

NORTHERN TERRITORY OF AUSTRALIA

TRAFFIC AMENDMENT ACT 2003

Act No. 54 of 2003

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NORTHERN TERRITORY OF AUSTRALIA

Act No. 54 of 2003

AN ACT

to amend the *Traffic Act*

[Assented to 18 September 2003]

[Second reading 19 June 2003]

The Legislative Assembly of the Northern Territory enacts as follows:

1. Short title

This Act may be cited as the *Traffic Amendment Act 2003*.

2. Commencement

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

3. Principal Act

The *Traffic Act* is in this Act referred to as the Principal Act.

4. Interpretation

Section 3 of the Principal Act is amended by inserting after subsection (1) the following:

"(2) In this Act, a reference to the owner of a motor vehicle includes a reference to the operator (within the meaning of the *Motor Vehicles Act*) of the vehicle where an operator is nominated under section 92A of that Act."

5. Requirement to submit to breath test

Section 23 of the Principal Act is amended by inserting after subsection (2) the following:

"(2A) A person who fails to comply with a direction under subsection (2) is guilty of an offence.

Penalty: 200 penalty units or imprisonment for 12 months."

6. Evidence by certificate

Section 27 of the Principal Act is amended by omitting from subsection (1) "In a prosecution for an offence against section 19 or 20" and substituting "In any proceedings in a court".

7. Calling of witnesses

Section 28 of the Principal Act is amended –

(a) by omitting "In a prosecution for an offence against section 19(2), (4) or 20" and substituting "In any proceedings in a court"; and

(b) by omitting paragraph (b) and substituting the following:

"(b) call the person in accordance with the procedures of the relevant court to give his or her evidence."

8. New section

The Principal Act is amended by inserting after section 29 in Part V the following:

"29AA. Interpretation

"In sections 27, 28 and 29 –

(a) a reference to proceedings in a court includes a reference to a preliminary examination under Part V of the *Justices Act*; and

(b) a reference to a court includes a reference to a Justice conducting a preliminary examination under Part V of the *Justices Act*."

9. Driving unregistered vehicle

Section 33 of the Principal Act is amended by inserting after subsection (3)(a) the following:

"(aa) a motor vehicle being driven by the shortest practicable route to a repair workshop –

- (i) that is located within a reasonable distance in the circumstances;
- (ii) that has the services of an inspector appointed under the *Motor Vehicles Act*; and
- (iii) where arrangements for the presentation of the vehicle have been made in advance,

for the purpose of the vehicle being inspected or repaired in order for it to be registered;"

10. Driving uninsured or improperly insured vehicle

Section 34 of the Principal Act is amended –

- (a) by omitting the penalty provision at the foot of subsection (1) and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

In both cases, the minimum penalty is –

- (a) for a first offence – 5 penalty units; and
- (b) for a second or subsequent offence – 10 penalty units."; and

- (b) by omitting the penalty provision at the foot of subsection (2) and substituting the following:

"Penalty: If the offender is a natural person – 100 penalty units.

If the offender is a body corporate – 500 penalty units.

In both cases, the minimum penalty is –

- (a) for a first offence – 5 penalty units; and
- (b) for a second or subsequent offence – 10 penalty units."

11. Further amendments

The Principal Act is amended as set out in the Schedule.

SCHEDULE

Section 11

Provision	Amendment	
	Omit	Substitute
Section 11(3)(e)	\$2,000	20 penalty units
Section 19(1)	\$1,000	10 penalty units
	\$2,000	20 penalty units
Section 19(3)(a)(i)	\$750	7.5 penalty units
Section 19(3)(a)(ii)	\$1,000	10 penalty units
Section 19(3)(b)	\$2,000	20 penalty units
Section 19(4), (6), (7) and (8)	\$500	5 penalty units
	\$750	7.5 penalty units
Section 20(1) and (3)	\$1,000	10 penalty units
	\$2,000	20 penalty units
Sections 30(1), 30A(1) and 33(1)	\$2,000	20 penalty units
Section 33A(1)	\$2,000	20 penalty units
	\$10,000	100 penalty units
Section 52	\$2,000	20 penalty units
Section 53(2)(y)	\$2,000	20 penalty units