

# NORTHERN TERRITORY OF AUSTRALIA

## TRAFFIC REGULATIONS

As in force at 1 July 2007

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# NORTHERN TERRITORY OF AUSTRALIA

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As in force at 1 July 2007

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## TRAFFIC REGULATIONS

### Regulations under the *Traffic Act*

#### Part 1 Preliminary

##### 1 Citation

These Regulations may be cited as the *Traffic Regulations*.

##### 2 Commencement

These Regulations come into operation on 1 December 1999.

##### 3 Interpretation

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

***Australian Standard*** means a standard approved for publication on behalf of Standards Australia International Limited (A.C.N. 087 326 690) or the Standards Association of Australia as constituted before 1 July 1999.

***bus*** means a motor omnibus within the meaning of the *Commercial Passenger (Road) Transport Act*.

***clearway*** means a length of road to which a clearway sign referred to in rule 176 applies.

***emergency vehicle*** means a motor vehicle that is:

- (a) the property of the Territory and in the control of the Police Force of the Northern Territory;
- (b) the property of the Territory and in the control of the Northern Territory Fire and Rescue Service, within the meaning of the *Fire and Emergency Act*;

- (c) the property of the Territory and in the control of a member, within the meaning of the *Disasters Act*, of the Northern Territory Emergency Service and being used for the purposes of that Act;
- (ca) an ambulance;
- (d) the property of, or being used for the purposes of, the Australian Protective Service established under the *Australian Protective Service Act 1987* of the Commonwealth, and in the control of the Australian Protective Service; or
- (e) authorized as an emergency vehicle under subregulation (4).

**goods** includes animals.

**heavy vehicle** means a vehicle with a GVM greater than 4.5 t.

**public place** means a place (other than a road) open to or used by the public or to which the public is permitted to have access whether on payment of a fee or otherwise, but does not include a track in an enclosed area used for motor vehicle or bicycle racing or speed trials.

**these Regulations** include the *Australian Road Rules* contained in Schedule 3.

- (2) Unless the contrary intention appears, if a word or expression that is used in a regulation is defined for the purposes of the *Australian Road Rules*, the word or expression has the same meaning in the regulation as it has in the *Australian Road Rules*.
- (3) Unless the contrary intention appears, a reference in a regulation to a rule and a number is a reference to the rule of that number in the *Australian Road Rules*.
- (4) The Registrar may in writing authorise a person, or a member of a class of persons, to use a vehicle or a type of vehicle as an emergency vehicle.
- (5) An authorisation under subregulation (4) may be issued on the conditions, if any, that the Registrar thinks fit and specifies in the authorisation.

## **Part 2 Traffic rules that apply in Territory**

### **Division 1 Safety of persons in vehicles**

#### **4 Approved child restraints**

A device for restraining a child under the age of 12 months is an approved child restraint if it:

- (a) complies with Australian Standard AS/NZS 1754:2000 Child Restraint Systems for Use in Motor Vehicles; or
- (b) is of a type approved by the Registrar.

#### **5 Child must be restrained**

A person must not drive a vehicle with a child under the age of 12 months in the vehicle unless the child is restrained in an approved child restraint.

#### **6 Seat belts**

- (1) A seat belt is taken to be a suitable restraint for a child over the age of 12 months.
- (2) A person must not drive a vehicle with a child over the age of 12 months and under the age of 16 years in the vehicle unless the child is restrained by a seat belt.
- (3) A person over the age of 16 years must not travel in a vehicle unless the person is restrained by a seat belt.
- (4) Subregulations (2) and (3) apply only if a seat belt is fitted to the vehicle and the seat belt is not being used to restrain another person.

#### **7 Riding in load space**

- (1) Subject to this regulation:
  - (a) a driver must not drive a vehicle with a person; or
  - (b) a person must not travel in or on a vehicle,  
in a space of the vehicle designed primarily to carry goods unless:
    - (c) the space is enclosed;
    - (d) all seats in the vehicle are occupied;

- (e) all doors, hatches or other means of entering the space are securely closed; and
  - (f) all goods carried in the space are securely stored to prevent a person in the space being injured by the goods in the event of an accident or emergency.
- (2) If a member of the Police Force apprehends a person contravening subregulation (1), the member may permit the person to continue in contravention of that subregulation and a person to whom permission is given under this subregulation is exempted from complying with subregulation (1) while driving or travelling in or on the vehicle in accordance with the conditions, if any, of the permission.
- (3) Subregulation (1) does not apply in relation to a person or vehicle, or a class of persons or vehicles, exempted by the Registrar.
- (4) In this regulation:

**enclosed**, in relation to a space, means enclosed at the time of manufacture of the vehicle.

## **8 Helmets for persons on motor cycles**

- (1) A helmet for a person driving or riding on a motor cycle is of an approved type if it:
- (a) complies with Australian Standard AS1698-1988 "Protective Helmets for Vehicle Users"; or
  - (b) is of a type approved by the Registrar.
- (2) The Registrar may, in writing, exempt a child from the requirement to wear an approved helmet when riding in a sidecar attached to a motor cycle if the Registrar is satisfied that there is not an approved helmet suitable for use by the child.
- (3) An exemption under subregulation (2) is subject to any conditions specified in the exemption relating to:
- (a) the use of a helmet of a specified type and standard; or
  - (b) the use of specified protective devices, including seat belts or other restraints.
- (4) A person must not drive a motor cycle with a child who is the subject of an exemption under subregulation (2) in a sidecar attached to the motor cycle unless the conditions referred to in subregulation (3) are complied with.

## **Division 2 Persons to provide details**

### **9 Persons to produce licence, give particulars**

- (1) If an authorised person believes a driver has committed an offence against the Act or these Regulations, the authorised person may require the driver to:
  - (a) produce his or her licence to drive the vehicle; and
  - (b) provide his or her personal particulars.
- (2) If an authorised person believes a driver has committed an offence against the Act or these Regulations, the authorised person may require a person to provide:
  - (a) his or her personal particulars; and
  - (b) any information within the person's power that may identify the driver of the vehicle or assist in investigating the alleged offence.
- (3) If an authorised person believes a vehicle has been used in the commission of an offence against the Act or these Regulations, the authorised person may require the owner of the vehicle to provide any information within the owner's power that may identify the driver of the vehicle or assist in investigating the alleged offence.
- (4) A driver who is required to produce his or her licence or provide his or her personal particulars must comply with the requirement and must not give false or misleading information.
- (5) A person who is required to provide his or her personal particulars or information under subregulation (2) must comply with the requirement and must not give false or misleading information.
- (6) The owner of a vehicle who is required to provide information under subregulation (3) must comply with the requirement and must not give false or misleading information.
- (7) A driver of a vehicle that has a GVM less than 15 t who:
  - (a) is a resident of the Territory; and
  - (b) is not a learner or provisional driver within the meaning of regulation 27,

complies with a requirement under subregulation (1) to produce his or her licence if the driver produces the licence at a police station nominated by the authorised person within 2 days of the requirement being made.

(8) In this regulation:

**authorised person** means a member of the Police Force, an inspector, an officer or any other person who by or under an Act is authorised to require a person to produce a driver's licence or give his or her personal particulars.

**driver** includes a person who an authorised person reasonably believes may be the driver of a vehicle.

**personal particulars**, of a person, means the person's name and address, whether the person is the holder of a licence and, if so, whether the licence is provisional or a permit licence and includes providing a sample of the person's signature.

## 10 Driver to produce registration certificate

- (1) A driver of a motor vehicle must, when required to do so by a member of the Police Force or an inspector, produce for inspection by the member or inspector the certificate of registration issued under the *Motor Vehicles Act* (or a corresponding Act of another jurisdiction) for the vehicle he or she is driving.
- (2) A driver complies with subregulation (1) if the person produces the certificate at a police station or place nominated by the member or inspector within 5 days of the requirement being made.

## Division 3 Learners and provisional drivers

### 11 Definitions

In this Division, unless the contrary intention appears:

**L-plate** means a sign with sides not less than 150 mm in length bearing a black letter "L" clearly marked on a yellow background.

**learner** means a driver who is the holder of a permit licence granted under section 9 of the *Motor Vehicles Act* that permits the person to drive the vehicle.

**licence holder** means a person who is over 18 years of age and is the holder of a licence (not being a permit licence under section 9, or a licence that is provisional under section 10A, of the *Motor Vehicles Act*) to drive the type of vehicle.

**P-plate** means a sign with sides not less than 150 mm in length bearing a red letter "P" clearly marked on a white background.

**provisional driver** means a person who is the holder of a licence that under section 10A of the *Motor Vehicles Act* is provisional but does not include:

- (a) a member of the Police Force;
- (b) an ambulance officer;
- (c) a member, within the meaning of the *Fire and Emergency Act*, of the Northern Territory Fire and Rescue Service;
- (d) a member, within the meaning of the *Disasters Act*, of the Northern Territory Emergency Service; or
- (e) a protective service officer, within the meaning of the *Australian Protective Service Act 1987* of the Commonwealth,

when driving a vehicle in the course of the person's duties.

## 12 Learners driving motor vehicles

- (1) In this regulation, **vehicle** does not include a motor cycle.
- (2) A licence holder must not travel in a vehicle that is driven by a learner unless the licence holder, or another licence holder, is occupying a front seat of the vehicle.
- (3) A licence holder who is occupying a front seat of a vehicle must not permit the vehicle to be driven by a learner unless there are L-plates displayed conspicuously so as to be clearly visible from both the front and the rear of the vehicle.
- (4) A learner must not drive a vehicle unless there are L-plates displayed conspicuously so as to be clearly visible from both the front and the rear of the vehicle.
- (5) A person must not occupy a front seat of a vehicle being driven by a learner unless the person is:
  - (a) a licence holder; or
  - (b) an approved person who is testing the learner's capability to drive the vehicle with safety to the public.
- (6) A learner must not drive a vehicle unless another person is occupying a front seat of the vehicle and the person is:
  - (a) a licence holder; or

- (b) an approved person who is testing the learner's capability to drive the vehicle with safety to the public.
- (7) A learner must not drive a vehicle at a speed greater than 80 km/h unless permitted to do so by, and while under the direct supervision of, a person conducting a driving course approved by the Registrar.
- (8) A licence holder who is occupying a front seat of a vehicle must not permit a learner to drive the vehicle at a speed greater than 80 km/h unless the licence holder is conducting a driving course approved by the Registrar.
- (9) A learner must not drive a vehicle unless the vehicle is of a class that the learner is permitted by the permit licence to drive.
- (10) A licence holder who is occupying a front seat of a vehicle that is being driven by a learner is liable for an offence that is committed by the driver as if the licence holder was the driver of the vehicle.

### **13 Learners riding motor cycles**

- (1) A learner must not drive a motor cycle unless it is of a class that the learner is permitted by the permit licence to drive.
- (2) A learner must not drive a motor cycle unless there is an L-plate displayed conspicuously so as to be clearly visible from the rear of the motor cycle.
- (3) A learner must not drive a motor cycle at a speed greater than 80 km/h unless permitted to do so by, and while under the direct supervision of, a person conducting a driving course approved by the Registrar.

### **14 Provisional drivers driving motor vehicles**

- (1) In this regulation, **vehicle** does not include a motor cycle.
- (2) A provisional driver must not drive a vehicle unless there are P-plates displayed conspicuously so as to be clearly visible from both the front and the rear of the vehicle.
- (3) A provisional driver must not drive a vehicle at a speed greater than 100 km/h unless permitted to do so by, and while under the direct supervision of, a person conducting a driving course approved by the Registrar.

## **15 Provisional drivers riding motor cycles**

- (1) A provisional driver must not drive a motor cycle unless there is a P-plate displayed conspicuously so as to be clearly visible from the rear of the motor cycle.
- (2) A provisional driver must not drive a motor cycle at a speed greater than 100 km/h unless permitted to do so by, and while under the direct supervision of, a person conducting a driving course approved by the Registrar.
- (3) A person who has not held a licence to drive a motor cycle for a continuous period of 12 months must not drive a motor cycle with a person seated on a pillion seat.

## **Division 4 Warning and signalling devices**

### **16 Flashing warning lights**

- (1) Subject to subregulation (2) and rules 221 and 222, a person must not, on a road, drive or stop a vehicle on which is mounted a lamp displaying intermittent flashes.
- (2) Subregulation (1) does not apply to:
  - (a) an emergency vehicle on which is mounted a lamp displaying intermittent red or blue or red and blue flashes;
  - (b) a vehicle used in the enforcement of the load or dimensional requirements of the *Motor Vehicles Act* on which is mounted a lamp displaying intermittent magenta flashes; or
  - (c) a vehicle on which is mounted a lamp displaying intermittent yellow flashes if the vehicle is:
    - (i) a tow truck at the scene of an accident or engaged in attaching or manoeuvring to attach towing apparatus to a disabled vehicle;
    - (ii) a vehicle in respect of which an exemption under section 59 of the *Motor Vehicles Act* is in force;
    - (iii) a vehicle escorting a vehicle referred to in subparagraph (ii);
    - (iv) a vehicle engaged at a site of work comprising:
      - (A) road construction or road maintenance;

- (B) cleaning or litter collection on a road, footpath or reservation;
  - (C) erection or maintenance of traffic control devices;
  - (D) installation or maintenance of public utilities; or
  - (E) the care and maintenance of trees, plants or grass on or beside a road or public place;
- (v) a vehicle used in the enforcement of the load or dimensional requirements of the *Motor Vehicles Act*;
  - (vi) a vehicle taking part in a procession or parade for which a permit under these Regulations has been granted; or
  - (vii) a vehicle approved by the Registrar while being used in the manner and for the purpose approved by the Registrar.

#### **16A Prescribed lights for emergency vehicles**

For the purposes of the definition of ***emergency vehicle*** in section 3(1) of the Act, the prescribed lights are intermittent red or blue, or intermittent red and blue, flashing lights.

### **Division 5 Duties of driver**

#### **17 Driving unsafe motor vehicle**

A person must not drive a motor vehicle:

- (a) unless the vehicle is fitted with all the equipment that is required by or under the *Motor Vehicles Act* and the equipment is in serviceable condition; or
- (b) if the vehicle (together with any equipment fitted, or any trailer attached, to the vehicle) is unsafe to drive.

#### **18 Careless walking or riding**

- (1) A person must not walk, or drive a vehicle, on a road or public place without due care or attention or without reasonable consideration for other persons using the road or public place.
- (2) A person must not drive a vehicle in a disorderly manner on a road or public place.

## **19 Duties of driver after crash**

- (1) If a crash results in injury or damage to a person or property, the driver of a vehicle involved in the crash must:
  - (a) stop for a sufficient time to allow any necessary enquiries to be made by or on behalf of the person injured or whose property has been damaged; and
  - (b) render assistance that he or she can at the scene of the crash.
- (2) In addition to subregulation (1), the driver must report the crash and provide his or her name and address to a member of the Police Force at the nearest practicable police station as soon as practicable after the crash, but in any event not later than 24 hours after the crash.
- (3) Subregulation (2) does not apply if a member of the Police Force has taken the particulars of the driver's name and address at the scene of the crash.
- (4) In this regulation:

***animal*** means a horse, cattle, buffalo, camel, sheep, pig or dog.

***property*** includes a vehicle or an animal.

## **Division 6 Animals**

### **20 Leading animals**

A driver of an animal drawn vehicle must not:

- (a) ride on the vehicle unless the animal is guided by proper reins;
- (b) be so far from, or so situated in relation to, the vehicle when it is in motion that the person cannot properly guide or control the animal;
- (c) leave the vehicle unattended unless one of the wheels is prevented from turning by a securely fastened chain or strap;  
or
- (d) ride on the shafts of the vehicle.

### **21 Animals on clearways**

A person must not:

- (a) drive an animal drawn vehicle; or

(b) ride, lead or be in control of an animal,

on a clearway during the hours when stopping in the clearway is prohibited.

## **22 Animals on roads**

A person must not cause or permit animals to:

(a) assemble;

(b) stand; or

(c) be drafted,

so as to obstruct vehicles or pedestrians on a road.

## **23 Transporting of animals**

A person must not drive or tow a vehicle designed or constructed to carry animals in 2 decks, one above the other, with animals in the upper deck unless:

(a) the lower deck; and

(b) the upper deck or, where that deck is divided into pens, each pen on that deck into which an animal is loaded,

is fully loaded with animals.

## **Division 7 Loads on vehicles**

### **24 Securing of load – general**

(1) A person must not drive, or permit a person to drive, a vehicle carrying a load unless the load is arranged, contained, fastened or covered:

(a) in a manner that complies with the performance standards and principles in the Load Restraint Guide applicable to the load;  
or

(b) in a manner of equal or greater effectiveness in securing the load than that mentioned in paragraph (a).

Maximum penalty: 20 penalty units.

(2) A person must not drive, or permit a person to drive, a vehicle carrying a load that flaps, sways, extends or overhangs the sides or the front or back of the vehicle unless the load is carried in

accordance with a law in force in the Territory prescribing the manner for carrying the load.

Maximum penalty: 20 penalty units.

(3) In this regulation:

**Load Restraint Guide** means the Load Restraint Guide, second edition 2004, published by the National Transport Commission.

#### **24A Securing of loose bulk load**

(1) A person must not drive, or permit a person to drive, a vehicle with a GVM greater than 12 tonnes that is carrying a loose bulk load unless the load is covered by a load cover that is suitable for securing the load.

Maximum penalty: 20 penalty units.

(2) However, the Director may, in writing, exempt a vehicle, or class of vehicles, from the application of subregulation (1).

*Example of a class of vehicles for subregulation (2)*

*All vehicles working on a particular major project.*

(3) In this regulation:

**GVM**, of a rigid vehicle, does not include a trailer being towed by the vehicle.

**load cover** means a cover made from closed or open weaved material, and includes a tarpaulin.

**loose bulk load** means a load consisting primarily of:

- (a) sand; or
- (b) soil; or
- (c) other material that is likely to be dislodged by the action of rough roads or airflow across the vehicle.

**rigid**, see the *Motor Vehicles Act*.

## **25 Enforcement**

- (1) If a member of the Police Force, an officer or an officer of a competent authority has reason to believe that a vehicle is being driven in contravention of regulation 23, 24 or 24A, the member or officer may direct the driver to do one or more of the following:
  - (a) to stop the vehicle;
  - (b) to remove or adjust the load being carried on the vehicle or cause it to be removed or adjusted;
  - (c) to secure the load being carried on the vehicle or cause it to be secured;
  - (d) not to drive the vehicle until the load is secured to the satisfaction of the member or officer;
  - (e) to take the vehicle to a place specified by the member or officer and to remain at the place until the load is secured or adjusted to the satisfaction of the member or officer.
- (2) A person given a direction under subregulation (1) must comply with the direction.

## **Division 8 Other road rules**

### **26 Offence in relation to registration label or plate**

- (1) A person must not drive a vehicle or permit a vehicle to be driven that is required to be registered under the *Motor Vehicles Act*:
  - (a) if it does not have attached or affixed to it a registration label or number plate as required under that Act; or
  - (b) if it carries a label or plate otherwise than in compliance with that Act.
- (2) A person must not drive a vehicle or permit a vehicle to be driven that has attached or affixed to it a registration label or number plate that:
  - (a) has been altered or defaced or on which any writing, mark or colour is not clearly legible or visible;
  - (b) was issued in respect of another vehicle or in respect of a registration period that has expired; or
  - (c) contains an incorrect particular.

- (3) A person must not:
- (a) unlawfully print, manufacture or be in possession of a label or plate that resembles a registration label or number plate and that is calculated or likely to deceive;
  - (b) alter or deface a registration label or number plate other than as required or permitted by another law of the Territory; or
  - (c) buy or sell a label or plate that resembles a registration label or number plate and that is calculated or likely to deceive.

## **27 Interfering with traffic infringement detection device**

- (1) A person must not unlawfully tamper with, interfere with or cause damage to a traffic infringement detection device.
- (2) A person must not unlawfully interfere with the operation of a traffic infringement detection device.
- (3) A person must not drive a vehicle that has in it or on it a device for preventing the effective operation of a traffic infringement detection device.
- (4) A person must not drive a vehicle that has in it or on it a device for detecting whether a traffic infringement detection device is in operation in the vicinity of the vehicle.
- (5) A person commits an offence against subregulation (3) or (4) whether or not the device in or on the vehicle is in use.
- (6) If a member of the Police Force believes on reasonable grounds that a person has, or a vehicle is fitted with, a device that is intended to be used in contravention of this regulation, the member may seize the device for the purposes of tendering it in evidence in a prosecution of the person.
- (7) If a person is found guilty of an offence against this regulation, the court may order a device seized under subregulation (6), or a device used in the commission of the offence, to be forfeited to the Territory.

## **28 Taxis not to stop on clearways**

A person must not stop a taxi on a clearway to pick up or drop off passengers during the hours that stopping is prohibited on the clearway.

**29 Permit to use special zones**

A competent authority may grant a permit to allow a vehicle to stop, or a person to stop a vehicle, in a zone or zones that would otherwise be a prohibited zone or zones for the vehicle to stop.

**30 Parking permit for people with disabilities**

A parking permit for people with disabilities includes a sign affixed to a vehicle displaying a symbolic representation of a person seated in a wheelchair, or a disabled person's permit, issued by a competent authority or a person or body authorised (whether in the Territory or another jurisdiction) to issue the sign or permit.

**31 Destructive substances on road**

- (1) A person who removes a damaged vehicle from a road must remove or cause to be removed, as soon as practicable, any destructive or injurious substance or thing that has fallen or has been unloaded from the vehicle onto the road.
- (2) If a person fails to comply with subregulation (1) or rule 293, a member of the Police Force or an officer of the competent authority may remove or cause to be removed the destructive or injurious substance or thing or load.
- (3) The cost of removing the substance, thing or load is a debt due and payable by the person:
  - (a) to the Territory – when removed by a member of the Police Force; or
  - (b) to the competent authority – when removed by an officer of the competent authority.

**32 Use of air cushioned vehicle**

A person must not drive an aircushioned vehicle or hovercraft on a road or public place without the written approval of the competent authority.

**33 Driving on certain beaches prohibited**

- (1) A person must not drive a motor vehicle on a prescribed beach below high water mark except:
  - (a) on a ramp or jetty;
  - (b) for the purpose of launching a boat or taking a boat out of the water; or

- (c) with the written approval of the competent authority in respect of the beach.
- (2) For the purposes of subregulation (1), all beaches between Emery Point and Buffalo Creek are prescribed beaches.

### **34 Obstructing traffic**

- (1) A person must not enter or remain on a road for the purpose of:
  - (a) soliciting contributions, employment, business or a ride from an occupant of a vehicle;
  - (b) displaying an advertisement; or
  - (c) offering goods or services for sale.
- (2) A person must not purchase or offer to purchase an article or a service from a person standing on a road.
- (3) In this regulation, **road** includes a road-related area but does not include a footpath.

### **35 Certain vehicles not to display turn sign**

A person must not drive a:

- (a) vehicle; or
- (b) a vehicle to which a trailer is attached,

that bears a sign referred to in rule 143 displaying the words "do not overtake turning vehicle" or a sign containing words having a similar effect, if the length of the vehicle, or the combined length of the vehicle and trailer, does not exceed 7.5 m.

### **36 Give way to buses sign**

- (1) A person must not affix a "give way to buses" sign as referred to in rule 77, or a sign containing words or symbols having a similar effect, to a vehicle unless:
  - (a) the sign is approved by the Registrar or is in the form depicted in Schedule 4 to the *Australian Road Rules*; and
  - (b) the vehicle is one that is specified by the Registrar as approved to have the sign affixed.
- (2) A person must not drive a vehicle that has a "give way to buses" sign, or a sign to similar effect, affixed unless the sign is affixed to the vehicle in accordance with the Registrar's approval.

## **Division 9 Permits required for certain events on roads**

### **37 Speed trials and races**

(1) A person must not organise or promote an event on a road or public place unless:

- (a) the event is an authorised event or exempt event; or
- (b) bicycles are the only vehicles to take part in the event.

Penalty: 10 penalty units.

(1A) A person must not take part in an event on a road or public place unless the event is an authorised event or exempt event.

Penalty: 5 penalty units.

(1B) A person must not attend as a spectator at an event on a road or public place unless the event is an authorised event or exempt event.

Penalty: 1 penalty unit.

(2) An application for a permit is to be made to the Director.

(3) The person who applies for a permit under subregulation (2) must:

- (a) give public notice of the application, by the means that the Director requires, not less than 7 days before the date of the event; and
- (b) obtain the consent in writing of:
  - (i) the competent authority in respect of the road on which the event is to be held; and
  - (ii) the Commissioner.

(4) The Director may grant a permit on being satisfied that:

- (a) subregulation (3) has been complied with; and
- (b) persons on or in the vicinity of the road on which the event is to be held will not be endangered or unduly inconvenienced by the event.

(5) If the Director grants a permit, the Director may:

- (a) impose conditions relating to the holding of the event that the Director thinks fit; and

- (b) exempt a person taking part in the event from the requirements of these Regulations that are specified in the permit.
- (6) The person granted a permit must:
- (a) attend the event in respect of which the permit is granted; and
  - (b) on demand by a member of the Police Force:
    - (i) produce the permit; and
    - (ii) provide the member with the person's name and address.
- (7) A person taking part in an event for which a permit has been granted does not commit an offence against these Regulations while taking part in the event in accordance with the conditions or exemptions, if any, imposed or given under subregulation (5).
- (8) A person must comply with the conditions of a permit.
- (9) In this regulation:

**authorised event** means an event:

- (a) to which section 43A of the Act applies; or
- (b) for which a permit has been granted under this regulation.

**event** means:

- (a) a speed trial or race between vehicles; or
- (b) a bicycle trial.

**exempt event** means any of the following events:

- (a) the World Solar Challenge;
- (b) the Finke Desert Race;
- (c) the Australian Safari;
- (d) the London to Sydney marathon.

**road** includes a road-related area.

***speed trial*** means:

- (a) any attempt to establish or break a vehicle speed record of any description;
- (b) any trial of any description of the speed of a vehicle; or
- (c) any competitive trial of any description designed to test the skill of any driver or the reliability or mechanical condition of any vehicle.

**37A Burn outs**

- (1) A person must not drive a motor vehicle on a road or public place in a way that causes the tyres or a substance poured onto the surface of the road or place, or both the tyres and surface, to smoke when the drive wheels lose traction with the surface.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply if the person is driving the vehicle in accordance with the order or permit for an authorised event within the meaning of regulation 37.

**37B Damaging surface of road or public place**

- (1) A person must not drive a motor vehicle in a way that damages the surface of a road or public place.

Penalty: 5 penalty units.

- (2) Without limiting subregulation (1), a person commits an offence against the subregulation if the person drives a vehicle in a way that causes ruts to form in the surface of a road or public place.

**38 Parades and processions**

- (1) A person must not take part in a parade, procession (other than a funeral procession) or other event (not being an event in respect of which a permit under regulation 37 is required) that may disrupt traffic on a road unless a permit has been granted under this regulation in respect of the parade, procession or event.
- (2) An application for a permit to hold a parade, procession or event of a kind referred to in subregulation (1) on a road is to be made to the competent authority.

- (3) The person who applies for a permit must:
  - (a) give public notice of the application, by the means that the competent authority requires, not less than 7 days before the date of the parade, procession or event; and
  - (b) obtain the consent in writing of the Commissioner.
- (4) The competent authority may grant a permit on being satisfied that:
  - (a) subregulation (3) has been complied with; and
  - (b) persons on or in the vicinity of the road on which the parade, procession or event is to be held will not be endangered or unduly inconvenienced by the parade, procession or event.
- (5) Where the competent authority grants a permit, the competent authority may:
  - (a) impose conditions relating to the holding of the parade, procession or event that the competent authority thinks fit; and
  - (b) exempt a person taking part in the parade, procession or event from the requirements of these Regulations (other than Division 1 of this Part or rules 264 to 271 (inclusive) that are specified in the permit.
- (6) The person granted a permit may apply to the Registrar for an exemption from Division 1 of this Part and from rules 264 to 271 (inclusive).
- (7) The Registrar may, in writing, grant an exemption that he or she thinks fit and may impose conditions on the exemption that he or she thinks fit.
- (8) The person granted a permit must:
  - (a) attend the parade, procession or event for which the permit is granted; and
  - (b) on demand by a member of the Police Force:
    - (i) produce the permit;
    - (ii) produce the exemption (if an exemption has been granted); and
    - (iii) provide the member with the person's name and address.

- (9) A person taking part in a parade, procession or event for which a permit has been granted does not commit an offence against these Regulations while taking part in the parade, procession or event in accordance with the conditions or exemptions, if any, imposed or given under subregulation (5) or an exemption granted under subregulation (7).
- (10) A person must comply with the conditions of a permit and of an exemption (if an exemption has been granted).

## **Part 3            Infringement notice schemes**

### **Division 1        Preliminary**

#### **39                Interpretation**

- (1) In this Part:

**appropriate place** means a place specified in an infringement notice:

- (a) for paying a penalty; or
- (b) for lodging a statutory declaration,

as the context requires.

**infringement notice** means a parking infringement notice or traffic infringement notice.

**new owner** has the same meaning as in section 5(1) of the *Motor Vehicles Act*.

**notice of disposal** has the same meaning as in section 20 of the *Motor Vehicles Act*.

**offence** means:

- (a) a parking infringement; or
- (b) an offence or alleged offence against a law of the Territory that is one of a kind specified in a short form in column 1 of Schedule 1.

**offender** means:

- (a) a person who an officer or a member of the Police Force reasonably believes has committed an offence; or

- (b) if an offence is detected by a traffic infringement detection device – the owner of the vehicle allegedly used to commit the offence.

**owner**, of a vehicle, includes:

- (a) the person shown as the registered owner or, if the vehicle registration has expired, the last registered owner under the *Motor Vehicles Act* (or corresponding law in another jurisdiction) or in a national register; and
- (b) if the vehicle has a trader's plate within the meaning of section 34 of the *Motor Vehicles Act* attached to it – the person licensed under that Act to use the plate.

**parking infringement** means a contravention of a provision of Part 12 of the *Australian Road Rules*.

**parking infringement notice** means a notice under Division 3.

**penalty** includes an amount payable in pursuance of a traffic infringement notice or parking infringement notice.

**place of business** means a place where the owner of a vehicle carries on business, including the business of government, and in the case of a corporation includes a registered address.

**place of residence**, in relation to a person, means the last known place of residence for the person.

**postal address**, in relation to a person, means the last known postal address for the person.

**traffic infringement notice** means a traffic infringement notice issued under Division 2.

- (2) For the purposes of the definition of **owner**, if more than one person is shown as the registered owner or last registered owner under paragraph (a) of the definition, the first person named is to be taken to be the registered owner or last registered owner as the case may be.

#### **40            Address for service of infringement notices**

A postal address, place of residence or place of business may be obtained from:

- (a) a licence – except for a place of business;

- (b) personal particulars given to an authorised person under regulation 9;
- (c) a register under the *Motor Vehicles Act* (or a corresponding register in another jurisdiction);
- (d) a national register; or
- (e) any other information obtained by or known to an authorised person for the purposes of Division 2 of Part 2 or a person serving an infringement notice.

## **Division 2            Traffic infringement scheme**

### **41            Service of traffic infringement notice**

- (1) If an officer or a member of the Police Force believes that an offence has been committed, the officer or member may serve or cause to be served a traffic infringement notice by:
  - (a) personally handing it to the offender;
  - (b) posting it to the offender at the offender's postal address, place of residence or place of business; or
  - (c) leaving it at the offender's place of residence or place of business with a person apparently resident or employed there and apparently over 16 years of age.
- (2) If the owner of a vehicle makes a statutory declaration in accordance with regulation 53 indicating that some other person was in control of the vehicle at the time the alleged offence occurred, an officer or a member of the Police Force may serve or cause to be served a traffic infringement notice on the person named in the statutory declaration by:
  - (a) personally handing it to the person;
  - (b) posting it to the person at the person's postal address or place of residence; or
  - (c) leaving it at the person's place of residence with a person apparently resident there and apparently over 16 years of age.

### **42            Particulars to be shown on traffic infringement notice**

A traffic infringement notice is to clearly show:

- (a) the date, time and place of the offence;

- (b) the nature of the offence or offences and the penalty or penalties payable;
- (c) the place or places where a penalty may be paid;
- (d) the date of the traffic infringement notice and a statement that the penalty or penalties may be paid within 28 days after that date;
- (e) a summary of the provisions relating to the withdrawal of a traffic infringement notice;
- (f) a statement to the effect that, if the amount of the penalty shown on the notice is paid at an appropriate place within the time specified in the notice, no further action will be taken unless the traffic infringement notice is withdrawn in accordance with regulation 43; and
- (g) any other particulars and instructions that the Commissioner may approve.

#### **43            Withdrawal of infringement notice**

- (1) A traffic infringement notice may be withdrawn, at any time within 28 days after the notice is served, by addressing to the offender a notice of withdrawal.
- (2) A notice of withdrawal is to state that the traffic infringement notice is withdrawn and that any money paid by way of penalty under the notice will be refunded.
- (3) A notice of withdrawal may be issued by:
  - (a) the member of the Police Force who served the traffic infringement notice;
  - (b) a member of the Police Force authorised for the purpose by the Commissioner; or
  - (c) an officer authorised for the purpose by the Director.
- (4) A notice of withdrawal may be served on the offender in any manner that an infringement notice may be served under regulation 41.

(5) If an infringement notice is withdrawn for the purpose of prosecuting the offender for the offence, the production of a certificate signed by the member of the Police Force or the officer who issued the notice of withdrawal stating that:

- (a) the member or officer is authorised to issue notices of withdrawal; and
- (b) on a specified date the member or officer issued a notice of withdrawal of a specified traffic infringement notice,

is evidence of the matters stated in the certificate.

#### **44            Penalty for offence**

The penalty to be paid for the purposes of this Division for an offence is the amount set out in column 2 of Schedule 1 in relation to the offence described in column 1 opposite the amount.

#### **45            Payment of penalty within specified period**

- (1) If the total penalty shown on a traffic infringement notice is paid at an appropriate place within the period specified in the notice, the offender has expiated the offence and no further proceedings can be taken in relation to the offence (unless the notice is withdrawn in accordance with regulation 43).
- (2) If a penalty under this Division is paid by cheque, the offence is not expiated unless the cheque is honoured on first presentation.

#### **46            General**

- (1) An act or omission may constitute an offence against more than one regulation and incur a penalty for each offence.
- (2) An act or omission may constitute more than one offence against a regulation and incur a penalty for each offence.
- (3) For the purposes of subregulations (1) and (2), if one offence necessarily involves the commission of an offence that is lower in a hierarchy of offences and the penalty for the higher offence takes into account the hierarchy, an offender is not additionally liable for the penalty that would be incurred by committing the offence lower in the hierarchy.
- (4) If more than one traffic infringement notice is issued in respect of one offence, the offender may expiate the offence by paying the penalty shown on any one of the infringement notices served in relation to the offence.

- (5) An offender may be prosecuted for an offence:
- (a) despite that no traffic infringement notice has been issued in relation to the offence; or
  - (b) if a traffic infringement notice has been issued but later withdrawn in accordance with regulation 43,

and nothing in this Division limits the amount of a fine or other penalty that may be imposed by a court in relation to the offence.

### **Division 3            Parking infringement scheme**

#### **47            Service of parking infringement notice**

- (1) If a member of the Police Force or an officer of a competent authority believes that a parking infringement has been committed in relation to a vehicle, the member or officer may serve or cause to be served a parking infringement notice:
- (a) personally on:
    - (i) the person who appears to have committed the parking infringement;
    - (ii) a person who is or appears to be the driver of the vehicle; or
    - (iii) the owner of the vehicle;
  - (b) by placing or affixing the notice on the vehicle in a conspicuous position;
  - (c) by posting the notice to the owner of the vehicle at the owner's postal address, place of residence or place of business; or
  - (d) by leaving the notice at the owner's place of residence or business with a person apparently resident or employed there and apparently over 16 years of age.
- (2) If an owner of a vehicle makes a statutory declaration in accordance with regulation 53, an officer or a member of the Police Force may serve or cause to be served a parking infringement notice on a person named in the statutory declaration by:
- (a) personally handing it to the person;
  - (b) posting it to the person at the person's postal address or place of residence; or

- (c) leaving it at the person's place of residence with a person apparently resident there and apparently over 16 years of age.

#### **48 Particulars to be shown on parking infringement notice**

A parking infringement notice is to clearly show:

- (a) the date, time and place of the alleged parking infringement;
- (b) the name and the address of the person on whom it is served unless the notice is served by placing or affixing on a vehicle, in which case it is sufficient if the notice is addressed to "the owner" of the vehicle without further description of the owner;
- (c) the nature of the parking infringement and the penalty payable;
- (d) a statement that if the penalty specified in the infringement notice is paid at an appropriate place within 14 days after the date of the notice no further action will be taken;
- (e) the place or places where the penalty may be paid; and
- (f) any other particulars that a competent authority considers necessary.

#### **49 Penalty**

Unless otherwise specified, the penalty for a parking infringement is:

- (a) stopping or parking in a disabled person's parking bay – \$135;
- (b) stopping where prohibited – \$50;
- (c) parking where prohibited – \$40; and
- (d) other parking infringements – \$20.

#### **50 Payment of penalty**

- (1) If the penalty shown on the parking infringement notice is paid at an appropriate place within the period specified in the notice the infringement is expiated and no further proceedings can be taken in relation to the infringement.
- (2) If a penalty under this Division is paid by cheque, the offence is not expiated unless the cheque is honoured on first presentation.

**51            General**

- (1) If it is an offence to park or stop a vehicle for longer than the period indicated in a parking sign or otherwise prescribed under these Regulations, a person commits a separate offence for each period that is exceeded while the person's vehicle remains parked or stopped.
- (2) If more than one infringement notice is issued in respect of a parking infringement, the offender may expiate the offence by paying the penalty shown on any one of the infringement notices served in relation to the offence.
- (3) An offender may be prosecuted for a parking infringement despite that no infringement notice has been issued in relation to that offence and nothing in this Part limits the amount of a fine or other penalty that may be imposed by a court in relation to the offence.

**52            Officer of competent authority**

- (1) If a parking infringement (other than a contravention of rule 212 or 213) is committed in a municipality within the meaning of the *Local Government Act*, a reference in this Division to an officer of the competent authority includes a reference to an officer or employee of the council of the municipality (whether or not the place where the parking infringement was committed is under the care, control or management of the council).
- (2) An officer of a competent authority who is performing duties relating to the enforcement of these Regulations regarding the parking or stopping of vehicles may park or stop a vehicle at a place or for a time not otherwise permitted.

**Division 4            Liability of owner for infringements**

**53            Liability of owner**

- (1) Subject to this regulation, if an offence is committed and the name of the offender is not ascertained at the time of issuing the infringement notice relating to the offence, the owner of the vehicle at the time the offence occurs is to be taken to have committed the offence whether or not the owner in fact committed the offence.
- (2) The owner of a vehicle is not to be taken to have committed an offence if:
  - (a) the vehicle was, at the time of the alleged offence, stolen or unlawfully used without the owner's consent;

- (b) the vehicle is registered under the *Motor Vehicles Act* and at the time of the alleged offence:
  - (i) the owner had sold or disposed of the vehicle but the registration of the vehicle had not been transferred to the new owner; and
  - (ii) the owner had provided the Registrar with a notice of disposal in respect of the vehicle as required by section 20 of that Act; or
- (c) within 14 days after the owner receives or is served with the first of an infringement notice, a courtesy letter under Division 3 of Part 2 of the *Fines and Penalties (Recovery) Act* or a summons in relation to the offence, the owner delivers to an appropriate place a statutory declaration made by the owner:
  - (i) stating that some other person was in control of the vehicle at the time the offence was committed and setting out the name and address of that other person and any other information known to the owner that may assist in identifying or locating that other person;
  - (ii) stating that the vehicle was sold before the offence was committed and setting out the date of the sale, the name and address of the person to whom it was sold and, if the sale was made through an agent, the name and address of the agent; or
  - (iii) stating that at the time when the offence was committed the vehicle had been stolen or was being used unlawfully without the owner's consent.
- (3) If the owner of the vehicle is a body corporate, a director, secretary or manager of the body corporate may make a statutory declaration for the purposes of subregulation (2).
- (4) If the owner of the vehicle is the Territory, the Commonwealth, a State or another Territory of the Commonwealth or a statutory corporation, a person authorised, or apparently authorised, for the purpose may make a statutory declaration for the purposes of subregulation (2).
- (5) A person named in a statutory declaration as being in control of a vehicle at the time of an offence cannot be found guilty of the offence unless a copy of the statutory declaration is affixed to the summons for the offence at the time the summons is served on the person.

- (6) A statutory declaration referred to in subregulation (2)(c):
  - (a) is admissible in evidence in a prosecution against the person in relation to the offence; and
  - (b) is evidence that the person was the driver of the vehicle at the time of the offence.
- (7) If a person is specified as the new owner of a vehicle in a notice of disposal referred to in subregulation (2)(b):
  - (a) the person is to be taken to be the owner of the vehicle at the time of the offence for the purposes of this regulation (other than subregulation (2)(b)); and
  - (b) this regulation applies as if a reference to the owner of the vehicle (other than in subregulation (2)(b)) were a reference to the person.
- (8) Subject to subregulation (9), nothing in this regulation affects the liability of an actual offender who is not the owner of the vehicle.
- (9) If a penalty has been imposed on a person in relation to an offence:
  - (a) another person cannot be charged with the same offence; and
  - (b) a further penalty cannot be imposed on or recovered from another person in relation to the same offence.
- (10) Subregulation (9) does not apply if the traffic infringement notice in relation to the offence is withdrawn in accordance with regulation 43.

#### **54            Evidence of ownership of motor vehicle**

In a prosecution for an offence, a certificate issued by a person authorised under an Act (including an Act of the Commonwealth or a State or another Territory of the Commonwealth) to issue the certificate stating:

- (a) that a specified person was the registered owner of a specified vehicle on a particular date;
- (b) that a specified person was recorded as the new owner of a specified vehicle from a particular date in a record of a notice of disposal in respect of the vehicle; or
- (c) if the specified vehicle is not registered at the time of issuing the certificate – that a specified person was the last registered owner of the vehicle as at a particular date,

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is evidence of the matters set out in the certificate and a court is to assume that the certificate was duly issued.

## **Part 4                    Driving with alcohol in blood**

### **55                    Application of section 19(8) of the Act**

- (1) Section 19(8) of the Act does not apply to the driver of a vehicle referred to in section 19(9)(b) of the Act if the person is:
  - (a) a member of the Police Force;
  - (b) a member, within the meaning of the *Fire and Emergency Act*, of the Northern Territory Fire and Rescue Service;
  - (c) a member, within the meaning of the *Disasters Act*, of the Northern Territory Emergency Service; or
  - (d) a protective service officer within the meaning of the *Australian Protective Service Act 1987* of the Commonwealth,and is driving the vehicle in the course of his or her duties as such a member.
- (2) Section 19(8) of the Act does not apply to the driver of a vehicle referred to in section 19(9)(b) of the Act if the person is driving the vehicle:
  - (a) to a place at which the vehicle is to be used in or the occupants of the vehicle are to take part in;
  - (b) at a place at which the vehicle is being used in or the occupants of the vehicle are taking part in; or
  - (c) from a place at which the vehicle was used in or the occupants of the vehicle took part in,a fire management operation within the meaning of the *Motor Vehicles Act* or an operation relating to the control of a bushfire at that place.
- (3) Section 19(8) of the Act does not apply to the driver of a vehicle referred to in section 19(9)(b)(iv) if not more than 9 persons (including the driver) are travelling in the vehicle.
- (4) Section 19(8) of the Act does not apply to the driver of a vehicle referred to in section 19(9)(b)(vi) if the space designed for carrying goods was enclosed at the time of the manufacture of the vehicle.

**56 Prescribed breath analysis instrument – section 29**

- (1) A device for the carrying out of a breath analysis that is of a type known as a Dräger Alcotest 7110 is a prescribed breath analysis instrument.
- (2) In this regulation:  
  
*Dräger Alcotest 7110* includes any device with the trade name "Dräger Alcotest", "Dräger Alcotest" or "Draeger Alcotest" and associated with the number "7110".

**57 Breath analysis**

- (1) A person must not use a prescribed breath analysis instrument for the purposes of the Act unless the person has prepared it for use at that time.
- (2) To prepare a prescribed breath analysis instrument for use, a person must ensure that:
  - (a) the instrument is turned on; and
  - (b) the words "READY TO START" appear on the display panel of the instrument.
- (3) A person must not carry out a breath analysis of a sample of a person's breath for the purposes of the Act unless satisfied that the person whose breath is to be analysed has not consumed alcohol within the period of 15 minutes immediately preceding the giving of the sample.

**58 Conduct of breath analysis**

- (1) A person carrying out a breath analysis must provide an unused mouthpiece for use in providing each sample of a person's breath in each breath analysis.
- (2) Within one hour after completing a breath analysis of a sample of a person's breath, the person carrying out the analysis must sign and deliver to the person who provided the sample a statement showing:
  - (a) the result of the analysis; and
  - (b) the date and time when the analysis was performed.
- (3) A statement printed by a prescribed breath analysis machine may be used as a statement for the purposes of subregulation (2).

- (4) For the purposes of section 19 of the Act, the number of milligrams of alcohol per 100 millilitres of blood is derived from a breath analysis result expressed as a percentage of alcohol contained in the blood in accordance with the method shown by the examples in the table:

TABLE

Blood alcohol content expressed as a percentage	Grams of alcohol per 100ml of blood	Milligrams of alcohol per 100ml of blood
0.05%	0.05	50
0.08%	0.08	80
0.15%	0.15	150

### 59 Authorised operators

- (1) The Commissioner may, by notice in the *Gazette*, authorise a member of the Police Force who is, in the opinion of the Commissioner:
- (a) trained in the use of a prescribed breath analysis instrument; and
  - (b) capable of using that instrument correctly,
- to use that instrument for the purposes of the Act.
- (2) A person must not carry out a breath analysis for the purposes of the Act unless the person:
- (a) is a member of the Police Force;
  - (b) uses a prescribed breath analysis instrument;
  - (c) is authorised by the Commissioner under subregulation (1) to use the instrument; and
  - (d) complies with these Regulations relating to the proper use of the instrument for the purposes of the Act.

### 60 Authorised analysts

The Commissioner may, by notice in the *Gazette*, authorise a person to be an analyst for the purposes of the Act.

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**61 Forms**

- (1) For section 27 of the Act, a form of certificate set out in Schedule 2 may be used by the person and on the occasion indicated in the following table:

TABLE

Form	When and by whom used
1.	May be used by a person authorised by the Commissioner to use a prescribed breath analysis instrument for the purposes of the Act after that person has performed a breath analysis using that instrument.
2.	May be used by a person authorised by the Commissioner to use a prescribed breath analysis instrument for the purposes of the Act after a person refuses or fails to: <ul style="list-style-type: none"> <li>(a) submit to a breath analysis as required by that authorised person; or</li> <li>(b) provide, in accordance with the directions of that authorised person given for the purpose of carrying out a breath analysis using that instrument, a sample of breath sufficient for the completion of the breath analysis.</li> </ul>
3.	May be used by a member of the staff of a hospital after taking a sample of blood.
4.	May be used by a member of the staff of a hospital after a person refuses or fails to: <ul style="list-style-type: none"> <li>(a) give a sample of blood; or</li> <li>(b) provide, in accordance with the directions of that member of the staff, a sample of blood sufficient for the completion of a blood test to ascertain the concentration of alcohol in the blood of the person required to give the sample.</li> </ul>
5.	May be used by an authorised analyst after carrying out a blood test.

**Part 5 Abandoned vehicles**
**62 Application of Part**

This Part applies despite that a vehicle is left unattended by a person other than the owner.

**63 Abandoned vehicles**

In this Part, **abandoned vehicle** means a vehicle that is:

- (a) registered under the *Motor Vehicles Act* (or a corresponding Act of another jurisdiction) and is left:
  - (i) for more than 24 hours at a place where it is prohibited by these Regulations to be stopped or parked;
  - (ii) for more than 24 hours in a parking area where the time a vehicle may remain parked is limited; or
  - (iii) for more than 7 days in a parking area where the time a vehicle may remain parked is not limited; or
- (b) not registered under the *Motor Vehicles Act* (or a corresponding Act of another jurisdiction) and is left on a road.

**64 Removal of parked vehicles**

- (1) If a vehicle is stopped or parked:
  - (a) at a place where it is prohibited by these Regulations to be left stopped or parked; or
  - (b) in a manner or position that causes danger, obstruction or inconvenience to drivers,  
  
a member of the Police Force or an officer of the competent authority may move the vehicle or cause it to be moved.
- (2) The vehicle may be moved:
  - (a) to the nearest convenient place where parking is not prohibited or where the vehicle may be left without causing or being likely to cause a danger, obstruction or inconvenience; or
  - (b) to any other place (including a police station) for safe keeping that the member or officer thinks fit.
- (3) If the driver of the vehicle:
  - (a) does not comply with a request of the member or officer to move the vehicle; or
  - (b) cannot be found after reasonable inquiry of persons in the vicinity of the vehicle,

a member of the Police Force or an officer of the competent authority may enter the vehicle for the purpose of moving it.

- (4) A member of the Police Force or officer who enters a vehicle under subregulation (3) is not liable for any damage caused by the member or officer when entering or moving the vehicle.

## **65 Removal of abandoned vehicles**

- (1) An officer of a competent authority may move, or cause to be moved, an abandoned vehicle.
- (2) For the purposes of subregulation (1), if the driver or owner of an abandoned vehicle:
- (a) does not comply with a request of the officer to move the vehicle; or
  - (b) cannot be found after reasonable enquiry of persons in the vicinity of the vehicle,

the officer may enter the vehicle for the purpose of moving it or causing it to be moved.

- (3) An officer who enters an abandoned vehicle under subregulation (3) is not liable for any damage caused by when entering or moving the vehicle.
- (4) If a vehicle is moved under subregulation (1), the officer who moved the vehicle or caused it to be moved must, within 7 days after it is moved, serve or cause to be served a notice on the owner:
- (a) personally; or
  - (b) by post to the owner's postal address, place of residence or place of business.
- (5) The notice is to state:
- (a) that the vehicle has been moved and the address to which it has been moved;
  - (b) that the vehicle is to be collected within 14 days of the owner receiving the notice;
  - (c) the charges, if any, to be paid before the owner can take possession of the vehicle; and

- (d) that, if the owner fails to collect the vehicle, the vehicle will be sold and the costs of removing, storing and selling it will be deducted from the proceeds of the sale.
- (6) If the owner of a vehicle cannot be ascertained or found for the purposes of serving a notice under subregulation (5), the competent authority must cause notice of the removal of the vehicle or trailer to be published:
- (a) in an advertisement appearing for 2 successive weeks in a newspaper circulating in the Territory; or
  - (b) in any other manner that the competent authority determines appropriate,
- having regard to the likely or presumed whereabouts of the owner.

#### **66 Cost of moving and storing vehicles**

If a vehicle is moved under regulation 64 or 65, the reasonable costs of removing the vehicle and, where applicable, storing the vehicle may be recovered from the owner before the owner may take possession of the vehicle.

#### **67 Vehicles may be sold**

The competent authority may sell by public auction an abandoned vehicle if the owner of the vehicle has not taken possession of it and paid to the competent authority all reasonable costs incurred in:

- (a) moving the vehicle;
- (b) storing the vehicle (if applicable); and
- (c) serving or publishing the notice under regulation 65,

within 28 days after service or second publication of that notice.

#### **68 Disposing of abandoned vehicle**

Despite regulation 67, if an abandoned vehicle:

- (a) is immobile and apparently cannot be repaired at a cost that does not exceed its value; or
- (b) in the opinion of the competent authority – has a value of less than \$200,

the competent authority may dispose of the vehicle in a manner that it determines appropriate.

**69 Proceeds of sale**

- (1) All money received from selling or disposing of a vehicle under this Part is to be applied in paying, in the following order:
  - (a) the costs incurred by the competent authority in selling or disposing of the vehicle;
  - (b) the costs of removing and storing the vehicle;
  - (c) the costs of serving or publishing the notice under regulation 65.
- (2) The residue of the money, if any, is to be paid, on demand, to the owner of the vehicle immediately before its sale or disposal.
- (3) If, after 6 months after a vehicle is sold or disposed of, any money from the sale or disposal remains in the possession of the competent authority and is unclaimed by the owner of the vehicle or any person claiming through the owner, the money becomes the property of the competent authority.
- (4) A sale or disposal of a vehicle under this Part is valid against all persons.

**70 Claim against owner**

- (1) The owner of a vehicle moved under regulation 65 is liable to a competent authority for the reasonable expenses incurred by the competent authority in removing, storing, selling or attempting to sell the vehicle or disposing of the vehicle.
- (2) The competent authority may recover, as a debt due and payable to it, any of those expenses incurred by it that are not satisfied from the proceeds of the sale or disposal.

**Part 6 Australian Road Rules**

**Division 1 Australian Road Rules are law in Territory**

**71 *Australian Road Rules***

- (1) The *Australian Road Rules* contained in Schedule 3 are made as regulations under the Act and are a law of the Territory.
- (2) A reference in an Act or instrument of a legislative or administrative character to the *Australian Road Rules* is a reference to the *Australian Road Rules* contained in Schedule 3.

## **Division 2            Modification etc. of certain provisions of Australian Road Rules**

### **72            Certain buses are public buses**

In the *Australian Road Rules*, a bus that is operating a licensed route service in an urban service area is a public bus.

### **73            Minibuses and minibus rank**

In the *Australian Road Rules*:

- (a) a minibus within the meaning of the *Commercial Passenger (Road) Transport Act* is a public minibus (but not for the purposes of rule 176); and
- (b) a minibus rank within the meaning of the *Commercial Passenger (Road) Transport Act* is a minibus zone, whether the sign identifying the area of road describes the area as a minibus rank or a minibus zone.

### **74            Oversize vehicles**

In the *Australian Road Rules*, a vehicle that, because of its dimensions, requires a permit or authorisation under the *Motor Vehicles Act* to travel on a road, is an oversize vehicle.

### **75            Taxis**

In the *Australian Road Rules*, a taxi within the meaning of the *Commercial Passengers (Road) Transport Act* is a taxi.

### **76            Registrar may set speed-limits for certain vehicles**

- (1) The Registrar may, by *Gazette* notice, specify a speed-limit for a vehicle or class of vehicles that is less than the speed-limit that would otherwise apply to the vehicle or class of vehicle under these Regulations.
- (2) Different speed-limits may be specified for different vehicles or classes of vehicles.
- (3) A speed-limit under subregulation (1) may vary according to whether the vehicle is being driven within a built-up area or not, or any other circumstance specified by the Registrar in the notice.
- (4) A speed-limit fixed under this regulation applies only when there is no lower speed-limit applying to the driver of the vehicle under another regulation or rule.

**77 Default speed-limit in built-up area**

- (1) The default speed-limit mentioned in rule 25(2) does not apply in the Territory.
- (2) Subject to subregulation (3), the default speed-limit applying to a driver for a length of road in a built-up area within the Territory is 60 kilometres per hour.
- (3) On application by a local government authority, the Minister may specify by *Gazette* notice that the default speed-limit applying to a driver for a length of road in a built-up area within the local government area is 50 kilometres per hour.

**77A Speed-limit outside built-up area**

- (1) For rule 25(3)(b), the default speed-limit applying to a driver of a vehicle outside a built-up area is 110 kilometres per hour.
- (2) However, a speed-limit of 130 kilometres per hour applies to a driver for a length of road in the Territory where that speed is indicated by speed-limit signs for that length of road.
- (3) The default speed-limit mentioned in subregulation (1), and the speed-limit mentioned in subregulation (2), do not apply to the driver of a vehicle if a lower speed-limit applies to the vehicle under regulation 76.

**78 Mechanical signalling device**

For the purposes of rules 49 and 54, a device approved by the Registrar under the *Motor Vehicles Act* as a substitute for turn direction indicator lamps is a mechanical signalling device.

**78A Exemption for garbage truck drivers**

Rule 98(1) does not apply to the driver of a garbage or waste disposal truck if:

- (a) the driver is engaged in the collection of waste or garbage;
- (b) the driver is unable to comply with the subrule;
- (c) the garbage or waste disposal truck is displaying a flashing light; and
- (d) the driver is acting safely.

**79 Road train area**

- (1) Subject to subregulation (2), for the purposes of rule 127(2), each road and public place in the Territory is a road train area.
- (2) The Director may, by notice in the *Gazette*, declare a road or public place not to be a road train area.

**80 Driver entering or leaving property**

- (1) Rule 132(2) does not apply to a driver who crosses a dividing line in order to enter or leave a property by the shortest practical route, if it is safe for the driver to do so.
- (2) Subregulation (1) has effect until 1 January 2003.

**81A Goods vehicles in loading zones**

For the purposes of rule 179(1)(c), a vehicle designed primarily for the carriage of goods is permitted to stop in a loading zone.

**81B Authorised persons**

The Director may appoint a person to be an authorised person for the purposes of the *Australian Road Rules* or a provision of the *Australian Road Rules*.

**81C Meaning of *emergency worker* in *Australian Road Rules***

- (1) In the *Australian Road Rules*, the following persons are emergency workers:
  - (a) a member of the Police Force;
  - (b) a member, within the meaning of the *Fire and Emergency Act*, of the Northern Territory Fire and Rescue Service;
  - (c) a member, within the meaning of the *Disasters Act*, of the Northern Territory Emergency Service;
  - (d) an ambulance officer or a person assisting an ambulance officer;
  - (e) a protective service officer within the meaning of the *Australian Protective Service Act 1987* of the Commonwealth;
  - (f) a person authorized as an emergency worker under subregulation (2).

- (2) The Registrar may in writing authorise a person or a class of persons to be an emergency worker for the purposes of the *Australian Road Rules*.
- (3) An authorisation under subregulation (2) may be issued on the conditions, if any, that the Registrar thinks fit and specifies in the authorisation.

#### **81D Making motor vehicle secure**

The driver of a motor vehicle in the Territory is exempted from the operation of rule 213(3) and (4) in circumstances where a child or children under 16 years old are left in the vehicle if:

- (a) the driver reasonably considers it preferable not to comply with the rule; and
- (b) it is safe to not comply with the rule.

#### **82 Lights**

For the purposes of rule 215(4), the lights that are to be fitted to a vehicle are those lights that are required by:

- (a) the Australian Design Rules; and
- (b) the *Motor Vehicle (Standards) Regulations*.

#### **83 Hazard and warning lights**

- (1) For the purposes of rule 221(f), the driver of a bus carrying children may use the vehicle's hazard warning lights when stopping the bus to drop off or pick up children.
- (2) For the purposes of rule 222, if the bus is a school bus that is required to be fitted with warning lights, the driver must use the warning lights when stopping the bus to drop off or pick up children.

#### **84 Portable warning triangles**

In rules 226 and 227, an approved portable warning triangle is a sign:

- (a) that complies with Australian Standard AS 3790-1992 "Portable Warning Triangles for Motor Vehicles"; or
- (b) approved for the purpose by the Registrar.

## **85 Bicycles on footpaths**

- (1) For the purposes of rule 250(1), if another law in force in the Territory purports to prohibit the riding of bicycles on footpaths, the law is ineffective unless "No Bicycles" signs are displayed to indicate the area of footpath where riding of bicycles is prohibited.
- (2) If another law in force in the Territory purports to prohibit the riding of bicycles in a public place (such as a pedestrian mall), the law is ineffective unless "No Bicycles" signs or "Road Access" signs are displayed to indicate the area where riding of bicycles is prohibited.

## **86 Helmets for cyclists**

- (1) For the purposes of rule 256, the requirement to wear an approved bicycle helmet does not apply to a person over 17 years of age if he or she is riding or being carried on a bicycle:
  - (a) on a public place;
  - (b) on a bicycle path or shared path; or
  - (c) in an area declared by the Minister, by notice in the *Gazette*, to be a bicycle helmet exemption area.
- (2) In this regulation, a bicycle path does not include a bicycle lane that is not separated from the part of the road used by motor vehicles by a physical structure or barrier in addition to or in substitution for the lane line.
- (3) In this regulation and rule 256, an approved bicycle helmet is a helmet that:
  - (a) complies with Australian Standard AS/NZS 2063:1996 – Pedal Cycle Helmets; or
  - (b) is approved by the Registrar.

## **87 Exemptions for postal workers**

For the purposes of rule 313:

- (a) a postal vehicle is exempted from the provisions of the rules specified in rule 313(2); and
- (b) a postal worker includes a contractor delivering items on behalf of the postal authority.

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## Part 7                      Miscellaneous

### 88                      Minimum penalty under section 34 of Act

- (1) The minimum penalty prescribed in section 34(1) of the Act does not apply to an offence against that subsection if:
  - (a) the offence occurs in the same month and year as that indicated on the registration label attached or affixed under the *Motor Vehicles Act* (or a corresponding Act of another jurisdiction) to the vehicle to which the offence relates and the vehicle is not a heavy vehicle; or
  - (b) the vehicle to which the offence relates is a box trailer.
- (2) In subregulation (1), **box trailer** means a trailer:
  - (a) the unladen mass of which does not exceed 500 kg; or
  - (b) the laden mass of which is not capable of exceeding, or is unlikely to exceed, 1 t.

### 89                      Certificate relating to test of traffic infringement detection devices

If a person approved under section 44(2) of the Act tests a traffic infringement detection device in accordance with the notice approving the device under section 44(1) of the Act, at the conclusion of the test the person must issue and sign a certificate:

- (a) setting out the results of the test;
- (b) specifying the date on which the test was made; and
- (c) specifying that the traffic infringement detection device is a traffic infringement detection device within the meaning of the Act.

### 90                      Exemption of persons or vehicles

- (1) On application by a person, the Registrar may exempt a person or a class of persons, or a vehicle or class of vehicles, from the provisions of Division 1 of Part 2 and from rules 264 to 271 (inclusive) that the Registrar considers appropriate, for a specific event or specific purposes as specified in the instrument of exemption.
- (2) On application by a person, the Registrar may exempt a vehicle or class of vehicles from the provisions of these Regulations that the Registrar considers appropriate.

- (3) Before granting an exemption under subregulation (2), the Registrar is to be satisfied that:
- (a) the nature of the exemption is to allow the driver, in order to undertake work that involves the use of the vehicle, to position or manoeuvre the vehicle in a manner that would otherwise contravene these Regulations; and
  - (b) granting the exemption will not result in danger or undue inconvenience to persons in the vicinity of the vehicle.
- (4) The Registrar may impose conditions that he or she considers appropriate to an exemption under this regulation and a person granted an exemption must comply with the conditions or ensure they are complied with.

## **91 Speed of vehicle**

Nothing in these Regulations permits a person to drive a vehicle at a speed that:

- (a) constitutes driving carelessly, recklessly or at a speed or in a manner that is dangerous to the public; or
- (b) exceeds a maximum speed applicable to the vehicle under any other Act.

## **91A Prescribed provisions for certain driving offences**

For the definition of *prescribed driving offence* in section 29AB of the Act, an offence against each of the following is a prescribed provision:

- (a) regulation 37(1A);
- (b) regulation 37A(1);
- (c) regulation 37B(1).

## **92 Regulatory offences**

An offence against these Regulations (other than regulations 9(4), (5) and (6) and 26(3)(a) and (c)) is a regulatory offence.

## **93 General penalties**

A person who contravenes a provision of these Regulations is liable, on a finding of guilt for an offence against the provision, to a penalty not exceeding 20 penalty units or imprisonment for 6 months.

**94      Licence to be surrendered to court if cancelled or suspended**

A person charged with an offence against the Act or these Regulations must immediately surrender his or her licence to the court if the licence is cancelled or suspended following the hearing of the charge.

**95      Saving of authorised operators and authorised analysts**

- (1) On the commencement of these Regulations, a person who was authorised by the Commissioner to operate a prescribed breath analysis instrument under regulation 117 of the *Traffic Regulations* as in force immediately before the commencement of these Regulations is to be taken to be authorised under regulation 59 of these Regulations to use the prescribed breath analysis instrument.
- (2) On the commencement of these Regulations, a person who was authorised by the Commissioner to be an analyst under regulation 118 of the *Traffic Regulations* as in force immediately before the commencement of these Regulations is to be taken to be authorised under regulation 60 of these Regulations to be an analyst.

**96      Saving of proceedings under repealed regulations**

Despite regulation 97, the *Traffic Regulations* as in force immediately before the commencement of these Regulations continue to apply in relation to an offence that was committed before the commencement of these Regulations.

**97      Repeal**

The *Traffic Regulations* (comprising Regulations No. 19, 1988; Nos. 7, 9 and 30, 1989; Nos. 19 and 33, 1990; Nos. 24 and 75, 1991; Nos. 6, 15, 45 and 49, 1993; Nos. 6, 7, 28 and 41, 1994; No. 24, 1995 and No. 19, 1998) are repealed.

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**Schedule 1 Traffic infringements**

regulations 39 and 44

Column 1		Column 2
Item No.	Traffic Infringement	Penalty
1.	<i>Exceed Speed Limit</i>	\$
	By up to 15 km/h	100
	Over 15 km/h up to 30 km/h	200
	Over 30 km/h up to 45 km/h	300
	Over 45 km/h	500
2.	<i>Seat Belts</i>	
	Driver fails to wear seat belt	200
	Adult passenger fails to wear seat belt	200
	Driver fails to ensure child or young person wears seat belt	240
3.	<i>Traffic Lights</i>	
	Fail to obey red traffic light	240
	Fail to obey yellow traffic light	100
4.	<i>Traffic Control Devices (not specifically referred to elsewhere in this Schedule)</i>	
	Fail to obey traffic control device	80
4A.	<i>Traffic Control Devices at level crossings</i>	
	Fail to obey traffic control device at level crossing	500
5.	<i>L or P Plates</i>	
	Drive without L or P plate when required	100
6.	<i>Labels</i>	
	Registration label not properly displayed	40
	Expired registration label not removed	40

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7.	<i>Bicycles</i>	
	Failure to have lamp alight	25
	Riding bicycle incorrectly	25
	Carrying excess persons on bicycle	25
	Riding within 2 m of rear of motor vehicle	25
	Failing to give way to pedestrian	25
	Riding in race or trial without permit	25
	Bicycle rider holding moving motor vehicle	25
	Riding bicycle without helmet	25
	Riding bicycle without helmet securely fastened	25
	Rider fails to ensure child or young person wears helmet	25
8.	<i>Lights</i>	
	Drive with faulty or unlit headlights/taillights	50
	Fail to dip headlights	50
	Other lights not operated as required	50
9.	<i>Motorcycle Helmets</i>	
	Ride without wearing helmet (passenger or driver)	100
	Ride without helmet securely fastened (passenger or driver)	80
	Carry a pillion or sidecar passenger not wearing helmet	80
	Wear helmet not approved or deteriorated	60
10.	<i>Incorrect Turns</i>	
	Make a turn contrary to Regulations (includes unsafe U-turn and fail to obey arrows)	60
	Fail to give way to pedestrian while turning	100
11.	<i>Crossing Lines</i>	
	Cross single unbroken line	80
	Cross double lines where not permitted	80
12.	<i>Signals</i>	
	Fail to signal turns, change lane, stop	60
	Fail to cancel signal	40

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13.	<i>Crossings</i>	
	Fail to give way to pedestrians at pedestrian crossing	100
	Fail to give way to pedestrians at children's crossing	120
14.	<i>Keep Left</i>	
	Fail to keep left	50
15.	<i>Keep to Traffic Lanes</i>	
	Fail to drive in traffic lane	50
	Fail to keep to left lane when not overtaking	50
16.	<i>Body Protruding from Vehicle</i>	
	Drive while part of body or passenger's body protruding	50
	Ride as passenger with part of body protruding	50
	Drive while passenger on step, boot, bonnet, roof or on tailgate or trayside of, or while standing in, utility or other truck	100
	Ride as passenger on step, boot, bonnet, roof or on tailgate or trayside of, or while standing in, utility or other truck	100
	Drive while child or young person in open load space of vehicle	120
	Drive while passenger (other than a child or young person) in open load space of vehicle	80
	Ride as adult passenger in open load space of vehicle	100
17.	<i>Number Plates</i>	
	Number plate not clearly visible	30
	Number plate missing	40
18.	<i>Fail to Give Way</i>	
	Fail to give way to right	100
	Fail to give way at intersection	100
	Fail to give way to emergency vehicle	100
	Drive wrong way on a one way street	100

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19.	<i>Obstruct Traffic</i>	
	By entering blocked intersection	40
	By travelling unreasonably slowly	40
	By soliciting a lift or sale of goods	40
	By opening doors of or alighting from vehicle	40
20.	<i>Unsafe Loading</i>	
	Allow load to escape or fall from vehicle	80
	Drive vehicle with load insufficiently secured contrary to regulation 24 or 24A	60
21.	<i>Overtaking</i>	
	Overtake incorrectly (general)	70
	Overtake turning long vehicle when not safe	50
	Overtake slowing or stopped vehicle at pedestrian crossing	100
	Overtake slowing or stopped vehicle at children's crossing	120
22.	<i>Warning Signs</i>	
	Fail to display warning signs near disabled heavy vehicle	50
	Fail to display warning signs near fallen load	50
	Fail to carry warning signs on heavy/long vehicle	30
23.	<i>Driving Carelessly, etc.</i>	
	Drive while using hand held mobile phone	60
	Drive without due care and cause minor (non-injury) accident	150
	Drive in disorderly manner or cause undue noise or smoke	60
	Take part in event on road or public place contrary to regulation 37(1A)	220
	Drive vehicle causing smoke contrary to regulation 37A(1)	220
	Drive vehicle causing damage to road or public place contrary to regulation 37B(1)	220
24.	<i>Unsafe Carriage of Passengers</i>	
	Drive while passengers in trailer without approval	100
	Ride in trailer without approval	100

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25.	<i>Unregistered/Uninsured</i>	
	Drive unregistered/uninsured motor vehicle (where vehicle unregistered or uninsured for one month or less and is not a heavy vehicle)	200
	Drive unregistered/uninsured motor vehicle (where vehicle unregistered or uninsured for more than one month but less than 12 months and is not a heavy vehicle)	500
	Drive unregistered/uninsured box trailer	100
26.	<i>General</i>	
	Fail to obey directions of member of the Police Force	80
	Leave ignition keys in unattended vehicle	40
	Interfere with traffic control device	60
	Fail to remove wheel chocks from road	40
	Fail to change ownership papers within prescribed period	30
	Drive on prescribed beach	40
	Drive with expired licence (within 2 months)	50
	Drive vehicle on footpath	50
	Interfere with defect label	80
	Drive noisy, smoky or unsafe vehicle	60
	Carry passenger on motorcycle or side car incorrectly or when not permitted	80
	Stop vehicle in no stopping area	50
	Park vehicle in no parking area	40
	Stop disabled long/heavy vehicle longer than necessary	60
	Stop vehicle on curve or crest not visible	60
	Fail to produce licence when requested	50
	Drive with alcohol in blood contrary to section 19(7) or (8)	200
	Drive with alcohol in blood contrary to section 19(6)	200

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**Schedule 2**

regulation 61

**NORTHERN TERRITORY OF AUSTRALIA**

**TRAFFIC REGULATIONS**

**FORM 1**

**CERTIFICATE ON PERFORMANCE OF BREATH ANALYSIS**

I, *(operator name)*, a member of the Police Force who is authorised by the Commissioner to use a prescribed breath analysis instrument known as a Drager Alcotest 7110 for the purposes of the *Traffic Act*, certify that:

1. At the time of \_\_\_\_\_ am/pm on the date of \_\_\_\_\_  
I performed an analysis on a sample of breath supplied by  
*(full name and address of person)*  
  
**(the subject),**  
  
whose occupation is \_\_\_\_\_ and who is \_\_\_\_\_ years of age.
2. Before performing the analysis I satisfied myself that the subject had not consumed any alcohol within the preceding 15 minutes.
3. Before carrying out the analysis I prepared the breath analysis instrument for use in the prescribed manner.
4. I provided an unused mouthpiece for use by the subject in giving the sample.
5. The result of the analysis shown on and recorded by the breath analysis instrument was \_\_\_\_\_ %.
6. By application of regulation 58 of the *Traffic Regulations*, I assessed that the concentration of alcohol in the blood of the subject, expressed as milligrams per 100 mL of blood was \_\_\_\_\_ mg/100 mL.
7. Within 1 hour of performing the analysis I signed and delivered to the subject a statement as required by regulation 58(2).

Signed

At the time of \_\_\_\_\_ on the date of \_\_\_\_\_

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NORTHERN TERRITORY OF AUSTRALIA

**TRAFFIC REGULATIONS**

**FORM 2**

**CERTIFICATE ON REFUSAL OR FAILURE TO SUBMIT TO OR PROVIDE  
A SAMPLE OF BREATH SUFFICIENT FOR COMPLETION OF BREATH  
ANALYSIS**

I, *(operator name)*, a member of the Police Force who is authorised by the Commissioner to use a prescribed breath analysis instrument known as a Drager Alcotest 7110 for the purposes of the *Traffic Act*, certify that:

1. At the time of \_\_\_\_\_ am/pm on the date of \_\_\_\_\_ I prepared to perform an analysis on a sample of breath to be supplied by *(full name and address of person)* **(the subject)**, whose occupation is \_\_\_\_\_ and who is \_\_\_\_\_ years of age.
2. I asked if the subject was suffering from any illness and the subject responded " \_\_\_\_\_ ".
3. I asked if the subject was suffering from any disability and the subject responded " \_\_\_\_\_ ".
4. I asked if the subject was suffering from any injuries and the subject responded " \_\_\_\_\_ ".
5. I asked if the subject was taking any tablets, drugs, insulin or medicine and the subject responded " \_\_\_\_\_ ".
6. I satisfied myself that the subject had not consumed any alcohol within the immediately preceding 15 minutes.
7. I prepared the breath analysis instrument for use in the prescribed manner and satisfied myself that the instrument was in good working order.

8. I provided an unused mouthpiece for use by the subject in giving a sample of breath.
9. I said to the subject "This is a prescribed breath analysis instrument. I am authorised to use it for the purposes of the *Traffic Act*. It is in good working order and ready for use. I require you to submit to a breath analysis."
10. I then gave the subject directions as to how the subject was to provide a sample of breath sufficient for the performance of the breath analysis.
11. The subject then said "  
and the subject

*(describe the person's actions if relevant)*

Signed

At the time of                      on the date of

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**NORTHERN TERRITORY OF AUSTRALIA**

***TRAFFIC REGULATIONS***

**FORM 3**

**CERTIFICATE BY MEMBER OF STAFF OF HOSPITAL ON TAKING OF BLOOD SAMPLE**

Certificate No.

I .....(name and designation),  
a member of the staff of .....(name of the hospital),  
certify that on.....(date.....at.....(time when person entered hospital)  
(name and address or the description of person from whom sample taken)

- .....
- [ ] entered the hospital for examination or treatment of injuries that could have been received in a motor vehicle accident.
  - [ ] was brought to the hospital by a member of the Police Force for a sample of the person's blood to be taken under the *Traffic Act*.

---

**\*\*Certificate to be used if part of blood sample is not made available to the person from whom it is taken:**

And I further certify that:

- 
- (1) at.....(time when person gave blood sample) I took a sample of the person's blood.
  - (2) I then placed the sample in a container and sealed the container.
  - (3) I then placed the container and this certificate for collection by a member of the Police Force in.....(specify where placed container for collection by member of the Police Force).....
  - (4) I did not make part of the blood sample available to the person from whom it was taken because (specify reason blood not made available to person).....

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**\*\*Certificate to be used if part of blood sample is not made available to the person from whom it is taken:**

And I further certify that:

- (1) at.....(*time when person gave blood sample*) I took a sample of the person's blood.
- (2) I then placed approximately half the sample in a container and sealed the container.
- (3) I then placed the remainder of the sample in another container and sealed that container.
- (4) I then placed one of the containers and this certificate for collection by a member of the Police Force in.....(*specify where placed container for collection by member of the Police Force*).....
- (5) I then made the other container available to the person from whom the sample was taken by .....(*specify how made container available to person*)

Signed

Date

**[ ] tick box if statement to which it relates applies**

**\*\* cross out part of certificate that does not apply**

*Back of Form 3*

Sections 25 and 26 of the *Traffic Act* read as follows:

*(Copy of sections 25 and 26 of the Traffic Act)*

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**NORTHERN TERRITORY OF AUSTRALIA**

***Traffic Regulations***

**FORM 4**

**CERTIFICATE ON REFUSAL OR FAILURE TO GIVE BLOOD SAMPLE**

I .....(name and designation),  
a member of the staff of .....(name of the hospital),  
certify that on.....(date.....at.....(time when person  
entered hospital)  
(name and address or other description of person)

- .....
- entered the hospital for examination or treatment of injuries that could have been received in a motor vehicle accident.
  - was brought to the hospital by a member of the Police Force for a sample of the person's blood to be taken under the *Traffic Act*.

And I further certify that:

- 
- (a) at.....(time when person gave blood sample) I indicated to the person identified above that:
    - (i) I was a member of the staff of the hospital;
    - (ii) I had the power under section 26 of the *Traffic Act* to require the person to give me a sample of that person's blood; and
    - (iii) I required the person to give me a sample of blood;
  - (b) I then gave the person directions as to how the person was to provide a sample of blood sufficient for the completion of a blood test to ascertain the concentration of alcohol in the person's blood;
  - (c) the person then said ".....; and
  - (d) the person .....(describe the person's actions if relevant)

Signed

At the time of \_\_\_\_\_ on the date of \_\_\_\_\_

**[ ] tick boxes applicable**

**FORM 4**

(back of form)

Sections 25 and 26 of the *Traffic Act* read as follows:

(Copy of sections 25 and 26 of the *Traffic Act*)

There may also be printed on the back of the form an indication of the circumstances in which the blood of a passenger or pedestrian will not be tested.

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**NORTHERN TERRITORY OF AUSTRALIA**

***Traffic Regulations***

**FORM 5**

**CERTIFICATE ON COMPLETION OF BLOOD TEST**

I .....(name)

an authorized analyst, certify that:

- (a) I took from.....(place from where container was collected) a container that was sealed with the certificate attached hereto;
- (b) I examined the container and it appeared that the container was securely sealed and that container and the certificate were in good condition and had not been interfered with;
- (c) the container contained blood; and
- (d) I carried out a blood test on the blood to ascertain the concentration of alcohol on the blood and ascertained that the concentration was .....mg of alcohol per 100ml of blood.

Signed

Date

## Schedule 3 Australian Road Rules

regulation 71

The *Australian Road Rules* are contained in a separate reprint document.

Please note: The hard copy reprint is **NOT** in colour. For a colour version, see the electronic reprint of the *Traffic Regulations*, attachment "Rept009R1AAR" in the Current Legislation Database:

[www.nt.gov.au/dcm/legislation/current.html](http://www.nt.gov.au/dcm/legislation/current.html)

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**ENDNOTES**
**1 KEY**

Key to abbreviations

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

**2 LIST OF LEGISLATION*****Traffic Regulations (SL No. 37, 1999)***

Notified	1 December 1999
Commenced	1 December 1999 (r 2)

***Statute Law Revision Act 2001 (Act No. 3, 2001)***

Assent date	22 March 2001
Commenced	22 March 2001

***Amendment of Traffic Regulations (SL No. 32, 2001)***

Notified	11 July 2001
Commenced	11 July 2001

***Fines and Penalties (Recovery) (Consequential Amendments) Act 2001 (Act No. 60, 2001)***

Assent date	11 December 2001
Commenced	1 January 2002 (s 2, s 2 <i>Fines and Penalties (Recovery) Act 2001</i> (Act No. 59, 2001) and <i>Gaz G50</i> , 19 December 2001, p 3)

***Amendments of Traffic Regulations (SL No. 12, 2002)***

Notified	8 May 2002
Commenced	8 May 2002

***Amendments of Traffic Regulations (SL No. 26, 2002)***

Notified	7 August 2002
Commenced	7 August 2002

***Statute Law Revision Act 2003 (Act No. 12, 2003)***

Assent date	18 March 2003
Commenced	18 March 2003

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**Amendments of Traffic Regulations (SL No. 19, 2004)**

Notified 30 June 2004  
 Commenced 1 July 2004 (r 2)

**Traffic Amendment Act 2004 (Act No. 30, 2004)**

Assent date 4 June 2004  
 Commenced 1 November 2004 (Gaz S34, 28 October 2004)

**Traffic Amendment (Loose Bulk Loads) Regulations 2006 (SL No. 46, 2006)**

Notified 20 December 2006  
 Commenced 20 December 2006

**Traffic Amendment Regulations 2006 (SL No. 47, 2006)**

Notified 20 December 2006  
 Commenced 1 January 2007 (r 2)

**Traffic Amendment Regulations 2007 (SL No. 8, 2007)**

Notified 14 March 2007  
 Commenced 14 March 2007

**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)

**Traffic Amendment Regulations (No. 2) 2007 (SL No. 15, 2007)**

Notified 27 June 2007  
 Commenced 1 July 2007 (r 2)

### 3 LIST OF AMENDMENTS

r 3	amd No. 26, 2002, r 2; Act No. 12, 2003, s 19
r 4	amd No. 19, 2004, r 10
r 5	amd No. 47, 2006, r 4
r 6	amd Act No. 3, 2001, s 9
r 7	amd No. 19, 2004, r 3
r 9	amd No. 26, 2002, r 3
r 11	amd No. 26, 2002, r 4; Act No. 10, 2007, s 30
r 12	amd Act No. 10, 2007, s 31
r 13	amd Act No. 10, 2007, s 32
r 15A	ins Act No. 10, 2007, s 33
r 16A	ins No. 26, 2002, r 5
r 18	amd No. 26, 2002, r 6
r 24	sub No. 46, 2006, r 3
r 24A	ins No. 46, 2006, r 3
r 25	amd No. 46, 2006, r 4
r 37	amd Act No. 30, 2004, s 8
rr 37A – 37B	ins Act No. 30, 2004, s 9
r 49	amd No. 32, 2001
r 52	amd No. 26, 2002, r 7
r 53	amd Act No. 60, 2001, s 19
r 55	amd No. 26, 2002, r 8
r 56	sub No. 8, 2007, r 3
r 76	sub No. 47, 2006, r 5
r 77	amd No. 19, 2004, r 4 sub No. 47, 2006, r 5
r 77A	ins No. 47, 2006, r 5
r 78A	ins No. 19, 2004, r 5

## ENDNOTES

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r 81	rep No. 19, 2004, r 6
rr 81A – 81C	ins No. 26, 2002, r 9
r 81D	ins No. 19, 2004, r 7
r 84	amd No. 19, 2004, r 10
r 86	amd No. 19, 2004, r 10
r 88	amd No. 12, 2002, r 1; No. 19, 2004, r 8
r 91A	ins Act No. 30, 2004, s 10
sch 1	amd No. 12, 2002, r 2; No. 26, 2002, r 10; No. 19, 2004, r 9; Act No. 30, 2004, s 11; No. 46, 2006, r 5; No. 47, 2006, r 6; Act No. 10, 2007, s 34; No. 15, 2007, r 4
sch 3	amd No. 19, 2004, rr 13 – 55