

NORTHERN TERRITORY OF AUSTRALIA
ROAD TRANSPORT REFORM (VEHICLES AND TRAFFIC)
(NORTHERN TERRITORY) ACT 1995

No. 25 of 1995

TABLE OF PROVISIONS

Section

PART 1 - PRELIMINARY

1. Short title
2. Commencement
3. Purpose
4. Interpretation
5. Binding the Crown
6. Act to cease to be in force

PART 2 - APPLICATION OF ROAD TRANSPORT
REFORM LAWS IN THIS JURISDICTION

7. Application of provisions of *Road Transport Reform Act* relating to application, emergency and exemption orders in this jurisdiction
8. Application of Road Transport Regulations in this jurisdiction
9. Application of the *Commonwealth Acts Interpretation Act*
10. *Interpretation Act* to apply
11. Termination of orders

PART 3 - CONSEQUENTIAL AND TRANSITIONAL PROVISIONS
RELATING TO EXISTING LEGISLATION

12. Road Transport Reform Laws of the Territory to prevail over existing laws
13. Transitional regulations
14. Conferral of functions and powers on National Road Transport Commission
15. Conferral of other functions and powers on National Road Transport Commission for purposes of corresponding law in this jurisdiction
16. Conferral of functions and powers on Ministerial Council
17. Conferral of other functions and powers on Ministerial Council for purposes of corresponding law in this jurisdiction

PART 4 - MISCELLANEOUS

18. Delegation
19. Fees (including taxes)
20. Regulations



NORTHERN TERRITORY OF AUSTRALIA

No. 25 of 1995

AN ACT

to apply certain laws of the Commonwealth relating to road transport, as envisaged by the agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth, as laws of the Territory, and for other purposes

[Assented to 26 June 1995]

BE 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:

PART 1 - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Road Transport Reform (Vehicles and Traffic) (Northern Territory) Act 1995*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PURPOSE

(1) This Act forms part of a scheme to create uniform or consistent national road transport legislation, as envisaged by the agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth.

(2) The scheme is designed to -

- (a) improve the safety and efficiency of transport on roads and on other areas that are open to or used by the public; and
 - (b) reduce the costs of the administration of that transport.
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Road Transport Reform (Vehicles and Traffic)
(Northern Territory)

(3) The purpose of this Act is to apply as law in this jurisdiction provisions of the *Road Transport Reform Act* and regulations made under that Act.

4. INTERPRETATION

(1) In this Act, unless the contrary intention appears -

"existing law" means a law as in force on the commencement of this Act;

"jurisdiction" means a State or a participating Territory;

"National Road Transport Commission" means the body of that name established by the *National Road Transport Commission Act 1991* of the Commonwealth;

"participating Territory" means the Australian Capital Territory or the Jervis Bay Territory;

"*Road Transport Reform Act*" means the *Road Transport Reform (Vehicles and Traffic) Act 1993* of the Commonwealth;

"Road Transport Reform Laws of the Territory" means Division 2 of Part 3 of the *Road Transport Reform Act* as applying in this jurisdiction and the Road Transport Reform Regulations of the Territory;

"Road Transport Reform Regulations of the Territory" means the regulations in force from time to time under Part 2 of the *Road Transport Reform Act* as applying in this jurisdiction;

"this jurisdiction" means the Territory.

(2) Subject to subsection (3), in this Act a reference to an Act of the Commonwealth includes a reference to -

(a) the Act as amended and in force from time to time; and

(b) an Act enacted in substitution for that Act.

(3) An amendment to an Act of the Commonwealth or an Act enacted in substitution for such an Act shall be taken to be in force if the Administrator certifies, by notice in the *Gazette*, that, as at the date of the certificate or a later date, the amendment or the substituted Act is in force.

Road Transport Reform (Vehicles and Traffic)
(Northern Territory)

5. BINDING THE CROWN

(1) This Act and the Road Transport Reform Laws of the Territory bind the Crown in right of this jurisdiction and the Crown in right of the Commonwealth and, so far as the legislative power of the Legislative Assembly permits, the Crown in all of its other capacities.

(2) An Act of another jurisdiction that corresponds to this Act, and the Road Transport Reform Laws of the other jurisdiction, bind the Crown in right of this jurisdiction.

6. ACT TO CEASE TO BE IN FORCE

(1) This Act, other than subsection (2), ceases to be in force when the *National Road Transport Commission Act 1991* of the Commonwealth ceases to be in force.

(2) Even if this Act ceases to be in force under subsection (1), the Road Transport Reform Regulations of the Territory continue in force as if they were laws made by the Legislative Assembly, and those laws may be amended or repealed by the Legislative Assembly.

PART 2 - APPLICATION OF ROAD TRANSPORT
REFORM LAWS IN THIS JURISDICTION

7. APPLICATION OF PROVISIONS OF ROAD TRANSPORT REFORM ACT RELATING TO APPLICATION, EMERGENCY AND EXEMPTION ORDERS IN THIS JURISDICTION

Division 2 of Part 3 (other than section 18) of the *Road Transport Reform Act* as in force from time to time applies as a law of this jurisdiction.

8. APPLICATION OF ROAD TRANSPORT REGULATIONS IN THIS JURISDICTION

(1) The regulations as in force from time to time under Part 2 of the *Road Transport Reform Act* -

(a) apply as regulations in force for the purposes of this Act; and

(b) as so applying, may be referred to as the Road Transport Reform Regulations of the Territory.

(2) Regulations made as a separate set of principal regulations under Part 2 of the *Road Transport Reform Act* and applying as regulations in force for the purposes of this Act may be referred to in the manner prescribed by the regulations.

Road Transport Reform (Vehicles and Traffic)
(Northern Territory)

(3) Regulations are taken to be in force under Part 2 of the *Road Transport Reform Act* if the Administrator certifies, by notice in the *Gazette*, that, as at the date of the certificate or a later date, the regulations are in force.

(4) Notwithstanding subsection (3), a regulation referred to in that subsection is not taken to be in force if it ceases to be in force under the *Road Transport Reform Act*.

(5) A contravention of or failure to comply with the Road Transport Reform Regulations of the Territory is, unless otherwise specified in the regulations made under this Act, a regulatory offence.

(6) Regulations made under this Act may amend, substitute or modify a provision to the Road Transport Reform Regulations of the Territory or may include additional provisions in the Road Transport Reform Regulations of the Territory relating to matters dealt with by the *Road Transport Reform Act* and those regulations shall form part of the Road Transport Reform Regulations of the Territory.

(7) Where, under the Road Transport Reform Regulations of the Territory, a power or function is conferred on the Minister or an Authority, the power shall be exercised and the function performed, notwithstanding anything to the contrary in those Regulations, by the person, body or office-holder specified as the Authority for the purposes of the power or function in regulations made under this Act.

(8) Where, under the Road Transport Reform Regulations of the Territory, a discretion as to the exercise of a power or the performance of a function is conferred on an Authority and the Authority is, by virtue of subsection (7), a competent authority, within the meaning of the *Traffic Act*, the Minister may, for the purposes of ensuring that the discretion is exercised consistently in the Territory, give a direction to the competent authority as to the exercise of the discretion, and the competent authority shall comply with a direction so given.

9. APPLICATION OF COMMONWEALTH ACTS INTERPRETATION ACT

The *Acts Interpretation Act 1901* of the Commonwealth applies to the interpretation of this Act and the Road Transport Reform Laws of the Territory and any instrument made, granted or issued under those laws, except that -

- (a) "Government Gazette" is to be taken to refer to the *Government Gazette* of this jurisdiction; and

Road Transport Reform (Vehicles and Traffic)
(Northern Territory)

- (b) "Minister" is to be taken to refer to the Minister of this jurisdiction administering this Act.

10. *INTERPRETATION ACT TO APPLY*

Notwithstanding section 9, the *Interpretation Act* applies to this Act and the Road Transport Reform Laws of the Territory and any instrument made, granted or issued under those laws, except to the extent of any inconsistency with the *Acts Interpretation Act 1901* of the Commonwealth.

11. *TERMINATION OF ORDERS*

Notwithstanding any provision of Division 2 of Part 3 of the *Road Transport Reform Act* as applying in this jurisdiction, the Ministerial Council for Road Transport may, in accordance with the agreements scheduled to the *National Road Transport Commission Act 1991* of the Commonwealth, terminate an emergency order.

PART 3 - CONSEQUENTIAL AND TRANSITIONAL PROVISIONS
RELATING TO EXISTING LEGISLATION

12. *ROAD TRANSPORT REFORM LAWS OF THE TERRITORY TO PREVAIL OVER EXISTING LAWS*

(1) The object of this section is to ensure that the Road Transport Reform Laws of this Territory supersede existing laws of this jurisdiction which relate to matters dealt with by the Road Transport Reform Laws.

(2) Subject to section 13, if an existing law of this jurisdiction is inconsistent with a provision of the Road Transport Reform Laws of the Territory, the provision of the Road Transport Reform Laws prevails and, to the extent of that inconsistency, the inconsistent existing law of this jurisdiction does not operate.

(3) To the extent that a law of this jurisdiction ceases to operate because of this section, the law is taken, for the purposes of the *Interpretation Act*, to have been repealed by this Act.

13. *TRANSITIONAL REGULATIONS*

(1) The Administrator may make regulations modifying or suspending the operation of existing laws of this jurisdiction that are, or would otherwise be, inconsistent with, or for which provision is made under, the Road Transport Reform Laws of the Territory.

(2) Regulations made under subsection (1) cease to be in force 12 months after their commencement or after such shorter or longer period as the Regulations specify.

Road Transport Reform (Vehicles and Traffic)
(Northern Territory)

(3) The Administrator may make regulations containing provisions of a savings or transitional nature consequent on the application of any provision of the Road Transport Reform Laws as a law of this jurisdiction.

(4) A provision referred to in subsection (3) may, if the regulations so provide, take effect from the commencement of this Act.

(5) To the extent to which a provision referred to in subsection (3) takes effect from a date that is earlier than the date of its commencement, the provision does not operate so as -

- (a) to effect, in a manner prejudicial to a person (other than the Territory or an authority of the Territory), the rights of that person existing before the date of its commencement; or
- (b) to impose liabilities on a person (other than the Territory or an authority of the Territory) in respect of anything done or omitted to be done before the date of its commencement.

14. CONFERRAL OF FUNCTIONS AND POWERS ON NATIONAL ROAD TRANSPORT COMMISSION

(1) The National Road Transport Commission has the functions and powers conferred or expressed to be conferred on it under this Act or the Road Transport Reform Laws of the Territory.

(2) In addition to the powers referred to in subsection (1), the Commission has power to do all things necessary or convenient to be done in connection with the performance of the functions referred to in subsection (1).

15. CONFERRAL OF OTHER FUNCTIONS AND POWERS ON NATIONAL ROAD TRANSPORT COMMISSION FOR PURPOSES OF CORRESPONDING LAW IN THIS JURISDICTION

The National Road Transport Commission has power to do acts in this jurisdiction in the performance or exercise of a function or power expressed to be conferred on it by a law of another jurisdiction that corresponds to this Act or to the Road Transport Reform Laws of the Territory.

16. CONFERRAL OF FUNCTIONS AND POWERS ON MINISTERIAL COUNCIL

(1) The Ministerial Council for Road Transport has the functions and powers conferred or expressed to be conferred on it by or under this Act or the Road Transport Reform Laws of the Territory.

Road Transport Reform (Vehicles and Traffic)
(Northern Territory)

(2) In addition to the powers referred to in subsection (1), the Ministerial Council has power to do all things necessary or convenient to be done in connection with the performance of the functions referred to in subsection (1).

17. CONFERRAL OF OTHER FUNCTIONS AND POWERS ON MINISTERIAL COUNCIL FOR PURPOSES OF CORRESPONDING LAW IN THIS JURISDICTION

The Ministerial Council for Road Transport has power to do acts in this jurisdiction in the performance or exercise of a function or power expressed to be conferred on it by a law of another jurisdiction that corresponds to this Act or to the Road Transport Reform Laws of the Territory.

PART 4 - MISCELLANEOUS

18. DELEGATION

(1) The Minister may, in writing, delegate to a person any of his or her powers or functions under this Act or the Road Transport Reform Laws of the Territory, other than the power in section 15(1) of the *Road Transport Reform Act*.

(2) Subject to the directions of the Minister, a person to whom a power or function under subsection (1) has been delegated may, in writing, delegate the power to another person.

(3) A delegation under this section may be to a person from time to time holding, acting in or performing the duties of an office, designation or position.

(4) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister or the delegate of the Minister, as the case may be.

19. FEES (INCLUDING TAXES)

This section imposes the fees (including fees that are taxes) that the Road Transport Reform Laws of the Territory prescribe.

20. REGULATIONS

(1) The Administrator may make regulations, not inconsistent with this Act, prescribing matters -

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

Road Transport Reform (Vehicles and Traffic)
(Northern Territory)

- (2) The Regulations may provide for -
- (a) the payment of a prescribed amount in lieu of a penalty which may otherwise be imposed for an offence against the Road Transport Reform Laws of the Territory;
 - (b) the service of notices on persons alleged to have infringed the Road Transport Reform Laws of the Territory and particulars to be included in such notices; and
 - (c) the proof of ownership of a vehicle and other evidentiary matters in respect of offences committed against the Road Transport Reform Laws of the Territory.
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