

NORTHERN TERRITORY OF AUSTRALIA

MOTOR VEHICLES REGULATIONS

As in force at 1 July 2007

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 July 2007

MOTOR VEHICLES REGULATIONS

Regulations under the *Motor Vehicles Act*

1 Short title

These Regulations may be cited as the *Motor Vehicles Regulations*.

2 Repeal of regulation repealing former regulations

Regulations 1976, No. 14 are repealed.

3 Commencement

These Regulations shall come into operation on the date of commencement of the *Motor Vehicles Ordinance 1972*.

4A Definitions

(1) In these Regulations, unless the contrary intention appears:

articulated motor omnibus means a motor omnibus consisting of 2 rigid sections connected so as to allow:

- (a) rotary movements about the vertical and horizontal axes; and
- (b) passenger movement,

between the 2 rigid sections.

moped means a motor cycle that:

- (a) complies with the Australian Design Rule relating to mopeds and that has affixed to it a certification plate identifying it as a moped; or
- (b) is approved by the Registrar for use as a moped.

motor cycle includes:

- (a) a motor cycle that has attached to it a side car supported by a third wheel; and

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- (b) a motor vehicle that has 3 wheels and that is designed to be ridden in the same manner as a motor cycle.

repairable write-off means a vehicle that is assessed as a total loss but is not a statutory write-off.

road has the same meaning as in the *Australian Road Rules*.

road-related area has the same meaning as in the *Australian Road Rules*.

statutory write-off means a vehicle that is assessed as a total loss and is any of the following:

- (a) a motor vehicle (other than a motor bike) that has been:
- (i) immersed in salt water above the doorsill level for any period; or
 - (ii) immersed in fresh water up to the dashboard or steering wheel for more than 48 hours;
- (b) a motor bike that has been:
- (i) fully immersed in salt water for any period; or
 - (ii) fully immersed in fresh water for more than 48 hours;
- (c) a motor vehicle or trailer that is burnt to such an extent that it is fit only for wrecking or scrap;
- (d) a motor vehicle or trailer that is stripped of all, or a combination of most, interior and exterior body parts, panels and components (for example, the engine, wheels, bonnet, guards, doors or boot lid);
- (e) a motor vehicle (other than a motor bike) that is damaged by at least 3 of the following impact damage indicators:
- (i) damage to an area of the roof equal to or exceeding 300 mm by 300 mm in size;
 - (ii) damage to an area of the cabin floor pan equal to or exceeding 300 mm by 300 mm in size;
 - (iii) damage to an area of the firewell equal to or exceeding 300 mm by 300 mm in size;
 - (iv) any damage to the suspension;

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- (v) damage (in the form of cracks or breaks) to major mechanical components (for example, the engine block or transmission casings);
 - (f) a motor bike that has impact damage (excluding scratching) to the suspension and at least 2 areas of structural frame damage.

total loss means a vehicle damaged by collision, fire, flood, accident, trespass, dismantling, demolition or other event to the extent that its fair salvage value plus the cost of repairing the vehicle for use on a road or road-related area would be more than the fair market value of the vehicle immediately before the event that caused the damage.

- (2) For the purposes of these Regulations, a vehicle is destroyed if it is a total loss, including if the vehicle is a statutory write-off or a repairable write-off.

4AA Classification of licences

- (1) Subject to this regulation, a reference in a licence granted under section 9 or 10 of the Act to a classification by letter or letters is a reference to the type of motor vehicle specified in the column opposite the letter or letters in the table that the licensee is licensed to drive under the licence.

Table

Classification	Type of Vehicle
<u>Part A – Motor Vehicles</u>	
C	A motor vehicle that has a gross vehicle mass not greater than 4.5 t and that is constructed or equipped to seat not more than 12 adults (including the driver) other than a commercial passenger vehicle
LR	A motor vehicle that has: <ul style="list-style-type: none"> (a) a gross vehicle mass greater than 4.5 t but not greater than 8 t; or (b) is constructed or equipped to seat more than 12 adults (including the driver) and has a

	gross vehicle mass not greater than 8 t
MR	A rigid motor vehicle that has: <ul style="list-style-type: none"> (a) 2 axles; and (b) a gross vehicle mass greater than 8 t
HR	A rigid motor vehicle or an articulated motor omnibus that has: <ul style="list-style-type: none"> (a) 3 or more axles; and (b) a gross vehicle mass greater than 8 t
HC	A motor vehicle that is: <ul style="list-style-type: none"> (a) a prime mover to which is attached a single semi trailer that has a gross vehicle mass greater than 9 t plus any unladen converter dolly; or (b) a rigid motor vehicle to which is attached a trailer that has a gross vehicle mass greater than 9 t plus any unladen dolly trailer
MC	Any motor vehicle or combination of motor vehicles
	<u>Part B – Motor Cycles</u>
Rm	Moped
Re	A motor cycle with an engine capacity not greater than 260 mL
R	Any motor cycle

- (2) In addition to licensing the licensee to drive a motor vehicle of the class referred to in subregulation (1), the licensee is licensed to drive a motor vehicle of a class that is a lower class according to the hierarchy specified in subregulation (4).

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- (3) A licensee may drive a motor vehicle of a higher class according to the hierarchy specified in subregulation (4) than that specified in his or her licence but only if:
- (a) a person licensed to drive the motor vehicle is occupying the nearest practicable seat to the licensee;
 - (b) a notice in accordance with regulation 9 is displayed conspicuously on, and so as to be clearly visible from, the rear of the motor vehicle; and
 - (c) in the case of a motor omnibus, the motor omnibus is not used to convey passengers for reward.
- (4) The hierarchy, from the lowest to the highest, is as follows:
- (a) C;
 - (b) LR;
 - (c) MR;
 - (d) HR;
 - (e) HC;
 - (f) MC.
- (5) A licence granted under section 10(2) of the Act is to have endorsed on it the letter "h", in brackets, after the classification of the motor vehicle that the licensee is licensed to drive under the licence.
- (6) If:
- (a) a person is the holder of a licence that is provisional by virtue of section 10A of the Act; and
 - (b) the motor vehicle used in the test conducted under section 10(7) of the Act to determine the person's capacity to drive a motor vehicle was fitted with automatic transmission,
- the Registrar may endorse the licence with the letter "A".
- (7) A licensee whose licence is endorsed with the letter "A" is licensed to drive only a motor vehicle fitted with automatic transmission.
- (8) A licensee whose licence is endorsed with the letter "A" may drive a motor vehicle that is not fitted with automatic transmission if a person licensed to drive the motor vehicle is occupying the seat next to the licensee.

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- (9) If:
- (a) a licence is granted to a person to drive a motor vehicle with a gross vehicle mass greater than 4.5 t; and
 - (b) the motor vehicle used in the test conducted under section 10(7) of the Act to determine the person's capacity to drive a motor vehicle of that mass was fitted with synchromesh transmission,

the Registrar may endorse the licence with the letter "B".

- (10) A licensee whose licence is endorsed with the letter "B" is licensed to drive only a motor vehicle with a gross vehicle mass greater than 4.5 t that is fitted with synchromesh transmission.
- (11) A licensee whose licence is endorsed with the letter "B" may drive a motor vehicle with a gross vehicle mass greater than 4.5 t that is not fitted with synchromesh transmission if a person licensed to drive the motor vehicle is occupying the seat next to the licensee.
- (12) Subject to the *Motor Vehicles (Standards) Regulations*, a licence endorsed with the letter "C" or the letters "LR" permits the licensee to draw with a motor vehicle that the licensee is licensed to drive under the licence a trailer or semi trailer with a gross vehicle mass not greater than 9 t.
- (13) In Part A of the table in subregulation (1) a reference to a motor vehicle includes a moped but does not include any other motor cycle.

6 Prescribed time for examination

For the purposes of section 25E(1)(b) of the Act, the Registrar may require a person approved under section 25B(2) of the Act to undergo:

- (a) a test or examination referred to in section 25E(1)(c) of the Act at any time after the expiration of 5 years after the person is approved under section 25B(2) of the Act and thereafter at any time after the expiration of 5 years after a previous examination or test referred to in section 25E(1)(c) of the Act; or
- (b) a medical examination referred to in section 25E(1)(d) of the Act at any time after the expiration of 12 months after the person is approved under section 25B(2) of the Act and thereafter at any time after the expiration of 12 months after a previous medical examination referred to in section 25E(1)(d) of the Act.

7 Prescribed conditions

Where a licence granted under section 9 or 10 of the Act is endorsed with the condition indicated by the letter "L" it is a condition of that licence that the licensee shall not drive a motor vehicle of a class specified in the licence unless the licensee is wearing corrective lenses.

8 Prescribed period of licence

For the purposes of section 104(1) of the Act, the prescribed period is 5 years.

9 Notice to be displayed

A notice referred to in regulation 4AA(3)(b) shall be not less than 530 mm x 300 mm in size with the words "DRIVER UNDER INSTRUCTION" in black capital letters not less than 75 mm in height on a yellow background.

9A Fitness to hold licence

- (1) The Registrar shall not:
 - (a) grant a licence to drive a commercial passenger vehicle as defined in the *Commercial Passenger (Road) Transport Act* unless the Registrar is satisfied that the applicant is:
 - (i) a fit and proper person; and
 - (ii) is medically fit to drive the vehicle specified in the application; or
 - (b) renew a licence to drive a commercial passenger vehicle as defined in the *Commercial Passenger (Road) Transport Act* unless the Registrar is satisfied that the holder of the licence:
 - (i) is a fit and proper person; and
 - (ii) is medically fit to drive the vehicle specified in the licence currently held by the person.
- (2) The Registrar must have regard to the following in considering whether a person is fit and proper for subregulation (1)(a)(i) or (b)(i):
 - (a) whether or not the person has shown a pattern of committing offences;

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- (b) any other circumstances concerning the person that the Registrar considers relevant.

10 Issue and type of registration labels

On the registration or renewal of registration of a motor vehicle or trailer, the Registrar shall issue to the person in whose name the vehicle is registered a registration label of an approved colour, type and design.

11 Affixing of registration labels

- (1) A registration label shall, during the currency of the registration, be firmly affixed to or attached on the motor vehicle or trailer in respect of which the label is issued, in the position and in the manner specified in subregulation (2) (unless otherwise approved) and so as to be clearly visible to a person facing the label at a distance of 6 m from the vehicle or trailer.
- (2) For the purposes of subregulation (1), the position and manner for affixing or attaching a registration label, in respect of:
- (a) a motor vehicle (other than a motor cycle) having a windscreen is:
- (i) the inside or back of the windscreen adjacent to the left-hand side of the windscreen; or
 - (ii) the inner side of a pivoted or hinged ventilation window (if any) or a fixed window on the left-hand side of the motor vehicle; and
- (b) a motor vehicle other than a motor vehicle to which paragraph (a) applies, or a trailer, is:
- (i) the number plate affixed to the rear of the motor vehicle or trailer, in such manner that the characters on that number plate are not obscured; or
 - (ii) a place on the motor vehicle or trailer as directed by the Registrar.
- (3) In this regulation, **windscreen** means the main front windscreen but does not include any wind deflector or other subsidiary windscreen.

12 Registration label destroyed, damaged, &c.

Where a registration label is lost, destroyed, damaged, or in any way defaced before the expiry of the registration, the Registrar

may, on application and payment of the fee specified in the *Motor Vehicles (Fees and Charges) Regulations*, and on being satisfied that the label has been lost or destroyed, issue a duplicate of the label, and the duplicate shall be deemed to be the registration label for the purposes of these Regulations.

13 Registration label to be destroyed on expiry

A person in whose name a motor vehicle or trailer was registered shall, not later than 3 days after the date of expiry of the registration of the motor vehicle or trailer, cause the registration label to be destroyed.

14 Only current registration label to be displayed

A person shall not drive or park a motor vehicle on which is affixed a registration label other than the current registration label issued in relation to that motor vehicle.

14A Offences

A person who contravenes or fails to comply with any of the provisions of regulation 11, 12, 13 or 14 commits an offence.

Penalty: \$100.

15 Fees for inspection of record of registrations and licences

- (1) Subject to subregulation (2), a person may, on payment of the fee specified in the *Motor Vehicles (Fees and Charges) Regulations*, be furnished with the information or particulars relating to registration and licences to which the fee relates.
- (2) An officer having duties in connection with the registration or licensing of vehicles in a State or another Territory of the Commonwealth may be furnished, free of charge, with information relating to registration or licences.

16 Vehicles to which Temporary Budget Improvement Levy does not apply

For the purposes of section 12(1)(f) of the Act, the following classes of vehicles are prescribed:

- (a) a commercial passenger vehicle within the meaning of the *Commercial Passenger (Road) Transport Act*;
- (b) a motor home, being a motor vehicle that incorporates features designed to enable persons to sleep and cook in the vehicle, that is used as a principal place of residence.

17 Notices of destruction

- (1) A notice of destruction referred to in section 19A of the Act:
- (a) is to contain the following information in respect of the vehicle:
 - (i) the name and address of the registered owner;
 - (ii) the registration number;
 - (iii) the make and model;
 - (iv) whether it is a motor car, motor cycle, goods vehicle, motor omnibus, motor tractor or trailer;
 - (v) the vehicle identification or chassis number;
 - (vi) the date of manufacture as shown on its certification plate;
 - (vii) whether it was destroyed by hail, water, impact, fire or stripping;
 - (viii) the name and address of the person making the statutory declaration referred to in paragraph (b);
 - (ix) if the person making the statutory declaration is a trader – the trader's motor vehicle trader's licence number;
 - (x) if the person making the statutory declaration is an approved person under paragraph (b)(iv) – the person's approval number;
 - (xi) if the person making the statutory declaration is a person referred to in paragraph (b)(v) – details of the person's qualification or accreditation to assess damaged vehicles; and
 - (b) is to be accompanied by a statutory declaration made by one of the following persons to the effect that the vehicle is destroyed:
 - (i) the registered owner;
 - (ii) the insurer that declared the vehicle to be a total loss under a contract of insurance;
 - (iii) a trader;

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- (iv) a person approved by the Registrar to assess damaged vehicles and, if appropriate, declare them to be total losses;
 - (v) a person who is qualified or accredited to assess damaged vehicles.
- (2) A notice of destruction may be delivered to the Registrar on behalf of the owner by a person referred to in subregulation (1)(b)(ii), (iii), (iv) or (v).

18 Register of Written-off Vehicles

- (1) The Registrar must keep a Register of Written-off Vehicles.
- (2) The Register may be kept in any form, including an electronic form.
- (3) The Register is to contain the information specified in regulation 17(1)(a) obtained from a notice of destruction referred to in section 19A of the Act in respect of a vehicle (other than a trailer) where the date of manufacture shown on the certification plate is not earlier than 15 years before the date on which the notice is delivered to the Registrar.
- (4) On payment of the fee (if any) prescribed in the *Motor Vehicles (Fees and Charges) Regulations*, a person is to be provided with the information contained in the Register in respect of a vehicle.

19 Parameters for compensation contributions

- (1) This regulation sets out the parameters for section 47A of the Act.
- (2) The Commissioner must ensure an amount specified under section 47 of the Act would, in the Commissioner's opinion:
 - (a) result in the total amount of compensation contributions payable under that section for each financial year being not less than the sum of the following:
 - (i) the total amount of benefits payable under the *Motor Accidents (Compensation) Act* for that year;
 - (ii) the operational costs for administering the compensation scheme under that Act for that year; and
 - (b) achieve a solvency ratio for the scheme for a financial year that is between 15% and 20% towards the end of a 10 year period starting from the date of the notice for the specified amount under section 47 of the Act.

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- (3) Subject to subregulation (2), the Commissioner must ensure an amount specified under section 47 of the Act does not increase by more than 10% for each of the 3 years following the date on which it is first specified after the commencement of this regulation.
 - (4) For subregulation (2)(b), the solvency ratio for the scheme for a financial year must be worked out as follows:
 - (a) reduce the total amount of the provision for outstanding claims under the scheme as at the end of that year by the total amount for those claims that is assessed to be recoverable from reinsurance;
 - (b) divide the total amount of the net value of the assets for the scheme as at the end of that year by the amount worked out under paragraph (a);
 - (c) express the result as a percentage.
 - (5) For subregulation (4)(b), the total amount of assets for the scheme as at a particular time must be worked out as follows:
 - (a) only assets held by, and subject to the control of, the Office for the scheme at that time are taken into account;
 - (b) the net value of the assets is the value of the assets as at that time reduced by the total liabilities for the scheme at that time;
 - (c) the value of the assets must, as far as possible, be worked out in accordance with the Australian Accounting Standards as in force from time to time;
 - (d) assets (whether tangible or not) and liabilities of the Office for its financial and insurance operations must not be taken into account.
 - (6) In this regulation:

Australian Accounting Standards means the accounting standards made or formulated by the Australian Accounting Standards Board under section 227 of the *Australian Securities and Investments Commission Act 2001* (Cth).

20 Determining compensation contributions

- (1) For section 47B(2)(a) of the Act, the material that the Office must have regard to is the most recent report prepared for this regulation by an actuary.

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- (2) For section 47B(2)(a) of the Act, the Office must have regard to the following matters:
- (a) the parameters in regulation 19;
 - (b) the average rate of affordability;
 - (c) contributions proposed to be made by the Territory to the scheme (whether in the form of grants or otherwise).
- (3) For section 47B(3) of the Act, the Commissioner must have regard to the material referred to in subregulation (1) and the matters referred to in subregulation (2).
- (4) For this regulation, the Office may require an actuary to prepare a report on the appropriate level of compensation contributions referred to in section 47 of the Act.
- (5) In this regulation:
- average rate of affordability** means 55% of the average weekly adult ordinary time earnings for the Territory published by the Australian Bureau of Statistics for the most recent November quarter.

ENDNOTES
1 KEY

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = Gazette	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2 LIST OF LEGISLATION***Motor Vehicles Regulations (SL No. 11, 1977)***

Notified	29 July 1977
Commenced	12 August 1977 (r 3, s 3 <i>Motor Vehicles Ordinance 1972 (Act No. 76, 1972)</i> and <i>Gaz No. 32, 12 August 1977, p 1241</i>)

Amendments of the Motor Vehicle Regulations (SL No. 17, 1980)

Notified	9 May 1980
Commenced	9 May 1980

Amendments of the Motor Vehicles Regulations (SL No. 31, 1981)

Notified	20 November 1981
Commenced	1 December 1981 (r 1)

Amendments of the Motor Vehicles Regulations (SL No. 37, 1984)

Notified	15 June 1984
Commenced	29 June 1984 (r 1)

Amendments of the Motor Vehicles Regulations (SL No. 8, 1986)

Notified	7 April 1986
Commenced	r 4: 6 May 1986; rem: 7 April 1986 (r 1, s 2 <i>Motor Vehicles Amendment Act 1985 (Act No. 38, 1985)</i> and <i>Gaz G16, 23 April 1986, p 11</i>)

Amendments of the Motor Vehicles Regulations (SL No. 48, 1986)

Notified	28 November 1986
Commenced	1 December 1986 (r 1)

Amendments of Motor Vehicles Regulations (SL No. 27, 1990)

Notified	1 August 1990
Commenced	1 August 1990

Amendments of Motor Vehicles Regulations (SL No. 61, 1992)

Notified 11 November 1992
 Commenced 11 November 1992

Amendments of Motor Vehicles Regulations (SL No. 22, 1997)

Notified 1 July 1997
 Commenced 1 July 1997

Amendments of Motor Vehicles Regulations (SL No. 54, 2000)

Notified 15 November 2000
 Commenced 15 November 2000

Amendment of Motor Vehicles Regulations (SL No. 47, 2001)

Notified 6 December 2001
 Commenced 6 December 2001

Statute Law Revision Act (No. 2) 2001 (Act No. 62, 2001)

Assent date 11 December 2001
 Commenced 11 December 2001 (s 2(1) and (4), s 2 *Corporations Reform (Consequential Amendments NT) Act 2001* (Act No. 17, 2001), s 2 *Corporations Act 2001* (Cth Act No. 50, 2001) and Cth Gaz S285, 13 July 2001)

Amendments of Motor Vehicles Regulations (SL No. 39, 2002)

Notified 9 October 2002
 Commenced 9 October 2002

Commercial Passenger (Road) Transport (Consequential Amendments) Act (Act No. 41, 2003)

Assent date 7 July 2003
 Commenced 1 August 2003 (Gaz G30, 30 July 2003, p 2)

Commercial Passenger Vehicles Legislation Amendment Act 2006 (Act No. 3, 2006)

Assent date 8 March 2006
 Commenced 8 March 2006

Motor Vehicles Amendment (Compensation Contributions) Regulations 2006 (SL No. 31, 2006)

Notified 18 October 2006
 Commenced 18 October 2006 (r 2, s 2 *Motor Vehicles Amendment Act 2006* (Act No. 14, 2006) and Gaz G42, 18 October 2006, p 2)

Transport Legislation (Road Safety) Amendment Act 2007 (Act No. 10, 2007)

Assent date 21 June 2007
 Commenced 1 July 2007 (Gaz S16, 27 June 2007)

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SAVINGS AND TRANSITIONAL PROVISIONS

r 4 *Amendments of the Motor Vehicles Regulations* (SL No. 37, 1984)
 r 6 *Amendments of Motor Vehicles Regulations* (SL No. 22, 1997)

4 LIST OF AMENDMENTS

r 4	amd No. 27, 1990, r 1 rep Act No. 62, 2001, s 17
r 4A	ins No. 37, 1984, r 2 amd No. 8, 1986, r 2; No. 48, 1986, r 2; No. 27, 1990, r 2; No. 22, 1997, r 2; No. 54, 2000, r 2; No. 39, 2002, r 1
r 4AA	ins No. 8, 1986, r 3 amd No. 48, 1986, r 3; No. 27, 1990, r 3; No. 61, 1992, r 3 sub No. 22, 1997, r 3 amd No. 54, 2000, r 3; Act No. 41, 2003, s 6; Act No. 10, 2007, s 26
rr 4AB – 4AC	ins No. 8, 1986, r 3 rep No. 27, 1990, r 4
r 4AD	ins No. 8, 1986, r 3 amd No. 48, 1986, r 4 rep No. 27, 1990, r 4
r 5	sub No. 27, 1990, r 4 amd No. 61, 1992, r 4 rep Act No. 10, 2007, s 27
rr 6 – 7	ins No. 27, 1990, r 4
r 8	ins No. 27, 1990, r 4 amd No. 61, 1992, r 6 sub No. 22, 1997, r 4 amd Act No. 10, 2007, s 28
r 9	ins No. 27, 1990, r 4 amd No. 22, 1997, r 5
r 9A	ins No. 61, 1992, r 5 amd Act No. 3, 2006, s 20
rr 10 – 13	ins No. 27, 1990, r 4
r 14	ins No. 27, 1990, r 4 sub No. 61, 1992, r 7
r 14A	ins No. 61, 1992, r 8
r 15	ins No. 27, 1990, r 4 amd No. 54, 2000, r 4
r 16	ins No. 47, 2001
rr 17 – 18	ins No. 39, 2002, r 2
rr 19 – 20	ins No. 31, 2006, r 4
sch	amd No. 17, 1980, r 1; No. 31, 1981, r 2; No. 37, 1984, r 3; No. 8, 1986, r 4; No. 48, 1986, r 5; No. 27, 1990, r 5; No. 54, 2000, r 5 rep Act No. 62, 2001, s 17