

NORTHERN TERRITORY OF AUSTRALIA
MOTOR VEHICLES AMENDMENT BILL 1996

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SCHEDULE



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 1996*.

2. PRINCIPAL ACT

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

3. INTERPRETATION

Section 5 of the Principal Act is amended -

- (a) by inserting in subsection (1), after the definition of "compensation contributions", the following:

"'configuration', in relation to a vehicle of a kind to which the Road Transport Charges Laws apply, or to which, if the vehicle were required to be registered under this Act, those Laws would apply, means a description, of a vehicle or vehicle combination, in the Schedule to the *Road Transport Charges (Australian Capital Territory) Act 1993* of the Commonwealth, by reference to the -

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- (a) motor vehicle type;
- (b) types and maximum number of trailers, if any, attached to the motor vehicle;
- (c) MRC within the meaning of that Act; and/or
- (d) number of axles of the motor vehicle and trailers, if any, attached to the motor vehicle,

comprising the vehicle, being a description in relation to which separate provision is made in Part 2 of that Schedule for the amount of the registration charge;"

- (b) by inserting in subsection (1) after the definition of "public street" the following:

"'reconfiguration period' means, in relation to an amendment to the registration of a vehicle under section 107A, or a temporary permit under 107B, the period in respect of which the amendment or permit, as the case may be, is in force;"

- (c) by inserting in subsection (1) after the definition of "rigid" the following:

"'Road Transport Charges Laws' means the Road Transport Charges Laws of the Territory as defined in the Road Transport Charges (Northern Territory) Act;" and

- (d) by omitting subsection (2).

4. FEES

Section 13 of the Principal Act is amended by inserting after subsection (1) the following:

"(1A) For the purposes of subsection (1), 'prescribed fees' means, in relation to a vehicle of a kind to which the Road Transport Charges Laws apply -

- (a) the maximum charge payable by virtue of those Laws for the registration of the vehicle, determined by reference to its configuration from time to time; and
- (b) any administrative fee, or fee or charge other than a charge for the registration or renewal of registration of the vehicle, payable under this Act in respect of the application for registration or renewal."

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

Section 13A(1) of the Principal Act is amended by omitting paragraph (c) and substituting the following:

"(c) that person pays to the Deputy Registrar or other officer -

- (i) in the case of a vehicle of a kind to which the Road Transport Charges Laws apply - the prescribed fees within the meaning of section 13(1A); or
- (ii) in any other case - such fees as are payable under this Act in respect of the application,".

6. ALTERATION IN DESCRIPTION OF MOTOR VEHICLE OR TRAILER

Section 24 of the Principal Act is amended -

- (a) by omitting from subsection (1) "Where" and substituting "Subject to subsection (3), where"; and
- (b) by adding at the end the following:

"(3) Where it is intended to make an alteration to a vehicle that shall alter the configuration in which it is registered or which is specified on a permit issued under section 107B in relation to the vehicle -

- (a) subsection (1) does not apply; and
- (b) the owner or driver of the vehicle shall, at the time of applying for an amendment to the registration or the issue of a permit under section 107A or 107B or such other time as the Registrar approves, present the vehicle for inspection and return the certificate of registration and permit, if any, to the Registrar for amendment or replacement."

7. REGISTRATION OF ALTERED VEHICLE OR TRAILER

- (1) Section 25 of the Principal Act is amended -
 - (a) by omitting from subsection (1) "Where" and substituting "Subject to subsection (3), where"; and

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

"(3) Where it is intended to make an alteration to the construction, equipment or use of a vehicle by reason of which it is adapted for a purpose other than that for which it is registered and that shall alter the configuration in which it is registered or which is specified on a permit issued under section 107B in relation to the vehicle -

- (a) subsections (1) and (2) do not apply; and
- (b) the owner or driver of the vehicle shall, at the time of applying for an amendment to the registration or the issue of a permit under section 107A or 107B or such other time as the Registrar approves, present the vehicle for inspection and return the certificate of registration and permit, if any, to the Registrar for amendment or replacement."

(2) Section 25(1) of the Principal Act is amended by omitting "Where" and substituting "Subject to sections 107A and 107B, where".

8. APPLICATION FOR REGISTRATION AND LICENCES

Section 92(1) of the Principal Act is amended -

- (a) by inserting after "transfer of the registration of a motor vehicle," the words "or for a permit under section 107B,"; and
- (b) by omitting "and description of the body" and substituting ", description of the body, and, in relation to a vehicle to which the Road Transport Charges Laws apply, each configuration in which the vehicle is to be used during the registration period".

9. REGISTRATION AND ISSUE OF PERMITS IN CASE OF JOINT OWNERS AND COMPANIES

Section 93 of the Principal Act is amended by inserting after "motor vehicle" the words ", a transfer of the registration of a motor vehicle, an amendment to the registration of a motor vehicle under section 107A or the issue of a permit in relation to a motor vehicle under section 107B,".

10. CHANGE OF ADDRESS

Section 95 of the Principal Act is amended -

- (a) by omitting from subsection (1) "or a licence" and substituting ", a licence or a permit";

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- (b) by omitting from subsection (1) "or licence" (twice occurring) and substituting ", licence or permit"; and
- (c) by omitting from subsection (2) "or licence" and substituting ", licence or permit".

11. LOST CERTIFICATE, LICENCE OR PERMIT

Section 96 of the Principal Act is amended -

- (a) by omitting from subsection (1) "or a licence has been lost or destroyed, the owner or the licensee" and substituting ", a licence or a permit has been lost or destroyed, the owner, the licensee or the holder of the permit";
- (b) by omitting from subsection (2) "or licence" (wherever occurring) and substituting ", licence or permit"; and
- (c) by omitting from subsection (2) "or licensee" and substituting ", licensee or holder of the permit".

12. PRODUCTION OF CERTIFICATE, LICENCE OR PERMIT

Section 97 of the Principal Act is amended -

- (a) by omitting "registration or licence (other than a licence to drive a motor vehicle)" and substituting "registration, licence (other than a licence to drive a motor vehicle) or permit"; and
- (b) by inserting after "such certificate" the words ", licence or permit".

13. RETURN OF CERTIFICATE, LICENCE OR PERMIT UPON CANCELLATION

Section 98 of the Principal Act is amended -

- (a) by inserting after subsection (1) the following:

"(2) A person to whom a permit has been issued under section 107B shall, upon cancellation or suspension of the permit, return it to the Registrar, or furnish to the Registrar a satisfactory reason for his failure to do so."; and

- (b) by omitting from subsection (3) "this section" and substituting "subsection (1)".

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14. DEFACED CERTIFICATE, LICENCE OR PERMIT

Section 100 of the Principal Act is amended -

- (a) by omitting from subsection (1) "or licence" (twice occurring) and substituting ", licence or permit";
- (b) by omitting from subsection (2) "or licence" and substituting ", licence or permit"; and
- (c) by omitting from subsection (3) "or licence" (wherever occurring) and substituting ", licence or permit".

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

Section 102 of the Principal Act is amended -

- (a) by omitting from subsection (1) "or registration" and substituting ", permit or registration"; and
- (b) by omitting from subsection (2)(ba) "cancel a licence or" and substituting "cancel a licence, a permit or";
- (c) by inserting in subsection (2) after paragraph (db) the following:
 - "(e) cancel or suspend a permit issued under section 107B, where the vehicle is driven in contravention of section 107;"
- (d) by omitting from subsection (2)(f) -
 - (i) "registration of" and substituting "registration of, or the permit issued in respect of,";
 - (ii) "registered" (first occurring) and substituting "registered in error or where the permit was issued";
 - (iii) "registered for the cancellation of the registration" and substituting "registered, or the permit is issued, for the cancellation of the registration or permit"; and
 - (iv) "use thereof" and substituting "use thereof or an amendment to the registration is made under section 107A";
- (e) by omitting from subsection (3) "or registration" (twice occurring) and substituting ", permit or registration";

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- (f) by omitting from subsection (5)(a) "or the registration" and substituting ", permit or the registration";
- (g) by omitting from subsection (5B) "or registration" and substituting ", permit or registration"; and
- (h) by omitting from subsection (6) "any licence" (twice occurring) and substituting "any licence, permit".

16. NEW PART

The Principal Act is amended by inserting after section 106B the following:

"PART VIB - VEHICLES TO WHICH
ROAD TRANSPORT CHARGES LAWS APPLY

"107. VEHICLES NOT TO BE DRIVEN IN CONFIGURATION
ATTRACTING HIGHER CHARGE THAN THAT PAID

"(1) Where a person drives a vehicle to which the Road Transport Charges Laws apply, or to which, if the vehicle were required to be registered in the Territory, those Laws would apply, and -

- (a) where no amendment of registration under section 107A or permit under section 107B was in force in relation to the vehicle at the time at which the vehicle was driven in contravention of this section - the amount paid for the registration of the vehicle under this Act, or a corresponding Act of a State or another Territory of the Commonwealth relating to the registration of motor vehicles (a 'corresponding Act'), was less than the amount that would have been payable under the Act under which the vehicle was registered if the configuration in which the vehicle was driven had been nominated in the application for registration under this Act or the corresponding Act;
- (b) where the registration of the vehicle was amended under section 107A and the vehicle was being driven during the reconfiguration period in respect of the amendment - the amount paid for the amendment was less than the amount that would have been payable if the configuration in which the vehicle was driven had been nominated in the application for amendment; or
- (c) where a permit was granted under section 107B in relation to the vehicle and the vehicle was being driven during the reconfiguration period in respect of the permit - the amount paid for the

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permit was less than the amount that would have been payable if the configuration in which the vehicle was driven had been nominated in the application for the permit,

the owner of the vehicle is guilty of an offence.

Penalty: In the case of a natural person - \$2,000.

In the case of a body corporate - \$10,000.

"(2) It is a defence to a prosecution for an offence against subsection (1) if -

(a) the owner proves that -

(i) accurate information as to the configuration in which the vehicle was subsequently driven, allegedly in contravention of subsection (1), was provided in the application for the registration of the vehicle; or

(ii) where the vehicle was being driven during a reconfiguration period in respect of -

(A) an amendment to the registration under section 107A; or

(B) a permit under section 107B in relation to the vehicle,

accurate information as to the configuration in which the vehicle was subsequently driven, allegedly in contravention of subsection (1), was provided in the application for the amendment or permit; or

(b) the owner satisfies the court that the vehicle was, at the time of the alleged offence -

(i) being driven; or

(ii) a vehicle of a particular configuration at the time of being driven,

without the owner's express or implied authority.

"(3) In addition to any penalty that a court may impose under subsection (1), the Court shall order a person who is found guilty of an offence against that subsection to pay to the Registrar an amount equal to -

(a) where no amendment of registration or permit was in force in relation to the vehicle under section 107A or 107B at the time the vehicle was driven in contravention of subsection (1) - the difference between -

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- (i) the amount paid for the registration of the vehicle -

- (A) under this Act; or

- (B) under the corresponding Act,

as the case may be, being, where the amount was paid in respect of a period of more than 12 months, the proportion of the amount that was paid for registration for 12 months; and

- (ii) the amount that would have been payable at the time of registration of the vehicle under -

- (A) where the vehicle was at the time of the offence registered under this Act - this Act; or

- (B) where the vehicle was at the time of the offence registered under a corresponding Act - that Act,

being, where the registration was paid in respect of a period of more than 12 months, the amount payable for registration for 12 months, if the configuration in which the vehicle was driven had been nominated in the application for registration; or

- (b) where an amendment of registration or permit was in force under section 107A or 107B at the time the vehicle was driven in contravention of subsection (1) - the difference between -

- (i) the amount paid for the amendment or permit; and

- (ii) the amount that would have been payable, at the time of the amendment or the issue of the permit, for the amendment or permit if the configuration in which the vehicle was driven had been nominated in the application for an amendment or for a permit.

"(4) For the purposes of subsection (3), where a person paid an amount for registration, for an amendment of registration or for a permit under section 107A or 107B, calculated by taking into account a reduction or concession under this Act, or the corresponding Act under which the

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vehicle was registered at the time of the offence, the amount paid and the amount payable shall be deemed to be the amount that would have been paid or payable, respectively, if the reduction or concession were not taken into account.

"107A. CHANGE IN CONFIGURATION OF HEAVY VEHICLE REGISTERED IN TERRITORY

"(1) Where -

- (a) a vehicle of a kind to which the Road Transport Charges Laws of the Territory apply has been registered;
- (b) the owner, or a person authorised by the owner, intends to alter the configuration of the vehicle from that in which it is registered;
- (c) if the vehicle had been, at the time at which the vehicle was registered, registered in the altered configuration, a charge would have been payable under this Act greater than the amount already paid for its registration (including an amount paid in respect of the vehicle in accordance with this section); and
- (d) it is intended to alter the configuration of the vehicle for a period of more than 3 months or for the balance of the registration of the vehicle,

the owner of the vehicle, or a person authorised by the owner, may apply under this section to the Registrar for an amendment to the registration of the vehicle.

"(2) Where -

- (a) an application is made to the Registrar in the approved form providing such particulars as the Registrar requires; and
- (b) the relevant fee, determined in accordance with subsection (3) and the prescribed fee, if any, have been paid,

the Registrar may amend the registration of the vehicle to permit the vehicle to be driven in the altered configuration during the reconfiguration period, being the balance of the registration of the vehicle or a period, not less than 3 months, specified by the Registrar on the altered certificate of registration or replacement certificate, as the case may be.

"(3) For the purposes of subsection (2), the relevant fee in relation to a vehicle is, for each week, or part of a week, commencing on the first day of the reconfiguration period, $1/52$ of the difference between -

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- (a) the amount that, at the time of the amendment, would be payable for 12 months registration of the vehicle in the configuration in which it has been registered; and
- (b) the amount that, at the time of the amendment, would be payable for 12 months registration of the vehicle in the altered configuration.

"(4) Where the Registrar amends the registration of a vehicle under subsection (2), the Registrar shall alter accordingly the certificate of registration provided to the owner of the vehicle, or issue a replacement certificate, altered accordingly, in its stead.

"107B. TEMPORARY PERMIT WHERE CONFIGURATION OF TERRITORY OR INTERSTATE HEAVY VEHICLE ALTERED

"(1) Where -

- (a) a vehicle of a kind to which the Road Transport Charges Laws of the Territory apply or to which, if the vehicle were required to be registered in the Territory, those Laws would apply, has been registered under this Act or a corresponding Act of a State or another Territory of the Commonwealth relating to the registration of motor vehicles (a 'corresponding Act');
- (b) the owner, or a person authorised by the owner, intends to alter the configuration of the vehicle from that in which it is registered under this Act or the corresponding Act;
- (c) if the vehicle had been, at the time at which the vehicle was registered under this Act or the corresponding Act, registered in the altered configuration, a charge would have been payable under the Act under which the vehicle was registered greater than the amount already paid for its registration (including an amount paid in accordance with this section in respect of the vehicle) under that Act; and
- (d) in the case of a vehicle -
 - (i) registered under this Act - it is intended to alter the configuration of the vehicle for a period of 3 months or less or other than for the balance of the registration of the vehicle; or
 - (ii) registered under a corresponding Act - it is intended to alter the configuration of the vehicle for a period of 3 months or less,

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the owner of the vehicle, or a person authorised by the owner, may apply under this section to the Registrar for a temporary permit in relation to the vehicle.

"(2) Where -

- (a) an application is made to the Registrar in the approved form providing such particulars as the Registrar requires; and
- (b) the relevant fee, determined in accordance with subsection (3), and the prescribed fee, if any, have been paid,

the Registrar may issue a temporary permit in relation to the vehicle, permitting the vehicle to be driven, in the altered configuration specified in the permit, during the reconfiguration period, being a period less than 3 months, specified by the Registrar on the permit.

"(3) For the purposes of subsection (2), the relevant fee in relation to a vehicle is, for each week, or part of a week, commencing on the first day of the reconfiguration period, $1/52$ of the difference between -

- (a) the amount that, at the time of the issue of the permit, is payable under this Act for 12 months registration of the vehicle in the configuration in which it has been registered under this Act or the corresponding Act; and
- (b) the amount that, at the time of the issue of the permit, is payable under this Act for 12 months registration of the vehicle in the altered configuration,

taking into account any applicable reduction or concession under this Act."

17. DRIVING MOTOR VEHICLE DIFFERENT FROM DESCRIPTION IN CERTIFICATE OR PERMIT

Section 108 of the Principal Act is amended by omitting "of the motor vehicle." and substituting the following:

"of the motor vehicle, unless -

- (a) a permit has been issued under section 107B in relation to the vehicle;
- (b) the vehicle is driven during the reconfiguration period in respect of the permit; and

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- (c) the vehicle does not differ in any material particular from the description appearing in the permit, except where the vehicle is in a configuration in respect of which a lesser charge would have been payable under this Act for the issue of the permit than was paid for the permit."

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

Section 115 of the Principal Act is amended by omitting "licence" (wherever occurring) and substituting "permit, licence".

19. PENALTIES FOR OFFENCES

Section 117(1) of the Principal Act is amended by omitting "not exceeding \$2,000 or imprisonment for 6 months," and substituting "not exceeding, in the case of a natural person, \$2,000 or imprisonment for 6 months or, in the case of a body corporate, \$10,000,".

20. REGULATORY OFFENCES

Section 117A of the Principal Act is amended -

- (a) by omitting "9(3B), 10A(3) or (4),", "26(4) or (5), 27(4), 27F(2), 28(3), 28A, 30, 31, 33,", "107A, 107B,", "110," and "114,"; and
- (b) by omitting ", 128A, 135 or 136" and substituting "or 128A".

21. RECORD OF REGISTRATION AND LICENCES TO BE KEPT

Section 118 of the Principal Act is amended -

- (a) by omitting from subsection (1) "and licences" and substituting ", licences and permits"; and
- (b) by omitting from subsection (2) "licence" and substituting "licence, permit".

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

Section 119 of the Principal Act is amended -

- (a) by inserting after paragraph (b) the following:
 - "(ba) of, in relation to a vehicle of a kind to which the Road Transport Charges Laws apply, a certificate in writing under the hand of the Registrar, the Deputy Registrar or an officer referred to in paragraph (b), that -

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- (i) a copy, attached to the certificate, of an application for registration of, for an amendment to the registration of, or for a permit under section 107B in relation to, a vehicle under the Act was a true copy of such an application made by or on behalf of the person specified in the certificate; or
 - (ii) on the day specified in the certificate, the vehicle specified was registered as being of a specified configuration, or that it was in fact of a specified configuration;"; and
- (b) by inserting after subparagraph (c)(ia) the following:
- "(ib) a permit was or was not issued in relation to a vehicle, and, where it was so issued, the configuration specified in the permit and the name of the person in whose name the permit was issued;
- "(ic) a permit was, on a specified date, cancelled or suspended for a specified period;".

23. NEW SECTION

The Principal Act is amended by inserting after section 123 the following:

"123A. REGISTRAR MAY APPROVE CREDIT ARRANGEMENT

"Notwithstanding any other provision of this Act, a reference in this Act to an action that may only be performed, or an instrument that may only be issued, on the payment of a fee or charge, may be taken or issued where arrangements, approved by the Registrar, have been made for the payment of the fee or charge.".

24. REMISSION OR REFUND OF FEES

Section 132 of the Principal Act is amended -

- (a) by omitting subsection (2)(b) and substituting the following:
- "(b) any fee or other amount paid by that person in respect of the registration or licensing of, or the issue of a permit in relation to, a motor vehicle which was, in the opinion of the Registrar registered or licensed in error or where the permit was issued in error;";
- (b) by inserting in subsection (2)(c) after "licence" (twice occurring) "or permit";

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- (c) by omitting subsection (2)(d) and substituting the following:
 - "(d) being the person in whose name a motor vehicle is registered, or a person who the Registrar is satisfied is the new owner of the motor vehicle - where compensation contributions have been made in the Territory, one month's compensation contributions for each complete calendar month in the unexpired period of such registration or licensing and -
 - (i) in the case of a vehicle to which the Road Transport Charges Laws apply -
 - (A) where the refund relates to money paid for the registration of the vehicle (other than for an amendment of the registration under section 107A) - a proportionate amount for each day in the unexpired period of such registration of the moneys paid for the registration of the vehicle, equivalent to $\frac{1}{365}$ of the annual registration fee that was, on the date on which the vehicle was registered, paid or which would have been payable on the date on which the vehicle was registered if the vehicle had been registered for 12 months;
 - (B) where the refund relates to money paid for the amendment of the registration of the vehicle under section 107A - an amount, for each day in the unexpired part of the reconfiguration period, calculated by dividing the additional charge paid for the amendment by the number of days in the reconfiguration period; and/or
 - (C) where the refund relates to money paid for the issue of a permit under section 107B - an amount for each day in the unexpired part of the reconfiguration period, calculated by dividing the additional charge paid by the number of days in the reconfiguration period; or
 - (ii) in any other case - $\frac{1}{12}$ of the annual licence fee or the annual registration fee for each complete calendar month in the unexpired period of such licensing or registration,

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(less a deduction of a fee prescribed for the purposes of this subsection) in any of the following circumstances:

- (iii) where the motor vehicle is destroyed by accident;
 - (iv) where, on the application of that person, the registration, amendment to registration, permit or licence is cancelled;
 - (v) where the motor vehicle is re-registered on account of an alteration in its construction, equipment or use; or
 - (vi) where a permit is cancelled or suspended in accordance with section 102(2)(e):";
- (d) by inserting in subsection (3)(b) after "licence" the words "or permit"; and

(e) by inserting after subsection (3) the following:

"(3A) A refund under subsection 2(b) or 2(d) in relation to the registration of a vehicle (other than an amendment of the registration of a vehicle under section 107A where the vehicle in relation to which the refund is sought is to be re-registered) shall be calculated from the day on which the number plates are produced to -

- (a) the Registrar;
- (b) a member of the Police Force; or
- (c) a person holding, or acting on behalf of, a corresponding office in a State or another Territory of the Commonwealth,

or, where the number plates are lost or destroyed and the Registrar does not believe that improper use has or is being made of the plates, from the date on which the certificate of registration or such other evidence of the payment of the registration fee as is, in the opinion of the Registrar, sufficient, is produced."

25. NEW SECTION

The Principal Act is amended by inserting after section 134 the following:

"135. EXEMPTIONS

"(1) The Registrar may, by notice in the Gazette, exempt a motor vehicle of a class specified in the notice, subject to such conditions, if any, as the Registrar thinks fit, from the application of some or all of the provisions of this Act.

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"(2) In determining whether to exempt a motor vehicle under subsection (1), the Registrar shall have regard to -

- (a) the speed capacity;
- (b) the likelihood of infrequent use on public streets or public places; and
- (c) such other special considerations or characteristics of the vehicle as the Registrar thinks fit,

of a vehicle of the relevant class."

26. TRANSITIONALS

(1) Sections 107, 107A and 107B, and the amendments to section 108 of the Principal Act effected by section 18 of this Act, do not apply in relation to a vehicle registered before the commencement of this Act, under this Act, or a corresponding Act of a State or another Territory of the Commonwealth relating to the registration of motor vehicles, during that period of registration.

(2) Notwithstanding section 132(2)(d)(i), the refund applicable in relation to a vehicle registered before the commencement of this Act is, in relation to that registration period, the refund calculated by reference to section 132(2)(d)(ii).

27. FURTHER AMENDMENTS

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

SCHEDULE

Section 27

Provision	Amendment	
	omit	substitute
Section 14(5)	"Penalty: \$10."	
Sections 20(1) and (4)	"Penalty: \$40."	
Section 35(5)	"33"	"33, 33A"
Section 98(1)	"Penalty: \$100."	

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