



NORTHERN TERRITORY OF AUSTRALIA

No. 16 of 1987

AN ACT

to amend the *Traffic Act*

[Assented to 25 June, 1987]

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:

1. SHORT TITLE

This Act may be cited as the *Traffic Amendment Act 1987*.

2. COMMENCEMENT

(1) Sections 1 and 2 shall come into operation on the day on which the Administrator's assent to this Act is declared.

(2) The remaining provisions of this Act shall come into operation on a date to be 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. DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUG OR WITH HIGH ALCOHOL-BLOOD CONTENT

Section 8 of the Principal Act is amended by adding at the end the following:

"(4) A person to whom this subsection applies shall not, on a public street or public place -

(a) drive a motor vehicle;

(b) start the engine of a motor vehicle; or

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(c) put a motor vehicle in motion,
if alcohol is present in his blood.

"(5) The penalty for an offence against subsection (4) is a fine not exceeding \$500 or imprisonment for a period not exceeding 6 months, or both.

"(6) Subsection (4) applies to a person who -

- (a) has not attained the age of 18 years;
- (b) is the holder of a permit licence granted under section 9 of the *Motor Vehicles Act*;
- (c) is the holder of a licence and a permit licence granted under section 9 of the *Motor Vehicles Act* when driving a motor vehicle of a class specified in that permit licence; or
- (d) is the holder of a licence which is provisional by virtue of section 10A of the *Motor Vehicles Act*."

5. REQUIREMENT TO SUBMIT TO BREATH TEST

Section 8D(2) of the Principal Act is amended by omitting from paragraph (a) all words after "that there may be present" and substituting the following:

"in that person's blood -

- (i) any alcohol, where the person is a person referred to in section 8(6); or
- (ii) a concentration of alcohol equal to or exceeding 80 milligrams of alcohol per 100 millilitres of blood; or".

6. TRAFFIC INFRINGEMENT NOTICES

Section 36H of the Principal Act is amended -

- (a) by omitting subsection (4)(a);
- (b) by inserting in subsection (10) after "subsection (9)(b)" the words "where the traffic infringement notice contains a list of traffic infringements"; and
- (c) by omitting subsection (11)(b) and (c) and substituting the following:
"and
(b) no further proceedings shall be taken in respect of the traffic infringement."

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7. PENALTIES FOR OFFENCES

Section 55 of the Principal Act is amended -

- (a) by omitting from subsection (2) "suspend that person's licence" and substituting "cancel that person's licence and disqualify him from holding a licence";
- (b) by omitting from subsections (4)(a) and (b) and 5A(a), (b), (ba), (c) and (d) "suspended" and substituting "cancelled and he shall be disqualified from holding a licence";
- (c) by omitting subsections (5B) and (5C) and substituting the following:

"(5AA) Where a person is convicted of an offence against section 8(4), that person's licence shall, by force of the conviction, be cancelled and he shall be disqualified from holding a licence for a period of 3 months or such longer period as the court thinks fit.

"(5B) Where a person whose licence is cancelled under this Act is convicted of an offence against section 8 or 8A, the court may disqualify that person from holding a licence for such further period as it thinks fit.

"(5C) Where a person is convicted of an offence against subsection (8) of driving while his licence is cancelled, the court may disqualify that person from holding a licence for such further period as it thinks fit.";

- (d) by omitting from subsection (5D) -
 - (i) "of a suspension or cancellation" and substituting "the cancellation"; and
 - (ii) "for the period of the suspension" and substituting "for the period of the cancellation";
- (e) by omitting from subsection (5G) "suspension" and substituting "cancellation";
- (f) by omitting subsection (7); and
- (g) by omitting from subsection (8) "is suspended for a period" and substituting "is suspended for a period, cancelled".

8. REGULATORY OFFENCES

Section 55A of the Principal Act is amended by omitting "8(1) or (2)" and substituting "8(1), (2) or (4)".

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9. APPEALS AGAINST CONVICTIONS, CANCELLATIONS, &c.

Section 55AA of the Principal Act is amended -

- (a) by omitting from subsection (1)(a)(ii) "or suspended"; and
- (b) by omitting from subsection (2)(a) "the period, if any, during which -" and subparagraphs (i) and (ii) and substituting the following:

"the period, if any, during which the appellant is disqualified from being granted a licence or obtaining a licence or the renewal of a licence to drive a motor vehicle".

10. REPEAL AND SUBSTITUTION

The Schedule to the Principal Act is repealed and the following substituted:

"SCHEDULE

Section 36H

PRESCRIBED PENALTIES FOR CERTAIN TRAFFIC INFRINGEMENTS

First Column	Second Column
TRAFFIC INFRINGEMENT	PENALTY
	\$
Drive wrong way in one-way street	60
Overtake incorrectly	50
Fail to give way to right or to emergency vehicle	60
Fail to obey traffic lights	80
Drive without headlights or tail lights	50
Drive with faulty headlights or tail lights	50
Exceed speed limit by more than 15 and up to 30 kilometres per hour	80
Fail to give way to pedestrian at pedestrian or children's crossing	80
Remove, alter or deface defect label, within the meaning of the <i>Motor Vehicles Act</i> , without authority	60

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First Column	Second Column
TRAFFIC INFRINGEMENT	PENALTY
	\$
Drive motor vehicle on footpath	30
Fail to wear seat belt	50
Drive motor vehicle with load -	
(a) unsafe;	
(b) insecure; or	
(c) projecting without flag	50
Not wear or fasten securely helmet	50
Fail to keep to left	40
Drive on prescribed beach	30
Not drive in traffic lane	40
Cross unbroken line or double lines	40
Make incorrect turn	50
Fail to give signal or warning	40
Part of body protruding from vehicle	50
Exceed speed limit by up to 15 kilometres per hour	50
Fail to obey directions of Police Officer	60
Obstruct traffic	30
Leave ignition keys in unattended vehicle	20
Cause emission of undue amount of smoke	30
Number plates not fitted to motor vehicle or trailer	40
Registration label not properly fixed to motor vehicle or trailer	40
Drive noisy motor vehicle	40
Fail to dip headlights	30

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First Column	Second Column
TRAFFIC INFRINGEMENT	PENALTY
	\$
Number plate not clearly visible	30
Number plate light not operating	30
Drive with "L" or "P" plates displayed when not required to	10
Drive without "L" or "P" plates displayed when required to display	50
Interfere with traffic sign	40
Fail to obey traffic sign	60
Fail to give way at intersection	60
Fail to cancel operation of signalling device	40
Fail to remove wheel chocks from road	20
Standing or parking in contravention of signs or so as to cause danger, obstruction or inconvenience	30
Fail to light clearance lamps or to have reflectors on stationary vehicles or trailers	30
Fail to display warning signs	40
Fail to fasten load or to correctly fasten load	50
Drive vehicle in condition which may cause danger	30
Fail to ensure child or young person wears restraint or seat belt	50
Carrying passenger on motor cycle not correctly seated	60
Carrying more than one passenger on motor cycle	60
Carrying a passenger on motor cycle when not permitted	60

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First Column	Second Column
TRAFFIC INFRINGEMENT	PENALTY
	\$
Fail to have prescribed light alight on bicycle	25 "