

# THE NORTHERN TERRITORY OF AUSTRALIA

No. 70 of 1979

## AN ACT

To amend the Motor Vehicles Act

[Assented to 26 June 1979]

**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. This Act may be cited as the <u>Motor Vehicles Act (No. 2) 1979</u> .  | Short title                                      |
| 2. The <u>Motor Vehicles Act</u> is in this Act referred to as the Principal Act.   | Principal Act                                    |
| 3. This Act shall come into operation on 1 July 1979.   | Commencement                                     |
| 4. Section 5 of the Principal Act is amended -  | Interpretation                                   |
| (a) by inserting after the definition of "approved" the following definition:<br><br>"compensation contributions" means contributions payable in respect of the motor accident compensation scheme established by the <u>Motor Accidents (Compensation) Act</u> ;" and          |  |
| (b) by inserting after the definition of "new owner" the following definition:<br><br>'Office' means the Territory Insurance Office established by the <u>Territory Insurance Office Act</u> ;"   |  |
| 5. Section 13A(1) of the Principal Act is amended by omitting paragraph (b) and substituting the following paragraph:<br><br>"(b) that person pays to the Deputy Registrar or other officer the amount of the compensation contributions in respect of that motor vehicle; and" | Motor vehicle, &c., deemed to be registered, &c. |

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6. Part V of the Principal Act is repealed and the following Part substituted:

"PART V - COMPENSATION CONTRIBUTIONS

Compen-  
sation con-  
tributions  
to be paid

"45.(1) The Registrar shall not grant or renew the registration of a motor vehicle unless there has been paid to him the relevant amount of compensation contributions specified in the Second Schedule in respect of that class of vehicle or any amount in substitution thereof specified in a notice made in pursuance of section 47.

"(2) The Registrar shall not issue a trader's plate unless there has been paid to him the relevant amount of compensation contributions specified in the Second Schedule in respect of that class of trader's plate or any amount in substitution thereof specified in a notice made in pursuance of section 47.

Moneys  
received

"46.(1) Subject to section 48, the Registrar shall pay to the Office all amounts received by him under section 45 less such amounts to cover administrative costs as are determined by the Treasurer, or as are calculated in accordance with a determination of the Treasurer.

"(2) Where the Treasurer makes a determination for the purposes of sub-section (1), he shall cause a copy of that determination to be published in the Gazette.

Minister  
may vary  
rates of  
contrib-  
ution

"47.(1) The Treasurer may, upon the recommendation of the Office, by instrument in writing, specify the rates of compensation contributions to be paid in respect of the grant or renewal of the registration of a motor vehicle, or the issuing of a trader's plate, on and after a date, being not earlier than 1 July 1980, specified in the notice, and on and after that date those rates so specified shall be the respective compensation contributions payable in respect of the registration or renewal of registration of the particular classes of motor vehicles specified in that notice or the issuing of those plates, as the case may be.

"(2) Where the Treasurer makes an instrument under sub-section (1), he shall cause a copy of the instrument to be published in the Gazette.

Moneys to  
be paid  
to  
Minister

"48.(1) The Treasurer may, by instrument in writing, specify amounts, not exceeding \$10 in respect of any class of motor vehicle or trader's plate, to be

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paid to the Treasurer out of compensation contributions received by the Registrar, and, subject to sub-section (2), while such an instrument is in force, the Registrar shall subtract the relevant amounts from the amounts he forwards under section 46 to the Office and forward them to the Treasurer.

"(2) Where the Treasurer makes an instrument under sub-section (1), he shall cause a copy of the instrument to be published in the Gazette.

"(3) No amount shall be forwarded to the Treasurer under sub-section (1) in respect of any registration or renewal of registration of a motor vehicle, or the issuing of trader's plates, after 30 June 1984.

"49.(1) All amounts of money payable under section 48 to the Treasurer shall be paid by him into a trust account established for that purpose under the Financial Administration and Audit Act.

Reimburse-  
ment of  
past  
losses

"(2) The Treasurer shall, as soon as practicable after 30 June in 1982 and in each subsequent financial year in which he receives money referred to in section 48, consider claims by insurers in respect of past losses arising out of their conducting third-party accident insurance business in the Territory and, on those claims being proved to his satisfaction, the Treasurer shall determine the respective percentages of the balance standing to the credit of the trust account at the end of that financial year, including interest, to be paid to each of them.

"(3) A determination of the Treasurer made under sub-section (2) and the amounts payable under that determination shall be notified in the Gazette and, on being so notified, the respective sums shall be paid out of the trust account to the relevant insurers."

7.(1) Notwithstanding the repeal effected by section 6, the provisions of Part V of the Principal Act shall continue to apply to and in relation to a motor vehicle which, immediately before the commencement of this Act, was currently registered under the Principal Act, and shall continue to so apply until the expiration of that current period of registration.

Savings

(2) Notwithstanding the repeal effected by section 6 -

(a) section 81(1) and (3); and

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- (b) the office, duties, functions, rights and liabilities of the nominal defendant within the meaning of, and under, the Principal Act as in force immediately before the commencement of this Act

shall continue, and all rights that a person had against the nominal defendant immediately before the commencement of this Act, or may subsequently have had if the repeal had not been effected, in respect of a motor vehicle accident that occurred before the commencement of this Act shall continue or accrue, as the case may be, as if that repeal had not been effected.

(3) Notwithstanding the repeal effected by section 6, section 83 of the Principal Act as in force immediately before the commencement of this Act continue to apply to and in relation to claims against the nominal defendant arising out of accidents that occurred before the commencement of this Act as if that repeal had not been effected, and a reference in that section to authorized insurers is to those insurers who were authorized insurers, within the meaning of the Principal Act as in force immediately before the commencement of this Act, at the time of the accident.

8.(1) Section 103(4) of the Principal Act is amended by inserting after "renewal" (first occurring) the words ", including the amount payable under Part V,".

(2) Section 103(5) of the Principal Act is amended by omitting "of 50 cents" and substituting "prescribed for the purposes of this sub-section".

Remission or  
refund of  
fees

9. Section 132(2) of the Principal Act is amended -

- (a) by inserting in paragraphs (b) and (c), after "fee", the words "or other amount";
- (b) by omitting from paragraph (d) "the fee paid on the registration or licensing of the vehicle equivalent to one-twelfth of the annual registration or licence fee" and substituting "the moneys paid on the registration or licensing of the vehicle equivalent to one-twelfth of the annual licence fee or the annual registration fee and compensation contributions"; and
- (c) by omitting "of 50 cents" (wherever occurring) and substituting "prescribed for the purposes of this sub-section".

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10. Section 138 of the Principal Act is amended by omitting paragraphs (x) and (z). Regulations

11. The Schedules to the Principal Act are amended by inserting before the Third Schedule the following Schedule: Schedules

"SECOND SCHEDULE

Section 45

RATES OF COMPENSATION CONTRIBUTIONS

Item	Class of vehicle or plate	Rate of contribution
		\$
1	PRIVATE MOTOR CAR - a motor vehicle, not included in items 5 to 11, both inclusive, that is used solely as set out in one or more of the following paragraphs:	
	(a) for social, domestic or pleasure purposes;	
	(b) by the owner, being an individual, for his own carriage in relation to his profession, business or calling, not being the profession, business or calling of a commercial traveller or travelling salesman, or an insurance agent, canvasser, inspector or assessor, or an indent, manufacturer's, stock and station, business or real estate agent;	
	(c) by a medical practitioner for the purposes of his profession;	
	(d) by or on behalf of the owner, being a primary producer;	
	(e) in connection with the work of a hospital, institution or trade union, by or on behalf of the authority controlling the hospital, institution or union.	120.00

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Item	Class of vehicle or plate	Rate of contribution
		\$
2	BUSINESS CAR - A motor vehicle not included in item 1 or in items 4 to 11, both inclusive.	120.00
3	GOODS VEHICLE - A motor vehicle in respect of which payment is received for the conveyance of goods, being a motor vehicle the subject of a licence to ply for hire for the carriage of goods issued under section 136 -	
	(a) where the unladen mass does not exceed 2 tonnes;	120.00
	(b) where the unladen mass exceeds 2 tonnes.	227.00
4	OMNIBUS OR TOURIST MOTOR VEHICLE - A motor vehicle in respect of which payment is received for the conveyance of passengers, being a motor vehicle that is authorized to convey passengers on a specified route only or to tourist resorts only or sightseeing tours only -	
	(a) where the vehicle has seating accommodation for more than 6 adult persons (including the driver);	334.00
	(b) where the vehicle has seating accommodation for not more than 6 adult persons (including the driver).	120.00
5	PUBLIC HIRE CAR - A motor car, not included in item 4 or 7, that stands in a public place for hire and in respect of which payment is received for the conveyance of passengers.	336.00

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Item	Class of vehicle or plate	Rate of contribution
		\$
6	PRIVATE HIRE CAR - A motor car, not included in item 4 or 7, that does not stand in a public place for hire but in respect of which payment is received for the conveyance of passengers.	174.00
7	DRIVE-YOURSELF VEHICLE - A motor vehicle that is let for hire (otherwise than under a hire-purchase agreement) without the services of a driver but does not stand in a public place for hire.	334.00
8	MOTOR CYCLE - A motor vehicle, not included in item 11, that has less than 4 wheels and is steered by means of a handlebar or tiller -	
	(a) where the capacity rating of the engine of the motor cycle exceeds 250 cubic centimetres;	174.00
	(b) where the capacity rating of the engine of the motor cycle exceeds 125 cubic centimetres but does not exceed 250 cubic centimetres;	66.00
	(c) where the capacity rating of the engine of the motor cycle does not exceed 125 cubic centimetres.	24.00
9	FIRE-FIGHTING VEHICLE - A motor vehicle used solely for fire-fighting purposes.	24.00
10	UNDERTAKER'S VEHICLE - A motor vehicle used solely as an undertaker's hearse.	50.00
11	MOTOR BREAKDOWN VEHICLE.	66.00
12	TRAILER.	14.00
13	VETERAN OR VINTAGE CAR.	34.00

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Item	Class of vehicle or plate	Rate of contribution
		\$
14	MISCELLANEOUS - A motor vehicle not otherwise classified in this Schedule.	50.00
15	TRADER'S PLATES	
	(a) in respect of motor vehicles other than motor cycles;	120.00
	(b) in respect of motor cycles.	109.00.