period for which it was registered and the transferor within fourteen days of the transfer applies to cancel the registration and register another motor vehicle, the Registrar shall make such refund in respect of the transferred vehicle and such charge for the registration of the other vehicle—

(a) that in respect of the month in which the application is made, the transferor shall pay one-twelfth of the annual registration fee for one vehicle only, plus the transfer fee of ten shillings:

(b) that if the fees for registration of the transferred vehicle and the other vehicle are different, the said payment shall be one-twelfth of the greater fee.
55. (1) The prescribed refund shall be calculated by multiplying one-twelfth of the full annual registration fee for the vehicle by the number of complete months of the registration period unexpired at the time when the application for cancellation is duly delivered to the Registrar.

(2) A cancellation fee of ten shillings shall be deducted from each refund under this section.

(3) Where the prescribed refund is less than ten shillings it shall not be paid or credited but shall be retained by the Registrar as a cancellation fee.

56. Where the ownership of a motor vehicle is transferred (whether on a sale or other transaction) at any time during the currency of the registration thereof, the transferor shall within fourteen days after the transfer either—

(a) apply for cancellation of the registration after having destroyed the registration label in accordance with the regulations or having delivered it to the Registrar; or

(b) give the Registrar a notice of transfer of the vehicle in the prescribed form setting out the full name and address of the transferee and the date of the transfer.

Penalty: Fifty pounds.

57. (1) Where the ownership of a registered motor vehicle is transferred not later than fourteen days before the expiration of the registration thereof and an application to cancel such registration is not duly made within fourteen days after the transfer, the transferee shall within fourteen days after the transfer deliver to the Registrar an application in the prescribed form to transfer the registration to him, and a fee of ten shillings for such transfer.

Penalty: Fifty pounds.

(2) The Registrar may, if satisfied that reasonable cause exists for doing so, extend the time for making an application for transfer of registration.

58. When a notice of transfer of a vehicle, and an application to transfer the registration are duly delivered to the Registrar, and a transfer fee of ten shillings paid, the Registrar shall register the vehicle in the name of the transferee for the balance of the period of the registration.
59. If under this Act a registration is not transferable, no application to transfer such registration shall be required or made.

60. If the registration of a motor vehicle is neither cancelled nor transferred within fourteen days after the transfer of ownership of the vehicle—

(a) such registration shall be void upon the expiration of such fourteen days; and

(b) the Registrar shall not transfer the registration, but shall cancel it without making or crediting any refund in respect thereof:

Provided that where the transferee within fourteen days after the transfer of the vehicle or within such longer time as the Registrar fixes has made a proper application to transfer the registration and paid the transfer fee, the Registrar may, on being satisfied that the ownership of the vehicle has been transferred to the applicant, register the vehicle in the name of the applicant for the balance of the period of registration, without receiving a notice of transfer from the transferor.

61. (1) The passing of the ownership of a vehicle from the owner to the hirer pursuant to a hire-purchase agreement shall not be a transfer within the meaning of this Act.

(2) The repossession of a vehicle from the hirer by the owner pursuant to a hire-purchase agreement shall be deemed to be a transfer within the meaning of sections 57, 58 and 60 of this Act.

Trader's Plates.

62. (1) There shall be two kinds of trader's plates, namely general trader's plates and limited trader's plates.

(2) Subject to this section the Registrar may issue—

(a) to any person engaged in the business of manufacturing, repairing, or dealing in motor vehicles and who has suitable premises for that purpose, such trader's plates as the Registrar considers necessary, having regard to the business requirements of that person;

(b) to any manufacturer of agricultural machinery, such limited trader's plates as the Registrar considers necessary for attachment to agricultural machinery driven or drawn on roads in the course of the business of that manufacturer.
(3) Limited trader’s plates shall not be issued to any person unless he is—

(a) the holder of current general trader’s plates; or
(b) a manufacturer of agricultural machinery.

(4) The Registrar shall keep a record showing the name and place of business of every person to whom trader’s plates have been issued under this section.

63. The fee for the issue of—

(a) each pair of general trader’s plates shall be seventeen pounds:
(b) each pair of limited trader’s plates shall be three pounds:
Provided that if the trader’s plates are issued between the thirtieth day of September and the ensuing first day of April the said fee shall be half of the fee otherwise payable.

64. Every pair of trader’s plates shall bear a distinctive number and conform to such specifications as the Minister from time to time directs by notice in the Gazette.

65. Every pair of trader’s plates shall remain operative as such until the thirty-first day of March next after the date of the issue thereof and no longer.

66. (1) In this section “the trader” in relation to general trader’s plates means the person to whom those plates were issued.

(2) A motor vehicle bearing general trader’s plates may be driven on a road in accordance with the following provisions and not otherwise:

(a) Any person may drive any such vehicle for any purpose directly connected with a business carried on by the trader and being either—

(i) a business of manufacturing, repairing or dealing in motor vehicles; or
(ii) a business of manufacturing or repairing mechanical or electrical goods carried on in conjunction with a business of manufacturing or repairing or dealing in motor vehicles.

No. 53.

(b) Any customer of the trader or any employee of any such customer may drive any such vehicle for any purpose while such vehicle is on loan from the trader to the customer and a vehicle owned by the customer is in possession of the trader for the purpose of being repaired, altered, added to or tested by the trader.

(c) If the vehicle is a motor car or its weight does not exceed thirty-five hundredweights and it is ordinarily used in a business of manufacturing repairing or dealing in motor vehicles, the trader himself or a partner of the trader in that business, or where the trader is a company, a director or manager of that company, or an employee of that company authorized by a director or manager thereof, may drive that vehicle for any purpose other than the carriage of passengers or goods for hire or reward.

(d) If the vehicle is a motor car or if its weight does not exceed thirty-five hundredweights, and upon a sale of the vehicle by the trader it is delivered to the buyer on a day when the office of the Registrar is not open for business, the buyer or any person authorized by him may drive that vehicle for any purpose until the expiration of the first day on which the office of the Registrar is open for business after the day on which the vehicle was delivered.

(3) A person shall not drive on a road a motor vehicle bearing traders plates except as allowed by subsection (2) of this section.

Penalty: Fifty pounds.

67. (1) In this section “the trader” in relation to limited trader’s plates means the person to whom those plates were issued.

(2) A motor vehicle bearing limited trader’s plates may be driven on a road by any of the following persons, namely—

(a) the trader;
(b) a partner of the trader, or where the trader is a company, a member of that company;
(c) a salaried officer or regular employee of the trader;
(d) a prospective purchaser of the motor vehicle accompanied (except in the case of a motor cycle) by any such person as is mentioned in paragraph (a), (b) or (c) of this section; or
(e) a purchaser of the motor vehicle and resident in another State;

(f) in the case of a limited trader’s plate issued to a manufacturer of agricultural machinery, a person engaged or employed (whether as a servant of the manufacturer or as an independent contractor or as a servant of an independent contractor) to drive or draw agricultural machines in the course of the business of that manufacturer.

(3) A person shall not drive on a road a motor vehicle bearing limited trader’s plates unless he is one of the persons mentioned in subsection (2) of this section.

Penalty: Fifty pounds.

(4) A person shall not on a Sunday or public holiday drive on a road a motor vehicle having a limited trader’s plate attached thereto: Provided that a motor vehicle having a limited trader’s plate attached thereto may be driven on a public holiday when proceeding, for the purpose of display, to an exhibition or show held on such public holiday, or when returning from such an exhibition or show.

Penalty: Fifty pounds.

68. (1) A motor vehicle bearing limited trader’s plates shall not be driven on a road unless the vehicle is at the time—

(a) proceeding to a workshop for painting or repairs or returning from a workshop after painting or repairs;

(b) on trial during or immediately after construction or repairs, for the purpose of ascertaining whether its parts are in proper working condition;

(c) on trial for the benefit of a prospective purchaser, or a person bona fide interested in the exchange or sale of the vehicle;

(d) proceeding to or returning from a prospective purchaser for or after trial;

(e) proceeding for delivery to a purchaser or being driven by a purchaser resident in another State to a place within that State;

(f) proceeding to a railway station or wharf for entraining or shipment;

(g) proceeding from a railway station or wharf to the premises of a manufacturer or dealer;
(h) proceeding to an exhibition or show for display or trial or returning therefrom;

(i) proceeding to or returning from any garage, auction room, or other place at which vehicles are usually stored or usually or periodically offered for sale, and at which the vehicle is to be, or has been stored, or is to be, or has been offered for sale; or

(j) proceeding to, returning from, or towing a motor vehicle which, while being driven upon a road, has become unable to proceed under its own power.

(2) A person shall not drive on a road a motor vehicle bearing limited trader's plates except as permitted by subsection (1) of this section.

Penalty: Fifty pounds.

(3) A person shall not on a road, by means of a motor vehicle having a limited trader's plate attached thereto—

(a) convey any person to or from a race meeting, trotting meeting, foot races, football or cricket match or other sport; or

(b) carry any goods or load whatsoever except a motor cycle which while being driven on a road has become unable to proceed under its own power, or some ordinary form of ballast such as sand, gravel, scrap iron, or the like carried solely for the purpose of testing the vehicle.

Penalty: Fifty pounds.

69. If a vehicle is driven in contravention of any provision of the last three preceding sections by a person other than the person to whom the trader's plates were issued, the person to whom the trader's plates were issued, as well as the driver, shall be guilty of an offence.

Penalty: Fifty pounds.

70. (1) A person to whom trader's plates have been issued may surrender them to the Registrar at any time.

(2) If a person to whom trader's plates were issued no longer carries on a business of manufacturing, repairing or dealing in motor vehicles or of manufacturing agricultural machinery, the Registrar may request him to surrender the trader's plates issued to him within a time specified by the Registrar.
(3) A person to whom such a request is made shall comply with it.

Penalty: Twenty-five pounds.

(4) If a person to whom such a request is made does not comply with it, a member of the police force or an inspector may take possession of the trader's plates and for that purpose enter and search any premises or place.

(5) Where a person to whom general trader's plates have been issued surrenders the plates to the Registrar before the thirty-first day of March next after the issue of the plates, the Registrar shall pay or credit to that person a sum arrived at by multiplying one-twelfth of the fee paid for the plates by the number of complete calendar months in the period commencing on the day of the surrender of the plates and ending on the thirty-first day of March next following that day.

71. (1) A person who during the currency of trader's plates issued to him sells or disposes of the business by virtue of which those plates were issued, shall, within seven days thereafter, give written notice of the sale or disposal to the Registrar.

Penalty: Twenty-five pounds.

(2) Upon any such sale or dispensation the Registrar may, upon payment of a transfer fee of ten shillings, cause the trader's plates to be transferred to the transferee of the business for the remainder of the period for which the plates were issued.

(3) The transferee of trader's plates shall for purposes of this Act be deemed to be the person to whom those plates were issued.
PART III.

DRIVERS LICENCES.

72. (1) There shall be two classes of licences, namely motor vehicle licences and motor cycle licences.

(2) A motor vehicle licence shall authorize the holder thereof to drive motor vehicles of any kind.

(3) A motor cycle licence shall authorize the holder thereof to drive motor bicycles, with or without sidecars.

73. (1) The Registrar shall keep a register of the names and addresses of all licensed drivers, and of all indorsements on, and renewals, suspensions, and cancellations of, licences.

(2) The register shall contain such other information as the Registrar deems necessary for the administration of this Act and be in a form fixed by the Registrar.

74. (1) A person shall not drive a motor vehicle on a road unless he holds an appropriate licence: Provided that it shall be a defence to prove that the defendant was exempted by regulations under this Act from the duty to hold a licence.

Penalty: Fifty pounds.

(2) “Appropriate licence” means—

(a) in relation to the driving of a motor bicycle—either a motor vehicle licence or a motor cycle licence;

(b) in relation to the driving of any other motor vehicle—a motor vehicle licence.

75. (1) Subject to this Act, the Registrar shall issue a licence to, or renew the licence of, any person who—

(a) makes a written application for the licence or renewal in the prescribed form; and

(b) forwards with the application the fee fixed by this Act.

(2) Every licence, whether issued on a first application or by way of renewal, shall be in the prescribed form.

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74. PROUDMAN v. DAYMAN (1941) 67 C.L.R. 536; 15 A.L.J. 192, in which special leave was refused to appeal to the High Court from DAYMAN v. PROUDMAN (1941) S.A.R. 87. On a charge under section 30 of the Road Traffic Act, 1934, of permitting an unlicensed person to drive a motor vehicle on a road, proof that the defendant knew that the driver was unlicensed is unnecessary.
76. The annual fee—

(a) for a motor vehicle licence shall be one pound:

(b) for a motor cycle licence shall be ten shillings:

Provided that—

(i) the Registrar may issue without fee a licence authorizing the holder to drive an electrically or mechanically propelled invalid chair only:

(ii) the fee for a licence issued to a person who as a result of his service in a naval, military or air force is totally and permanently incapacitated or has lost a leg or foot, or receives under the laws of the Commonwealth relating to repatriation a pension at the rate for total incapacity, or a pension granted by reason of impairment of his power of locomotion at a rate not less than seventy-five per cent of the rate for total incapacity, shall be one half of the fee otherwise payable.

77. (1) On the application of the holder of a licence the Registrar may, on proof to his satisfaction of the loss or destruction of such licence, and payment of a fee of two shillings and sixpence, issue to such holder a duplicate licence bearing all memoranda indorsed on the original licence: Provided that the Registrar may, for reasonable cause, remit the fee in any case.

(2) Such duplicate shall avail for all purposes as if it were the original licence.

78. A licence shall not be issued to a person under the age of sixteen years.

79. (1) Subject to this Act the Registrar shall not issue a licence to an applicant who has not previously held a licence unless the applicant produces to him a certificate from an examiner certifying that the applicant has passed an examination conducted by that examiner, in the rules required by law to be observed by owners and drivers of motor vehicles.

(2) A person shall not be deemed to have passed an examination for the purposes of this section unless he has answered correctly at least three-quarters of the questions asked in the examination. Although a person may have answered correctly at least three-quarters of the questions asked in the examination,
the Registrar may treat him as having failed if he has given an incorrect answer to any question dealing with any rule which in the Registrar's opinion is one of special importance.

(3) Every member of the police force shall be an examiner for purposes of this section, and the Governor may appoint such other persons as he thinks fit to be examiners.

(4) The examination shall consist of twelve questions to be answered by the applicant and the questions for each applicant shall be selected by the examiner from a series of questions formulated and supplied to him by the Registrar.

(5) A person who has sat for and failed to pass an examination under this section may again sit for such an examination at any time after an interval of two clear days.

80. (1) If the Registrar suspects that an applicant for the issue or renewal of a driver's licence is for any reason incompetent to drive a motor vehicle without danger to the public, the Registrar—

(a) may require him to undergo such tests or furnish such other evidence of his ability to drive as the Registrar directs;

(b) shall refuse to issue a licence to him until he satisfies the Registrar that he is competent to drive a motor vehicle without danger to the public.

(2) If the Registrar requires a person to undergo tests or furnish other evidence of his ability to drive, he may issue to that person a temporary driving permit authorizing that person to drive motor vehicles on roads during the period, and subject to the conditions and restrictions, specified in the permit.

Such a permit shall while the conditions and restrictions therein are observed have effect as a licence.

81. (1) Where the Registrar is satisfied that owing to the age or a physical defect or infirmity of an applicant for the issue or renewal of a driver's licence it is desirable that a licence issued to that applicant should be subject to restrictive conditions, he may issue to that applicant a licence containing conditions as to all or any of the following matters, namely:—

(a) the localities in which the applicant shall be entitled to drive;

(b) the class or equipment of the vehicles which the applicant shall be entitled to drive; or
(c) any other matters which the Registrar thinks necessary for the purpose of preventing danger to the applicant or the public.

(2) Where the Registrar is satisfied that, because of special circumstances it would be unreasonable to require the applicant to take an examination under section 79, he may, without submitting the applicant to such an examination, issue to him a licence containing conditions as provided by subsection (1) of this section.

(3) If an applicant is not willing to accept a licence containing any such conditions proposed by the Registrar the Registrar shall refuse a licence to the applicant.

(4) A person shall not contravene a condition inserted in a licence pursuant to this section.

Penalty: Fifty pounds.

82. Upon the direction in writing of the Minister, the Registrar shall refuse to issue or renew a licence to any person who—

(a) has been convicted of driving a motor vehicle whilst so much under the influence of intoxicating liquor as to be incapable of exercising effective control of such motor vehicle, or of driving a motor vehicle on a road in a culpably negligent manner, or recklessly, or at a speed or in a manner which is dangerous to the public, or of any offence which, in the opinion of the Minister, renders him unfit to hold a licence; or

(b) in the opinion of the Minister is otherwise unfit to hold a licence.

83. (1) Any person whose application for the issue or renewal of a licence has been refused may, in accordance with rules of court made under this section, appeal against such refusal to a special magistrate sitting in chambers.

(2) On the appeal the special magistrate may—

(a) hear the parties and their witnesses;

(b) confirm, reverse or vary the decision appealed against;

(c) make any other order which he deems just including any order as to costs.

(3) Rules of court shall be made under the Local Courts Act, 1926-1957, prescribing the time within which and the mode in
which appeals under this section are to be instituted, heard and determined and any other matters relevant to such appeals.

84. (1) Subject to this Act, every new licence shall continue in force for a period of twelve months commencing on the day on which the licence comes into force: Provided that where any such licence is applied for in the month of June, the Registrar may issue a licence with an earlier date of expiry in which case the licence fee shall be a part of the full licence fee, proportionate to the number of months for which the licence is issued.

(2) Subject to this Act, every licence issued in renewal of a previous licence shall remain in force for a period of twelve months commencing on the day after the expiration of the previous licence.

(3) In this section the expression "new licence" means a licence issued to a person—

(a) who has not previously held a licence; or

(b) who applies for a licence more than one month after the expiration of a previous licence held by him.

85. A motor cycle licence may be surrendered to the Registrar in exchange for a motor vehicle licence expiring on the same day as the surrendered licence upon payment of a fee of ten shillings.

86. (1) If the fee for a licence is paid by cheque and the cheque is dishonoured on presentation, that licence shall be void as from the day on which it purported to come into force, and the Registrar may demand that the person to whom it was issued shall immediately return the licence to him.

(2) A person shall comply with a demand made to him pursuant to this section.

Penalty: Twenty-five pounds.

Disqualification of Drivers and Suspension of Licences.

87. (1) If the Commissioner of Police or the Registrar has reasonable cause to suspect that a person holding a driver's licence is incompetent to drive a motor vehicle without danger to the public, he may require that person to satisfy him by a
practical test that he is competent to drive a motor vehicle without danger to the public and if he fails to pass such a test may suspend the licence held by him.

(2) The Commissioner of Police or the Registrar, at the request of any person whose licence is so suspended shall at a convenient time conduct a further test of that person's ability to drive a motor vehicle; and if that person fails to pass the test he shall be entitled to undergo further tests from time to time at intervals of not less than twenty-eight days.

(3) When a person whose licence is so suspended passes a test the suspension shall forthwith cease.

(4) A person may drive a motor vehicle while being tested under this section, notwithstanding that his licence is suspended.

88. (1) If the Commissioner of Police or the Registrar suspects that any person holding a driver's licence is suffering from any disease (mental or physical) or any disability which impairs or may at any time impair his ability to drive a motor vehicle he may suspend the licence of that person for such period as he thinks proper.

(2) If the Commissioner of Police or the Registrar is subsequently satisfied that the ability of the said person to drive a motor vehicle is not impaired, or is not impaired to such an extent as to justify the continuance of the suspension, he may remove the suspension.

(3) Where the licence of any person has been suspended under this section that person may on complaint duly laid before a court of summary jurisdiction and served on the Commissioner of Police or the Registrar, as the case may be, as defendant to the proceedings, apply to that court for an order removing the suspension.

(4) The court may if it deems it expedient to do so order that the suspension shall be removed as from any date which it thinks proper, or that the period of suspension shall be altered, or may refuse the application or make any other order (including an order as to costs) which the court deems just.

89. Where a person holding a licence is by reason of a judgment, order, or decision given or made pursuant to a law of any other State or Territory of the Commonwealth, disqualified, prevented or prohibited from driving a motor vehicle, the Registrar may suspend that licence for the whole or a part of the period during which the person is so disqualified, prevented or prohibited, and may, during the whole or a part of that period, refuse to issue a licence to that person.
90. Every suspension imposed by the Registrar or the Commissioner of Police, shall be by a document in writing under his hand and shall be served on the holder of the licence either personally or by registered post.

91. (1) This section and sections 92, 93, 94, and 95, apply to suspensions and disqualifications imposed under this or any other Act.

(2) While a licence is suspended it shall be of no force or effect.

(3) While a person is disqualified from holding and obtaining a licence, any licence held or obtained by that person shall be of no force or effect.

(4) The Registrar shall not issue a licence to any person who is so disqualified.

(5) A person shall not drive a motor vehicle on a road while his licence is suspended or while he is disqualified from holding and obtaining a licence.

Penalty: Imprisonment for six months.

92. When the holder of a licence is disqualified from holding and obtaining a licence, or when a licence is suspended, the holder of the licence shall forthwith produce the licence to such person as the court or other person or authority ordering the disqualification or suspension directs for the purpose of having a memorandum of the disqualification or suspension endorsed thereon.

Penalty: Twenty-five pounds.

93. (1) Whenever a court makes an order disqualifying a person from holding and obtaining a driver's licence, and whenever the Commissioner of Police suspends a driver's licence, the proper officer of the court or, as the case may be, the Commissioner of Police, shall forthwith send to the Registrar a notice in writing stating the date on which the order of disqualification was made or the licence suspended, the period of the disqualification or suspension, and short particulars of the grounds thereof.

(2) If any such order of disqualification is quashed or varied by a court on appeal, the proper officer of the court shall forthwith send to the Registrar a notice in writing stating the date of the order made on the appeal and the effect thereof.
(3) If any such suspension is removed by the Commissioner of Police, he shall forthwith send to the Registrar a notice in writing stating the date of the removal of the suspension, the date as from which it takes effect and the grounds therefor.

(4) In this section "proper officer" means—

(a) in relation to the Supreme Court, the Master or a Deputy Master of that court:

(b) in relation to any other court, the clerk of that court.

94. (1) The Registrar may by notice in writing served personally or by post on a holder of a licence against whom an order of disqualification has been made or whose licence has been suspended or cancelled, require him to deliver his licence to the Registrar or to a member of the police force specified by the Registrar in the notice, at a place and within a reasonable time so specified.

(2) A person on whom a notice is served pursuant to subsection (1) of this section shall comply with the notice: Provided that it shall be a defence to a charge under this subsection to prove that the defendant was prevented by a reasonable cause from so complying.

Penalty: Twenty-five pounds.

95. The Registrar or member of the police force to whom a licence is delivered as mentioned in this Part—

(a) may endorse thereon particulars of any cancellation or suspension of the licence or of any order of disqualification made against the holder thereof, or of any removal of any such suspension, or of any order quashing or varying any such order of disqualification; and

(b) if the licence is cancelled or the suspension or disqualification extends until or beyond the expiration of the licence, may retain the licence.

96. (1) The driver of a motor vehicle, if requested by a member of the police force to produce his licence, shall produce such licence either—

(a) forthwith to the member of the police force who made the request; or
(b) within forty-eight hours after the making of the request, at a police station named by the driver to the member of the police force at the time of the making of the request.

Penalty: Fifty pounds.

(2) A document purporting to be signed by the Commissioner of Police and purporting to certify that a licence has not been produced as required by this section shall be prima facie evidence of the matter purporting to be so certified.

(3) A person shall not falsely represent to a member of the police force or to an inspector that he is the person named in a licence.

Penalty: Fifty pounds.

97. (1) A licensed driver who is charged with an offence against any provision of any Act relating to motor vehicles may be required to produce his licence to the court at the time of the hearing of the charge.

Penalty: Twenty-five pounds.

(2) It shall be a defence to a charge under this section to prove that the defendant had a reasonable excuse for not producing the licence.

98. The Commissioner of Police shall at intervals of not more than twelve months take such steps as are reasonably practicable to ascertain whether any persons are driving motor vehicles without holding licences.
PART IV.

THIRD PARTY INSURANCE.

99. (1) In this Part, unless the context otherwise requires—

"approved insurer" means a person or body of persons approved by the Treasurer as an insurer under this Part:

"insured motor vehicle" or "insured vehicle" means a motor vehicle in relation to which a policy of insurance issued pursuant to this Part is in force:

"insured person" means a person insured by a policy of insurance issued pursuant to this Part:

"owner" means an owner or joint owner or part owner of a motor vehicle and a person who has the use of a motor vehicle under a hire purchase agreement, but does not include an owner of a motor vehicle the subject of a hire purchase agreement:

"policy of insurance" includes a cover note which is binding on the insurer:

(2) Other words and expressions used in this Part have the meaning assigned to them in section 5 of this Act, unless the context otherwise requires.

100. (1) This Part shall not render it obligatory to insure—

(a) any vehicle owned by the Crown and used solely in the public business of the State; or

(b) any vehicle owned by The Municipal Tramways Trust and used solely in connection with the business of that Trust.

(2) Where a motor vehicle owned by the Crown or The Municipal Tramways Trust is not insured under this Part—
(a) the Crown or the said Trust, as the case may be, shall without affecting its rights or liabilities, if any, as an owner, be deemed to be an insurer who has issued a policy of insurance complying with this Part in relation to the use of that vehicle; and

(b) any person who drives that vehicle either with or without the consent of the Crown or the said Trust shall, subject to subsection (3) hereof, be deemed to be an insured person.

(3) Where a person drives a vehicle owned by the Crown or the Municipal Tramways Trust without the consent of the Crown or the said Trust or a person authorized to give such consent on behalf of the Crown or the said Trust, and the Crown or the said Trust pays any money or incurs any costs in respect of a claim for death or bodily injury caused by such driving, the Crown or the said Trust may recover the amount so paid and the costs so incurred from the person who so drove the vehicle.

101. (1) Any person or body of persons, corporate or unincorporate, carrying on or intending to carry on the business of insurance within the State may apply to the Treasurer for approval as an insurer under this Part.

(2) The Treasurer may grant or refuse any such application.

(3) Before approving of an insurer the Treasurer may require him to enter into an undertaking by which he accepts duties and obligations relating to insurance under this Part and matters incidental thereto.

(4) The approval of an insurer under this Part shall, subject to this section, remain in force for the period specified by the Treasurer at the time when the approval is granted.

(5) If an approved insurer commits a breach of a term or condition of an undertaking entered into pursuant to this section, the Treasurer may—

(a) withdraw the approval of the insurer; or

(b) suspend such approval for such period as the Treasurer deems just.

(6) The withdrawal, suspension or non-renewal of the approval of an insurer shall not affect any policy issued by the insurer at a time when he was an approved insurer.
PART IV.

Duty to insure against third party risks.

102. (1) A person shall not drive a motor vehicle on a road unless a policy of insurance complying with this Part is in force in relation to that vehicle: Provided that this section shall not apply in respect of a tractor being driven in pursuance of the provisions of subsection (1) of section 12 or section 13 of this Act until the Governor by proclamation declares that this section shall so apply. No such proclamation shall be made until the Governor is satisfied that the committee appointed under section 129 of this Act has fixed a uniform rate of premium for insurance in relation to farm tractors throughout the State.

s. 102. Rake v. Bond (1938) S.A.S.R. 253. The discretionary powers of the court to order disqualification discussed.

Penney v. Bourke (1938) S.A.S.R. 328. Where a person had used a motor car without having a policy of insurance in force for approximately three weeks, held that the suspension of his driver’s licence for a period of three months was not excessive.

Vears v. Kerins (1940) S.A.S.R. 99. Where the defendant drove an unregistered and uninsured motor vehicle along a country road and his only excuse was that he had not sufficient money to pay the premium, held that he should have been disqualified from holding a driver’s licence.

Gassner v. Frost (1940) S.A.S.R. 295. The discretion of the court to order disqualification discussed.

Dayman v. McKenzie (1941) S.A.S.R. 103. Where the only reason given by a defendant for driving a motor vehicle on public roads after his policy of insurance had expired was that he was a member of Parliament for a country district and required to use his car about the affairs of his constituents, held that this was not a sufficient reason for exempting from disqualification.

Davies v. Spod (1943) S.A.S.R. 53. Where the defendant had an oral agreement with an insurance company to hold him covered each time his renewal premium became due up to a matter of three months and after the expiry of his policy, but before the expiration of three months, drove his motor car on a public road, held that no policy of insurance complying with Part III of the Road Traffic Act, 1934, was in force. The requirement of the Act is not satisfied by there being in force a contract by an insurance company to treat the position as being the same as if there were a policy of insurance in force (in the business sense) and the Act requires that there be a policy itself in force and by “policy” is meant a document.

Scroop v. Dayman (1944) S.A.S.R. 51. When a defendant pleaded guilty to an offence under section 70b of the Road Traffic Act, 1934, but did not take advantage of an opportunity to obtain an adjournment to lead evidence of special circumstances and later appealed and affidavit evidence was admitted as to such circumstances, held, in those circumstances, the period of suspension should be reduced to three months.

Hammond v. O’Sullivan (1947) S.A.S.R. 1. Where the defendant gave evidence that he failed to renew his policy by oversight, that the insurance expired only a few days before the offence, that he used the vehicle for the purpose of his business, and that he was financially in a position to meet any claim up to £1,000, held that these facts did not amount to “special reasons” within the meaning of subsection (1) of section 70b of the Road Traffic Act, 1934.

James v. Coohlan (1950) S.A.S.R. 48. The minimum penalties prescribed by section 70b of the Road Traffic Act, 1934 must be imposed except in cases where it is palpably unjust to do so, and the discretion of the court to reduce such minimum penalties for special reasons, in the case of a first offence, should be exercised only for grave and weighty reasons.

Phillips v. Cameron (1958) S.A.S.R. 284. Where an unregistered racing motorcycle was taken out into a street to start it up and ridden in the street for about 100 yards, held that there were “special reasons” for reducing the minimum penalties prescribed by the section.
Penalty: Not less than twenty pounds and not more than one hundred pounds, and (except where the motor vehicle concerned was a motor vehicle of any of the classes specified in section 12 or 13 was being driven for any of the purposes and under the conditions described in that section) disqualification from holding and obtaining a driver's licence for not less than three months and not more than twelve months.

(2) Notwithstanding any other Act, the minimum amount of fine and the minimum period of disqualification prescribed by this section shall not be reduced or mitigated in any way except as follows:

(i) In the case of a first offence, if the court for special reasons thinks fit to do so, it may impose a fine of less than twenty pounds and order disqualification for a period less than three months;

(ii) Where the offence consists in driving a motor vehicle of any of the classes specified in section 12 or 13 for any of the purposes and under the conditions described in that section, the penalty for a first offence shall be not more than ten pounds, and for a subsequent offence, not more than twenty-five pounds.

(3) Notwithstanding any other Act, proceedings for an offence against this section may be commenced at any time within twelve months from the date of the commission of the offence.

(4) In a prosecution for an offence against this section, the allegation in the complaint that at a time mentioned in the complaint there was not in force in respect of a particular motor vehicle a policy of insurance complying with this Part shall be prima facie evidence of the fact so alleged.

103. An owner of a motor vehicle, if requested by a member of the police force or an inspector to produce evidence that a policy of insurance complying with this Part is in force in relation to that vehicle, shall produce such evidence either:

(a) forthwith to the member of the police force or inspector making the request; or

103. Scott v. Ward (1939) S.A.S.R. 51. Where evidence was given by a police constable on a complaint for an offence against subsection (5) of section 70b of the Road Traffic Act, 1934, that he had required the appellant to produce his policy of insurance at a police station, held that the demand for the production of the policy was not a demand within the meaning of the subsection.
(b) at a police station (to be nominated to the member or
inspector by the owner when the request is made),
within five days after the making of the request.

Penalty: Fifty pounds.

104. (1) In order to comply with this Part, a policy of
insurance shall—

(a) be issued by an approved insurer; and

(b) except as provided in this section, insure the owner
of the motor vehicle mentioned in the policy and
any other person who at any time drives that
vehicle, whether with or without the consent of the
owner, in respect of all liability for negligence
which may be incurred by that owner or other
person in respect of the death of, or bodily injury
to, any person caused by or arising out of the use
of the vehicle in any part of the Commonwealth.

(2) A policy of insurance in relation to a motor vehicle shall
be deemed to comply with this Part notwithstanding that the
liability of the insurer under the policy is limited to four
thousand pounds (including costs) in respect of any claim made
by or in respect of any one passenger carried in that vehicle.

105. When an Act comes into operation which alters
the insurance required to be given by a policy under this Part or
the rights or liabilities of the insurer under any such policy,
every policy of insurance which has been issued for the purpose
of providing insurance required by this Part and is in force
when that Act comes into operation, or at any time thereafter,
shall be deemed to provide the insurance required by this Part,
as altered by the said Act.

106. (1) A policy shall not be deemed to comply with this
Act if any term, warranty, or condition thereof is in form or
substance a term, warranty, or condition of which the Governor,
on the recommendation of the committee appointed under
section 129 of this Act has expressed his disapproval by notice
in the Gazette.

(2) A notice expressing such disapproval shall not come into
operation until a day specified therein and being at least three
months after the publication of the notice in the Gazette.
107. Notwithstanding any enactment, a person issuing a policy of insurance whether under this Part or otherwise in relation to a motor vehicle shall, as from the date of the policy, be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover.

108. When an insurer has given a certificate certifying that a policy of insurance has been issued by him in relation to a motor vehicle and that the policy complies with this Part and will unless lawfully cancelled remain in operation for a period specified in the certificate, he shall, until a policy conforming to the statements in the certificate is issued, or comes into force by virtue of the renewal of a previous policy, be deemed to have issued a policy conforming to the statements in the certificate.

109. (1) When an insurer has issued a policy, the fact that the insured person named therein has not agreed to pay the premium for the policy or that he has not paid that premium, shall not affect the validity or operation of the policy:

Provided that this section shall not affect any right which the insurer may have to cancel the policy upon compliance with this Part or to recover any premium owing under the policy.

(2) In this section “policy” includes any document purporting to be a policy or cover note and to comply with this Part.

110. (1) Where—

(a) (i) a legally qualified medical practitioner or registered nurse renders emergency treatment in respect of bodily injury (including fatal injury) to a person caused by or arising out of the use of an insured motor vehicle; or

(ii) the person so injured is immediately after such injury conveyed in any vehicle; and

(b) within one month after the occurrence out of which the death or bodily injury arose, the medical practitioner, nurse, or person who conveyed the injured person gives notice in writing of a claim under this section to the insurer who issued the policy of insurance in relation to the said motor vehicle,
the insurer shall make such of the following payments as are applicable to the case, namely—

(i) to the medical practitioner, the sum of one pound one shilling for each person to whom emergency treatment is rendered together with any travelling expenses reasonably and necessarily incurred in respect of such emergency treatment;

(ii) to the nurse, the sum of fifteen shillings for all emergency treatment rendered by her to the person or persons injured in the accident together with any travelling expenses reasonably and necessarily incurred by her in respect of such emergency treatment which sum shall, if emergency treatment is rendered to two or more persons, be deemed to have been paid on behalf of all those persons in equal shares; and

(iii) to any person who conveyed the injured person as mentioned in paragraph (a) of this subsection, an amount to be ascertained in accordance with the regulations.

(2) Where bodily injury (including fatal injury) is caused by or arises out of the use of two or more motor vehicles in respect of which policies were issued by different insurers each such insurer shall pay an equal share of the payments required to be made under subsection (1) of this section.

(3) The liability (if any)—

(a) of the owner or driver of such motor vehicle in respect of the death or bodily injury;

(b) of the insurer to the owner or driver in respect of the contract of insurance; and

(c) of the injured person or his personal representatives to the person to whom the payment is made under this section,

shall be reduced by the amount paid by the insurer under this section.

(4) In this section “emergency treatment” means such medical or surgical treatment or examination by a legally qualified medical practitioner or a registered nurse as is immediately required as the result of any such injury as mentioned in subsection (1).

(5) A policy of insurance shall not be deemed to comply with this Part unless it binds the insurer to make the payments prescribed by this section.
(6) A sum payable under this section shall be recoverable as if it were a simple contract debt due from the insurer to the person entitled to that sum.

(7) The Commissioner of Police shall if so requested by a person who alleges that he is entitled to a payment under this section furnish that person with any information at his disposal as to:

(a) the identification marks of any motor vehicle which that person alleges to be a motor vehicle out of the use of which the death or bodily injury arose; and

(b) the identity and address of the person who was using the vehicle at the time of the event out of which the death or bodily injury arose.

(8) Any person who was using a motor vehicle at the time when death or bodily injury was caused by or arose from such use, shall upon request of any person who alleges that he is entitled to payment under this section, furnish such person with the name and address of the insurer who issued the policy in force in relation to that vehicle at the time of the death or injury.

Penalty: Ten pounds.

111. When a payment is made (whether or not with an admission of liability) by an insurer under or in consequence of a policy of insurance under this Part in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle, the insurer shall, in addition to making any other payments provided for by this Part, make such payments with respect to hospital treatment as are payable pursuant to Part VI of the Hospitals Act, 1934-1958.

112. (1) Where—

(a) a person has obtained judgment in an action against an insured person for death or bodily injury caused by negligence in the use of an insured motor vehicle; and


EXECUTOR TRUSTEE AND AGENCY COMPANY OF SOUTH AUSTRALIA LIMITED AND OTHERS v. THE INSURANCE OFFICE OF AUSTRALIA AND COMMONWEALTH RAILWAYS COMMISSIONER (1949) S.A.S.R. 337. The liability of an insurer under subsection (2) of section 70d of the Road Traffic Act, 1934 where the insured vehicle is not one used in the business of carrying passengers for hire, is unlimited in amount, whether or not the policy of insurance contains any limitation of liability. But see subsection (2) of this section.
(b) before the action came on for hearing the insurer knew that the action had been commenced,

the judgment creditor may recover by action from the insurer such amount of the money (including costs or a proportionate part thereof) payable pursuant to the judgment as relates to death or bodily injury and has not been paid.

(2) The right to recover under this section shall be subject to any limitations prescribed by the policy of insurance as to the amount in respect of which the insured person is indemnified.

113. (1) Where—

(a) an insured person has caused death or bodily injury by negligence in the use of an insured motor vehicle but is dead or cannot be served with process; and

(b) a person who could have obtained a judgment in respect of that death or bodily injury against the insured person if he were living or had been served with process, has given notice of a claim under this section and a short statement of the grounds thereof as soon as possible after he knew that the insured person was dead or could not be found, or within such time as would prevent the possibility of the insurer being prejudiced by want of such notice,

the person who could have so recovered judgment against the insured person may recover the amount of that judgment by action against the insurer.

(2) The right to recover under this section shall be subject to any limitations prescribed by the policy of insurance as to the amount in respect of which the insured is indemnified.

114. (1) It shall be no defence to an action under either of the two preceding sections that the insurer is not liable under a policy of insurance by reason of the fact that—

(a) the policy was obtained by mis-statement or non-disclosure; or

(b) the insured person has committed a breach of or failed to comply with a term, condition or warranty of the policy or a provision of this Part.

s. 113. WALTON v. FAWCETT (1948) S.A.S.R. 158; 22 A.L.J. 326. Where the wife of a driver of a vehicle was a passenger in the vehicle and was injured in a collision, held that the husband’s claim in respect of the loss of his wife’s services was within the ambit of subsection (2) of section 70d of the Road Traffic Act, 1934, and that the court had power to award such damages.

KNOTT v. ROYAL EXCHANGE ASSURANCE OF LONDON (1955) S.A.S.R. 53. Held that the liability of an insurer under section 70d (2) of the Road Traffic Act, 1934, may be limited by the terms of the policy to £2,000 in respect of any claim made by or in respect of any passenger carried in a motor vehicle.
(2) An insurer who is liable under either of the two preceding sections may, in addition to any other right or remedy he may have, recover from the insured person liable in respect of the death or personal injury, and if two or more persons were so liable from those persons jointly and severally—

(a) such part of any judgment obtained against the insurer under either of those sections; or

(b) such sums as the insurer has paid in payment settlement or compromise of the claim or judgment against the insured person or the insurer; and

(c) such costs and expenses,

as would not have been recovered from or incurred or paid by the insurer but for subsection (1) of this section: Provided that if the insured person has made a written request to the insurer that he should settle or compromise the claim by a payment not exceeding a specified amount or should pay or should contest the claim, and if the insurer acts unreasonably in failing to comply with such request then the insurer shall not recover more than the amount of the liability which the insurer would have paid or incurred if he had not so acted unreasonably.

(3) Any amount recoverable by an insurer under subsection (2) of this section may be recovered either in a separate action, or by third party procedure in the action against the insurer by the person who obtained the judgment.

115. (1) Where—

(a) the driver of a motor vehicle has caused death or bodily injury by negligence in the use of that vehicle; and

b. 116. MILLER v. MILLER (1940) S.A.S.R. 185, special leave to appeal to the High Court refused, 64 C.L.R. 662 (note); 1940 S.A.S.R. VIII (note). Where an accident occurred in November, 1938, and notice was given to the Treasurer in July, 1939, held that, in the circumstances, notice had not been given as soon as possible after the plaintiff knew that the identity of the driver of the vehicle causing the accident could not be ascertained. Discussion of the meaning of "knew".

HOARE v. MILLER (1957) S.A.S.R. 1. Where the plaintiff did not give notice to the Treasurer until eighteen months after the accident, held that he failed to give the notice required by the section.

ZUK v. MILLER (1957) S.A.S.R. 25. As to the duty to give notice to the Treasurer and to make due inquiry and search as to the identity of the vehicle causing the death or injury.

HOFFER v. MILLER (1957) S.A.S.R. 41. In an action against the nominal defendant where the identity of the driver of the motor vehicle causing the death or bodily injury cannot be ascertained, the onus rests on the plaintiff of proving the negligence of the unidentified driver to the satisfaction of the court.

KINNEAR v. MILLER (1959) S.A.S.R. 41. In an action against the nominal defendant, held that evidence as to a conversation with the driver of a vehicle involved in the accident and as to the conduct of the driver was not admissible in evidence as admissions against the nominal defendant.
Claim against defendant where vehicle uninsured.

(b) the identity of the vehicle cannot after due inquiry and search be ascertained; and

(c) a person who could have obtained a judgment in respect of that death or bodily injury against the driver has, whether before due inquiry and search has been made or not, as soon as reasonably possible after he knew that the identity of the vehicle could not be ascertained, or within such time as would prevent the possibility of prejudice to the nominal defendant hereinafter mentioned, given to the Treasurer notice of a claim under this section and a short statement of the grounds thereof.

that person may recover by action against a nominal defendant to be named by the Treasurer the amount of the judgment which in the circumstances he could have recovered against the driver.

(2) A nominal defendant shall not be liable to satisfy a judgment obtained against him, but the judgment and the nominal defendant's costs shall be paid—

(a) out of money contributed by approved insurers pursuant to a scheme under section 119; or

(b) if no such scheme is in operation, by the Treasurer and approved insurers in accordance with section 120.

116. (1) In this section “uninsured motor vehicle” means a motor vehicle in relation to which no policy of insurance required to be issued under this Part is in force.

(2) A person claiming damages in respect of death or bodily injury caused by negligence in the use of an uninsured motor vehicle on a road may within six months after the accident causing that death or bodily injury give notice to the Treasurer of his claim and request the Treasurer to appoint a nominal defendant.

(3) The notice shall state the date of the accident and short particulars of the nature and circumstances thereof.

(4) The Treasurer shall upon receipt of a notice under this section appoint a nominal defendant and notify the claimant of the person appointed.

(5) Thereafter—

(a) any claim for damages in respect of the death or bodily injury which could have been made against
the driver of the uninsured vehicle or a person liable for the negligence of that driver, shall be made against the nominal defendant; and

(b) any action for such damages which could have been brought against the said driver or person shall be brought against the nominal defendant; and

(c) the claimant may recover against the nominal defendant the amount of the judgment which in the circumstances he could have recovered against the said driver or person; and

(d) no action for such damages against the said driver or person shall be commenced or proceeded with.

(6) The nominal defendant shall not be liable to satisfy a claim or judgment obtained against him under this section but the claim or judgment and the nominal defendant's costs shall be paid out of money contributed by approved insurers pursuant to a scheme under section 119.

(7) A sum properly paid by a nominal defendant to satisfy a claim made or judgment obtained against him under this section and his costs shall be recoverable by the nominal defendant from the driver of the motor vehicle or any person liable for the negligence of that driver:

Provided that it shall be a defence in an action under this subsection if the defendant satisfies the court that at the time of the accident—

(a) he was the owner of the motor vehicle or was driving the vehicle with the consent of the owner; and

(b) that he had reasonable grounds for believing and did believe that the vehicle was an insured motor vehicle.

(8) The nominal defendant shall pay any amount recovered by him under this section to approved insurers in such amounts or proportions as the Treasurer directs.

117. In sections 113 and 115 the expression "a person who could have obtained a judgment in respect of that death or bodily injury" includes a tort-feasor against whom a claim has been made in respect of such death or bodily injury and who is entitled to recover contribution in respect thereof from some other person pursuant to Part III of the Wrongs Act, 1936-1959.

118. (1) Where an insured person has caused bodily injury by negligence in the use of a motor vehicle to the spouse of such insured person such spouse shall notwithstanding
anything contained in section 101 of the Law of Property Act, 1936, or any rule of the common law relating to the unity of the spouses during marriage be entitled to obtain by action against the insurer such judgment for damages for such bodily injury as such spouse could have obtained against the insured person if he or she were not married to such insured person.

(2) Nothing in this section shall derogate from or limit any right which any such spouse would have had at common law or pursuant to section 101 of the Law of Property Act, 1936, if this section had not been enacted.

(3) Nothing in this section shall affect or limit the provisions of section 25 (d) of the Wrongs Act, 1936-1958.

(4) An insurer sued under this section shall be deemed to be a tort-feasor for the purposes of Part III of the Wrongs Act, 1936-1959.

(5) Such action shall not be brought against the insurer unless the spouse has as soon as reasonably possible after the injury was caused or within such time as would prevent the possibility of prejudice to the insurer given to the insurer full particulars of the act omission or circumstances alleged to have caused the injury and to have given rise to the cause of action and the date and place on and at which such act omission or circumstances occurred.

119. (1) Any association consisting of not less than ten approved insurers may submit for the Treasurer's approval a scheme under which it is proposed that all approved insurers will contribute money in proportions provided for in the scheme for—

(a) satisfying claims made in respect of death or bodily injury caused by negligence in the use of a motor vehicle where the identity of the vehicle cannot be ascertained or where the vehicle is not insured under this Part; and

(b) satisfying judgments obtained against nominal defendants under this Part; and

(c) paying the costs of such defendants.

(2) If the Treasurer approves of any scheme so submitted every approved insurer shall enter into and execute an agreement between himself and all other approved insurers for the purpose of carrying the scheme into effect, and shall carry out the obligations imposed upon him by that agreement.
(3) The Treasurer may by notice in the Gazette declare that any approved insurer who refuses to enter into or execute such an agreement or fails or refuses to carry out any such obligation shall cease to be an approved insurer.

120. (1) If no scheme is in force under the preceding section the amount of a judgment against a nominal defendant and the nominal defendant's costs shall be paid by the Treasurer out of the General Revenue of the State.

(2) This section without further appropriation shall be sufficient authority for making payments under subsection (1) of this section.

(3) Every person who was an approved insurer at the date of the accident giving rise to the injury shall be liable to pay a contribution to the Treasurer to reimburse him for the amount paid by him pursuant to this section.

(4) The contribution of each insurer shall be determined by the Treasurer and in so determining the Treasurer shall have regard to the premium income received for insurance under this Part during the previous year by each insurer.

121. (1) Notwithstanding any agreement to the contrary a policy of insurance issued under this Part in relation to a motor vehicle—

(a) shall not be cancelled or otherwise terminate solely by reason of a change of ownership of that vehicle;

(b) shall, subject to any lawful termination thereof, enure in favour of every person who during the period for which the policy was granted or renewed owns the said vehicle or drives it with or without the consent of the owner.

(2) While a policy of insurance is in force every owner of the insured vehicle (whether originally a party to the policy or not) shall be bound by all the terms warranties and conditions in the policy as if he had expressly agreed to them.

122. (1) An insurer shall not cancel a policy of insurance issued under this Part unless he has received from the Registrar a written notice stating that the Registrar does not object to the cancellation.

(2) The Registrar shall not issue such a notice unless—

(a) the registration label issued for the insured motor vehicle has been delivered to him; or
(b) he is satisfied that such label has been destroyed; or

(c) he is satisfied that the insurer is entitled to cancel the policy; or

(d) he is satisfied that an insurer has substituted another policy of insurance which complies with this Part and commences immediately upon the termination of the previous policy.

(3) Upon the cancellation of a policy, the motor vehicle to which it applied shall be an unregistered motor vehicle until another policy complying with this Part is issued in respect of that vehicle.

123. If a person is convicted of driving or using a motor vehicle without first obtaining the consent of the owner thereof, and an insurer pays any money or incurs any costs in respect of a claim for death or bodily injury caused by such driving or use, the insurer may recover the amount of the money so paid and the costs so incurred from the person so convicted.

124. (1) Upon the happening of an accident which results in the death of or causes bodily injury to any person and is caused by or arises out of the use of a motor vehicle, the driver and the person in charge thereof shall forthwith give to the insurer concerned a written notice setting forth the following information with as full particulars as such person is able to give:

(a) The fact of the accident;

(b) The time and place at which it occurred;

(c) The circumstances of the accident;

(d) The name and address of any person killed or injured in the accident; and

(e) The names of any witnesses of the accident.

Penalty: Ten pounds.

(2) When neither the driver nor the person in charge of a motor vehicle concerned in an accident such as mentioned in subsection (1) of this section is the owner of the motor vehicle the owner shall give a like notice immediately upon the accident coming to his knowledge.

(3) When a claim is made upon an insured person in respect of an accident, he shall immediately give notice of that claim
to the insurer concerned, and supply to that insurer such particulars of the claim as he requires.

Penalty: Ten pounds.

(4) If an insured person fails to comply with a requirement of this section the insurer may recover from him all money paid and costs incurred by the insurer in relation to any claim arising out of the accident in respect of which such failure occurred.

(5) A notice given in compliance or purported compliance with this section shall not be admissible in evidence in any proceedings except proceedings for an offence against this section.

125. (1) An insurer, on behalf of a person insured by a policy issued by him may—

(a) conduct and control the negotiations and any legal proceedings in respect of any claim against that insured person; and

(b) at any stage of those negotiations or proceedings pay, compromise, or settle any such claim.

(2) The insured person shall sign and execute all such warrants, authorities, and other documents as are necessary to give effect to this section; and, if he makes default in doing so or is absent or cannot be found, the insurer may sign or execute the warrants, authorities, or other documents on behalf of the insured person.

(3) Where—

(a) as the result of the use of a motor vehicle an accident happens which results in the death of or bodily injury to any person, as well as damage to property; and

(b) claims are made in respect of the death or bodily injury and also in respect of the damage to property,

then nothing said or done in any negotiations for settlement of either claim, and no judgment given in legal proceedings in respect of either claim, shall be evidence in legal proceedings in respect of the other claim in a case where that other claim was in respect of an insured liability, unless the negotiations or proceedings in respect of the firstmentioned claim were conducted or controlled by the insurer who insured the liability in respect of which the other claim was made, or by a person acting with the authority of that insurer.
126. (1) An insured person shall not, without the consent in writing of the insurer concerned—

(a) enter upon, or incur any expense in, any litigation;
(b) make any offer or promise of payment or settlement;
(c) make any payment or settlement; or
(d) make any admission of liability.

in respect of any claim in respect of which he is insured with such insurer, but this provision shall not prevent any person from truthfully answering any question reasonably asked of him by any police officer.

(2) If an insured person contravenes subsection (1) the insurer may recover from him all moneys paid and costs incurred by the insurer in relation to any claim arising out of the accident in respect of which such contravention occurred.

127. (1) Where a claim has been made by or on behalf of a person for bodily injury caused by or arising out of the use of a motor vehicle, that person shall from time to time if and as required by the person against whom the claim is made submit himself for examination by a duly qualified medical practitioner provided and paid by the person against whom the claim is made: Provided that a person shall not be required to submit himself for examination under this section otherwise than in accordance with such regulations (if any) as may be made by the Governor nor at more frequent intervals than are prescribed by those regulations.

(2) If a person refuses to submit himself to an examination as required by this section, or in any way obstructs such an examination, his right to commence proceedings, or to continue proceedings which have been commenced, shall be suspended until the examination has taken place.

(3) A person shall not be entitled to damages or compensation for any period during which he refuses to submit himself to or obstructs an examination under this section.

(4) Upon demand made by or on behalf of the person submitting himself to an examination under this section the

s. 127. CAMERON V. NOTTINGHAM INSURANCE CO. LTD. (1958) S.A.S.R. 174. In order to bring into operation the provisions of the section as to suspension of the claimant’s proceedings because of his refusal to submit to medical examination when required, it must be proved that the claimant has been given personal notice of the request to submit to medical examination, or that it has come to his notice, at a time which will give him a reasonable opportunity to attend at the time and place appointed. It is not sufficient to prove merely that a letter was sent to the claimant’s solicitors specifying a time and place for the claimant to be examined, and that the claimant did not attend for examination at that time and place.
128. (1) The Treasurer may by written notice given to an approved insurer require him to furnish to the Treasurer within a period fixed by the notice, being not less than two months, any information reasonably required by the Treasurer and specified in the notice, relating to—

(a) premiums received for insurance under this Part;
(b) claims paid under this Part;
(c) persons insured under this Part;
(d) any other matters relevant to this Part.

(2) An insurer who receives such a notice shall comply with it: Provided that it shall be a defence to a charge of non-compliance to show that the insurer had a reasonable excuse for such non-compliance.

Penalty: One hundred pounds.

(3) An insurer shall not wilfully or negligently furnish to the Treasurer any false information relating to matters specified in a notice under this section.

Penalty: Two hundred pounds.

129. (1) Upon the recommendation of the Treasurer the Governor may appoint a committee to inquire into and report from time to time what maximum rates of premiums for insurance under this Part are fair and reasonable.

(2) The persons appointed to such a committee shall be—

(a) a judge of the Supreme Court or a special magistrate, or a legal practitioner who has been admitted as such for at least ten years, who shall be chairman;
(b) the Public Actuary;
(c) two persons appointed to represent owners of motor vehicles;
(d) two persons appointed to represent approved insurers.

(3) The members referred to in paragraphs (c) and (d) of the last preceding subsection shall be appointed after consultation between the Treasurer and bodies which, in the opinion of the Treasurer, represent approved insurers and owners of motor vehicles respectively.

PART IV.

(4) The members of the committee shall hold office during the Governor's pleasure and the Governor shall make appointments to fill vacancies occurring on the committee.

(5) The committee shall have all the powers of a Royal Commission, and the Royal Commissions Act, 1917, with the necessary modifications shall apply to the chairman and other members of the committee and its secretary and its proceedings and to witnesses and persons summoned as witnesses before the committee.

(6) The Treasurer shall lay every report of the committee before Parliament.

130. Every action brought against the owner or driver of a motor vehicle for damages in respect of the death of or bodily injury to any person caused by or arising out of the use of that vehicle, shall be tried without a jury.

131. The Registrar shall not grant a certificate of temporary registration of a motor vehicle to a person visiting the State unless an insurance policy is in force under which persons who drive that vehicle in the State are, in his opinion, adequately insured against any liability which may be incurred by them in respect of the death of or bodily injury to any person caused by or arising out of the use of that motor vehicle in the State.

132. (1) An approved insurer may apply on complaint to a court of summary jurisdiction for an order that any person be disqualified for such period as the court fixes from holding and obtaining a driver's licence.

(2) If it is proved to the satisfaction of the court that the defendant is likely, in the event of his continuing to drive motor vehicles, to endanger unduly the safety of the public, the court may make such order under subsection (1) as it thinks just.

133. Any contract (whether under seal or not) by virtue of which a person contracts in advance out of any right to claim damages or any other remedy for the negligence of any other person in driving a motor vehicle shall to that extent be void.

134. (1) A person shall not—

(a) for or in the expectation of directly or indirectly receiving any reward accept instructions or authority to act on behalf of any person in respect of the making, commencement, resisting, negotiation,
compromise or settlement of any claim or action for damages for death, bodily injury, or injury to property, arising out of the use of a motor vehicle;

(b) for or in the expectation of directly or indirectly receiving any reward make, commence, resist, negotiate, compromise or settle or cause to be made, commenced, resisted, negotiated, compromised or settled on behalf of any person, any such claim or action; or

(c) hold himself out as being willing to act for reward on behalf of any person in making, commencing, resisting, negotiating, compromising or settling any such claim or action.

Penalty: One hundred pounds.

(2) This section shall not apply to—

(a) any qualified legal practitioner acting in the course of his profession;

(b) any officer of an association formed for the protection of the interests of employees and whether registered under any Commonwealth or State Act or not, when acting in the course of his duties for a member of that association;

(c) any person employed or instructed by an approved insurer to act on its behalf in connection with—

1. any claim or action in a case where the insurer is liable to indemnify the person against whom the claim is made or the action brought:

II. any claim for injury to property in a case where the insurer is exercising rights of subrogation in respect of that injury and where the person so employed or instructed limits himself to making and settling the claim without threatening or otherwise referring to legal proceedings in respect thereof.

(3) An agreement to pay money for work done or services rendered contrary to this section shall be void and any money so paid shall be recoverable by the person who has paid it.
PART V.

SUPPLEMENTARY PROVISIONS.

135. (1) A person shall not make a false statement to the Registrar or any other public officer or any member of the police force in or in connection with an application or request for the issue or renewal of a licence, registration, permit, permission, certificate, or other document or instrument provided for in this Act or issued or to be issued in connection with the administration of this Act, or for the issue of a duplicate of any such licence, registration, permit, permission, certificate or other document or instrument.

Penalty: One hundred pounds, or imprisonment for six months.

(2) On a charge of an offence under subsection (1) of this section it shall not be necessary for the prosecutor to prove the state of mind of the defendant, but the defendant shall be entitled to be acquitted if he proves that when making the statement he believed and had reasonable grounds for believing it was true.

(3) This section applies to written and oral statements, and in respect of written and oral applications and requests.

(4) Notwithstanding any other Act proceedings for an offence against this section may be commenced at any time within twelve months from the date of the commission of the offence.

136. (1) If the holder of a licence, or a person (other than a body corporate) registered as the owner of a motor vehicle changes his usual place of abode, he shall, within fourteen days of so doing, give written notice to the Registrar of his new place of abode.

Penalty: Twenty-five pounds.

(2) If a body corporate registered as the owner of a motor vehicle or if a person (corporate or incorporate) holding trader's

s. 135. O'SULLIVAN V. THURMER (1955) S.A.S.R. 76. Where a motor dealer tendered a false statement making application for the transfer of the registration of a motor vehicle purporting to be signed by the two parties, held (1) prima facie the false statement was made to the Registrar not by the dealer but by the signatories of the application, but (2) that the dealer was guilty of an offence under the section as an accessory notwithstanding that the evidence was not sufficient to prove that the purported signatories had committed the principal offence.
plates changes its or his principal place of business in the State, it or he shall, within fourteen days of so doing, give written notice to the Registrar of the new principal place of business.

Penalty: Twenty-five pounds.

137. A person shall when requested by a member of the police force or an inspector in the course of performing duties under this Act forthwith truly answer any question put to him for the purpose of ascertaining—

(a) the purpose for which or the circumstances in which a motor vehicle bearing a trader's plate or a motor vehicle registered at a reduced fee is being or was being driven on any occasion;

(b) the name and place of residence or business of any person who is or was driving any motor vehicle on any occasion.

Penalty: Fifty pounds.

138. Every person who is registered as the owner of a motor vehicle, shall, upon request by the Registrar or an inspector, furnish to the Registrar or inspector such evidence of the nature and weight of any motor vehicle owned by such person and of the nature of the tyres with which that vehicle is fitted as is required by the Registrar or inspector.

Penalty: Twenty-five pounds.

139. The Registrar or an inspector or a member of the police force or a person authorized in writing by the Registrar to examine motor vehicles for the purposes of this Act may—

(a) examine any motor vehicle for the purpose of ascertaining any facts on which the amount of the registration fee for that motor vehicle depends;

(b) for the purpose of any such examination enter and remain in any premises at any reasonable time and search therein for motor vehicles:

(c) take from any part of a motor vehicle a sample of any liquid fuel used or appearing to be used for propelling that motor vehicle.

140. A document purporting to be an extract from, or copy of, an entry contained in the register of motor vehicles or in the register of licences and purporting to be certified as such
extract or copy by the Registrar shall, in all legal proceedings and arbitrations, be admissible as evidence, and shall be *prima facie* evidence of the truth of the matters stated in such document without the production of any register, licence, notice or other document upon which any entry may be founded.

141. A document purporting to be a certificate signed by the Registrar stating all or any of the following matters, namely:—

(a) that a person therein described was not on a specified day the holder of a licence:

(b) that a person therein described had not on a specified day or during a specified period registered any motor vehicle whatever, or a particular motor vehicle therein described:

(c) that no trader's plate or no trader's plate bearing a particular number had on a specified day or during a specified period been issued to a person therein described:

(d) that a number therein mentioned was not the number on any trader's plate in force on a specified day:

(e) that a motor vehicle therein described was not on a specified day a registered motor vehicle:

(f) that a number therein mentioned was not on any specified day assigned to any motor vehicle whatever, or to any particular motor vehicle therein described:

(g) that a person therein described had not on or before a specified day notified the Registrar in the prescribed form of the transfer of a motor vehicle therein described:

(h) that a person therein described had not on or before a specified day delivered to the Registrar the registration label issued in respect of a motor vehicle therein described:

(i) that a person therein described had not on or before a specified day notified the Registrar in writing of a change of his place of abode or principal place of business:

(j) that a document attached to the certificate was lodged in the Registrar's office on a specified day:
(k) that a person therein described had not on or before a specified day paid the balance of a registration fee as prescribed in section 40 of this Act, shall in all legal proceedings and arbitrations be admitted as 
*prima facie* evidence of the matters so stated.

142. In proceedings for an offence against this Act—

(a) proof that a motor vehicle does not bear a distinguishing number as prescribed by this Act or that it does not bear a registration label or that it bears a number or a registration label other than the one issued in respect of that motor vehicle shall be *prima facie* evidence that that motor vehicle is not registered;

(b) proof that a person is registered as the owner of a motor vehicle shall be *prima facie* evidence that that person is the owner of that motor vehicle;

(c) the allegation in a complaint that a place is a street or road shall be *prima facie* evidence that that place is a road within the meaning of this Act.

143. (1) A person who causes or permits another person to drive a motor vehicle in contravention of any provision of this Act shall be guilty of an offence and liable to the penalty prescribed for the contravention which he so causes or permits.

(2) This section shall not restrict the operation of section 53 of the Justices Act, 1921-1957 (which relates to the liability of persons aiding, abetting, counselling or procuring the commission of offences).

144. Proceedings for offences against this Act shall be disposed of summarily.

145. The Governor may make regulations—

(a) prescribing all matters necessary or convenient to be prescribed for the administration of this Act, and for carrying out the objects of this Act;

(b) providing for the temporary registration or exemption from registration of motor vehicles which are registered by authorities outside the State or bear general identification numbers issued by such authorities, and are temporarily in the State;

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*143. Proudman v. Dayman (1941) 67 C.I.R. 536; 15 A.L.J. 192, in which special leave was refused to appeal to the High Court from Dayman v. Proudman (1941) S.A.S.R. 87. On a charge under section 30 of the Road Traffic Act, 1934, of permitting an unlicensed person to drive a motor vehicle on a road, proof that the defendant knew that the driver was unlicensed is unnecessary.*
(c) providing for the issue of temporary licences to motor drivers visiting the State, or exempting such drivers from the obligation to hold licences; and

(d) prescribing penalties recoverable summarily and not exceeding twenty-five pounds for breach of any such regulation.

146. Except where otherwise expressly provided this Act applies to persons in the public service of the Crown while engaged on such service, as well as when not so engaged.

147. (1) The money required to make any refund of registration fees authorized by this Act shall be paid out of the General Revenue of the State, and this Act shall be a sufficient appropriation and authority for any such payment.

(2) Other money required for the administration of this Act shall be paid out of money voted by Parliament for that purpose.

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

R. A. GEORGE, Governor.
SCHEDULES.

THE FIRST SCHEDULE.

Repealed Provisions.

Road Traffic Act, 1934-1958:—Sections 5, 6, 7, 7a, 7b, 7d, 7e, 8, 8a, 8c, 8d, 9, 9b, 9c, 9d, 10a, 10b, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 21a, 22, 23, 24, 25, 26, 27, 27b, 28, 29, 30, 31, 31a, 32, 32a, 33, 34, 35, 36, 36a, 37, 38, 38e, 38ee, 38ef, 38f, 38g, 39, 45, 50, 57, 58, 59, subsection (1) of section 60, paragraphs IX, X, and XIA of subsection (1) of section 61, sections 65, 67, 67a, 67b, 67g, and the whole of Parts IIA and III being sections 70a to 84 inclusive.

THE SECOND SCHEDULE.

Savings.

A. In connection with the repeal of the enactments mentioned in the first schedule other than Part III of the Road Traffic Act, 1934-1958, the following provisions shall have effect, except where the context otherwise requires:

(1) Every register, registration, registration number, permit, exemption, driving licence, trader's plate, order, suspension, disqualification and decision, and every document of any kind made, imposed, or issued under a repealed enactment and in force at the time of the repeal shall remain in force and have effect as if this Act had been in force when it was made, imposed, or issued and it had been made, imposed, or issued under this Act.

(2) Every registration disc or registration card in force at the time of the repeal shall be deemed to be a registration label under this Act and shall have effect as if this Act had been in force when it was issued and it had been issued under the Act.

(3) Every appointment made under a repealed enactment shall continue to have effect as if this Act had been in force at the time when it was made, and it had been made under this Act.

(4) Every application made under a repealed enactment and pending at the time of the repeal shall be dealt with under this Act.

(5) Every policy of insurance issued under a repealed enactment shall remain in force under this Act as if this Act had been in force when the policy was issued and it had been issued under this Act.

(6) Regulations in force under a repealed enactment at the time of the repeal shall remain in force subject to any revocation or variation thereof by regulations made under this Act.

(7) Where the period within which anything must be done is altered by a provision of this Act the altered period will not apply in any case where the first day of that period occurred before that provision came into force.

(8) A reference in any document made under or for the purpose of a repealed provision to the Road Traffic Act, 1934, or to any Act amending or incorporated with that Act or to any provision of any such Act shall be read as a reference to this Act, or a provision of this Act as the case may be.

(9) Any act matter or thing commenced under a repealed enactment and in progress at the time of the repeal shall be continued and completed under this Act.

(10) Notwithstanding the previous paragraphs of this schedule legal proceedings pending under a repealed enactment at the time of the repeal shall continue and be dealt with under the repealed enactments as if this Act had not been passed.

(11) If any doubt or difficulty arises as a result of the repeal by this Act of any enactment, or of the passing of this Act, the Governor may by proclamation give directions for the purpose of removing the doubt or difficulty or declaring what is to be done and such proclamation shall have effect as if it were a provision of this Act.

B. In connection with the repeal of Part III of the Road Traffic Act, 1934-1958, the following provisions shall have effect:

(1) Any offence committed before the repeal against any provision of the said Part may be prosecuted and dealt with under the repealed provision as if they were still in force.

(2) Except as mentioned above everything in force or pending under the repealed provisions shall cease to have effect.