



NORTHERN TERRITORY OF AUSTRALIA

No. 69 of 1982

AN ACT

To amend the *Motor Vehicles Act*

[Assented to 8 October 1982]

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 *Motor Vehicles Amendment Act 1982*.

2. COMMENCEMENT

This Act shall come into operation on 1 January 1983.

3. PRINCIPAL ACT

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

4. INTERPRETATION

Section 5(1) of the Principal Act is amended -

- (a) by inserting after the definition of "approved" the following:

"'articulated vehicle' means a motor vehicle the portion immediately following the prime mover of which is pivoted to, and a part of which (not being a pole, drawbar or an accessory thereof) is superimposed on, the prime mover;

'attached', in relation to the connection between a motor vehicle and a trailer, includes connected indirectly through another trailer;"

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(b) by omitting the definition of "driver" and substituting the following:

"'diameter', in relation to a wheel, means the diameter measured in a horizontal plane across the axis of the wheel and, in relation to a wheel to which a pneumatic tyre is attached, means the diameter of the tyre when that tyre is inflated;

'drive', in relation to a vehicle, means to drive, or be in control of, in a public place or in a public street and includes to ride and to haul;

'driver' means a person driving a vehicle;";

(c) by inserting after the definition of "instructor's licence" the following:

"'laden mass', in relation to a vehicle, means -

(a) the tare mass of the vehicle; and

(b) the mass of the load on that vehicle,

borne by the surface on which that vehicle is standing or running;

'length', in relation to a vehicle, means -

(a) in the case of a motor vehicle to which a trailer is attached, the distance from the foremost end of the motor vehicle, a projecting part of the motor vehicle or its load, to the hindmost end of the hindmost trailer, a projecting part of that trailer or its load, whichever is the greatest; and

(b) in any other case, the distance from the foremost end of the vehicle, a projecting part of the vehicle or its load, to the hindmost end of the vehicle, a projecting part of the vehicle or its load, whichever is the greatest,

but -

(c) other than for the purpose of determining the overall length of a motor vehicle to which a trailer is attached, a towbar which is detachable shall not be included in the measurement of the overall length of the trailer; and

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- (d) for the purpose of determining the overall length of a trailer, a portion of the trailer not exceeding the full width of that trailer and contained within a radius of 1.9 metres forward of the point of articulation of that trailer shall not be included in the measurement of the overall length of that trailer;"
- (d) by omitting the definition of "officer" and substituting the following:
- "'officer' means -
- (a) a person appointed in pursuance of this Act;
 - (b) a member of the Police Force; or
 - (c) a person referred to in section 6(1) of the *Control of Roads Amendment Act 1982*;"
- (e) by inserting after the definition of "passenger car derivative" the following:
- "'pneumatic tyre' means a tyre consisting of a flexible elastic shell inflated with air, whether with or without an inner tube;"
- (f) by inserting after the definition of "powered cycle" the following:
- "'prime mover' means a motor vehicle constructed so as to provide the motive power for an articulated vehicle;"
- (g) by omitting the definition of "public street" and substituting the following:
- "'public place' means any part (other than a public street) of a park, reserve, parking area, recreational or sporting ground, racecourse, drive-in theatre, beach or any other open place, that is open to or used by the public, whether with or without payment for admission, but does not include the track within an enclosed ground used for vehicle or animal speed races or trials;
- 'public street' means any street, road, lane, thoroughfare, footpath or place open to, or used by, the public and includes a road on land leased under the *Special Purposes Leases Act* for use as a road, but does not include -
- (a) an entrance driveway;

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- (b) a road, or part of a road, that is closed under the *Control of Roads Act* or under the *Local Government Act*; or
- (c) a street, road, lane, thoroughfare, foot-path, or other place, under construction;"
- (h) by inserting after the definition of "repealed Ordinance" the following:

"'rigid', in relation to a vehicle, means that the longitudinal axis of the vehicle cannot deviate from a straight line in the horizontal plane;

'self-tracking', in relation to a trailer, means equipped with a device which causes the distances between wheels on the same side of the trailer to vary as the trailer is hauled round a curve in a road in such manner that the trailer follows approximately round the curve the track of the motor vehicle to which it is attached;"

- (j) by inserting after the definition of "specially constructed vehicle" the following:

"'Standards' means the Motor Vehicles (Standards) Regulations;

'tare mass', in relation to a vehicle, means the unladen mass of the vehicle together with the equipment prescribed to be carried upon or fitted to the vehicle and, in the case of a vehicle which uses fuel, approximately 10 litres of fuel;" and

- (k) by adding at the end the following:

"'weighing device' means a device approved by the Minister for the purposes of this Act and the Standards;

'weighing machine' means -

- (a) a weighbridge; or
- (b) a weighing device;

'weighing station' means a place on or near a public street or public place at which there is a weighing device;

'width' means -

- (a) in relation to a vehicle, the distance from one side of the vehicle, a projecting part of that vehicle or its load, to the other

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side of that vehicle, a projecting part of that vehicle or its load, whichever is the greatest, but excluding rear vision mirrors and signalling devices on that vehicle;

- (b) in relation to a tyre, the width of the surface of the tyre which ordinarily comes into contact with the surface of the road; and
- (c) in relation to tyres on a group of co-axial wheels on one side of the longitudinal centre line of the vehicle, the sum of the widths of the surfaces of those tyres which ordinarily come into contact with the surface of the road."

5. NEW SECTION

The Principal Act is amended by inserting after section 7 the following:

"7A. DELEGATION

"(1) The Minister may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.

"(2) A power or function delegated under this section, when exercised or performed by the delegate, shall for the purpose of this Act, be deemed to have been exercised or performed by the Minister.

"(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Minister."

6. NEW PARTS

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

"PART VA - USE OF PUBLIC STREETS AND
PUBLIC PLACES BY VEHICLES

"Division 1 - Preliminary

"50. APPLICATION

"(1) Subject to sub-section (2), on and from 1 January 1987, Division 2 shall not apply to nonconforming vehicles other than nonconforming vehicles which are motor omnibuses.

"(2) On and from 1 January 1992, Division 2, other than section 52(h), shall not apply to nonconforming vehicles which are motor omnibuses.

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"51. INTERPRETATION

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

'bogie axle' means a group of 2 or more axles fitted to a nonconforming vehicle and which are -

- (a) not more than 3 metres apart;
- (b) on a vehicle with 3 or more axles; and
- (c) not less than 3 metres from any other axle of the vehicle or a vehicle attached to the vehicle;

'nonconforming vehicle' means a vehicle -

- (a) which was registered in the Territory on or before 1 January 1983 and which registration was in force on that date;
- (b) in respect of which the person who was the owner on 1 January 1983 has, on and from that date, remained the owner; and
- (c) which complies with the requirements of this Part that are applicable to it but which does not comply with the like requirements of the Standards that would, but for this definition, be applicable to it.

"(2) A reference in Division 2 to -

- (a) a vehicle;
- (b) a motor vehicle;
- (c) an articulated vehicle;
- (d) a prime mover; or
- (e) a trailer,

shall be read as a reference to -

- (f) a vehicle;
- (g) a motor vehicle;
- (h) an articulated vehicle;
- (j) a prime mover; or
- (k) a trailer,

respectively, which is a nonconforming vehicle.

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*"Division 2 - Length, Width, Height and
Mass of Nonconforming Vehicles*

"52. MAXIMUM LENGTH, &c., OF VEHICLES

"A person shall not drive, or cause or permit to be driven -

- (a) a motor vehicle, without a trailer, (other than an articulated vehicle) the length of which exceeds 12.2 metres;
- (b) an articulated vehicle, the length of which exceeds 16.5 metres;
- (c) an articulated vehicle, the length of a component portion of which exceeds 12.2 metres;
- (d) a trailer, the length of which -
 - (i) where it is self-tracking, exceeds 16.8 metres;
 - (ii) where it is not self-tracking, exceeds 12.2 metres;
 - (iii) where it is one of 2 or 3 trailers attached to the same motor vehicle, exceeds 13.8 metres; or
 - (iv) where it is hauled behind an articulated vehicle, exceeds 12.2 metres;
- (e) a motor vehicle to which one trailer is attached where the total length of the motor vehicle and trailer exceeds 30.5 metres;
- (f) a motor vehicle to which 2 or 3 trailers are attached where the total length of the motor vehicle and trailers exceeds 45 metres;
- (g) a vehicle where its width exceeds 2.5 metres; or
- (h) a vehicle where the distance from the surface of the road to the highest part of the vehicle or the load on that vehicle exceeds 4.4 metres.

Penalty: \$1,000.

"53. VEHICLE WITH PNEUMATIC TYRES

"(1) Subject to section 57, a person shall not drive, or cause or permit to be driven, a vehicle to all of the wheels of which pneumatic tyres are fitted -

- (a) if the load on an axle of the vehicle exceeds 9 tonnes;

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- (b) if the load on a wheel of the vehicle exceeds 4.5 tonnes;
- (c) if the load on a tyre of the vehicle exceeds 2.7 tonnes;
- (d) if the load on a bogie axle of the vehicle exceeds 16 tonnes; or
- (e) if the aggregate of the load on each of any 2 axles, and of each intervening axle, if any, of the vehicle or the vehicle combination exceeds -
 - (i) where the distance between the centres of those first-mentioned axles is not less than one metre but does not exceed 3 metres - 16 tonnes;
 - (ii) where the distance between the centres of those first-mentioned axles exceeds 3 metres but does not exceed 3.5 metres - 19.4 tonnes;
 - (iii) where the distance between the centres of those first-mentioned axles exceeds 3.5 metres but does not exceed 4 metres - 21 tonnes;
 - (iv) where the distance between the centres of those first-mentioned axles exceeds 4 metres but does not exceed 4.5 metres - 22.3 tonnes; or
 - (v) where the distance between the centres of those first-mentioned axles exceeds 4.5 metres - 22.3 tonnes plus 1.15 tonnes for each half metre or part of a half metre by which that distance exceeds 4.5 metres.

Penalty: \$1,000 or imprisonment for 6 months.

"(2) In this section, 'vehicle combination' means a combination of a motor vehicle or prime mover and a trailer or trailers attached to the motor vehicle or prime mover, as the case may be.

"(3) It shall be a defence to a prosecution for an offence against sub-section (1) if the person charged with the offence proves to the satisfaction of the court hearing the charge that he made or caused to be made reasonable efforts to comply with the requirements of that sub-section and that the respective load limits specified in that sub-section have not been exceeded by more than 10% of such limits.

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"Division 3 - Use of Trailers

"54. MAXIMUM NUMBER OF TRAILERS TO BE DRAWN BY RIGID MOTOR VEHICLE

"A person shall not drive, or cause or permit to be driven, a rigid motor vehicle to which there are attached more than 3 trailers.

Penalty: \$1,000.

"55. MAXIMUM NUMBER OF TRAILERS TO BE DRAWN BY ARTICULATED VEHICLE

"A person shall not drive, or cause or permit to be driven, an articulated vehicle to which there are attached more than 2 trailers.

Penalty: \$1,000.

"Division 4 - Axle and Wheel Loads

"56. AXLE LOADS ON AXLES NOT MORE THAN ONE METRE APART AND WHEEL LOADS ON CO-AXIAL WHEELS

"(1) For the purposes of sections 53 and 57, axles the centres of which may be included between 2 parallel transverse vertical planes not more than one metre apart shall be deemed to be one axle.

"(2) For the purposes of sections 53, 57 and 62(2), a group of co-axial wheels on one side of the centre line of a vehicle shall be deemed to be one wheel.

"PART VB - ALTERATION OF MAXIMUM LOADS, GRANTING OF EXEMPTIONS, AND PROHIBITION AGAINST CERTAIN VEHICLES

"57. ALTERATION OF MAXIMUM LOADS, &c.

"(1) The Minister may, by notice in the *Gazette*, specify maximum mass, maximum axle, wheel or tyre loads, maximum tyre pressures, maximum speeds or maximum numbers of trailers, in place of those fixed under Part VA or the Standards for vehicles, classes of vehicles or vehicles having tyres of a particular kind, travelling on a public street or in a public place, specified in that notice, during periods specified in that notice.

"(2) A maximum mass, load, tyre pressure, speed or number of trailers specified in a notice under subsection (1) by the Minister shall be deemed to be substituted for that fixed by or under the appropriate provision of Part VA or the Standards in respect of -

(a) vehicles of the class;

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- (b) vehicles having the kind of tyres;
- (c) vehicles travelling on the public street or in the public place; and
- (d) the period,

specified in the notice.

"58. PROHIBITION AGAINST CERTAIN VEHICLES TRAVELLING ON SPECIFIED PUBLIC STREETS OR IN SPECIFIED PUBLIC PLACES

"(1) The Registrar, in his discretion and subject to such conditions and for such period as he thinks fit, may, by notice in the Gazette, prohibit vehicles, classes of vehicles or vehicles having tyres of a particular kind, from travelling on a public street or in a public place specified in that notice.

"(2) A person shall not drive, or cause or permit to be driven, a vehicle the subject of a notice referred to in sub-section (1) in contravention of the requirements of the notice.

Penalty: \$1,000.

"59. EXEMPTION OF VEHICLES FROM PART VA AND STANDARDS

"The Registrar, in his discretion and subject to such conditions and for such period as he thinks fit, may, by instrument in writing, exempt a particular vehicle or vehicles included in a particular class of vehicles from the operation of one or more of the provisions of Part VA or the Standards.

"60. PROOF OF EXEMPTION DEFENCE IN CERTAIN CASES

"It shall be a defence to a prosecution for an offence against Part VA or the Standards to show that the vehicle in respect of which the offence is alleged to have been committed was, at the time of the alleged offence, exempted from the operation of Part VA or the Standards, as the case may be, and was being used in pursuance of, and in accordance with, the conditions of an exemption granted under section 59 by the Registrar in respect of that vehicle.

"PART VC - WEIGHING OF VEHICLES

"61. DETERMINATION OF MASS OF VEHICLE

"Subject to section 62, for the purposes of Part VA and the Standards -

- (a) the mass supported on a part of a vehicle;

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(b) the tare mass of a vehicle; or

(c) the laden mass of a vehicle,

shall be deemed to be that mass determined by weighing the vehicle, or part of the vehicle, as the case may be -

(d) on a weighbridge which has been verified within the meaning of the *Weights and Measures Act*; or

(e) by the use of a weighing device which has been tested, found accurate and sealed in accordance with section 63.

"62. DETERMINATION OF LADEN MASS OF VEHICLE, WHEEL LOAD AND LOAD ON TYRE

"(1) The laden mass of a vehicle shall be deemed to be -

(a) where all the wheels of the vehicle are weighed simultaneously on a weighing machine or weighing machines, the mass shown by the weighing machine or the total of the masses shown by the weighing machines, as the case may be; or

(b) in any other case, the aggregate of the axle loads on the axles or group of axles of the vehicle.

"(2) The wheel load on a wheel of a vehicle shall be deemed to be the load on the axle to which the wheel is attached, divided by the number of wheels attached to the axle.

"(3) The load on a tyre of a vehicle shall be deemed to be the axle load on the axle to which the wheel with the tyre is attached, divided by the number of tyres on the wheels attached to that axle.

"63. TESTING WEIGHING MACHINES

"(1) For the purposes of section 61, an officer shall not use a weighing machine other than a weighing machine which has been tested, found accurate and sealed, and in respect of which a certificate has been issued and kept, in accordance with the requirements of this section.

"(2) The requirements of this section with respect to testing, finding accurate and sealing a weighing machine, and issuing and keeping a certificate in respect of the weighing machine, shall be as follows:

(a) in respect of a weighing machine which is a weighbridge - the weighbridge shall be tested by an Inspector within the meaning of the *Weights and Measures Act*;

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- (b) in respect of a weighing machine which is a weighing device - the weighing device shall be tested by an officer appointed for that purpose by the Registrar;
- (c) the weighing machine shall be tested at intervals of not more than 12 months;
- (d) if the weighing machine has been tested and found accurate, it shall be sealed with a seal which prevents the mechanism of that weighing machine from being tampered or interfered with while the seal is unbroken; and
- (e) a certificate shall be issued in respect of each test carried out on the weighing machine and, in respect of each such test, the certificate shall include particulars of -
 - (i) the identifying number of that weighing machine;
 - (ii) the date on which the test was made;
 - (iii) the result of the test; and
 - (iv) the signature of the person conducting the test.

"(3) A copy of a certificate referred to in sub-section (2)(e) shall be admissible as evidence as a record of the particulars referred to in that sub-section without proof of the signature of the person by whom it purports to have been signed or of the fact that that person -

- (a) where the certificate relates to a weighing machine which is a weighbridge - is an Inspector within the meaning of the *Weights and Measures Act*; and
- (b) where the certificate relates to a weighing machine which is a weighing device - is a person appointed under sub-section (2)(b).

"PART VD - OFFICERS

"64. POWERS OF OFFICERS FOR PURPOSES OF PART VA AND STANDARDS

"For the purposes of Part VA and the Standards, an officer may require the driver of a vehicle -

- (a) to stop the vehicle;
- (b) to give information concerning the mass of the vehicle and the load, if any, on that vehicle;

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- (c) to state his name and place of abode;
- (d) to drive or cause that vehicle to be driven to, and weighed at, a weighbridge or weighing station situated -
 - (i) within 30 kilometres of the place where the officer makes that requirement; or
 - (ii) within 30 kilometres of any place on the forward journey planned for that vehicle;
- (e) to permit the officer to measure and examine the vehicle, its wheels, tyres and load;
- (f) to permit the officer to weigh -
 - (i) the load on a tyre;
 - (ii) the wheel load on a wheel;
 - (iii) the axle load on an axle; and
 - (iv) the laden mass,
of the vehicle;
- (g) to produce to the officer such books, records, licences, exemptions under section 59, and other documents, relating to the registration or operation of the vehicle or the licensing of the driver, as are in that driver's possession or within his control, and to permit that officer to record any particulars set out in such books, records, licences, exemptions under section 59, and other documents; or
- (h) whom the officer, after the vehicle and its load have been weighed in pursuance of paragraph (d) or (f), considers to have committed an offence against Part VA or the Standards, to take measures to prevent the further commission of that offence and, after taking such measures, to have that vehicle and its load weighed at a weighbridge or weighing station nominated by that officer and within the period specified by that officer at the time of making that requirement.

"65. PERSON TO COMPLY WITH REQUIREMENTS, &c., OF OFFICERS

"(1) A person shall not fail or neglect to comply with a requirement made under section 64(a), (d), (e), (f) or (h) by an officer.

Penalty: \$10,000 or imprisonment for 2 years.

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- "(2) A person shall not -
- (a) fail or neglect to comply with a requirement made under section 64(b), (c) or (g) by an officer;
 - (b) when lawfully required to state his name and place of abode by an officer, state a false name or place of abode to the officer;
 - (c) when lawfully required by an officer to give information, give false or misleading information to the officer;
 - (d) use obscene language to an officer;
 - (e) assault, resist or obstruct an officer in the exercise of his powers under this Act; or
 - (f) impersonate an officer.

Penalty: \$1,000 or imprisonment for 6 months.

"PART VE - EVIDENCE

"Division 1 - Evidence

"66. EVIDENCE

"(1) In a prosecution for an offence against Part VA or the Standards, an averment in the information or the complaint -

- (a) that a specified mass was, at the time the mass was determined -
 - (i) the load on a tyre of a vehicle;
 - (ii) the wheel load on a wheel of a vehicle;
 - (iii) the axle load on an axle of a vehicle; or
 - (iv) the laden mass of a vehicle;
- (b) that the mass was determined as specified in Part VC; and
- (c) if a weighing machine was used to determine a mass, that the weighing machine had, not more than 12 months before the date when the mass was determined, been tested, found accurate and sealed in accordance with section 63,

shall be evidence of the matter averred.

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"(2) In a prosecution for an offence against Part VA or the Standards, an averment in the information or the complaint that a specified measurement was, at the time the measurement was determined -

- (a) the height of a vehicle;
- (b) the width of a vehicle; or
- (c) the length of a vehicle,

shall be evidence of the matter averred.

"67. LIABILITY OF OWNER AND ACTUAL OFFENDER

"(1) Subject to sub-section (2), where a vehicle is driven in contravention of Part VA or the Standards, the owner and the driver of the vehicle at the time it was so driven shall each be guilty of the offence in respect of that contravention and liable on conviction to the penalty provided for the offence.

"(2) It is a defence to a prosecution against the owner of a vehicle for an offence referred to in sub-section (1) if the owner of the vehicle satisfies the court that the vehicle was being driven or operated at the time of the alleged offence without his express or implied authority."

7. REPEAL AND SUBSTITUTION

Section 119 of the Principal Act is repealed and the following substituted:

"119. JUDICIAL NOTICE OF REGISTRAR'S, DEPUTY REGISTRAR'S AND CERTAIN OFFICERS' SIGNATURES

"All courts shall take judicial notice -

- (a) of the official signature of a person who holds or has held the office of Registrar or Deputy Registrar;
- (b) of the official signature of an officer having duties in connection with the registration of vehicles in a State or in another Territory of the Commonwealth; and
- (c) of a certificate in writing under the hand of the Registrar, the Deputy Registrar, or an officer referred to in paragraph (b), that, on any day or during any period -
 - (i) a person was not licensed or has failed to do something which under this Act a person may be licensed or required to do; or

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- (ii) a motor vehicle was not registered or licensed in a manner in which a motor vehicle may be registered or licensed under this Act,

and such certificate shall be prima facie evidence of the matter contained in the certificate."

8. REGULATIONS

Section 138 of the Principal Act is amended -

- (a) by omitting from paragraph (ae) "\$100 for breaches of the regulations; and" and substituting "\$1,000 for breaches of the regulations;";
- (b) by omitting from paragraph (af) "plates." and substituting "plates; and"; and
- (c) by adding at the end the following:

"(ag) prescribing -

- (i) the standards of, and equipment to be fitted to, vehicles and requiring vehicles or equipment to be maintained in a specified manner;
 - (ii) the manner in which weighing machines may be tested and used;
 - (iii) loading and unloading practices in respect of vehicles;
 - (iv) the dimensions of vehicles;
 - (v) the maximum laden mass of particular vehicles, or classes of vehicles, including maximum axle loads or combination of axles loads; and
 - (vi) the manner in which persons driving vehicles shall minimize any danger and annoyance that may thereby be caused to the public."
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