



NORTHERN TERRITORY OF AUSTRALIA

No. 100 of 1981

AN ACT

To amend the Motor Vehicles Act.

[Assented to 21 December 1981]

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 (No. 2) 1981.

2. COMMENCEMENT

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

3. PRINCIPAL ACT

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

4. INTERPRETATION

Section 5 of the Principal Act is amended -

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

"'Australian Design Rule' means a design rule issued by the Commonwealth Department of Transport and indorsed by the Australian Transport Advisory Council;"

(b) by inserting after the definition of "compensation contributions" the following:

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"'compliance plate' means an identification plate approved by the Australian Motor Vehicle Certification Board for affixing to the motor vehicle to which it is attached;";

(c) by inserting after the definition of "motor vehicle" the following:

"'multi-purpose passenger car' means a motor vehicle for use wholly or principally for the carriage of persons, being a motor vehicle that -

(a) is fitted, equipped or constructed so as to seat not more than 8 adult persons;

(b) is constructed -

(i) on a chassis of a kind usually used in the construction of a motor lorry; or

(ii) otherwise in the manner of a motor vehicle for use wholly or principally for the carriage of goods; and

(c) is fitted, or is capable of being fitted, with pneumatic tyres;";

(d) by inserting after the definition of "owner" the following:

"'passenger car' means a motor vehicle for use wholly or principally for the carriage of persons, other than a multi-purpose passenger car, motor omnibus or motor cycle;

'passenger car derivative' means a motor vehicle for use wholly or principally for the carriage of goods, being a motor vehicle -

(a) that is of a kind known as a panel van or utility or is a similar kind of motor vehicle; and

(b) the front part of the body and the mechanical equipment of which are substantially the same as in passenger cars manufactured by the manufacturer of the motor vehicle;";

(e) by inserting in the definition of "private hire car" after "consideration" the words "where the amount or the value of the consideration may exceed the actual cost of operating the motor vehicle for the carriage of any such person,"; and

(f) by inserting after the definition of "repealed Ordinance" the following:

"'specially constructed vehicle' means a motor vehicle other than -

(a) a motor omnibus;

(b) a multi-purpose passenger car;

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- (c) a passenger car;
- (d) a passenger car derivative; or
- (e) a motor cycle;"

5. REGISTRATION OF MOTOR VEHICLES

Section 8 of the Principal Act is amended by inserting "Part VIA and" after "requirements of".

6. REFUSAL, CANCELLATION OR SUSPENSION OF LICENCE, &c.

Section 102(2)(c) of the Principal Act is amended by inserting "Part VIA and" after "requirements of".

7. NEW PART

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

"PART VIA - SEAT BELTS AND SEAT BELT ANCHORAGE POINTS

"106A. INTERPRETATION

"For the purposes of this Part and Schedule 6 -

- (a) a motor vehicle shall be deemed to be a motor vehicle exceeding 4.5 tonnes gross vehicle mass if the mass of the motor vehicle together with the mass of the maximum load that it is designed to carry exceeds 4.5 tonnes;
- (b) a motor vehicle shall be deemed not to be a specially constructed vehicle where -
 - (i) the Registrar has, by notice in the Gazette, declared the motor vehicle not to be a specially constructed vehicle; or
 - (ii) the motor vehicle is included in a class of motor vehicles that the Registrar has, by notice in the Gazette, declared not to be a class of specially constructed vehicles;
- (c) a reference to an Australian Design Rule shall be read as a reference to such a design rule read in conjunction with the document known as 'Australian Design Rules - Definitions';
- (d) where an Australian Design Rule refers to another instrument, that instrument shall be deemed to be incorporated with, and form part of, the design rule; and
- (e) the particulars recorded on a compliance plate shall, in respect of the motor vehicle to which the compliance plate is affixed, unless the contrary is proved, be proof of -

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- (i) the date of manufacture of that motor vehicle;
- (ii) where applicable, the gross vehicle mass of that motor vehicle;
- (iii) the Australian Design Rules in respect of which that motor vehicle complies; and
- (iv) such other particulars as are prescribed.

"106B. SEAT BELTS AND SEAT BELT ANCHORAGE POINTS

"Subject to sections 106C and 106D, on and from 1 April 1982, a motor vehicle other than -

- (a) a motor cycle;
- (b) a motor omnibus; or
- (c) a specially constructed vehicle,

shall be equipped with -

- (d) seat belts conforming to the standards and specifications of the Australian Design Rule appropriate to that motor vehicle as set out in Table 1 of Schedule 6 and as in force on 1 January 1982; and
- (e) seat belt anchorage points or seat belt anchorages conforming to the standards and specifications of the Australian Design Rule appropriate to that motor vehicle as set out in Table 2 of Schedule 6 and as in force on 1 January 1982.

"106C. APPLICATION OF AUSTRALIAN DESIGN RULES

"(1) Subject to section 106D, the Registrar may, by notice in the Gazette, in respect of a motor vehicle or class of motor vehicles, adopt an Australian Design Rule in respect of the fitting of seat belts and seat belt anchorage points to any such motor vehicle or class of motor vehicles.

"(2) Where a notice under sub-section (1) refers to a motor vehicle required by section 106B to be fitted with seat belts and seat belt anchorage points in accordance with that section, the motor vehicle referred to in the notice shall be deemed to comply with that section if it is fitted with seat belts and seat belt anchorage points in accordance with the Australian Design Rule so adopted in that notice.

"(3) Where a notice under sub-section (1) refers to a motor vehicle or class of motor vehicles not required by section 106B to be fitted with seat belts and seat belt anchorage points in accordance with that section, the motor vehicle or class of motor vehicles referred to in the notice shall be fitted with seat belts and seat belt anchorage points in accordance with the Australian Design Rule so adopted in that notice and within the period specified in that notice.

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"106D. EXEMPTIONS

"(1) The Registrar may, by notice in the Gazette, exempt a motor vehicle, or a motor vehicle included in a class of motor vehicles, in whole or in part, from the application of this Part, and a motor vehicle so exempted shall not, accordingly, be required to comply with this Part.

"(2) The Registrar shall, where he is of the opinion that, in respect of a motor vehicle referred to in section 106B or 106C(1), the requirements of either section would be unduly onerous or impracticable in respect of the motor vehicle, by notice in writing to a person, exempt that motor vehicle from the requirements of that section.

"106E. CERTIFICATION OF DESIGN RULES

"A certificate in writing under the hand of the Registrar certifying that -

- (a) a document annexed to the certificate is a copy of an Australian Design Rule referred to in Schedule 6 and known by the name specified in the certificate;
- (b) a document annexed to the certificate is a copy of a document referred to in such an Australian Design Rule; and
- (c) the Australian Design Rule was in force on the date specified in the certificate,

is evidence that the document is such a copy and that that Australian Design Rule was in force on that date."

8. UNAUTHORIZED USE OF MOTOR VEHICLES AS PUBLIC HIRE CARS, &c.

Section 110(c) of the Principal Act is amended by omitting "any person or goods; or" and substituting "any goods or, in respect of persons, where the amount or value of the consideration exceeds the actual cost of operating the motor vehicle for the carriage of those persons; or".

9. DEFECTIVE MOTOR VEHICLES

Section 128A(1) of the Principal Act is amended by inserting "Part VIA and" after "requirements of".

10. SCHEDULE 4

Schedule 4 of the Principal Act is amended by omitting clause 21.

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11. NEW SCHEDULE

The Principal Act is amended by adding at the end thereof the following:

"SCHEDULE 6

TABLE 1

Section 106B(d)

Australian Design Rule No.	4*	4	4A	4B	4C
Class of vehicle	Date on or after which vehicle manufactured				
Passenger cars	1 January 1969	1 January 1971	1 January 1974	1 January 1975	1 January 1976
Passenger car derivatives	1 January 1969	1 January 1971	1 January 1974	1 January 1975	1 January 1976
Multi-purpose passenger cars	1 January 1970	1 January 1971	1 January 1974	1 January 1975	1 January 1976
Other vehicles of manufacturer's gross vehicle mass of less than 4.5 tonnes	1 January 1970	1 January 1971	1 January 1974	1 January 1975	1 January 1976

* Seat belts required in the outboard front seating positions only.

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TABLE 2

Section 106B(e)

Australian Design Rule No.	5A*	5A	5B
Class of vehicle	Date on or after which vehicle manufactured		
Passenger cars and passenger car derivatives	1 January 1969	1 January 1971	1 January 1975
Other vehicles of manufacturer's gross vehicle mass of less than 4.5 tonnes	1 January 1969	1 January 1971	1 July 1975

*Seat belt anchorages required in the outboard front seating positions only."

