

NORTHERN TERRITORY OF AUSTRALIA

MOTOR VEHICLES AMENDMENT BILL 1998

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Motor Vehicles Act*

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 1998*.

2. COMMENCEMENT

This Act comes into operation on the date 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 "goods vehicle" in subsection (1) the following:

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"'gross vehicle mass' means the mass recorded by the Registrar, whether by reference to the particulars recorded or kept by an officer having duties in connection with the registration of vehicles in a State or in another Territory of the Commonwealth or otherwise, as the maximum laden mass at which a vehicle should be operated;

'heavy vehicle' means a vehicle that has a gross vehicle mass of more than 4.5 tonnes;"

(b) by omitting the definition of "officer" in subsection (1) and substituting the following:

"'officer' means -

(a) a person appointed in pursuance of this Act; or

(b) a member of the Police Force;

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

(a) a person nominated under section 92A by the owner of the vehicle to be the operator of the vehicle; or

(b) if no person has been nominated as the operator of the vehicle - the owner of the vehicle;" and

(c) by omitting subsection (3) (a).

5. GRANTING OF LICENCES

Section 10 of the Principal Act is amended -

(a) by omitting from subsections (1) and (2A) "motor vehicle exceeding 4.5 tonnes gross vehicle mass" and substituting "heavy vehicle"; and

(b) by omitting subsection (6).

6. REPEAL AND SUBSTITUTION

Section 11 of the Principal Act is repealed and the following substituted:

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"11. PHYSICAL OR MENTAL INCAPACITY OR UNFITNESS TO HOLD LICENCE OR PERMIT

"(1) In this section -

(a) 'registered person' means a person who is registered as -

(i) a medical practitioner under the *Medical Act*;

(ii) an optometrist under the *Optometrists Act*; or

(iii) an occupational therapist or a physiotherapist under the *Health Practitioners and Allied Professionals Act*; and

(b) a reference to a person who is licensed to drive a motor vehicle includes a reference to a person who is licensed to drive a motor vehicle under a law of another country, a State or another Territory of the Commonwealth.

"(2) If it appears to the Registrar that -

(a) a person applying for a licence or the renewal of a licence under section 10;

(b) a person applying for a permit licence under section 9; or

(c) a person who is licensed to drive a motor vehicle,

is physically or mentally incapable of driving a motor vehicle with safety to the public or is physically or mentally unfit to be licensed, the Registrar may require the person to be medically examined by a medical testing officer.

"(3) If a person who is licensed to drive a motor vehicle is suffering from a physical or mental incapacity that may affect his or her ability to drive a motor vehicle with safety to the public, the person, or his or her personal representative, must notify the Registrar of the nature of the incapacity or unfitness.

"(4) If a registered person reasonably believes that a person he or she has examined -

(a) is licensed to drive a motor vehicle; and

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- (b) is physically or mentally incapable of driving a motor vehicle with safety to the public or is physically or mentally unfit to be licensed,

the registered person must notify the Registrar in writing of the person's name and address and the nature of the incapacity or unfitness."

7. MOTOR VEHICLE, &c., DEEMED TO BE REGISTERED, &c.

Section 13A of the Principal Act is amended by omitting subsection (3) and substituting the following:

"(3) The provisions of this Act, the Regulations, the *Traffic Act* and the Traffic Regulations that relate to affixing or attaching registration labels or number plates do not apply to a motor vehicle in respect of which a certificate has been issued under this section until the day after the day on which the owner of the motor vehicle receives the registration label or number plates, as the case may be, issued by the Registrar in respect of the motor vehicle."

8. NEW SECTION

The Principal Act is amended by inserting after section 19 the following:

"19A. DESTRUCTION OF REGISTERED MOTOR VEHICLE

"(1) If a registered motor vehicle is destroyed, whether by accident or otherwise, the owner must deliver to the Registrar a notice of destruction not later than 14 days after -

- (a) the date on which the motor vehicle is declared to be a total loss under a contract of insurance; or
- (b) if the owner is not making a claim under a contract of insurance in respect of the destruction - the date on which the motor vehicle was destroyed.

"(2) The notice is to be in the approved form and signed by the owner."

9. LIABILITY OF OWNER, OPERATOR AND ACTUAL OFFENDER

Section 67 of the Principal Act is amended -

- (a) by omitting from subsection (1) "owner" and substituting "owner, the operator";

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- (b) by omitting from subsection (2) "his" and substituting "his or her"; and
- (c) by adding at the end the following:

"(3) It is a defence to a prosecution against the operator of a vehicle for an offence referred to subsection (1) if the operator of the vehicle satisfies the court that the vehicle was being driven at the time of the alleged offence without his or her express or implied authority."

10. NEW SECTION

The Principal Act is amended by inserting after section 92 the following:

"92A. NOMINATION OF OPERATOR OF VEHICLE

"The owner of a vehicle may nominate a person to be the operator of the vehicle -

- (a) when applying for the registration or the renewal or transfer of the registration of the vehicle - by setting out in the application the full name and address of the operator and any other particulars required by the Registrar; or
- (b) at any time during a period of registration of the vehicle - by completing the approved form and lodging it with the Registrar."

11. REPEAL AND SUBSTITUTION

Section 97 is repealed and the following substituted:

"97. PRODUCTION OF CERTIFICATE, LICENCE OR PERMIT

"Despite any other provision of this Act, a person who has been granted a certificate of registration, licence or permit must, on demand by the Registrar -

- (a) within 7 days - produce the certificate, licence or permit at the office of the Registrar for inspection or endorsement; and
- (b) provide the Registrar with the particulars in relation to the certificate, licence or permit that the Registrar requires."

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12. NEW SECTION

The Principal Act is amended by inserting after section 101A the following:

"101B. REVOCATION OR SUSPENSION OF ENTITLEMENT TO DRIVE OF HOLDER OF INTERSTATE LICENCE, &c.

"The Registrar may, by a notice in writing, revoke, or suspend for the period that the Registrar thinks fit, the entitlement to drive a motor vehicle of a person who holds -

(a) a licence or permit to drive a motor vehicle granted under a law of another country, a State or another Territory of the Commonwealth; or

(b) a current international driving permit,

if, in the opinion of the Registrar, having regard to -

(c) the mental or physical condition, disorder or disability of the person; or

(d) the person's previous conduct,

the public will be, or is likely to be, placed at risk by the person continuing to drive a motor vehicle."

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

Section 102 of the Principal Act is amended -

(a) by omitting from subsection (2)(f) "permit" (twice occurring) and substituting "licence or permit";

(b) by omitting from subsection (2)(f)(ii) "permit" (first occurring) and substituting "licence or permit"; and

(c) by omitting from subsection (2)(f)(ii) "registration" and substituting "registration, licence".

14. DURATION OF CERTIFICATES AND LICENCES

Section 103 of the Principal Act is amended by omitting from subsection (3) all the words after "expire on" and substituting "the date specified in the certificate of registration or licence, as the case may be."

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15. OBTAINING PERMIT, LICENCE, &c., BY MISREPRESENTATION

Section 115 of the Principal Act is amended -

- (a) by omitting "A person" and substituting "(1) A person";
- (b) by omitting from paragraph (b) "his" and substituting "his or her"; and
- (c) by adding at the end the following:
 - "(2) If an inspector or officer -
 - (a) inspects a permit, licence, certificate, pass, label, number plate or a thing resembling a permit, licence, certificate, pass, label or number plate; and
 - (b) reasonably believes that it was obtained or is being used or is intended to be used in contravention of subsection (1),

he or she may seize the permit, licence, certificate, pass, label, number plate or thing."

16. EVIDENCE OF OWNERSHIP AND OPERATION OF MOTOR VEHICLE

Section 123 of the Principal Act is amended -

- (a) by omitting "A certificate" and substituting "(1) A certificate";
- (b) by omitting all the words after "evidence" and substituting "that -
- (a) the person specified in the certificate as the registered owner is the owner of the motor vehicle; or
- (b) the person specified in the certificate as the operator is the operator of the motor vehicle."; and
- (c) by adding at the end the following:

"(2) For the purposes of subsection (1), the operator of a motor vehicle is not to be taken as the owner of the motor vehicle unless the operator is also specified in the certificate as the owner."

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17. FURTHER AMENDMENTS

The Principal Act is further amended as set out in the Schedule.

SCHEDULE

Section 17

Provision	Amendment	
	omit	substitute
Section 63(2)(a) and (3)(a)	"Weights and Measures Act"	"Trade Measurement Administration Act"
Section 65(2)	"Penalty: \$1,000 or imprisonment for 6 months."	
Section 95(1)	"7"	"14"
Section 104	the whole section	
Section 106A	paragraph (a)	
Section 128A(6) and (7)	"prescribed form"	"approved form"
Sections 133 and 134	the whole section	
