

NORTHERN TERRITORY OF AUSTRALIA

TRAFFIC AMENDMENT ACT 1996

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No. 25 of 1996

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## AN ACT

to amend the *Traffic Act*

[Assented to 25 June 1996]

**B**E it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Traffic Amendment Act 1996*.

2. COMMENCEMENT

This Act shall come into operation on the commencement of the *Motor Vehicles Amendment Act 1996*.

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

- (a) by omitting from the definition of "motor vehicle" in subsection (1) the words "7 km/h" and substituting "10 km/h";
- (b) by omitting from the definition of "pedestrian" in subsection (1) the words "7 km/h" and substituting "10 km/h";

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(c) by omitting from the definition of "vehicle" in subsection (1) the words "7 km/h" and substituting "10 km/h"; and

(d) by omitting subsection (2).

5. DRIVING UNREGISTERED VEHICLE

Section 33 of the Principal Act is amended -

(a) by adding at the end of subsection (3)(c) "or a licence or other document, granted under a provision of an Act of a State or another Territory of the Commonwealth, which permits the driving of a vehicle not registered under such an Act"; and

(b) by adding at the end the following:

"(8) This section does not apply to a vehicle to which section 33A applies."

6. NEW SECTION

The Principal Act is amended by inserting after section 33 the following:

"33A. DRIVING UNREGISTERED HEAVY VEHICLE

"(1) A person shall not -

(a) drive; or

(b) employ, permit or suffer a person to drive,

on a public street or public place a heavy vehicle which is not registered.

"Penalty: In the case of a natural person - \$2,000 or imprisonment for 12 months.

In the case of a body corporate - \$10,000."

"(2) Where a heavy vehicle that is a visiting motor vehicle -

(a) is registered in the configuration in which the vehicle was driven at the time of the alleged offence under a law of another country or of a State or another Territory of the Commonwealth relating to the registration of motor vehicles and the registration is not void outside of, or of effect only within, the State or Territory in which registration occurred; or

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- (b) was, at the time of the alleged offence, driven in a configuration specified in a permit issued under section 107B of the *Motor Vehicles Act* in relation to the vehicle,

and there is in force in relation to the vehicle a policy of insurance complying with the provisions of a law in force in a State or another Territory of the Commonwealth requiring the owner or driver of a motor vehicle to be insured against liability in respect of the death of or bodily injury to a person caused by or arising out of the use of the motor vehicle and the policy is not void outside of, or of effect only within, the State or Territory in which registration occurred, the heavy vehicle shall be deemed to be registered.

"(3) Subject to subsection (4), where an owner of a vehicle is found guilty of an offence against subsection (1) in relation to the vehicle, the owner shall, in addition to the penalty, if any, imposed under subsection (1), pay to the Registrar an amount equal to the amount, at the time at which the offence occurred, payable under section 13 of the *Motor Vehicles Act* for 12 months registration of the vehicle in the configuration in which the vehicle was driven at the time of the offence.

"(4) The Regulations may prescribe that the penalty specified in subsection (3) does not apply to certain specified classes of offences against that subsection and that penalty shall accordingly not apply to those offences.

"(5) An inspector or a member of the Police Force who has reason to believe that a heavy vehicle is not registered may remove a number plate which is attached to that vehicle.

"(6) For the purposes of this section -

- (a) a heavy vehicle being driven by the shortest practicable route to the nearest office of the Registrar or police station, for the purpose of registering that vehicle;
- (b) a heavy vehicle being removed or operated in pursuance of a licence granted under section 137 of the *Motor Vehicles Act* or a licence, granted under a law of a State or another Territory of the Commonwealth, which permits the driving of a vehicle not registered under such an Act;
- (c) a heavy vehicle being driven in pursuance of, and in accordance with, a pastoral vehicle permit granted under section 137B of the *Motor Vehicles Act*;
- (d) a heavy vehicle being towed, moved or driven under section 47(4);

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- (e) a heavy vehicle which is the property of the Commonwealth or an authority of the Commonwealth; and
- (f) a heavy vehicle registered under the *Interstate Road Transport Act* of the Commonwealth,

shall be deemed to be registered.

"(7) A person shall not, on a public street or public place, drive a heavy vehicle that is a visiting motor vehicle, unless -

- (a) that person can establish, to the satisfaction of the Registrar, that within the period of 3 months immediately preceding that day, it had been outside the Territory; or
- (b) the vehicle is, under section 8A(1) of the *Motor Vehicles Act*, exempted from the requirement for registration.

"(8) For the purposes of subsection (1), a heavy vehicle shall be deemed to be not registered, notwithstanding that it is registered under a law of another country or of a State or another Territory of the Commonwealth relating to the registration of motor vehicles, where it is being driven by a person who is

- (a) a resident of the Territory; and
- (b) the owner of the vehicle,

and the vehicle has been in the Territory continuously -

- (c) for more than 28 days; or
- (d) where the Registrar has, under section 8A(1) of the *Motor Vehicles Act*, exempted the vehicle from the requirement for registration for a period, for more than that period.

"(9) For the purposes of subsection (8)(b), but without limiting that subsection, a person shall be deemed to be the owner of a heavy vehicle if it is registered under a law of another country or of a State or another Territory of the Commonwealth in the name of that person or in the name of the spouse, a dependant or parent, who is a resident of the Territory, of that person.

"(10) In a prosecution for an offence against subsection (1) in respect of a heavy vehicle which is deemed not to be registered by virtue of subsection (9), an averment in the complaint that -

- (a) a person is a resident of the Territory; or

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- (b) the vehicle in respect of which an alleged offence was committed had been in the Territory continuously for a specified period,

is prima facie evidence of the matters averred.

"(11) For the purposes of this section -

'configuration' has the meaning it has in the *Motor Vehicles Act*; and

'heavy vehicle' means a vehicle to which, if the vehicle were required to be registered in the Territory, the Road Transport Charges Laws of the Territory as defined in the *Road Transport Charges (Northern Territory) Act* would apply."

7. DRIVING UNINSURED OR IMPROPERLY INSURED VEHICLE

Section 34(3) of the Principal Act is amended by inserting after "section 33(3)" the words "or section 33A(2) or (6)".

8. NEW SECTION

The Principal Act is amended by inserting after section 43A the following:

"43B. EXEMPTIONS

"(1) The Registrar may, by notice in the *Gazette*, exempt a motor vehicle of a class specified in the notice, subject to such conditions, if any, as the Registrar thinks fit, from the application of some or all of the provisions of this Act.

"(2) In determining whether to exempt a motor vehicle under subsection (1), the Registrar shall have regard to -

- (a) the speed capacity;
- (b) the likelihood of infrequent use on public streets or public places; and
- (c) such other special considerations or characteristics of the vehicle as the Registrar thinks fit,

of a vehicle of the relevant class."

9. TRANSITIONALS

Where, before the commencement of this Act, a vehicle was registered under the *Motor Vehicles Act*, or a law of another country or of a State or another Territory of the Commonwealth relating to the registration of motor vehicles, then, during that period of registration -

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- (a) sections 33 and 34 continue to apply to that vehicle as if the amendments to those sections effected by sections 5, 6 or 7 of this Act had not come into operation; and
  - (b) section 33A does not apply to that vehicle.
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