

THE NORTHERN TERRITORY OF AUSTRALIA

No. 153 of 1979

AN ACT

To amend the Motor Vehicles Act

[Assented to 12 December 1979]

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:

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| 1. This Act may be cited as the <u>Motor Vehicles Act (No. 4) 1979</u> . | Short title |
| 2. The <u>Motor Vehicles Act</u> is in this Act referred to as the <u>Principal Act</u> . | Principal Act |
| 3. This Act shall come into operation on a date to be fixed by the Administrator by notice in the <u>Gazette</u> . | Commencement |
| 4. The Principal Act is amended by inserting after section 128 the following section: | |
| "128A.(1) In this section, unless the contrary intention appears - | Defective motor vehicles |
| 'defective', in relation to a motor vehicle, means a vehicle which does not comply with the requirements of the Fourth Schedule or which by reason of its condition, design or construction is considered by a member of the Police Force or an inspector to be or likely to be a source of danger or annoyance to the public or of damage to public streets. | |
| "(2) A member of the Police Force or an inspector may, if he considers that a motor vehicle that is standing or being driven or moved on a public street is defective - | |
| (a) examine or inspect the motor vehicle; or | |
| (b) direct the owner or any person having custody of the motor vehicle to produce the vehicle, at a specified time and place, for examination or inspection. | |

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"(3) The owner or any person having custody of a motor vehicle shall not -

- (a) prevent or hinder the examination of the motor vehicle by a member of the Police Force or an inspector; or
- (b) refuse or fail to comply with a direction given under sub-section (2)(b).

"(4) A member of the Police Force or an inspector who examines or inspects or causes to be examined or inspected a motor vehicle may, for the purpose of such examination or inspection, drive, move or test the motor vehicle or cause it to be driven, moved or tested.

"(5) A member of the Police Force or an inspector who examines or inspects a motor vehicle or any person who is authorized by a member of the Police Force or an inspector to examine or inspect a motor vehicle shall not be liable for any damage to that vehicle caused by or arising from his reasonable actions in examining or inspecting that vehicle.

"(6) Where, upon examination or inspection, a motor vehicle is found to be defective, a member of the Police Force or an inspector may issue to the owner or any person having custody of the motor vehicle a notice (in this Act called a 'defect notice') in accordance with the prescribed form -

- (a) specifying the defects in the vehicle; and
- (b) directing that the vehicle shall not, except as provided in the defect notice, be driven or moved on a public street after the issue of the defect notice until the vehicle has been produced at a place specified in the defect notice for examination or inspection by a member of the Police Force or an inspector and is found to be no longer defective.

"(7) At the time that a member of the Police Force or an inspector issues a defect notice to a person, he shall affix a label (in this Act called a 'defect label'), in accordance with the prescribed form, to the motor vehicle in a position as near as practicable to the registration label affixed to that vehicle and, if no registration label is affixed, in a position as near as practicable to the place prescribed for the affixing of a registration label.

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"(8) A defect notice -

- (a) may provide that the motor vehicle to which it relates may be driven or moved as directed in the defect notice on public streets to a convenient place for the purpose of carrying out work on that vehicle to render it no longer defective; and
- (b) shall provide that after such work to render the vehicle no longer defective has been completed, the vehicle may be driven or moved on public streets by the shortest practicable route to the place specified in the defect notice for examination or inspection of that vehicle.

"(9) Where a motor vehicle has been produced in accordance with a direction in a defect notice for examination or inspection and it is found that, while the reasons stated in the defect notice for the vehicle being defective have been remedied, there are other reasons why the vehicle is defective, a further defect notice may be issued stating those other reasons.

"(10) A person shall not, where a defect notice has been issued in respect of a motor vehicle, drive that vehicle or cause or permit that vehicle to be driven or moved on a public street contrary to the terms of the defect notice.

"(11) Where a motor vehicle has been produced in accordance with a direction in a defect notice for examination or inspection and the member of the Police Force or the inspector who carries out that examination or inspection or causes that examination or inspection to be carried out is satisfied that the vehicle is no longer defective, he shall remove or shall authorize the removal of the defect label from the vehicle.

"(12) A person, not being a member of the Police Force or an inspector, shall not remove, alter or deface a defect label on a motor vehicle unless he has been authorized to do so.

"(13) Where, within the period of 28 days after a defect notice has been issued in respect of a motor vehicle or such further period as the Registrar may allow, the owner or any person having custody of that vehicle has not -

- (a) produced it for examination or inspection; or
- (b) applied to the Registrar for the registration of that vehicle to be cancelled,

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the Registrar may, by notice in writing, require the owner or any such person to show cause, within 14 days after the date of the notice, why the registration of that vehicle should not be cancelled.

"(14) The Registrar may cancel the registration of a motor vehicle where a person fails to show reasonable cause under sub-section (13) why the registration of the vehicle should not be cancelled.

"(15) Notwithstanding any other provision of this Act, where the Registrar cancels the registration of a motor vehicle in pursuance of sub-section (14), the person in whose name the vehicle is registered shall not be entitled to a refund of any fee or portion of a fee paid for that registration."
