



ANNO VICESIMO PRIMO

**ELIZABETHAE II REGINAE**

A.D. 1972

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**No. 143 of 1972**

An Act to amend the Motor Vehicles Act, 1959-1972.

[Assented to 7th December, 1972]

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

1. (1) This Act may be cited as the "Motor Vehicles Act Amend- Short titles.  
ment Act (No. 2), 1972".

(2) The Motor Vehicles Act, 1959-1972, as amended by this Act, may be cited as the "Motor Vehicles Act, 1959-1972".

(3) The Motor Vehicles Act, 1959-1972, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by Commence-  
ment.  
proclamation.

3. Section 5 of the principal Act is amended by striking out Amendment of  
principal Act,  
s. 5—  
Interpretation.  
paragraph (b) of the definition of "motor vehicle" and inserting in lieu thereof the following paragraph:—

(b) a caravan or a trailer;.

4. Section 12a of the principal Act is amended by inserting after Amendment of  
principal Act,  
s. 12a—  
Exemption of  
certain vehicles  
from statutory  
requirements of  
registration  
and insurance.  
the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections:—

(2) A self-propelled wheelchair may be driven upon a road without registration or insurance by a person who by reason of some physical infirmity reasonably requires the use of a wheelchair.

(3) A self-propelled lawn mower may be driven on a road without registration or insurance where—

(a) it is being used to mow lawn or grass;

or

(b) it is being driven on a road to or from a place at which it is to be, or has been, used for that purpose.

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

5. Section 31 of the principal Act is amended by striking out paragraph (f).

Amendment of  
principal Act,  
s. 62—  
Issue of  
trader's  
plates.

6. Section 62 of the principal Act is amended—

(a) by striking out from paragraph (a) of subsection (2) the passage "such trader's plates" and inserting in lieu thereof the passage "such trader's plate or trader's plates";

(b) by striking out from paragraph (b) of subsection (2) the passage "such limited trader's plates" and inserting in lieu thereof the passage "such limited trader's plate or trader's plates";

(c) by striking out subsection (3) and inserting in lieu thereof the following subsection:—

(3) No limited trader's plate or plates shall be issued to any person unless he is—

(a) the holder of current general trader's plates;

(b) a person who carries on a business of manufacturing, repairing or dealing in caravans or trailers, and that business does not form part of, or is not carried on in conjunction with, a business that involves manufacturing, repairing or dealing in motor vehicles of other kinds;

or

(c) a manufacturer of agricultural machinery.;

(d) by striking out from subsection (4) the passage "trader's plates have" and inserting in lieu thereof the passage "a trader's plate has, or trader's plates have";

and

(e) by inserting after subsection (4) the following subsections:—

(5) Trader's plates may be issued singly or in pairs.

(6) The Registrar may issue a trader's plate, or trader's plates to any person or persons in a business name registered in accordance with the Business Names Act, 1963, under which that person or those persons carry on business.

(7) A trader's plate, or pair of trader's plates, shall be deemed to be issued on a date determined by the Registrar in respect of that trader's plate, or those trader's plates, and shall not be effective for the purposes of this Act before that date.

7. Section 63 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal of  
s. 63 of  
principal Act  
and enactment  
of section in  
its place—

63. (1) Subject to subsection (2) of this section, the fee for the issue of—

Fees for  
trader's plates.

(a) each general trader's plate, or where general trader's plates have been issued in pairs, each pair of general trader's plates, shall be fifty dollars;

and

(b) each limited trader's plate, or where limited trader's plates have been issued in pairs, each pair of limited trader's plates, shall be ten dollars.

(2) Where a trader's plate, or a pair of trader's plates, is issued on or after the first day of October in any year and on or before the thirtieth day of March in the ensuing year, the fee for the issue of that trader's plate, or that pair of trader's plates, shall be one-half of the fee prescribed by subsection (1) of this section.

8. Section 64 of the principal Act is amended by striking out the passage "pair of trader's plates" and inserting in lieu thereof the passage "trader's plate".

Amendment of  
principal Act,  
s. 64—  
Specifications.

9. Section 65 of the principal Act is amended by striking out the passage "pair of trader's plates" and inserting in lieu thereof the passage "trader's plate".

Amendment of  
principal Act,  
s. 65—  
Duration of  
term of  
trader's plates.

Amendment of  
principal Act,  
s. 66—

Use of  
general  
trader's plates.

**10. Section 66 of the principal Act is amended—**

- (a) by striking out from subsection (1) the passage “means the person to whom those plates were” and inserting in lieu thereof the passage “or a general trader’s plate means the person to whom those plates or that plate were or was”;
  - (b) by inserting in subsection (2) after the passage “general trader’s plates” the passage “(or a caravan or trailer bearing a general trader’s plate)”;
- and
- (c) by inserting in subsection (3) after the passage “trader’s plates” the passage “trader’s plates, or a trader’s plate”.

Amendment of  
principal Act,  
s. 67—

Use of  
limited  
trader's plates.

**11. Section 67 of the principal Act is amended—**

- (a) by striking out from subsection (1) the passage “means the person to whom those plates were” and inserting in lieu thereof the passage “or a limited trader’s plate means the person to whom those plates or that plate were or was”;
- and
- (b) by inserting after the passage “limited trader’s plates” wherever it occurs in subsections (2), (3) and (3a) the passage “(or a caravan or trailer bearing a limited trader’s plate)” in each case.

Amendment of  
principal Act,  
s. 68—  
Purpose for  
which limited  
trader's plates  
may be issued.

**12. Section 68 of the principal Act is amended by striking out the passage “limited trader’s plates” wherever it occurs in subsections (1) and (2) and inserting in lieu thereof in each case the passage “a limited trader’s plate”.**

Amendment of  
principal Act,  
s. 69—  
Liability of  
the holder of  
trader's plates.

**13. Section 69 of the principal Act is amended by striking out the passage “the trader’s plates were issued, the person to whom the trader’s plates were issued” and inserting in lieu thereof the passage “the trader’s plates or trader’s plate were or was issued, the person to whom the trader’s plates or the trader’s plate were or was issued”.**

Amendment of  
principal Act,  
s. 70—  
Return of  
trader's plates  
and refunds.

**14. Section 70 of the principal Act is amended—**

- (a) by striking out from subsection (1) the passage “trader’s plates have” and inserting in lieu thereof the passage “trader’s plates or a trader’s plate have or has”;
- (b) by striking out subsection (2) and inserting in lieu thereof the following subsection:—

(2) If a person to whom trader's plates or a trader's plate were or was 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 or trader's plate issued to him within a time specified by the Registrar.;

(c) by inserting in subsection (4) after the passage "the trader's plates" the passage "or the trader's plate";

and

(d) by inserting in subsection (5) after the passage "general trader's plates" the passage "or a general trader's plate" and by inserting after the word "plates" wherever it occurs elsewhere in that subsection the passage "or plate".

15. Section 71 of the principal Act is repealed and the following section is enacted and inserted in its place:—

Repeal  
of s. 71 of  
principal Act  
and enactments  
of section in its  
place—

71. (1) A person who during the currency of trader's plates or a trader's plate sells or disposes of the business by virtue of which he was entitled to those plates or that plate, shall, within seven days after the date of the sale or disposition, give written notice of the sale or disposition to the Registrar.

Transfer of  
trader's plates.

Penalty: Fifty dollars.

(2) Upon any such sale or disposition, the Registrar may, upon payment of a transfer fee of one dollar, cause the trader's plates or trader's plate to be transferred to the person who has purchased or acquired the business for the remainder of the period for which the plates or plate were or was issued.

(3) The transferee of trader's plates or a trader's plate shall for the purposes of this Act be deemed to be the person to whom those plates or that plate were or was issued.

16. Section 74a of the principal Act is amended by striking out from subsection (3a) the word "licence" wherever it occurs and inserting in lieu thereof the word "certificate".

Amendment of  
principal Act,  
s. 74a—  
Tow-truck  
certificates.

17. Section 75 of the principal Act is amended by inserting after subsection (2) the following subsection:—

Amendment of  
principal Act,  
s. 75—  
Issue and  
renewal of  
licences.

(3) Where an application is made for the issue, or renewal, of a licence, the Registrar, if satisfied that the circumstances of the case justify the issue of a temporary licence under this section, may, upon payment of such fee (if any) as he considers appropriate, issue a temporary licence, subject to such terms and conditions as he thinks fit, and the licence shall be valid—

(a) until the application is determined, or where the application is not entirely in order, until a proper application is made and determined;

or

(b) until the expiration of one month from the date of the issue of the temporary licence,

whichever is the lesser.

Amendment of  
principal Act,  
s. 76—  
Fees for  
licences and  
learner's  
permits.

18. Section 76 of the principal Act is amended by striking out paragraph (i) of the proviso and inserting in lieu thereof the following paragraph:—

(i) the Registrar may issue without fee a licence subject to conditions or restrictions by virtue of which the holder of the licence is authorized to drive only a self-propelled wheelchair in pursuance of the licence:.

Amendment of  
principal Act,  
s. 78—  
Minimum age.

19. Section 78 of the principal Act is amended by inserting in subsection (1) after the passage "shall not be issued to a person under the age of sixteen years" the passage "except that a licence subject to conditions or restrictions by virtue of which the holder of the licence is authorized to drive only a self-propelled wheelchair in pursuance of the licence may be issued to a person under the age of sixteen years".

Amendment of  
principal Act,  
s. 98a—  
Instructors'  
licences.

20. Section 98a of the principal Act is amended by striking out from subsection (7a) the word "certificate" wherever it occurs and inserting in lieu thereof, in each case, the word "licence".

Amendment of  
principal Act,  
s. 98b—  
Points demerit  
scheme.

21. Section 98b of the principal Act is amended—

(a) by inserting in subsection (7) after the passage "subject to appeal" the passage " , or the proceedings leading to the conviction may, on the application of the convicted person, be re-heard";

and

(b) by striking out from subsection (7) the passage "expires, or if there is an appeal, until the determination of the appeal" and inserting in lieu thereof the passage " , or the

right to apply for a re-hearing, expires or if there is an appeal or an application for a re-hearing, until the determination of the appeal or the application”.

**22.** Section 99a of the principal Act is amended by inserting in subsection (19) after the passage “shall be effective” the passage “(whether or not the trader’s plates have been transferred)”.

Amendment of principal Act, s. 99a—  
Insurance premiums to be paid on applications for registration.

**23.** Section 101 of the principal Act is amended by inserting after subsection (5a) the following subsection:—

Amendment of principal Act, s. 101—  
Approved insurers.

(5b) Where the Minister is satisfied that there are special circumstances justifying him in so doing he may, upon receipt of due application (which need not be made in conformity with the limitations of time stipulated by this section), grant approval as an approved insurer, or withdraw approval from an approved insurer, and the grant or withdrawal of the approval shall be effective as from a date determined by the Minister.

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

M. L. OLIPHANT, Governor