

NORTHERN TERRITORY OF AUSTRALIA

AMENDMENTS OF TRAFFIC REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1998, No. 19*

Regulations under the *Traffic Act*

I, NEIL RAYMOND CONN, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Traffic Act*.

Dated 26 June 1998.

N R CONN
Administrator

AMENDMENTS OF TRAFFIC REGULATIONS

1. PRINCIPAL REGULATIONS

The Traffic Regulations are in these Regulations referred to as the Principal Regulations.

2. INTERPRETATION

Regulation 3 of the Principal Regulations is amended -

- (a) by omitting from the definition of "no parking area" in subregulation (1) "carriageway" and substituting "carriageway, public place or public street";
- (b) by omitting from the definition of "no standing area" in subregulation (1) "carriageway" and substituting "carriageway, public place or public street";
- (c) by omitting from the definition of "parking area" in subregulation (1) "carriageway" and substituting "carriageway, public place or public street"; and

* Notified in the *Northern Territory Government Gazette* on 1 July 1998.

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- (d) by inserting after the definition of "terminating carriageway" the following:

"'traffic infringement notice' means a traffic infringement notice issued under Part XIV;"

3. OBEDIENCE TO TRAFFIC CONTROL SIGNALS

Regulation 12 of the Principal Regulations is amended -

- (a) by inserting before the item in Table A relating to "Yellow circle" the following:

"Twin alternating flashing red circles a driver facing the traffic control signal must not, subject to these Regulations, proceed beyond any stop line associated with the traffic control signal or, in the absence of a stop line, proceed beyond any part of the traffic control signal.";

- (b) by omitting from Column 1 of Table A "Yellow intermittent flashes" and substituting "Yellow circle with intermittent flashes"; and

- (c) by inserting before the item in Table A relating to "Green circle" the following:

"Yellow arrow with intermittent flashes a driver facing the traffic control signal may approach and proceed with caution past the traffic control signal in the direction indicated by the arrow after giving way to any other vehicle and any pedestrian.".

4. DRIVING IN LANES ON CARRIAGEWAYS

Regulation 22 of the Principal Regulations is amended by inserting after subregulation (3) the following:

"(3A) Notwithstanding this regulation, a driver who is -

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- (a) travelling in a marked lane, a boundary of which is a single broken line; and
- (b) about to move from the marked lane across that boundary into another marked lane,

must give way to vehicles that are being driven in the marked lane which he or she will cross or into which he or she will move.

"(3B) Notwithstanding this regulation, a driver travelling in a marked lane or a line of traffic that is about to merge with another lane or line to form one marked lane or line of traffic must give way to a vehicle travelling in the other lane or line if any part of the vehicle is ahead of his or her vehicle."

5. REPEAL

Regulations 64 and 66 of the Principal Regulations are repealed.

6. DEFINITIONS

Regulation 86 of the Principal Regulations is amended -

- (a) by omitting the definition of "offender" and substituting the following:

"'offender' means a person who an officer or a member of the Police Force reasonably believes has committed an offence."; and

- (b) by omitting the definition of "traffic infringement notice".

7. SERVICE OF TRAFFIC INFRINGEMENT NOTICE

Regulation 87 of the Principal Regulations is amended by omitting "A member" and substituting "An officer or a member".

8. PARTICULARS TO BE SHOWN ON TRAFFIC INFRINGEMENT NOTICE

Regulation 88 of the Principal Regulations is amended -

- (a) by omitting from subregulation (1)(f) "a member" and substituting "an officer or a member"; and
- (b) by omitting from subregulation (2) "the member" and substituting "the officer or member".

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9. GENERAL

Regulation 92 of the Principal Regulations is amended by omitting subregulations (3) and (5).

10. POLICE MAY REQUIRE INFORMATION

Regulation 93 of the Principal Regulations is amended -

- (a) by omitting from subregulation (1) "a member" and "the member" (first occurring) and substituting "an officer or a member" and "the officer or member", respectively;
- (b) by omitting from subregulation (1)(b) "the member" and substituting "the officer or member"; and
- (c) by omitting from subregulation (2)(a) "a member" and substituting "an officer or a member".

11. TAMPERING WITH TRAFFIC INFRINGEMENT DETECTION DEVICE

Regulation 94 of the Principal Regulations is amended -

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

"(1A) A person must not without lawful authority use, or affix to or carry on a vehicle, a device, article or thing (including a device, article or thing that has the effect of obscuring a letter or figure on a number plate attached to or carried on the vehicle) that -

- (a) interferes with or prevents the operation of a traffic infringement detection device; or
- (b) prevents a traffic infringement detection device producing an image or images that alone or jointly comply with the requirements specified in section 44(1A)(a) and (b) of the Act."; and
- (b) by omitting from subregulation (2) "subregulation (1)" and substituting "subregulation (1) or (1A)".

12. INTERPRETATION

Regulation 97 of the Principal Regulations is amended by omitting from the definition of "seat belt" in subregulation (1) "section 106B or 106C of".

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13. RESPONSIBILITY OF DRIVER

Regulation 98 of the Principal Regulations is amended by omitting from subregulation (2) "public hire car" and substituting "taxi".

14. DEFENCES

Regulation 105 of the Principal Regulations is amended by omitting from subregulation (6) "a public hire car or".

15. PRODUCTION OF LICENCES

Regulation 119 of the Principal Regulations is amended —

(a) by omitting from subregulation (2) "A person (other than the driver of a vehicle with a gross vehicle mass greater than 15 t)" and substituting "Subject to subregulation (2A), a person"; and

(b) by inserting after subregulation (2) the following:

"(2A) Subregulation (2) does not apply to the following persons:

(a) the driver of a vehicle with a gross vehicle mass greater than 15 t;

(b) a person holding a learner's licence;

(c) a person holding a provisional licence granted under section 10A of the *Motor Vehicles Act*;

(d) a person holding a licence or permit referred to in section 32(a)(ii) or (iv) of the Act."

16. PROVISIONAL LICENCES

Regulation 121 of the Principal Regulations is amended by omitting from subregulation (1)(a) "80 km/h" and substituting "100 km/h".

17. NEW PART

The Principal Regulations are amended by inserting after Part XIX the following:

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"PART XIXA — LIABILITY OF OWNER FOR
PARKING AND TRAFFIC INFRINGEMENTS

"124A. DEFINITIONS

"In this Part —

'infringement notice' means a parking infringement notice or a traffic infringement notice;

'new owner' means a new owner as defined in section 5(1) of the *Motor Vehicles Act*;

'notice of disposal' means a notice of disposal within the meaning of section 20 of the *Motor Vehicles Act*;

'offence' means —

(a) a parking infringement; or

(b) an offence or alleged offence against a law of the Territory which is one of a kind specified in a short form in Column 1 of Schedule 1, including an offence detected by means of a traffic infringement detection device;

'offender' means a person who commits or is alleged to have committed an offence;

'owner' means an owner as defined in section 5(1) of the *Motor Vehicles Act*;

'penalty' includes an amount payable in pursuance of a traffic infringement notice.

"124B. LIABILITY OF OWNER

"(1) Subject to this regulation, where an offence occurs, the owner of the vehicle at the time the offence occurs is to be taken to have committed the offence whether or not the owner in fact committed the offence.

"(2) The owner of a vehicle is not to be taken to have committed an offence if —

(a) the vehicle was, at the time of the alleged offence, stolen or illegally taken or used;

(b) in the case of a vehicle that is registered under the *Motor Vehicles Act*, at the time of the alleged offence —

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- (i) the owner of the vehicle had sold or disposed of the vehicle but the registration of the vehicle had not been transferred to the new owner;
- (ii) the owner had provided the Registrar with a notice of disposal in respect of the vehicle; and
- (iii) a record had been made of the details shown on the notice of disposal at the office of the Registrar,

as required by section 20 of that Act; or

- (c) within 14 days after the owner receives or is served with the first of an infringement notice, a courtesy letter under section 60C of the *Justices Act* or a summons in relation to an offence, the owner or, if the owner is a body corporate, the director, manager or secretary of the body corporate delivers to a place specified for the purpose of responding to the notice, letter or summons a statutory declaration made by the person -

- (i) stating that some other person was in control of the vehicle at the time the offence was committed and setting out the name and address of that other person and any other information known to the owner which may assist in identifying or locating that other person;
- (ii) stating that the vehicle was sold before the offence was committed and setting out the date of the sale, the name and address of the person to whom it was sold and, if the sale was made through an agent, the name and address of the agent; or
- (iii) stating that at the time when the offence was committed the owner was unable to exercise any control over the vehicle because it had been stolen from the owner or was being used unlawfully without the owner's consent.

"(3) Where a person is named in a statutory declaration under subregulation (2) as being the driver of a vehicle at the time of an offence -

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- (a) the person may not be found guilty of the offence unless a copy of the statutory declaration is affixed to the summons for the offence at the time when it is served on that person;
- (b) the statutory declaration is admissible in evidence in a prosecution against the person in relation to the offence; and
- (c) the statutory declaration is evidence that the person was the driver of the vehicle at the time.

"(4) Where a person is specified as the new owner of a vehicle in a notice of disposal referred to in subregulation (2)(b) -

- (a) for the purposes of this regulation, other than subregulation (2)(b), the person is to be taken to be the owner of the vehicle at the time of the offence; and
- (b) this regulation applies as if a reference to the owner of the vehicle, other than in subregulation (2)(b), were a reference to the person.

"(5) Subject to subregulation (6), nothing in this regulation affects the liability of an actual offender who is not the owner of the vehicle.

"(6) Where a penalty has been imposed on a person in relation to an offence -

- (a) another person must not be charged with the same offence; and
- (b) a further penalty is not to be imposed on or recovered from another person in relation to the same offence.

"124C. EVIDENCE OF OWNERSHIP OF MOTOR VEHICLE

"In a prosecution for an offence, a document -

- (a) issued by the Registrar or by an officer having duties in connection with the registration of motor vehicles in a State or another Territory of the Commonwealth and bearing the person's written, stamped or printed signature stating -
 - (i) that during a specified period or on a specified date a specified person was the person whose name was registered as the owner of a specified motor vehicle; and

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- (ii) the address of that person shown in the record of registration of that motor vehicle in respect of that period or that date; or
- (b) issued by the Registrar and bearing the Registrar's written, stamped or printed signature stating –
 - (i) that on a specified date a specified person was the person who was recorded as the new owner of a specified motor vehicle in the record made at the office of the Registrar of the details of a notice of disposal in respect of the motor vehicle; and
 - (ii) the address of that person shown in the record made of the details of that notice of disposal,

is evidence of the matters stated in the document without proof of the signature of the person by whom it purports to have been signed or of the fact that that person was the Registrar or the officer."

18. DRIVING ON FOOTWAY, RESERVATION OR TRAFFIC ISLAND

Regulation 127 of the Principal Regulations is amended –

- (a) by omitting from subregulation (1)(b) "or" (last occurring);
- (b) by inserting after subregulation (1)(b) the following:
 - "(ba) where a public street includes 2 or more separate carriageways divided by a reservation that consists solely of markings and is not bounded by double continuous lines – across the reservation unless entering or leaving a parking area or drive way by the shortest practicable route; or";
- (c) by omitting from subregulation (2)(c)(ii) "7 km/h" and substituting "10 km/h";
- (d) by inserting in subregulation (2)(d) ", or a person delivering mail for or on behalf of," after "an employee of"; and
- (e) by inserting in subregulation (2)(d)(ii) and (iv) "or person" after "the employee".

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19. CERTIFICATE RELATING TO TEST OF TRAFFIC INFRINGEMENT
DETECTION DEVICES

Regulation 144 of the Principal Regulations is amended -

- (a) by omitting subregulation (1); and
- (b) by omitting from subregulation (2) "(2) A person who tests a traffic infringement detection device shall," and substituting "Where a person approved under section 44(2) of the Act tests a traffic infringement detection device in accordance with the notice approving the device under section 44(1) of the Act, the person must,".

20. SCHEDULE 1

Schedule 1 to the Principal Regulations is amended by omitting "Regulations 85 and 90" and substituting "Regulations 86, 90 and 124A".
