

## MOTOR TRAFFIC

### No. 27 of 1969

#### An Ordinance to amend the *Motor Traffic Ordinance* 1936-1968.

1.—(1.) This Ordinance may be cited as the *Motor Traffic Ordinance* 1969.\* Short title and citation.

(2.) The *Motor Traffic Ordinance* 1936-1968† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Motor Traffic Ordinance* 1936-1969.

2. Section 4 of the Principal Ordinance is amended—

Interpretation.

(a) by omitting from the definition of “public place” in sub-section (1.) the words “, not being land held under lease from the Commonwealth or occupied with the authority of the Commonwealth or by virtue of a law of the Territory”;

(b) by inserting after the definition of “Registrar” in sub-section (1.) the following definition:—

“‘registration number’, in relation to a motor vehicle or trailer, means the figures or figures and letters appearing on the number-plate or number-plates, as the case may be, issued by the Registrar in respect of the motor vehicle or trailer;”;

(c) by inserting in sub-section (5.), after the figures “51,”, the figures “79, 85,”.

3. Section 18 of the Principal Ordinance is amended—

Affixing of number-plates.

(a) by omitting from sub-section (1.) the words “number plates of a type determined” and inserting in their stead the words “number-plates of a type and material determined by instrument in writing”;

(b) by omitting from sub-section (2.) the word “figures” and inserting in its stead the words “registration number”;

(c) by adding at the end thereof the following sub-section:—

“ (4.) Where the Minister determines under this section a change in the material from which number-plates are to be made, the Minister may, by instrument in writing, determine that an owner of a registered motor vehicle or trailer may apply to the Registrar for a duplicate number-plate or

\* Made on 27 December 1969; notified in the *Commonwealth Gazette* and commenced on 30 December 1969.  
† Ordinance No. 45, 1936, as amended by No. 25 and 41, 1938; No. 16, 1941; No. 14, 1942; Nos. 2 and 13, 1943; No. 3, 1945; Nos. 6 and 13, 1947; No. 7, 1950; No. 17, 1951; Nos. 1 and 7, 1955; No. 6, 1956; No. 19, 1957; Nos. 10 and 15, 1958; Nos. 7 and 21, 1959; No. 11, 1960; Nos. 16 and 17, 1962; No. 21, 1963; No. 8, 1964; Nos. 9 and 13, 1965; No. 19, 1966; and No. 2, 1968.

duplicate number-plates made in the material so determined to be issued in respect of the motor vehicle or trailer, and upon an application being so made and upon payment of a fee of Five dollars, the Registrar shall issue the number-plate or number-plates accordingly.”.

**4. Section 19 of the Principal Ordinance is repealed and the following section inserted in its stead:—**

Defaced or  
damaged  
number-plates.

**“19.—(1.) Where the Registrar is satisfied that a number-plate in respect of a motor vehicle or trailer has become so defaced or damaged that the registration number is not clearly legible, the Registrar shall—**

**(a) in the case of a motor vehicle—**

**(i) where the owner so requests—issue to the owner duplicate number-plates in respect of the motor vehicle to replace the number-plates previously issued; or**

**(ii) in any other case—issue to the owner two other number-plates in respect of the motor vehicle; and**

**(b) in the case of a trailer—issue another number-plate in respect of the trailer.**

**“ (2.) The fee payable for the issue of number-plates under sub-paragraph (i) of paragraph (a) of the last preceding sub-section is Five dollars, and the fee payable for the issue of a number-plate or number-plates under sub-paragraph (ii) of that paragraph or under paragraph (b) of that sub-section is Fifty cents.**

**“ (3.) Upon the issue of a number-plate or number-plates under this section, the owner shall forthwith affix the number-plate or number-plates to the motor vehicle or trailer in respect of which it is issued, or they are issued, in accordance with the last preceding section, and shall return any number-plate previously issued.”.**

Transferring  
of number-  
plates to  
vehicle of  
the same class.

**5. Section 23 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—**

**“ (2.) If the Registrar approves of the registration of the other motor vehicle and of the transfer of the number-plates to that other motor vehicle, he shall, on payment by the applicant of a fee of Fifteen dollars, register that motor vehicle and permit the transfer of the number-plates to that motor vehicle.”.**

Sales of  
motor vehicle  
on behalf of  
other persons.

**6. Section 24 of the Principal Ordinance is amended by omitting from paragraph (d) of sub-section (1.) the word “ number ” and inserting in its stead the words “ registration number ”.**

Traders’  
licences and  
traders’ plates.

**7. Section 40 of the Principal Ordinance is amended by omitting from sub-sections (4.) and (5.) the word “ determined ” and inserting in its stead the words “ and material determined by instrument in writing ”.**

8. Section 79 of the Principal Ordinance is amended by omitting the words "an uninsured or unidentified motor vehicle" and inserting in their stead the words "the use of an uninsured or unidentified motor vehicle on a public street".

Nominal defendant standing for authorized insurer.

9. Section 85 of the Principal Ordinance is amended—

- (a) by inserting in sub-section (1.), after the words "motor vehicle" (first occurring), the words "in a public street"; and
- (b) by inserting in sub-section (3.), after the words "motor vehicle" (first occurring), the words "in a public street".

Claims in respect of uninsured and unidentified motor vehicles.

10. After section 90 of the Principal Ordinance the following section is inserted:—

"90A.—(1.) For the purposes of this Part, a document issued by the Registrar bearing his written, stamped or printed signature and stating that the records kept in the office of the Registrar do not contain an entry that a third-party policy was in force on a specified date or during a specified period in relation to a specified motor vehicle, or in relation to a motor vehicle to which a specified trader's plate was affixed, is evidence that on the specified date or during the specified period a third party policy was not in force in relation to the specified motor vehicle or in relation to a motor vehicle to which the specified trader's plate was affixed.

Evidence of insurance.

"(2.) In proceedings under this Part, a document purporting to be a document referred to in the last preceding sub-section and purporting to be signed by the Registrar is admissible in evidence as such a document without proof of the signature of the person by whom it purports to have been issued or of the fact that he was the Registrar."

11. Section 109 of the Principal Ordinance is amended by adding at the end thereof the following sub-section:—

Traffic signs and road markings.

"(6.) In this section, 'public place' does not include land held under lease from the Commonwealth or occupied with the authority of the Commonwealth or by virtue of a law of the Territory."

12. Section 170 of the Principal Ordinance is amended by omitting the word "registered" (wherever occurring) and inserting in its stead the word "registration".

Motor vehicles and trailers to bear number-plates.

13. Section 176 of the Principal Ordinance is amended by omitting paragraph (c) of sub-section (1.) and inserting in its stead the following paragraph:—

Driver to be licensed, &c.

"(c) drive or cause or permit to be driven, or leave standing, a motor vehicle in a public street—

- (i) if a number-plate issued in respect of the motor vehicle is not affixed to the motor vehicle as required by this Ordinance; or
- (ii) having a number-plate so obscured, defaced or damaged that the registration number is not clearly legible."

Carriage of  
lamps and  
lights.

**14.** Section 182 of the Principal Ordinance is amended by omitting from paragraph (ba) of sub-section (1.), sub-paragraph (ii) of paragraph (a) of sub-section (2.) and paragraph (b) of sub-section (2.) the words "each figure" and inserting in their stead the words "the registration number".

Miscellaneous  
offences  
relating to  
equipment, &c.  
of vehicles.

**15.** Section 189 of the Principal Ordinance is amended by omitting from sub-paragraph (ii) of paragraph (d) the word "registered" and inserting in its stead the word "registration".

**16.** After section 192 of the Principal Ordinance the following section is inserted:—

Powers of the  
Supreme Court  
to disqualify  
persons from  
holding driving  
licences.

" 192A.—(1.) Where—

- (a) the death of a person, or bodily harm to a person, was occasioned through impact with a motor vehicle or through the impact of a motor vehicle with a vehicle or other object in, on or near which the person was at the time of impact: and
- (b) the person by whom the motor vehicle was, at the time of impact, being driven is convicted before the Supreme Court of an offence against the Crimes Act, 1900, of the State of New South Wales in its application to the Territory by reason of having caused the death of, or bodily harm to, the person referred to in the last preceding paragraph,

the Supreme Court may—

- (c) if the person convicted of the offence holds a licence to drive a motor vehicle under this Ordinance—cancel the licence and direct that the person shall be disqualified from holding a licence to drive a motor vehicle for such period as the Court thinks fit;
- (d) if the person convicted of the offence is to be deemed to be licensed to drive a motor vehicle under section 107 or 108 of this Ordinance—direct that the person shall cease to be deemed to be so licensed for such period as the Court thinks fit; or
- (e) if the person convicted of the offence is not the holder of a licence to drive a motor vehicle under this Ordinance—direct that the person convicted shall be disqualified from holding a licence to drive a motor vehicle for such period as the Court thinks fit.

" (2.) The powers conferred on the Supreme Court by this section are in addition to any other powers of the Court.

" (3.) Where the Supreme Court has, under this section, cancelled the licence to drive a motor vehicle held by a person, that licence shall be of no effect, and the person shall, forthwith after the making of the order, deliver the licence to the Registrar.

“(4.) The Supreme Court shall cause particulars of all cancellations, disqualifications and orders of the Court under this section to be forwarded to the Registrar.”.

**17.** Section 193 of the Principal Ordinance is amended by omitting from sub-section (5.) the words “, upon conviction under this Ordinance,” and inserting in their stead the words “, upon a conviction referred to in this or the last preceding section,”.

Additional  
penalty of  
disqualification  
from holding  
driving licence.