

South Australia



MOTOR VEHICLES (MISCELLANEOUS) AMENDMENT ACT 1996

No. 29 of 1996

SUMMARY OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of s. 26—Period of registration
4. Amendment of s. 75a—Learner's permit
5. Amendment of s. 79—Examination of applicant for driver's licence or learner's permit
6. Amendment of s. 81a—Probationary licences
7. Amendment of s. 81b—Consequences of holder of learner's permit or probationary licence contravening probationary conditions or incurring four or more demerit points
8. Amendment of s. 127—Medical examination of claimants
9. Amendment of s. 136—Duty to notify change of address
10. Amendment of s. 141—Evidence by certificate of Registrar



ANNO QUADRAGESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1996

No. 29 of 1996

An Act to amend the Motor Vehicles Act 1959.

[Assented to 2 May 1996]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Motor Vehicles (Miscellaneous) Amendment Act 1996*.

(2) The *Motor Vehicles Act 1959* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 26—Period of registration

3. Section 26 of the principal Act is amended by striking out paragraph (b) and substituting the following paragraph:

- (b) where the motor vehicle is registered, or was last registered, in the name of the applicant and application is made before the expiry of the previous registration or after that expiry but within the period allowed for renewal—on the day after that expiry,.

Amendment of s. 75a—Learner's permit

4. Section 75a of the principal Act is amended by striking out subsections (5b), (5c) and (5d).

Amendment of s. 79—Examination of applicant for driver's licence or learner's permit

5. Section 79 of the principal Act is amended by striking out subsection (5).

Amendment of s. 81a—Probationary licences

6. Section 81a of the principal Act is amended by striking out subsections (7), (8) and (9).

Amendment of s. 81b—Consequences of holder of learner’s permit or probationary licence contravening probationary conditions or incurring four or more demerit points

7. Section 81b of the Act is amended by striking out subsection (3) and substituting the following subsections:

(3) If the Registrar is required to give a person a notice under subsection (2), the Registrar may, in that notice or by subsequent notice, require the person—

(a) to attend, within a period specified in the notice, a lecture conducted pursuant to the regulations;

and

(b) to pay to the Registrar, in accordance with the notice, the attendance fee prescribed by the regulations.

(3a) A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (3).

Penalty: Division 11 fine.

(3b) A notice under subsection (2) or (3) must be in writing given to or served on the person to whom it is directed.

Amendment of s. 127—Medical examination of claimants

8. Section 127 of the principal Act is amended by inserting after subsection (6) the following subsection:

(6a) Subsection (6) will not apply to any failure by a claimant to comply with subsection (2)(c) if the claimant has dealt with the medical report and taken other action in accordance with any rules of the court under which a party to proceedings may be relieved from the obligation to disclose to another party a medical report the disclosure of which would unfairly prejudice the party’s case.

Amendment of s. 136—Duty to notify change of address

9. Section 136 of the principal Act is amended—

(a) by striking out from subsection (1) "written notice to the Registrar" and substituting "notice to the Registrar in a prescribed manner";

(b) by striking out from subsection (1a) "written notice to the Registrar" and substituting "notice to the Registrar in a prescribed manner";

(c) by striking out from subsection (2) "written notice of the new principal place of business to the Registrar" and substituting "notice to the Registrar in a prescribed manner of the new principal place of business;

(d) by inserting after subsection (2) the following subsections:

(3) The Registrar may require a person giving notice of a change of residence, principal place of business or garage address of a vehicle in a particular manner to produce evidence of the change to the satisfaction of the Registrar.

(4) A requirement under subsection (3) may be made in writing or orally.

(5) If a person fails to comply with a requirement of the Registrar under subsection (3), the person will, for the purposes of this section, be taken to have failed to give notice in the manner to which the requirement relates.

Amendment of s. 141—Evidence by certificate of Registrar

10. Section 141 of the principal Act is amended—

(a) by striking out from paragraph (i) "in writing" and substituting "in a prescribed manner";

(b) by inserting after paragraph (k) the following paragraph:

(l) that a specified person had not within a specified period attended a lecture conducted under a specified provision of this Act,.

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

ROMA MITCHELL Governor